

FINAL

**LEBANON CITY COUNCIL
MINUTES**

Wednesday, October 5, 2022, 7:00 p.m.

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

MEMBERS PRESENT: Mayor Tim McNamara, Assistant Mayor Clifton Below, Erling Heistad (Remote), Karen Liot Hill, Christian Simon, Douglas Whittlesey, and Devin Wilkie (Remote)

MEMBERS ABSENT: George Sykes and Karen Zook

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks, Director of Planning & Zoning Nathan Reichert, Senior Planner Tim Corwin, Associate Planner Rebecca Owens, Deputy Finance Director Alesia Williams

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

2. PLEDGE OF ALLEGIANCE: The Council participated in the Pledge.

- Councilors Heistad and Wilkie announced they were participating remotely due to infection by COVID-19.
- City Manager Shaun Mulholland announced the meeting criteria for the public.

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

4. OPEN TO PUBLIC:

Councilor Liot Hill thanked the Lebanon Recreation, Arts and Parks Dept. and the Lebanon Civic Association for their cleanup event.

5. RECOGNITIONS: NONE

6. ACCEPTANCE OF MINUTES: September 21, 2022 (Regular Meeting)

Councilor Simon MOVED to approve the September 21, 2022 minutes as written and presented in the October 5, 2022 City Council agenda packet.

Seconded by Councilor Whittlesey.

Roll Call Vote:

All voting Yea: Assistant Mayor Below, Councilors Heistad, Liot Hill, Wilkie, Whittlesey, Simon, and Mayor McNamara

None Voted Nay

Absent from vote: Councilors Sykes and Zook

****The Vote on the Motion was approved (7-0)***

7. APPOINTMENTS:

- Downtown Lebanon TIF Advisory Board, Victoria Smith (Reappointment as a property

owner/occupant member)

Councilor Heistad put forth the NOMINATION of Victoria Smith for Reappointment as a property owner/occupant member to the Downtown Lebanon TIF Advisory Board. 3-Year Term: (9/22-9/25)

****The Vote on the NOMINATION was approved (7-0)***

8. PUBLIC HEARING ITEMS:

A. ORDINANCE 2022-04 TO REPEAL CITY CODE CHAPTER 117 – A public hearing for the purpose of receiving public input and taking action on proposed Ordinance 2022-04 to repeal City Code Chapter 117, Passenger Vehicles for Hire.

Included in the agenda packet: *(Pages 34-36, City Council agenda packet)*

1. Ordinance 2022-04
2. September 15, 2022 Legal Opinion by Attorney Christine Filmore RE: Ordinance #2022-04,
3. Passenger Vehicles for Hire, Chapter 117

City Manager Mulholland reviewed the background and reasons behind the request to deleting and repealing Chapter 117, Passenger Vehicles for Hire in Ordinance #2022-04.

BACKGROUND

The City Council originally adopted City Code Chapter 157 in 2008 to regulate taxicabs. This chapter was repealed in 2017 and replaced with Chapter 117, Passenger Vehicles for Hire. The reasons for the change related to reducing the insurance requirements and expanding the types of services regulated relative to vehicles for hire.

Chapter 117 does not address Uber and similar digital network companies (which offer rides for a fee) as these are regulated and permitted through the State of New Hampshire under NH RSA 376-A – Transportation Network Company.

Presently there are no taxicab services that operate within the City. The broader definition of passenger vehicles for hire does include a limousine type service. The city administration does not see a compelling public need to regulate this industry. We have no means to determine the accuracy of taxicab meters. Vehicles operated by providers are already subject to vehicle inspection, as are all vehicles in the state under the state motor vehicle code. Additionally, the city does not have resources to adequately provide oversight of this industry. Services such as Uber and Lyft are now the major provider of what were traditional taxi services.

The City Administration recommends repeal of this chapter of the city code. If there is a compelling need for regulation of this industry by the city in the future, the Council could re-adopt the provisions of Chapter 117 at that time.

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

Council Discussion: None

ACTION:

Assistant Mayor Below MOVED, that the Lebanon City Council hereby adopts Ordinance #2022-04 to amend the Code of the City of Lebanon, by repealing Chapter 117, Passenger Vehicles for Hire. Seconded by Councilor Simon.

Roll Call Vote:

All voting Yea: Assistant Mayor Below, Councilors Heistad, Liot Hill, Wilkie, Whittlesey, Simon, and Mayor McNamara

None Voted Nay

Absent from vote: Councilors Sykes and Zook

****The Vote on the Motion was approved (7-0)***

CITY OF LEBANON ORDINANCE #2022-04

AN ORDINANCE TO AMEND the Code of the City of Lebanon by deleting and repealing Chapter 117, Passenger Vehicles for Hire, in its entirety.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

Section 1

The Code of the City of Lebanon is hereby amended by deleting and repealing Chapter 117, Passenger Vehicles for Hire.

