



**LEBANON CITY COUNCIL  
APRIL 6, 2022 - 6:00 PM  
COUNCIL CHAMBERS, CITY HALL OR  
REMOTE VIA VIRTUAL PLATFORM  
LEBANONNH.GOV/LIVE**

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**1. Call to Order**

To participate in this meeting, please [join live via Microsoft Teams](#) or call 929-229-5356 (access code: 954 821 729#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

The April 6, 2022 Lebanon City Council Meeting is hereby called to order.

**2. Pledge of Allegiance**

**3. Public Forum Announcement by the Mayor**

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

**4. Open to the Public**

**5. Legislative Update with State Representatives**

**6. Recognitions**

- Older Americans Month Proclamation - May 2022
- Refill NOT Landfill

**7. Approval of Minutes**

- A. MOTION TO approve the minutes as presented in the April 6, 2022 agenda packet.

**8. Appointments**

- Economic Development Commission, Andy Key (Reappointment Regular Member)
- Board of Cemetery Trustees, Fran Hanchett (Reappointment At-Large Member)

**9. Public Hearing Items**

- A. RECLASSIFICATION OF CLASS VI ROAD #28 – A public hearing for the purpose of receiving public input and taking action on the reclassification of Class VI Road #28, Old Kings Highway (between

Storrs Hill Road and Farnum Hill Road) to a Class A Municipal Trail.

- i. Presentation:
- ii. Opening of the Public Hearing:
- iii. Questions & Comments by the Public:
- iv. Closing of the Public Hearing:
- v. Council Deliberation & Action:

**10. Old Business: None**

**11. New Business**

- A. Discussion with Class VI Roads Advisory Committee re: Committee Purpose/Charge & Expectations
- B. Acceptance of purchase price in the amount of \$12,899.44 and authorization for the City Manager to prepare and execute documents for the sale of a 0.11 acre portion of City-owned land located at 12 South Park Street Lebanon, further identified as Tax Map 91, Lot 253 to Recreo, LLC.
- C. Authorization for City Manager to enter into a lease agreement with Execusuite, LLC for continued use of the Bank Street Ballfields (former Junior High)
- D. Discussion & Set Public Hearing for April 20, 2022: Extension of Approval of Community Revitalization Tax Relief application for 1 Mechanic Street, LLC (originally granted April 21, 2021)
- E. Proposed NHMA Policy Positions: Suggested language changes by Pedestrian & Bicyclist Advisory Committee relative to "Local Authority and Efficiency," "Transportation," and State Aid and Non-Property Tax Revenues."
- F. Discussion & Set Public Hearing for April 20, 2022: Ordinance 2022-01 to delete and repeal City Code Chapter 31, Article VI, Licensing Board

**12. City Manager Report**

**13. Council Representatives to Other Bodies Report**

**14. Future Agenda Items**

**15. Non-Public Session**

**16. Adjournment**

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

**FUTURE BOARD/COMMITTEE/COMMISSION APPOINTMENTS**

Board/Committee: Arts & Culture Commission  
Position: Alternate Member  
Applicant: J. Barker  
Assigned Councilor: D. Wilkie

**Lebanon City Council Agenda**  
**April 6, 2022**

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Assigned Date: 03/15/2022

Board/Committee: Arts & Culture Commission  
Position: Regular Member  
Applicant: J. Giordani  
Assigned Councilor: G. Sykes  
Assigned Date: 02/09/2022

Board/Committee: Arts & Culture Commission  
Position: Alternate Member  
Applicant: S. Fiore  
Assigned Councilor: C. Below  
Assigned Date: 03/29/2022

Board/Committee: Economic Development Commission  
Position: Regular Member  
Applicant: K. Purcell  
Assigned Councilor: C. Simon  
Assigned Date: 03/29/2022

Board/Committee: Library Board of Trustees (Library Board makes recommendation to Council)  
Position: Alternate Member  
Applicant: D. Whittlesey  
Assigned Councilor: E. Heistad  
Assigned Date: 03/15/2022

Board/Committee: Pedestrian & Bicyclist Advisory Committee  
Position: Regular Member  
Applicant: M. McCormick  
Assigned Councilor: D. Whittlesey  
Assigned Date: 02/09/2022

Board/Committee: Pedestrian & Bicyclist Advisory Committee  
Position: Regular Member  
Applicant: C. Smith  
Assigned Councilor: K. Hill  
Assigned Date: 03/03/2022

Board/Committee: Heritage Commission  
Position: Regular Member  
Applicant: J. Barker  
Assigned Councilor: D. Wilkie  
Assigned Date: 03/15/2022

Board/Committee: Heritage Commission  
Position: Alternate Member  
Applicant: J. Figart  
Assigned Councilor: D. Wilkie  
Assigned Date: 03/30/2022

Board/Committee: Conservation Commission  
Position: Alternate Member  
Applicant: S. Dittrich  
Assigned Councilor: K. Zook  
Assigned Date: 01/03/2022

Board/Committee: West Lebanon Revitalization Advisory Committee  
Position: Resident  
Applicant: L. Stavis  
Assigned Councilor: K. Zook  
Assigned Date: 03/30/2022

Board/Committee: West Lebanon Revitalization Advisory Committee  
Position: Resident

**Lebanon City Council Agenda**  
**April 6, 2022**

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Applicant: J. Sherman  
Assigned Councilor: D. Whittlesey  
Assigned Date: 03/30/2022

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

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

APRIL 13, 2022 – Notice of Potential Quorum, AVA Gallery, 7:00pm

APRIL 20, 2022 (6:00pm Start)

**PUBLIC HEARING ITEMS:**

- A. ORDINANCE #2021-14 - Public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2021-11 to amend City Code Chapter 180, Wards, to redefine ward lines to comply with a constitutional requirement to equalize populations amongst wards.
- B. RECLASSIFICATION OF CLASS VI ROAD #11 – A public hearing for the purpose of receiving public input and taking action on the reclassification of Class VI Road #11, (portion of) Monica Road to a Class A Municipal Trail.
- C. EXTENSION OF 79-E APPROVAL – Public hearing for the purpose of receiving public input and taking action to extend tax relief under the provisions of the Community Tax Relief Incentive Program (NH RSA 79-E) to 1 Mechanic Street, LLC.
- D. ORDINANCE #2022-01 – Public hearing for the purpose of receiving public input and taking action to adopt proposed Ordinance #2022-01 to delete and repeal City Code Chapter 31, Article VI, Licensing Board

**NEW BUSINESS:**

- A. Authorization for the City Manager to execute a lease with 30 Airport Road, LLC for office space at 30 Airport Road for the relocation of the Cyber Services Department.
- B. Authorization for the City Manager to execute an amendment to the lease with Lebanon Opera House to permit the occupancy of additional space in City Hall
- C. Request from the Lebanon Opera House for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property
- D. Discussion and potential action to reclassify Class VI Road #3, Farr Road Extension, to a Class A Municipal Trail.
- E. Review and Discussion of 2021 Year end and 2022 1st Quarter Budget Reports; Release of Public Schools Impact Fees
- F. Discussion and Set Public Hearing for May 18, 2022: Request for supplemental appropriation for parking lot improvements at the police station.
- G. Discussion & Set Public Hearing for May 4, 2022: Ordinance 2022-02 to amend City Code Chapter 115, Enactment of Ordinances

APRIL 21, 2022 – Special Meeting – Housing (6:00pm Start)

APRIL 26, 2022 – Annual Work Session (5:30pm Start)

APRIL 28, 2022 – Annual Work Session (5:30pm Start)



**AGENDA  
LEBANON CITY COUNCIL  
APRIL 6, 2022**

**6. RECOGNITIONS:**

- Older Americans Month Proclamation
- Refill NOT Landfill Proclamation

Included in this Section:

1. Older Americans Month Proclamation
2. Refill NOT Landfill Proclamation



## PROCLAMATION

### OLDER AMERICANS MONTH – MAY 2022

***WHEREAS,*** The City of Lebanon, New Hampshire, has a growing number of older Americans who contribute their strength, wisdom, and experience to our community; and

***WHEREAS,*** communities' benefit when people of all ages, abilities, and backgrounds are welcomed, included, and supported; and

***WHEREAS,*** we recognize our need to create a community that provides the services and supports older Americans' need to thrive and live independently for as long as possible; and

***WHEREAS,*** Lebanon can work to build an even better community for our older residents by:

- Planning programs that encourage independence,
- Ensuring activities are responsive to individual needs and preferences, and
- Increasing access to services that support aging in place.

***THEREFORE, BE IT NOW RESOLVED,*** that the City of Lebanon, New Hampshire, hereby proclaims May 2022 to be Older Americans Month. We urge every resident to recognize the contributions of our older citizens, help to create an inclusive society, and join efforts to support older Americans' choices about how they age in their communities.

Proclaimed this 6<sup>th</sup> Day of April in the year Two-Thousand-Twenty-Two.

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Timothy J. McNamara  
Mayor, City of Lebanon



## PROCLAMATION

### Refill NOT Landfill Month

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**WHEREAS**, the City of Lebanon owns and operates the Lebanon landfill that has a permitted disposal capacity of another 10 years; and

**WHEREAS**, the City is concerned about conserving natural resources and with preserving the landfill disposal capacity for future Lebanon residents; and

**WHEREAS**, the City recognizes that the waste from single-use items like plastic water bottles, coffee cups, grocery bags etc., uses natural resources and consumes landfill disposal capacity; and

**WHEREAS**, the City also recognizes that eliminating waste through reuse is cost effective and environmentally beneficial; and

**WHEREAS**, choosing to reuse items like refillable containers for water, coffee and other beverages have the potential of reducing waste that will require disposal in the Lebanon Landfill; and

**WHEREAS**, choosing to reuse cloth grocery bags, cloth napkins and packing a lunch for school or work has a positive impact on the environment; and

**WHEREAS**, in an effort to encourage waste reduction, the month of April 2022 will be designated as "Refill NOT Landfill Month".

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Lebanon hereby proclaims the month of April 2022 as Refill NOT Landfill Month, and encourages residents to join in observing this month to reduce waste that is ultimately disposed of in the Lebanon Landfill by using reusable items like travel mugs, water bottles, and grocery bags.

Proclaimed this 6<sup>th</sup> day of April in the year Two-Thousand Twenty-Two.

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Timothy McNamara  
Mayor, City of Lebanon

**AGENDA  
LEBANON CITY COUNCIL  
APRIL 6, 2022**

**7. ACCEPTANCE OF MINUTES:**

**MINUTES TO BE ACCEPTED**

- March 10, 2022 (Canvass of the Vote)
- March 16, 2022 (Regular Meeting)
- March 23, 2022 (Organizational Meeting)

***MOVED, to approve the minutes as presented in the April 6, 2022 agenda packet.***

DRAFT

**CITY OF LEBANON  
CITY COUNCIL  
MINUTES OF CANVASS OF THE MARCH 8, 2022 VOTE  
MARCH 10, 2022 – CITY HALL**

**MEMBERS PRESENT:** Mayor Timothy McNamara, Assistant Mayor Clifton Below, Councilors Doug Whittlesey, Karen Zook and Erling Heistad.

**MEMBERS ABSENT:** Councilors Jim Winny, Karen Liot Hill, George Sykes, Devin Wilkie

**STAFF PRESENT:** City Manager Shaun Mulholland, City Clerk Kristin Kenniston and Deputy City Clerk Lori Gould

=====

In accordance with the City Charter, the Council met on March 10, 2022 to canvass the March 8, 2022 municipal vote.

The meeting was called to order by Mayor McNamara at 8:26 am.

The City Council reviewed the voting results as presented by the City Clerk.

**Assistant Mayor Below moved the following Resolution**

**BE IT RESOLVED**, that voting results of the March 8, 2022 City Election, as presented by the City Clerk, be accepted as printed and that the following persons be declared elected to serve as:

**Ward Councilors:**

(2-year terms) Christian Simon, Ward 1  
George Sykes, Ward 2  
Karen Zook, Ward 3

**Councilors At Large:**

(2-year term) Erling Heistad  
Timothy McNamara

**Library Board of Trustees:**

(3-year terms) Morgan Swan  
Susan Weber Valiante

**Library Board of Trustees:**

(1 year term) Donna Hartford

**Supervisor of the Checklist Ward 1:**

(1 year term) Ilana Grallert

**Seconded by Councilor Whittlesey.**

**Vote on Motion was unanimously approved (5-0)**

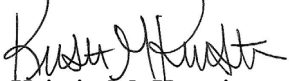
**Motion by Assistant Mayor Below to adjourn the meeting at 8:31 am.**

**Seconded by Councilor Whittlesey.**

**Vote on Motion was unanimously approved (5-0)**

The meeting adjourned at 8:31 am.

Respectfully submitted,

  
Kristin M. Kenniston  
City Clerk

DRAFT

LEBANON CITY COUNCIL

MINUTES

Wednesday, March 16, 2022, 7:00 p.m.

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

**MEMBERS PRESENT:** Mayor Tim McNamara, Assistant Mayor Clifton Below, Erling Heistad, Karen Liot Hill (arrived 7:20 PM), Douglas Whittlesey, Devin Wilkie, Jim Winny and Karen Zook

**MEMBERS ABSENT:** George Sykes

**STAFF PRESENT:** City Manager Shaun Mulholland, City Clerk Kristin Kenniston, GIS Coordinator Mark Goodwin, Public Works Assistant Director Everett Hammond, Public Works Assistant Director Jay Cairelli, Deputy Finance Director Alesia Williams, Solid Waste Manager Marc Morgan, DPW Administrative Services Manager Kelly Crate, Cemetery Sexton Patrick McCarthy, GIS Coordinator Mark Goodwin

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

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

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

7  
8 **4. OPEN TO PUBLIC:**

- 9     • Mr. John Pomeroy (Ward 3) came forth and since he would not be able to attend the March 23<sup>rd</sup>  
10       meeting when the Mask Ordinance would be discussed, he spoke about his reasons for rescinding  
11       the Mask Ordinance.

12  
13 **5. RECOGNITIONS:** None

14  
15 **6. ACCEPTANCE OF MINUTES:** March 2, 2022 (Regular Meeting)

16 *Councilor Heistad MOVED to approve the March 2, 2022 (Regular Meeting) minutes as written and*  
17 *presented in the March 16, 2022 City Council agenda packet.*

18 *Seconded by Councilor Whittlesey.*

19 *\*The Vote on the Motion was approved (7-0).* Councilors Liot Hill and Sykes were not present for this  
20 vote.

21  
22 **7. APPOINTMENTS:** Taken out of order

- 23     • Economic Development Commission, Chip Brown (Reappointment as a Regular Member): Was  
24       not discussed at this time because Councilor Liot-Hill was not present. Taken up by the Council  
25       later in the meeting.

- 26  
27     • Pedestrian and Bicyclist Advisory Committee, Sean Dittrich (Regular Member)

28 *Assistant Mayor Below put forth the NOMINATION of Sean Dittrich as a Regular Member as a*  
29 *Regular Member to the Pedestrian and Bicyclist Advisory Committee. Three-Year Term: (3/22-*  
30 *3/25)*

31 *Seconded by Councilor Whittlesey.*

1     *\*The Vote on the Motion was approved (7-0).* Councilors Liot Hill and Sykes were not present for this  
2     vote.

3  
4     Mayor McNamara requested that Items 10A and 10B under New Business be discussed before continuing  
5     the regularly scheduled agenda items.

6  
7     **10. NEW BUSINESS**

8         **A.** Request for Exception from City Code Chapter 110, Noise from Sound Amplification: Charles  
9         and Valerie Martin, 8 Pleasant Street West Lebanon, NH 03784

10  
11     Included in the agenda packet:

- 12         1. Lebanon Police Department Approved Sound Permit  
13         2. City Code Chapter 110. Noise from Sound Amplification Systems

14  
15     Charles and Valerie Martin came before the Council to review their request.

16  
17     **BACKGROUND**

18     City Code Chapter 110, “Noise from Sound Amplification Systems,” allows residents to obtain a permit  
19     for sound amplification between the hours of 8am – 8pm. Chapter 110-2(B) allows the City of Lebanon  
20     upon its motion, or upon application and for good cause shown, may modify, suspend, repeal or amend the  
21     provisions of any rule or regulation or section herein contained.

22  
23     Charles and Valerie Martin of 8 Pleasant Street, West Lebanon were issued a Sound Permit from the  
24     Lebanon Police Department for a function on Saturday, August 6, 2022. The permitted timeframe is 2:00pm  
25     – 8:00pm. The Martins requested an extension to allow the amplification equipment to be utilized until  
26     10:00pm.

27  
28     **ACTION:**

29     ***Councilor Whittlesey MOVED, that the Lebanon City Council, in accordance with City Code Chapter***  
30     ***110, Noise from Sound Amplification Systems, §110-2, hereby authorizes Charles and Valerie Martin***  
31     ***of 8 Pleasant Street, West Lebanon, to utilize amplification equipment until 10:00pm on Saturday,***  
32     ***August 6, 2022, provided that the area neighbors are notified in advance.***

33     ***Seconded by Councilor Winny.***

34     *\*The Vote on the MOTION was approved (7-0).* Councilors Liot Hill and Sykes were not present for this  
35     vote.

36  
37         **B.** Request for Exception from City Code Chapter 110, Noise from Sound Amplification:  
38         Lebanon Opera House, Nexus Music and Arts Festival

39  
40     Included in the agenda packet:

- 41         1. Lebanon Police Department Approved Sound Permit  
42         2. City Code Chapter 110. Noise from Sound Amplification Systems

43  
44     Mr. Joel Segura came before the Council and reviewed The Lebanon Opera House’s request for the  
45     Nexus Music and Arts Festival.

46  
47     City Code Chapter 110, “Noise from Sound Amplification Systems,” allows residents to obtain a permit



1 for sound amplification between the hours of 8am – 8pm, Monday through Saturday and 1pm – 5pm  
2 Sundays. Chapter 110-2(B) allows the City of Lebanon upon its motion, or upon application and for good  
3 cause shown, may modify, suspend, repeal or amend the provisions of any rule or regulation or section  
4 herein contained.

5  
6 The Lebanon Opera House (LOH) is hosting the Nexus Music and Arts Festival Friday, August 12 through  
7 Sunday, August 14, 2022. They have been issued a Sound Permit from the Lebanon Police Department for  
8 the permitted timeframes (12pm – 8pm Friday and Saturday; and 1pm – 5pm on Sunday). LOH is requesting  
9 an extension to allow the amplification equipment to be utilized until 10pm on Friday, 10pm on Saturday,  
10 and from 12pm to 10pm on Sunday.

11  
12 **ACTION:**

13 ***Assistant Mayor Below MOVED, that the Lebanon City Council, in accordance with City Code***  
14 ***Chapter 110, Noise from Sound Amplification Systems, §110-2, hereby authorizes the Lebanon***  
15 ***Opera House to utilize amplification equipment until 10:00pm on Friday, August 12; until 10:00pm***  
16 ***on Saturday, August 13; and between the hours of 12:00pm and 10:00pm on Sunday, August 14, 2022.***  
17 ***Seconded by Councilor Wilkie.***

18 ***\*The Vote on the MOTION was approved (7-0).*** Councilors Liot Hill and Sykes were not present for this  
19 vote.

20  
21 The Council resumed their regular schedule agenda items as listed below.

22  
23 **8. PUBLIC HEARING ITEMS:**

24 **A. SUPPLEMENTAL APPROPRIATION FOR LANDFILL GAS TO ENERGY PROJECT – A**  
25 public hearing for the purpose of receiving public input and taking action to appropriate the sum of  
26 \$181,050 (One Hundred Eighty-One Thousand Fifty Dollars) to supplement the current funding for the  
27 Landfill Gas to Energy Project and to authorize the issuance of bonds/notes in accordance with the  
28 Municipal Finance Act (RSA 33).

29  
30 Included in the agenda packet:

- 31 1. January 25, 2022 Letter to Solid Waste Manager Marc Morgan from Waldron Engineering &  
32 Construction re: City of Lebanon Renewable Energy Project (***Page 34, City Council agenda packet***)

33  
34 City Manager Shaun Mulholland reviewed the appropriation for the Landfill Gas to Energy Project, and  
35 noted that with the appropriation of \$1,362,060, approved as part of the 2022 Capital Improvement  
36 Program, the total available funding for the Landfill Gas to Energy Project stands at \$5,183,422.74.  
37 Various components of the final project have required amendments due to increases in material and labor  
38 costs. These components include final engineering and construction; protective steel pavilion; and the  
39 interconnection agreement with Liberty Utilities & National Grid for electrical grid improvements.

40  
41 **FINAL ENGINEERING AND CONSTRUCTION**

42  
43 The original proposal by Waldron Engineering & Construction received in February 2021 totaled  
44 \$4,455,000. In January 2022, the contract proposal was increased to \$4,695,000 to cover materials and  
45 labor increases. This provides for a total increase of \$240,000. Please see attached letter from Waldron  
46 Engineering to Marc Morgan, Solid Waste Manager for more information.

47  
48 **PROTECTIVE STEEL PAVILION**

1 The original proposed steel pavilion was to be a 40'x75' structure to cover the gas turbine and gas  
2 treatments units, the cost for which was estimated at \$82,057. Increases in material and labor drove the  
3 price to \$116,000. Waldron Engineering has provided an alternative 10'x10'x9' structure that will cover  
4 the electrical panels only, the cost for which is \$19,000. This provides a total decrease of \$(63,057). The  
5 City has agreed to this alternative.

## 6 7 **INTERCONNECTION AGREEMENT**

8  
9 The original interconnection agreement contained a cost of \$625,000 for required electrical grid  
10 improvements by Liberty Utilities and National Grid (inclusive of 25% in contingencies). This cost has  
11 increased to \$650,468.75 due to additional required improvements which provides a total increase of  
12 \$25,468.75.

13  
14 In Summary, project costs have increased from \$5,162,057 to \$5,364,469 and available funding equals  
15 only \$5,183,423, necessitating a supplemental appropriation in the amount of \$181,050 (rounded to  
16 nearest \$10) to complete the project.

17  
18 The return on investment (ROI) analysis performed by Dubois & King Engineers results in a favorable total  
19 net 20-year cash flow of between \$10,118,433.40 to \$14,409,455.87 compared to the project's 20-year  
20 total direct expenses of \$8,524,017.07. The \$14,409,455.87 includes Renewable Energy Credits (RECs).  
21 Year 1 has a positive cash flow of between \$269,660.30 to \$477,798.30 depending on whether RECs are  
22 available and factored in.

23  
24 **Mayor McNamara opened the Public Hearing. Hearing no comments from the public, the Public**  
25 **Hearing was closed.**

26  
27 Councilor Winny noted that even with this appropriate, the City is still looking at a net positive benefit to  
28 the City.

29  
30 Assistant Mayor Below also noted this will be providing a physical hedge against the rising costs of  
31 electricity for the next 20 years. It provide more power than the City uses and we will have some to share  
32 with the community.

## 33 34 **ACTION:**

35 ***Councilor Wilkie MOVED:***

36  
37 ***FOR THE PURPOSE OF funding unanticipated material and labor cost increases in the amount of***  
38 ***\$181,050 in connection with the Landfill Gas to Energy Capital Improvements Project.***

39  
40 ***NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that funds be appropriated for***  
41 ***expenditure in the Solid Waste Disposal Fund in the amount of \$181,050 (One Hundred Eighty-One***  
42 ***Thousand Fifty Dollars) to supplement current funding for the Landfill Gas to Energy Project;***

43  
44 ***NOW THEREFORE BE IT FURTHER RESOLVED, that the City Treasurer, with the approval of***  
45 ***the City Manager, is authorized to issue, in accordance with the Municipal Finance Act (RSA 33) a***  
46 ***bond issue or bond issues in an amount not to exceed \$181,050, and that, except as herein otherwise***  
47 ***provided, discretion to fix the dates, maturities, denomination, interest rate, form, and other details of***  
48 ***said issue(s) is hereby delegated to the City Treasurer, with the approval of the City Manager;***

1  
2 ***NOW THEREFORE BE IT FURTHER RESOLVED, that, in accordance with the requirements of the***  
3 ***Municipal Finance Act (RSA 33:2 Repayment of Loans), no loans issued to pay for public works or***  
4 ***improvements shall exceed the expected useful life of said public works or improvements as determined***  
5 ***by the City Council.***

6  
7 ***This resolution shall be effective upon passage.***

8  
9 ***Seconded by Councilor Heistad.***

10 ***\*The Vote on the Motion was approved (7-0).*** Councilors Liot Hill and Sykes were not present for this  
11 vote.

12  
13 **B. ORDINANCE #2021-16** – A public hearing for the purpose of receiving public input and taking  
14 action to amend City Code Chapter 46, Cemeteries to increase current rates for the purchase of cemetery  
15 lots and burials & entombments; and to incorporate provisions for Natural Burials.

