



**LEBANON CITY COUNCIL
JANUARY 18, 2023 - 6:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

To participate in this meeting, please [join live via Microsoft Teams](#) or call 929-229-5356 (access code: 591 866 939#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

The January 18, 2023 Lebanon City Council Meeting is hereby called to order.

2. Pledge of Allegiance

3. Boards and Committee Reports (4th Quarter 2022)

4. Public Forum Announcement by the Mayor

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

5. Open to the Public

6. Recognitions: None

7. Approval of Minutes

A. MOTION TO approve the minutes as presented in the January 18, 2023 agenda packet.

8. Appointments: None

9. Public Hearing Items

A. PROPOSED AMENDMENTS TO THE ZONING ORDINANCE FOR 2023 MUNICIPAL BALLOT - Public Hearing for the purpose of receiving public input and taking action to place proposed zoning amendments on the 2023 Municipal Ballot, as follows:

Amendment #1 – To adopt a new Section 509 (“Cottage Developments”) as a use allowed by Conditional Use Permit in the R-1, R-2, R-3, R-O, and R-O-1 Districts. **(Zoning Ordinance ADD Section 509 and amend Sections 308.2, 309.2, 310.2, 311.2, and 311A.2, with related amendments to Section 205.1, Section 500, and Appendix A)**

Amendment #2 – To amend and rename the Manufactured Home regulations in Sections 503 and 504. **(Zoning Ordinance Sections 503 and 504, with related amendments to Sections 209, 308.2, 312.2,**

313.2, 500, 501.2.C, and Appendix A)

Amendment #3 – To amend the RL-3 District Table of Uses to change “accessory use to any one-family dwelling” from a use allowed by Special Exception to a Permitted Use. **(Zoning Ordinance Section 314.2)**

Amendment #4 – To amend the Accessory Dwelling Unit (ADU) regulations in Section 610 to allow an accessory dwelling unit for an owner-occupied two-family dwelling. **(Zoning Ordinance Section 610)**

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

B. PROPOSED AMENDMENTS TO THE ZONING ORDINANCE FOR COUNCIL ADOPTION – Public hearing for the purpose of receiving public input and taking action on proposed zoning amendments for adoption by the City Council as follows:

Amendment #1 – To add “equipment and machinery sales, rental and service” to the IND-L District Table of Uses as a permitted use and to provide a definition for “equipment and machinery sales, rental and service.” **(Zoning Ordinance Section 303.2 and Appendix A, with a related amendment to Section 303.4)**

Amendment #2 – To amend the sign regulations in Section 608 to allow properties that are within 100 feet of the Interstate 89 right-of-way and that have an existing freestanding sign that is non-conforming due to its height to have one additional freestanding sign in conformance with the requirements of Section 608.4.A.4. **(Zoning Ordinance Section 608.4.A.4)**

Amendment #3 – To amend Section 507 “Bonuses for Certain Planned Development” to allow the Planning Board to award a density bonus for developments that include workforce housing, energy efficient design, or renewable energy systems, and to provide criteria for the consideration of such density bonus awards. **(Zoning Ordinance Section 507, with a related amendment to Appendix A)**

Amendment #4 – To amend the regulations for Senior Housing Complexes in Section 603 to also apply to developments with Workforce Housing. **(Zoning Ordinance Section 603)**

Amendment #5 – To amend the parking regulations in Section 607 to include requirements for Electric Vehicle parking spaces and infrastructure. **(Zoning Ordinance ADD Section 607.8 and amend Appendix A with a related amendment to Section 607.3.B.1)**

Amendment #6 – To amend the sign regulations in Section 608 to exempt any medical center complex sign that is not visible from a public street. **(Zoning Ordinance ADD Section 608.7.J)**

Amendment #7 – To amend the purpose statement of the Central Business District. **(Zoning Ordinance Section 306.1)**

Amendment #8 – To change “group day care facilities” from a use allowed by Special Exception to a Permitted Use in the IND-L, IND-RA,

CB, R-O, R-O-1, and PB Districts and from a use allowed by Conditional Use Permit in the LD District to a Permitted Use. (Zoning Ordinance Sections 303.2, 303A.2, 306.2, 307.2, 311.2, 311A.2, and 311B.2)

Amendment #9 – To adopt miscellaneous minor amendments including corrections to typographical errors, and to adopt amendments to defined terms set forth in Appendix A. **(Zoning Ordinance Sections 501.1.H, 611.A, 302.4.B, 500, 608, 703.2, 702.5, and Appendix A)**

Amendment #10 – Proposed Zoning Map change from R-3 to CB District for a portion of properties located at 18 Bridge Street (M/L 58-2) and 22 Bridge Street (M/L 58-1) extending the CB District boundary from 200 feet from the centerline of Bridge Street to 425 feet from the centerline of Bridge Street. The primary purpose of this amendment is to more accurately reflect existing improvements on the properties and to better facilitate redevelopment of the properties as envisioned in the 2012 Master Plan and the 2021 Action Plan for West Lebanon. **(Zoning Map Change)**

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

10. Old Business: None

11. New Business

- A. Request from Salt hill Pub for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property
- B. Request from Three Tomatoes for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property
- C. Request from the Lebanon Opera House for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property
- D. Review and Discussion of Draft Strategic Plan

12. City Manager Report

13. Council Representatives to Other Bodies Report

14. Future Agenda Items

15. Non-Public Session

- A. RSA 91-A:3, II(e) – “Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against the public body or any subdivision thereof, or by or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or

board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph.”

16. Adjournment

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

FUTURE BOARD/COMMITTEE/COMMISSION APPOINTMENTS: There are currently no future appointments.

FEBRUARY 1, 2023

NEW BUSINESS:

- A. Presentation of Transparent Lebanon web page
- B. Review of Elderly Tax Exemptions
- C. Low-Barrier Shelter Options in Lebanon
- D. Presentation of 2021 Audit
- E. Request to Rescind Prior Authorizations for Issuance of Bonds or Notes
- F. Release of Public Schools Impact Fees (3rd & 4th Quarters 2022)
- G. Lebanon Police Department Budget Transfer – LED Lighting Upgrades
- H. Preparation of Concise Explanations stating the City Council’s position on the Zoning Amendments to appear on the March 2023 Municipal Ballot. Explanations are required by Section 1000.4.D of the Lebanon Zoning Ordinance and must indicate the Council’s approval/disapproval of the proposed amendments, stating reasons for such.

February 15, 2023

NEW BUSINESS:

- A. Presentation of 2022-2023 Lebanon Historic Landmark Designations

**AGENDA
LEBANON CITY COUNCIL
JANUARY 18, 2023**

7. ACCEPTANCE OF MINUTES:

MINUTES TO BE ACCEPTED

- January 4, 2023 (Regular Meeting)

MOVED, to approve the minutes as presented in the January 18, 2023 agenda packet.

DRAFT

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, January 4 2023, 7:00 p.m.**

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

MEMBERS PRESENT: Mayor Tim McNamara, Assistant Mayor Clifton Below, Erling Heistad, Karen Liot Hill, Christian Simon, George Sykes, Douglas Whittlesey, Devin Wilkie, and Karen Zook

MEMBERS ABSENT:

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks, Director of Planning & Development Nathan Reichert, Deputy Planning & Development Director Tim Corwin, Associate Planner Rebecca Owens, Finance Director Vicki Lee, Deputy Finance Director Alesia Williams, Chief Innovation Officer Melanie McDonough, Energy & Facilities Manager Tad Montgomery

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

2. PLEDGE OF ALLEGIANCE: Councilor Liot Hill led the Council in the Pledge.

- 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: No one came forth.

5. RECOGNITIONS: NONE

6. ACCEPTANCE OF MINUTES:

- November 28, 2022 (Budget Work Session)
- December 7, 2022 (Regular Meeting)

Amendments: Page 17, Line 26; Motion -Change "\$300 hour" to "\$300 (flat fee); Page 19, change Ordinance Fee from "\$300 hour" to "\$300 (flat fee)"

- December 14, 2022 (Regular Meeting)

Amendments: Page 57, Line 39; In MOTION change "Wilkie MOVED" to "Whittlesey MOVED"

*Councilor Heistad MOVED to approve the November 28, 2022 (Budget Work Session), the December 7, 2022 (Regular Meeting) and the December 14, 2022 (Regular Meeting) minutes as amended and presented in the January 4, 2023 City Council agenda packet.
Seconded by Councilor Whittlesey.*

**The Vote on the Motion was approved (9-0)*

7. APPOINTMENTS: NONE

1 **8. PUBLIC HEARING ITEMS:**

- 2 **A. ORDINANCE 2023-01** - A public hearing for the purpose of receiving public input and taking
3 action to amend City Code Chapter 152, Streets and Sidewalks, Article IV, Non- Public Signs in
4 City Highway Right-of-Way, relative to political signs on public highways
5

6 Included in the agenda packet: (*Pages 80-87, Council agenda packet*)

7 1. Ordinance #2023-01

8 2. December 28, 2022 Legal Opinion by Attorney Matthew C. Decker, RE: Amendments to City Code
9 Chapter 152, Art. IV, “Non-Public Signs in City Highway Right-of-Way”

10
11 City Manager Mulholland reviewed the background and amendments for Ordinance 2023-01.
12

13 **BACKGROUND**

14 The City Council adopted the provisions contained in Chapter 152, Article IV, Non-Public Signs in City
15 Highway Right-of-Way on February 18, 2009. This code provision allows for the placement of political
16 signs as defined by NH RSA 664:2 in City rights-of-way.
17

18 It is not uncommon for municipalities to prohibit the placement of any signs for any purpose (other than
19 traffic signs posted by governmental entities) within the municipality’s right-of-way. NH RSA 664:17
20 specifically prohibits the placement of political advertising on or affixed to any public property, including
21 highway rights-of-way or private property, without the owner’s consent.
22

23 This past summer, the City implemented a pilot program to beautify the traffic islands in the downtown
24 area. Private businesses either donated funds or utilized their own employees to plant and care for the
25 flowers planted in these designated traffic islands.
26

27 The City Manager has received complaints regarding political signs being placed on the traffic islands
28 obscuring the flowers planted there. The proposed code changes limit the period of time political signs
29 can be placed in the right-of-way. Additionally, the amendments prohibit placement of political signs on
30 traffic islands or other portions of public highways that are designated by the City Manager as part of the
31 City’s beautification program.
32

33 Other proposed amendments included in Ordinance #2023-01 are intended to update and correct cross-
34 references to the signage regulations within the Lebanon Zoning Ordinance.
35

36 City Manager Mulholland stated that code 152 could potentially be challenged legally because it allows
37 certain signs and prohibits certain other types of signs. One option that may prevent a legal challenge is
38 to not to allow any signs in the public way at all.
39

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

41
42 *Roberta Hamilton (Ward-1)*: She was representing the Lebanon Democratic Committee and spoke about
43 their concerns with being able to have their candidates’ names and positions known and proposed the time
44 for (political) signage be 60 days. She also spoke about her reasons for registering signs, what a potential
45 fee could be, and what a violation fine could be for unregistered signs.
46

1 *Jeremy Katz (Ward-3):* He spoke about his reasons why it seems unwise to adopt this ordinance if legal
2 counsel advised against it.