Section 2. Severability:

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

Section 3. Effective Date

This Ordinance shall become effective immediately upon its adoption.

9. OLD BUSINESS: NONE

10. NEW BUSINESS:

A. Review and adoption of City Council Policy CC-103 - Procurement Policy

Included in the agenda packet: *(Pages 38-79, City Council agenda packet)*

1. City Council Policy #06-02-C, Purchasing Policy, effective July 5, 2006, last amended August 13, 2015
2. Draft Council Policy CC-103, Procurement Policy
3. Draft Administrative Policy ADM-110, Procurement Administration Policy

Assistant Mayor Below noted that while reviewing the proposed policy he found some issues that deserved some additional attention and requested this item be postponed until after the first of the year (2023). A little work on this could make a more endurable policy.

Mayor McNamara concurred with Assistant Mayor Below noting this could certainly be put off until after the Council deals with the budget season in January/February.

No one from the Council objected.

City Manager Mulholland noted he would continue moving forward with the provisions for Environmental Sustainability Considerations in purchasing and the Provisions for Disadvantaged Business Enterprises as these provisions in the policy disproportionately impact businesses.

BACKGROUND

City Charter provision § C419:35 requires the establishment of purchasing procedures. The City Council's current Purchasing Policy #06-02-C was adopted on July 5, 2006 and last amended on August 13, 2015.

Over the last couple of years, the City Manager has initiated a process of review and redevelopment of purchasing procedures, which has resulted in the creation of draft City Council Policy CC-103, Procurement Policy, which is now before the Council for consideration. The draft Council Policy will work in conjunction with a companion Administrative Policy ADM- 110, Procurement Administration Policy, which is also being developed by the City Manager.

In developing the draft policy, the City Manager reviewed similar policies and code provisions from several New Hampshire jurisdictions, including the cities of Portsmouth, Rochester, Keene, Concord, and Manchester, and the Town of Derry. In addition, the following governmental entities have received awards from the Government Finance Officers Association (GFOA) and were also reviewed as part of this process:

Larimer County, Colorado
Davis County, Colorado
City of Thousand Oaks, California

As proposed, City Council Policy CC-103 would streamline the existing procedures of Policy #06-02-C. It is important to consider Administrative Policy ADM-110, Procurement Administration, as a companion document which provides detailed guidance relative to procurement (purchasing procedures). A high-level summary of the changes incorporated in the new documents includes the following:

1. Recognizing the change to an electronic procurement process for RFPs, RFQs, RFI's and contracts.
2. Provisions for environmental sustainability considerations in purchasing.
3. Provisions for Disadvantaged Business Enterprises.
4. Provisions for protesting a bid process.

ACTION: NONE TAKEN. Policy will be reviewed again after in January/February 2023

B. Presentation of Zoning Amendments

Included in the agenda packet: *(Pages 80-111, City Council agenda packet)*

1. September 27, 2022 Memo from Planning & Development Department, including 2022-2023 Proposed Zoning Amendments

Mr. Brooks introduced the new Planning and Development Director Nathan Reichert, Senior Planner Tim Corwin, and reviewed the background and reasons behind changes to the Zoning Ordinance.

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.

Several of the amendments being proposed this year stem from the City Council's April 21, 2022 directive to the City Manager to take steps to enable, incentivize, and partner in the development of housing needs not currently being addressed by the market. It is anticipated that some of the proposed amendments will require a referendum vote in March 2023 pursuant to Section 1000.4.A of the Zoning Ordinance.

Please see the attached September 27, 2022 memorandum (*Pages 81-111*) from the Planning & Development Department, which describes the amendments in detail and outlines the process to amend the Ordinance. The current set of proposed amendments are summarized and highlighted in the 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~~.

Mayor McNamara noted, for the record, there is a set schedule for moving this through other boards throughout the City.

Before reviewing the procedure to adopt zoning amendments as set forth in Section 1000 of the Zoning Ordinance, Mr. Corwin noted this year they (Planning Department) were going to engage in outreach based in part upon some concerns raised by residents that they have not been given enough information to understand the amendments. This year, there are some, not only amendments that require voter approval, but some are more complex than in recent years. We want to be deliberate in our outreach efforts and explain fully and completely what they are, and more importantly to hear feedback from our residents and incorporate their feedback into our revised amendments. We will come back to the Council in early January with a set of "revised" draft zoning amendments for your review and highlight what it is we changed based on the legal review, board reviews and public input. At this time, finalized dates/venues for the public informational session have not been set, but this will be done shortly and will be provided through LebNewsAlert and other means, along with the Valley News.

