



LEBANON CONSERVATION COMMISSION
NOVEMBER 12, 2020 - 6:30 PM
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE

-
- 1. Call to Order**
 - A. Review of meeting procedures and NH RSA 91-A “Right-to-Know” requirements.
 - 2. Approval of Minutes**
 - A. October 8, 2020
 - 3. Permit Review**
 - A. None
 - 4. Study Items**
 - A. Airport Business Park – Phase One
 - B. Two Rivers I-89 project proposal
 - C. Open Space Plan Update
 - D. Zoning Ordinance Amendments: Review and comment to City Council on proposed amendments to the Zoning Ordinance
 - 5. Committee Reports**
 - A. Conservation Lands Monitors (Various Members)
 - B. Lebanon Biodiversity Group (D. Lacey)
 - C. Workshops & Educational Opportunities (Various Members)
 - 6. Other Business**
 - A. Resident Stewardship Volunteer Program (20 minutes)
 - B. Web Page Update
 - C. Wild About Lebanon
 - D. 2021 Calendar
 - 7. Future Agenda Items**
 - A. Commissioners are welcome to contribute additional agenda items at least one week before the meeting.
 - 8. Open to the Public**
 - 9. Adjournment**

The order of agenda items is subject to change.

Due to the current situation with the COVID-19 Pandemic, the City of Lebanon is offering its meetings via Microsoft Teams. Members of the public are encouraged to attend by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the Microsoft Teams software or by phone. Please visit LebanonNH.gov/Live for full details.

THE AGENDA, IN ITS ENTIRETY IS AVAILABLE ON THE CITY'S WEBSITE AT LEBANONNH.GOV

**Agenda
Conservation Commission
November 12, 2020**

**Agenda Item #2A
Approval of Minutes**

October 8, 2020

DRAFT

**LEBANON CONSERVATION COMMISSION
REGULAR MEETING MINUTES
Remote Via Microsoft Teams
LebanonNH.gov/Live
Thursday, October 8th, 2020
6:30 PM**

MEMBERS PRESENT: Ernst Oidtmann (Chair), Sarah Riley (Vice Chair), Erling Heistad, Christopher Johnson, Bruce James, Donald Lacey, Sue Almy, Darla Bruno (Alt.), Barbara Hirai (Alt.)

MEMBERS ABSENT: Suellen Balestra

STAFF PRESENT: Mark Goodwin (GIS Coordinator)

1. CALL TO ORDER – Chair Oidtmann called the meeting to order at 6:31 PM

- Mr. Mark Goodwin reviewed the meeting procedures for remote meetings and NH RSA 91-A “Right to Know” requirements. A Roll Call of Commission Members who participated remotely are listed above.

2. APPROVAL OF MINUTES: September 10th, 2020

Mr. Heistad MOVED to approve the September 10th, 2020 Minutes as amended below and presented in the October 8th, 2020 agenda packet.

Seconded by Mr. James.

Amendments:

Page 3, Line 36, Change “noticed” to “notified”

Roll Call Vote:

Ernst Oidtmann, Bruce James, Christopher Johnson, Erling Heistad, Sarah Riley, Donald Lacey, Susan Almy all voting Yea.

None voted Nay.

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

3. PERMIT REVIEW:

A. Quail I, LP (Applicant), Melandaco, LLC (Property Owner): Review and comment on NHDES Wetland Standard Dredge and Fill Application (Minimum Impact) for drainage improvements along East Wilder Road. The project requires temporary wetland impacts. The project in review includes 600 square feet of temporary impact. **CC2020-08, DES File Number 2020-02338**

Ms. Christina Hall informed the Board that the City's website and agenda stated the meeting would start at 7:00PM. She believed that others thought that as well and that is why some people were not at the meeting yet. It was decided to wait to start the hearings until 7:00PM.

5. COMMITTEE REPORTS:

A. Conservation Lands Monitors-Ms. Hirai spoke about the Elm trees that were planted down at Two Rivers. Mr. Ron Bailey, Chair Oidtmann, Ms. Hirai and Mr. Goodwin all assisted with the plantings along with the Nature Conservatory. They also fenced around the trees to protect them from deer. The meadow was kept open and the trees were planted in the middle of the park between the Black Locust and the Cottonwood trees.

C. Workshops and Educational Opportunities-There will be a meeting with the New Hampshire Association of Conservation Commissions on November 7th, 2020 to be held virtually. There will also be a New Hampshire Municipal Association Land Use Law Conference on October 31st, 2020, also held virtually.

Chair Oidtmann spoke about an informal meeting he attended along with Mr. James, Mr. Goodwin and the Hanover Conservation Commission at Tenney Park. Mr. Jim Kennedy and Ms. Vicki Smith were there for the Hanover Conservation Commission.

3. PERMIT REVIEW CONT.:

3A-Mr. Rodrick Finley, Vice President and Director of Engineering Services with Pathway Consulting, LLC gave his presentation for the wetland permit review. Quail Hollow Phase 5 started a little over a year ago. It is a 32-unit building and sits adjacent to the Phase 1 building. All the drainage from Quail Hollow comes from the old gravel pit and flows down the emergency access road to East Wilder Road. City Engineer Christina Hall pointed out during the Planning Board's review of Phase 5 that the water flow at the outlet is causing erosion on both city property and the neighbor's property. The developer of the project is now being required by the City of Lebanon to change the alignment of the culvert pipe to a more dramatic angle to line up with a ravine that runs down to the river. The new design includes upgraded 24-inch pipes. The wetland that will be temporarily disturbed is lined with 8-10-inch riprap already. They want to improve that drainage area with larger stones, Class B riprap, to dissipate the energy before it hits the main ravine. They have also identified 2 endangered species plants on the site, Virginia Stickseed, which will be fenced off as to not disturb where they are. Ms. Hall added that the current culvert is failing and needs to be replaced.

Various Conservation Commission members asked questions of Mr. Finley. Ms. Almy asked where exactly the Virginia Stickweed was located? Mr. Finley explained that one of the plants is near the existing headwall where the water discharges, up on the bank and the other one is approximately 40-50 feet beyond where the construction will take place.

Ms. Hirai asked if the new culverts would be the same size as the old culverts? Mr. Finley answered that they would be. Ms. Hirai also asked if the water that was draining from the property was coming off paved property and if anything was going to be done to improve the quality of the water before it went into the river? Mr. Finley explained that there are multiple storm water treatment facilities within Quail Hollow.

Vice Chair Riley asked for more information on the culverts being used; she wanted to know why they were not making the culverts bigger. Mr. Finley said the pipe size was the same because it was able to detain flows within the development up to a 100-year storm event. They also left the pipe size the same to back the water up into Quail Hollow on purpose. The pipe was also angled more to lessen the erosion on Jody Robert's property.

Mr. Lacey MOVED that the Conservation Commission recommend to NH DES approval for Quail I, LP (Applicant), Melandaco, LLC (Property Owner) NHDES Wetland Standard Dredge and Fill Application (Minimum Impact) for drainage improvements along East Wilder Road. The project requires temporary wetland impacts. The project in review includes 600 square feet of temporary impact. CC2020-08, DES File Number 2020-02338

Seconded by Mr. James.

Roll Call Vote:

Ernst Oidtman, Christopher Johnson, Erling Heistad, Sarah Riley, Donald Lacey, Bruce James, Susan Almy all voting Yea.

None voted Nay.

*** The Vote on the MOTION passed (7-0).**

3B. City of Lebanon (Applicant), Lebanon Housing Authority (Property Owner)-Review and comment on NHDES Wetland Standard Dredge and Fill Application-(Minor Impact) for CSO #13, replace an existing outfall. The project requires temporary and permanent wetland impacts. The project in review includes 1,560 square feet of temporary impact and 480 square feet of permanent impact. CC2020-09, (No DES number)

Ms. Christina Hall, City Engineer with the City of Lebanon, started the presentation on the wetland application for the Lebanon Housing Authority. The City has been working on CSO projects for the past 20 years and this is the last one. Britt Eckstrom and Ryan Wingard, from Wright-Pierce would be going through the presentation. The application is for along Route 12A and then down into Romano Circle across the Housing Authority property to the Connecticut River.

Ms. Eckstrom went through a slideshow on the wetland application. The application is for Project #13 of the CSO projects. It will replace 13 catch basins found along Route 12A and will construct a new storm drain system to direct the stormwater to the Connecticut River as well as reconstructing the sanitary sewer system and drinking water distribution system. All the drainage from Route 12A is currently going into the Lebanon sewer system. After this project is done the storm water will be captured by a new storm drain, go down into Romano Circle then turn down Dock Place then to an existing 18-inch drain. The 18-inch pipe will be abandoned when the new drainage is put in place. The outfall elevation is low because the new drainage being put in place needs to go under an existing sewer line. Silt fencing will be used for temporary erosion control and riprap and vegetation will be used for permanent erosion control.

Various Conservation Commission members asked questions. Vice Chair Riley asked where will the water go to if the river was high? Ms. Eckstrom said it would just back up into the drain system. They have added a tide flex valve to prevent the river water from pushing back up out of the catch basins.

Mr. Heistad asked what size stone was being used for bank erosion? Ms. Eckstrom said 12-inch riprap. Mr. Heistad asked if that would be enough to hold the current of the Connecticut River? Ms. Eckstrom said that would be enough for the discharge from the outfall. Mr. Lacey asked if the riprap size would be

1 enough for the regular Spring runoff into the river that happens every year? Ms. Eckstrom noted that the
2 outfall location is above the mean high water. Ms. Hall added that they could investigate upsizing the
3 riprap to larger stone. They also plan on seeding around that area. Mr. Heistad asked how long they
4 planned to monitor the new growth on the bank? Ms. Eckstrom said she believes it would be about 2
5 years.