16  
17 Included in the agenda:

- 18 1. Ordinance 2021-16 (Draft with Redlined Text Changes) ***(Pages 39-45, City Council agenda packet)***  
19 2. Ordinance 2021-16 (Clean Draft) ***(Pages 46-51, City Council agenda packet)***  
20 3. February 8, 2022 Excerpt of Minutes of Board of Cemetery Trustees Meeting ***(Pages 52-53, City***  
21 ***Council agenda packet)***  
22 4. February 17, 2022 Legal Opinion by Attorney C. Christine Fillmore, re: Ordinance 2021-16 Natural  
23 Burials ***(Page 54, City Council agenda packet)***

24  
25 At its June 16, 2021 meeting, the City Council directed the City Manager to develop regulations to permit  
26 natural burials in one or more City cemeteries for review and recommendation by the Board of Cemetery  
27 Trustees, and to have their recommendations back to the Council by October 2021.

28  
29 An ordinance to amend Chapter 46 of the City Code was drafted and presented to the Board of Cemetery  
30 Trustees for review. At its October 12, 2021 meeting, the Board of Cemetery Trustees voted to recommend  
31 that the City Council adopt Ordinance 2021-16 with the condition that natural burials only be permitted  
32 within the Old Pine Tree Cemetery for the first two years.

33  
34 A public hearing was scheduled and held on December 1, 2021 where discussion amongst the Council,  
35 combined with public comment received, resulted in a request for staff to revisit a number of topics in the  
36 Ordinance to include: a proposed residential restriction; responsibility for the preparation of graves; and  
37 required depth of graves.

38  
39 All topics have been addressed and were presented to the Board of Cemetery Trustees at their February 8,  
40 2022 meeting. Resolution to the issues are as follows:

41  
42 **RESIDENTIAL RESTRICTION**

43 The residential restriction has been removed for the purchase of natural burial plots in favor of imposing  
44 a fee for non-residents to purchase ***any*** lot in any cemetery for any type of burial. Documentation showing  
45 proof of residency will be required at the time a lot is purchased. A definition of “Resident” has also been  
46 included.

47  
48 **PREPARATION (DIGGING) OF GRAVES**

49 The decision has been made that City staff will prepare graves for natural burials provided the plot(s) to  
50 be dug are accessible with equipment. If a grave is not accessible due to a previous burial (or other

unforeseen reason), the digging of the grave will be the responsibility of the deceased's agent or next of kin. For winter burials, if a grave is not accessible, City staff will jackhammer to break the frost level but the digging of the remainder of the grave will be the responsibility of the deceased's agent or next of kin.

#### **DEPTH OF GRAVES**

The depth of graves for the bottom of the burial container has been changed from five (5) feet to four (4) feet and may be revisited in the future if the need arises.

#### **OTHER CHANGES**

In an effort to streamline the amendment process and prevent the need to return to Council in the near future, staff is recommending that Council consider a number of other amendments to Chapter 46. These changes include rate increases for the purchase of lots, rate increases for burials & entombments, and the inclusion of regulatory language for the purchase and use of cremation niches in our (to be installed) columbarium's. All proposed changes have been reviewed by the Board of Cemetery Trustees.

#### **Councilor Liot Hill arrived at 7:20 PM.**

*Mr. Antonio Palazzo* (Ward 3 and member of the Cemetery Board of Trustees) came forth and explained that the Cemetery Board of Trustees have reviewed and approved the changes. Their only concern was purchasing grave sites in the future because space is limited.

#### **Mayor McNamara opened the Public Hearing.**

*Mrs. Rainie Kelly (Ward 1)*: She spoke about her concerns of having family members hand digging graves and made reference to a letter she had sent to the Council regarding this issue. She would like the Council and City staff to reconsider the hand digging of graves.

*Ms. Darla Bruno (Ward ?)*: She concurred with Mrs. Rainie and spoke about her reasons against having people hand digging loved ones graves.

#### **Hearing no comments from the public, the Public Hearing was closed.**

Assistant Mayor Below noted that if the City cannot dig a grave, it does not preclude the family from hiring someone else to do that for them. There are a number of companies that can do this.

Mayor McNamara noted this has been a longtime coming and there has been a lot of back and forth discussion. He felt this Ordinance is a very reasonable compromise that addresses a number of issues raised and provides a reasonable starting point for providing natural burials in the City.

Councilor Wilkie questioned how natural burials are being managed by other cemeteries. Lebanon Cemetery Sexton Patrick McCarthy noted that Montpelier, as an example, have not traversed over graves. However, they have only done <10 natural burials in the last two years. Mt. Auburn Cemetery gave a lengthy speech to the Cemetery Association in December and expressed the same concerns that he did, at the last Public Hearing, about the collapse of graves, which is what can happen when equipment is run over them. Montpelier is a little different because the soil is mostly clay, so they have somewhat stable ground, but they don't have the soils that are optimal for the decomposition process and bring in compost material to try and speed that up that process. They also use a smaller graves width of 5 ft., where we

1 have proposed 6 ft. They also have some structural integrity between their graves that Lebanon does not  
2 have in the areas being proposed (for natural burials).

3  
4 Councilor Liot Hill spoke about the issue of hand digging graves and the use of the City's equipment,  
5 noting this can always be revisited in the future if necessary.

6  
7 Councilor Wilkie questioned if allowing hand digging graves was in other legislation and if this would be  
8 an indication of legal issues being brought forth. City Manager Shaun Mulholland noted that if the  
9 Cemetery Sexton is supervising what they are doing, he does not see a risk to the City. If someone  
10 injures themselves because of negligence, that is on them. If they hire a company to do the digging and  
11 do damage to other grave sites, then it would be a liability against them. He did not see much risk to the  
12 City.

13  
14 **ACTION:**

15 ***Councilor Liot Hill MOVED, that the Lebanon City Council hereby adopts Ordinance #2021-16 to***  
16 ***amend City Code Chapter 46, Cemeteries, to increase rates for the purchase of cemetery lots; to***  
17 ***include a provision for resident vs. non-resident purchases of cemetery lots; to increase rates for***  
18 ***burials & entombments; to include regulatory language for the purchase and use of cremation***  
19 ***niches; and to incorporate provisions for Natural Burials, as included in the March 16, 2022 City***  
20 ***Council Agenda Packet. (Ordinance 2021-16 (Clean Draft) Pages 46-51, City Council agenda packet)***

21  
22 ***Seconded by Councilor Heistad.***

23 ***\*The Vote on the Motion was approved (8-0).*** Councilor Sykes absent.

24  
25 **The Council took up the following item under Appointments due to Councilor Liot Hill's absence at**  
26 **the beginning of the meeting.**

- 27  
28
  - Economic Development Commission, Chip Brown (Reappointment as a Regular Member)

29 ***Councilor Liot Hill put forth the NOMINATION of Chip Brown for Reappointment as a Regular***  
30 ***Member to the Economic Development Commission.***

31 ***Two-Year Term: (3/22-3/24)***

32 ***Seconded by Councilor Whittlesey.***

33 ***\*The Vote on the NOMINATION was approved (8-0).*** Councilor Sykes absent.

34  
35 **The Council resumed their regular scheduled agenda items as listed under Public Hearings.**

36  
37 **C. RECLASSIFICATION OF CLASS VI ROAD #57** – A public hearing for the purpose of receiving  
38 public input and taking action on the reclassification of Class VI Road #57 located at the Northwest  
39 Corner of Lebanon on Enfield Town Line to a Class A Municipal Trail.

40  
41 Included in the agenda:

- 42 1. Class VI Road Assessment Template (Road #57). ***Pages 58-60, City Council agenda packet.***  
43 2. Coordinate Map for Class VI Road #57 (NAD 1983 NH State Plane FIPS 2800) Printed  
44 February 22, 2022. ***(Page 61, City Council agenda packet.)***  
45 3. Abutter Notification Map – Class VI Road #57 ***(Page 62, City Council agenda packet.)***

46  
47 **BACKGROUND**

48 Existing Class VI Road #57 is a segment existing within the bounds of Lebanon, part of a longer Class VI

road that extends from Route 4 in Enfield to the southern boundary of Hanover. It is believed that the Town of Hanover discontinued the portion that continues in a northwesterly direction from beyond the Lebanon town boundary. The Enfield portion is identified in the list of Enfield Class VI roads that the Town of Enfield maintains. It is believed to be used on an occasional basis by day hikers.

The Class VI Advisory Committee conducted the initial assessment of Road #57 in 2015 and re-reviewed it in 2021. They reviewed the prescriptive evidence supporting the assertion of its existence as a public right-of-way, the current conditions and use, as well as potential future uses, and is recommending that the Council reclassify it to a Class A Trail designation:

*A motion by Donald Lacey that Lebanon Class VI Roads Advisory Committee recommend to the Lebanon City Council that they reclassify Class VI Road #57 (the Lebanon portion of the Old County Road) to a Class A Municipal Trail as defined in RSA 231-A:1(1), and as shown on the City of Lebanon Draft Class VI Roads Map, printed June, 2013, subject to the following public trail use restrictions: Means of travel shall be restricted to horse, bicycle and foot, and snowmobiles when snow cover is adequate. Motor vehicles, wheeled vehicles other than bicycles, and off-highway recreational vehicles other than snowmobiles shall be prohibited, subject, however to vehicular uses of abutting landowners for access to existing uses of land as set forth in RSA 231-A:1(1)*

*The Public Works Director shall cause to be posted legible signs at the entrances to the trail describing the restrictions contained herein, as provided by RSA 231-A:4.*

Mr. Mark Goodwin, GIS Coordinator, reviewed and explained the differences between a Class VI Highway and a Class A Trail as requested at the last City Council meeting.

## Class VI Highway vs. Class A Trail: Comparison

### CLASS VI Highway

- A full public Right-of-Way. Class VI status usually results from:
  - Discontinuance of Class V highway "subject to gates and bars"; or
  - No maintenance or repairs of Class V highway for 5 successive years or more.
- No duty to maintain/repair; may not be maintained by City.
- No City liability for damage or injury due to condition.
- Open to all viatic uses; uses generally may not be restricted.
- May be subject to weight limits and seasonal closures (e.g. mud season)
- Abutting parcels may be developed/eligible for building permits, subject to special permission and recording of liability waiver per RSA 674:41, I(c).

### Class A Trail

- A full public Right-of-Way; Trail status results from Council vote to reclassify a Class V or VI highway.
- May be maintained for trail use; maintenance may be delegated to volunteers (RSA 231-A:7).
- No volunteer liability for maintenance.
- City may define and restrict uses (e.g. no motor vehicles)
  - Use restrictions do not apply to abutting landowners
- May be subject to weight limits and seasonal closures (e.g. mud season)
- Abutting parcels may not be developed/eligible for building permits because a Trail cannot be used as access for building permit purposes per RSA 674:41.

Mr. Steve Wood, Chair of the Class VI Roads Advisory Committee, noted that the City owns the right-of-way and can change it to whatever class it wants. If someone petitions the City, or if the City wants to it can be changed back. The main thing is that a public right of way is owned by the City and under

control of the City. He also spoke about a Class A trail noting that this designation protects an abutter from abuse by users and gave examples.

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

**ACTION:**

***Councilor Heistad MOVED, that the Lebanon City Council hereby reclassifies Class VI Road #57 between points 852929.9-422983.9 and 853211.2-422226.7 as shown on the Class A Trail Reclassification Map depicting Coordinate System NAD 1983 NH State Plane FIPS 2800, printed February 22, 2022, and included in the March 2, 2022, City Council Agenda Packet as a Class A Municipal Trail, subject to the following use restrictions:***

***1. Permitted means of travel shall be:***

- a) feet, skis, snowshoes, and horses.***
- b) bicycles, ridden appropriately for a multipurpose trail, when the city deems that the conditions of the trail warrant their use; and***
- c) snowmobiles, ridden appropriately for a multipurpose trail, when snow cover is adequate to warrant their use.***

***Notwithstanding these permissions, none of these uses shall be allowed in a manner or in conditions that will encourage erosion or otherwise damage the trail.***

***2. All other wheeled or motorized vehicles, on or off road, shall be prohibited, excepting the allowed vehicular uses of abutting landowners for access to uses of their land as set forth in RSA 231-A:1(1).***

***3. The Public Works Director shall cause to be posted legible signs at the entrance to the trail describing the restrictions contained herein, as provided by RSA 231-A:4.***

***Seconded by Councilor Wilkie.***

***\*The Vote on the Motion was approved (8-0). Councilor Sykes was absent.***





**D. RECLASSIFICATION OF CLASS VI ROAD #3** - A public hearing for the purpose of receiving public input and taking action on the reclassification of Class VI Road #3, Farr Road Extension, to a Class A Municipal Trail

Included in the agenda:

1. Class VI Road Assessment Template (Road #3, Farr Road Extension) **Pages 66- 68, City Council agenda packet.**
2. Coordinate Map for Class VI Road #3 (NAD 1983 NH State Plane FIPS 2800) Printed February 22, 2022. **(Page 69, City Council agenda packet.)**
3. Abutter Notification Map – Class VI Road #3. **(Page 70, City Council agenda packet.)**

Mr. Mark Goodwin, GIS Coordinator, reviewed the reclassification of Class VI Road #3, Farr Road Extension, to a Class A Municipal Trail.

Farr Road Extension is depicted on the 1892 Hurd Atlas Map as essentially Farr Road continuing to where it intersects Sunset Rock Road. It is unknown as to when the section presently known as Farr Road Extension became a Class VI roadway, including no longer being maintained by the City of Lebanon.



The Class VI Advisory Committee conducted the initial assessment of Road #3 in 2014 and re- reviewed it in 2021. They reviewed the prescriptive evidence supporting the assertion of its existence as a public right-of-way, the current conditions and use, as well as potential future uses, and is recommending that the Council reclassify it to a Class A Trail designation:

*Mr. Heistad MOVED that the Class VI Roads Advisory Committee recommend that the Lebanon City Council reclassify Farr Road Extension, a class VI Road, as a Class A Municipal Trail as defined in RSA 231-A:1(1), extending from the maintained Class V section of Farr Road, extending to the intersection with Sunset Road. The Committee further recommends that Farr Road Extension be subject to the following public trail use restrictions: Permitted means of travel shall be limited to feet, skis, and snowshoes. Notwithstanding these permissions, none of these uses shall be allowed in a manner or in conditions that will encourage erosion or otherwise damage the trail. All other wheeled or motorized vehicles, on or off road, shall be prohibited, excepting the allowed vehicular uses of abutting landowners for access of their land as set forth in RSA 231- A:1(1). The Public Works*



1        *Director shall cause to be placed legible signs at the entrance to the trail describing the restrictions*  
2        *contained herein, as provided by RSA 231-A:4.*

3  
4        **Mayor McNamara opened the Public Hearing.**

5  
6        **Mr. Dan Hazelton (abutter)** came forth, noting he has abutted, mowed and maintained Class VI Road #3,  
7        Farr Road Extension, every year for 30 years. While he did not object to the proposed reclassification of  
8        this property to a Class A trail, he objected to this trail being listed on the City website and expressed his  
9        concerns about having to deal with people who might use this area to dump their trash. He suggested  
10       leaving it as a Class VI Road.

11  
12       The Council and Mr. Hazelton discussed the location of Mr. Hazelton's driveway to Farr Road; if Mr.  
13       Hazelton has ever signed a liability waiver form according to RSA 674:41, 1(c), as mentioned above in  
14       the chart provided by Mr. Goodwin; whether or not the law has been followed according to RSA 674:41,  
15       1(c); how reclassifying Farr Road to a Class A trail would protect the interests of the landowner and  
16       making it possible for the public to use their right to use that right of way, but would also allow the City  
17       to restrict what might happen on this trail; the objective of the Class VI Roads Advisory Committee,  
18       which is to identify public rights of way; how reclassifying Farr Road to a Class A trail would give Mr.  
19       Hazelton and other abutters a greater measure of security (of what could be done on this trail); the use of  
20       snowmobiles/ATVs or other abuses that could potentially happen by the public; not taking action on this  
21       reclassification tonight because there are strong objections by Mr. Hazelton, who is only one of three  
22       abutters that would be affected by this reclassification; the types of uses a trail designation would allow  
23       compared to what would be allowed for a Class VI Road; where the public can go as a matter of right;  
24       the intent to create a publicized map of Class A Trails and public rights of way; the State law process for  
25       classification of a Class VI Road vs. a Class A trail; the discontinuation of this public right of way  
26       altogether; and, having Mr. Hazelton and the two other abutters meet with the Class VI Road Committee  
27       and discuss the potential of discontinuing a portion of this Class VI Road/Class A Trail.

28  
29       **Hearing no further comments from the public, the Public Hearing was closed.**

30  
31       After more lengthy discussions regarding the definitions/terminology on what constitutes a Class VI Road  
32       vs. a Class A trail, Mayor McNamara summarized that there was interest in not taking any action on this  
33       tonight, thereby giving opportunity for the neighbors to have further discussions with the Class VI Roads  
34       Advisory Board to determine whether they want to maintain Farr Road as a Class VI Road, or whether  
35       they would like it declassified to a Class A Trail, or whether they want to make a request to the City to  
36       discontinue the road in its entirety.

37  
38       No one from the Council came forth to make a motion.

39  
40       **ACTION: The Council took no action to reclassify Class VI Road #3 (Farr Road Extension) to a**  
41       **Class A Trail Municipal Trail.**

42  
43       **E. ORDINANCE #2021-09, FACE MASKS** – A public hearing for the purpose of receiving public  
44       input and taking action on the potential rescission of Ordinance #2021-09, Face Masks. **(PUBLIC**  
45       **HEARING TO BE RESCHEDULED TO MARCH 23, 2022)**

Due to an advertising error and the public hearing not being properly/legally noticed for the March 16, 2022 City Council meeting, the public hearing for Ordinance 2021-09 needs to be rescheduled. With the annual Organizational Meeting taking place on March 23, 2022, Administration requested the Council reschedule the meeting on this date.

**ACTION:**

***Councilor Wilkie MOVED, that the Lebanon City Council hereby reschedules the public hearing originally set for March 16, 2022, to Wednesday, March 23, 2022, beginning at 7:00pm, Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action on the potential rescission of Ordinance #2021-09, Face Masks, originally adopted by the City Council on September 1, 2021, and last amended November 3, 2021.***

***Seconded by Councilor Whittlesey.***

***\*The Vote on the Motion was approved (8-0). Councilor Sykes was absent.***

**9. OLD BUSINESS: NONE**

**C. Proposed NHMA Policy Position-Childcare and Early Education**

Included in the agenda packet:

1. NHMA Policy Positions Relating to Childcare and Early Childhood Development (*Pages 86-87, City Council agenda packet.*)
2. *City Council agenda packet.*
3. 2022-2023 Policy Proposal Form (*Page 88, City Council agenda packet.*)
4. 2021-2022 NHMA Legislative Policy Positions (*Pages 89-101, City Council agenda packet.*)
5. NHMA Guide to Legislative Advocacy for Local Officials (*Pages 103-134, City Council agenda packet.*)

Discussions regarding NHMA's 2022-2023 Legislative Policy Process submission deadline is April 15, 2022.

City Manager Mulholland noted his policy position is supportive of childcare and early childhood development and was asking the Council to submit his proposal on behalf of the City.

NHMA's legislative policy committees - Finance and Revenue; General Administration and Governance; and Infrastructure, Development and Land Use – will review all policy proposals in order to make recommendations which will go to the NHMA Legislative Policy Conference in the fall. NHMA conducts this process every two years to establish the policy positions that the organization will advocate for on behalf of NH municipalities.

The Council discussed how Vermont provides a subsidy supporting childcare and early development; thankfulness for not using gendered language; and how the DEI (Diversity, Equity and Inclusion Advisory Board) will be looking at State Statutes to remove gender language.

**ACTION:**

***Councilor Whittlesey MOVED, that the Lebanon City Council supports the recommendation of City Manager Mulholland for submission of a policy position regarding legislation supportive of childcare and early childhood development as provided in the March 16, 2022, City Council Agenda Packet and directs the City Manager to submit a Policy Proposal Form to the NHMA for consideration at the Fall Policy Conference.***

1 *Seconded by Councilor Wilkie.*

2 *\*The Vote on the MOTION was approved (8-0).* Councilor Sykes was absent.

3  
4 **11. City Manager Report:**

5  
6 City Manager Shaun Mulholland gave the following updates:

- 7 • 20 Spencer Street: Now free of PCBs and will moving forward with the Braverman Co.

8  
9 **12. COUNCIL REPRESENTATIVES TO OTHER BODIES: None**

10  
11 **13. FUTURE AGENDA ITEMS: NONE**

12  
13 **14. NON-PUBLIC SESSIONS:**

14  
15 **A. RSA 91-A:3.II(a) “The dismissal, promotion, or compensation of any public employee...”**

16  
17 *Councilor Winny MOVED* that the City Council enter into Non-Public Sessions per RSA 91-  
18 A:3.II(a) for the purpose of discussing employee personnel matter.

19  
20 *Seconded by Councilor Whittlesey.*

21  
22 **Roll Call Vote:**

23 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Whittlesey, Wilkie, Winny, Zook and Mayor  
24 McNamara all voting Yea.

25 None voted Nay.

26 *\*The Vote on the MOTION was approved (8-0).* Councilor Sykes was absent.

27  
28 **The Council went into Non-Public Session A at 8:44 PM**

29  
30 *Councilor Winny MOVED* that the City Council go out of Non-Public Session A at 9:09 PM.

31  
32 *Seconded by Councilor Heistad.*

33  
34 **Roll Call Vote:**

35 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Whittlesey, Wilkie, Winny, Zook and Mayor  
36 McNamara all voting Yea.

37 None voted Nay.

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

39  
40 **B. RSA 91-A:3.II(a) “The dismissal, promotion, or compensation of any public employee...”**

41  
42 *Councilor Winny MOVED* that the City Council enter into Non-Public Sessions per RSA 91-  
43 A:3.II(a) for the purpose of discussing City Manager annual evaluation.

44  
45 *Seconded by Councilor Heistad.*

1 **Roll Call Vote:**

2 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Whittlesey, Wilkie, Winny, Zook and Mayor  
3 McNamara all voting Yea.

4 None voted Nay.

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

7 **The Council went into Non-Public Session B at 9:10 PM**

9 **ACTION:**

10 *Councilor Winny made the motion to increase the City Manager's Salary to \$140,000/year.*

11 *Seconded by Councilor Liot Hill.*

13 **Roll Call Vote:**

14 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Whittlesey, Wilkie, Winny, Zook and Mayor  
15 McNamara all voting Yea.

16 None voted Nay.

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

19 *Councilor Wilkie made the motion to increase the City Manager Salary retroactive to 01/22/2022.*

20 *Seconded by Councilor Whittlesey.*

22 **Roll Call Vote:**

23 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Whittlesey, Wilkie, Winny, Zook and Mayor  
24 McNamara all voting Yea.

25 None voted Nay.

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

28 *Councilor Winny MOVED that the City Council go out of Non-Public Session B at 9:14 PM.*

30 *Seconded by Councilor Heistad.*

32 **Roll Call Vote:**

33 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Whittlesey, Wilkie, Winny, Zook and Mayor  
34 McNamara all voting Yea.

35 None voted Nay.

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

38 **15. ADJOURNMENT:**

39 *Councilor Winny MOVED to adjourn the meeting.*

40 *MOTION was seconded by Councilor Whittlesey.*

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

44 **The meeting was adjourned at 9:15 PM.**

46 Respectfully submitted,

47 Dona E. Gibson

48 Recording Secretary

**DRAFT**

**LEBANON CITY COUNCIL  
MINUTES**

**Wednesday, March 23, 2022, 7:00 p.m.**

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

**MEMBERS PRESENT:** Mayor Tim McNamara, Assistant Mayor Clifton Below, Erling Heistad, Karen Liot Hill, Christian Simon (Incoming), George Sykes, Douglas Whittlesey, Devin Wilkie, Jim Winny (Outgoing) and Karen Zook

**MEMBERS ABSENT:**

**STAFF PRESENT:** City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Kristin Kenniston, Director of Planning & Development David Brooks, Senior Planner Tim Corwin, Deputy Chief of Police Matthew Isham, Deputy Finance Director Alesia Williams, Library Director Sean Fleming

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

**2. PLEDGE OF ALLEGIANCE:** Councilor Winny led the Council in the Pledge.

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

**4. OPEN TO PUBLIC:** No one came forth to speak.

**5. RETIREMENT OF OUTGOING COUNCILOR:**

— Resolution Honoring Jim Winny

***RESOLUTION  
HONORING JIM WINNY***

**WHEREAS,** Jim Winny served on the City Council from March 2017 to March 2022; and

**WHEREAS,** during his tenure on the City Council, Jim served as an alternate on the Planning Board, as a Council Representative on the Lebanon Airport-Tech Park TIF District Advisory Board, and as a Council Representative and Chair on the West Lebanon Revitalization Advisory Committee; and

**WHEREAS,** Jim's commitment to the financial wellbeing of current and future residents of Lebanon shown bright in his many votes regarding the spending of taxpayer dollars for a variety of purchases and projects over his five years of service on the City Council; and

**WHEREAS,** Jim's knowledge and understanding of the City, his attention to detail, and his commitment to public service, enabled him to make thoughtful and principled decisions relative to the City's growth and development, and to promote and advance the revitalization of West Lebanon, in particular, for the betterment of all of the residents of the City of Lebanon; and

**WHEREAS,** the Lebanon City Council appreciates the time, effort, knowledge, and commitment provided to the community by Jim Winny during his time on the Lebanon City Council.