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)

Adopting Zoning Amendments Procedure/schedule:

1. Staff presents amendments to City Council for initial consideration - scheduled for the October 5, 2022 Council meeting. Section 1000.2.A.
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 7, 2022 meeting.
- b. Conservation Commission – expected to be scheduled for the November 10, 2022 meeting.
- c. Planning Board - expected to be scheduled for the November 21, 2022 meeting.

5. The 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 4, 2023 Council meeting.

6. Finally, the Council will hold a public hearing followed by a vote on whether to adopt the amendments and/or to place amendments on the March ballot for voter consideration - expected to be scheduled for January 18, 2023 Council meeting. Section 1000.3.D.

- ***Zoning Board of Adjustment – November 7, 2022***
- ***Conservation Commission – November 10, 2022***
- ***Planning Board – November 21, 2022***
- ***City Council Final Review – January 4, 2023***
- ***City Council Public Hearing – January 18, 2023***

Senior Planner Tim Corwin gave a presentation and reviewed the proposed Zoning Amendments as listed below:

SUMMARIZATION OF PROPOSED ZONING AMENDMENTS

Ballot Amendments:

1. Adopt proposed Section 509 (“Cottage Developments”): The purpose of this amendment stems from an ongoing discussions about providing additional housing options in Lebanon trying to fill in what is called the “missing middle.” The idea is that the City will be providing some type of housing opportunities somewhere between single-family housing and large scale multi-family housing.

As specifically requested by the City Council in the April 21, 2022 directive to the City Manager, the purpose of this new section is to provide opportunities for single family housing that is small, energy efficient, and affordable, while promoting projects that ensure compatibility with surrounding land uses. Cottage developments are proposed to be allowed by conditional use on lots of at least one-half acre in size in the R-1, R-2, R-3, R- O, and R-O-1 Districts subject to the availability of appropriate utilities. To incentivize cottage development and help ensure economic viability, a higher density of 2,500 sq. ft. per unit is permitted. In return, the development must comply with the standards set forth in Section 509, which include limitations on building footprint and gross floor area for each unit, building design standards, minimum requirements with respect to common open space, and the screening of parking areas.

Adoption of the proposed cottage development section is specifically identified in the Master Plan as a strategy to help meet the Master Plan’s goal of providing a range of housing options that will support the City’s continued economic vitality and a diverse population. See 7.1.S15 (“Explore cottage or bungalow development strategies to promote, smaller, more energy-efficient, more affordable dwellings with limited size and footprint.”). Enabling cottage housing developments would help implement multiple additional strategies identified in the Master Plan including the following:

Allow for appropriate infill and increased density within existing neighborhoods while preserving neighborhood character. (2.3.S1; 2.3.A1)

- Encourage diversification in neighborhoods. (7.1.S13; 7.1.S14; 7.1.S16; 7.2.S8)
- Encourage new housing to be located close to urban centers, employment areas, infrastructure,

services, and transit and to positively contribute to existing neighborhoods. (2.2.S1; 7.1.A8; 7.1.S23; 7.1.S24)

- Identify neighborhoods that have the characteristics suitable as redevelopment areas or pods and assess whether zoning changes are needed to allow for infill or redevelopment. (2.3.A1)
- Review and amend the City’s Zoning Ordinance as needed to encourage more intensive redevelopment of existing residential and non-residential areas and to discourage development in undeveloped areas. (6.1.A7)
- Promote balanced land use that preserves the City’s outlying rural character and directs development toward its urban and densely settled residential cores. (2.1.S1; 2.2.S1; 2.2.S2)
- Guide development into existing areas as designated in the Land Use chapter to protect outlying rural areas and open space lands. (5.1.S1; 7.2.A7)

Sample of Cottage Development was provided as a curtesy by Ross Chapin, Architects. Developer: The Cottage Company. Deputy City Manager David Brooks also noted the Ross Chapin Architects also provided us with a design essentials document that the Planning Department will make available to both the Council and to the Public. This document goes through some of the essentials for pocket neighborhoods or cluster-type developments so people can get a sense of where some of the design guidelines that we are proposing come from and why we think they are important.



Council Discussions:

Councilor Liot Hill questioned if this type of project could be used as a demonstration project in the near future. She also asked if we could identify a couple of city-owned lands that could be used for this and then hold a seminar with potential developers using those guidelines. Mr. Brooks noted this is the hope if these regulations get passed and adopted.

Mayor McNamara noted the opportunity is for us to fast-track this as a demonstration project. He has seen a few of these projects in Colorado and in the Pacific Northwest, noting that good architecture will allow people to have a better quality of life in a space that we would otherwise consider small. He also noted that the open space has a very nice feel to it. The other positive is that these provide light on all four sides of the building. This type of housing would also have an HOA (Homeowner’s Association). He also suggested the size of these homes be raised from 750 sq. ft. to a 1K sq. ft (one story) and from 1,250 sq. ft. to 1,500 sq. ft. (two-story) footprint.