6
7 Vice Chair Riley asked how contaminants from Route 12A would be kept from going into the river? Ms.
8 Eckstrom said they would catch sediment and some floatable objects with a catch basin. Ms. Hirai asked
9 what they would be using for vegetation along the shoreline? Ms. Eckstrom said they would be using a
10 native wetland seed mix. Vice Chair Riley asked if there could be a homeowner education phase of the
11 CSO to promote New Hampshire's Soak Up the Rain program? Ms. Eckstrom replied that the City does
12 public meetings during their projects and has one more meeting coming up that they could incorporate the
13 program into. Vice Chair Riley asked about tree removal that was on the plan? Ms. Hall said the trees
14 being cut are along the sidewalk. The sidewalk is not wide enough for the sidewalk tractor. This is to
15 help widen some of the roadway through there and accommodate a bike lane.

16
17 Discussion was had among the Commission members.

18
19 **Ms. Almy MOVED that the Lebanon Conservation Commission recommend acceptance by the NH**
20 **DES of the City of Lebanon's (Applicant) and Lebanon Housing Authority (Property Owner)**
21 **NHDES Wetland Standard Dredge and Fill Application-(Minor Impact) for CSO #13, to replace an**
22 **existing outfall. The project requires temporary and permanent wetland impacts. The project in**
23 **review includes 1,560 square feet of temporary impact and 480 square feet of permanent impact**
24 **with the following conditions that the size of the riprap in the fall area be reconsidered in terms of**
25 **the Spring thaw floods and that shrubs be considered in addition to the grasses in the stabilization**
26 **mix. CC2020-09, (No DES number)**
27 **Seconded by Mr. Johnson.**

28
29 **Roll Call Vote:**

30 **Ernst Oidtman, Christopher Johnson, Erling Heistad, Sarah Riley, Donald Lacey, Bruce James,**
31 **Susan Almy all voting Yea.**

32 **None voted Nay.**

33 *** The Vote on the MOTION passed (7-0).**
34

35 **4. STUDY ITEMS:**

- 36
37 **A. Alfred and Lorelee West (Property Owners), Saxon Partners (Applicant) per DES**
38 **Condition #17, included within the September 28, 2020 request for more information letter.**
39 **The Applicant is seeking comment on the revised design, specific to the aquatic organism**
40 **passage concern expressed by the Conservation Commission during the July 9th, 2020**
41 **Permit review, CC2020-07.**
42

43 Ms. Sherrie Trefry with VHB explained the new changes that were made to their design regarding
44 a drop structure. The new design has a 4X4 box culvert installed and the drop structure has been
45 taken out. The path and grade of the existing stream has also been changed to a little bit of a
46 steeper grade. The applicant has also removed some of Building B and reconfigured the parking
47 to allow the stream to have a more natural pathway. DES would like to know if the redesign and
48 reconfiguration has addressed the Conservation Commission's concerns?
49

1 Various Conservation Commission members asked questions. Mr. Heistad asked what the
2 bottom of the box culvert would be like? Ms. Trefry said they could line the box culvert with
3 rock substrate. Ms. Hirai asked about the rip rap along the banks of the stream? She wondered
4 what would happen to the wildlife if they got down to the stream, would they be stuck there? Mr.
5 David Fenstermacher responded that it will be riprap covered with earth and stabilized with a
6 conservation mix.

7
8 Mr. Rick Van de Poll, member of the public, sent in an e-mail concerned with the alignment of
9 the stream. He wanted to know how this was a restoration project of the stream if they were
10 going to move the stream around Building B? Ms. Trefry explained that the original location of
11 the stream is unknown and that there had been some grading of the area. They worked with DES
12 to find the best way to re-align the stream. Mr. Van de Poll also asked about another culvert that
13 could be seen in the plan that is located under Building B. He did not think it was mapped as part
14 of the original application as an impact area and wanted to know how that could be? Ms. Trefry
15 said they went out and looked at the area after they received his e-mail, and it was inconclusive to
16 them that it was a wetland. It is in the area that is slated for the restoration of the stream.

17
18 The Conservation Commission felt that the applicant made a good faith effort to meet their
19 concerns about the culvert from the July 9th, 2020 meeting. They felt that the 4X4 box culvert
20 was a good improvement especially if careful consideration is made in regard to the bottom of the
21 culvert such as natural, woody debris, stones, or possibly whether an open bottom would be more
22 appropriate. The Conservation Commission recommended that DES consider these and various
23 other alternatives. They also would like to see some resting ponds added into the design.

- 24
25 **B. UVLSRPC Route 120 Project:** Mr. James said he felt it was a good resource for the
26 Conservation Commission in the long term. He encouraged the members to read it and archive it
27 for future knowledge.

28 29 **5. COMMITTEE REPORTS:**

- 30
31 **A. Cont. Conservation Lands Monitors-**Mr. Goodwin said he spoke with a construction manager
32 representing Oddly, the contractor involved with the I89 bridge reconstruction. They were looking
33 for a large area to store equipment during the construction process and was wondering if there was an
34 opportunity to use some of the area at Two Rivers for some sort of improvement to the conservation
35 area such as more plantings or something to be done on the South side of the bridge.

36
37 *Vice Chair Riley MOVED to extend the meeting for 10 minutes.*

38 *Seconded by Mr. Lacey.*

39 40 **Roll Call Vote:**

41 **Ernst Oidtman, Christopher Johnson, Erling Heistad, Sarah Riley, Donald Lacey, Bruce James,**
42 **Susan Almy, and Barbara Hirai all voting Yea.**

43 **None voted Nay.**

44 ** The Vote on the MOTION passed (8-0).*

45 46 **6. OTHER BUSINESS:**

- 47
48 **A. Resident Stewardship Volunteer Program-**Mr. Goodwin gave an update on the forms being made
49 available for the volunteers to use when maintaining trails. The forms will not be worked on by the IT
50 Department until after Columbus Day.

1 **D. LOST Fund Update**-None

2
3 **C. Wild About Lebanon**-A postcard was sent out to Lebanon residents highlighting 5 areas in Lebanon.

4
5 **5B. Lebanon Biodiversity Group**-Mr. Lacey said that he noticed that the City was mowing wider on the
6 side of the roads. He said there was a place where a natural heritage bureau plant grew that he did not
7 want to be mowed over. He will let Mr. Goodwin know where it is so that he could speak with someone
8 so they don't mow it over.

9
10 **6. Other Business:** Vice Chair Riley had been in touch with Vital Communities and the Upper Valley
11 Land Trust and another Conservation Commission. They have set up a new Listserv for conservation use.
12 They will be inviting other Conservation Commissions throughout the Upper Valley to join the Listserv.
13 This will be a way to share any information between Commissions.

14
15 **7. ADJOURNMENT:**

16
17 *Mr. Lacey MOVED to adjourn the meeting at 9:43 PM.*
18 *Seconded by Vice Chair Riley.*

19
20 **Roll Call Vote:**

21 **Ernst Oidtmann, Christopher Johnson, Erling Heistad, Sarah Riley, Barbara Hirai, Bruce James,**
22 **Donald Lacey, Susan Almy, Darla Bruno all voting Yea.**
23 **None voted Nay.**

24
25 ** The Vote on the MOTION was unanimously approved (9-0).*

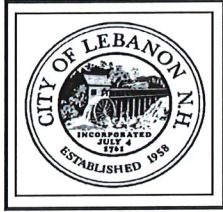
26
27 **The meeting was adjourned at 9:43 PM.**

28
29 Respectfully submitted,
30 Barbara R. Higgins
31 Recording Secretary

**Agenda
Conservation Commission
November 12, 2020**

**Agenda Item #4D
Study Items**

**Zoning Ordinance
Amendments:
Review and comment to
City Council
on proposed amendments to
the Zoning Ordinance**



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Planning Board & Conservation Commission

FROM: Planning & Development Department Staff

RE: 2020-2021 Proposed Zoning Amendments

DATE: October 27, 2020

On October 7th, Planning & Development Department staff presented to the City Council a set of proposed Zoning Ordinance text amendments for initial consideration. Following the presentation, the City Council agreed to move the proposed amendments forward for further review as required by Section 1000 of the Zoning Ordinance.

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

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

Pursuant to Section 1000.3.D of the Zoning Ordinance, please find attached the following for the Planning Board and Conservation Commission's reference and review:

- A legal opinion from Christine Fillmore, Esq., dated October 27, 2020.
- A staff memo dated September 29, 2020 explaining the proposed amendments.
- A redline the current Zoning Ordinance (redline last revised October 14, 2020).

Please note:

- The attached redline reflects comments made by the Council at their October 7th meeting. Consequently, the page references in the attached staff memo are to the redline presented to the Council on October 7th and may no longer match the updated redline that is attached to this memo.
- Once review has been completed by the Land Use Boards, the City Council will hold a public hearing followed by a vote on whether to adopt the amendments and/or to place them on the March 2020 ballot for referendum vote.

S:\PLN\Regulatory_Documents\Zoning\AMENDMENTS\Staff_Amendments\2020-2021\2020-10-27_ZBA Memo.docx

October 27, 2020

David Brooks, Director of Planning and Zoning
City of Lebanon
51 N. Park Street
Lebanon, NH 03766

RE: Zoning Ordinance Amendments Draft of Oct. 15, 2020

Mr. Brooks:

This is a legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance concerning a set of proposed text amendments and one proposed map amendment. I reviewed a staff memorandum regarding these proposed amendments dated September 29, 2020 and a draft of these amendments dated October 15, 2020, and now provide this opinion based on those documents.