1  
2 ***NOW THEREFORE BE IT RESOLVED***, that the Lebanon City Council, on behalf of the City of Lebanon,  
3 extends its sincere appreciation to Jim Winny for his dedicated service and for his contributions to the  
4 community.

5  
6 Dated this 23<sup>rd</sup> day of March 2022 at Lebanon, New Hampshire.

7  
8 Timothy J. McNamara, Mayor  
9 *On Behalf of the Lebanon City Council*

10  
11 Each Council member spoke about the contributions Councilor Winny provided to the City during his  
12 tenure. You will be missed!

13  
14 Councilor Winny took his seat as a regular member of the public.

15  
16 **6. WELCOMING NEWLY ELECTED & RE-ELECTED COUNCILORS:**

17  
18 City Clerk Kristin Kenniston administered the oath and the following City Councilors were officially seated:

- 19 – Christian Simon (Ward 1)  
20 – George Sykes (Ward 2)  
21 – Karen Zook (Ward 3)  
22 – Timothy J. McNamara (At-Large)  
23 – Erling Heistad (At-Large)

24  
25 Councilor Simon took his seat as a regular member of the Council.

26  
27 **7. NOMINATION AND ELECTION OF MAYOR AND ASSISTANT MAYOR:**

28  
29 *Kristin Kenniston, City Clerk, opened the Nominations for Temporary Chair.*

30  
31 *Councilor Liot Hill put forth the NOMINATION of Councilor Wilkie as Temporary Chair.*

32  
33 **Hearing no further Nominations for Temporary Chair, City Clerk Kristin Kenniston closed the**  
34 **nomination and called for a vote.**

35  
36 *\*The Vote on the NOMINATION to elect Councilor Wilkie as Temporary Chair was approved (9-0).*

37  
38 **8. NOMINATION AND ELECTION OF MAYOR AND ASSISTANT MAYOR:**

39  
40 **MAYOR:**

41  
42 **Councilor Wilkie, Temporary Chair, opened the Nominations for Mayor.**

43  
44 *Councilor Below put forth the NOMINATION of Councilor McNamara as Mayor.*

45  
46 **Hearing no further nominations, Councilor Wilkie, Temporary Chair, closed the Nominations for**  
47 **Mayor and called for a vote.**  
48

1 *\*The Vote on the NOMINATION of Councilor McNamara for Mayor was approved (8-0-1).*  
2 *Councilor McNamara abstained.*

3  
4 **ASSISTANT MAYOR**

5  
6 Mayor McNamara opened the Nominations for Assistant Mayor.

7  
8 *Councilor Liot Hill put forth the NOMINATION of Councilor Below as Assistant Mayor.*

9  
10 **Hearing no further Nominations for Assistant Mayor, Mayor McNamara closed the nominations**  
11 **and called for a vote.**

12  
13 *\*The Vote on the NOMINATION of Councilor Below as Assistant Mayor was approved (8-0-1).*  
14 *Councilor Below abstained.*

15  
16 **9. PUBLIC HEARING ITEM:**

17 **A. ORDINANCE #2021-09, FACE MASKS** – A public hearing for the purpose of receiving public  
18 input and taking action on the potential rescission of Ordinance #2021-09, Face Masks.

19  
20 Included in the agenda packet:

- 21 1. March 14, 2022 Memorandum from Calvin Hunnewell, Lebanon Health Officer Code/Health  
22 Inspector (*Page 5, agenda packet*)  
23 2. Ordinance #2021-09, Face Masks (last amended November 3, 2021) (*Pages 7-10, agenda packet*)

24  
25 City Manager Shaun Mulholland reviewed the history and discussed the potential rescission of Ordinance  
26 #2021-09, Face Masks.

27  
28 On September 1, 2021, due to the surge of the Delta Variant of the COVID-19 virus, the City Council  
29 adopted Ordinance 2021-09 and reinstated a City-wide mandate requiring the wearing of face masks in  
30 indoor spaces that are open to the public. The ordinance was amended on November 3, 2021 (RSA 147 and  
31 RSA 47, Chapter 46) to clarify the requirement for masks to be worn at private events being held in public  
32 venues (a hotel, restaurant, membership club, etc.).

33  
34 Since the adoption of the November 3<sup>rd</sup> amendment, the Omicron Variant of the virus became the dominant  
35 strain in the State and the number of infections/hospitalizations increased dramatically in its wake.

36  
37 Cases are now dropping in the State and across the nation. Council was asked to review the potential  
38 rescission of the Ordinance as it exists. (Updated information in terms of the numbers for our area were  
39 provided to the Council in advance of this meeting).

40  
41 RSA 147.1 states that the Health Officer shall make regulations and are only approved by the Board of  
42 Selectman, or in our case the City Council. RSA 47.12 says that the Health Ordinance that apply to Towns,  
43 also applies to Cities.

44  
45 Prior discussions took place before this meeting with the Emergency Management Director, the Lebanon  
46 Police Chief and City Manager. They recommended the Mask Ordinance be rescinded at this time.

47  
48 The recommendation from the Health Officer of the City is provided below:

1  
2 TO: Lebanon City Council  
3 FROM: Calvin Hunnewell, Health Officer – Code/Health Inspector  
4 DATE: March 14, 2022  
5

6 Based on the current guidance from the Centers for Disease Control and Prevention (CDC), updated as of  
7 February 25, 2022, Grafton County is now considered to have a COVID-19 Community Level of Low. As  
8 a result, the CDC recommends that wearing a mask should be based on personal preference and informed  
9 by one's own personal level of risk. Similarly, on February 23, 2022, the New Hampshire Governor  
10 confirmed that the state is no longer recommending universal indoor facemask use. It has been noted that  
11 facemasks are still required under federal regulations in some situations, such as on public transportation  
12 and in healthcare facilities. Otherwise, the NH state epidemiologist has suggested that decisions on  
13 facemask use should be based on individual preference and individual choice and informed by a person's  
14 own assessment and acceptance of COVID-19 risk rather than universal requirements. Based on the current  
15 guidance from the CDC and NH-DHHS, the Health Officer no longer supports mandatory face mask  
16 requirements in the City of Lebanon  
17

18 **Mayor McNamara opened the Public Hearing and the following came forth:**

- 19 • *John Pomeroy (Ward 3)*: He spoke about his reasons for rescinding the Mask Ordinance,  
20 referencing several House Bills/RSAs and also spoke against re-enacting any future Mask  
21 Ordinance.
- 22 • *Jessica Duplin (Ward 3)*: She noted she was a nurse working in the Lebanon area for 11 years and  
23 has been a resident in Lebanon for 19 years, noting that Healthcare Providers are tired and while  
24 the numbers are going down, COVID is still here. She further spoke about her reasons and gave  
25 examples for keeping the Mask Ordinance in place, or at least keeping it in place for 1-2 months  
26 until we see where this is going.
- 27 • *Robert Moore (Ward not given)*: He spoke about his reasons for rescinding the Mask Ordinance,  
28 noting it is time to get back to some sense of normalcy.
- 29 • *Matthew Hall (Ward-3)*: He spoke about his reasons for rescinding the Mask Ordinance and  
30 questioned if mask mandates ever had any real impacts. He also spoke about the positive impacts  
31 of vaccines. People have done a lot, and suffered a lot, over the past 2-years and they should be  
32 rewarded by trying to get back to normal and gave examples of the costs of masking, especially the  
33 effect this has had on children and their learning abilities.
- 34 • *Aaron Argyros (Ward-3)*: He spoke about his reasons for rescinding the Mask Ordinance, noting  
35 the impact this mandate has had on his children. He wanted to give them a chance at being normal.  
36 He also spoke against enacting any future Mask Ordinance.
- 37 • *Alan Schnur (Ward-3)*: He spoke about people who were not wearing face masks indoors and in  
38 crowded spaces and gave his reasons for keeping the Mask Ordinance in place, noting COVID is  
39 still present and mutating, and will not magically go away because people are tired of it. He also  
40 spoke about the positive impacts of vaccinations. He requested the Council to consider the  
41 established indicators when deciding whether to continue/rescind the Mask Ordinance and continue  
42 to monitor the established indicators so that a face mask ordinance can be maintained, rescinded,  
43 or re-instated as the data indicates.  
44

45 **Hearing no further comments from the public, Mayor McNamara closed the Public Hearing.**  
46



1 The Council discussed how 3 weeks ago, according to the CDC, Lebanon was still in the high  
2 transmission category, but shortly thereafter Lebanon was dropped to a lower level of risk; how the  
3 CDC's guidance is appropriate to follow at this point because Lebanon's cumulative cases/death rates per  
4 capita are the lowest in the State; the difficulty in teasing out the benefits of masking compared to  
5 vaccines; how the science shows that masks are effective in the prevention of spreading COVID; mental  
6 health issues related to the pandemic; how mask mandates have politicized this issue and driven  
7 extremists to become more vociferous, which has fueled the fire of some people who oppose masks;  
8 rather than mandating masks, perhaps it would be better for the City to ask people to mask because most  
9 care about their friends and neighbors; how a bill in the House could change some of the authority of City  
10 Councils, but it still needs to go to the Senate for a vote and the Governor would need to sign it; how it is  
11 the Council's charge to pay attention to what is going on with COVID (i.e., how are hospitals are coping  
12 in handling caseloads, etc.); the efficacy of different types of face masks; how vaccines can help prevent  
13 disease (i.e., polio) and how prevention is something the City can do to help the population stay healthy;  
14 how taking a cautious, low risk approach is prudent, even though people are frustrated with wearing  
15 masks and want to get back to a sense of normalcy; how the CDC's new guidance measures are based on  
16 a hospital system's ability to deal with patients and not the impact of the disease (COVID); concerns that  
17 Lebanon is going to ultimately hurt people by rescinding the mask mandate for the sake of convenience;  
18 the difficulty in following the data (i.e., due to differences in State/Federal data, different medical  
19 opinions from different medical experts; and data from different hospitals); how Lebanon is the only  
20 municipality in the State, and our surrounding area, that has a Mask Ordinance; and, the need to adhere  
21 with the CDC's recommendations for our area.

22  
23 **ACTION:**

24 ***Councilor Wilkie MOVED, that the Lebanon City Council hereby rescinds Ordinance #2021-09,***  
25 ***Face Masks, effective March 24, 2022.***

26 ***Seconded by Assistant Mayor Below.***  
27

28 Councilor Sykes spoke to the motion by expressing his concerns about prevention, politics, policy, and  
29 process. He felt that in this instance politics was taking a bigger piece of this issue vs. policy and process  
30 and would not support rescinding the Mask Ordinance.

31  
32 Assistant Mayor Below felt the difficulty faced with COVID is that we are moving into an endemic  
33 phase, where it will persist like the flu, except it has worse impacts on health than the flu. Lebanon's  
34 saving grace is that we have had a high vaccination rate and a good portion of those not vaccinated have  
35 probably been infected. Looking at the CDC data for Grafton County, we are at 1.8% of inpatient bed  
36 utilization by COVID 19 patients. Part of what the CDC has done is looked at the healthcare system, but  
37 that is part of the nature of moving toward an endemic phase and did not feel it was about politics. He  
38 also spoke about the widespread non-use of face masks by people who are disregarding the ordinance  
39 noting we may need to bring this ordinance back at some point if needed. At this point, there has been  
40 enough studies done so there is conflicting science on the efficacy of the masking process, which is only a  
41 fraction of the preventive value of the vaccination. Unfortunately, people have conflated masking with  
42 the vaccines, so decoupling these will hopefully make people understand that vaccination(s) will help  
43 save their lives.

44  
45 Councilor Wilkie clarified his reasons why he made and supported the motion, noting he is looking at this  
46 as a policy and from that prospective he will vote to rescind the ordinance. He was not looking at the  
47 politics or emotional responses, just the data.

Councilor Whittlesey cautioned against comparing COVID with the flu, noting COVID is spreading more rapidly than the flu and has a greater impact on people's health.

In response to Councilor Liot Hill's question, City Manager Mulholland said businesses or organizations will still have the ability to have their own rules regarding face masks. If people are not wearing masks and the owner asks them to leave and they do not leave, the owner can then call the police and they can be charged with criminal trespass. The City will support their actions and law enforcement will act on those cases.

*\*The Vote on the MOTION to rescind Mask Ordinance #2021-09 was approved (5-4).*

#### **10. New Business:**

##### **A. Adoption of Council Rules**

Included in agenda packet: Council Rules (last revised 01/20/2021) *(Pages 12- 19, agenda packet).*

*Councilor Sykes MOVED, that the Lebanon City Council adopts the Council Rules as presented in the March 23, 2022 agenda packet.*

*Seconded by Councilor Heistad.*

*\*The Vote on MOTION was approved (9-0).*

##### **B. Training: Welcoming Lebanon Policy**

Included in agenda Packet: Welcoming Lebanon Policy *(Pages 21-25, agenda packet).*

The City Council at their regularly scheduled January 20, 2021 City Council meeting adopted City Council Policy CC-104: Welcoming Lebanon.

City Manager Mulholland reviewed and provided the required training for this policy as listed on pages 21-25 in the City Council agenda packet.

**ACTION:** *No action is required by the Council. Item is for training purposes only.*

##### **C. Continuation of Discussion re: Housing in Lebanon**

Included in agenda packet: PowerPoint Presentation: Housing Policy in Lebanon – March 23, 2022 *(Pages 27-42, agenda packet).*

City Manager Shaun Mulholland would like to have plans for the Lebanon Housing Policy finished by the end of June 2022. Upcoming dates for the Council to discuss housing are April 21, May 25, and June 27 of 2022. He also informed the Council that plans are being made between the Hartford Board of Selectmen & the Lebanon City Council to discuss homelessness. Mayor McNamara felt it would be good for the two Boards to meet first before going to other surrounding communities. The Council will be informed as plans are finalized.

Mr. David Brooks, Director of Planning & Development, presented a slide presentation on Lebanon's Housing Policy. This is a continuation of the discussion started back in January about steps the City Council can take with respect to a Housing Policy and the role the City can take in the development of Housing. Many of the slides are the same or similar to what the Council saw in January, but new slides and some updated information has been introduced as appropriate.

1 The working housing pipeline spreadsheet (slide) can be found on page 27, City Council agenda packet.  
2 Mr. Brooks did note that a new housing project on Mt. Support Road was approved and is anticipated to be  
3 affordable workforce housing, but funding is being sought. New applications have been received for the  
4 Downtown Lebanon area.  
5  
6

## Lebanon Master Plan – Housing (Ch. 7)

### Vision & Purpose Statement (7|A):

“The City of Lebanon shall *actively foster* a diverse range of housing opportunities and choices for current and prospective residents, and will *strive to promote* the development of diverse, sustainable neighborhoods that reflect Lebanon’s “small-town” character and distinctiveness.

The City of Lebanon *shall encourage* a range of housing options for all segments of the population. New housing development should contribute positively to existing neighborhoods and create safe and desirable new neighborhoods consistent with the other planning goals of the City as expressed in this Master Plan.”

7 What we are trying to work toward is an understanding, or having the Council provide some guidance, as to  
8 what the vision statement (below) from the Master Plan means when it says “actively foster,” “strive to  
9 promote,” and “shall encourage” housing.  
10  
11

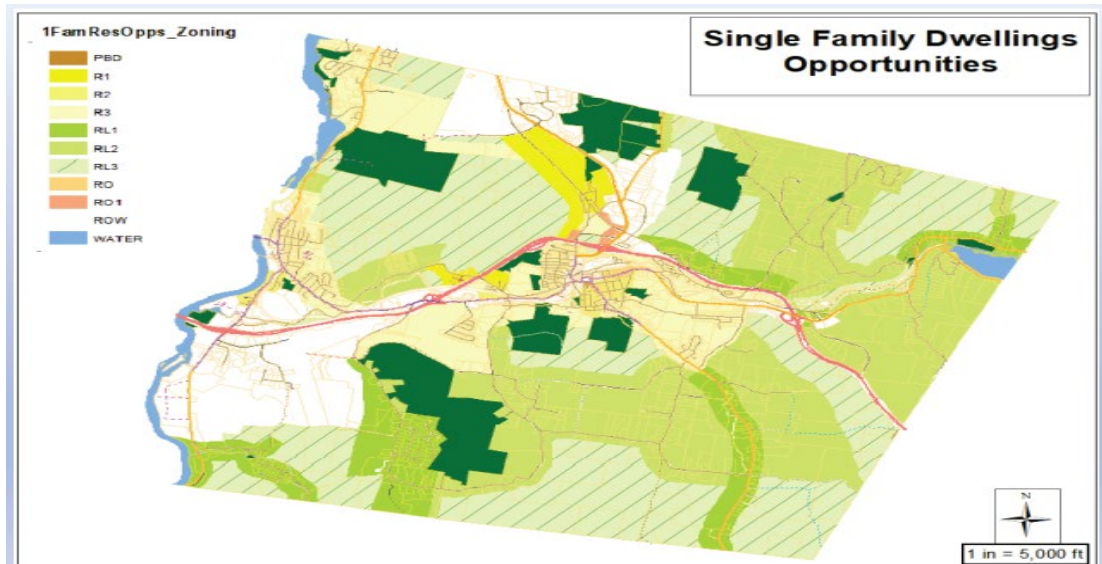
- *Enable* Housing
- *Facilitate* Housing
- *Incentivize* Housing
- *Subsidize* Housing
- *Partner with Developers*

12 Mr. Brooks provided and explained the 5 different ways the Council can choose to facilitate &/or enable  
13 housing as listed above.  
14  
15

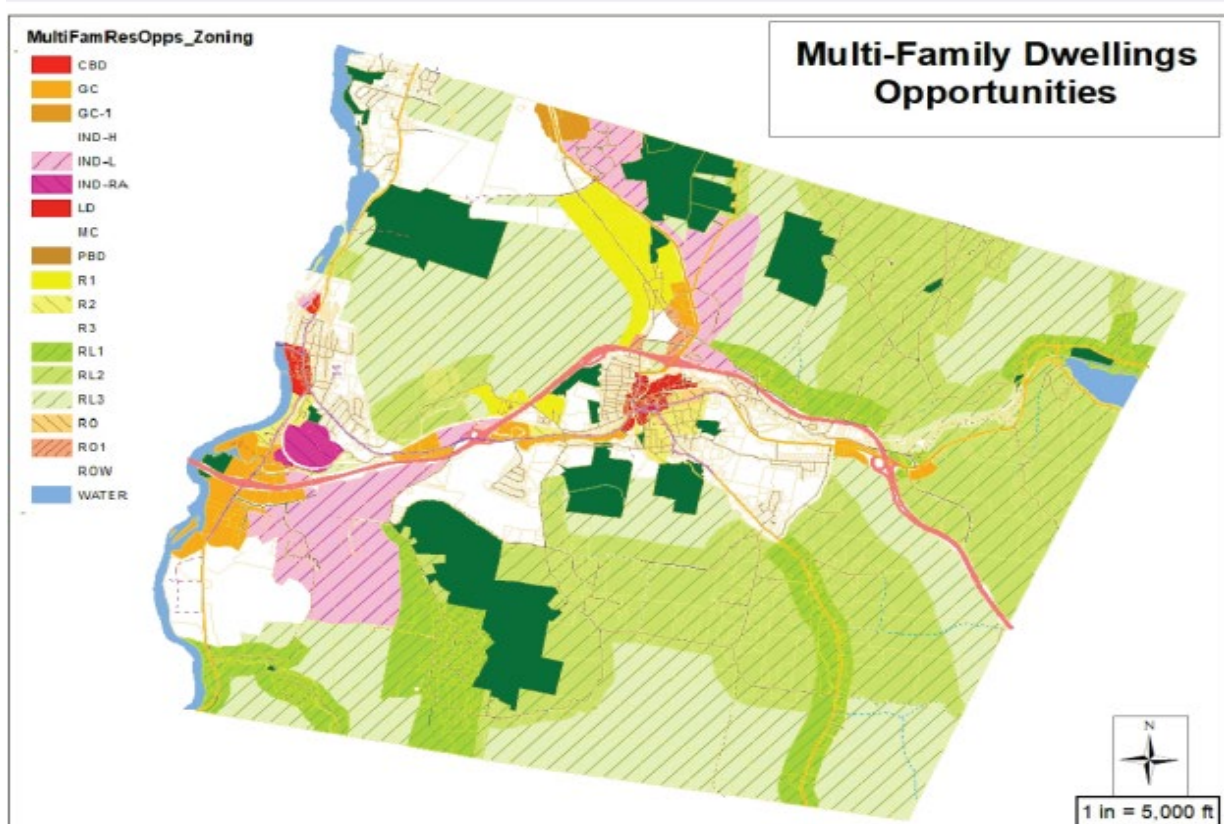
### Enable Housing:

- Ensure that the Zoning Ordinance permits housing to be constructed, but otherwise allow the market to dictate what gets built, when, and where.

16 Mr. Brooks provided and discussed the following maps:  
17  
18

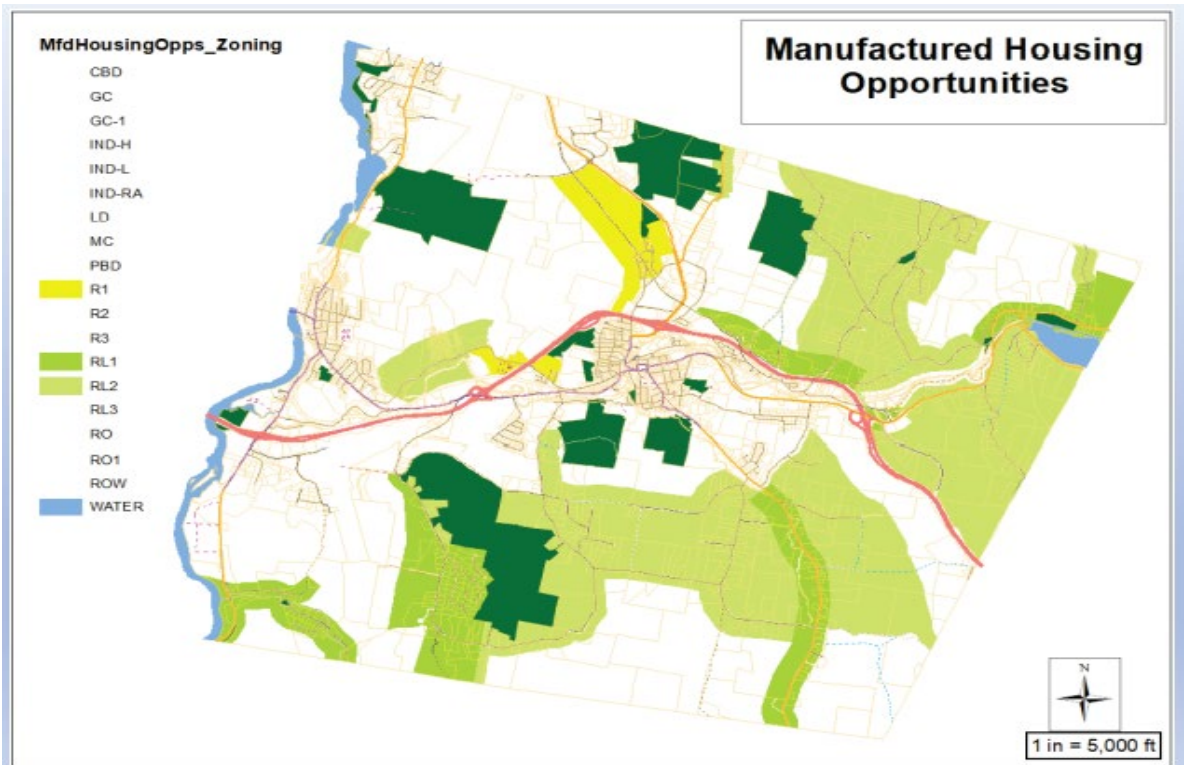


This map was wrong in January but has been corrected in terms of where Single Family Dwellings are permitted. This represents a significant portion of the City. Most of our Residential Zoning Districts and some of our Mixed Use Districts allow those either by as a right or by special exception.



Multi-Family Housing Opportunities are 3-units or more in a single structure. Same map as presented in January.