Assistant Mayor Below questioned if there was a reason for a minimum of 4 vs. 3 homes. Mr. Corwin stated no, but this seems to be the minimum we see in other ordinances and will be looked at during their review.

Mayor McNamara also noted this concept is not something an outside developer would typically want to do, so it will be likely done through local developers.

2. Revise the manufactured housing regulations, Sections 503 and 504: The Zoning Ordinance allows manufactured housing only when located within a manufactured housing park, a manufactured housing PURD, or a manufactured housing subdivision. Recognizing that manufactured housing is an avenue to affordable home ownership opportunities, the purpose of the proposed amendments to Sections 503 and 504 is to enable additional manufactured housing development within the City that is comparable to the manufactured housing projects that already exist. To that end, the amendments are being proposed to:

- Increase the permitted density of a manufactured housing development to 5,000 sq. ft. per unit, which is approximately the average density of the City’s three existing manufactured home parks; and,
- Revise the manufactured housing park regulations and standards to reflect existing conditions more closely at the City’s three existing manufactured housing parks, which were otherwise substantially out of compliance with the requirements of Section 503.

Council Discussions:

In response to Councilor Liot Hill’s request to explain how the 5,000 sq. ft. density would work, Mr. Corwin explained they calculated how many dwelling units are located within each of these manufactured housing parks per acre then divided an acre by the number of housing use units. The density comes to about 5,000 sq. ft. per dwelling unit and includes all the common areas over that land. Mr. Brooks noted that the existing regulations require 10K sq. ft. per unit and the amendments we are proposing is to make sure that those successful developments can be replicated on similarly situated lands.

Councilor Liot Hill and Mayor McNamara both wanted to make sure this proposal does not prohibit people from experiencing the nice neighborhood these manufactured housing developments could provide.

Assistant Mayor Below requested that §503.4 be changed under utilities and services for each manufactured housing unit, from 60 amps to at least 100 amps. Going forward, we should be enabling properties to do EV (Electric Vehicle) charging, which can be done through a 100 amp panel.

Councilor Whittlesey noted that if we are going to make this change, we should make sure not to be disadvantaging people who are already living in these homes and may not be able to afford to have the EV upgrade. Assistant Mayor Below said this would only be for new housing construction.

Mr. Brooks noted that one other change being proposed is to allow similar units like a Vermod Home unit in a manufactured home development.

3. Amend Section 314.2, the RL-3 District Table of Uses: To change “accessory use to anyone-family dwelling” from a use allowed by Special Exception to a permitted use. Currently, a Special Exception from the Zoning Board of Adjustment is required to construct or install accessory structures for one-family dwellings located in the RL-3 District. This includes sheds, detached garages, and pools. The proposed amendment would allow such accessory uses and structures “by right” rather than requiring approval from the Zoning Board. The RL-3 District dimensional regulations - including setback and building coverage requirements - would continue to apply and a zoning and building permit would still be required for any such

structures.

Council Discussions: None

4. Amend Section 610 (“Accessory Dwelling Unit (ADU)”) to allow an accessory dwelling unit for an owner-occupied two-family dwelling. Since adoption of Section 610 in 2013, only a modest number of ADUs have been constructed. To make ADUs more viable for the City’s property owners, the ADU regulations have been modified over the past several years to minimize regulatory hurdles and to provide more flexibility. As part of its ongoing efforts to encourage ADUs and to provide additional opportunities for affordable housing, and in response to multiple inquiries the Planning & Development Department has received over the past year, staff proposes to expand Section 610 to allow ADUs for owner-occupied two family-dwellings, in addition to allowing ADUs for owner-occupied one-family dwellings. This simply expands the options.

Council Discussions: None

COUNCIL TEXT AMENDMENTS

1. Add “equipment and machinery sales, rental and service,” as a new use category. A developer has expressed interest in developing property located near the Airport for an equipment rental business, which is not currently a use identified in the Zoning Ordinance. Staff proposes to create such a category and to allow it as a permitted use in the Light Industrial District which includes similar and compatible uses. The proposal is to:

- Amend Section 303.2 to allow “equipment and machinery sales, rental and service,” as a permitted use in the IND-L District, and amend Section 303.4 to require screening for any related outdoor storage.
- Amend Appendix A to provide a definition for “equipment and machinery sales, rental and service.”