3
4 **Hearing no further comments from the public, the Public Hearing was closed.**

5
6 Council Discussions:

7
8 In response to Assistant Mayor Below's question regarding increasing the City's legal jeopardy vs. doing
9 nothing to the ordinance, City Attorney Decker noted that yes, there is an existing potentially minor
10 problem due to certain signage categories as identified in his memo on pages 85-87, Council agenda
11 packet. The proposed amendments do not significantly change the calculus on his analysis of the
12 constitutional issues.

13
14 Mayor McNamara asked what the potential consequences of an appeal would be, either for the ordinance
15 currently in place or the proposed ordinance with the limitations.

16
17 Attorney Decker noted the most likely result of an appeal would be an order from the court that the
18 ordinance is potentially unenforceable as written and then the City would be called upon to **not** enforce it
19 as written. As for the time limitation, the issue is not necessarily whether or not the time limitation is 30
20 or 60 days, it is the content-based distinction between political signs and other types of signs. The
21 constitutional analysis would be that the government is favoring one type of speech and disfavoring all
22 other types of speech that could possibly show up on those signs. If the ordinance were to say, "No signs
23 at all in the public right-of-way," this is very defensible because it is not a content-based restriction. If
24 the ordinance were only going to allow temporary signs in the ROW within 30 days around an election,
25 you are not distinguishing based on the content of the signs, so theoretically any sort of sign could be
26 allowed within 30 days of an election. There still might be an implication that the ordinance is not
27 content neutral so there could still be a finding, even though the ordinance content seems neutral on its
28 face, there is a content-based intent behind it. Keeping the existing content-based distinctions as they are,
29 putting a time limit on that, or restricting it to 30-days, does not change it much more. The analysis from
30 a constitutional perspective would be very similar whether you have the current form of the ordinance or
31 whether you have the amendments included. He spoke about the results of the U.S. Supreme Court case
32 of *Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155 (2015). (*Page 86, Council agenda packet.*)

33
34 Councilor Whittlesey spoke about his reasons for making §152-34(A) subsection (2) a separate section by
35 taking out the word political and blocking any advertising on the Traffic Islands and portions that are part
36 of the beautification area.

37
38 Councilor Liot Hill spoke about the background behind the amendments to Ordinance #2023-01. She
39 suggested the Council pause and address all of the legal issues counsel raised in order to address these in
40 a way that is consistent with the constitution.

41
42 City Manager Mulholland stated this could be easily done by prohibiting all signs in the public way to
43 make sure there is no chance of litigation.

44
45 Mayor McNamara noted that under the Reed case he was unsure if there was an ultimate fix. This is a
46 bigger discussion and felt this is a first step that does not put us in any more jeopardy and at least
47 addresses the problem of the islands and helps to narrow that window (of time).

1
2 In response to Councilor Sykes question about what happens if signs appear after the ordinance is passed,
3 City Manager Mulholland noted the State Statute covers this and signs will be removed if they do not
4 meet the requirements in the statute.

5
6 Assistant Mayor Below read the State Statute regarding politically advertising/speech and gave his reason
7 why he felt the risk of litigation was not significant.

8
9 Councilor Heistad agreed noting we have been in this position for a long time and Lebanon is not the only
10 town in the State of NH that has political signs go up. He felt the City could put a limitation to the time
11 for political signage.

12
13 City Attorney Decker noted that under Commercial Law, commercial speech gets lessor protections than
14 other types of speech. You might be able to distinguish signage based on content for commercial vs. non-
15 commercial. He did not intend his memo to be alarmist, it was more intended to flag the issue for the
16 Council and explain it in detail and spoke about the Reed case, which came down in 2015 as listed below:

17
18 It bears noting here that the City had a Sign Ordinance Task Force in 2017/2018 to work on
19 improvements to Zoning Ordinance Section 608 (Signs). In its current form, ZO Section 608
20 avoids references to the content (words) of signs. One example of avoiding the Reed problem
21 is in Section 608.6(A)(3), where one additional temporary sign is permitted on private
22 property for the time period not more than 60 days prior to an election – without reference to
23 whether the one extra sign speaks about an election issue or not.

24
25 Councilor Wilkie spoke about his reasons for supporting the ordinance moving forward.

26
27 **ACTION:**

28 ***Assistant Mayor Below MOVED, that the Lebanon City Council hereby adopts Ordinance #2023-01***
29 ***to amend City Code Chapter 152, Streets and Sidewalks, Article IV, Non-Public Signs in City***
30 ***Highway and Right-of-Way as presented in the Council packet.***
31 ***Seconded by Councilor Heistad.***

32
33 Assistant Mayor Below spoke to his motion noting that he served on the Sign Task Force and felt the City
34 Manager's suggestion to take an overall look at this section of the ordinance is a good idea. It is not a big
35 deal to come back and amend it at a later date once we have taken that closer look.

36
37 ****The Vote on the MOTION was approved (9-0).***

38
39 **CITY OF LEBANON**
40 **ORDINANCE #2023-01**

41
42 AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 152, Streets and Sidewalks,
43 Article IV, Non-Public Signs in City Highway Right-of-Way, by amending §152-34, Exceptions.

44
45 BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

46
47 **Section 1:**
48

1 The Code of the City of Lebanon is hereby amended to revise Chapter 152, Streets and Sidewalks, Article
2 IV, Non-Public Signs in City Highway Right-of-Way, §152-34, Exceptions, as follows:

3
4 **§ 152-34 Exceptions.**

5 The following are excepted from the prohibition in this § **152-32**, above:

6
7 **A.** Political advertising, as defined in RSA 664:2, is permitted to be located on public highways if and
8 only if in accordance with RSA 664:14 through RSA 664:17, all other applicable laws or regulations
9 including the provisions below;

- 10 1. Political advertising may only be placed within public highways 30 days prior to the election
11 in which the measure or elected office is being acted upon.
12 2. Political advertising may not be placed on traffic islands or other portions of public highways
13 that are designated as part of the City's Beautification Program designated by the City
14 Manager.
15

16 **B.** Any activity properly licensed by the City to take place on public highways, including street vendors
17 under City of Lebanon Code Chapter **179**, street fairs under RSA 31:100, or parades licensed under
18 RSA Ch. 286 may include signs relating to the licensed activity, to the extent permitted by the
19 respective licensing authority.
20

21 **C.** The prohibition in this article shall not apply to official signs and devices properly erected by agents
22 of the City itself for purposes of directing and controlling traffic, or other valid public safety or
23 welfare purpose.
24

25 **D.** The prohibition in this article shall not apply to leaflets or placards held at all times by a human being,
26 or to messages or information printed on clothing or other items worn by a human being, so long as
27 said persons are not interfering with traffic and are not in violation of any other laws or ordinances.
28

29 **E.** The prohibition in this article shall not apply to signs painted on or otherwise affixed to motor vehicles
30 being operated upon public highways; provided, however, that vehicles which have commercial signs
31 painted on or otherwise attached to them shall not remain or be parked for more than three hours at
32 any one location on any public highway right-of-way in the City, unless said vehicle is being actively
33 used at that location for some business purpose other than parking or advertising, including but not
34 limited to loading, unloading or utility installation or repair, and is not in violation of any other laws
35 or ordinances. The three-hour time restriction in this subsection shall be in addition to other
36 restrictions such as those contained in City of Lebanon Code Chapter **168**.
37

38 **F.** The prohibition in this article shall not apply to sandwich board signs permitted under Section
39 608.6(A)(5) of the Zoning Ordinance, which are located on public sidewalks in the Central Business
40 and Lebanon Downtown Districts only, and are otherwise in conformity with that section and all
41 other applicable ordinances and regulations, nor to promotional banners under Section 608.2(A)(2)
42 of the Zoning Ordinance which are explicitly permitted by the City Licensing Board.
43

44 **G.** The prohibition in this article shall not apply to signs which announce and give directions to yard
45 sales which are in compliance with Section 207 of the Lebanon Zoning Ordinance; provided,
46 however, that:

- 47 **(1)** No such sign shall exceed four square feet in area;
48 **(2)** There shall be no more than a total of three signs for any one yard sale;
49 **(3)** The date(s) of the yard sale shall be written on each sign;

1 (4) The exception in this subsection shall apply only upon the actual date of such a yard sale and
2 the date prior to the yard sale; and

3 (5) City authorities may remove or relocate any such sign which impedes traffic or visibility, or
4 otherwise impairs the safety and convenience of the traveling public.
5

6 H. The prohibition in this article shall not apply to temporary directional signs advertising residential
7 property for sale and located in the public right-of-way, provided that:

8 (1) There shall be no more than two directional signs placed at the nearest street intersections, in
9 each direction, to the property for sale;

10 (2) Each sign shall not exceed four square feet in area;

11 (3) The signs shall be removed upon completion of the transaction; and

12 (4) City authorities may remove or relocate any such sign which impedes traffic or visibility, or
13 otherwise impairs the safety and convenience of the traveling public.
14

15 Section 2: Severability

16
17 The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence,
18 clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent
19 jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences,
20 clauses or part of this ordinance.
21

22 Section 3: Effective Date

23
24 This ordinance shall become effective upon passage.
25

26 **The Vote on the Motion was approved (9-0)*
27

28 **B. RE-ADOPT VETERANS TAX CREDITS** – A public hearing for the purpose of receiving
29 public input and taking action to re-adopt the Optional Veterans' Tax Credit and the All Veterans'
30 Tax Credit.
31

32 Included in the agenda: (*Pages 89-96, Council agenda packet*)

- 33 1. New Hampshire Department of Revenue Administration, Technical Information Release,
34 Updated TIR 2022-005, dated October 24, 2022
- 35 2. NH RSA 72:27-a; RSA 72:28; RSA 72:28-b
36

37 City Manager Mulholland reviewed the background/purpose for re-adopting the Veterans Tax Credits.
38

39 BACKGROUND

40 The Optional Veterans' Tax Credit and the All Veterans' Tax Credit are programs made available by the
41 City for Lebanon's veterans and/or their spouses. The tax credit reduces the total property taxes owed on
42 the veteran's residential property by the amount of the credit.
43

44 The Optional Veterans' Tax Credit was last amended on October 16, 2019 when the Council voted to
45 increase the amount of the tax credit from \$100 to \$250 in accordance with NH RSA 72:28. At the same
46 meeting, the City Council voted to adopt the All Veterans' Tax Credit pursuant to NH RSA 72:28-b in the

1 amount of \$250. Veterans and/or their spouses may qualify for either the Optional Veterans' Tax Credit or
2 the All Veterans' Tax Credit, but cannot receive both.

3
4 In 2022, the New Hampshire Legislature passed, and Governor Sununu signed into law, House Bill 1667
5 (Chapter 121, Laws of 2022) amending the eligibility criteria for certain veterans' property tax credits.
6 Effective on July 26, 2022, the bill amended NH RSA 72:28, the "Standard and Optional Veterans' Tax
7 Credit", and NH RSA 72:28-b, the "All Veterans' Tax Credit", to expand the eligibility requirements of
8 the veterans' tax credit to include individuals who have not yet been discharged from service in the armed
9 forces.