In January, there were some questions about where manufactured housing units could be located. To clarify again, Manufactured Housing Units are permitted “only” in Manufactured Home Parks or subdivisions, which are only allowed in the R-1 District (in yellow on map), or RL-1 or RL-2, which are the shades of green. Parks require a minimum of 10 acres or a maximum of 50 acres. Subdivisions require a minimum of 20 acres and at least 6 lots. It is important to point out that Manufactured Housing is one of the ways that we can enable a more affordable form of housing. (New Map)

### Enable Housing:

- Zoning Amendments to enable Cottage Clusters



Other steps the City can take to enable housing would be to expand the forms of allowed residential development. The Planning Department worked with the Upper Valley Housing Coalition and others 10+ years ago to look into Cottage Clusters and we are currently working on draft regulations for a potential Zoning Amendment. The Planning Department has identified at least a dozen properties in the 1-2 acre size that have existing water and sewer, and where this type of development might work well as an infill-style development. It will involve a significant amount of public engagement to make sure people understand what it is and what it is not. If we get direction from the Council, Planning Staff hopes to bring forward some proposed language later in the year.

## Enable Housing:

- Zoning Amendments for Mfd Housing developments



1 The City has 4 well-regarded Manufactured Housing Developments, including Mascoma Meadows  
2 (resident owned community off Rudsboro Rd), and Hannah Village (off Mascoma Street near APD).  
3 However, looking at the regulations and looking at what is on the ground in these developments, it does not  
4 appear that any of the existing parks actually comply with the current Zoning Regulations and therefore  
5 could not be replicated today, even if the financial numbers worked out. To the extent that these are a very  
6 worthwhile way to provide and enable housing, it would make sense to amend the existing regulations to  
7 match what exists in these successful parks in terms of minimum lot area, unit count, and relative density.  
8 This is another proposal we can bring forward to enable housing.  
9

10  
11 In response to Councilor Liot Hill's question, Mr. Brooks stated that the current regulations require a  
12 minimum of 10K sq. ft. per unit. It's a little ambiguous as to what that means, but one interpretation is that  
13 you need 10K sq. ft. for each unit that is located in that area. At a minimum, that 10K sq. ft. limit would cap  
14 the allowed density at about 4 or <4 units per acre once the roads and common areas are figured in. The  
15 image above depicts 50 units on just over 10 acres, so it is almost 5 units per acre. The Hannah project is  
16 over 5 units per gross density. There are other requirements in the regulations relative to the roadway  
17 widths and exactly how the parks get designed. Planning Staff would like to take a closer look if it is of  
18 interest to the Council and make sure these parks could be replicated.  
19

20 Assistant Mayor Below spoke about Vermod, which is located in Hartford, VT. Vermod sought to tackle  
21 the problem of sustainability, resiliency, and affordable housing as an alternative to typical manufactured  
22 housing by making highly efficient manufacture housing. What they are building are net zero ready in terms  
23 of very efficient home designs that are also very affordable. Vermod homes almost fit the Cottage Cluster  
24 development design that would offer a dual feature of increasing affordability and also put the City on a path  
25 toward sustainable/resilient housing.  
26

27 Mayor McNamara felt it would an interesting field trip for the Council to tour the Vermod facility and talk  
28 about the relative affordability of these compared to a conventional mobile home's efficiency. He will  
29 arrange a tour.  
30

## Facilitate Housing:

- Consider City ownership and maintenance responsibility for roads and utilities, especially for permanently affordable housing. [MP 7.1.S7]

31 Mr. Brooks spoke about developments that seem stuck, noting the infrastructure such as roads, water and  
32 utilities are there, but these developments are not being built. There has not been a new unit built in  
33 Westboro Woods for almost 8 years (since 2014). He is still looking into and having conversations with  
34 realtors and lenders as to what the issue might be with these projects.  
35

## Incentivize Housing:

- Community Revitalization Tax Relief Incentive (79-E) Program for “substantial rehabilitation”
- As of April 1, 2022:
  - Housing Opportunity Zones (RSA 79-E:4-c) for new construction.
  - Residential Property Revitalization Zones (RSA 79-E:4-b) for improvement of 1-family, 2-family, or multi-family up to 4 units that is at least 40 years old.

This is something the City is already doing to a certain extent with the 79-E Program. The 79-E program that the City has is for substantial rehabilitation “of existing structures” and is primarily focused in our Downtown areas. Mr. Brooks spoke with NH Finance Agency and they reviewed the legislation that will take effect on April 1<sup>st</sup>. They are as confused as he is in terms of how best to use these new tools and what some of the requirements will be and will continue to work with them. He did point out is that the Residential Property Revitalization Zones could be a good mechanism for incentivizing ADUs (Accessory Dwelling Units) because this would allow a tax credit/relief incentive for older homes where someone could make improvements, either within or through an attachment, to an existing home. However, it does not specify what improvements do/do not count.

## Incentivize Housing:

- Density Bonus provisions

| SECTION 507 BONUSES FOR CERTAIN PLANNED DEVELOPMENT.                                                                                                  |                      |                                |                                 |                            |                             |                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------------------------|---------------------------------|----------------------------|-----------------------------|---------------------------------|
| PUD's and manufactured home parks and subdivisions may receive an increased density bonus pursuant to Table 507.1 and the provisions of this section. |                      |                                |                                 |                            |                             |                                 |
| 507.1 Increased Density Bonuses.                                                                                                                      |                      |                                |                                 |                            |                             |                                 |
| Maximum Amount of Bonus Available                                                                                                                     |                      |                                |                                 |                            |                             |                                 |
| Type of Development                                                                                                                                   | For Use of Technique | For Sensitivity to Environment | For Creating Affordable Housing | For Reducing Fiscal Impact | For Energy Efficient Design | For Renewable Energy Facilities |
| PURD or PRec                                                                                                                                          | 12%                  | ----                           | ----                            | ----                       |                             |                                 |
| MH Park (or subdivision)                                                                                                                              | NONE                 | ----                           | ----                            | ----                       |                             |                                 |
| Subdivision                                                                                                                                           | NONE                 | ----                           | ----                            | ----                       |                             |                                 |

The Density Bonus provisions have been incorporated into the Zoning Ordinance but have not been flushed out yet and are not well used. There is an opportunity to fill out this chart to incentivize the kinds of development and the kinds of things the Council would like to see happen in the City. The Planning Department recently kicked off a process to update the Master Plan on a Chapter-by-Chapter basis. We anticipate the Housing Chapter will be going through that process in 2023, and because there is no Housing Commission or other Board, we expect to convene a Task Force or Working Group to assist with the Master Plan update effort. That same Task Force or Working Group might be able to assist the Planning Department with establishing some meaningful density bonuses for these various types of development.

### Incentivize Housing:

- A density bonus program can be coupled with an Inclusionary Zoning policy (mandatory provision of workforce or “missing middle” units) to ensure the financial feasibility of projects.

Another component of a density bonus program could be coupled with an Inclusionary Zoning Policy. This is probably something that would take more time than perhaps the Cottage Cluster or Manufactured Housing Amendments would take because it will involve a lot of education to make sure people understand why we are requiring a certain percentage of units within a project to meet certain standards. Mr. Brooks also spoke about Governor Sununu’s plan to set aside \$100 Million worth of Federal Funding toward housing projects and noted that \$60M would be made available to developers through flexible grants; up to \$30M would go toward rewarding communities that approve new housing projects within a set period of time; and, another \$10M could be used toward preparing land for redevelopment. The Planning Department is unsure of when these funds will be available and what the application process will be but will be keeping an eye on this.

### Subsidize Housing:

- Provide incentives for the private development of affordable/workforce housing, e.g. **fee exemptions** and/or density bonuses where appropriate for rental units as well as owner occupied homes. [MP 7.1.S11]

If the City wants to consider waiving fees, this would be a good opportunity to work with developers to find out what the City can/cannot do. In response to Councilor Liot Hill’s question, Mr. Mulholland said the Council can discriminate between 1-2 family homes vs. large apartment complexes.

### Partner in the Development of Housing:

- 20 Spencer Street
- City Administration has initiated discussions with Lebanon Housing Authority about working more closely on future projects, including on city-owned parcels.

Planning staff has been closely working with the Lebanon Housing Authority. Once they move beyond their planned development on Heater Road, they might be very interested in continuing conversations and partnering with us regarding City properties that could be developed (i.e., 3 Seminary Hill).

Mr. Brooks turned the conversation back to the Council and asked them what tools above they would like to see the Planning Department take action on.

Councilor Liot Hill: Interested in the idea of augmenting housing vouchers. City Manager Mulholland noted this is very complex and there are a lot of complicated legal issues due to the Federal/State Statutory provisions that would be required. They are not ready to bring this before the Council at this time but are



1 working on these issues.

2  
3 Mayor McNamara would like to:

- 4 • Focus on areas that are underserved (i.e., small projects often in existing neighborhoods). There is
- 5 less opportunity and fewer developers who can do this.
- 6 • Would like to see work on a demonstration(s) project where there are neighborhoods that might be
- 7 very nervous about something that does not meet the norm.
- 8 • Looking at Zoning is an early thing we can do (i.e., Manufactured Housing) because some of these
- 9 will need to go before the voters and we can only do this once each year.
- 10 • The need to look at housing as a regional issue.
- 11 • Reach out to businesses and ask them what their employees need. It would be useful to have their
- 12 data.

13  
14 Councilor Whittlesey suggested:

- 15 • Developing a problem statement identifying what we are really trying to address (i.e., 1. How do
- 16 we promote/provide affordable housing? 2. How can we sustainably grow our overall housing stock
- 17 – how do we meet the demand for housing in Lebanon?)
- 18 • Flushing out the root causes (of the housing issue) first; and then
- 19 • Using a Project Management approach, like the Community Power model, to solve housing issues.

20  
21 Councilor Sykes would like:

- 22 • To better define the problem(s) we are trying to solve, noting the market does not need help with
- 23 building “affordable apartments,” because if they were not affordable to somebody, they would not
- 24 be built.
- 25 • Focusing on Workforce Housing and/or the missing middle.
- 26 • The creation of a Housing Commission/Task Force that would be able to focus on all the housing
- 27 issues

28  
29 Councilor Heistad: Spoke about the regional efforts on how we all work together has been an issue for a

30 long time. There are a lot of communities that do not participate in actively trying to solve the housing

31 problem. He liked the idea of a demonstration program.

32  
33 Councilor Liot Hill: She spoke about the Housing Chapter of the Master Plan and read D.7 and D.2. She

34 felt there were things that needed to be simultaneous and liked:

- 35 • Finding the right place to do a demonstration project.
- 36 • Identifying barriers to ADU’s (Accessory Dwelling Units).
- 37 • Continuing to work on Housing vouchers.
- 38 • Simultaneously working on a Housing Implementation Plan and developing a Project Management
- 39 approach.

40  
41 Councilor Wilkie:

- 42 • Liked the idea of creating a body that can directly address the housing questions.
- 43 • He spoke about his concerns regarding residents who cannot afford housing; his concerns about
- 44 Workforce housing; and the potential disparity amongst individuals who would be most likely to
- 45 speak out but might be missed.
- 46 • The importance of considering housing that meets the needs of the workforce.
- 47 • Ensure we are considering not just those who voluntarily speak out, but those who might be
- 48 missing (i.e., smaller employers, small businesses, lower wage workers at larger companies, and
- 49 various other people who may be overlooked).

1  
2 City Manager Mulholland noted, that with the Council's permission, Planning Staff could work on the  
3 following items now and plan to move these forward:

- 4 • Cluster Housing/Vermod Model
- 5 • Zoning Regulations

6  
7 Mayor McNamara and Councilor Liot Hill also would like to see priority work done on:

- 8 • Zoning Projects that need to go before the voters.
- 9 • A demonstration project that includes an educational program or integrated plan. Mr. Brooks was  
10 requested to identify one (1) project that could be submitted for an RFP (Request For Purchase).

11  
12 After further lengthy discussions by the Council regarding what they considered high priority items for  
13 housing, City Manager Mulholland stated that Planning Staff will put together a directive document for the  
14 Council to vote on at their next housing meeting.

## 15 16 **11. MAYORAL APPOINTMENTS OF COUNCILORS TO BOARDS & COMMITTEES:**

17  
18 AT Board of Directors – Councilor Wilkie  
19 Arts & Culture Commission – Councilor Zook  
20 Class VI Road Advisory Committee – Councilor Heistad, Alternate pending.  
21 Conservation Commission – Councilor Heistad, Councilor Sykes alternate  
22 Lebanon Airport TIF Advisory Board – Councilor Simon  
23 Grafton County Regional Development Commission – Councilor Liot Hill  
24 Governance Committee – Mayor McNamara, Councilor Liot Hill, Assistant Mayor Below  
25 Economic Development Commission – Councilor Liot Hill/ alternate pending.  
26 Heritage Commission – Councilor Wilkie and Councilor Zook  
27 LEAC –Assistant Mayor Below/ Councilor Wilkie alternate?  
28 Licensing Board – Mayor McNamara  
29 Ped/Bike Committee – Councilor Heistad/ Councilor Sykes alternate  
30 Planning Board – Councilor Zook/ Councilor Whittlesey alternate  
31 Transportation Advisory Committee – Councilor Sykes  
32 SCIMP – No longer functioning  
33 Joint School District/City Task Force – Mayor McNamara, Councilor Whittlesey, Councilor Liot Hill  
34 West Lebanon Revitalization Advisory Committee – Councilor Simon- would like to switch with  
35 someone from another committee.  
36 DEI – Councilor Wilkie/ Councilor Liot Hill

## 37 38 **12. ADJOURNMENT:**

39  
40 *Councilor Wilkie MOVED for adjournment.*

41 *Seconded by Councilor Simon.*

42 *\*The Vote on the MOTION was unanimously approved (9-0)*

43  
44 **The meeting was adjourned at 9:52 PM.**

45  
46 Respectfully submitted,  
47 Dona E. Gibson  
48 Recording Secretary

**AGENDA  
LEBANON CITY COUNCIL  
APRIL 6, 2022**

**8. APPOINTMENTS:**

**APPOINTMENTS**

Board/Committee Appointments as presented by City Clerk Kristin Kenniston

- Economic Development Commission, Andy Key (Reappointment Regular Member)
- Board of Cemetery Trustees, Fran Hanchett (Reappointment At-Large Member)

**Included in this Section:**

1. Memo from City Clerk Kristin Kenniston dated March 29, 2022

# OFFICE OF THE CITY CLERK

## MEMORANDUM

**DATE:** March 29, 2022

**TO:** The Honorable Mayor & City Council

**FROM:** Kristin M. Kenniston, City Clerk

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

---

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

### **Economic Development Commission**

- **Andy Key** – Reappointment as a regular member for another two-year term.  
Interviewed By: Councilor Heistad  
Term: (4/22-4/24)

### **Board of Cemetery Trustees**

- **Fran Hanchett** – Reappointment as an at-large member for another two-year term.  
Interviewed By: Councilor Sykes  
Term: (4/22-4/24)

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [cityclerk](#); [webmaster](#)  
**Subject:** [EXTERNAL] Online Form Submission #5700 for Board Member Application  
**Date:** Wednesday, January 26, 2022 5:57:26 PM

---

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

## 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                    | Andy                      |
| Last Name                     | Key                       |
| Physical Address              | 255 Dartmouth College Hwy |
| City                          | Lebanon                   |
| State                         | NH                        |
| Zip Code                      | 03766                     |
| Is this your mailing address? | Yes                       |
| Home Phone Number             | 6034483060                |
| Work Number                   | 6033816268                |
| Email Address                 | andydana.key@gmail.com    |

---

How long have you  
resided in Lebanon?

36 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?

Economic Development Commission

Other Committee

*Field not completed.*

Why would you like to  
serve?

To make a positive impact on my community.

State a few of what you  
feel your qualifications  
are or why you wish to  
be appointed to this  
board / committee.

Knowledge of development, and Enviromental impacts. And to  
represent the mentality of the next generation.

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.](#)

## Councilor Interview Report Form

Councilor Name: Erling Heistad

Date of Interview: 3/14/2022

Applicant Name: Andy Key

Board(s) to Which Applied: Economic Development Commission

Regular Seat ☒ Alternate Seat ☐

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

(If yes, indicate date of meeting.) Date: Presently a member of the Economic Development Commission

Recommend Appointment: ☒ Yes ☐ No

☒ Regular Seat ☐ Alternate Seat

General Comments: Andy and I had an in-depth conversation concerning the difficulties that young people have trying to start a family, buy a house and become contributing members of the Lebanon community. He feels very strongly that we need to find a way to make starter homes available that are truly affordable. He sees young people like himself moving out of the Upper Valley and looking to Sunapee, Newport or Claremont as more affordable communities. He is aware of the need for young people within the trades to have a way of living in Lebanon to provide the services that residents need and fill open job positions to support the future economic development of the city. He also feels that we need to encourage and attract more immigrants to settle in Lebanon to provide skills and to fulfill the jobs created by our expanding economic development.

He is young, has energy and is excited about the mission of the economic development commission and I recommend his reappointment. I hope he can afford to stay here.

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

---

**From:** [cityclerk](#)  
**To:** [Kristin Kenniston](#)  
**Subject:** FW: [EXTERNAL]Online Form Submission #5198 for Board Member Application  
**Date:** Thursday, July 15, 2021 1:15:26 PM

---

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

#### CONFIDENTIALITY NOTICE

The information contained in this electronic message and any attachments are intended for the exclusive use of the addressee(s) and may contain confidential, privileged information. If you are not the intended recipient, please notify the City Clerk's Office at 603-448-3054 and delete or destroy all copies of this message and any attachments. Any unauthorized use, disclosure, or distribution of this message and any attachments is strictly prohibited.

Website: [lebanonnh.gov](http://lebanonnh.gov)  
Subscribe to Leb E-News at [lebanonnh.gov/subscribe](http://lebanonnh.gov/subscribe)

---

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com) <[noreply@civicplus.com](mailto:noreply@civicplus.com)>  
**Sent:** Thursday, July 15, 2021 1:10 PM  
**To:** [cityclerk](mailto:cityclerk@lebanonnh.gov) <[cityclerk@lebanonnh.gov](mailto:cityclerk@lebanonnh.gov)>; [webmaster](mailto:webmaster@lebcity.com) <[webmaster@lebcity.com](mailto:webmaster@lebcity.com)>  
**Subject:** [EXTERNAL]Online Form Submission #5198 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                      FRANCES



|                                                             |                                                                                                                                                               |
|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Last Name                                                   | HANCHETT                                                                                                                                                      |
| Physical Address                                            | 54 LOWER B STREET                                                                                                                                             |
| City                                                        | LEBANON                                                                                                                                                       |
| State                                                       | New Hampshire                                                                                                                                                 |
| Zip Code                                                    | 03766                                                                                                                                                         |
| Is this your mailing address?                               | Yes                                                                                                                                                           |
| Home Phone Number                                           | 6037279211                                                                                                                                                    |
| Work Number                                                 | <i>Field not completed.</i>                                                                                                                                   |
| Email Address                                               | <a href="mailto:flhanchett64@myfairpoint.net">flhanchett64@myfairpoint.net</a>                                                                                |
| How long have you resided in Lebanon?                       | Lifetime                                                                                                                                                      |
| (Section Break)                                             |                                                                                                                                                               |
| Is this an application for re-appointment?                  | This application is for re-appointment.                                                                                                                       |
| For which board, committee, or commission are you applying? | Board of Cemetery Trustees                                                                                                                                    |
| Other Committee                                             | <i>Field not completed.</i>                                                                                                                                   |
| Why would you like to serve?                                | I truly care about our cemeteries, how they look, how they are cared for and are continued to be cared for; and how they look to anyone walking through them. |

---

State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.

I have spent a lot of time in the cemeteries. I have researched and found all of the Civil War Veterans and some of the Span-American War Veterans and made sure they have flag holders. I have relatives and ancestors in most all of the cemeteries and would like to make sure they will always look nice to reflect that Lebanon cares for their dead.

---

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.**

**From:** [Sykes, George](#)  
**To:** [Kristin Kenniston](#)  
**Subject:** Interview  
**Date:** Wednesday, March 16, 2022 4:44:55 PM

---

### **Councilor Interview Report Form**

Councilor Name: George Sykes

Date of Interview: January 25, 2022

Applicant Name: Fran Hanchett

Board(s) to Which Applied: Cemetery Board of Trustees

X Regular Seat \_\_\_\_\_ Alternate Seat

Has Applicant Attended Meeting of Board to Which Applying? Yes \_\_\_\_\_ No

(If yes, indicate date of meeting.) Date: \_\_\_\_\_

Recommend Appointment: X Yes \_\_\_\_\_ No

X Regular Seat \_\_\_\_\_ Alternate Seat

General Comments:

---

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

#### **Standard Questions for All Applicants:**

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

☐

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

YES

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

YES, Long standing member of the Board.

☐

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

YES

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

NO

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

Historical preservation - Green Burials

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

☐

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

☐

George Sykes  
City Councilor  
Ward 2  
City of Lebanon

3 Avon Avenue  
Lebanon, NH 03766

**AGENDA  
LEBANON CITY COUNCIL  
APRIL 6, 2022**

**9. PUBLIC HEARING ITEMS:**

**9.A – RECLASSIFICATION OF CLASS VI ROAD #28 (OLD KINGS HIGHWAY)  
TO A CLASS A MUNICIPAL TRAIL**

A public hearing for the purpose of receiving public input and taking action to reclassify Class VI Road #28, Old Kings Highway (between Storrs Hill Road and Farnum Hill Road) to a Class A Municipal Trail as recommended by the Class VI Roads Advisory Committee.

The City Council scheduled this public hearing at their March 2, 2022 regular meeting. The public hearing was properly noticed in the *Valley News* on March 26, 2022, and abutting property owners were notified of the hearing via certified notices mailed on March 24, 2022.

**BACKGROUND**

The Kings Highway is arguably one of the oldest public rights-of-way in the City of Lebanon. The original course is currently segmented into several sections, including a variety of road designations, e.g. Class 5, Class 6, Class A trail. The section referred to as #28 extends from the intersection with Hetzel Road, easterly to where it transitions to Storrs Hill Road.