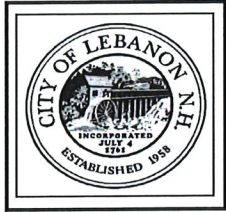
The Ordinance requires this legal review to cover: (a) whether such amendments are within the authority delegated to the City under State law; (b) whether the form is appropriate; and (c) whether, from an administrative point of view, the amendments can be administered and enforced.

In this case, the answer to these three questions is "yes" and I discern no legal or administrative issues of concern.

Sincerely,



C. Christine Fillmore



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon City Council

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

FROM: Planning Staff

RE: 2020-2021 Proposed Zoning Amendments

DATE: September 29, 2020

Honorable Mayor and City Councilors,

The Planning & Development Department has prepared draft amendments to the Zoning Ordinance for consideration by the City Council, and request that the proposed amendments be placed on the October 7, 2020 Council meeting agenda for discussion. The proposed amendments are summarized below and highlighted in the attached redlined excerpt of the Zoning Ordinance. The new or revised text is blue and underlined. The text to be deleted is shown as ~~red with a strike-out~~.

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

BACKGROUND

It is staff's practice to present a set of proposed zoning amendments to the Council each fall for review and consideration. Presenting the amendments in the fall allows them to move through the required review process in time for placement on the ballot the following March, when necessary.

The current set of proposed changes are primarily process-oriented and/or are intended to address ambiguities and inconsistencies in the existing text. A few substantive amendments are also proposed (such as adjusting the building height requirement in the R-1 District).

OVERVIEW OF AMENDMENTS

The proposed amendments are grouped into four general categories: those impacting permitted uses in the non-residential zoning districts, those involving the Lebanon Downtown District, those requiring ballot approval, and all other miscellaneous amendments (other than minor edits – such as those correcting punctuation, correcting references in the Zoning Ordinance necessitated by other amendments, and other editorial changes – which are not specifically reviewed in this memo).

1. Non-Residential Uses:

- a. **Amend Section 303.2, the IND-L District Table of Uses**, as follows (*see p. 7 of the redline*):
 - i. Add “rehabilitation hospital” (which is not currently a use category in the Zoning Ordinance) as a use allowed by Conditional Use Permit from the Planning Board. Chip Brown of Brown Commercial Realty, LLC, at whose request this suggested amendment has been forwarded to the City Council, will be in attendance at the October 7th meeting to explain and discuss the proposal.
 - ii. Change “retail product pickup” from a use allowed by Conditional Use Permit to a permitted use.
 - iii. Replace “office for 50 or more employees” with “office” within Uses by Conditional Use Permit.
- b. **Amend Section 303A.2, the IND-RA District Table of Uses** to (i) adjust the “excavation of natural earth material” use for consistency with similar uses in the IND-H and RL-2 Districts, and with Section 606 (“Excavation of Natural Earth Material”), and (ii) replace “office building” with “office”. (*see p. 8 of the redline*)
- c. **Amend Section 304.2, the IND-H District Table of Uses** to adjust the “excavation of natural earth material” use for consistency with similar uses in the IND-RA and RL-2 Districts, and with Section 606 (“Excavation of Natural Earth Material”). (*see p. 10 of the redline*)
- d. **Amend Section 305.2, the GC District Table of Uses**, as follows (*see p. 11 of the redline*):
 - i. Change “retail product pickup” from a use allowed by Conditional Use Permit to a permitted use.
 - ii. Change “indoor recreational facility” from a use allowed by Conditional Use Permit to a permitted use.
 - iii. Change “funeral establishment” to “funeral home” for consistency of terminology.
 - iv. Remove “alternative treatment center (cultivation location only)”, in connection with the proposal to combine the definitions of “alternative treatment center” and “alternative treatment center (cultivation location only)” (*see Appendix A, p. 27 of the redline*)
- e. **Amend Section 305A.2, the GC-1 District Table of Uses** to remove “alternative treatment center (cultivation location only)”, in connection with the proposal to combine the definitions of “alternative treatment center” and “alternative treatment center (cultivation location only).” (*see p. 12 of the redline; see also Appendix A, p. 27 of the redline*)
- f. **Amend Section 306.2, the CB District Table of Uses** to (i) remove “vehicular sales,” and (ii) change “funeral establishment” to “funeral home.” (*see p. 13 of the redline*)
- g. **Amend Section 315.2, the MC District Table of Uses** to adjust uses for consistency with the medical center complex requirements set forth in Section 506. (*see p. 19 of the redline*)

2. Lebanon Downtown District:

- a. **Amend Sections 307.6.A & B** to clarify verbiage. (*see p. 15 of the redline*)

- b. **Amend Section 307.6.C** to designate Mechanic Street a secondary street and to designate Mascoma Street a primary street. These designations relate to Sections 307.6.A & B which require a certain portion of the first floor of a building to be reserved for non-residential uses. The requirements for a secondary street (Section 307.6.B) are more flexible, only apply to buildings of a certain size, and may be “waived” by Conditional Use Permit from the Planning Board. (*see p. 15 of the redline*)
- c. **Amend Section 307.8.B** to allow the “waiver” of the minimum story height requirements by Conditional Use Permit. (*see p. 15 of the redline*)
- d. **Amend Section 307.9.B** to allow parking in the front yard by Conditional Use Permit for properties with pre-existing improved surfaces in the front yard, provided that parking cannot be accommodated elsewhere on the lot. (*see p. 16 of the redline*)

3. **Ballot Amendments:**

- a. **Amend Section 308.3 and add new Section 308.4** to allow additional building height of up to ten (10) ft. by Conditional Use Permit provided that the additional height is for the purpose of accommodating parking underneath the building. At the suggestion of the Planning Board, proposed Section 308.4 requires an enhanced building setback of two (2) feet for every one (1) foot of additional building height so authorized by Conditional Use Permit. For example, if the Planning Board were to approve a building height of 50 ft. (which is 5 ft. more than the existing 45 ft. maximum), the minimum required setbacks would be increased by 10 ft. for the structure. (*see p. 16 of the redline*)
- b. **Amend Section 310.2, the R-3 District Table of Uses** to change “house of worship” from a use allowed by Special Exception to a permitted use. This change is consistent with all other districts that allow house of worship where, in those districts, “house of worship” is designated a permitted use and does not require a Special Exception or Conditional Use Permit. (*see p. 17 of the redline*)
- c. **Add new Section 310.4 (“Dwelling Unit Density”)** to clarify that the permitted density in the R-3 District for senior housing complexes and PURDs is based on one dwelling unit per 10,000 sq. ft. of lot area. (*see p. 17 of the redline*)
- d. **Amend Section 313.2, the RL-2 District Table of Uses** to adjust the “excavation of natural earth material” use for consistency with similar uses in the IND-RA and IND-H Districts, and with Section 606 (“Excavation of Natural Earth Material”). (*see p. 18 of the redline*)

3. **Miscellaneous:**

- a. **Remove Section 303.6 (“Flex Buildings”)**. The “flex building” concept is redundant to Sections 302.2 and 302.3 which already allow accessory uses and mixed-use buildings, respectively, “by right”. (*see p. 7 of the redline*)
- b. **Amend the IND-RA District regulations, Sections 303A.3, 4, and 5** to clarify that “waivers” of the minimum yard requirements where necessary to allow rail access may be authorized by Conditional Use Permit (Section 303A.3) and to clarify the verbiage of Sections 303A.4 and 5. (*see p. 9 of the redline*)

STAFF MEMORANDUM

Proposed Zoning Amendments
October 7, 2020 City Council Mtg
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- c. **Amend Section 306.3, the CB District Table of Area, Dimensions and Coverage** to (i) allow a reduction of the minimum rear yard requirement by Conditional Use Permit from the Planning Board instead of by Special Exception from the Zoning Board of Adjustment, and (ii) as a clean-up item related to the recent adoption of the LD District regulations, remove the language allowing increased building height in downtown Lebanon (as the areas described are now located in the LD District). *(see p. 14 of the redline)*
- d. **Amend Section 311B.4 (“Parking Requirements”)** to clarify that the minimum number of parking spaces that must be provided for each dwelling unit shall be as set forth in Section 607.2 (“Table of Minimum Off-Street Parking Requirements”). *(see p. 17 of the redline)*
- e. **Amend Section 314.1 (“Purpose”)** to update the RL-3 District purpose statement by removing verbiage that is inconsistent with the remainder of the purpose statement and with the Master Plan. *(see p. 18 of the redline)*
- f. **Amend Section 501.4.D (“Uses Allowed in a Commercial or Industrial PUD”)**. Currently, hotels, restaurants, personal services, and retail are permitted uses in an Industrial PUD, but may occupy no more than 25% of the total “building coverage”. The proposed amendment changes “building coverage” to “gross floor area” which is a more logical metric and will avoid encouraging large, sprawling, one-story buildings which is the inadvertent result of using “building coverage” as the metric. *(see p. 21 of the redline)*
- g. **Add new Section 608.4.1.e (“Multi-Tenant Buildings”)** to allow the existing sign area for existing multi-tenant buildings to be used as the permitted sign area for the building, as an alternative to the building sign area formulas set forth in Section 608.4.1.a. *(see p. 24 of the redline)*
- h. **Miscellaneous amendments** to Sections 201 (“Yard Requirements”), 201.1 (“Reduction for an Average Front Yard”), 201.4 (“Fences, Hedges and Walls”), 201.7 (“Driveways and Parking Areas”), 203.1 (“Exceptions to Height Requirements”), 203.3 (“Accessory Wind Energy Facilities”), 203.4 (“Telecommunication Facilities”), 203.5 (“Bonding and Security for Towers and Similar Structures”), 204 (“Lots in Two Zoning Districts”), 206 (“Sight Distance at Street Intersections”), 208 (“Off-Street Loading”), 213 (“Impact Fees”), 301 (“Zoning Map”), 302 (“Uses”), 402 (“Flood Plan District”), 409 (“Landfill Reclamation District”), 501.2 (“Planned Unit Residential Development (PURD)”), 501.3 (“Planned Unit Recreational Developments”), 506 (“Medical Center Complexes”), 601 (“Special Design Standards”), 602 (“Non-Commercial Swimming Pools and Hot Tubs”), 607 (“Parking”), 608.8 (“Non-Conforming Signs”), 610 (“Accessory Dwelling Unit (ADU)”), 611 (“The Keeping of Chickens”), Appendix A (“Definitions”), and all other miscellaneous editorial edits and typographical corrections depicted in the attached redline.