10
11 Under NH RSA 72:27-a, IV, amendments to tax credits and exemptions which require adoption will apply
12 "in a municipality which previously adopted the provision only after the municipality complies with the
13 procedure" specified in NH RSA 72:27-a, II. As a result, the legislation requires the City to re-adopt the
14 Optional Veterans' Tax Credit and/or the All Veterans' Tax Credit at the existing amount of \$250, or at a
15 new amount, in order for them to remain in place and include the expanded eligibility effective for the April
16 1, 2023 tax year. If either the Optional Veterans' Tax Credit or the All Veterans' Tax Credit, or both, are
17 not re-adopted by the City, then only the Standard Veterans' Tax Credit (NH RSA 72:28, I) in the amount
18 of \$50, including the expanded eligibility requirements, will be in place for the April 1, 2023 tax year.

19
20 **Mayor McNamara opened the Public Hearing. Hearing no comments from the public, the Public**
21 **Hearing was closed.**

22
23 **Councilor Heistad abstained from voting as he is a veteran who receives these benefits.**

24
25 **ACTION:**

26 *Assistant Mayor Below MOVED, that the Lebanon City Council hereby re-adopts the Optional*
27 *Veterans' Tax Credit in the amount of \$250 in accordance with NH RSA 72:28 and the All Veterans'*
28 *Tax Credit in the amount of \$250 in accordance with NH RSA 72:28-b.*
29 *Seconded by Councilor Liot Hill.*

30
31 **The Vote on the Motion was approved (8-0-1). Councilor Heistad abstained.*

32
33 **Councilor Heistad returned as a regular voting member of the City Council.**

34
35 **9. OLD BUSINESS – NONE**

36
37 **10. NEW BUSINESS**

38 **A. Review and Adoption of 2023 Annual Calendar**

39
40 Included in the agenda packet: (*Pages 97-10 , Council agenda packet*)

- 41 1. Proposed 2023 Annual Calendar

42
43 **BACKGROUND**

44 To better organize the Council's annual events, a calendar has been drafted for review and consideration.
45 Thus far, dates include City holidays, regular Council meetings, municipal election information, proposed
46 dates for the annual work sessions (unconfirmed), a general budget work schedule (in-house), and proposed
47 Council budget work session dates (5 reserved dates in November – subject to change). If the proposed

meeting schedule is acceptable, the Council is asked to take action to adopt the calendar as presented. If changes/additions are desired, the Council is encouraged to suggest alterations for consideration by the body.

ACTION:

Councilor Liot Hill MOVED, that the Lebanon City Council hereby adopts the Annual Calendar as proposed in the January 4, 2023 agenda packet.

Seconded by Councilor Whittlesey.

****The Vote on the Motion was approved (9-0).***

B. Appointment of 2023 Chair and Vice-Chair for Economic Development Commission

Included in the agenda packet: ([*Pages 110-111, Council agenda packet*](#))

1. EDC Member Roster

BACKGROUND

On July 10, 2019, the City Council approved Ordinance #2019-12 to amend Chapter 31, Boards, Committees, and Commissions, of the City Code to establish the Economic Development Commission (EDC).

According to §31-46, Establishment; Membership; Qualifications, the City Council shall annually in December of each year appoint a Chairperson and a Vice-Chairperson from the nine members of the Economic Development Commission to serve the following calendar year.

ACTION:

Councilor Sykes MOVED, that William Dunn be appointed as Chair of the Economic Development Commission for calendar year 2023.

BE IT FURTHER MOVED that Councilor Liot Hill be appointed as Vice-Chair of the Economic Development Commission for calendar year 2023.

Seconded by Councilor Wilkie

****The Vote on the Motion was approved (9-0)***

C. Lebanon Community Power – Community Power Coalition of New Hampshire (CPCNH) Cost Sharing Agreement and Related Policies

Included in the agenda packet: ([*Pages 112-240, Council agenda packet*](#))

1. Overview for CPCNH Wave 1 Governing Bodies, Dated December 28, 2022
2. Guide to CPCNH Policy Documents, Dated December 28, 2022
3. Guide to CPCNH Cost Sharing Agreement, Dated December 28, 2022
4. CPCNH Board Policy, Data Security and Privacy (Policy No. CPCNH-2022-04), effective December 15, 2022
5. Energy Portfolio Risk Management, Retail Rates, and Financial Reserves Policies, adopted by CPCNH on December 19, 2022
6. CPCNH Cost Sharing Agreement, adopted by CPCNH Board on December 27, 2022

7. Proposed Amendments to Lebanon's Electric Aggregation Plan dated December 28, 2022

BACKGROUND

Assistant Mayor Below requested the Council's consideration of the information and adoption of agreements with the Community Power Coalition of New Hampshire (CPCNH) as a follow-up step to the Electric Aggregation Plan (EAP) for Lebanon Community Power (LCP) adopted by the Council on September 15, 2021 and amended on June 15, 2022. These policies and agreements need to be approved by the City Council before LCP (Lebanon Community Power) can begin energy procurement for a launch of services in April or May of this year (2023). There are also a few proposed amendments to LCP's EAP to conform it with the adopted policies and the Cost Sharing Agreement.

Assistant Mayor Below reviewed and explained his detailed presentation regarding the Lebanon Community Power as Coalition of New Hampshire (CPCNH) Cost Sharing Agreement and Related Policies *(for complete details, please refer to the pages 112-240 Council agenda packet listed above)*

Below are a few screenshots that were included in Assistant Mayor Below's presentation that briefly depict the topics he discussed:

Agenda

- 1 | Overview of Community Power & the Coalition
- 2 | Coalition Governance & Power Agency Services
- 3 | Coalition Technical Assessment & Financial Forecast
- 4 | Wave 1: Community Power Launch Process
- 5 | Q&A Discussion & Reference Slides: Power Agency Team

What is Community Power?

New Hampshire cities, towns, and counties can become **default electricity provider** for their residents + businesses and provide related services.



[RSA 53-E, Relative to Aggregation of Electric Customers by Municipalities & Counties](#)

Customers may switch back to utility default supply or take service from a Competitive Supplier

Community Power programs must be paid for out of revenues received from participating customers

Community Power Coalition of New Hampshire

Community-governed power supplier — launching Community Power programs in April 2023

Nonprofit Joint Power Agency formed 10/1/21

27 Members representing:

- 21% of NH population
- ~125,000 customers
- ~1,124,000 MWh / year
- ~\$138 million / year revenues (controlled by communities)

Target windows for program launch:

- April-May 2023 for 12 Members
- April-May 2024 for 15 Members



The revenues were based on the experience of the public power industry (70) that have evolved to serve the 2K municipal utilities where they operate distribution systems but often combine the joint power agencies to procure their power supply. We worked on adapting National practices, as well as the experiences of Community Power Aggregations.

Coalition Design Goals

- Robust & democratic governance & oversight structure
- Economies of scale for services + procurement
- Risk management of a portfolio of power supply contracts
- Advanced retail customer services (new services & choices)
- Proven model for new project development & local programs
- Team of professional staff & advisors manage power agency
- Joint public advocacy to improve state energy policy

Assistant Mayor Below spoke about the local policy goals, noting that in this current economic climate the goal is to provide more stable costs/rates over time, enable local projects/programs, and create a platform for more collaborative relationships with the utilities, etc.

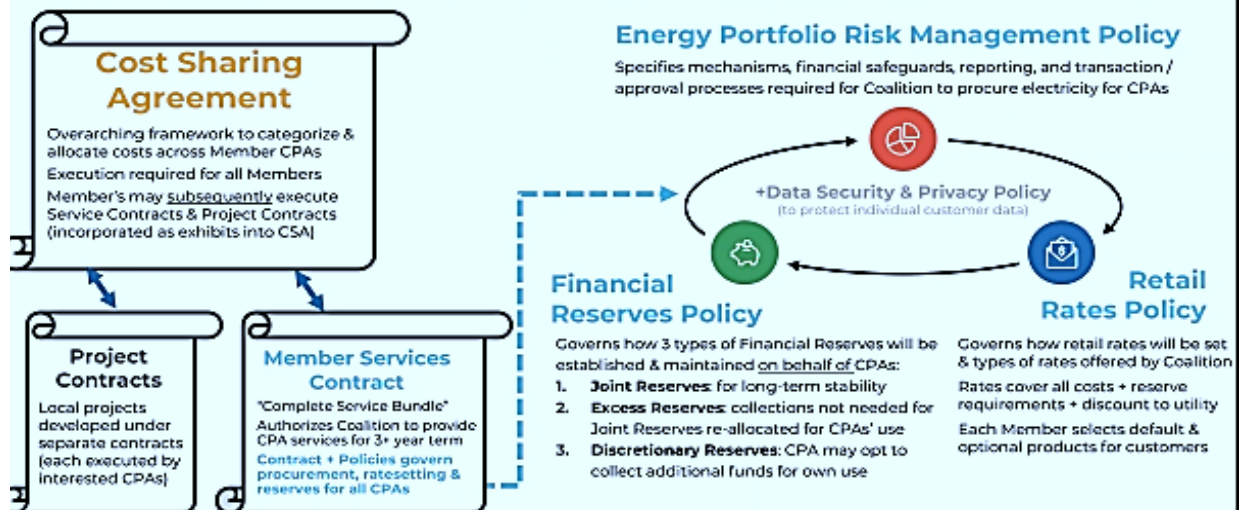
Assistant Mayor Below reviewed the Broker Bid Model failures, noting the CPCNH is more complex and is designed to try to avoid all the failures others have had. We can start to transform larger markets and explained what is being done in California.

Wave 1 Member Actions to Date & Next Steps

✓	Appointed Electric Aggregation Committee
✓	Adopted Joint Powers Agreement
✓	Appointed CPCNH Director & Alternate to serve on Member Board
✓	Developed & adopted Electric Aggregation Plan (EAP) w/ public input
✓	Received Public Utilities Commission approval of EAP
✓	Puc rule 2203.02 & 2204.02 utility data requests submitted (in progress for some CPAs)
✓	Electric Aggregation Committees preparing for Communities Engagement Campaigns
	January: Governing Body approves (1) EAP amendments, (2) Cost Sharing Agreement, (3) "Complete Service Bundle" Member Services Contract and (4) Data Security & Privacy, Energy Portfolio Risk Management, Retail Rates, & Financial Reserves policies
	February 1 to 16: Member's "Authorized Official" (designated by Governing Body) makes "go/no-go" procurement decision at Coalition Risk Management Committee meeting. Subsequently, Member's Authorized Official or Governing Body chooses which rate products to offer as default and opt-in choices for customers.

Enabling Agreements to Elect Wave 1 Service

Decisions on energy procurement, customer rates & financial reserve collections for CPAs are governed by (1) Member Services Contract and (2) Energy Portfolio Risk Management, Rates & Reserves Policies



Wave 1 Procurement & Ratesetting Process

Enabling Agreements → Procurement Authorization → Rate Product Selections → Launch!