The Class VI Advisory Committee conducted the initial assessment of Road #28 in 2014 and re-reviewed it in 2021. They reviewed the prescriptive evidence supporting the assertion of its existence as a public right-of-way, the current conditions and use, as well as potential future uses, and are recommending that the Council reclassify it to a Class A Trail designation:

*A motion by Donald Lacey that the Class VI Roads Advisory Committee recommend to the Lebanon City Council they reclassify Class VI Road #28 (a segment of the Old Kings Highway, running from Hetzel Road east to Storrs Hill Road) to a Class A Municipal Trail as defined in RSA 231-A:1(I), and as shown on the City of Lebanon Draft Class VI Roads Map printed June, 2013, subject to the following public trail use restrictions: Means of travel shall be restricted to horse, bicycle and foot and snowmobiles when snow cover is adequate. Motor vehicles, wheeled vehicles other than bicycles, and off-highway recreational vehicles other than snowmobiles, shall be prohibited, subject, however to vehicular uses of abutting landowners for access to existing uses of land as set forth in RSA 231-A:1(1).*

*The Public Works Director shall cause to be posted legible signs at the entrances to the trail describing the restrictions contained herein as provided by RSA 231-A:4.*

**ACTION**

*Should the Council decide to reclassify Class VI Road #28 as a Class A Municipal Trail, the following motion is offered for consideration:*

***MOVED, that the Lebanon City Council hereby reclassifies Class VI Road #28 (Kings Highway), between points 825846.0-409422.1 and 828684.3-409254.7 as shown on the Class A Trail Reclassification Map depicting Coordinate System NAD 1983 NH State Plane FIPS 2800, printed February 22, 2022, and included in the April 6, 2022, City Council Agenda Packet as a Class A Municipal Trail, subject to the following use restrictions:***

- 1. Permitted means of travel shall be:***
  - a) feet, skis, snowshoes, and horses.***
  - b) bicycles, ridden appropriately for a multipurpose trail, when the city deems that the conditions of the trail warrant their use; and***
  - c) snowmobiles, ridden appropriately for a multipurpose trail, when snow cover is adequate to warrant their use.***

***Notwithstanding these permissions, none of these uses shall be allowed in a manner or in conditions that will encourage erosion or otherwise damage the trail.***

- 2. All other wheeled or motorized vehicles, on or off road, shall be prohibited, excepting the allowed vehicular uses of abutting landowners for access to uses of their land as set forth in RSA 231- A:1(1).***
- 3. The Public Works Director shall cause to be posted legible signs at the entrance to the trail describing the restrictions contained herein, as provided by RSA 231-A:4.***

Included in this Section:

1. Class VI Road Assessment Template (Road #28)
2. Coordinate Map for Class VI Road #28 (NAD 1983 NH State Plane FIPS 2800) Printed February 22, 2022
3. Abutter Notification Map – Class VI Road #28
4. Notice of Public Hearing as Published in the March 26, 2022 Edition of the *Valley News*

# CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 1 – Legal Status)



**Road Name: Old Kings Hwy – off Storrs Hill Rd – to Hetzl (west)**

## Step 1 – Evidence Supporting Creation of the Road

| CREATION OF THE ROAD                                                                                      | Yes | No |
|-----------------------------------------------------------------------------------------------------------|-----|----|
| Layout (a record of the governing body's layout of the road)                                              |     |    |
| Evidence of Prescription (prior to 1968)<br>- To include map, field, deed, historical documentation, etc) | x   |    |
| Dedication and Acceptance (e.g. Subdivision Layout)                                                       |     |    |
| Deeded Ownership<br>Deed on record at City Clerks office                                                  |     |    |

## Step 1A – Evidence of Prescription

### Map Evidence

|                  |   |
|------------------|---|
| Downs Proprietor | x |
| 1855 W.C. Eaton  | x |
| 1892 Hurd Atlas  | x |
| USGS Map(s)      |   |
| 1930 Torbert Map | x |
| Other            |   |

### Field Evidence

|              |   |
|--------------|---|
| ROW Evidence | x |
| Stone Walls  | x |
| Cellar Holes |   |
| Other        |   |

### Deed Evidence

|     |    |
|-----|----|
| Yes | no |
|-----|----|

### Historical Documentation

|                         |  |
|-------------------------|--|
| Downs History Book      |  |
| R. Carroll History Book |  |
| Oscar Jewell Inventory  |  |
| NH DOT Archives         |  |
| Other                   |  |

### Governing Body Documentation

|                                                      |  |
|------------------------------------------------------|--|
| Governing Body Votes<br>(e.g. to change status, etc) |  |
| Reference Regulations<br>(e.g. weight limits, etc)   |  |
| Other                                                |  |

General Comment(s)

## Step 2 – Evidence of Discontinuance

### Discontinuance Documentation

|                      |   |
|----------------------|---|
| Lebanon City Clerk   | x |
| Town Meeting Minutes | x |
| Registry of Deeds    |   |
| Other                |   |



# CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 2 – Condition & Use Status)



## Step 3 – Current Condition of Road

|                                | Yes | No |
|--------------------------------|-----|----|
| Historical ROW distinguishable | x   |    |
| Supports Hiking                | x   |    |
| Supports Biking                | x   |    |
| Passable by Auto               |     | x  |
| Passable by 4x4                | x   |    |

## Evidence of Road Mis-Use

|                                    | Yes | No |
|------------------------------------|-----|----|
| Excessive Rutting                  |     | x  |
| Littering                          |     | x  |
| Wheeled Vehicle Use                |     | x  |
| Other (e.g. stream erosion, etc.,) | x   |    |

## Step 4 – Current Public Road Usage

|                                                 | Yes | No |
|-------------------------------------------------|-----|----|
| Snowmobile (*portions N/S segments)             | x   |    |
| Pedestrian Hiking Trail                         | x   |    |
| Wheeled Vehicle Use                             |     | x  |
| Landowner(s) Access (accessing abutting props.) | x   |    |
| Access (supporting hunting, maintenance, etc)   | x   |    |
| Other                                           |     |    |

## Step 5 – Potential Future Uses

|                             | Yes | No | N/A |
|-----------------------------|-----|----|-----|
| Hiking / Foot Trail Network | x   |    |     |
| Biking Network              | x   |    |     |
| Emergency Roadway Access    |     | x  |     |
| Lebanon Road Network        |     | x  |     |
| Other                       |     |    |     |



# CLASS VI ROAD ASSESSMENT TEMPLATE

## (Sheet 3 – Status of Recommendation)



### Step 6 – Outreach Activity

|                                                                               | Yes | No |
|-------------------------------------------------------------------------------|-----|----|
| Feedback garnered from residents related to existing and potential future use | x   |    |
| Informal Public Meetings for discussion                                       | x   |    |
| Informal Abutter Notification related to meetings and discussions             | x   |    |
| City Department Feedback                                                      | x   |    |
| Formal Abutter Notification prior to Council Public Hearing                   | x   |    |
| Other                                                                         |     |    |

### Step 7 – Class VI Road Committee Recommendation

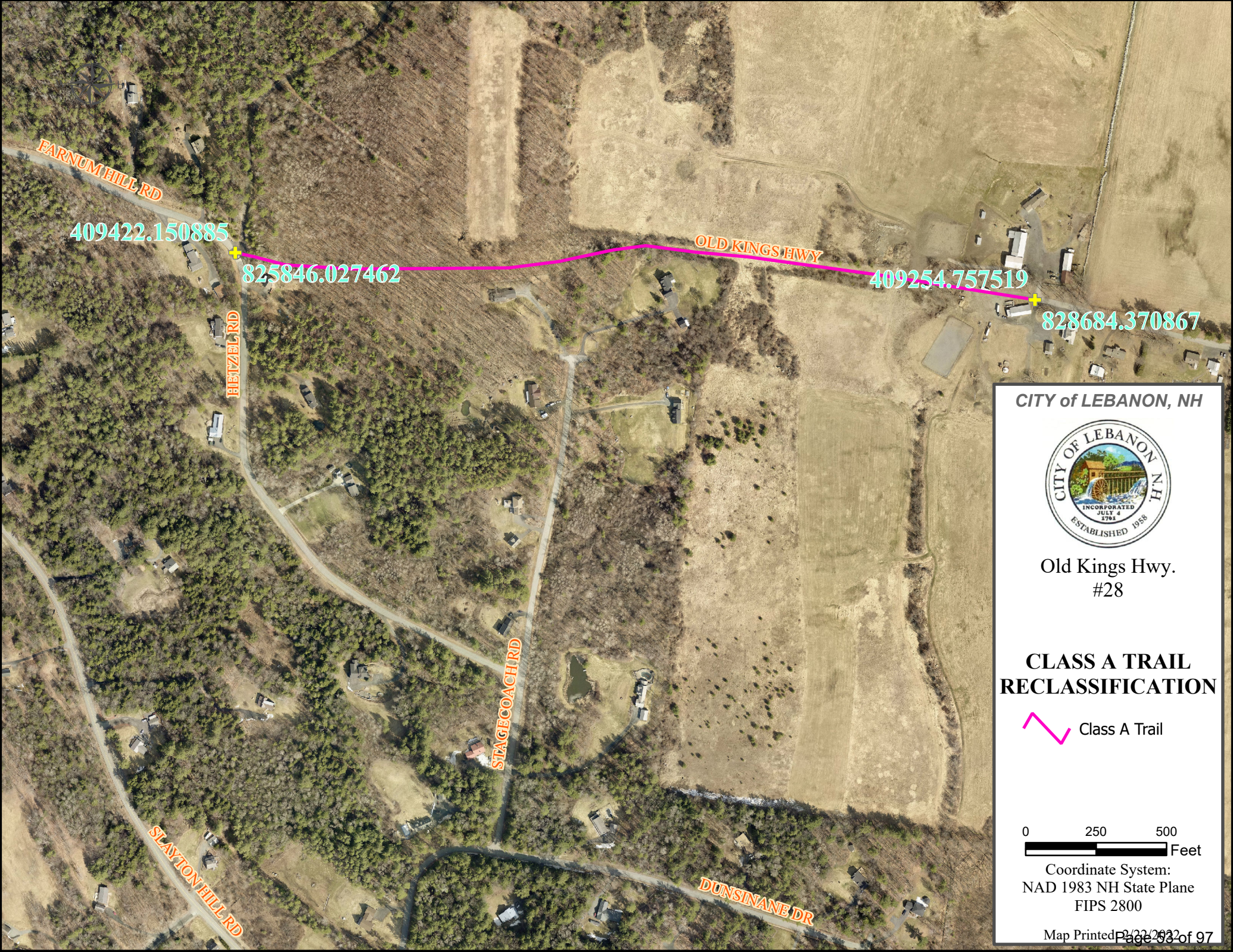
| Status Recommendation | Yes | No |
|-----------------------|-----|----|
| Discontinuance        |     |    |
| Class B Trail         |     |    |
| Class A Trail         | x   |    |
| Class VI Road         |     |    |
| Class V Road          |     |    |

### Step 8: Action Items

|                                                   | Yes | No |
|---------------------------------------------------|-----|----|
| Signage to be installed                           | x   |    |
| Gates / Barriers to be installed                  |     |    |
| Funding Source Identified to support action items |     |    |
| Coordination amongst vested/interested parties    |     |    |
| Abutter Notice                                    |     |    |







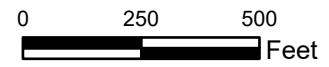
CITY of LEBANON, NH



Old Kings Hwy.  
#28

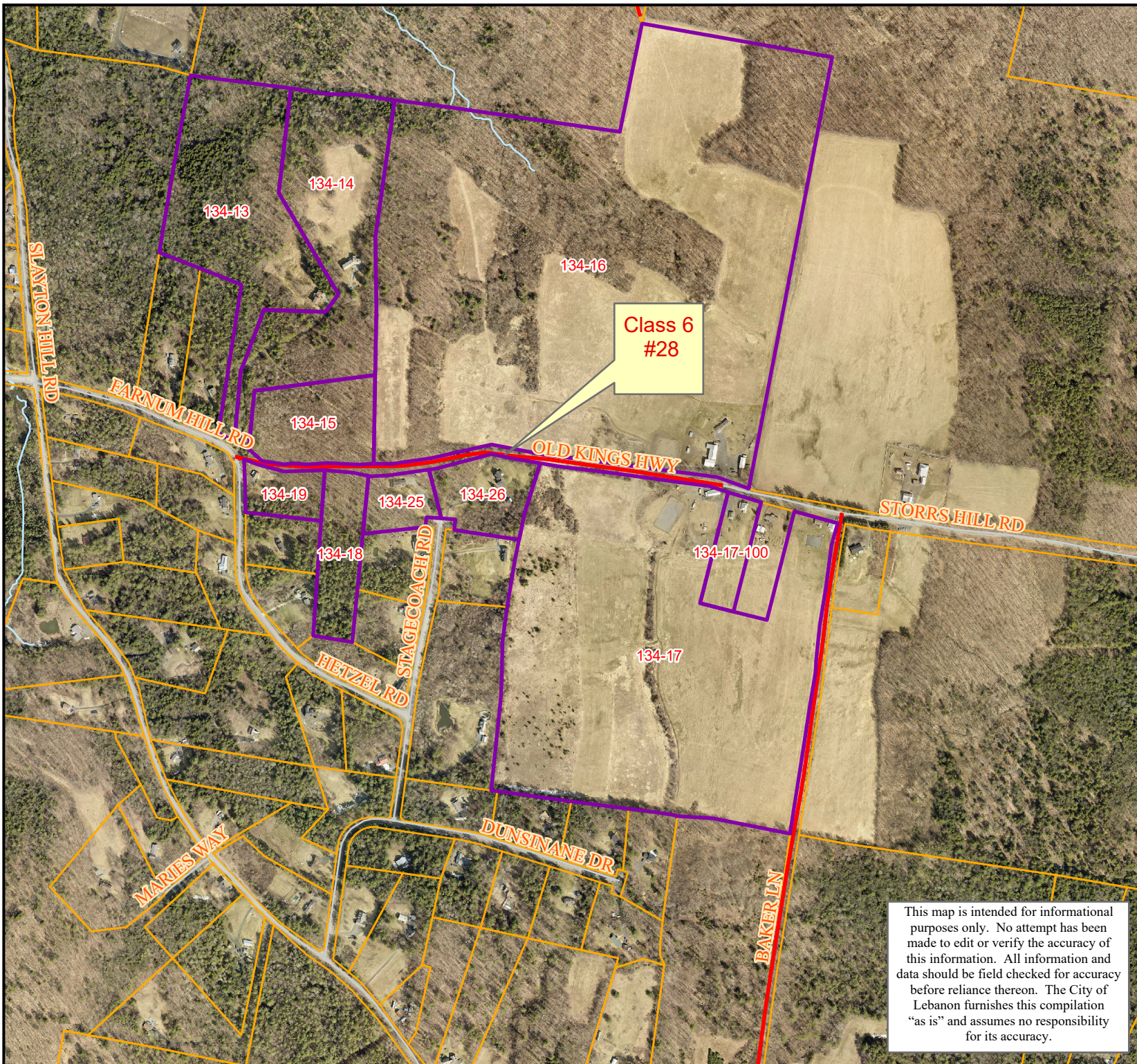
**CLASS A TRAIL  
RECLASSIFICATION**

 Class A Trail

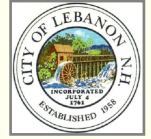


Coordinate System:  
NAD 1983 NH State Plane  
FIPS 2800





CITY of LEBANON, NH



## Class 6 Road Abutter Notice Map

Road #28  
Old Kings Hwy

This map is intended for informational purposes only. No attempt has been made to edit or verify the accuracy of this information. All information and data should be field checked for accuracy before reliance thereon. The City of Lebanon furnishes this compilation "as is" and assumes no responsibility for its accuracy.

Map created by LebGIS  
Map printed on 02/22/22

**DRAFT**





**LEBANON CITY COUNCIL  
NOTICE OF PUBLIC HEARING**  
**Wednesday, April 6, 2022 - 6:00pm**  
**Council Chambers, City Hall or**  
**REMOTE VIA VIRTUAL PLATFORM**  
**[LebanonNH.gov/LIVE](http://LebanonNH.gov/LIVE)**

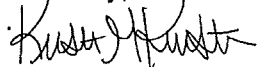
The Lebanon City Council will hold a public hearing on April 6, 2022, beginning at 6:00pm for the following:

**A. RECLASSIFICATION OF CLASS VI ROAD #28 – A** public hearing for the purpose of receiving public input and taking action on the reclassification of Class VI Road #28, Old Kings Highway (between Storrs Hill Road and Farnum Hill Road) to a Class A Municipal Trail.

The April 6, 2022 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning April 1, 2022: [LebanonNH.gov/Agendas](http://LebanonNH.gov/Agendas)

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

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, March 26, 2022.



Kristin M. Kenniston, City Clerk

**AGENDA  
LEBANON CITY COUNCIL  
APRIL 6, 2022**

**11. NEW BUSINESS:**

**11.A – DISCUSSION WITH CLASS VI ROADS ADVISORY COMMITTEE RE:  
COMMITTEE PURPOSE/CHARGE & EXPECTATIONS**

**BACKGROUND**

The current Purpose/Charge of the Class VI Roads Advisory Committee is as follows:

“The Class VI Roads Advisory Committee shall review the status of all of the Class VI roads within the City to include their current, historic, and possible future uses, and to report findings and make recommendations to the Council for their action to continue the present use, upgrade, discontinue or otherwise change the status of the roads.”

Steve Wood, Chairperson of the Class VI Roads Committee, has requested a discussion with the Council to ensure the committee understands its role and the expectations of the City Council moving forward.

**ACTION**

*No formal action is required. Item is for discussion purposes only.*

# AGENDA

## LEBANON CITY COUNCIL

### APRIL 6, 2022

#### 11. NEW BUSINESS:

##### **11.B – AUTHORIZATION FOR CITY MANAGER TO PREPARE AND EXECUTE DOCUMENTS FOR THE SALE OF A .11 OF AN ACRE OF A PORTION OF CITY-OWNED LAND IDENTIFIED AS TAX MAP 91, LOT 253**

#### **BACKGROUND**

Recreo, LLC is the new owner of property located at 2 Mascoma Street, Lebanon (former location of the Village Market, further identified as Tax Map 91, Lot 254) which directly abuts City-owned land at 12 South Park Street (Fire Station #1, further identified as Tax Map 91, Lot 253).

Conceptual plans for redevelopment of 2 Mascoma Street have been presented to the Planning Board. The plans as presented require a boundary line adjustment between 2 Mascoma Street and 12 South Park Street. The total amount of land affected by the proposed boundary line adjustment equals +/- .11 of an acre.

As you will see from the attached plan, the land that is the subject of this proposed boundary line adjustment, is otherwise unusable by the City or any other entity. It is a small wedge located on a very steep slope that drops sharply down to parcel 91-254. Administration recommends the sale of this land to Recreo, LLC.

The attached letter from Tim Sidore on behalf of Recreo, LLC offers a purchase price of \$12,899.44 for the land in question.

In accordance with Council Policy CC-102, Real Property Transactions, City Manager Mulholland has prepared a statement of public benefit which is attached for your review.

#### **ACTION**

*Should the City Council decide to move forward with the future sale of this portion of 91-253, the following motion is offered for consideration:*

***MOVED, that in accordance with City Council Policy CC-102, Real Property Transactions, the Lebanon City Council hereby authorizes the City Manager to prepare and execute documents for the sale of a +/- .11 of an acre for a portion of property identified as City Tax Map 91, Lot 253, located at 12 South Park Street, Lebanon, to abutting property owner Recreo, LLC in the amount of \$12,889.44 and to include any other appropriate conditions/requirements he may deem necessary.***

#### **Included in this Section:**

1. March 23, 2022 letter by Tim Sidore, Chief of Operations for Recreo, LLC
2. Map showing proposed boundary line adjustment between Recreo, LLC (Tax Map 91, Lot 254) and the City of Lebanon (Tax Map 91, Lot 253)
3. Recreo, LLC Site Plan Review Map
4. GIS Location Map showing areas surrounding Tax Map 91, Lots 253 & 254
5. March 30, 2022 Statement of Public Benefit by City Manager Shaun Mulholland



# EXECUSUITE LLC

*Bringing new life to our historic downtowns*

March 23, 2022

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

Dear Mr. Mulholland:

We request the City of Lebanon consider and approve a boundary line adjustment between Lots 91-254 (2 Mascoma Street, owned by Recreo, LLC) and 91-253 (12 South Park Street, owned by the City of Lebanon). This annexation totals .11 acres and will facilitate the proposed construction of a multifamily housing project at 2 Mascoma Street by providing additional land space to create a more attractive entry plaza area, including the siting of propane tanks.

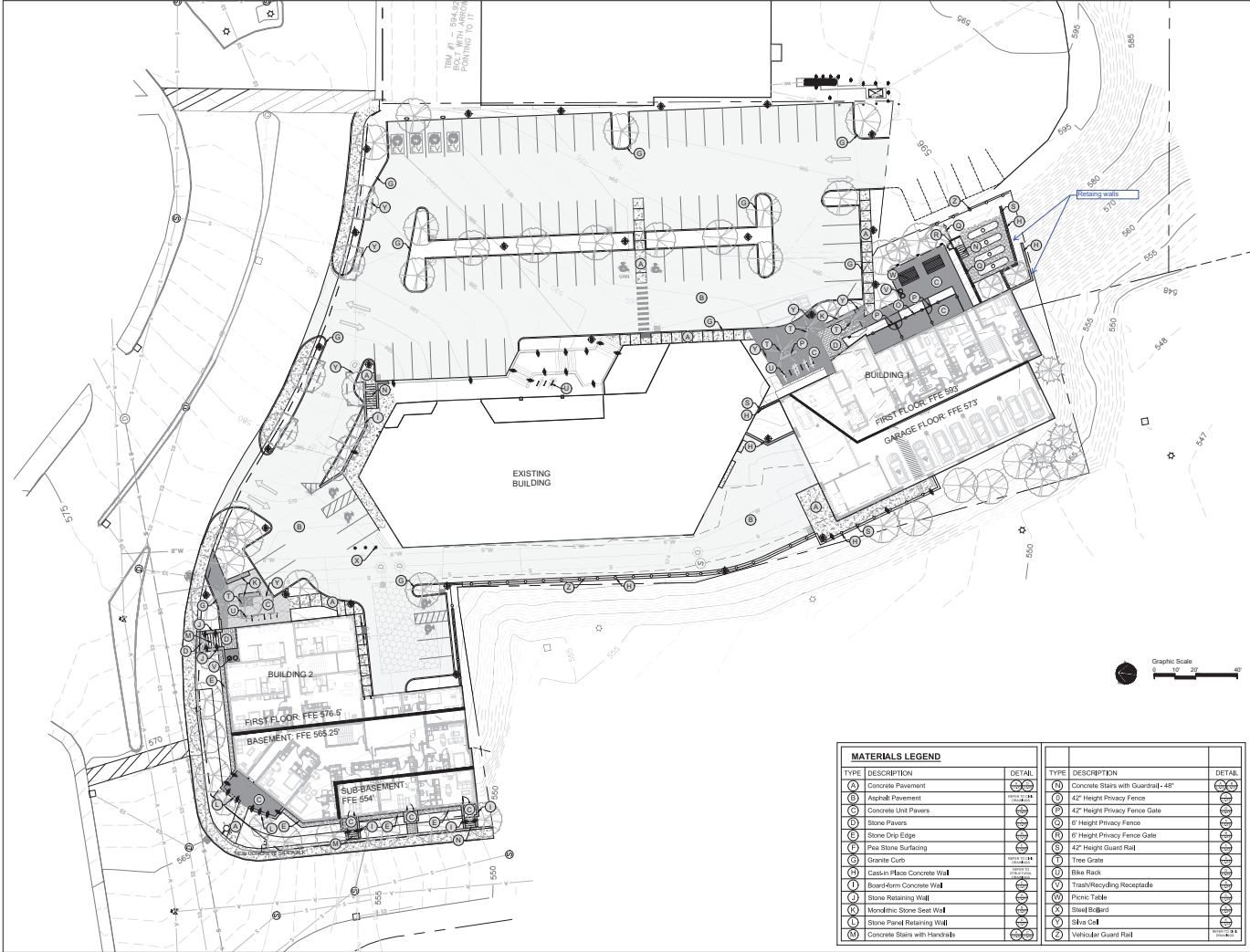
To affect the annexation, Recreo, LLC proposes a purchase price of \$12,899.44. This value is based on comparable area rates for land.

We greatly appreciate your consideration of our proposal and project.

Very truly yours,

Tim Sidore, Chief of Operations  
Ledgeworks, Inc.  
Recreo, LLC  
Execusuite, LLC





| MATERIALS LEGEND |                                |        |      |                                      |        |
|------------------|--------------------------------|--------|------|--------------------------------------|--------|
| TYPE             | DESCRIPTION                    | DETAIL | TYPE | DESCRIPTION                          | DETAIL |
| (A)              | Concrete Pavement              | (A-1)  | (G)  | Concrete Stairs with Guardrail - 45" | (G-1)  |
| (B)              | Asphalt Pavement               | (B-1)  | (H)  | 42" Height Privacy Fence             | (H-1)  |
| (C)              | Concrete Unit Pavers           | (C-1)  | (I)  | 42" Height Privacy Fence Gate        | (I-1)  |
| (D)              | Stone Pavers                   | (D-1)  | (J)  | 6" Height Privacy Fence              | (J-1)  |
| (E)              | Stone Drip Edge                | (E-1)  | (K)  | 6" Height Privacy Fence Gate         | (K-1)  |
| (F)              | Pea Stone Surfacing            | (F-1)  | (L)  | 42" Height Guard Rail                | (L-1)  |
| (G)              | Granite Curb                   | (G-1)  | (M)  | Tree Grate                           | (M-1)  |
| (H)              | Cash-in-Place Concrete Wall    | (H-1)  | (N)  | Blue Rain                            | (N-1)  |
| (I)              | Board-Around Concrete Wall     | (I-1)  | (O)  | Trash/Recycling Receptacle           | (O-1)  |
| (J)              | Stone Retaining Wall           | (J-1)  | (P)  | Picnic Table                         | (P-1)  |
| (K)              | Monolithic Stone Seat Wall     | (K-1)  | (Q)  | Steel Bollard                        | (Q-1)  |
| (L)              | Stone Panel Retaining Wall     | (L-1)  | (R)  | Stone Crib                           | (R-1)  |
| (M)              | Concrete Stairs with Handrails | (M-1)  | (S)  | Vehicle Guard Rail                   | (S-1)  |



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fax: 802.865.2440  
www.segroup.com



ARCHITECT  
STATE OF VERMONT  
JAMES M. ASHLEY  
0000000000

**RECREO LLC**

Issued For:  
SITE PLAN REVIEW

**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

Issue Date: March 14, 2022

| Revisions |             |      |
|-----------|-------------|------|
| No.       | Description | Date |
|           |             |      |
|           |             |      |
|           |             |      |

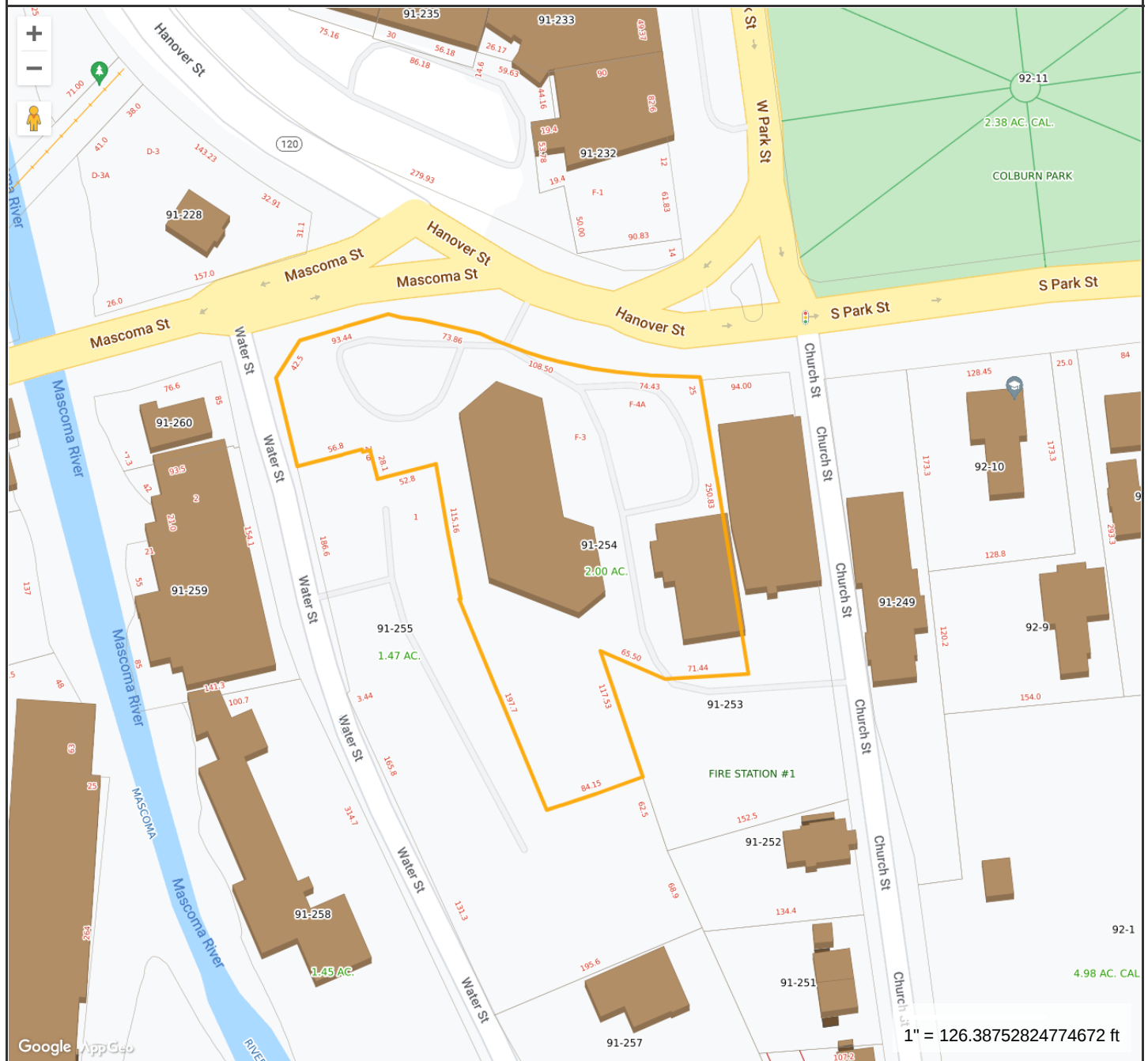
**MATERIALS PLAN**

Project No.: 2119

**L2.01**



## 2 Mascoma/12 South Park



**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

City of Lebanon, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 12/29/2021  
Data updated 11/18/2018

Print map scale is approximate.  
Critical layout or measurement  
activities should not be done using  
this resource.