SCHEDULE

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

1. Staff presents amendments to City Council for initial consideration - *scheduled for the October 7, 2020 Council meeting*. Section 1000.2.A.

STAFF MEMORANDUM

Proposed Zoning Amendments
October 7, 2020 City Council Mtg
Page 5 of 5

2. If Council decides to move forward with the amendments, they will set a tentative schedule including review by legal counsel, review before the City's land use boards, and a public hearing before the Council. Section 1000.3.A.
3. The amendments will be forwarded to the City's attorney for review. *Legal opinion expected to be received by the end of October.* Section 1000.3.B.2.
4. The amendments are forwarded to the City's land use boards for review. Sections 1000.3.B.1 and C.
 - a. Zoning Board – *expected to be scheduled for the November 2, 2020 meeting.*
 - b. Conservation Commission – *expected to be scheduled for the November 12, 2020 meeting.*
 - c. Planning Board - *expected to be scheduled for the November 23, 2020 meeting.*
5. Council will then hold a work session to review the amendments as modified based on legal input and land use board feedback – *expected to be scheduled for the January 6, 2021 Council meeting.*
6. Finally, the Council will hold a public hearing followed by a vote on whether to adopt the amendments - *expected to be scheduled for January 20, 2021 Council meeting.* Section 1000.3.D.

Please note that amendments to the Article III Tables of Use for the R-1, R-2, R-3, RL-1, RL-2, and/or RL-3 Districts require approval by referendum vote per Section 1000.4 of the Zoning Ordinance. The remainder require adoption by City Council per Section 1000.4.B of the Zoning Ordinance (keeping in mind that the Council has the ability to place any proposed amendment on the March ballot for voter approval).

ATTACHMENT

- Redline excerpt of current Zoning Ordinance (redline last revised 9/29/20)

ZONING ORDINANCE



Ordinance #2

CITY OF LEBANON, NEW HAMPSHIRE

ADOPTED:

January 16, 2013

LAST AMENDED:

~~*March 10,*~~

~~*2020*~~ *2021*

ARTICLE II

GENERAL PROVISIONS

[...]

SECTION 201 YARD REQUIREMENTS.

Except as otherwise provided herein, no building or structure other than accessory structures and buildings of 130 sq. ft. or less per Section 201.8 below shall occupy any part of any yard required by Article III, except that ~~the ordinary projections of sills, cornices, pilasters, chimneys and eaves~~ architectural details may extend not more than two (2) feet into any required yard.

201.1 Reduction for an Average Front Yard.

The required front yard may be reduced to the average front yard of the existing buildings on the same side of the street in the same block, provided that there are at least two (2) such buildings and provided that all such buildings are within 300 feet of the premises (as measured along the street line). This reduction shall not be allowed for lots fronting on a state highway ~~or major thoroughfare~~.

[...]

201.4 Fences, Hedges and Walls.

Fences, hedges and walls may be located within minimum required yards, but ~~Fences, hedges or walls if located within~~ required front yards they shall not exceed 3 ½ feet in height unless ~~the set back at least is~~ 15 feet from the right-of-way. The Board of Adjustment, as a special exception, may allow fences, hedges and walls of a greater height. This section shall not apply to fences and walls erected for agricultural (e.g., the confinement of animals), safety or security purposes in the industrial, commercial or rural lands districts.

[...]

201.7 Driveways and Parking Areas.

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

[...]

SECTION 203 HEIGHT REQUIREMENTS.203.1 Exceptions to Height Requirements.

Except as provided in Section 407 for structures near the airport or in the airport approach zone, the following structures may exceed the maximum height limitations of Article III by not more than 20 percent:-

A. Flagpoles.

- B. Rooftop features including chimneys, spires, ~~silos~~, towers, lightning rods, heating, ventilation and air-conditioning equipment, elevator shafts, accessory solar energy facilities or similar structures/equipment. ~~The Board of Adjustment may allow a greater height for silos in the RL Districts by special exception granted pursuant to Section 801.3.~~
- C. Radio or TV antennae or satellite dish for private, non-commercial reception.
- D. Accessory wind energy facilities, except as provided in Section 203.3.
- E. Silos, except that the Board of Adjustment may allow a greater height for silos in the RL Districts by *special exception* granted pursuant to Section 801.3.

[...]

203.3 Accessory Wind Energy Facilities.

Accessory wind energy facilities may exceed the ~~above~~ Section 203.1 exception to the maximum height limits in RL Districts (Sections 312, 313 and 314) by special exception, except as provided in Section 407 (the more restrictive Section applies).

[...]

203.4 Telecommunication Facilities.

- A. Location of Telecommunication Facilities:

[...]

- 3. Facilities Other Than Collocation or Modification. **Telecommunication facilities** requiring a new dedicated tower or other structure, or which otherwise do not fit within paragraphs A.1 or A.2 above, shall be:
 - a. Permitted in the Industrial, General Commercial, and Medical Center zoning districts by Conditional Use Permit;
 - b. Allowed by Special Exception ~~and Conditional Use Permit~~ in the RL zoning districts and,

[...]

- D. ~~Conditional Use Permits and~~ Procedure:

- 1. Unless specifically exempted under Subsection A.1 of this Section, **telecommunications facilities** are permitted only after obtaining a **conditional use permit** ~~from the Planning Board and or, where required, a special exception as required under Subsection A.3 from the Zoning Board~~. All such uses must comply with other applicable ordinances and regulations of the City of Lebanon, State of New Hampshire, and Federal Government.
- 2. Telecommunications facilities requiring a new dedicated tower or other structure, or which otherwise do not fit within Subsections A.1 or A.2, shall obtain site plan approval from tThe Planning Board which shall act upon

the site plan application in accordance with the procedural requirements of ~~its~~ the Site Plan Review Regulations, provided that regional notification requirements contained in RSA 12-K:7 must also be followed.

[...]

203.5 Bonding and Security for Towers and Similar Structures.

Whenever ~~either the Zoning Board of Adjustment or~~ Planning Board or the Zoning Board (in the event that site plan review is not required) approves an application to construct a tower or similar structure which, if abandoned and unmaintained, could present a hazard to health or safety from a potential fall or collapse, including but not limited to broadcast antennas or towers under Section 203.2, telecommunications towers under Section 203.4, or wind energy facilities under Section 203.3, the respective Board shall require the applicant to provide a bond or other security to the City in an amount sufficient to cover the costs of removal and disposal of such structure. The Board shall set the form and amount of the security. Any engineer, attorney, or other consultant engaged by the Board to determine the adequacy of the form and amount of security shall be at the applicant's expense. The Board shall also require the applicant to submit proof of appropriate liability insurance with respect to the proposed structure prior to construction.

SECTION 204 LOTS IN TWO ZONING DISTRICTS.

Where a district boundary line divides a lot of record at the time such district boundary line is established, the regulations for either district of such lot may extend up to thirty feet (one hundred feet in rural lands districts) into the other district, provided the lot has frontage on a street in the district which is being extended, and provided that the lot has not been altered by subdivision, merger, or lot line adjustment subsequent to the establishment of the district boundary. ~~Determinations under this section shall be made by the Zoning Administrator, subject to appeal under Section 801.1.~~

[...]

SECTION 206 SIGHT DISTANCE AT STREET AND DRIVEWAY INTERSECTIONS.

There shall be no obstruction to vision between the heights of three (3) feet and ten (10) feet above the **street** surface within ~~the any~~ triangular area formed by the intersection of two **street lines** and a third line joining them at points 25 feet away from their intersection, or by the intersection of a driveway and a street line and a third line joining them at points 25 feet away from their intersection. The Board of Adjustment may grant a **special exception** to this requirement, pursuant to Section 801.3, in the commercial and industrial districts only.

[...]

SECTION 208 ~~OFF-STREET LOADING~~ (Reserved).

~~Off-street loading facilities shall be provided for all institutional, commercial and industrial uses. These facilities shall be located so that delivery vehicles are parked completely outside of the street right-of-way, and shall comply with the requirements of the Site Plan Review Regulations as applicable.~~

[...]

SECTION 213 IMPACT FEES.

[...]

213.3 Definitions.

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

[...]