Council Discussions: None

2. Add proposed Section 411 (“Highway Commercial District”). Within the vicinity of I-89 Exit 20 there are four freestanding signs that range in height from 55 ft. to 75 ft. and, as such, they are non-conforming to the current requirements of Section 608 (“Signs”). The height and size of these signs is conducive to attracting customers from I-89, but cannot be practically utilized to provide necessary signage at street level. Recognizing that these signs are legal non-conforming and are permitted to remain, the proposed amendment would allow a second freestanding on each property within the district whereas each property is otherwise permitted to have only one freestanding sign. **The purpose of the amendment is to allow these select properties to have a second freestanding to serve street-level customers**, in addition to any existing freestanding sign that is non-conforming to the 25 ft. height limitation applicable in the GC District. The extent of the district is roughly outlined in the image below, and the locations of each of the four non-conforming freestanding signs are circled in red (note that a draft zoning district map to be attached as an Appendix is forthcoming).



Council Discussions:

Mayor McNamara noted the City wants some of these lots to be redeveloped, particularly the lot in former K-Mart Plaza.

Councilor Liot Hill was ambivalent about creating a whole new zone just to deal with signs. She questioned if there was a less invasive way to deal with this. Mr. Corwin explained that originally, there was more to this (amendment) when it was reviewed by the Planning Board, but to be clear, this is just an overlay district.

Councilor Whittlesey questioned if this could be expanded to include the JCPenney area to encourage redevelopment.

Councilor Liot Hill stated that this might be a topic to discuss next year.

Councilor Heistad noted the Council has not discussed the type of infill that we obviously need. There was a lot of concern years ago about not turning Lebanon into a Manchester or one of our southern cities that want signs everywhere. The City was going to try and maintain Lebanon differently than what we find down south.

3. Amend Section 507 (“Bonuses for Certain Planned Development”) and Appendix A (definition of “workforce housing”) In another effort to encourage affordable housing opportunities within the City, this amendment would allow the Planning Board to grant a density bonus for any PURD or PRec that provides “workforce housing,” which is defined in RSA 674:58, IV as:

[H]ousing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. "Workforce housing" also means rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development.

Note that the Planning & Development Department intends to commission an inclusionary zoning study to evaluate the feasibility of requiring affordable, workforce housing to be included as part of all multi-family developments of a certain size. The findings of the inclusionary zoning study – which the Department anticipates undertaking in 2023 – may result in future recommended changes to the workforce housing density bonus provisions.

Staff also proposes to authorize the Planning Board to approve up to a 10% bonus for any PURD, PRec, or manufactured housing PURD that incorporates a renewable energy system (as defined in Appendix A) into the design of the development or that commits to energy efficient design by obtaining LEED certification. The remaining columns – which were added to the Zoning Ordinance as placeholders at least 25 years ago – are proposed to be removed (note that with respect to the “sensitivity to environment” category, it is staff’s view that this concept has been substantially addressed through the PUD regulations).

Mr. Corwin also reviewed and explained the Density Bonus Table, which is listed below, noting this would be reviewed more closely by the Planning Department. This is a framework for providing density bonuses for workforce housing and is a small step forward.

DENSITY BONUSES: Resolution adopted 4/21/22 by the City Council

3. Prepare amendments to the Zoning Ordinance to complete the Increased Density Bonuses table set forth in Section 507.1 and to develop Criteria for the Award of Bonus set forth in Section 507.2.

Type of Development	For Use of Technique	For Sensitivity to Environment	For Creating Affordable Workforce Housing	For Reducing Fiscal Impact	For Energy Efficient Design	For Renewable Energy Systems Facilities
PURD or PRec	12%	---	10%	---	10%	10%
Manufactured housing PURD MH Park (or subdivision)	NONE 12%	---	---	---	10%	10%
Subdivision	NONE	---	---	---		

Deputy City Manager Brooks noted they plan to submit a grant application to the Invest New Hampshire Program to get funding to pursue this. He also explained the financials of housing development to see if the City wants to include an inclusionary requirement to see just how many bonus units are necessary to make the project financially viable again. This is, in a sense, a placeholder to start the effort of incentivizing workforce housing.

Council Discussions:

Assistant Mayor Below and Mayor McNamara thought there would be real bonuses in providing alternatives for renewable energy as well.

- 4. Amend Section 603 (“Senior Housing Complexes”):** HB 1661 from the 2022 legislative session was signed into law over the summer and includes the following amendment to RSA 674:17, IV:

[I]f a municipality allows an increased density, reduced lot size, expedited approval, or other dimensional or procedural incentive [...] for the development of housing for older persons, as defined and regulated pursuant to RSA 354-A:15, VIII, it may allow the same incentive for the development of workforce housing as defined in RSA 674:58, IV. Beginning July 1, 2023, incentives established for housing for older persons shall be deemed applicable to workforce housing development.

