



**LEBANON PLANNING DEVELOPMENT
REGULATIONS SUBCOMMITTEE
THURSDAY, DECEMBER 3, 2020 - 12:30PM
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE**

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- 1. Call to Order**
 - A. Review of meeting procedures and NH RSA 91-A "Right-to-Know" requirements.
 - 2. Approval of Minutes**
 - A. November 13, 2020
 - 3. Study Items**
 - A. Proposed amendments to the Site Plan Review Regulations relative to Minor Site Plans - First Review
 - B. Proposed amendments to the Subdivision Regulations relative to jurisdiction thresholds - Second Review
 - C. Proposed amendments to the Site Plan Review Regulations relative to multi-family residential developments - Second Review
 - 4. Future Agenda Items**
 - A. None
 - 5. 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](https://LebanonNH.gov)

Agenda
Planning Board Development Regulations Subcommittee
December 3, 2020

Agenda Item #2A
Approval of Minutes

November 13, 2020

1 **DRAFT**

2
3 **MINUTES**
4 **PLANNING BOARD DEVELOPMENT REGULATIONS SUBCOMMITTEE**
5 **Friday, November 13, 2020 – 12:30pm**
6 **REMOTE VIA MICROSOFT TEAMS**
7 **LebanonNH.gov/Live**

8
9 Members Present: Matthew Hall (Chair), Kathie Romano, Joan Monroe, Jerry Rutter

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

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

16
17 Chair Hall called the meeting to order at 12:32 pm.

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

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21 Ms. Owens reviewed the State directive and participation details for the online meeting in
22 Microsoft Teams. All members identified themselves.

23
24 **2. APPROVAL OF MINUTES:**

25
26 **A. October 30, 2020**

27
28 p2, line 17: add “of” after “height”

29 p2, line 21: correct “Ms.” Monroe

30
31 ***A Motion by Ms. Romano to approve the October 30, 2020 minutes as amended.***
32 ***Seconded by Ms. Monroe***

33
34 ***Roll Call Vote:***

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

37
38 **3. STUDY ITEMS:**

39
40 **A. Proposed amendments to Site Plan Review Regulations relative to Mobility and Access**
41 **improvements - final review**

42
43 Ms. Owens reviewed the proposed final amendments to the Site Plan Review Regulations
44 starting with updated definitions. Ms. Romano asked for further information about car shares
45 versus carpooling. Ms. Owens gave examples. Mr. Hall recommended that the
46 subcommittee focus on the substantive regulations rather than the definitions.

47
48 Ms. Owens reviewed proposed amendments to Section 6.2 (Landscaping) which are
49 intended to ensure accommodation of pedestrian and bicyclist improvements.

50
51 Mr. Hall asked questions about requiring electric vehicle parking spots (Section 6.5.E.7) and
52 locker rooms and shower facilities (Section 6.5.F.2.d). He expressed an overarching
53 concern about requiring such improvements as opposed to incentivizing them. He noted the

costs associated with such improvements could be a significant hurdle for many businesses and that developers should receive incentives.

Ms. Romano noted that the requirement for electric vehicle parking seems reasonable if it only applies to larger projects. She expressed concern with requiring businesses to provide locker and shower facilities. Ms. Owens noted that the electric vehicle requirements addresses future capacity, i.e. being ready to provide the improvements, not necessarily requiring the improvements up front.

Mr. Hall questioned whether incorporating requirements for electric vehicle charging would have any impact on the demand for and use of electric vehicles. There was discussion of the proposed language and applicability to residential v. non-residential uses. Mr. Hall suggested that as use of electric vehicles increases, employers or businesses will update their facilities to accommodate those users. Ms. Owens noted that intent of the language was to ensure readiness to upgrade.

Ms. Monroe noted that electric vehicle usage is more substantial in other areas of the country and the infrastructure has been provided. She agreed that the necessary infrastructure will be provided as demand increases. She noted that telecommuting may increase in response to the pandemic and that parking standards and requirements may be changing as a result.