E. New development means an activity that results in:

- (1) The creation of a new dwelling unit or units or new manufactured housing
~~or in the habitable portion of a residential building~~; or
- (2) The conversion of a legally existing use, or additions thereto, which would result in a net increase in the number of dwelling units; or
- (3) Construction resulting in a new non-residential building or a net increase in the gross floor area of any non-residential building; or

[...]

213.5 Standards and Basis of Assessment.

[...]

- D. In the case of new development created by conversion or modification of an existing use, the impact fee shall be based upon the net positive increase in the impact fee assessed for the new use for each category of impact fee assessment as compared to the highest impact fee that was or would have been assessed for each category of impact fee assessment for the previous use in existence on or after the effective date of this Ordinance.

[...]

213.9 Appeals under This Section.

- A. A party aggrieved by a decision made by the ~~Code Enforcement Officer~~Zoning Administrator relating to administrative decisions in the assessment or collection of impact fees authorized by this Section may appeal such decision to the Planning Board within 30 days of the administrative decision, and not afterward.

[...]

ARTICLE III

USE DISTRICTS

[...]

SECTION 301 ZONING MAP.301.1 Establishment.

The districts and the boundaries of such districts shall be as shown on a map entitled "OFFICIAL ZONING MAP OF THE CITY OF LEBANON, NEW HAMPSHIRE." ~~together with all notations, references and other matter and things set forth and/or attached thereto.~~ This map, which was adopted on July 19, 1978, and amended several times thereafter, is hereby re-adopted. ~~It shall be known as the Official Zoning Map of the City of Lebanon and shall be certified by the Mayor and City Clerk.~~ Said map is to be prepared and updated maintained by the City of Lebanon Planning ~~Office~~ & Development Department, and amendments thereto shall be certified by the City Clerk.

[...]

301.3 Final Authority.

Regardless of the existence of purported copies of the Official Zoning Map~~y~~ which may from time to time be published, the Official Zoning Map which is on file with the City Clerk shall be the final authority on current zoning.

[...]

SECTION 302 USES.

302.1 Permitted Uses. In the districts described herein, only those uses listed as "permitted uses" shall be permitted. Uses listed as "special exception" may be allowed, but only at the discretion of the Board of Adjustment pursuant to Section 801.3. Uses listed as "conditional use permit" may be allowed, but only at the discretion of the Planning Board pursuant to Section 302.4. It is the intent of this Ordinance that no other uses be allowed. All uses shall comply with the dimensional requirements of the "Table of Area, Dimensions and Coverage" of the zoning district in which the use is located. Uses not listed are neither permitted nor allowed by special exception nor allowed by **conditional use** permit.

[...]

SECTION 303 LIGHT INDUSTRIAL DISTRICT (IND-L).

[...]

303.2 Table of Uses.

<u>Permitted Uses</u>	<u><i>Special Exception Uses</i></u> (see Section 801.3)
<u>Commercial/Non-Residential</u> 1. Airport 2. Bus terminal 3. Essential service 4. Health club 5. Light industry 6. Local government use 7. Outdoor storage per Section 303.4 (less than 20%) 8. Plumbing, electrical or carpentry shop 9. Publishing/printing 10. Research laboratory 11. Renewable energy system per Section 612 12. Retail product pickup 42.13. <u>Retail showroom</u> per Section 303.5 (less than 10%) 43.14. <u>Trucking terminal</u> 44.15. <u>Warehouse</u> <u>Planned Developments</u> 45.16. <u>Industrial PUD</u> per Section 501 46.17. <u>Planned business park</u> per Section 508	<u>Commercial/Non-Residential</u> 1. Care and treatment of animals 2. Contractor's yard 3. Educational facility, college/university 4. Educational facility, vocational school 5. Group day care facility per Section 604 <u>Uses by Conditional Use Permit</u> (see Section 302.4) <u>Commercial/Non-Residential</u> 1. Car wash 2. Office building for 50 or more employees 3. Outdoor storage per Section 303.4 (more than 20%) 4. Retail showroom per Section 303.5 (between 10-20%) 5. Rehabilitation hospital Retail product pickup

[...]

~~303.6 — Flex Buildings.~~

~~Flex buildings (i.e. multi-use buildings) having no more than 30% of the floor area occupied by independent office uses are permitted, provided the principal use of the building is for a permitted use.~~

[...]

SECTION 303A INDUSTRIAL - RAIL ACCESS DISTRICT (IND-RA).

[...]

303A.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Commercial/Non-Residential</u> 1. Bituminous paving plant 2. Concrete mixing plant 3. Contractor's yard 4. Essential service 5. Health club 6. Light industry 7. Local government use 8. Outdoor storage and sales 9. Recycling facility 10. Research laboratory 11. Renewable energy system per Section 612 12. Retail showroom per Section 303A.5 13. Warehouse <u>Planned Developments</u> 14. Industrial PUD per Section 501 15. Planned business park per Section 508	<u>Commercial/Non-Residential</u> 1. Bulk petroleum and liquid propane gas storage 2. Excavation of natural earth material per Section 606 and/or processing of natural earth material Natural resource extraction and/or processing facility (timber, stone, or soil) 3. Intermodal transportation facility 4. Educational facility, vocational school 5. Group day care facility per Section 604 <u>Uses by Conditional Use Permit</u> (see Section 302.4) <u>Commercial/Non-Residential</u> 1. Office building

303A.3 Table of Areas, Dimensions, and Coverage.**IND - RA DISTRICT**

Minimum Lot Requirements					Maximum Limitations	
Area	Frontage	Front Yard	Side Yard	Rear Yard	Building Coverage	Height
2 acres	200'	30' (*)	20' (*)	20' (*)	50%	65'

~~*Setback will be waived for~~ This restriction may be relaxed by conditional use permit, if the Planning Board finds, in addition to the standards set forth in Section 302.4, that such relaxation is required to allow access to or use of rail service. ~~these portions of the lot where rail access is along the property line.~~

303A.4 Special Setback Restrictions.

Principal structures on lots in the IND-RA district which abut a residential zoning district ~~lines will~~ shall be set back a minimum of 75 feet from the property line or lines which abut the residential zone.

303A.5 Retail Showrooms.

Showrooms and on-premises sales may be allowed as part of a ~~manufacturing~~ light industry or; warehouse or distribution facility provided that: (1) such showrooms are limited in floor area to no more than 10% of the total acreage of the lot on which they are located or a maximum of 20,000 square feet, whichever is smaller, and, (2) the goods being displayed are the same as those being manufactured/stored/distributed on the premises.

[...]

SECTION 304 HEAVY INDUSTRIAL DISTRICT (IND-H).

[...]

304.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Commercial/Non-Residential</u> 1. Contractor's yard 2. Essential service 3. Recycling facility 4. Renewable energy system per Section 612 5. Sanitary landfill 6. Sawmill per Section 304.5	<u>Commercial/Non-Residential</u> 1. Bulk storage of petroleum products 2. Junkyard per Section 605 3. Removal of natural materials <u>Excavation of natural earth material per Section 606 and/or processing of natural earth material</u>
<u>Planned Developments</u> 7. Industrial PUD per Section 501 8. Planned business park per Section 508	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
	<u>Commercial/Non-Residential</u> 1. Bituminous paving plant 2. Concrete mixing plant 3. Stone crushing plant

[...]

SECTION 305 GENERAL COMMERCIAL DISTRICT (GC).[...]

305.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> 1. Dwelling unit(s) above first floor 2. Multi-family dwelling (see Section 305.5) <u>Commercial/Non-Residential</u> 3. Amusements (indoor) 4. Car wash 5. Community center 6. Drive-in restaurant, refreshment stand 7. Drive-through facility 8. Drycleaning pick-up station 9. Financial institution 10. Funeral establishment <u>home</u> 11. Group day care facility per Section 604 12. Health club 13. Hotel 14. House of worship 15. Laundromat 16. Local government use 17. Membership club 18. Motel 19. Movie theater 20. Office 21. Personal service 22. Publishing/printing 23. Radio or TV studio <u>24. Recreational facility, indoor</u> 24-25. <u>Renewable energy system</u> per Section 612 25-26. <u>Restaurant</u> , sandwich shop <u>27. Retail product pickup</u> 26-28. <u>Retail store</u> 27-29. <u>Service station</u> 28-30. <u>Vehicular repair</u> 29-31. <u>Vehicular sales</u> <u>Planned Developments</u> 30-32. <u>Commercial PUD</u> per Section 501	<u>Commercial/Non-Residential</u> 1. Alternative treatment center per Section 613 2. Alternative treatment center (cultivation location only) per Section 613 3-2. <u>Bus terminal</u> 4-3. <u>Educational facility, college/university</u> 5-4. <u>Essential service</u> 6-5. <u>Truck terminal</u> <u>Uses by Conditional Use Permit</u> (see Section 302.4) <u>Commercial/Non-Residential</u> 1. Care and treatment of animals 2. Contractor's yard 3. Craftsman's shop 4. Plumbing, electrical or carpentry shop 5. Produce stand 6. Recreational facility, indoor 7-6. <u>Recreational facility, outdoor</u> 8. Retail product pickup 9-7. <u>Warehouse</u> 10-8. <u>Wholesale sales</u>

[...]

SECTION 305A GENERAL COMMERCIAL ONE DISTRICT (GC-1).

[...]

305A.2 Table of Uses.