CITY MANAGER'S OFFICE  
City of Lebanon, NH  
51 North Park Street  
Lebanon, NH 03766  
(603) 448-4220 fax (603) 966-3122

**TO:** Mayor McNamara and City Councilors  
**FROM:** City Manager Shaun Mulholland  
**DATE:** 3/30/2022  
**RE:** **Sale of a portion of City owned land located Map 91 Lot 253**

---

This letter serves as my recommendation to sell a portion of City owned land which is located on Map 91 Lot 253, 12 South Park St. commonly know as the Central Fire Station or Fire Station #1. Recreo, LLC owns the adjacent parcel located on Map 91 Lot 254 commonly known as the property where they former Lebanon Village Market was located.

Recreo plans to redevelop the property which will include new multifamily residential and possible commercial uses. In order to maximize this 2 acre property Recreo needs a portion of the City owned property equating to approximately .11 of an acre to allow sufficient setbacks for the placement of propane tanks.

This particular piece of this property does not provide any specific value to the operation of the fire department or the City in general. It is presently not occupied by a structure or parking area. There are no future plans by the City to expand into this area. The future plans involve the City divesting itself of this property for a more suitable site for a modern central fire station. This would eventually allow the fire station property to be redeveloped for higher and better uses.

The proposed residential and commercial structures will help to address the identified shortage of housing in the City. Further, development at this location follows the smart growth concepts the City has been encouraging. It allows for growth in the City's core downtown area where utilities are located and access to public transportation. The proposed project by Recreo will enhance the aesthetics of the downtown area and provided increased property tax value.

The proposed offering price is slightly above the median prices determined by MRI, the City's assessing firm.

**AGENDA  
LEBANON CITY COUNCIL  
APRIL 6, 2022**

**11. NEW BUSINESS:**

**11.C – AUTHORIZATION FOR CITY MANAGER TO ENTER INTO A  
LEASE AGREEMENT WITH EXECUSUITE, LLC FOR CONTINUED USE OF  
BANK STREET BALLFIELDS (FORMER JUNIOR HIGH)**

**BACKGROUND**

The City first entered into a formal lease agreement for use of the fields at the former Junior High on Bank Street in 2019. The 2019 lease was for a two-year initial period and did not contain language for automatic renewal. The City desires to continue use of the fields and is thereby requesting the Council to authorize the City Manager to execute a new lease agreement.

The terms of the proposed lease include the following:

- An initial two-year term (ending March 31, 2024).
- Automatic renewal for additional two-years terms unless a 90-day notice is provided by either party.
- Rent: First year \$13,112; Second year \$13,505 – Rent to be renegotiated for any additional terms.

**ACTION**

***MOVED, that the Lebanon City Council hereby authorizes the City Manager to enter into and execute a lease agreement in the amount of \$26,617 with Execusuite, LLC to permit the continued use of the field space located at 75 Bank Street, Lebanon.***

# AGENDA

## LEBANON CITY COUNCIL

### APRIL 6, 2022

#### 11. NEW BUSINESS ITEMS:

##### **11.D – DISCUSSION & SET PUBLIC HEARING FOR APRIL 20, 2022: REAPPROVAL OF 79-E APPLICATION FOR 1 MECHANIC STREET, LLC**

##### **BACKGROUND:**

On April 21, 2021, the Lebanon City Council approved an application from One Mechanic Street, LLC for seven (7) years of limited property tax relief pursuant to the City's Community Revitalization Tax Relief Incentive (RSA 79-E) Program. The tax relief was requested and granted in connection with a project to convert an existing commercial building into eighteen (18) dwelling units on property located at 1 Mechanic Street (Tax Map 91, Lot 264). Attached hereto is an excerpt of the Planning Department's original agenda packet dated March 26, 2021 and an excerpt of the minutes from the Council's April 21, 2021 meeting.

Under the terms approved by the City Council, the project is required to be completed on or before April 21, 2022, "unless otherwise extended by the City Council in writing." On March 22, 2022, Jeremy Katz, Manager of One Mechanic Street, LLC, submitted a request for an extension of time associated with the approved property tax relief. In the request, Mr. Katz noted that while the project was started in a timely fashion, the Covid-19 pandemic and resulting supply chain disruptions and other delays have prevented the project from proceeding as expected, and he did not expect to meet the April 2022 deadline for the completion of work.

In considering the request to extend the tax relief associated with the project, the Council is, in essence, verifying that the proposed project and property continue to comply with the provisions of the 79-E program and would be re-approving the applicant's participation in the program. Under the terms of the 79-E program, the City Council must hold a public hearing on the request to determine whether the proposed project still qualifies for the tax relief incentive.

The property at 1 Mechanic Street remains a *Qualifying Structure* located within the designated Downtown Lebanon 79-E district and the project continues to exceed the required threshold to be considered a *Substantial Rehabilitation*. In addition, staff presumes that the previously documented *Public Benefits* approved by the City Council still apply to the project, including:

1. Enhancement of the economic vitality of Downtown Lebanon, and
2. Promotion of the preservation and reuse of existing building stock, and
3. Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community consistent with RSA 9-B, and
4. Increasing residential housing in municipal centers.

Since the tax relief was originally granted, there have been no changes to the location or extent of the designated 79-E districts. It is noted, however, that the City Council adopted policy #CC-105 (Community Revitalization Tax Relief Incentive Program Guidelines) in August 2021, which established a process and guidelines for City Council's consideration of applications for 79-E tax relief. Whereas the property is also situated within the Downtown Tax Increment Finance District, Section 5.3 of the Policy normally requires review of the request by the Downtown TIF District Advisory Board. However, since this is a request for re-approval of the same project for the same time period of tax relief, staff does not believe it is necessary for the Downtown TIF Advisory Board to review the project again pursuant to the policy.

**ACTION:**

Should the Council decide to schedule a public hearing on this application, the following motion is offered for consideration:

***MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, April 20, 2022, beginning at 6:00pm in the Council Chambers, City Hall, for the purpose of receiving public input and taking action on a request by One Mechanic Street, LLC, for an extension of tax relief under the provisions of the Community Revitalization Tax Relief Incentive Program (NH RSA 79-E) as adopted by the City Council on February 17, 2016.***

**Included in this Section:**

1. March 22, 2022 letter from Jeremy Katz - Request for Extension of Property Tax Relief for 1 Mechanic Street
2. Declaration of Covenants
3. March 26, 2021 Memo from Planning & Development Director David Brooks - Community Revitalization Tax Relief Incentive Program (RSA 79-E) Application for One Mechanic Street, LLC
4. Excerpt of April 21, 2021 City Council meeting minutes
5. Council Policy, CC-105, Community Revitalization Tax Relief Incentive Program Guidelines

One Mechanic Street, LLC  
PO Box 1325  
Lebanon, NH 03766

Lebanon City Council  
Lebanon Planning & Development Department  
51 North Park Street  
Lebanon, NH 03766

Re: Request for Extension of Property Tax Relief for 1 Mechanic Street, granted by the City of Lebanon on April 21, 2021 pursuant to the provisions of RSA Chapter 79-E

March 22, 2022

To whom it may concern:

My redevelopment project at 1 Mechanic Street was granted relief pursuant to RSA 79-E on April 21, 2021 that required the project "....to be completed on or before April 21, 2022, unless otherwise extended by the City Council in writing."

I respectfully request that the City Council extend the completion date requirement and Tax Relief period. Good cause exists for the extension as the construction time has been prolonged due to circumstances beyond my control. Specifically, the COVID-19 pandemic has introduced substantial supply chain disruption that has affected labor and material availability, pricing, and delivery intervals. Additional delays were introduced on the site when a second environmental remediation was required (and completed) in the lower paved area in the south of the lot, as well as when an engineering matter required a comprehensive code interpretation proceeding.

Despite the delays, substantial investment has been consistently made into the property and the exterior superstructure already presents an aesthetic upgrade on Mechanic Street compared to the formerly blighted structure.

The deadline for construction is April 21, 2022. I am unable to meet that timeframe. Therefore, I am requesting a 2-year extension for the Tax Relief in order to account for residual labor and material supply chain vagaries and be able to complete the project.

Finally, as precedent for extensions, I respectfully refer you to the 2017 extension of Dana Seguin's project at 4 South Park Street - granted under less stressful (i.e. non-pandemic) circumstances.

Sincerely,



Jeremy Katz  
Manager  
One Mechanic Street, LLC



## DECLARATION OF COVENANTS

**KNOW ALL MEN BY THESE PRESENTS** that **One Mechanic Street, LLC**, with a principal mailing address at P.O. Box 1325, Lebanon, New Hampshire 03766, (owner of the Property described below and hereinafter referred to as the "Grantor"), for consideration of property tax relief granted by the **City of Lebanon**, a municipal corporation with a principal place of business at 51 North Park Street, Lebanon, New Hampshire 03766 (hereinafter the "Grantee" or "City"), pursuant to the provisions of RSA Chapter 79-E (Community Revitalization Tax Relief Incentive), grants and agrees to the following COVENANTS for the public benefit of the City:

**WHEREAS** these Covenants are made in exchange for property tax relief granted with respect to a certain property owned by the Grantor, identified in the City's records as 1 Mechanic Street, Lebanon, and Map 91, Lot 264 on the City's tax maps (hereinafter the "Property"). This property tax relief has been granted as a result of the Substantial Rehabilitation or replacement of a Qualifying Structure located on the Property by the Grantor in accordance with the Grantor's proposal, as reviewed and approved by the City of Lebanon City Council on April 21, 2021; and

**WHEREAS** these Covenants are to protect the public benefit(s) in accordance with the provisions of RSA 79-E and shall be in effect for fourteen (14) years, which is twice the number of years of the property tax relief approved by the City Council, such property tax relief having been approved for a term of seven (7) years, beginning on April 1st of the tax year commencing immediately after the completion of the Project, unless otherwise terminated as described herein; and

**WHEREAS** the Grantee agrees that the Substantial Rehabilitation or replacement of a Qualifying Structure in accordance with the Project as proposed by Grantor and approved by the City provides one or more demonstrated public benefit(s) in accordance with the provisions of RSA 79-E:7 because the Substantial Rehabilitation or replacement of the Qualifying Structure achieves the following:

1. Enhancement of the economic vitality of the downtown; (RSA 79-E:7, I)
2. Promotion of the preservation and reuse of existing building stock throughout a municipality; (RSA 79-E:7, II-a)
3. Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community; (RSA 79-E:7, III), and
4. An increase of residential housing in urban or town centers. (RSA 79-E:7, IV)

**NOW THEREFORE**, the terms of these Covenants hereby granted by the Grantor with respect to the Property shall be effective for twice the number of years of property tax relief granted and are stated as follows:

1. REHABILITATION / REPLACEMENT OF A QUALIFYING STRUCTURE LOCATED ON THE PROPERTY. Grantor agrees to Substantially Rehabilitate or replace a Qualifying Structure located on the Property in accordance with the Grantor's Project as approved by the Lebanon City Council on April 21, 2021.

a) Grantor shall secure a Building Permit for the Project and commence construction no later than April 21, 2022, unless otherwise extended by the City Council in writing;

b) The Substantial Rehabilitation or replacement, as approved, shall be completed and a certificate of occupancy obtained by the Grantor on or before April 21, 2022, unless otherwise extended by the City Council in writing;

c) All work on the Project shall be completed in order for the property tax relief to become effective. Should the Project be only partially completed prior to March 31st of any year prior to final completion, the Property shall be fully assessed for the value of work completed during that year and any subsequent year prior to final completion;

d) If the Property or any portion of the Project at any time is fully or partially exempt from real or personal property tax during the term of this Covenant, the owner of the Property shall make payments in lieu of taxes (PILOT) for the remaining term of this Covenant in an amount equal to the ad valorem tax that would be payable on real and personal property if the Property were not exempt from such tax;

2. MAINTENANCE OF THE PROPERTY. The Grantor agrees to maintain, use, and keep the Property, including any structures thereon, in a condition that furthers the public benefit(s) for which the property tax relief was granted.

3. REQUIRED INSURANCE, USE OF INSURANCE PROCEEDS, AND TIMEFRAME TO REPLACE OR REMOVE DAMAGED PROPERTY. Grantor agrees and is required to obtain and maintain property and casualty insurance, as well as flood insurance, if appropriate, for twice the number of years of property tax relief granted to ensure proper restoration or replacement of the Project and the Property. Such insurance shall, effective as of the date on which the Project is complete (as such date is determined by the City under Paragraph 1 above), name the City as an additional insured by endorsement and the City shall be provided with certificates of insurance annually. Grantor agrees to have the City made a Loss Payee of the proceeds of any property or casualty insurance coverage, subject to the rights of any current or future mortgagee of the Property and any structures thereon, for the purpose of ensuring proper and timely restoration or demolition of the Property, including any damaged structures thereon. Grantee further requires that restoration or demolition commence within one year following the date of any occurrence or incident for which an insurance claim is or could be made; otherwise the Grantor shall be subject to the termination provisions set forth in RSA 79-E:9, I. The obligation to name the City as an additional insured and a Loss Payee shall remain in effect for the term of these Covenants.

4. RECORDING. Grantee shall record this Declaration of Covenants at the Grafton County Registry of Deeds at the sole expense of Grantor and shall retain a copy of the recorded agreement.

5. ASSESSMENT OF THE PROPERTY. Upon completion of the Project, Grantee agrees that the Property, including all such improvements related to the Project, shall be assessed, during the term of the property tax relief period, based on the pre-rehabilitation assessed value at the time the application for property tax relief was approved, unless Grantor fails to comply with the terms of the Covenants or otherwise fails to maintain or utilize the Property and any structures thereon in accordance with the Project documents.

6. TERMINATION OF COVENANTS. Pursuant to RSA 79-E:9, if Grantor, its agents, employees, successors, assigns, legal representatives or transferees, fails to abide by the terms of these Covenants or otherwise fails to maintain or utilize the Property and any structures thereon

in accordance with the Project documents, the City Council shall, after a duly-noticed public hearing, determine whether and to what extent the public benefit(s) of the Project has been diminished and shall further determine whether to terminate or reduce the property tax relief period in accordance with such determination. If these Covenants are terminated, the City shall assess all taxes, with interest, to the owner as though no property tax relief was granted in accordance with RSA 79-E:9, II.

Grantor shall be bound by all applicable provisions of RSA 79-E for the term of these Covenants. These Covenants are a burden upon the Property and shall bind all agents, employees, successors, assigns, legal representatives or transferees of Grantor. Such Covenants may not be amended, modified, or terminated except by consent of the City.

This agreement made this 30 day of APRIL, 2021.

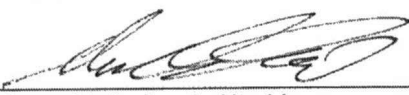
GRANTOR:

By:

  
Jeremy Katz, Manager  
One Mechanic Street, LLC

GRANTEE:

By:

  
Shaun Mulholland, City Manager  
Duly Authorized



## CITY OF LEBANON ~ PLANNING & DEVELOPMENT

### MEMORANDUM

**TO:** Honorable Mayor and City Councilors

**CC:** Shaun Mulholland, City Manager

**FROM:** David Brooks, Planning & Development Director

**RE:** Community Revitalization Tax Relief Incentive Program (RSA 79-E) Application  
One Mechanic Street, LLC – 1 Mechanic Street; M/L 91-264

**DATE:** March 26, 2021

---

#### **INTRODUCTION:**

In February 2016, the City Council adopted the provisions of the Community Revitalization Tax Relief Incentive Program pursuant to NH RSA 79-E to encourage rehabilitation of existing buildings and structures in downtown Lebanon and downtown West Lebanon. On February 26, 2021, One Mechanic Street, LLC applied for consideration under the program.

One Mechanic Street, LLC is the owner of property located at 1 Mechanic Street, Lebanon (Tax Map 91, Lot 264; the former NAPA auto parts building), which is situated in the Lebanon Downtown (LD) Zoning District. On November 23, 2020, the Planning Board granted Site Plan approval to convert the existing commercial structure into an 18-unit multi-family building. The anticipated improvements will include complete interior renovation and exterior rehabilitation as part of the conversion from commercial to residential use. Excerpts of project plans and elevation drawings from the pending building permit application are attached for review.

Under the terms of the 79-E program, the City Council must hold a public hearing on the application within 60 days from receipt of the application to determine whether the structure at issue is a Qualifying Structure; whether the proposed project is a Substantial Rehabilitation; and whether there is a Public Benefit to granting the requested tax relief, and if so, for what duration.

#### ***Does the project involve a Qualifying Structure?***

The existing building, located at 1 Mechanic Street, is situated within the Downtown Lebanon 79-E District as adopted by the City Council and, therefore, the property can be considered a Qualifying Structure.

#### ***Is the project a Substantial Rehabilitation?***

Since receiving the application, the City Assessor has reviewed the property and verified the current pre-rehabilitation assessed valuation to be \$285,900. Under the terms of the 79-E program as adopted by the City, the project must cost at least 15% of the pre-rehabilitation assessed valuation (\$42,885) or \$75,000, whichever is less, in order to be considered substantial. The applicant has provided a cost estimate of \$1,675,000 for completing the entire renovation and rehabilitation project as proposed. The Building Inspector has reviewed the proposed project plans to verify that the estimated cost is reasonable based on the scope of the project and is comfortable that the project will far exceed 15% of the current assessed valuation as required. As a result, the project can be considered a Substantial Rehabilitation.

***Does the project generate one or more Public Benefits?***

Appropriate public benefits for consideration of the 79-E program are specifically identified within the state law, including:

- Enhancement of the economic vitality of the downtown; (RSA 79-E:7, I)
- Enhancement and improvement of a structure that is culturally or historically important on a local, regional, state or national level, either independently or within the context of an historic district, town center, or village center; (RSA 79-E:7, II)
- Promotion of the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures; (RSA 79-E:7, II-a)
- Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community consistent with RSA 9-B (State Economic Growth, Resource Protection, and Planning Policy) (RSA 79-E:7, III); or
- Increase of residential housing in urban or town centers. (RSA 79-E:7, IV)

As noted in the application form and cover letter, the applicant has indicated that the project will address several of the stated public benefits, including enhancing economic vitality, promoting the preservation and reuse of existing building stock, promoting the development of municipal centers, and increasing residential housing in municipal centers. If the City Council agrees with the above statements, the project can be considered to generate one or more Public Benefits in furtherance of the purposes of the 79-E program.

***For how long may tax relief be granted?***

Under the terms of the 79-E program, the City Council may, in its discretion, grant up to five (5) years of tax assessment relief for a project that complies with the program requirements. The City Council may also, in its discretion, grant up to two (2) additional years of tax relief for a project that results in new residential units and up to four (4) additional years of tax relief for a project that includes affordable housing. For any amount of tax relief approved, such tax relief begins upon the completion of the Substantial Rehabilitation.

The applicant has requested a minimum of seven (7) years of tax relief for the project, which appears to comply with program requirements and will result in the creation of new residential units in downtown Lebanon. In addition, the applicant has requested that the City Council consider granting up to four (4) additional years, for a total of 11 years, for the project that will include affordable housing.

RSA 79-E does not define the term “affordable” for purposes of the tax relief incentive program nor does it specify any minimum number or percentage of units that must be considered affordable in order to merit the tax relief. The applicant has referenced the definition of “affordable” from RSA 674:58 (the Workforce Housing statute), which, for that statute, states that “‘affordable’ means housing with combined rental and utility costs ... that do not exceed 30 percent of a household's gross annual income.” The applicant has further indicated that at least one-third (1/3) of the new residential units will be rented at prices that are affordable to a one-person household earning 100% of the Area Median Income (AMI) for Grafton County as determined by HUD and reported by New Hampshire Housing Finance Authority. For context, 100% of AMI for a one-person household in Grafton County is approximately \$64,800, which translates to a monthly rental rate of up to \$1,620 for rent and utility costs.

Since the City Council is essentially deciding whether to forego potential property tax revenue by granting limited tax relief through the 79-E program, the Planning staff recommends that the City Council carefully balance the benefit of enabling projects that might not otherwise “pencil out” and

the public benefits to be derived from such projects versus the property tax revenue foregone through the tax relief.

The 79-E statute, and the program as adopted by the City, already requires the City Council to determine that one or more of the enumerated public benefits is generated by a project in order to grant up to five (5) years of tax relief. And whereas an increase of residential housing in our downtowns is a goal expressed in the 2012 Master Plan as well as the recent visioning efforts conducted for both Downtown Lebanon and West Lebanon Village, granting two (2) more years for projects that result in new downtown housing seems to address stated community goals. However, staff suggests that granting up to four (4) additional years of tax relief for affordable housing should perhaps include requirements for a minimum number or percentage of units as well as specific levels of affordability to address community needs in exchange for the additional tax relief.

For purposes of determining whether to grant additional years of tax relief for projects that will include affordable housing, Planning staff recommends that the City utilize the definition of “workforce housing” instead of the term “affordable” from RSA 674:58. In that statute, the State defines workforce housing for rental units to mean “rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household”. While “affordable” connotes a relative and variable threshold as determined by an individual household’s gross annual income, “workforce housing” provides a rental threshold that is specifically tied to the region’s Area Median Incomes (AMI) and the community’s need for truly affordable housing. New Hampshire Housing Finance Authority annually publishes “Workforce Housing Purchase and Rent Limits”, which provides information about the estimated maximum affordable amounts for purchase and rent in each of the State’s Metropolitan or County (Non-Metro) Fair Market Rent Areas and which incorporates the 60% of AMI threshold for rental units (see attached).

In exchange for granting the additional four (4) years of tax relief for projects that include “workforce” housing, Planning staff recommends that the City Council require developers to provide either: a) at least 40% of residential units at rates affordable to households with an income of no more than 60% of AMI or, b) at least 20% of units at rates affordable to households with an income of no more than 50% of AMI. These thresholds are the same as those associated with the Low Income Housing Tax Credit (LIHTC) program administered through the New Hampshire Housing Finance Authority and provide clearly definable requirements for the number of units and level of affordability necessary to merit the additional tax relief.