- ❑ **January 2023: each Member's Governing Body...**
 - ❑ Approves final Electric Aggregation Plan updates required for launch + Amended JPA (if not previously adopted)
 - ❑ Adopts Coalition's Data Security, Energy Portfolio Risk Management, Rates, & Reserves policies
 - ❑ Adopts (and signatory executes) Cost Sharing Agreement and "Complete Service Bundle" contract
 - ❑ Designates "Authorized Officer" for "go/no-go" procurement decision and rate product selection
- ❑ **January 30: Risk Management Committee (RMC) meets to assess market conditions...**
 - ❑ Committee votes to authorize power procurement (Yes or No) to meet target rates
 - ❑ "Authorized Officer" can verbally opt-out of Wave 1 procurement at meeting to defer launch of CPA
 - ❑ Coalition procures power hedges (pursuant to Energy Portfolio Risk Management Policy)
- ❑ **February 6: RMC & Finance Committee meetings to deliberate rates w/ public input...**
 - ❑ RMC finalizes rates for all products, recommended for Board approval (pursuant to Rates & Reserves policies)
 - ❑ Feb. 6-16: Member Governing Body or "Authorized Officer" selects default and optional rate products
- ❑ **February 16: CPCNH Board reviews and approves rates...**
 - ❑ Coalition notifies utilities, mails customer notifications, prepares enrollment and opt-ins/outs
 - ❑ Member holds public hearing within 15 days of mailers being sent (Coalition supports)
- ❑ **April 3 (target launch date): customers enrolled & power flows!**

1 Lebanon Energy Advisory Committee (LEAC) is gearing-up to do public informational meetings on how
2 Lebanon's Community Power and the CPCNH will work.

3
4 **(Please note:** Due to the volume and density of Assistant Mayor Below's presentation, not all slides were
5 provided in these minutes but detailed information can be found on *pages 112-240, Council agenda*
6 *packet.*)

7
8 Council Discussions:

9 Mayor McNamara's interest is in having this succeed and once letters go out to the public he wanted to
10 make sure the Council has answers to the most basic questions the public will have:

- 11 • Will I still get a bill from Liberty? Yes, but on that bill it will say Community Power Coalition
- 12 is your energy supplier.
- 13 • Will I save any money? Yes. Here is what we believe you will save and we are not going to
- 14 enter into this (agreement) unless there are savings.
- 15 • What about clean energy and how does that work?

16
17 The primary purpose of this really benefits residential customers and small business. Big businesses have
18 the ability to go procure their own energy. He encouraged the Council, if they have questions on the local
19 level, ask them of Assistant Mayor Below.

20
21 Assistant Mayor Below noted there will be a FAQ's for governing body members and is on their list to
22 do. In about a week or two they should be able to distribute a simplified FAQ's to Governing Board
23 members. They will also be updating their website's FAQ's.

24
25 In response to Councilor Liot Hill's question about Lebanon's threshold benchmarks, Assistant Mayor
26 Below noted their policy says that Lebanon Community Power will only launch if it is able to offer
27 residential default rates that are initially lower than offered by Liberty Utilities. When we go to procure
28 (electricity) we will lock in and be absolutely confident that we will be able to launch with a lower rate
29 (+/-5%).

30
31 In response to Council Heistad's question about failures, Assistant Mayor Below noted that this particular
32 model has only been used in a few states. One good example of success is Cape Light & Power, which
33 has been around for 20 years and were one of the first regional municipal aggregations. In California, all
34 but one have been successful for up to 10 years now. There have also been some successes in Ohio and
35 New York.

36
37 The Council discussed the potential of a conflict of interest for Assistant Mayor Below, with Councilor
38 Liot Hill noting that as long as the Council understands this potential conflict of interest and there is
39 transparency about it, she does not have an ethical dilemma about him becoming Lebanon's Authorized
40 Officer.

41
42 **ACTION:**

43 ***Councilor Liot Hill MOVED, that the Lebanon City Council hereby authorizes the City Manager to***
44 ***enter into the Cost Sharing Agreement and Member Services Contract for the Complete Service***
45 ***Bundle with the Community Power Coalition of New Hampshire (CPCNH) with***

1 *Assistant Mayor Below as the Authorized Officer and with elections on p. 19 of the Agreement being*
2 *“Yes”; and*

3
4 ***BE IT FURTHER MOVED, that the City of Lebanon hereby 1) approves the CPCNH’s Data Security***
5 ***and Privacy, Energy Portfolio Risk Management, Rates, and Financial Reserves Policies; and 2)***
6 ***approves the amendments to the Electric Aggregation Plan for Lebanon Community Power as***
7 ***presented in tonight’s agenda packet.***

8 **Seconded by Councilor Wilkie.**

9
10 ****The Vote on the Motion was approved (9-0).***

11
12 Council Liot Hill thanked Assistant Mayor Below for the years (decades) he has worked to get this going.
13 The City, and State, owes him a debt of gratitude.

- 14
15 **A.** Review of Proposed Zoning Amendments for Council Adoption and those to be placed on the
16 2023 Municipal Ballot (Public Hearing to be held January 18, 2023)

17
18 Included in the agenda packet: ([*Pages 241-284, Council agenda packet*](#))

- 19 1. December 22, 2022 Memo to the Lebanon City Council from Planning & Development Department

20 Staff re: 2022-2023 Proposed Zoning Amendments which includes the following:

- 21 • 2022-2023 Proposed Zoning Ordinance Amendments (Red-lined Version, last revised
22 December 21, 2022)
23 • November 15, 2022 Legal Opinion from Attorney Christine (Fillmore) Johnston
24 • December 21, 2022 Legal Opinion from Attorney Christine (Fillmore) Johnston
25 • Excerpt of Planning Board meeting minutes from November 21, 2022
26 • Excerpt of Conservation Commission meeting minutes from December 8, 2022
27 • Excerpt of Zoning Board of Adjustment meeting minutes from November 22, 2022
28 • Excerpt of Planning Board meeting minutes from December 19, 2022

- 29 2. Letter from the Lebanon Energy Advisory Committee

30
31 **BACKGROUND**

32 At the October 5, 2022 meeting, the City Council was presented with a number of proposed amendments
33 to the Zoning Ordinance. The Council took action to accept the amendments as presented and forwarded
34 them for review and comment by the Planning Board, Conservation Commission, and Zoning Board of
35 Adjustment. Legal review has been obtained, and all boards have completed their review. Attorney
36 Johnston’s legal opinions along with excerpts of Land Use Boards’ meeting minutes are attached in the
37 Council’s agenda packet for their review. A public hearing pursuant to Section 1000.3.D of the Zoning
38 Ordinance is requested for January 18, 2023 (scheduled as part of Council’s prior action on October 5th).

39
40 The purpose of this meeting was to present the final version of the proposed amendments to be considered
41 by the Council at the upcoming public hearings. Some of the proposed amendments are under the authority
42 of the Council, others require placement on the municipal ballot for consideration by voters. All of the
43 amendments are addressed in the comprehensive memorandum drafted by Planning Department Staff that
44 was included in the January 4, 2023 agenda packet. As a reminder, the Council has the authority to place
45 any of the proposed amendments on the ballot, including those that are under the Council’s sole purview.

46
47 Once the proposed amendments are finalized, they will be posted as part of the public hearings. Once
48 posted, all applications to the Land Use Boards and all Building/Zoning Permit applications will be subject
49 to the provisions of both the existing Zoning Ordinance and the proposed amendments. The proposed

amendments will be posted by January 7, 2023.

Senior Planner Tim Corwin and Director of Planning and Development Nathan Reichert came before the Council to review the updated changes made to the proposed 2023 Zoning Amendments before they are placed on the ballot in March. *(For complete information on all proposed Zoning Amendments please refer to pages 241-284, in the January 4, 2023 Council agenda packet.*

The following adjustments were made to the proposed 2022-2023 Zoning Board Amendments since the kick-off meeting on October 5, 2022. Out of all the proposed amendments, six needed adjustments as a result of the public review process.

BALLOT AMENDMENTS:

A1. COTTAGE HOUSING

ADJUSTMENTS MADE FOLLOWING DISCUSSION WITH COUNCIL AT KICK-OFF MEETING

- ▶ Minimum number of units reduced from 4 to 3
- ▶ Min. lot size adjusted from one-half acre to 20,000 sq. ft. in the R-1, R-O, and R-O-1 Districts and increased to 40,000 sq. ft. in the R-2 and R-3 District
- ▶ Maximum permitted building coverage increased to 35%
- ▶ Min. and max parking requirements removed (so default is Section 607)
- ▶ Definition of “cottage” updated to increase maximum floor area to 1,500 sq. ft. and maximum footprint to 1,000 sq. ft. *(note redline error)*

A2 - MANUFACTURED HOUSING

- ▶ Remove requirement that “an electrical source supplying at least 60 amps, 120/140 volts” is provided per each manufactured housing unit
- ▶ Clarify that density for manufactured housing PURDs in the R-1 District shall be per Section 308.2.
 - ▶ Should also be added to proposed Section 503.6 - density for manufactured housing parks *(erroneously excluded from redline)*

Ballot Amendments - con't

- ▶ A.4 - Amend Section 610 (“Accessory Dwelling Unit (ADU)”) to allow an accessory dwelling unit for owner-occupied two-family dwellings
 - ▶ *Additional language added to clarify that the dwelling unit density requirements of the underlying zoning district shall not apply to accessory dwelling units*
- ▶ NOTE: Adding an ADU to a two-family dwelling converts the building to a multi-family dwelling for fire and building code purposes

1 The Planning Department did confirm with the Building Inspector and the Fire Department that adding an
2 ADU to an existing two-family dwelling does convert it to a multi-family dwelling for building and Fire
3 Code purposes but not if it is a separate structure.

4
5 A discussion took place about feedback the Planning Staff has obtained from the public, with Mr. Corwin
6 noting he has not received many comments himself and did not hear anything negative about the proposed
7 amendments. During the public informational sessions, he did not hear a lot of concerns. There were
8 questions about the Cottage Development, but it was made clear this would be talked about in more detail
9 in the future.

10
11 Mr. Corwin noted that the Conservation Commission was concerned the Zoning Ordinance, as written
12 below) would allow recreational facilities for manufactured home park uses to be located within the open
13 space designation.

14
15 **43.** At least ~~20–15~~ percent of the total area for common open space or
16 recreation, ~~exclusive of wetlands and slopes of 25% or more.~~ This area
17 shall not include roads, streets, **parking areas, service areas,** non-
18 recreation **accessory buildings** or similar facilities. This area may include
19 facilities for recreation and/or playgrounds.

20
21 Councilor Heistad spoke about the Conservation Commission's concerns, noting it was about recreational
22 land being used in the wetlands and whether the wetlands are being allowed to be considered as
23 recreational land. They also had concerns about the 25% slope grade. Both Mr. Corwin and Mayor
24 McNamara noted wetlands are subject to the same regulations: You cannot install structures in a wetland
25 or change the grade.