<u>Permitted Uses</u>	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
<u>Residential</u> 1. Multi-family dwelling (see Section 305A.4) <u>Commercial/Non-Residential</u> 2. Dwelling unit(s) above first floor 3. Essential service 4. Financial institution 5. Group day care facility per Section 604 6. Office 7. Personal service 8. Renewable energy system per Section 612 <u>Planned Developments</u> 9. Commercial PUD per Section 501	<u>Commercial/Non-Residential</u> 1. Alternative treatment center per Section 613 2. Alternative treatment center (cultivation location only) per Section 613 3-2. Drycleaning pick-up station 4-3. Educational facility, college/university 5-4. Light industry 6-5. Research laboratory 7-6. Restaurant , sandwich shop 8-7. Retail store

[...]

SECTION 306 CENTRAL BUSINESS DISTRICT (CB).

[...]

306.2 Table of Uses.

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

306.3 Table of Area, Dimensions and Coverage.**CB DISTRICT**

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

*May be reduced or eliminated by ~~special exception~~ conditional use permit.

~~**55' is allowed for any property within the Central Business District that is located in downtown Lebanon and is adjacent to the Mascoma River; and/or is adjacent to one or more of the following primary streets: North, South, East, and West Park Streets, Hanover Street, High Street, Mechanic Street, Mascoma Street, Bank Street, Campbell Street, and Spencer Street; and/or is adjacent to any other street that intersects one of the afore-mentioned primary streets.~~

[...]

SECTION 307 LEBANON DOWNTOWN DISTRICT (LD).

[...]

307.6 Non-Residential Uses.A. Buildings with Frontage on Primary Streets.

1. If a **building** is located on a **lot** with **principal frontage** on a primary **street**, a minimum of 1,000 square feet or 1/3 of the **gross floor area**, whichever is less, of the **street level story** of the **building**, shall be ~~devoted~~ reserved for a non-residential use or uses, and such combined uses shall have both a depth and width of not less than 20 feet along the primary **street**.

[...]

B. Buildings with Frontage on Secondary Streets.

[...]

1. Notwithstanding the above requirements, the Planning Board may waive the requirement for non-residential uses on **the street level story** and permit residential uses on the ~~complete-entire~~ **street level story** in these locations by **conditional use permit** pursuant to Section 302.4 provided the applicant demonstrates that:

[...]

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

1. Primary Streets. The Downtown Mall, Taylor Street within 500 feet of the Downtown Mall, Hanover Street from Hough Street to Church Street, Mascoma Street, ~~Mechanic Street~~, Court Street, West Park Street from Hanover Street to Court Street, and North Park Street from Court Street to Campbell Street.
2. Secondary Streets. Hanover Street from NH Route 120 to Hough Street, ~~Mascoma Street~~, Foundry Street, Church Street, High Street, Mechanic Street, Water Street, East Park Street, Bank Street, Taylor Street more than 500 feet from the Downtown Mall, Campbell Street, and Spencer Street.

[...]

307.8 Building Height.

[...]

- B. Minimum Story Height. The **street level story** of a **building** shall not be less than twelve (12) feet in height as measured between finished floors. All other **stories** shall be no less than ten (10) feet in height as measured between finished floors. The Planning Board may waive these requirements by conditional use permit pursuant to Section 302.4.

307.9 Driveways, Parking Areas, and Circulation Areas.

[...]

- B. No **parking area** or circulation area for vehicles shall be located in the **front yard**. For improved surfaces in existence as of (insert date of ordinance adoption), the Planning Board may waive these requirements by **conditional use permit** pursuant to Section 302.4 if the Board find that there is no other location on the **lot** to provide parking. Where a **lot** abuts more than one **street**, this restriction shall only apply to the **front yard** along the **principal frontage**.

[...]

SECTION 308 RESIDENTIAL ONE DISTRICT (R-1).

[...]

308.3 Table of Area, Dimensions and Coverage.**R-1 DISTRICT****Minimum Lot Size**

Class	Area	Width	Additional Area per D.U. After Two	Maximum Height
1	10,000 sq.ft.	75'	3,000 sq.ft.	45' <u>or 55' per Section 308.4</u>
2	15,000 sq.ft.	75'	5,000 sq.ft.	45' <u>or 55' per Section 308.4</u>
3	40,000 sq.ft.	100'	15,000 sq.ft.	45' <u>or 55' per Section 308.4</u>

[...]

308.4 Building Height. By **conditional use permit** per Section 302.4, the maximum **building height** for a proposed **building** may be increased up to 10 additional feet if the increase in **building height** is for the purpose of accommodating a **parking structure** underneath or within the proposed **building**, and provided that the **building** is set back from the **setback line** a minimum distance equal to two (2) feet for every one (1) foot of additional **building height** over 45 ft.

[...]

SECTION 310 RESIDENTIAL THREE DISTRICT (R-3).

[...]

310.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> 1. One-family dwelling 2. Accessory dwelling unit (ADU) per Section 610 <u>Commercial/Non-Residential</u> 3. Home business per Section 600 4. Home-based agricultural business per Section 600B.2 (lots 5 acres or more) and per Section 600B.3 (lots greater than 10 acres) 5. Hospital 6. <u>House of worship</u> 6-7. Public education facility 7-8. Public recreation facility 8-9. Public safety facility 9-10. Renewable energy system per Section 612 <u>Planned Developments</u> 10-11. PURD per Section 501	<u>Residential</u> 1. Two family dwelling by conversion of existing one family dwelling 2. Senior housing complex <u>Commercial/Non-Residential</u> 3. Cemetery 4. Essential service 5. Group day care facility per Section 604 6. Home-based agricultural business per Section 600B.2 (lots less than 5 acres) and per Section 600B.3 (5–10 acre lots) 7. House of worship 8-7. Nursing home

[...]

310.4 Dwelling Unit Density.

For **senior housing complexes** and PURDs per Section 501.2 (“Planned Unit Residential Development (PURD)”), one (1) **dwelling unit** is permitted per each 10,000 sq. ft. of **lot area**. Density for **senior housing complexes** may be increased per Section 603 (“Senior Housing Complexes”).

SECTION 311B PROFESSIONAL BUSINESS DISTRICT (PB).

[...]

311B.4 Parking Requirements.

Parking shall be as set out in Section 607.4 of this Ordinance except that parking shall be provided on site for any dwelling unit(s) per Section 607.2 (“Table of Minimum Off-Street Parking Requirements”). Such on-site parking shall not occupy the front yard and shall be screened from abutting properties.

[...]

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

[...]

313.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> One-family dwelling Accessory dwelling unit (ADU) per Section 610 <u>Commercial/Non-Residential</u> Agriculture Home business per Section 600 - House of worship Public recreation facility Renewable energy system per Section 612 <u>Planned Developments</u> Manufactured home park per Section 503 Manufactured home subdivision per Section 504 (or manufactured home PURD) - PRec per Section 501 - PURD per Section 501	<u>Commercial/Non-Residential</u> Care and treatment of animals - Cemetery Essential service Group day care facility per Section 604 Home-based contractor's yard per Section 600A Produce stand - Radio or TV tower or other communication equipment - Recreational camping park per Section 505 Recreational facility, indoor Recreational facility, outdoor Removal <u>Excavation of natural earth materials</u> <u>per Section 606</u>

SECTION 314 RURAL LANDS THREE DISTRICT (RL-3).314.1 Purpose.

These are areas of the City within which ~~the City that are critical areas for development,~~ ~~or~~ development should be restricted until it has been further studied and detailed plans developed. ~~In the first instance these~~ These are critical areas where slopes of over twenty-five percent (25%) may be found, wetlands and a seasonably high water-table exist or have poor highway access to the rest of the community. ~~Also the~~ These areas almost uniformly have severe restrictions for on-site disposal of sewage and any extensive development, including driveways, may present problems in grades and control of erosion. The primary ~~purpose-use~~ of these areas should be for forestry ~~and with~~ only limited development for single family residential purposes on large lots. ~~The second type in this classification are areas that are reserved for future expansion when the necessary utilities and road systems are designed or in place.~~

SECTION 315 MEDICAL CENTER DISTRICT (MC).

[...]

315.2 Table of Uses.

<u>Permitted Uses</u>	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
<u>Commercial/Non-Residential</u> 1. Essential service 2. Group day care facility per Section 604 <u>and Section 506.3.5</u> 3. Health club 4. Hospice 5. Medical center complex per Section 506 6. Medical office building 7. Medical research facility 8. Renewable energy system per Section 612 9. Retail product pickup <u>Planned Developments</u> 10. Commercial PUD per Section 501	<u>Commercial/Non-Residential</u> 1. Drive-through facility 2. Financial institution <u>per Section 506.3.5</u> 3. Motel 4. Hotel 5. Office 6. Parking facility 7. Personal service <u>per Section 506.3.5</u> 8. Restaurant <u>per Section 506.3.5</u> 9. Retail store <u>per Section 506.3.5</u> 10. Recreational facility, indoor <u>per Section 506.3.5</u> 9.11. Recreational facility, outdoor <u>per Section 506.3.5</u>

315.3 Table of Area, Dimensions and Coverage.**MC DISTRICT**

Minimum Lot Requirements					Maximum Limitations	
Lot Area	Lot Frontage	Front Yard	Side Yard	Rear Yard	Height	Building Coverage
75,000 sq.ft.	200'	40'	20'	20'	60', <u>except as required by</u> (See Section 315.4 and as permitted by Section 506.2)	50%

[...]

ARTICLE IV

OVERLAY DISTRICTS

[...]

SECTION 402 FLOODPLAIN DISTRICT.

[...]

402.2 Floodplain District Regulations.

Within the Flood Plain District, all requirements of the Flood Damage Prevention Ordinance of June 4, 1980, [City Code Chapter 74](#), as amended, shall be complied with.