However, staff understands that a significant purpose of the 79-E program is to enable and incentive rehabilitation projects that may not otherwise be financially viable. If the City Council concludes that requiring a project to achieve the recommended affordability standards would undermine the viability of the project and prevent it from occurring at all, then the Council should have the discretion and freedom to vary the affordability requirements while still balancing the overall benefit to the community against the potential tax revenue foregone.

#### **RECOMMENDATION:**

Staff recommends that the City Council schedule and hold a public hearing on the application in order to receive public input on the request prior to making a final determination. Following the public hearing, the City Council will make a determination as to whether the applicant’s Project and Property comply with the requirements of the 79-E Program as set forth above, and if so, whether to grant the requested tax relief and for how long. Following is a sample Resolution for the Council’s consideration in advance of the public hearing.



One Mechanic Street, LLC  
PO Box 1325  
Lebanon, NH 03766

Lebanon City Council, and  
City of Lebanon Planning & Development Department, and  
Lebanon City Manager  
City Hall  
51 North Park Street  
Lebanon, NH 03766

February 24, 2021

To whom it may concern:

Please find enclosed an Application for Community Revitalization Tax Relief Incentive Program (RSA 79-E) for 1 Mechanic Street in downtown Lebanon.

I am very proud of this project. One Mechanic Street was historically a brownfield site, polluted by gasoline from leaking underground storage tanks from the time that the property was a gas station more than sixty years ago. The building itself is dilapidated and unattractive, having been used most recently as a Napa auto parts store.

As part of our project, we have arranged for a remediation of the gasoline pollution in conjunction with the New Hampshire Department of Environmental Services. We will be making an architecturally attractive upgrade to the building that honors its original industrial look and conforms to the neighborhood aesthetic, while modernizing the structure and adding a substantial amount of windows and accents. On the western gateway to downtown Lebanon, I believe that this renovated building will be transformed from the neighborhood's least attractive structure to the most attractive one.

I am also extremely proud that this building is being designed to decrease the carbon footprint and be environmentally friendly. We will be removing two oil furnaces and a series of oil-fired blowers and replacing with electric heat pumps. By doing so, this building will no longer consume any fossil fuels on site. We are also pre-planning to be compatible with a future upgrade capability to solar energy.

The renovation will add 18 net new residential units to the immediate downtown Lebanon region. 17 of these units will be studio apartments and the 18th will be a 2-bedroom. These units are less than 100 feet away from the rail trail, the river, and an already existing Advanced Transit bus stop. They are walkable to downtown businesses, recreational facilities, and government services. In short, these units are exactly what the master plan was hoping for in terms of residential density increases in the core urban area through creative repurposing of existing land and structures.

The project meets all requirements of the 79-E program as follows:

Substantial Rehabilitation: The required investment of \$75,000 is exceeded by nearly 20 times.

Qualifying Structure: The structure is located in the identified 79-E downtown district.

Benefits Provided:

I: Enhancement of the economic vitality of the downtown

This project enhances the economic vitality of downtown by introducing 18 new units of year-round residential occupancy. It is reasonable to believe that these tenants will be patrons of local businesses, access local entertainment, and generally engage in economic activities that support the vibrancy of the City. Furthermore, the additional availability of housing will enhance the economic vitality of downtown employers who have repeatedly reported that the gating factor in their ability to hire new staff is the absence of local housing.

II: Promotion of the preservation and reuse of existing building stock

As stated above, the renovation project takes the existing shell of an old commercial building and substantially improves it, reusing the building stock that exists on site and preserves and accentuates the architectural features of that building stock in an aesthetically pleasing manner.

III: Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community.

The project prompted a greater sense of community by adding to downtown housing stock in a manner that is walkable, bike-able, and generally community building. By creating convenient downtown facilities that are close to public transportation and convenient by foot or bicycle the roadways are used more efficiently and traffic congestion is reduced. Reduction of traffic and decrease of fossil fuel consumption promotes the safety of the city and makes for cleaner air. As a result, the safety of the city is improved.

IV: Growth of residential housing in urban or town centers

The project provides an increase of 18 net new residential units in the urban center, delivering precisely what the statute desires.

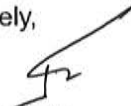
I respectfully request that the City provide the maximum possible benefit in terms of tax relief starting with the completion of the project, of either 7 or 11 years total. In addition to the base 5 years, I am requesting that an additional 2 years be added (making 7) because the renovation results in new residential units.

Additionally, I am requesting that the Council consider providing an additional 4 years of relief (to 11 years total) on the basis that the project will result in new affordable rental units. I have reviewed all data and the term "affordable" is not defined anywhere in the statute. The units will be market rent units, so they are not subsidized housing or low income housing. However, "affordability" is generally defined as the cost of housing being no more than 30% of the gross income of the renter. According to the New Hampshire Housing Finance Authority, the median income for a family of one in Grafton County in 2020 was \$64,820. The planned rental price for at least one third (and probably more) of the apartments will be less than 30% of the median family income of one, as reported by the NHHFA. On the basis that these units will be affordable to the median (regular income) renter, I would request that the Council consider extending the tax relief from 7 to 11 years.

I want to clarify one item on the application. There is a question on the second page that asks if an abatement application has been filed or awarded in the past year, for which the answer is no. However, I want to clarify that the assessing office corrected an error in the assessment through informal discussion based upon some incorrect property details. The informal adjustment to the correct state of the property resulted in the 2020 assessment being \$285,900.

Finally, thank you very much for your consideration of this project for the awarding of tax relief. The availability of tax relief is a major driver in feasibility for this project. Mascoma Bank has been very supportive of downtown revitalization efforts, and they have extended me credit in large part upon the tax relief benefits that this program will confer, and the anticipated award.

Sincerely,

A handwritten signature in black ink, appearing to read 'JK' or 'Jeremy Katz', with a long horizontal stroke extending to the right.

Jeremy Katz  
Manager  
One Mechanic Street, LLC





**STUDIO  
NEXUS**  
ARCHITECTS + PLANNERS  
PO Box 275, White River Junction, VT 05001  
802.275.5110 | studionexusarch.com

# **1 MECHANIC STREET APARTMENTS**

Issued For: SITE PLAN REVIEW



STUDIO NEXUS ARCHITECTS + PLANNERS, LLC, 2021 DESIGN IS A NOT REPROducible COPY  
ALL RIGHTS ARE RESERVED. THIS DRAWING IS THE PROPERTY OF STUDIO NEXUS ARCHITECTS + PLANNERS, LLC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON.  
UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE IN FEET AND INCHES.

Issue Date: January 29, 2021

| Revisions |             |      |
|-----------|-------------|------|
| No.       | Description | Date |
|           |             |      |
|           |             |      |
|           |             |      |

## **EXTERIOR VIEWS**

Project No.: 1922

**G-9**  
SHEET 9 OF 10

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1/29/2021 14:15:47 PM



## APPLICATION FOR COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE PROGRAM (RSA 79-E)

Date application submitted: 2/26/21

Received by: D. Brooks

Note: Application must be accompanied by a \$50 application fee at the time of submission.

| <b>APPLICANT:</b>                                  | <b>OWNER:</b> (if different from applicant) |
|----------------------------------------------------|---------------------------------------------|
| <b>Name:</b><br>One Mechanic Street, LLC           | <b>Name:</b>                                |
| <b>Mailing Address:</b><br>PO Box 1325             | <b>Mailing Address:</b>                     |
| <b>City, State, Zip:</b><br>Lebanon, NH 03766      | <b>City, State, Zip:</b>                    |
| <b>Phone / Fax:</b><br>603-653-8281 / 603-443-9888 | <b>Phone / Fax:</b>                         |
| <b>Email:</b><br>katz95@gmail.com                  | <b>Email:</b>                               |

| <b>PROPERTY / BUILDING INFORMATION:</b>                |                     |                                                    |
|--------------------------------------------------------|---------------------|----------------------------------------------------|
| <b>Building Name (if any):</b><br>Former NAPA Building |                     | <b>Year Built:</b><br>1900                         |
| <b>Building Address:</b><br>1 Mechanic Street          |                     | <b>Gross Square Footage of Building:</b><br>10,185 |
| <b>Tax Map #</b><br>91                                 | <b>Lot #</b><br>264 | <b>Plot #</b>                                      |
| <b>Grafton County Registry Book #</b><br>4446          |                     | <b>Page #</b><br>736                               |

|                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Property / Building Information:</b><br>(Describe <i>current</i> use, size, number of units, number of employees, etc.)<br>Mixed use commercial building. Top floor office space and warehouse. Street level auto parts store. Bottom level motorcycle/snowmobile repair shop and warehouse                                                                                                          |
| <b>Proposed Property / Building Information:</b><br>(Describe <i>proposed</i> use, size, number of units, number of employees, etc.)<br>18 Unit Multifamily Residential Building consisting of 17 studio apartments and 1 two-bedroom apartment                                                                                                                                                                  |
| <b>Is there a change of use associated with this project?</b><br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, please describe<br>Conversion from commercial to residential                                                                                                                                                                                                        |
| <b>Will the project include new residential units?</b><br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, please describe<br>The project will add 18 new residential units to the Lebanon Downtown district at a location that is within 50 feet of the rail trail and an Advance Transit stop, and within easy walking distance to downtown businesses and recreational facilities. |
| <b>Will the project include new subsidized residential units?</b><br>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please describe                                                                                                                                                                                                                                                 |



|                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Is the building eligible for listing or listed individually on the State or National Register of Historic Places or located within a State or National Register Historic District?</b><br>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, provide a copy of the approved designation by the State or National Register of the building or the district. |
| <b>Is the building located within and is it significant to a locally-designated historic district?</b><br>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>                                                                                                                                                                                                          |
| <b>Is the property located in an existing Tax Increment Finance (TIF) District?</b><br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>                                                                                                                                                                                                                             |
| <b>Has an abatement application been filed or has abatement been awarded on this property within the last year?</b><br>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <i>see note</i>                                                                                                                                                                             |
| <b>Will any state or federal grants or funds or low income subsidies or tax credits be used in this project?</b><br>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, what is the amount of the aid? \$_____ Describe and detail any terms of repayment, if applicable.                                                                                      |

|                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| <b>PROJECT INFORMATION:</b><br>Describe the work to be done and the estimated cost. Please attach additional sheets, if necessary, as well as any written construction cost estimates. Please attach any construction contracts, plot plans, building plans, sketches, renderings or photographs that would help describe and explain this application.                                                                                  |                                                     |
| Expected Project Start Date: <u>3/1/2021</u>                                                                                                                                                                                                                                                                                                                                                                                             | Expected Project Completion Date: <u>12/31/2021</u> |
| <b>Structural:</b><br>Per plan submitted to codes                                                                                                                                                                                                                                                                                                                                                                                        | \$ 85,000                                           |
| <b>Exterior Alterations: (storefront/façade, walls, windows, doors, etc.)</b><br>Per plan                                                                                                                                                                                                                                                                                                                                                | \$ 150,000                                          |
| <b>Interior Alterations: (walls, ceilings, moldings, doors, etc.)</b><br>Brand new units within existing renovated structure                                                                                                                                                                                                                                                                                                             | \$ 440,000                                          |
| <b>Electrical:</b><br>All new electrical service                                                                                                                                                                                                                                                                                                                                                                                         | \$ 180,000                                          |
| <b>Plumbing/Heating:</b><br>All new plumbing and heating                                                                                                                                                                                                                                                                                                                                                                                 | \$ 150,000                                          |
| <b>Mechanical:</b><br>New heat pump system (1 per unit)                                                                                                                                                                                                                                                                                                                                                                                  | \$ 110,000                                          |
| <b>Fire Protection:</b><br>New Sprinkler and addressable fire alarm system                                                                                                                                                                                                                                                                                                                                                               | \$ 40,000                                           |
| <b>Other:</b><br>Environmental remediation of ground contamination and completion of certified asbestos abatement at interior of building, etc - water sewer expansion, impact fee contribution, etc                                                                                                                                                                                                                                     | \$ 520,000                                          |
| <b>Total:</b><br>NOTE: In completing this form, the applicant certifies that the estimated costs provided herein are reasonable and that such costs meet the above program requirements. Failure to meet the program requirements or the listing of unreasonable construction costs will result in denial of the application and forfeiture of the application fee.                                                                      | \$ 1,675,000                                        |
| To be considered for this tax relief incentive program, the total project cost must be at least 15% of the pre-rehabilitation assessed value or \$75,000, whichever is less. In the case of historic structures, the project must devote at least 10% of the pre-rehabilitation assessed value or \$5,000, whichever is less, to energy efficiency in accordance with the U.S. Secretary of the Interior's Standards for Rehabilitation. |                                                     |
| <b>TO BE COMPLETED BY CITY ASSESSING DEPARTMENT:</b>                                                                                                                                                                                                                                                                                                                                                                                     |                                                     |
| Pre-Rehabilitation Assessed Valuation as of date of application submission: \$_____                                                                                                                                                                                                                                                                                                                                                      |                                                     |
| Are the cost threshold requirements satisfied by the project as proposed? Yes___ / No___                                                                                                                                                                                                                                                                                                                                                 |                                                     |

**PROPOSED PUBLIC BENEFIT (RSA 79-E:7)**

In order to qualify for property assessment tax relief under this program, the proposed substantial rehabilitation must provide at least one of the public benefits listed below. Any proposed *replacement* of a qualifying structure must provide one or more of the public benefits listed below to a greater degree than would a substantial rehabilitation of the same qualifying structure.

Does the Project provide the following public benefits? (Check all that apply)

**Enhances the economic vitality of the designated areas.**

If yes, please describe.

The project will provide safe, new, energy efficient downtown residential capacity for 18 new units. The units are situated close to downtown amenities including businesses and entertainment and it is reasonable to believe that the occupants of the property will be patrons of local businesses and contribute to the local economy.

Additionally, a major constraint on employment growth and economic vitality in the region is the availability of housing.

Yes ☒  
No ☐

**Enhances and improves a culturally or historically important structure.**

If yes, please describe.

The original building is more than a century old and we will be preserving the shell and enhancing it so that it will be transformed from a dilapidated yesteryear structure into one of the most attractive and architecturally interesting buildings on a primary gateway entrance to the City's downtown area.

Yes ☒  
No ☐

**Promotes preservation and reuse of existing building stock by rehabilitation of historic structures in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation.**

If yes, please describe.

The structure is not a registered historic site.

Yes ☐  
No ☒

**Promotes development in the designated areas, providing for efficiency, safety, and a greater sense of community, consistent with RSA Chapter 9-B.**

If yes, please describe.

The development supports smart growth initiatives, specifically enhancing vibrant commercial activity, a strong sense of community in the downtown area, supports ample alternative transportation (pedestrian, bicycle and public transportation options), and decreases road congestion by promoting pedestrian traffic. Additionally, the substantial investment in environmental remediation decreases water pollution in an important ecological area near the Mascoma River. Furthermore, the project supports decreased air and water pollution because it does not burn any fossil fuels on site.

Yes ☒  
No ☐

**Increases residential housing in the designated areas.**

If yes, please describe.

The development will add 18 residential units in the designated Lebanon Downtown district.

Yes ☒  
No ☐



**HISTORICAL REQUIREMENT FOR REPLACEMENT OF QUALIFYING STRUCTURES**

In the case of replacement of qualifying structure(s), the applicant shall submit a New Hampshire Division of Historical Resources Individual Inventory Form prepared by a qualified architectural historian and a letter issued by the Lebanon Heritage Commission that identifies any and all historical, cultural, and architectural value of the structure(s) that are proposed to be replaced and the property on which those structure(s) are located.

**Note: An application for replacement of a qualifying structure shall not be considered complete, and no public hearing shall be scheduled, until the Individual Inventory Form and the Heritage Commission letter, as well as any other required information, have been submitted.**

**IMPORTANT**

Per RSA 79-E:13, II, the Base or "Original" Assessed Value for any tax relief period is only set after the following two conditions are met:

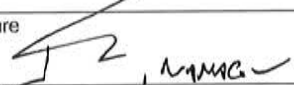
1. Approval of the tax relief by the City Council following a public hearing.
2. The applicant's entering into a Covenant with the City of Lebanon to protect the public benefit(s).

Therefore, the applicant and/or property owner shall not commence any of the improvements included in this application until such time as he or she has satisfied the above requirements. This prohibition shall include any demolition to the existing structure.

**AFFIDAVIT**

I/We have read and understand the Community Revitalization Tax Relief Incentive (RSA 79-E) and am/are aware that this will be a public process, including a public hearing to be held to discuss the merits of this application and the subsequent need to enter into a covenant with the City and pay any reasonable expenses associated with the drafting of the covenant. I/We understand the application will not be determined as complete or recommended to the City Council for consideration until all of the necessary information is provided.

The undersigned hereby acknowledge understanding of the above statement and certify that the information provided herein are true and correct:

|                                                                                                  |                                    |                  |
|--------------------------------------------------------------------------------------------------|------------------------------------|------------------|
| Signature<br> | Print Name<br>JEREMY KATZ, LEBANON | Date:<br>2/24/21 |
| Signature                                                                                        | Print Name                         | Date:            |
| Signature                                                                                        | Print Name                         | Date:            |
| Signature                                                                                        | Print Name                         | Date:            |
| Signature                                                                                        | Print Name                         | Date:            |

**Roll Call Vote:**

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and Mayor McNamara all voting Yea.

None voted Nay.

**\*The Vote on the MOTION was unanimously approved (9-0).**

**Councilor Heistad MOVED to approve the April 7, 2021 (Non-Public Session) minutes.**

**Seconded by Councilor Wilkie.**

**Roll Call Vote:**

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Whittlesey, Wilkie, Winny, Zook and Mayor McNamara all voting Yea.

None voted Nay.

Councilor Sykes abstained.

**\*The Vote on the MOTION was approved (8-0-1).**

**7. APPOINTMENTS:**

- Rebecca Owens, Advance Transit Board of Directors (Citizen Representative)

**Councilor Heistad put forth the NOMINATION of Rebecca Owens as a Citizen Representative to the Advance Transit Board of Directors. Three Year Term (4/21 – 4/24)**

**Roll Call Vote:**

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and Mayor McNamara all voting Yea.

None voted Nay.

**\*The Vote on the MOTION was unanimously approved (9-0).**

- Karen Liot Hill, Economic Development Commission (Vice Chairperson)

The Economic Development Commission (EDC) has recommended to the Council that Councilor Karen Liot Hill be appointed as the Vice Chairperson to the EDC.

**Assistant Mayor Below put forth the APPOINTMENT of Karen Liot Hill to serve as Vice Chairperson to the Economic Development Commission.**

**Seconded by Councilor Heistad.**

**Roll Call Vote:**

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and Mayor McNamara all voting Yea.

None voted Nay.

**\*The Vote on the APPOINTMENT was unanimously approved (9-0).**

**8. PUBLIC HEARING ITEMS:**

**A. COMMUNITY REVITALIZATION TAX RELIEF APPLICATION – ONE**

**MECHANIC STREET, LLC** A public hearing for the purpose of receiving public input and taking action on a Community Revitalization Tax Relief Application (per NH RSA 79-E) by One Mechanic Street, LLC for property located at 1 Mechanic Street, Lebanon

Included in the agenda packet:

1. March 26, 2021 Memo from Planning & Development Director David Brooks, RE: Community Revitalization Tax Relief Incentive Program (RSA 79-E) Application – One Mechanic Street, LLC – 1 Mechanic Street; Tax Map 91, Lot 264 (pages 36-51, agenda packet)
2. March 29, 2021 Downtown Lebanon TIF Advisory Board DRAFT Minutes (pages 52-53, agenda packet).

Director of Planning & Zoning David Brooks noted there was lengthy discussion on this application and request at the Council's prior meeting on April 7, 2021. The owner/applicant of the building at One Mechanic Street, Lebanon, is applying for tax relief under the 95-E program, as they are converting the structure from a commercial use (formerly NAPA Auto) to an 18-unit multi-family building.

The Planning & Development Department received the application from One Mechanic Street, LLC on February 26, 2021. Under the terms of the 79-E program, the City Council must hold a public hearing within 60 days from receipt of the application to determine whether the structure is a Qualifying Structure; whether the proposed project is a Substantial Rehabilitation; and whether there is a Public Benefit to granting the requested tax relief, and if so, for what duration.

Mr. Brooks stated the project can be considered as a qualifying structure, since it is located in the Downtown Lebanon 79-E District. It far exceeds the thresholds for a substantial rehabilitation and the applicant has suggested there are numerous public benefits which would be satisfied by this project including: the advancement of economic vitality in Downtown; promotion, preservation, and reuse of existing building stock; promotion of the municipal centers; and, increasing the residential housing in Lebanon's Downtown centers.

The question that came up at the last session was the duration of time for the tax relief. The applicant has requested a minimum of seven (7) years of tax relief for the project, but there was a discussion about extending the tax relief to eleven (11) years for affordable housing. Staff provided some recommended guidance relative to the number of units and the potential affordability thresholds that the Council might want to consider as it reviews whether to grant those last four (4) years of tax assessment relief understanding that the goal of the (79-E) program is to make projects happen that may not be otherwise viable. If the Council chooses, it can vary those standards as it sees fit.

For detailed information regarding the project, please see the memo by Director of Planning & Development David Brooks, along with the accompanying application and supporting documentation submitted by One Mechanic Street, LLC (pages 36-51, agenda packet).

Mr. Jeremy Katz (Ward 3 & Manager/Owner of One Mechanic Street, LLC): He spoke about his application and shared a screenshot (page 46, agenda packet) of the before picture and what the proposed project would look like when finished, giving a history of the building. He was originally looking at redeploing this as a commercial building but learned this would not be viable because of a projected round-a-bout project. The proposed plan now is for 18 residential units (17 studio and 1 two-bedroom apartments) that do not have fossil fuel burning systems on site. The property is less 150 ft. from the Greenway and an Advance Transit Station. It is walkable to Downtown and has the potential for residents to contribute to the local economy. He plans to spend in excess of \$1.6M on the building, which is all personal risk capital and bank financing. The project does have the benefit of enhancing the economic vitality of the Downtown; the promotion, preservation, and reuse of the existing building stock;

and the development of the municipal center by bringing these residential units into a core Downtown area which will increase residential housing within the municipal center. He asked the Council to consider a minimum of seven (7) years and spoke about what he would consider as affordable housing to the market. He is willing to reserve 20% of the units (4 of the 18 units) to be no more than 35% of the median single person income. If the Council does not grant the additional four (4) years as affordable housing, the seven (7) years will be fine and will not kill the project. He also addressed the letter from Attorney Barry Schuster, and felt the TIF District and the 79-E program are not at odds with each other because large amounts of private investment in the district also improves the district and property values.

The expected completion date for this project would be March 31, 2022, but Mr. Katz expects it to only take 6-8 months.

City Manager Shaun Mulholland explained the importance for the Council to address the letter dated April 19, 2021 from Chair Barry Schuster Re: RSA 79-E/TIF Advisory Board. Councilor Sykes noted that the TIF Advisory Board felt a need to reconcile the goals of the TIF Advisory Board vs. the goals that Mr. Katz's presents. (The letter can be found, in its entirety, on page 54, agenda packet.)

Councilor Wilkie was curious if the TIF Advisory Board discussed any criteria that was less than the maximum previously awarded. Councilor Sykes, speaking on behalf of the TIF Advisory Board, explained they were not comfortable saying what those criteria should be and were mindful that anything the Council does will become a precedent, which may have a big impact on the future ability of the TIF District to raise funds. They also felt the funds that become available through the TIF District would clearly help improve property owners' value in their properties.

The Council discussed the TIF Advisory Board's concern regarding the balance between the public vs. private funding assistance, with Councilor Whittlesey speaking about his reasons why granting tax relief through the 79-E program will ultimately serve the spirit of the TIF District.

Councilor Liot Hill spoke about the City's policy to revitalize the Downtown using the TIF District and the 79-E program, noting they are not working against each other. They can actually be complimentary.

Mr. Brooks said the overarching goal of both programs is the long term redevelopment and revitalization of our Downtowns, both Lebanon and West Lebanon. Each improvement made to a specific private property or for a public improvement has the potential to provide some appreciative benefit to surrounding properties. While there may be a short-term loss to the TIF District, it may be made up by appreciated values in the vicinity of a project.

Mayor McNamara felt there are at least some projects where substantial improvements to a property would not be made in the absence of a 79-E program. He would argue that the 79-E program can actually accelerate the funds going into the TIF program because the value of the property goes up more substantially than if it would if it were not improved. The more investments made in properties, the more investments are likely to be made in other properties and felt both programs are complimentary.

**Mayor McNamara opened the Public Hearing.**

The following people came forth to speak:

*Matt Hall (Ward 3):* He spoke about his support for the project and felt it was quite worthy.

*Suzanne Prentiss (Ward 1):* She spoke about her support for the project, noting the project is bringing in needed housing to the Downtown area, the projects economic plus for the City, and its contributions by being a clean energy building.