Mr. Rutter asked about scaling up the provision of electric vehicle spaces over time. He suggested that demand will eventually be generated by forces beyond our control, but that it makes sense to be ready in advance. Ms. Romano recommended changing the proposed language to clarify applicability to residential and non-residential uses. She expressed reluctance about creating requirements that are then frequently waived by the Board.

Mr. Hall suggested incentivizing the requirement for showers and locker facilities rather than making it a requirement.

Ms. Monroe noted that some companies that provide shower, locker room and fitness facilities for their employees have better success attracting and retaining employees. Ms. Romano felt that making it a choice is acceptable, but it should not be a requirement. Mr. Hall reiterated that similar improvements should be encouraged, but not required. He felt that the Planning Board should not be involved in establishing policies such as this, but that perhaps the Council could do so.

Ms. Owens provided examples from other communities in the state or region of how incentives have been provided. Ms. Romano liked the idea of including clear thresholds above which improvements would be required and below which such improvements would only be encouraged. Mr. Rutter agreed that a threshold was needed. Ms. Romano recommended that the other community examples should be provided to the full Board when the proposed amendments are presented to them. Ms. Owens suggested that a presentation to the full Board would be appropriate.

Ms. Romano suggested that there should also be thresholds associated with the short-term and long-term bicycle parking requirements in Section 6.5.F. She asked if the requirements would apply to any size project, whether 3 units or 300 units. She again expressed concern about creating requirements that are then frequently waived. Mr. Rutter suggested that projects of 5 units or more would be an appropriate threshold above which bike parking should be required.

1 Mr. Hall thanked Ms. Owens for her work in addressing the subcommittee's previous
2 comments on the proposed amendments.

3
4 Ms. Romano asked about 6.5.C.5 and whether it would affect the massing of buildings. Ms.
5 Owens noted that staff is still working further amendments to address the concerns about
6 large buildings.

7
8 Ms. Owens asked if it would be helpful for the regulations to include graphics depicting
9 some of the proposed regulations. The subcommittee members agreed that graphics would
10 be useful. Ms. Romano asked about including information on costs.

11
12 **4. FUTURE AGENDA ITEMS:**

13
14 **A.** Proposed amendments to Site Plan Review Regulations relative to Minor Site Plans

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16 No discussion.

17
18 **B.** Proposed amendments to Subdivision Regulations - second review

19
20 No discussion.

21
22 **5. ADJOURNMENT:**

23
24 The Committee agreed to hold its next meeting at 12:30 pm on Thursday, December 3, 2020.

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26 ***A Motion by Ms. Romano to adjourn the meeting.***
27 ***Seconded by Mr. Rutter.***

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29 ***Roll Call Vote:***

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

32
33 The meeting was adjourned at 1:55 pm

Agenda
Planning Board Development Regulations Subcommittee
December 3, 2020

Agenda Item #3B
Study Items

Proposed amendments to the
Subdivision Regulations
relative to
jurisdiction thresholds
Second Review

SUBDIVISION REGULATIONS

SECTION 5 – DEFINITIONS

[...]

Major Subdivision. Any division of ~~a lot, tract, or parcel of land into four (4) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development~~ land which results in four (4) or more lots, plats, building sites, or other divisions of land, or which ~~requires involves~~ the creation or extension of new streets, or the extension of municipal utilities, ~~or public improvements~~. (See also the definition of “Subdivision” below)

[...]

Minor Subdivision. Any division of ~~a lot, tract, or parcel of land into no more than three (3) lots, plats, building sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development~~ land which results in no more than three (3) lots, plats, building sites, or other divisions of land, each fronting on an existing Class IV or V highway, and not involving the creation or extension of any new street or extension of municipal facilities ~~nor the creation of any public improvements~~. (See also the definition of “Subdivision” below)

[...]

SECTION 6 – JURISDICTION

6.1 General Subdivision.

These Regulations shall apply to ~~the subdivisions of land~~ within the boundaries of the City of Lebanon. The definition of a subdivision shall be as provided in RSA 672:14, ~~and is intended to give the Planning Board the most comprehensive jurisdiction as permitted under state law.~~

The Board also has jurisdiction over Minor Lot Line Adjustments and Boundary Line Agreements.