26 COUNCIL TEXT AMENDMENTS:

27
28 B.1 Add "equipment and machinery sales, rental and service," as a new use category. A developer has
29 expressed interest in developing property located near the Airport for an equipment rental business,
30 which is not currently a use identified in the Zoning Ordinance. Staff proposes to create such a category
31 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 (see p. 2 of the redline). • Amend Appendix A to provide a definition for
"equipment and machinery sales, rental and service." (see p. 21 of the redline).

32 **B.2- Section 608.4.A.4.d - non- conforming freestanding signs near I-89**



Amend Section 608 (see p. 16 of the redline) to allow properties that are within 100 feet of the Interstate 89 right-of-way and that have an existing freestanding sign that is non-conforming due to its height to have one additional freestanding sign in conformance with the requirements of Section 608 (which would otherwise be prohibited). The proposed language in Section 608 was prepared at the recommendation of the City's legal counsel and replaces the "Highway Commercial District" concept originally presented to the Council on October 5th.

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 close proximity to I-89, 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. It is further noted that this proposed amendment does not change the legal status of the existing non-conforming signs and does not allow additional, new non-conforming signs to be created.

B.3 DENSITY BONUSES

Following Council's discussion, criteria for awarding a bonus for energy efficient design has been expanded.

- D. **Energy Efficient Design.** The Planning Board may award a density bonus of up to 10% for any development that ~~proposes to participate in~~ will be constructed to meet standards for industry-accepted energy efficiency standards including but not limited to those of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) certification program, the Passive House Institute (PHI), or the Passive House Institute US (PHIUS). In evaluating the requested density bonus, the Planning Board shall take into account the ~~proposed level of LEED certification, the extent and scope of buildings proposed to be LEED certified, and proposed energy efficiency construction throughout the development together with~~ any other relevant factors and considerations related to the ~~proposed development and the LEED~~ any applicable energy efficiency certification program ~~programs that the applicant proposes to participate in.~~

B.5 ELECTRIC VEHICLE (EV) REQUIREMENTS

- Updated definition of "EV-Ready Space" definition in Appendix A (see p. 20 of the redline)
- Regulations expanded to apply to non-residential projects with 30 or more parking spaces (originally, the EV regulations were proposed to apply to non-residential projects with 50 or more parking spaces).

1 There were no changes made to section B.6, B.7, B.8, and B.9 since last reviewed by the Council in
2 October. *(Please refer to page 249, Council agenda packet for details on these amendments.)*
3

4 **COUNCIL ZONING MAP AMENDMENT:**
5

6 18 Bridge Street (Tax Map 58, Lot 2) & 22 Bridge Street (Tax Map 58, Lot 1): The property at 18 Bridge
7 Street is a +/-2.9 acre lot that is split-zoned CB and R-3. The CB zoning designation extends 200 feet
8 from the centerline of Bridge Street. However, the improved and developable portion of the lot already
9 extends well past the existing CB District boundary line, and the land use of the entire property is
10 identified as “Central Business District” on the Master Plan Future Land Use Map. The proposed zoning
11 map amendment (see “Option A”, depicted below) would extend the CB zoning an additional 225 ft. so
12 that the front half of the property can be redeveloped for uses allowed in the CB District, consistent with
13 the desired land use of the property as reflected on the Future Land Use Map. The recommendation to
14 adjust the zoning boundary on this parcel is also among the key recommendations of the West Lebanon
15 Revitalization Advisory Committee’s Action Plan for West Lebanon. As a gateway to West Lebanon, the
16 redevelopment of this property could serve as a catalyst for future redevelopment and financial
17 investment in downtown West Lebanon.
18

19 To help create a vibrant and attractive gateway to West Lebanon, staff recommends that the Council also
20 consider a similar partial rezoning of the adjacent lot at 22 Bridge Street, which is under common
21 ownership with 18 Bridge Street (see “Option B”, depicted below). Although 22 Bridge Street is located
22 entirely within the protected shoreland buffer, a portion of the lot beyond the CB district boundary is
23 already cleared. If also rezoned to the CB District, the availability of a larger developable area could
24 substantially increase the likelihood that the cleared portions of both lots could be redeveloped and mirror
25 the recent development activity located across the Connecticut River in White River Junction, VT.
26



B.10 - 18 & 22 Bridge St rezoning - R-3 to CB



The Council and Mr. Corwin continued to discuss: Wetlands; Medical Center signage, Prohibited signage for commercial properties; and EV charging station installations for new construction.

ACTION:

Councilor Wilkie MOVED that the Lebanon City Council hereby schedules public hearings for Wednesday, January 18, 2023, beginning at 6:00 pm, in Council Chambers, City Hall, and remote via the City's Virtual Platform, for the purpose of receiving public input and taking action to:

- 1. Adopt certain amendments to Ordinance #2, the City of Lebanon Zoning Ordinance; and***
- 2. Place other proposed amendments to Ordinance #2 on the March 2023 municipal ballot for consideration by Lebanon Voters.***

Seconded by Councilor Whittlesey.

****The Vote on the Motion was approved (9-0).***

Councilor Simon MOVED to extend the meeting to 10:30 PM.

Seconded by Councilor Whittlesey.

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

E. Review and Discussion of Draft Strategic Plan

Included in the agenda packet: ([*Pages 285-295, Council agenda packet*](#))

- 1. [Lebanon Strategic Plan web page](#) including Miro Board of Draft Strategic Plan***

Due to time constraints, the Council will discuss this topic at their next meeting on January 18, 2023.

At the request of City Manager Mulholland, Chief Innovation Officer Melanie McDonough briefly reviewed the web page that included the Miro Board Draft of the Lebanon Strategic Action Plan tasks with the Council.

ACTION: NONE TAKEN

1
2 **11. CITY MANAGER REPORT: NONE**

3
4 **12. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE**

5
6 **13. FUTURE AGENDA ITEMS: NONE**

7
8 **14. NON-PUBLIC SESSION:**

9
10 *Councilor Whittlesey MOVED to go into NON-PUBLIC SESSION for the purpose of discussing*
11 *RSA 91-A:3, II(d) – “Consideration of the acquisition, sale, or lease of real or personal property which,*
12 *if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the*
13 *general community.*
14 *Seconded by Councilor Heistad.*

15
16 **Roll Call Vote:**

17 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie, Zook and
18 Mayor McNamara all voting Yea.
19 None voted Nay.

20
21 Staff present: City Manager Shaun Mulholland.

22
23 **The Vote on the MOTION was approved (9-0).*

24
25 **Council went into NON-PUBLIC SESSION at 10:05 PM**

26
27 The Council discussed potential acquisition of property subject to a NDA.

28
29 *Councilor Whittlesey MOVED to come out of NON-PUBLIC SESSION.*
30 *Seconded by Councilor Wilkie*

31
32 **Roll Call Vote:**

33 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie, Zook and
34 Mayor McNamara all voting Yea.
35 None voted Nay.

36 **The Vote on the MOTION was approved (9-0)*

37
38 **Council came out of NON-PUBLIC SESSION at 10:35 PM**

39
40 The Council was now in Public Session.

41
42 **15. ADJOURNMENT:**

43 *Mayor McNamara adjournment the meeting.*

44
45 **The meeting was adjourned at 10:35 PM.**

46
47 Respectfully submitted,
48 Dona E. Gibson

1 Recording Secretary

AGENDA

LEBANON CITY COUNCIL

JANUARY 18, 2023

9. PUBLIC HEARING ITEMS:

9.A – ZONING AMENDMENTS PROPOSED FOR PLACEMENT ON THE MARCH 2023 BALLOT

A public hearing for the purpose of receiving public input and taking action on proposed amendments to the Lebanon Zoning Ordinance in advance of placing amendments on the 2023 Municipal Ballot.

The City Council scheduled this public hearing at its January 4, 2023 regular meeting. The public hearing was properly noticed in the *Valley News* on January 7, 2023 in accordance with City Code and State Law.

BACKGROUND

At the October 5, 2022 meeting, the City Council was presented with a number of proposed amendments to the Zoning Ordinance. The Council took action to accept the amendments as presented and forwarded them for review and comment by the Planning Board, Conservation Commission, and Zoning Board of Adjustment. Legal review has been obtained, and all boards have completed their review.

The final proposed amendments along with Board/Commission comments were presented to the City Council on January 4, 2023. Four (4) of the proposed amendments are required to be placed on the municipal ballot for consideration by Lebanon voters pursuant to the process outlined in Section 1000.4 of the Zoning Ordinance, including the following:

Amendment #1 – To adopt a new Section 509 (“Cottage Developments”) as a use allowed by Conditional Use Permit in the R-1, R-2, R-3, R-O, and R-O-1 Districts. **(Zoning Ordinance ADD Section 509 and amend Sections 308.2, 309.2, 310.2, 311.2, and 311A.2, with related amendments to Section 205.1, Section 500, and Appendix A)**

Amendment #2 – To amend and rename the Manufactured Home regulations in Sections 503 and 504. **(Zoning Ordinance Sections 503 and 504, with related amendments to Sections 209, 308.2, 312.2, 313.2, 500, 501.2.C, and Appendix A)**

Amendment #3 – To amend the RL-3 District Table of Uses to change “accessory use to any one-family dwelling” from a use allowed by Special Exception to a Permitted Use. **(Zoning Ordinance Section 314.2)**

Amendment #4 – To amend the Accessory Dwelling Unit (ADU) regulations in Section 610 to allow an accessory dwelling unit for an owner-occupied two-family dwelling. **(Zoning Ordinance Section 610)**

Please see attached memo from the Planning Department Staff along with proposed Zoning Ordinance amendments for detailed information.

ACTION

If the Council decides to move the proposed amendments as presented to the March 14, 2023 Ballot, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby requests that the City Clerk place Amendments #1-4, as listed above on the March 14, 2023 Municipal Election Ballot for consideration by Lebanon Voters.

Included in this Section:

1. January 10, 2023 Memo to the Lebanon City Council from Planning & Development Department Staff re: Public Hearing on Zoning Ordinance Amendments for March Ballot, which includes the following:
 - Draft Zoning Amendments for March Ballot (12 Pages)
2. Notice of Public Hearing as Published in the January 7, 2023 Edition of the *Valley News*

Available but not included in this Section:

1. [January 4, 2023 City Council Agenda Packet](#)



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon City Council

**CC: Shaun Mulholland, City Manager
David Brooks, Deputy City Manager**

FROM: Planning & Development Department Staff

RE: Public Hearing on Zoning Ordinance Amendments for March Ballot

DATE: January 10, 2023

Honorable Mayor and City Councilors,

A public hearing has been scheduled for January 18, 2023 to consider the adoption of proposed amendments to the City's Zoning Ordinance. The amendments presented in this memo include changes to the residential zoning districts ("Ballot Amendments"). Section 1000.4.A of the Zoning Ordinance requires that any amendment which alters the Article III Table of Uses or the Table of Area, Dimensions and Coverage for the R-1, R-2, R-3, RL-1, RL-2, and/or RL-3 Districts shall be placed on the ballot at the annual City election in March for consideration by Lebanon voters. (The proposed amendments that may be adopted by the City Council without ballot approval are discussed in a companion memorandum to be considered by the Council as a separate agenda item.)