402.3 Floodplain Official.

[The Floodplain Official is responsible for administering and enforcing Section 402.2. The City Engineer will normally serve as the Floodplain Official. See City Code Chapter 74-15.](#)

[...]

SECTION 409 LANDFILL RECLAMATION DISTRICT

[...]

409.3 Permitted Uses.

The following uses are permitted in a closed or capped waste disposal area:

[...]

- C. ***Accessory uses*** to the secondary permitted recreational use, such as control or maintenance buildings and structures to allow food sales. ~~More than one accessory use is permitted if all such accessory uses remain incidental and subordinate to the principal recreational use.~~

[...]

ARTICLE V

SUBDIVISIONS AND PLANNED DEVELOPMENTS

[...]

SECTION 501 PLANNED UNIT DEVELOPMENT (PUD).

[...]

501.2 Planned Unit Residential Development (PURD).

- A. Objectives. The objectives of the PURD provisions of this ordinance are as follows:

[...]

1. To establish a connected network of conservation lands, trails, and working farm and forest land throughout the City by linking the Open Spaces and trails within the ~~subdivision~~ development, to conservation lands, important natural resources and trails on adjoining lands wherever possible, and as particularly found in the Lebanon *Master Plan* and *Natural Lebanon*.

[...]

C. Uses Allowed in a PURD.

1. Residential Uses. A PURD may include dwelling units in ~~one-family detached~~, one-family ~~attached~~, two-family and multi-family dwellings. A mix of dwelling types may be permitted at the reasonable discretion of the Planning Board. In a manufactured home PURD only manufactured homes are permitted and shall be on individual lots.

[...]

501.3 Planned Unit Recreational Developments.

[...]

D. Uses Allowed in a PRec.

1. Residential Uses. A PRec shall provide a minimum of 15 dwelling units. A PRec may include dwelling units in one-family ~~detached, one-family attached~~, two-family and multi-family dwellings or appropriate mixes thereof, at the discretion of the Planning Board. In a PRec at least 75 percent of the land area used for building development shall be devoted to residential uses.

[...]

501.4 Commercial or Industrial Planned Unit Developments.

[...]

- D. Uses Allowed in a Commercial or Industrial PUD. Any non-residential use permitted in the Industrial, CB, GC, or GC-1 Districts may be allowed in a Commercial PUD.

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

Dwelling units in one-family ~~detached, one-family attached~~, two-family and multi-family dwellings or appropriate mixes thereof. Multi-family dwellings may be allowed in Commercial or Industrial PUDs, at the discretion of the Planning Board, provided that the Board determines that such residential uses are compatible within the proposed PUD. The density of residential uses allowed pursuant to this section shall be determined based on a maximum of 25% of the net land area of the PUD not planned for open space, roads, or utilities and calculated at a density of 13 dwelling units per acre. Where allowed, such ~~multi-~~

~~family~~-dwelling units may be clustered together and/or distributed within the Commercial or Industrial PUD in mixed-use buildings at the discretion of the Planning Board.

[...]

SECTION 506 MEDICAL CENTER COMPLEXES.

[...]

506.3 Allowed Uses

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

3. Congregate Living Facilities/Dormitory - A congregate living facility or dormitory is a housing facility provided by the Medical Center Complex which provides housing for ten or more of their adult health care students and/or staff in single or double living quarters. [...]
5. Any of the following uses, as defined in this Ordinance, when all or substantially all of the business will be with and for the patients, and the visitors of those patients, the employees and the staff of the building and facilities located within the medical center complex.
 - a. Personal service.
 - b. Retail store.
 - c. Restaurant.
 - d. ~~Branch bank~~Financial institution.
 - e. Indoor/outdoor recreational facilities.
 - f. Group day care facility.

[...]

SECTION 508 PLANNED BUSINESS PARKS.

[...]

508.4 Sectors, Allowed Uses.

- A. The Planned Business Park shall be shown on an approved Subdivision Plan and Use Allocation Plan. The Subdivision Plan and Use Allocation Plan approved by the Planning Board shall designate the allocation of the Industrial/ Office, Commercial and Residential Uses within the Park.
- B. No more than 20% of the net land area not planned for open space, roads, or utilities shall be used for the Commercial Sector.
- C. Unless limited by the Planning Board at the time of subdivision approval, the following uses shall be permitted.
 1. The following uses shall be permitted by right for any Planned Business Park Industrial/Office Sector: light industry; warehouse; trucking terminal; publishing/printing; plumbing, electrical or carpentry shop; research laboratory; local government use; essential service; outdoor storage per Section 303.4 (less than 20%); group day care facility per Section 604; general business offices, research facilities, medical office buildings;

health clubs, Educational Facility, College/University; Educational Facility, Vocational School; and **accessory uses** to a permitted use. Retail showrooms per Sections 303.5 and 303A.5 shall be allowed by **conditional use** permit.

2. The following uses shall be permitted by right for any Planned Business Park Commercial Sector: retail store(s) up to a cumulative maximum of 20,000 sq. ft. of gross floor area; personal service; bank, branch bank; restaurant, sandwich shop/deli; refreshment stand; office; **motel**; **hotel**; movie theater; membership club; **amusements (indoor)**; printing (i.e. retail copy store); radio or TV studio; group day care facility per Section 604; local government use; and **health clubs**.

- D. Dwelling units in one-family, two-family and multi-family dwellings or appropriate mixes thereof at the discretion of the Planning Board. ~~Multi-family dwellings~~ shall be provided for in all Planned Business Parks. The maximum number of dwelling units allowed pursuant to this section shall be based on a minimum of 15% and a maximum of 25% of the net land area of the Park not planned for open space, roads, or utilities and calculated at a density of 13 dwelling units per acre. Such ~~multi-family~~ dwelling units may be clustered together and/or distributed within the Park at the discretion of the Planning Board.

[...]

ARTICLE VI

ADDITIONAL STANDARDS FOR SPECIFIC USES

[...]

SECTION 601 SPECIAL DESIGN STANDARDS.

[...]

601.1 Architecture.

Remodeling for conversions shall not alter the appearance of the exterior of the structure in a manner that is not compatible with the architectural character of the existing building; of abutting properties; or of the neighborhood. New construction ~~of offices~~ shall be compatible with the architectural character or the abutting properties and neighborhoods.

[...]

601.7 (Reserved) ~~Mixed-Uses.~~

~~In the R-2, R-O and R-O-1 Districts, a converted building may have both residential and office uses.~~

[...]

SECTION 602 NON-COMMERCIAL SWIMMING POOLS AND HOT TUBS.

[...]

602.4 Water Supply.

- A. If the water for such pool/tub is supplied from a private well, there shall be no cross-connection with the public water supply system.
- B. If the water for such pool/tub is supplied from the public water supply system, the inlet shall be above the overflow level of said pool. Backflow prevention devices shall be installed ~~as required by the Department of Public Works~~ when determined to be required by the City.

[...]

602.6 Permits.

- A. Every non-commercial swimming pool or hot tub shall have a permit from the Zoning Administrator.
- B. No permit shall be granted for the installation or construction of such swimming pool unless the plans shall meet the minimum construction requirements of the City and unless the City ~~Engineer, or a licensed professional engineer of the State of New Hampshire~~ has certified-determined that the drainage of such pool is adequate and will not interfere with the public water supply system, with existing sanitary facilities or with the public streets.

[...]

SECTION 607 PARKING

[...]

607.7 Off-Street Loading.

Off-street loading facilities shall be located so that delivery vehicles are parked completely outside of the ~~street~~ right-of-way, and shall comply with the requirements of the Site Plan Review Regulations as applicable.

SECTION 608 SIGNS.

[...]

608.4 Non-Residential Uses.

[...]

1. Maximum Permitted Sign Area.

[...]

- e. Multi-Tenant Buildings. The maximum **sign area** permitted for a **multi-tenant building** in existence as of (insert date of ordinance adoption) is the greater of either:

- i. the total **sign area** allowed pursuant to Section 608.4.A.1.a; or
- ii. the total **sign area** of all existing legal **signs** on the **building** as of (insert date of ordinance adoption). For any vacant tenant spaces as of (insert date of ordinance adoption), the **sign area** utilized by the immediate prior tenant may be included in the calculation of permitted **sign area** under this subsection.

[...]

608.8 Non-Conforming Signs.

[...]

- A. Loss of Legal Non-Conforming Status. A legal non-conforming **sign** shall lose its legal non-conforming status if it is altered, reconstructed, replaced, or expanded, ~~or relocated.~~ A mere change in copy is not an alteration or replacement for purposes of this Section.

[...]

SECTION 610 ACCESSORY DWELLING UNIT (ADU)

Accessory dwelling units are intended as an option for homeowners to offer separate and independent living space for their extended families, or to offer small **dwelling units** as rentals to offset the expense of maintaining the **dwelling**. ~~The appearance and character of the existing or proposed new dwelling shall remain single family in nature. An accessory dwelling unit is only allowed on lots with a detached one-family dwelling, and only one such accessory unit is permitted per lot. As an alternative, if allowed in the respective Zoning District, a property owner can seek a conversion of the unit to either a standard two-family or a multi-family dwelling.~~

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

- A. An **ADU** is only allowed on **lots** with a detached **one-family dwelling**, and only one such **ADU** is permitted per **lot**.
- B. ~~A.~~ The appearance and character of the existing or proposed **ADU** shall remain single family in nature.
- A.C. The property owner must occupy either the **primary principal residence dwelling unit** or the **ADU** as their permanent residence. A temporary leave of absence by the property owner is allowed, provided the owner-occupied unit is not rented or occupied by anyone other than the property owner during the temporary leave or absence.