HB 1661

272:72 New Paragraph; Local Land Use Planning and Regulatory Powers; Zoning. Amend RSA 674:17 by inserting after paragraph III the following new paragraph:

IV. If a municipality allows an increased density, reduced lot size, expedited approval, or other dimensional or procedural incentive under this section for the development of housing for older persons, as defined and regulated pursuant to RSA 354-A:15, VIII, it may allow the same incentive for the development of workforce housing as defined in RSA 674:58, IV. Beginning July 1, 2023, incentives established for housing for older persons shall be deemed applicable to workforce housing development.

The only incentive in the Lebanon Zoning Ordinance that specifically applies to housing for older persons is Section 603, which authorizes the Zoning Board to grant a Special Exception to allow a senior housing complex to have a greater density than that specified for the applicable zoning district. Per the recent amendment to RSA 674:17, the Zoning Board's ability to grant a Special Exception to allow greater density for a senior housing complex will automatically extend to workforce housing developments as of July 1, 2023. In response to HB 1661, staff has preliminarily suggested that the language of Section 603 be updated to reflect the forthcoming statutory mandate. If amended as proposed, note that a Special Exception granted under Section 603 for a workforce housing PURD or PRec would establish the baseline permitted density for the development, from which a "second" bonus could be added by Planning Board per Section 507 ("Bonuses for Certain Planned Development"). One alternative to adopting staff's proposed language would be to remove Section 603 pending the completion of the inclusionary zoning study which, as noted above, the City anticipates undertaking in the coming year.

Council Discussions: None

Associate Planner Rebecca Owens reviewed the amendment **Section 607.8 ("Electric Vehicles")**.

5. Add Section 607.8 ("Electric Vehicles"): This amendment is proposed in response to the rapidly changing regulatory and market landscape, which is transitioning to an electrified transportation future. The amendment also implements the City of Lebanon Sustainability Principles, Master Plan, and associated commitments to cleaner energy, greenhouse gas reduction, and equity as relates to supporting diverse and affordable transportation options in the face of rising fuel prices. For example, real estate research suggests that EV charging is among the top three desired convenience amenities for multi-family developments.

The amendment applies to all off-street vehicle parking in all zoning districts, and creates requirements for EV-installed, EV-ready, and EV-capable off-street vehicle parking spaces across three use categories: one- and two-family dwellings, multi-family dwellings, and non-residential, and also adds related definitions. The tiered thresholds for the required EV infrastructure allow a gradual transition to EV charging capacity in the City; developments will install a minimum of fully operational chargers and also install the electrical capacity to install future chargers.

ELECTRIC VEHICLE (EV) REQUIREMENTS

1. One- and Two-Family Dwellings. All new **one-** and **two-family dwellings** shall provide at least one (1) **EV-ready** space per **dwelling unit**.
2. Multi-Family Dwellings. Parking for **multi-family dwellings** shall include:
 - a. **EVSE-installed spaces** for a minimum of 5% of proposed **off-street parking spaces**.
 - b. **EV-ready spaces** for a minimum of 20% of proposed **off-street parking spaces**.
 - c. **EV-capable spaces** for a minimum of 65% of proposed **off-street parking spaces**.
3. Non-Residential Uses. Parking for uses requiring or proposing to provide 50 or more **off-street parking spaces** shall include:
 - a. **EVSE-installed spaces** for a minimum of 2% of proposed **off-street parking spaces**, with a minimum of two **EVSE-installed spaces**.
 - b. **EV-ready spaces** for a minimum of 10% of proposed **off-street parking spaces**.
 - c. **EV-capable spaces** for a minimum of 50% of proposed **off-street parking spaces**.

Ms. Owens stated that the overview in the packet distinguishes a few different categories of where we are looking to apply EV Charging infrastructure in the City; what districts it would apply to; and then the three (3) types of levels of intensity of that infrastructure. We are proposing to allow EV charging in all districts, except with Level 3 charging (fast level charging). We are trying to implement levels #1 and #2 more widely to increase access to more of the populace. In terms of when level #3 would be proposed, there are provisions in the proposed amendments to look at Conditional Use Permits in certain cases. LEAC and LEAC-EV helped review these and there was a lot of reference given to language that was in the proposed International Energy Conservation Code 2021. Their provisions were actually removed due to industry opposition but at the same time, the model language has been adopted nationwide in many cities to require teared levels of implementation of the EV Charging Infrastructure (i.e., EV ready; EV installed vs. EV capable differentiations). When you see the different percentages we are showing for residential/non-residential off street parking space, each category has a lower requirement of EV installed. (EV installed means fully ready to be a plugged in infrastructure). We are not there yet and NH is not there yet. With the EV ready, you would be installing at least the panel capacity and the conduit. For EV capable, you are installing at least the panel capacity. When this is done in new constructions vs. as a retrofit, there is at least a 75% savings between the labor and the construction costs. It costs more money when you have to do retrofits to meet this type of future demand, which is anticipated. We are trying to get ahead of the curve to not only ensure that residents/visitors can have the charging that they need, but that property owners are not blind-sided when they see the costs of retrofitting down the road.