The proposed Ballot Amendments are highlighted in the attached red-lined 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~~. Please note that the redline includes only those pages of the Zoning Ordinance affected by the Ballot Amendments. Also note that terms defined in Appendix A of the Zoning Ordinance appear in the redline in ***bold italics***. An overview of the proposed Ballot Amendments is set forth below.

OVERVIEW OF BALLOT AMENDMENTS:

In whole or in part, each of the following amendments either directly or indirectly impact the residential district tables of uses and dimensional requirements and, therefore, require voter approval per Section 1000.4.A of the Zoning Ordinance.

1. Adopt proposed Section 509 ("Cottage Developments") (see p. 8-10 of the redline).

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 smaller, more energy efficient, and more 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 the gross floor area of 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)

Related amendments include:

- **Section 205** to allow more than one principal building on a lot when proposed as part of a cottage development (*see p. 1 of the redline*).
- **Section 500** to add cottage development to the Planned Development table (*see p. 5 of the redline*).
- **Appendix A** to add definitions of cottage and cottage development (*see p. 11-12 of the redline*).

2. Revise the manufactured housing regulations, Sections 503 and 504 (*see p. 6-8 of the redline*). 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:

- 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 (note that this does not apply to manufactured home parks in the R-1 District which allows density of more than 5,000 sq. ft. per unit); and

- Revise the manufactured housing park regulations and standards to more closely reflect existing conditions at the City's three existing manufactured housing parks, which were otherwise substantially out of compliance with the requirements of Section 503.

Also, since there is no discernible benefit to either the property owner or to the City in allowing manufactured housing subdivisions that aren't also PURDs, the proposed amendments streamline the manufactured housing regulations by removing the manufactured housing subdivision option.

Related amendments include:

- **Sections 209, 308.2, 312.2 and 313.2** to update the names of the manufactured housing use categories and remove references to "manufactured home subdivision".
 - **Section 500** to update the Planned Development table (*see p. 5 of the redline*).
 - **Section 501.2.C** to clarify the permitted uses within a manufactured housing PURD (*see p. 6 of the redline*).
 - **Appendix A** to amend the definitions of "classification of lots," "dwelling," "dwelling unit," "manufactured housing park," "manufactured housing PURD," and "traditional subdivision," and to remove "manufactured housing subdivision" (*see p. 12 of the redline*).
3. **Amend Section 314.2, the RL-3 District Table of Uses** to change "accessory use to any one-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 (*see p. 4 of the redline*).
 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 reduce 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. (*see p. 10-11 of the redline*).

PROCEDURE/SCHEDULE

- A. **City Council Public Hearing.** A public hearing on the amendments, required by Section 1000.3.D of the Zoning Ordinance, will be held at the Council's January 18, 2023 meeting. Following the public hearing, the Council must vote whether to place the amendments on the March ballot.

- B. City Council Concise Statements.** If the Council moves the amendments to the ballot, it will be required to adopt a concise statement either approving or disapproving each amendment. The concise statements of approval or disapproval that are adopted by the City Council will be indicated on the March ballot.
- C. Planning Board and Conservation Commission Concise Statements.** The amendments will also be placed on the upcoming Planning Board and Conservation Commission meeting agendas to allow those boards to prepare and adopt concise statements of approval or disapproval, as required per Section 1000.4.C.
- D. Materials Delivered to City Clerk.** Planning staff will deliver to the City Clerk's office the zoning amendments and the draft ballot questions. The concise statements of the City Council, Planning Board and Conservation Commission will be provided to the City Clerk upon completion.
- E. Legal Review.** Planning staff will work with Clerk's office to finalize the ballot language and will obtain legal review prior to placement on the ballot.
- F. Public Informational Session.** Planning staff will hold at least one public informational session in February to discuss the proposed amendments and answer questions.

ATTACHMENT

- Excerpt of Zoning Ordinance (redline last revised January 10, 2023)

DRAFT AMENDMENTS TO THE CITY OF LEBANON ZONING ORDINANCE

ARTICLE II GENERAL PROVISIONS

[...]

SECTION 205 ONE PRINCIPAL STRUCTURE PER RESIDENTIAL LOT.

There shall be only one **principal structure** on a **lot** in the **residential districts**, R-O district, and R-O-1 district, except when:

205.1 Approved pursuant to the PUD provisions of this Ordinance or as a cottage development per Section 509; or

[...]

SECTION 209 MANUFACTURED ~~HOMES~~HOUSING.

Manufactured ~~homes~~housing units are permitted only in **manufactured ~~home~~housing parks** or in ~~manufactured home subdivisions or manufactured home Planned Unit Residential Developments (housing PURDs)~~. See ~~Sections:~~ Section 503 ("MANUFACTURED HOUSING PARKS") and Section 504 ("MANUFACTURED HOUSING PURDs").

[...]

ARTICLE III USE DISTRICTS

[...]

SECTION 308 RESIDENTIAL ONE DISTRICT (R-1).

[...]

308.2 Table of Uses.

<u>Permitted Uses</u>	<u>Uses by Conditional Use Permit (see Section 302.4)</u>
[...] <u>Planned Developments</u> 1. Manufactured homehousing park per Section 503 2. Manufactured home subdivision per Section 504 (or Manufactured homehousing PURD <u>per Section 504</u>)	<u>Residential</u> 1. <u>Cottage development per Section 509</u>

SECTION 309 RESIDENTIAL TWO DISTRICT (R-2).

[...]

309.2 Table of Uses.

<u>Permitted Uses</u>	<u>Uses by <i>Conditional Use</i> Permit</u> <u>(see Section 302.4)</u>
[...]	<u>Residential</u> 1. <u><i>Cottage development</i> per Section 509</u>

[...]

SECTION 310 RESIDENTIAL THREE DISTRICT (R-3).

[...]

310.2 Table of Uses.

<u>Permitted Uses</u>	<u>Uses by <i>Conditional Use</i> Permit</u> <u>(see Section 302.4)</u>
[...]	<u>Residential</u> 1. <u><i>Cottage development</i> per Section 509</u>

[...]

SECTION 311 RESIDENTIAL-OFFICE DISTRICT (R-O). [...]

[...]

311.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
[...] 4.	[...] 4.
	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
	<u>Residential</u> <u>1.Cottage development per Section 509</u>

[...]

SECTION 311A RESIDENTIAL-OFFICE-ONE DISTRICT (R-O-1).

[...]

311A.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
[...] 4.	[...] 4.
	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
	<u>Residential</u> <u>1.Cottage development per Section 509</u>

[...]

SECTION 312 RURAL LANDS ONE DISTRICT (RL-1).

[...]

312.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
[...] Planned Developments 1. Manufactured home park<u>housing</u> per Section 503 2. Manufactured home subdivision per Section 504 (or <u>M</u>manufactured home PURD per Section 504 3. [...]	4. [...]

[...]

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)
[...] Planned Developments 1. Manufactured home park<u>housing</u> per Section 503 2. Manufactured home subdivision per Section 504 (or <u>M</u>manufactured home housing PURD per Section 504) [...] 3.	[...] 4.

[...]

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

[...]

314.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
[...] Planned Developments [...] 1. <u>Accessory use to any one-family dwelling</u>	[...] 1.

[...]

ARTICLE V SUBDIVISIONS AND PLANNED DEVELOPMENTS

SECTION 500 GENERAL.

[...]

Planned developments shall be permitted in accordance with the following table:

District	PURD per Section 501.2	PRec per Section 501.3	Industrial PUD per Section 501.4	Commercial PUD per Section 501.4	Manufactured Housing PURD per Section 501.2 / Manufactured Home Housing Park per Section 503 and Manufactured Home Subdivision per Section 504	Recreational Camping Parks per Section 505	Medical Center Complexes per Section 506	Planned Business Park per Section 508	Cottage Development
IND-L			CUP					CUP	
IND-RA			CUP					CUP	
GC				CUP					
GC-1				CUP					
CB				CUP					
LD									
R-1	CUP				CUP / P				CUP
R-2	CUP								CUP
R-3	CUP*								CUP
R-O	CUP								CUP
R-O-1	CUP								CUP
PB						SE			
RL-1	CUP *	CUP			CUP / P	SE			
RL-2	CUP *	CUP			CUP / P	SE			
RL-3	CUP *	CUP							
MC				CUP			P		

P = permitted

SE = **special exception** required

CUP = **conditional use** permit required

*Subject to Section 501.2.B.1.

SECTION 501 PLANNED UNIT DEVELOPMENT (PUD).

[...]

501.2 Planned Unit Residential Development (PURD).

[...]

C. Uses Allowed in a PURD.

1. Residential Uses. A PURD may include ***dwelling units*** in ***one-family, 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-housing PURD*** only ***manufactured housing unit***~~homes~~ are permitted and shall be on individual lots.
2. Non-Residential Uses. Certain non-residential uses may be established within a PURD, subject to the following provisions:

[...]

[This provision shall not apply to a manufactured housing PURD.](#)

3. All Other Uses in Underlying Zoning District. Any use permitted in the zoning district in which the PURD is located may be permitted within the PURD. Uses allowed by ***special exception*** or by ***conditional use*** permit in the underlying zoning district where the PURD is located may also be permitted within the PURD, and shall not require a ***special exception*** from the Zoning Board or a separate ***conditional use*** permit from the Planning Board. [This provision shall not apply to a manufactured housing PURD.](#)

SECTION 503 MANUFACTURED ~~HOME~~-HOUSING PARKS.

503.1 Area.

A manufactured ~~home~~-housing park shall have an area not less than 10 acres~~-not more than 50 acres.~~

503.2 Layout.

A. A manufactured ~~home~~-housing park shall provide:

1. Individually designated spaces for each manufactured ~~home~~-housing unit.
2. Interior access streets for all spaces. Such streets shall have a ~~right-of-way at least 40 feet in width and a~~ surface travel way at least 20 feet in width built on 12 inches of compacted gravel. [All interior streets shall be named in accordance with emergency 911 provisions, and shall provide adequate interior circulation with no dead ends unless otherwise approved by the Fire Department.](#)
3. ~~All-weather walkways along streets.~~

43. At least ~~20~~15 percent of the total area for common open space or recreation, ~~exclusive of wetlands and slopes of 25% or more~~. This area shall not include roads, streets, **parking areas**, **service areas**, non-recreation **accessory buildings** or similar facilities. This area may include facilities for recreation and/or playgrounds.

54. A **buffer** at least ~~50~~25 feet in width maintained as a landscape area abutting all manufactured home property lines.

~~6. Adequate facilities for recreation and/or playgrounds.~~

B. A manufactured ~~home~~housing park shall have Site Plan Review approval from the Planning Board.

503.3 Manufactured ~~Home~~Housing Spaces.

A. Each manufactured ~~home~~housing space shall be at least ~~105~~100,000 sq. ft. in area and shall front on an interior access street.