Prior to the issuance of a zoning/building permit, the owner shall record in the Grafton County Registry of Deeds an acknowledgment of the above owner-occupancy requirement, in a form satisfactory to the Zoning Administrator, in order to put prospective buyers on notice of the prohibition against renting out both units.

- B. The **ADU** must be located in the same **building** as the **primary principal residence dwelling unit** unless the **lot** meets or exceeds the minimum required lot size for the

respective zoning district. –If the **lot** meets or exceeds the required minimum lot size, the **ADU** may be located in a separate detached **structure** such as a garage or barn, provided the existing **structure** conforms with the minimum required yard setbacks requirements for the respective zoning district. An **ADU** may also be in a new **structure**.

- C. If the **ADU** is located within or by an addition to the existing ~~one~~**single-family dwelling**, an interior door shall be provided between the principal **dwelling unit** and the **ADU**.
- D. If the **ADU** is located within or by an addition to the existing ~~single-one-family dwelling~~, the **ADU** must be connected to the same utilities (except telephone and television) as the ~~principal dwelling unit~~**existing dwelling**. ~~If the ADU is located in a detached structure, then connections to municipal utilities (i.e. municipal water/sewer) must be separate.~~

If applicable, the owner must seek a permit from the State of NH Dept. of Environmental Services Subsurface Systems Bureau, in accordance with NH RSA 485-A:38, for any increased load on an existing sewage disposal system as a result of the addition of an **ADU** to the **lot**.

- E. If the gross living area of the primary principal dwelling unit~~residence~~ is 1,500 square feet or less, the gross living area of the ADU may be no greater than 50% of the gross living area of the primary principal dwelling unit~~residence~~. –If the gross living area of the primary principal dwelling unit is greater than 1,500 square feet, but less than 3,000 square feet, the gross living area of the ADU shall not exceed 750 square feet. If the primary principal dwelling unit is greater than 3,000 square feet, the gross living area of the ADU can exceed 750 square feet provided the **ADU** is no greater than 25% of the gross living area of the primary principal dwelling unit.
- F. A detached **ADU**, if permitted under paragraph B above, shall maintain a proportional mass, size, and height to ensure it is not taller than the primary principal residence building on the lot. Detached **ADU** height shall not exceed the height of the primary principal building~~residence~~ as measured to the eave line, with a maximum eave height of ten (10) feet for single-story and sixteen (16) feet for two-story detached **ADUs**.
- G. Any necessary additional entrances or exits to the primary principal residence building, to serve the **ADU**, shall be located to the side or rear of the **building**. All new or altered **structures**, intended to be used as an **ADU**, must be located behind the **building line** of the existing primary principal residence building except ~~when the~~by special exception if the Zoning Board finds that the placement of the **ADU** on the **lot** will not adversely affect the character of the neighborhood; traffic on roads and highways; safety of pedestrians, and will not create a hazard or nuisance to abutting property owners.
- H. In addition to the two (2) on-site **parking spaces** required for the primary principal residence, one (1) additional on-site **parking space** for the **ADU** must be provided, ~~and no more than two (2) ADU on-site spaces are allowed. The additional parking space shall comply with the parking standards contained in the Zoning Ordinance and the City of Lebanon's Driveway Regulations.~~

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

~~A zoning/building permit application for the ADU must be approved and issued prior to its construction, and a certificate of occupancy, specifying that the dwelling unit is an ADU, must be obtained prior to its occupancy. The ADU constructed within a primary residence shall have an interconnected fire alarm system. All ADU's shall meet all life safety and building codes.~~

SECTION 611 THE KEEPING OF CHICKENS.

[...]

The keeping of chickens shall be permitted for all **one-** and/or **two-family dwellings**, provided the following standards are met (these standards do not apply to chickens kept in the rural lands zoning districts where **agriculture** is a permitted use):

[...]

- A. A coop shall be provided ~~if chickens shall be kept outdoors~~ within a **secure enclosure**. All chickens shall be kept outdoors within the secure enclosure ~~-at all times.~~ The **secure enclosure** and **coop** shall be maintained in a humane and sanitary manner.

[...]

APPENDIX A

DEFINITIONS

[...]

ALTERNATIVE TREATMENT CENTER: An “Alternative Treatment Center” as defined in RSA 126-X:1, I, ~~namely, a not-for-profit entity registered under RSA 126-X:7 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, and dispenses cannabis, and related supplies and education materials, to qualifying patients and Alternative Treatment Centers.~~

~~**ALTERNATIVE TREATMENT CENTER (CULTIVATION LOCATION ONLY):** A and/or a “cultivation location” as defined in RSA 126-X:1, IV, ~~namely, a locked and enclosed site under the control of an Alternative Treatment Center where cannabis is cultivated, secured with one or more locks or other security devices in accordance with RSA 126-X and the Department of Health and Human Service's administrative rules.~~~~

[...]

BUILDING COVERAGE: That percentage of the lot area covered by buildings. In determining the percentage of building coverage of a lot, ~~porches or carports open at the sides but roofed, and~~ all principal and **accessory buildings** shall be included.

[...]

~~**BUSINESS CENTER OR PLAZA:** A grouping of any commercial or industrial uses in one or more buildings, for example, retail, office, restaurant, entertainment, storage or manufacturing uses, sharing common access and parking facilities.~~

BUSINESS STORE FRONT: ~~That portion of the side of a structure occupied by a business use which faces the main street or major point of access. If the business use faces two main streets or major points of access, then said business shall be deemed to have two business store fronts. If the business use faces three or more main streets or major points of access, then said business shall designate only two faces which shall be deemed business store fronts.~~

[...]

CENTRALIZED WATER SYSTEM: ~~A water system that does not connect to the municipal water system and that is designed to serve as the water system for an entire development. Such a system shall be approved by the NHWSPCD and the City of Lebanon. Such systems, if approved, are permitted in the RL Districts only.~~

[...]

DWELLING, ONE-FAMILY: A dwelling with one (1) dwelling unit ~~detached or free-standing dwelling other than a manufactured home, designed for and occupied by one family only.~~

DWELLING, TWO-FAMILY: A ~~detached dwelling designed for or occupied by two families living independently of each other in individual attached~~ with two (2) dwelling units.

DWELLING, MULTI-FAMILY: A dwelling ~~designed for or occupied by~~ with three (3) or more families, ~~with the number of families in residence not exceeding the number of dwelling units provided.~~

DWELLING UNIT, ONE-FAMILY ATTACHED: ~~A dwelling unit designed for and occupied by one family only and separated from another dwelling unit on one or two sides by a vertical party wall.~~

EXCAVATION OF NATURAL EARTH MATERIAL: The removal of natural material is the removal of loam, sand, gravel, stone or other fill material for sale in commercial quantities, or for use in another location.

[...]

FLEX-BUILDING: ~~A building capable of adapting to use by multiple occupants and normally located in an industrial area.~~

[...]

MAJOR THOROUGHFARE: ~~A major thoroughfare shall mean any public way which handles an average daily traffic volume greater than 750 vehicles.~~

[...]

MIXED USE: A development or ~~principle~~ principal building having two (2) or more of the uses allowed within the Zoning District in which it is located.

[...]

PARKING SPACES, OFF-STREET: For the purpose of these regulations, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Except for a two-family dwelling or a one-family dwelling with an ADU, ~~Required off-~~

street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked without moving another.

[...]

REHABILITATION HOSPITAL: A facility designed specifically to treat patients that have suffered strokes, or dramatic brain, spinal or orthopedic injuries. These patients no longer need acute care found in a traditional hospital, but are also not ready to go home or back to work. A rehabilitation hospital:

- Is licensed as a hospital, has a full-time medical director, and a staff of hospital-level nurses.
- Offers patients three (3) or more hours of therapy a day, with nurse-level, over-night care.
- Typically have patient stays of about 14 days.
- Have no emergency traffic, no intensive care units, and do not offer surgical services.

REMOVAL OF NATURAL MATERIAL: The removal of natural material is the removal of loam, sand, gravel, stone or other fill material for sale in commercial quantities, or for use in another location.

[...]

SHOPPING MALL: A group of stores and shops including retail office and/or restaurant/entertainment uses located along an open or enclosed pedestrian walkway sharing common access and parking facilities.

[...]

**Agenda
Conservation Commission
November 12, 2020**

**Agenda Item #6D
Other Business**

2021 Calendar

**Meeting Schedule
Lebanon Conservation Commission
2021**

Meeting Date	Cutoff
January 14, 2021	December 31, 2019
February 11, 2021	January 28, 2021
March 11, 2021	February 25, 2021
April 8, 2021	March 25, 2021
May 13, 2021	April 29, 2021
June 10, 2021	May 27, 2021
July 8, 2021	June 24, 2021
August 12, 2021	July 29, 2021
September 9, 2021	August 26, 2021
October 14, 2021	September 30, 2021
*November 18, 2021 or November 10, 2021	November 4, 2021 or October 28, 2021
December 9, 2021	* November 24, 2021 note this is a Wednesday, Thanksgiving falls on the normal cut off day

All meetings begin at 6:30 pm unless otherwise noted on the meeting agenda.
 All Conservation Commission meetings are the 2nd Thursday of the month, and the cutoff date is 2 weeks prior, unless otherwise (indicated by an *)
 Note: The 2nd Thursday in November is a holiday, so it needs to be decided if we do the 3rd Wednesday in November or if we do Wednesday, November 10th.