Council Discussions:

Mayor McNamara noted that down the road, like regulations for electrical outlets, this should become just one more thing added to the Building Code/Energy Code for new construction.

Mr. Corwin noted this would be reviewed by legal counsel to make sure there are no concerns. He also noted the proposed Site Plan Amendments accompanying these zoning regulations will be ready for the Planning Boards review in January.

Mayor McNamara noted that for one/two family homes (new construction) this should be put into the code.

Assistant Mayor Below spoke about his reasons why this should be included into the infrastructure now, noting it will be needed in the future.

6. Amend Section 608.7 (“Signs Allowed Without a Building Permit”). The sign regulations set forth in Section 608 substantially limit Dartmouth Health’s ability to provide adequate signage. The Medical Center is uniquely hampered by Section 608 regulations which are unduly burdensome when applied to a property the size of DHMC. Moreover, adequate and abundant signage is arguably a unique necessity for hospitals in order to facilitate safe and efficient emergency access and wayfinding.

The purpose of the proposed amendment is to provide flexibility for the Medical Center in adding and replacing signage by exempting it from Section 608 any medical center complex sign that is not visible from a public street. For example, the exemption would allow Dartmouth Health to add additional freestanding directional signs along its access drive without having to obtain a Variance to allow more than one freestanding sign on the property. Signs visible from a public street would still be subject to the requirements of Section 608.

Council Discussion: None

7. Amend Section 306.1, the Central Business purpose statement:. The proposed amendment is a recommendation from the West Lebanon Revitalization Advisory Committee (WLRAC) that was made last year, but too late to be included in the set of zoning amendments approved by the Council in January 2022. The WLRAC’s recommendation is to expand the CB District purpose statement by incorporating language from the Master Plan and from the West Lebanon Village Visioning Charrette Final Report.

Council Discussions: None

8. Group Day Care Facilities, Sections 303.2, 303A.2, Section 306.2, Section 307.2, Section 311, Section 311A, and Section 311B. To help facilitate the development of needed childcare facilities, staff proposes to allow day care facilities as permitted uses in non-residential and mixed-use districts (IND-L, IND-RA, CB, LD, R-O, R-O-1, and PB). The amendment would help ease unnecessary regulatory hurdles by eliminating the requirement to obtain either a Conditional Use permit from the Planning Board or Special Exception from the Zoning Board.

Council Discussions:

City Manager Mulholland noted the hope is that we can adopt a provision that can be used by other communities who are very restrictive in terms of daycare facilities. This is one of the many steps to help deal with the childcare crisis (in the Upper Valley area).

9. Miscellaneous minor amendments:

- **Amend Section 501.1.H** to permit existing non-conforming buildings to be included as part of a PUD (Planning Unit Development regulations).
- **Section 611.A (“Keeping of Chickens”)** to increase the number of chickens permitted for one- and two-family dwellings.

SECTION 611 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. It shall be unlawful to keep more than the following number of chickens on any **lot**:
- | | |
|--------------------------------|--|
| Up to 2-1 acres | up to a total of 4-5 hens |
| Up to 2-to-5 acres | up to a total of 10 hens |
| More than 5-2 acres | up to 15 hens plus up-to-2 hens per acre. |

- To clarify existing language and to make certain editorial changes to Section 302.4.B

(“Enhanced Performance Standards - Authorization”), the Section 500 planned development table, Section 608 (“Signs”), Section 703.2 (discontinuance of non-conforming structures), Section 702.5 (expansion of non-conforming uses), and Appendix A (revise “health club” definition, “vehicular sales” definition, and sign-related definitions, and add definition for “sign structure”).

Council Discussions: None

COUNCIL ZONING MAP AMENDMENT



10. 18 Bridge Street (Tax Map 58, Lot 2): The property at 18 Bridge Street is a +/-2.9 acre lot that is split-zoned CB and R-3. The CB zoning designation extends 200 feet from the centerline of Bridge Street. However, the improved and developable portion of the lot already extends well past the existing CB District boundary line, and the land use of the entire property is identified as “Central Business District” on the Master Plan Future Land Use Map. The proposed zoning map amendment would extend the CB zoning an additional 225 ft. so that the front half of the property can be redeveloped for uses allowed in the CB District, consistent with the desired land use of the property as reflected on the Future Land Use Map. The recommendation to adjust the zoning boundary on this parcel is also among the key recommendations of the West Lebanon Revitalization Advisory Committee’s Action Plan for West Lebanon. As a gateway to West Lebanon, the redevelopment of this property could serve as a catalyst for future redevelopment and financial investment in downtown West Lebanon.