**Mayor McNamara closed the Public Hearing.**

Mayor McNamara noted the points the Council should consider below:

1. Initial application for a 5-year tax relief.
2. The Council is allowed up two (2) additional years for a project that results in new residential units.
3. The question of the remaining (4) years for affordable housing, recognizing there is no definition for affordable housing at this point in time.

The Council discussed the need to have a broader discussion on creating affordable housing criteria for the 79-E program; what the precedent would be when granting tax relief for projects that may not be affordable to those not making the median income for Grafton County.

Mr. Brooks stated that through the RSA 79-E program, tax relief can only be granted prior to a project's work being done. Tax relief cannot be requested for work that has started prior to the Council's granting of the tax relief.

Councilors all agreed moving ahead to grant the seven (7) year tax relief provision.

**ACTION:**

***Councilor Liot Hill MOVED the following:***

**BE IT HEREBY RESOLVED** by the Lebanon City Council, after a duly-noticed public hearing, that:

**WHEREAS**, the City Council has determined that the application of One Mechanic Street, LLC (hereinafter the "Applicant") for property assessment tax relief under the City's 79-E Program is complete enough to commence consideration, and

**WHEREAS**, the City Council has determined that the Applicant's property, 1 Mechanic Street, Tax Map 91, Lot 264 (hereinafter the "Property"), is situated in the Downtown Lebanon 79-E District as adopted by the City and, therefore, meets the 79-E Program requirement as a Qualifying Structure, and

**WHEREAS**, the City Council has determined that the Applicant's project to complete interior renovation and exterior rehabilitation on the Property pursuant to plans and information provided in the application (hereinafter the "Project") exceeds the lesser of 15% of the current pre- rehabilitation assessed valuation or \$75,000 and, therefore, meets the 79-E Program requirement as a Substantial Rehabilitation, and

**WHEREAS**, the City Council has determined that the Applicant's proposed Project will generate one or more Public Benefits to the City, including: 1. Enhancement of the economic vitality of Downtown Lebanon, and 2. Promotion of the preservation and reuse of existing building stock, and 3. Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community consistent with RSA 9-B, and 4. Increasing residential housing in municipal centers.

**NOW THEREFORE**, pursuant to the provisions of the Community Revitalization Tax Relief Incentive (NH RSA 79-E) Program, as adopted by the City, the City Council hereby grants to the Applicant seven (7) years of property assessment tax relief for the Property to commence upon completion of Project, with the following conditions:

**1. The Applicant shall grant to the City of Lebanon a Declaration of Covenant to be recorded in the Grafton County Registry of Deeds ensuring that the Project shall be maintained and used in a manner that furthers the Public Benefit(s) set forth above for which this property tax relief is granted. The term of the Declaration of Covenant shall be effective for fourteen (14) years, which is twice the duration of the approved tax relief period as permitted under RSA 79-E:8, II.**

**2. The Applicant shall obtain and maintain property and casualty insurance, as well as flood insurance, if appropriate, for the term of the Declaration of Covenant set forth above to ensure proper restoration or replacement of the Project and Property. Such insurance shall, effective as of the date on which the Project is completed, name the City of Lebanon as an additional insured by endorsement and the City shall be provided with certificates of insurance annually. Further, the applicant shall agree to have the City made a Loss Payee of the proceeds of any property or casualty insurance coverage, subject to the rights of any current or future mortgagee of the Property and any structures thereon, for the purpose of ensuring proper and timely restoration or demolition of the Property, including any damaged structures thereon. The Applicant shall agree to commence any restoration or demolition of such structures within one year following the date of any occurrence or incident for which an insurance claim is or could be made; otherwise the Applicant shall be subject to the termination provisions set forth in RSA 79-E:9, I.**

**3. The Applicant shall obtain a Building Permit for the Project and commence construction no later than one year from the date of this Resolution, unless otherwise extended by the City Council in writing. The Project, as approved, shall be completed on or before April 21, 2022, unless otherwise extended by the City Council in writing.**

**Seconded by Assistant Mayor Below.**

**Roll Call Vote:**

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and Mayor McNamara all voting Yea.

None voted Nay.

**\*The Vote on the MOTION was unanimously approved (9-0).**

~~**B. ORDINANCE #2021-04 - TO AMEND CITY CODE CHAPTER 97, LANDFILL REGULATIONS - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 97, Landfill Regulations, to implement a permitting system for access and use of the Solid Waste Facility.**~~

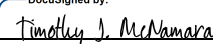
Included in the agenda packet:

1. Ordinance 2021-04 (pages 56-60, agenda packet)
2. March 30, 2021 Legal Opinion by Attorney C. Christine Fillmore, RE: Emergency Ordinance #2021-04 Landfill Regulations (page 61, agenda packet)





City of Lebanon  
New Hampshire

| <b>COUNCIL POLICY</b><br><b>COMMUNITY REVITALIZATION TAX RELIEF</b><br><b>INCENTIVE PROGRAM GUIDELINES</b> |                       |                                                                                                                                           |                           |
|------------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| <i>Policy Number</i>                                                                                       | <i>Effective Date</i> | <i>Last Revision</i>                                                                                                                      | <i>Page No.</i>           |
| <b>CC-105</b>                                                                                              | <b>08/04/2021</b>     |                                                                                                                                           | Page <b>1</b> of <b>4</b> |
| <i>Approved by:</i>                                                                                        | City Council          | DocuSigned by:<br><br><small>F08A405F81S04ED...</small> |                           |

## Section 1.0: Purpose

This document details the guidelines City Council will be utilizing when considering applications for the Community Revitalization Tax Relief Incentive Program, commonly known as 79-E. The guidelines are intended to assist applicants as they develop their applications allowing them to take full advantage of the program and meet the City's community revitalization goals.

## Section 2.0: Scope

The guidelines apply to applicants, City Staff in the Planning & Development Department, the City Manager's Office, the Downtown Tax Increment Financing District Advisory Board, and the City Council.

## Section 3.0: Definitions

**Workforce Housing** – (as provided in New Hampshire RSA 674:58, IV) means housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for Grafton County as published annually by the United States Department of Housing and Urban Development. "Workforce housing" also means rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for Grafton County as published annually by the United States Department of Housing and Urban Development.

## Section 4.0: Policy Detail

In February 2016, the City Council adopted the provisions of the Community Revitalization Tax Relief Incentive Program pursuant to NH RSA 79-E to encourage rehabilitation of existing buildings and structures in downtown Lebanon and downtown West Lebanon. At that time, the City Council established a Downtown Lebanon 79-E District and a Downtown West Lebanon 79-E District.

## Section 5.0: Procedures

Upon receipt of an application for tax relief under the City's 79-E program for a project that involves the *Substantial Rehabilitation of a Qualifying Structure*, as those terms are defined in RSA 79-E:2, the City Council shall hold a public hearing within 60 days.

### 5.1 The Council must determine if a project will generate one or more Public



City of Lebanon  
New Hampshire

| <b>COUNCIL POLICY</b><br><b>COMMUNITY REVITALIZATION TAX RELIEF</b><br><b>INCENTIVE PROGRAM GUIDELINES</b> |                       |                      |                           |
|------------------------------------------------------------------------------------------------------------|-----------------------|----------------------|---------------------------|
| <i>Policy Number</i>                                                                                       | <i>Effective Date</i> | <i>Last Revision</i> | <i>Page No.</i>           |
| <b>CC-105</b>                                                                                              | <b>08/04/2021</b>     |                      | Page <b>2</b> of <b>4</b> |
| <i>Approved by:</i>                                                                                        | City Council          |                      |                           |

## **Benefits.**

Appropriate public benefits for consideration of the 79-E program are specifically identified within the state law, including:

- Enhancement of the economic vitality of the downtown; (RSA 79-E:7, I)
- Enhancement and improvement of a structure that is culturally or historically important on a local, regional, state or national level, either independently or within the context of an historic district, town center, or village center; (RSA 79-E:7, II)
- Promotion of the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures; (RSA 79-E:7, II-a)
- Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community consistent with RSA 9-B (State Economic Growth, Resource Protection, and Planning Policy) (RSA 79-E:7, III); or
- Increase of residential housing in urban or town centers. (RSA 79-E:7, IV)

## **5.2 The Council must determine the period of time for which tax relief will be granted.**

1. Under the terms of the 79-E program, the City Council may, in its discretion, grant up to five (5) years of tax assessment relief for a project that complies with the program requirements. (RSA 79-E:5, I)
2. The City Council may, in its discretion, grant up to two (2) additional years of tax relief for a project that results in new residential units and up to four (4) additional years of tax relief for a project that includes affordable housing. (RSA 79-E:5, II)
3. The City Council may, in its discretion, grant up to four (4) additional years of tax relief for the Substantial Rehabilitation of a Qualifying Structure that is listed on or determined eligible for listing on the National Register of Historic Places, State Register of Historic Places, or is located within and important to a locally designated historic district, provided that the Substantial Rehabilitation is conducted in accordance with the U.S. Secretary of Interior's Standards for Rehabilitation. (RSA 79-E:5, III)

For any amount of tax relief approved, such tax relief begins upon the completion of the substantial rehabilitation of the structure(s).



City of Lebanon  
New Hampshire

| <b>COUNCIL POLICY</b><br><b>COMMUNITY REVITALIZATION TAX RELIEF</b><br><b>INCENTIVE PROGRAM GUIDELINES</b> |                       |                      |                           |
|------------------------------------------------------------------------------------------------------------|-----------------------|----------------------|---------------------------|
| <i>Policy Number</i>                                                                                       | <i>Effective Date</i> | <i>Last Revision</i> | <i>Page No.</i>           |
| <b>CC-105</b>                                                                                              | <b>08/04/2021</b>     |                      | Page <b>3</b> of <b>4</b> |
| <i>Approved by:</i>                                                                                        | City Council          |                      |                           |

RSA 79-E does not define the term “affordable” for purposes of the tax relief incentive program nor does it specify any minimum number or percentage of units within a development that must be considered affordable in order to merit the tax relief.

Therefore, the City has adopted the definition of “workforce housing” from RSA 674:58 to define affordability as it relates to the RSA 79-E program.

The City will consider granting additional years of tax relief for workforce housing on a sliding scale depending on the targeted level of affordability (based on Area Median Income figures as published by the US Department of Housing and Urban Development (HUD)) and the percentage of units in a development subject to such affordability requirements as follows:

|                                        |             | TARGETED AREA MEDIAN INCOME (AMI) |          |          |          |           |
|----------------------------------------|-------------|-----------------------------------|----------|----------|----------|-----------|
|                                        |             | 60% or less                       | 60 - 70% | 70 - 80% | 80 - 90% | 90 - 100% |
| <u>% OF UNITS</u><br><u>IN PROJECT</u> | 40% or more | 4                                 | 3        | 3        | 2        | 1         |
|                                        | 30-40%      | 4                                 | 3        | 2        | 1        | 1         |
|                                        | 20-30%      | 3*                                | 2        | 2        | 1        | 0         |
|                                        | 10-20%      | 2*                                | 1        | 1        | 1        | 0         |
|                                        | 0-10%       | 1*                                | 1        | 0        | 0        | 0         |

\* Units targeted for 50% or less of AMI  
qualify for 1 additional year of tax relief

However, the City understands that a significant purpose of the 79-E program is to enable and incentivize rehabilitation projects that may not otherwise be financially viable. If the City Council concludes that requiring a project to achieve the recommended affordability standards would undermine the viability of the project and prevent it from occurring at all, then the City Council shall retain the discretion and freedom to vary the affordability requirements while still balancing the overall benefit to the community of the completed project against the potential tax revenue foregone.

### 5.3 Tax Increment Financing (TIF) Districts

Applications for tax relief under this program for properties located within a Tax Increment Financing (TIF) District shall be reviewed by the applicable TIF Advisory



City of Lebanon  
New Hampshire

| <b>COUNCIL POLICY</b><br><b>COMMUNITY REVITALIZATION TAX RELIEF</b><br><b>INCENTIVE PROGRAM GUIDELINES</b> |                       |                      |                           |
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| <i>Policy Number</i>                                                                                       | <i>Effective Date</i> | <i>Last Revision</i> | <i>Page No.</i>           |
| <b>CC-105</b>                                                                                              | <b>08/04/2021</b>     |                      | Page <b>4</b> of <b>4</b> |
| <i>Approved by:</i>                                                                                        | City Council          |                      |                           |

Board. The Advisory Board shall provide recommendations to the City Council and the District Administrator regarding the impacts to the administration and operation of the District relative to the proposed tax relief requested.

### **Section 6.0: References (Charter/Code/State Statues)**

1. NH RSA Chapter 79-E Community Revitalization Tax Relief Incentive
2. NH RSA 674:58 Definitions-Workforce Housing
3. City Code Chapter 31-43,2. Downtown TIF Advisory Board, Purposes; Authority and Duties

### **Section 7.0: Policy & Procedure Revision History**

|                   | <b>Section</b> | <b>Revisions</b> | <b>Date</b> |
|-------------------|----------------|------------------|-------------|
| Original Adoption |                |                  | 08/04/2021  |
| Amendment         |                |                  |             |
| Amendment         |                |                  |             |
| Amendment         |                |                  |             |

# **AGENDA**

## **LEBANON CITY COUNCIL**

### **APRIL 6, 2022**

## **11. NEW BUSINESS ITEMS:**

### **11.E – NEW HAMPSHIRE MUNICIPAL ASSOCIATION LEGISLATIVE POLICY** **PROPOSAL RECOMMENDATIONS – PEDESTRIAN & BICYCLIST ADVISORY** **COMMITTEE**

#### **BACKGROUND**

In September, the New Hampshire Municipal Association (NHMA) will hold a Legislative Policy Conference to establish priorities and positions on behalf of its member communities for the 2023-2024 legislative session. The process begins with a solicitation of policy proposals from local officials to create an initial issues list. Upon receipt, NHMA's legislative policy committees review all policy proposals and make recommendations for the full Legislative Policy Conference in September.

This year, for the first time, as part of the City's consideration of potential policy proposals, the City Council invited other boards and committees to provide ideas and input into the process. The Planning & Development Department provided a summary of the NHMA process and the Council's request to the Planning Board, Conservation Commission, Heritage Commission, and Pedestrian & Bicyclist Advisory Committee for consideration.

The Planning Board, Conservation Commission, and Heritage Commission all expressed appreciation to the City Council for the opportunity to participate in the process but did not have any specific recommendations for this year.

The Pedestrian & Bicyclist Advisory Committee had three recommendations to the City Council, which are outlined on the attached Explanations of Proposed Policy forms. Two of the recommendations suggest amendments to existing NHMA policy positions to advocate for a clearer indication of support for multi-modal facilities, including pedestrian, bicyclist, and transit systems and services. Ped&Bike's final recommendation was to create a new policy statement under "Local Authority and Efficiency" encouraging NHMA to support "the authority of municipalities to set meeting locations, conditions, and modalities (including in-person, remote, or combined in-person/remote) for municipal level meetings of councils, boards, committees, and commissions."

#### **ACTION**

*Should the Council decide not to accept the policy proposals as suggested by the Pedestrian & Bicyclist Advisory Committee, no further action is required.*

*Should the Council decide to accept any or all of the policy proposals as suggested by the Pedestrian & Bicyclist Advisory Committee, staff should be directed to submit the Explanation of Proposed Policy forms to the NHMA for consideration.*

#### **Included in this Section:**

1. March 2, 2022 Legislative Policy Proposal Forms from Pedestrian & Bicyclist Advisory Committee.



## New Hampshire Municipal Association 2023-2024 Legislative Policy Process

### Explanation of Proposed Policy

Submitted by (Name): Lebanon Pedestrian & Bicyclist Advisory Committee Date: March 2, 2022

Title of Person Submitting Policy: \_\_\_\_\_

City or Town: Lebanon Phone: \_\_\_\_\_

To see if NHMA will SUPPORT/~~OPPOSE~~:

Under "State Aid and Non-Property Tax Revenues", add the following language to the existing statement of NHMA support: "A state transportation policy that provides adequate and sustainable funding for state and municipal infrastructure and related integral public transportation systems and services and maintains at least the 12 percent share of state highway funds distributed to municipalities."

Municipal interest to be accomplished by proposal:

Would like to see a clearer indication of support for multi-modal facilities, including pedestrian, bicyclist, and transit systems and services.

Explanation:

Would like to see a clearer indication of support for multi-modal facilities, including pedestrian, bicyclist, and transit systems and services.

A sheet like this should accompany each proposed legislative policy. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal and an explanation that describes the nature of the problem or concern from a municipal perspective and discusses the proposed action that is being advocated to address the problem. Mail to NHMA, 25 Triangle Park Drive, Concord, NH 03301; or e-mail to [governmentaffairs@nhmunicipal.org](mailto:governmentaffairs@nhmunicipal.org) **no later than the close of business on April 15, 2022.**





# New Hampshire Municipal Association

## 2023-2024 Legislative Policy Process

### Explanation of Proposed Policy

Submitted by (Name): Lebanon Pedestrian & Bicyclist Advisory Committee Date: March 2, 2022

Title of Person Submitting Policy: \_\_\_\_\_

City or Town: Lebanon Phone: \_\_\_\_\_

To see if NHMA will SUPPORT/~~OPPOSE~~:

Under "Transportation", add the following language to the existing statement of NHMA support  
"Appropriate funding for state and local modes of transportation, including but not limited to roads, culverts, bridges,  
transit, and multi-modal facilities."

Municipal interest to be accomplished by proposal:

The summary statement for the Transportation policy references multi-modal transportation, but the individual  
support statements do not specifically include pedestrian, bicyclist, and transit facilities and services.

Explanation:

Would like to see a clearer indication of support for multi-modal facilities, including pedestrian, bicyclist, and  
transit systems and services.

A sheet like this should accompany each proposed legislative policy. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal and an explanation that describes the nature of the problem or concern from a municipal perspective and discusses the proposed action that is being advocated to address the problem. Mail to NHMA, 25 Triangle Park Drive, Concord, NH 03301; or e-mail to [governmentaffairs@nhmunicipal.org](mailto:governmentaffairs@nhmunicipal.org) **no later than the close of business on April 15, 2022.**



## New Hampshire Municipal Association 2023-2024 Legislative Policy Process

### Explanation of Proposed Policy

Submitted by (Name): Lebanon Pedestrian & Bicyclist Advisory Committee Date: March 2, 2022

Title of Person Submitting Policy: \_\_\_\_\_

City or Town: Lebanon Phone: \_\_\_\_\_

To see if NHMA will SUPPORT/~~OPPOSE~~:

Under "Local Authority and Efficiency", add a new statement of NHMA support:

"The authority of municipalities to set the meeting locations, conditions and modalities (including in-person, remote, or combined in-person/remote) for municipal level meetings of councils, boards, committees and commissions."

Municipal interest to be accomplished by proposal:

Cities and towns should have the authority to make their own decisions regarding municipal meeting locations, including the ability to hold meetings remotely, if needed.

Explanation:

Cities and towns should have the authority to make their own decisions regarding municipal meeting locations, including the ability to hold meetings remotely, if needed.

A sheet like this should accompany each proposed legislative policy. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal and an explanation that describes the nature of the problem or concern from a municipal perspective and discusses the proposed action that is being advocated to address the problem. Mail to NHMA, 25 Triangle Park Drive, Concord, NH 03301; or e-mail to [governmentaffairs@nhmunicipal.org](mailto:governmentaffairs@nhmunicipal.org) **no later than the close of business on April 15, 2022.**

**AGENDA  
LEBANON CITY COUNCIL  
APRIL 6, 2022**

**11. NEW BUSINESS:**

**11.F – DISCUSSION & SET PUBLIC HEARING FOR APRIL 20, 2022:  
ORDINANCE #2022-01 TO DELETE AND REPEAL CITY CODE CHAPTER 31,  
ARTICLE VI, LICENSING BOARD**

**BACKGROUND**

On April 18, 1990, in accordance with NH RSA 286:3, the City established a Licensing Board with the authority to issue licenses and permits in accordance with State Statute, namely:

- Licensing amusement places (RSA Chapter 286)
- Pawnbrokers (RSA 398:4)
- Permits for soliciting funds (RSA 31:91)
- Street fairs (RSA 31:100)
- Fireworks (RSA 160-B-7)
- Billiard tables (RSA 286:6)
- Raffles (RSA 287-A:7)
- Parades (RSA 286:2)

The Licensing Board is comprised of the Mayor, the Police Chief (or designee), and one member of the public.

In an effort to streamline permitting for use of City-owned property, administration is requesting that the Council consider repealing the requirement for a Licensing Board and delegating authority for permitting of those items to the City Manager.

It is the intent of administration to continue to create efficiencies in the permitting process. As such, a comprehensive overhaul of the City Code is to be presented in the near future which will result in the repeal of many existing chapters and the repeal and replacement of current Chapter 49, Use of City Property. When Chapter 49 is brought forward, it is the intent of administration to include the delegation of permitting authority to the City Manager as part of the chapter.

**ACTION**

*If the Council decides to move forward with proposed Ordinance #2022-01, the following motion is offered for consideration:*

***MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, April 20, 2022, beginning at 6:00pm in Council Chambers, City Hall, and Remote via the City's Virtual Platform for the purpose of receiving input and taking action on proposed Ordinance #2022-01, to delete and repeal City Code Chapter 31, Boards, Committees and Commissions, Article VI, Licensing Board.***

Included in this Section:

1. Proposed Ordinance 2022-01
2. City Code Chapter 31, Article VI, Licensing Board

**CITY OF LEBANON**  
**ORDINANCE #2022-01**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 31, Boards, Committees, and Commissions by deleting and repealing Article VI, Licensing Board.

Be it ordained by the Council of the City of Lebanon as follows:

**Section 1.**

The Code of the City of Lebanon is hereby amended by deleting and repealing City Code Chapter 31, Boards, Committees, and Commissions, Article VI, Licensing Board.

**Section 2. Severability**

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

**Section 3. Effective Date**

This ordinance shall become effective upon passage.

**CODE OF THE CITY OF LEBANON**  
**CHAPTER 31 – BOARDS, COMMITTEES, AND COMMISSIONS**

**Article VI**  
**Licensing Board**

**[Adopted 4-18-1990 by Ord. No. 45; effective 4-26-1990]**

**§ 31-23 Declaration of purpose.**

This article establishes a Licensing Board pursuant to RSA 286:3 to grant licenses under RSA Chapter 286 and to grant licenses and permits required to be issued by the city by state statutes described in § 31-29.

**§ 31-24 Membership.**

The Licensing Board shall consist of the Chief of Police or such person as he/she may designate from the Police Department; the Mayor; and one other person who shall be appointed by the City Council.

**§ 31-25 Terms; alternate member.**

The elected Mayor shall serve as a member of the Board so long as that person is serving as Mayor. The person appointed by the City Council shall serve for a term of three years. The City Council may also appoint an alternate member for a term of three years who shall serve whenever the Mayor or the person appointed by the City Council is absent.

**§ 31-26 Meetings.**

The Board shall meet at such times as may be necessary to review applications for licenses and permits. Notices of the meeting shall be given as required by RSA Chapter 91-A.

**§ 31-27 Organization.**

The Board, annually, shall organize and elect a Chair and a Clerk.

**§ 31-28 Quorum.**

A majority of the Board shall constitute the quorum necessary in order to transact business at any meeting.

**§ 31-29 Authority to issue certain licenses and permits under state statutes.**

A. The Licensing Board shall have the authority to issue licenses and permits as required by the following statutes:

- (1) Licensing amusement places, RSA Chapter 286.
- (2) Pawnbrokers, RSA 398:4 et seq.
- (3) Permits for soliciting funds, RSA 31:91.
- (4) Street fairs, RSA 31:100.
- (5) Fireworks, RSA 160-B-7. **[Amended 9-20-2000 by Ord. No. 70]**
- (6) Billiard tables, RSA 286:6.
- (7) Raffles, RSA 287-A:7.

B. When the Board exercises authority pursuant to any statute, the Board shall comply with all statutory requirements for that particular license or permit.

**§ 31-30 Applications, licenses and permits.**  
**[Amended 9-20-2000 by Ord. No. 70]**

Application shall be made to the Licensing Board for any permit or license required hereunder upon such form as the Board shall designate. Application shall be obtained from and filed with the City Manager. All licenses or permits shall be signed by at least two members of the Licensing Board.

**§ 31-31 Revocation or denial of licenses and permits.**

The Licensing Board may revoke or suspend any permit or license for any violation of any term or condition of issuance. The Board may deny an application for a license or permit. In all cases, the Board shall notify the applicant, licensee or permittee in writing of the denial, revocation or suspension and the reason for such action. The applicant, permittee or licensee shall have the right to a public hearing before the Board as to such revocation or suspension. Such public hearing shall be requested within seven days of receipt of the notification. The licensee or permittee shall have seven days to appeal the decision of the Licensing Board to the City Manager who shall hear and decide such appeal within 20 days from the date of appeal.