B. Each space shall have a separate **driveway**.

C. Each space shall include a **parking area** built on 12 inches of compacted gravel. Said **parking area** shall be large enough to accommodate two parking spaces; ~~each 10 feet wide by 22 feet long.~~

~~D. At least 100 sq. ft. of indoor storage.~~

~~E.D.~~ Manufactured ~~home~~housing unit spaces shall not be located on slopes having a natural grade of ~~15~~10% or greater.

503.4 Utilities and Services.

For each manufactured housing unit:

A. ~~An attachment for water supply.~~ The water supply source must meet all local and state regulations.

B. ~~An attachment for sewage disposal.~~ The method of sewage disposal must be in compliance with all local and state regulations. ~~It shall not be located on the manufactured home space or any adjacent manufactured home space unless the manufactured home space is at least 1 1/2 acres in size.~~

C. ~~An electrical source supplying at least 60 amps, 120/240 volts.~~ The installation shall comply with all applicable state and city electrical laws and regulations. ~~Such electrical outlets shall be weatherproof.~~ All electrical, television and other wired services shall be installed underground.

D. Provisions for disposal of household garbage and rubbish.

503.5 Siting Manufactured ~~Homes~~Housing Units.

- A. A nonporous pad shall be provided for each manufactured ~~home~~housing unit.
- B. No manufactured ~~home~~housing unit shall be closer than ~~50-25~~ feet to a public street right-of-way or to a property line of the manufactured ~~home~~housing park.
- C. A manufactured ~~home~~housing unit shall be located so that it is at least 20 feet from the ~~right-of-way~~surface of the interior road and ~~ten-10~~ feet from any other manufactured ~~home~~housing unit space.

503.6 Density.

One (1) **manufactured housing** unit per 5,000 sq. ft. of **lot area** is permitted, except that in the R-1 District the permitted density shall be as set forth in Section 308.2.

**SECTION 504 MANUFACTURED ~~HOME~~-HOUSING
SUBDIVISIONS**PURDS.

Manufactured housing PURDs are allowed by **conditional use** permit per Section 501.1 and shall satisfy all requirements of Section 501.1 and Section 501.2. Notwithstanding the applicability standards set forth in Section 501.2.B.1, the minimum lot size for a **manufactured housing PURD** shall be 20 acres, and notwithstanding the density requirements of Section 501.2.D.2, one (1) **manufactured housing** unit per 5,000 sq. ft. of **lot area** is permitted, except that in the R-1 District the permitted density shall be as set forth in Section 308.2. The number of dwelling units may be increased by up to 12 percent at the discretion of the Planning Board, per Section 507.
~~Manufactured home subdivisions shall be at least 20 acres in size and shall have at least six (6) lots. Each lot shall have at least two (2) parking spaces. Manufactured Home PURDs are allowed, in accordance with Section 501.2.~~

[...]

SECTION 509 COTTAGE DEVELOPMENTS.

509.1 Purpose. The purpose of this section is to provide opportunities for single family housing that is small, energy-efficient, and affordable; to allow flexibility in site and design standards while promoting projects that ensure compatibility with surrounding land uses and existing neighborhoods; and to promote sustainability and neighborhood interaction through integrated design.

Cottage developments are intended to serve as part of the City's overall housing strategy to encourage affordability, innovation and variety in housing design and site development while ensuring compatibility with existing neighborhoods, and to promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition and individual needs.

509.2 Applicable Use Districts. **Cottage developments** are allowed by **conditional use** on Class 1 lots in the R-1, R-2, R-3, R-O, and R-O-1 Districts, in accordance with Section 302.4.D and the requirements of this section.

509.3 Number and Arrangement of Units. **Cottage developments** shall contain a minimum of three (3) and a maximum of sixteen (16) **cottages**, located in one or more clusters to maximize efficiency of land use and to encourage a sense of community among the residents. Each cluster shall include a minimum of three (3) units.

509.4 Lot Size. All **cottage developments** shall have a minimum lot area of 20,000 sq. ft., except in the R-2 and R-3 District, where a minimum lot area of 40,000 sq. ft. shall be required.

509.5 Density and Building Coverage. Permitted density shall be based on 2,500 sq. ft. of lot area per each **cottage**. The maximum permitted building coverage shall be 35%.

509.6 Design Standards. The following design standards are intended to define design parameters to create a small community of cottages oriented around open space and to achieve compatibility with adjacent uses.

A. Individual Cottage Spaces. For each detached cottage, the site plan approved by the Planning Board shall delineate a building site for each detached cottage of no less than 1,500 sq. ft.

B. Detached Cottages. At least 50% of the **cottages** in the development shall be detached units.

C. Interior Setbacks. The minimum setback between units within a cottage development shall be 10 feet, measured from the nearest point of the exterior walls.

D. Common Open Space. A minimum of 400 square feet of common open space shall be provided per **cottage** and per cluster. The common open space area for each cluster shall be contiguous and shall abut all of the **cottages** in the cluster. **Cottages** shall be oriented around and have their main entry from the common open space.

E. Roofs and Porches.

1. The highest point of the roof of the **cottage** shall not exceed 24 feet.

2. **Cottages** shall have an unenclosed, covered front primary entry and porch of at least 60 square feet in size. The front porch shall be oriented toward a common open space. The intent of this porch requirement is to create outdoor space in each **cottage** that is visually and physically connected to the common open space and to other cottages.

F. Parking Location and Screening Requirements.

1. Parking areas and driveways shall comply with applicable minimum yard requirements for the underlying zone.

2. Parking areas shall be screened from public streets and adjacent residential uses by landscaping or architectural screening.

3. Parking areas shall be prohibited in the minimum required front yard.

4. Parking areas shall be separated from the common open space by landscaping or an architectural screen.

G. Existing Dwellings. An existing detached or attached one-family dwelling that is incorporated into a cottage development and is nonconforming with respect to the standards of this section shall be permitted to remain on a site used for a cottage development and shall be considered a **cottage** for purposes of this section. However, the extent of the noncompliance may not be increased except unless the proposed change is determined by the Planning Board to be consistent in character, scale and design with the cottage housing development.

H. Street Facing Facades. All **cottages** within 50 feet of a public street shall have street facing facades that avoid blank walls in order to avoid the appearance of “turning their backs” to the street. For all such **cottages**, a minimum of 25 percent of the street facing façade shall be comprised of windows and/or glass doors.

[...]

ARTICLE VI ADDITIONAL STANDARDS FOR SPECIFIC USES

[...]

SECTION 610 ACCESSORY DWELLING UNIT (ADU).

[...]

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

- A. An **ADU** is ~~only~~ allowed on any **lots** in any zoning district with a ~~detached one-family dwelling~~. For lots in any zoning district with a **two-family dwelling**, a detached ADU is allowed. and only Only one such **ADU** is permitted per **lot**. The dwelling unit density requirements of the underlying zoning district shall not apply to ADUs.
- B. The appearance and character of the existing or proposed **ADU** shall remain single family in nature if converting a one-family dwelling to a one-family dwelling with an ADU, and shall remain two-family in nature if converting a two-family dwelling to a two-family dwelling with an ADU.
- C. The property owner must occupy ~~either the principal dwelling unit or the ADU~~ one of the **dwelling units** 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.

[...]

- D. The **ADU** must be located in the same **building** as the principal **dwelling unit(s)** unless the **lot** meets or exceeds the minimum required lot size for the respective zoning district.

[...]

- E. If the **ADU** is located within or by an addition to the existing ~~principal building one-family dwelling~~, an interior door shall be provided between the ADU and the principal dwelling unit ~~and the ADU~~ or between the ADU and one of the principal dwelling units if the principal building is a two-family dwelling.

[...]

- G. Size of ADU.

1. Conversion of one-family dwelling. If the **gross living area** of the principal **dwelling unit** 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 principal **dwelling unit**. If the **gross living area** of the 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 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 principal **dwelling unit**.

2. Conversion of two-family dwelling. If the **gross living area** of the smaller of the two principal **dwelling units** 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 smaller of the two principal **dwelling units**. If the **gross living area** of the smaller of the two principal **dwelling units** 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 smaller of the two principal **dwelling units** 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 smaller of the two principal **dwelling units**.

[...]

- J. In addition to the two (2) parking spaces required for ~~the principal residence~~ each principal dwelling unit, one (1) additional parking space for the **ADU** must be provided.

[...]

APPENDIX A DEFINITIONS

[...]

COTTAGE: A detached one-family dwelling unit with a maximum gross living area of one thousand, five hundred square feet (1,500 sq. ft.) and a maximum footprint of one thousand square feet (1,000 sq. ft.). Spaces with a ceiling height of six feet or less measured to the exterior

walls, such as in a second-floor area under the slope of the roof, shall be excluded when calculating the total floor area of a cottage. Cottages may also be attached horizontally in blocks of no more than three (3) units.

COTTAGE DEVELOPMENT: A development on a single lot having shared open space intended to serve *cottages* that interact together as a small community.

[...]

DWELLING: A *building* designed for and used primarily by one or more families for living quarters, but not including recreational vehicles (RVs), *manufactured homes housing*, trailers of any kind, *hotels, motels, group residences, lodging houses*, institutional homes, residential clubs, or other commercial accommodations offered for occupancy.

[...]

DWELLING UNIT: One or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or *dwelling units* which may be in the same structure, and containing independent cooking, sanitary and sleeping facilities. The term includes sectional homes and modular units but does not include *manufactured home housing, motel, hotel, lodging house* or similar structures.

[...]

MANUFACTURED HOME HOUSING PARK: Any tract of land on which two or more *manufactured homes housing units* are parked and occupied for living purposes. A manufactured housing park may also include in whole or in part modular homes of any size up to 1,400 sq. ft. in size.

MANUFACTURED HOME HOUSING PURD: A Planned Unit Residential Development (PURD) for two or more *manufactured home housing* units and consisting exclusively of *manufactured housing* subdivision which meets all applicable requirements of Section 504. A manufactured housing PURD may also include in whole or in part modular homes of any size up to 1,400 sq. ft. in size.

~~**MANUFACTURED HOME SUBDIVISION:** A subdivision of land which allows individual ownership of lots on which can be located only a manufactured home.~~

MANUFACTURED HOUSING: This term shall have the meaning as set out in RSA 674:31, as may be amended.[...]

[...]

TRADITIONAL SUBDIVISION: Any subdivision of land which meets all applicable dimensional requirements of the zoning district in which it is located and is not approved as either a PUD per Section 501, ~~a manufactured home subdivision per Section 504,~~ or a *planned business park* per Section 508.

[...]