6.2 Exceptions

- A. Subdivision review shall not be required for ~~building developments~~ consisting of more than one (1) building erected on a lot in single ownership ~~in a commercial, industrial, institutional, or mixed-use zoning district~~ including, but not limited to, residential developments involving rental units under single ownership (e.g. an apartment complex), a shopping mall, or industrial park.

6.3 Condominium Conversion.

When land and existing buildings under single ownership are proposed to be converted into a condominium form of ownership, and where no physical changes to the property are proposed, subdivision approval shall only be required if the Planning Director determines that be required, but the Planning Board's involvement shall be limited to such review as

~~it deems necessary to ensure that~~ the underlying existing use of the property will ~~not~~ be materially altered by the conversion. If the ~~Board-Planning Director~~ determines that, due to the specific facts of the case, the effect of the conversion will be to materially alter the nature or intensity of the use of the property, then full review under these Regulations shall be required. The landowner, any Board member, or any person aggrieved may, within 30 days of such determination, make a written request for determination on this issue by majority vote of the Planning Board. The Board shall act on the request within a reasonable time. Such a determination shall be considered administrative, and no noticed public hearing shall be required.

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Agenda
Planning Board Development Regulations Subcommittee
December 3, 2020

Agenda Item #3C
Study Items

**Proposed amendments to the
Site Plan Review Regulations
relative to
multifamily
residential developments
Second Review**

SITE PLAN REVIEW REGULATIONS

ARTICLE V – SUBMISSION REQUIREMENTS

Section 5.1 – Drawings and Other Submittals

[...]

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

[...]

G. The following supporting documents and information:

[...]

4. For multi-family dwelling developments and mixed-use developments resulting in a net increase of 50 dwelling units or more, the application shall include the information and impact statements identified in Section 6.9.B.

Section 5.2 – Additional Information

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

[...]

D. For all developments other than multi-family dwelling developments and mixed-use developments resulting in a net increase of 50 dwelling units or more, the Planning Board may, in its reasonable discretion, require the information and impact statements identified in Section 6.9.B.

ARTICLE VI – DESIGN AND CONSTRUCTION REQUIREMENTS

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

Section 6.9 – Premature and Scattered Development

A. GENERAL

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

For purposes of this section, a development shall be considered scattered or premature if it will cause, or poses an undue risk of causing, a substantial or appreciable adverse impact upon any of the factors or parameters set forth in the

General or Specific Purposes of Site Plan Review, as outlined in Sections 1.4 and 1.5 of these Regulations, or as set forth in Section 6.9.B if such information is required to be submitted per Section 5.1.E.G.4 or 5.2.D.

If a development is determined by the Planning Board to be scattered or premature, the applicant may show through both on and off-site improvements made at the expense of the applicant, that the development is not scattered or premature or, if so, is overcome by remedial actions of the applicant.

B. AREAS OF STUDY AND INFORMATION

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

1. Statement of impact of the proposed development on natural resources and environmental quality including, but not limited to, water quality, air quality, wetlands, soil erosion and agricultural soils and a statement of pollution control and environmental impact mitigation measures.
2. Capacity of the school system; effect on school bus transportation and distance of the proposed subdivision from the nearest elementary school.
3. Adequacy of streets and/or sidewalks in the general area of the ~~subdivision~~development including major intersections providing access, and such other areas as requested by the Board.
4. Sufficiency, availability and capacity of utility services to provide water, fire protection, and sewer, and further, the impact of the ~~subdivision~~development on the municipal solid waste disposal facilities.
5. (If applicable) The impact of on-site subsurface sewage disposal systems as to adjacent wells, water supply systems, and any known aquifers so designated by the United States Geological Survey.
6. Any special fire, police and public safety problems due to location and/or special conditions relative to the type of use.
7. Impact of storm drainage from the ~~subdivision~~development on abutting properties and potential storm drainage problems both on the site of the ~~subdivision~~development and downstream from the ~~subdivision~~development.
8. Fiscal impact statement analyzing the impact of the ~~subdivision~~development on municipal, school and county revenues and expenditures, including estimated potential tax revenue and estimated number of school children.

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

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

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

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