Deputy City Manager Brooks noted they spoke with this property owner about 5-years ago, at a time when we were trying to align our zoning and our future land use map. At that time, they were interested in the idea of additional opportunity and flexibility. We have not spoken with the property owner yet, but we will be reaching out to them.

Council Discussions:

After discussions were held regarding the geographic changes that would take place in the existing CB District for this property, the Council’s consensus was to have this amendment go through a Public Hearing Process.

Councilor Liot Hill MOVED, that the Lebanon City Council in accordance with the City of Lebanon Zoning Ordinance, Article X, Section 1000.3, Amendment Procedures, submits the Zoning Ordinance amendments as described in the Planning & Development Department memorandum titled, “2022-2023

Proposed Zoning Amendments”, dated September 27, 2022 and including the accompanying red-line excerpt of amendments, to the Planning Board, Conservation Commission, and Zoning Board of Adjustment for their review and comment. The City Council hereby sets the following tentative review schedule:

- ***Zoning Board of Adjustment – November 7, 2022***
- ***Conservation Commission – November 10, 2022***
- ***Planning Board – November 21, 2022***
- ***City Council Final Review – January 4, 2023***
- ***City Council Public Hearing – January 18, 2023***

Seconded by Councilor Whittlesey.

Councilor Liot Hill spoke to her motion by saying the purpose of these amendments is primarily in three areas:

1. To advance the housing resolution that was adopted back in April,
2. To advance some of the City’s energy goals, and
3. To advance some of the recommendations made by the West Lebanon Revitalization Advisory Committee.

For the reasons listed above, she felt comfortable moving forward with these zoning amendments.

Roll Call Vote:

All voting Yea: Assistant Mayor Below, Councilors Heistad, Liot Hill, Wilkie, Whittlesey, Simon, and Mayor McNamara

None Voted Nay

Absent from vote: Councilors Sykes and Zook

****The Vote on the Motion was approved (7-0)***

11. City Manager Report:

City Manager Shaun Mulholland updated the Council on the following:

- Comcast Broadband Service: Work for those areas (141 home throughout the City) that needed it should be completed by November.
- Rail Trail Extension West Lebanon: Attorney Barry Schuster expects to have all the necessary paperwork filed by the end of the year.
- Housing Next Steps: Discussions will continue between the City of Lebanon and the Town of Hartford. Their plan is to share information between both communities.
- City property revaluation status: A presentation is planned for the Council on November 2, 2022. It is important to note that the tax rate will be set after the revaluations are completed.
- PFAS: The EPA is developing new technologies to help destroy PFAS. It will be some time before these can actually be implemented in the field. We will continue to monitor the changes in the amount of PFAS that will be allowed by the EPA.
- Childcare RFI: This is in draft form right now and work is continuing.
- NHMA Annual Conference: November 16 & 17, 2022.
- IRA (**Inflation Reduction Act**) Grant opportunities: Rules/Regulations are being developed by the Federal and State Government, so it could be a while before the City can apply for these grant funds. However, a group is working on what the City thinks it can apply for.
- Training the Trainer Program for DEI (Diversity, Equity, Inclusion Committee).

- Retirement of Lebanon's Fire Chief, Chris Christopoulos: A notice will be sent out for his Retirement Party.
- City Manager's annual 360 evaluation has been sent to Councilors.

12. COUNCIL REPRESENTATIVES TO OTHER BODIES:

Assistant Mayor Below informed the Council that the (NH) PUC finally adopted rules to enable the new power aggregation plan, which will become effective on Wednesday, October 12, 2022.

13. FUTURE AGENDA ITEMS:

- **Since no action was taken at this meeting, the Council requested the Review and adoption of City Council Policy CC-103 - Procurement Policy be placed on the agenda again in January/February of 2023.**
- **18 Bridge Street (Tax Map 58, Lot 2) Public Hearing. (See Council Zoning Map Amendment Item 10 as listed above.)**

14. NON-PUBLIC SESSION: NONE

15. ADJOURNMENT:

Councilor Heistad MOVED for adjournment.

Seconded by Councilor Whittlesey.

Roll Call Vote:

All voting Yea: Assistant Mayor Below, Councilors Heistad, Liot Hill, Wilkie, Whittlesey, Simon, and Mayor McNamara

None Voted Nay

Absent from vote: Councilors Sykes and Zook

****The Vote on the Motion was approved (7-0)***

The meeting was adjourned at 9:03 PM.

Respectfully submitted

Dona E. Gibson

Recording Secretary