CITY OF LEBANON PLANNING & DEVELOPMENT

PLANNING BOARD NOTICE OF PUBLIC HEARINGS

The Lebanon City Council will hold public hearings on **January 18, 2023**, beginning at **6:00pm** for the following:

A. PROPOSED AMENDMENTS TO THE ZONING ORDINANCE FOR 2023 MUNICIPAL BALLOT

- Public Hearing for the purpose of receiving public input and taking action to place proposed zoning amendments on the 2023 Municipal Ballot, as follows:

Amendment #1 – To adopt a new Section 509 (“Cottage Developments”) as a use allowed by Conditional Use Permit in the R-1, R-2, R-3, R-O, and R-O-1 Districts. (Zoning Ordinance ADD Section 509 and amend Sections 308.2, 309.2, 310.2, 311.2, and 311A.2, with related amendments to Section 205.1, Section 500, and Appendix A)

Amendment #2 – To amend and rename the Manufactured Home regulations in Sections 503 and 504. (Zoning Ordinance Sections 503 and 504, with related amendments to Sections 209, 308.2, 312.2, 313.2, 500, 501.2.C, and Appendix A)

Amendment #3 – To amend the RL-3 District Table of Uses to change “accessory use to any one-family dwelling” from a use allowed by Special Exception to a Permitted Use. (Zoning Ordinance Section 314.2)

Amendment #4 – To amend the Accessory Dwelling Unit (ADU) regulations in Section 610 to allow an accessory dwelling unit for an owner-occupied two-family dwelling. (Zoning Ordinance Section 610)

B. PROPOSED AMENDMENTS TO THE ZONING ORDINANCE FOR COUNCIL ADOPTION -

- Public Hearing for the purpose of receiving public input and taking action on proposed zoning amendments for adoption by the City Council, as follows:

Amendment #1 – To add “equipment and machinery sales, rental and service” to the IND-L District Table of Uses as a permitted use and to provide a definition for “equipment and machinery sales, rental and service.” (Zoning Ordinance Section 303.2 and Appendix A, with a related amendment to Section 303.4)

Amendment #2 – To amend the sign regulations in Section 608 to allow properties that are within 100 feet of the Interstate 89 right-of-way and that have an existing freestanding sign that is non-conforming due to its height to have one additional freestanding sign in conformance with the requirements of Section 608.4.A.4. (Zoning Ordinance Section 608.4.A.4)

Amendment #3 – To amend Section 507 “Bonuses for Certain Planned Development” to allow the Planning Board to award a density bonus for developments that include workforce housing, energy efficient design, or renewable energy systems, and to provide criteria for the consideration of such density bonus awards. (Zoning Ordinance Section 507, with a related amendment to Appendix A)

Amendment #4 – To amend the regulations for Senior Housing Complexes in Section 603 to also apply to developments with Workforce Housing. (Zoning Ordinance Section 603)

Amendment #5 – To amend the parking regulations in Section 607 to include requirements for Electric Vehicle parking spaces and infrastructure. (Zoning Ordinance ADD Section 607.3 and amend Appendix A with a related amendment to Section 607.3.B.1)

Amendment #6 – To amend the sign regulations in Section 608 to exempt any medical center complex sign that is not visible from a public street. (Zoning Ordinance ADD Section 608.7.J)

Amendment #7 – To amend the purpose statement of the Central Business District. (Zoning Ordinance Section 306.1)

Amendment #8 – To change “group day care facilities” from a use allowed by Special Exception to a Permitted Use in the IND-L, IND-RA, CB, R-O, R-O-1, and PB Districts and from a use allowed by Conditional Use Permit in the LD District to a Permitted Use. (Zoning Ordinance Sections 303.2, 303A.2, 306.2, 307.2, 311.2, 311A.2, and 311B.2)

Amendment #9 – To adopt miscellaneous minor amendments including corrections to typographical errors, and to adopt amendments to defined terms set forth in Appendix A. (Zoning Ordinance Sections 501.1.H, 611.A, 302.4.B, 500, 608, 703.2, 702.5, and Appendix A)

Amendment #10 – Proposed Zoning Map change from R-3 to CB District for a portion of properties located at 18 Bridge Street (M/L 58-2) and 22 Bridge Street (M/L 58-1) extending the CB District boundary from 200 feet from the centerline of Bridge Street to 425 feet from the centerline of Bridge Street. The primary purpose of this amendment is to more accurately reflect existing improvements on the properties and to better facilitate redevelopment of the properties as envisioned in the 2012 Master Plan and the 2021 Action Plan for West Lebanon. (Zoning Map Change)

The January 18, 2023 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning January 13, 2023: LebanonNH.gov/Agendas

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

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, January 7, 2023.

Kristin M. Kenniston, City Clerk

AGENDA

LEBANON CITY COUNCIL

JANUARY 18, 2023

9. PUBLIC HEARING ITEMS:

9.B – ZONING AMENDMENTS PROPOSED FOR COUNCIL ADOPTION

A public hearing for the purpose of receiving public input and taking action on proposed amendments to the Lebanon Zoning Ordinance in advance of approving and/or placing amendments on the 2023 Municipal Ballot.

The City Council scheduled this public hearing at its January 4, 2023 regular meeting. The public hearing was properly noticed in the *Valley News* on January 7, 2023 in accordance with City Code and State Law.

BACKGROUND

At the October 5, 2022 meeting, the City Council was presented with a number of proposed amendments to the Zoning Ordinance. The Council took action to accept the amendments as presented and forwarded them for review and comment by the Planning Board, Conservation Commission, and Zoning Board of Adjustment. Legal review has been obtained, and all boards have completed their review.

The final proposed amendments along with Board/Commission comments were presented to the City Council on January 4, 2023. Ten (10) of the proposed amendments may be approved by the City Council pursuant to the process outlined in Section 1000.4 of the Zoning Ordinance. Alternatively, the Council may decide that any or all amendments shall be submitted to the voters on the 2023 Municipal Ballot, even though such a referendum is not required.

Please see attached memo from the Planning Department Staff along with proposed Zoning Ordinance amendments for detailed information.

The ten amendments that the Council can approve include the following:

Amendment #1 – To add “equipment and machinery sales, rental and service” to the IND-L District Table of Uses as a permitted use and to provide a definition for “equipment and machinery sales, rental and service.” (**Zoning Ordinance Section 303.2 and Appendix A, with a related amendment to Section 303.4**)

Amendment #2 – To amend the sign regulations in Section 608 to allow properties that are within 100 feet of the Interstate 89 right-of-way and that have an existing freestanding sign that is non-conforming due to its height to have one additional freestanding sign in conformance with the requirements of Section 608.4.A.4. (**Zoning Ordinance Section 608.4.A.4**)

Amendment #3 – To amend Section 507 “Bonuses for Certain Planned Development” to allow the Planning Board to award a density bonus for developments that include workforce housing, energy efficient design, or renewable energy systems, and to provide criteria for the consideration of such density bonus awards. (**Zoning Ordinance Section 507, with a related amendment to Appendix A**)

Amendment #4 – To amend the regulations for Senior Housing Complexes in Section 603 to also apply to developments with Workforce Housing. (**Zoning Ordinance Section 603**)

Amendment #5 – To amend the parking regulations in Section 607 to include requirements for Electric Vehicle parking spaces and infrastructure. **(Zoning Ordinance ADD Section 607.8 and amend Appendix A with a related amendment to Section 607.3.B.1)**

Amendment #6 – To amend the sign regulations in Section 608 to exempt any medical center complex sign that is not visible from a public street. **(Zoning Ordinance ADD Section 608.7.J)**

Amendment #7 – To amend the purpose statement of the Central Business District. **(Zoning Ordinance Section 306.1)**

Amendment #8 – To change “group day care facilities” from a use allowed by Special Exception to a Permitted Use in the IND-L, IND-RA, CB, R-O, R-O-1, and PB Districts and from a use allowed by Conditional Use Permit in the LD District to a Permitted Use. **(Zoning Ordinance Sections 303.2, 303A.2, 306.2, 307.2, 311.2, 311A.2, and 311B.2)**

Amendment #9 – To adopt miscellaneous minor amendments including corrections to typographical errors, and to adopt amendments to defined terms set forth in Appendix A. **(Zoning Ordinance Sections 501.1.H, 611.A, 302.4.B, 500, 608, 703.2, 702.5, and Appendix A)**

Amendment #10 – Proposed Zoning Map change from R-3 to CB District for a portion of properties located at 18 Bridge Street (M/L 58-2) and 22 Bridge Street (M/L 58-1) extending the CB District boundary from 200 feet from the centerline of Bridge Street to 425 feet from the centerline of Bridge Street. The primary purpose of this amendment is to more accurately reflect existing improvements on the properties and to better facilitate redevelopment of the properties as envisioned in the 2012 Master Plan and the 2021 Action Plan for West Lebanon. **(Zoning Map Change)**

ACTION

If the Council decides to move forward with the proposed amendments as presented, the following motion is offered for consideration:

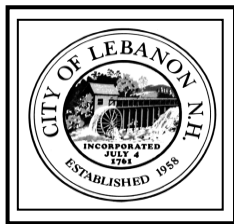
MOVED, that the Lebanon City Council hereby approves amendments #1-10 as presented in the January 18, 2023 City Council Agenda Packet.

Included in this Section:

1. January 10, 2023 Memo to the Lebanon City Council from Planning and Development Department Staff re: Public Hearing on Zoning Ordinance Amendments for Consideration and Adoption by the City Council, which includes the following:
 - Draft Zoning Amendments for March Ballot (14 Pages)
2. Notice of Public Hearing as Published in the January 7, 2023 Edition of the *Valley News*

Available but not included in this Section:

1. [January 4, 2023 City Council Agenda Packet](#)



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon City Council

CC: Shaun Mulholland, City Manager
David Brooks, Deputy City Manager

FROM: Planning and Development Department Staff

RE: Public Hearing on Proposed Zoning Amendments for Consideration and Adoption by the City Council

DATE: January 10, 2023

A public hearing has been scheduled for January 18, 2023 to consider the adoption of proposed amendments to the City's Zoning Ordinance. The amendments that may be adopted by the City Council following the public hearing are discussed in this memorandum ("Council Amendments"), while the amendments that automatically trigger the ballot referendum requirement per Section 1000A.4 of the Zoning Ordinance ("Ballot Amendments") are discussed in a companion memorandum to be considered by the Council as a separate agenda item.

The proposed Council Amendments are highlighted in the attached red-lined 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~~. Please note that the redline includes only those pages of the Zoning Ordinance affected by the Council Amendments. Also note that terms defined in Appendix A of the Zoning Ordinance appear in the redline in ***bold italics***.

An overview of the proposed Council Amendments is set forth below. Miscellaneous minor amendments that appear throughout the attached redline – such as correcting punctuation, and correcting references in the Zoning Ordinance necessitated by other amendments – are not specifically reviewed in this memo.

OVERVIEW OF COUNCIL 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 (*see p. 1 of the redline*).
 - Amend Appendix A to provide a definition for "equipment and machinery sales, rental and service." (*see p. 12 of the redline*).
- 2. Amend Section 608** (*see p. 9 of the redline*) to allow properties that are within 100 feet of the Interstate 89 right-of-way and that have an existing freestanding sign that is non-

conforming due to its height to have one additional freestanding sign in conformance with the requirements of Section 608 (which would otherwise be prohibited).

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 close proximity to I-89, 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. It is further noted that this proposed amendment does not change the legal status of the existing non-conforming signs and does not allow additional, new non-conforming signs to be created.

3. Amend Section 507 ("Bonuses for Certain Planned Development") and Appendix A (definition of "workforce housing") (see p. 5-6 and 14 of the redline).

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.

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).

The amendments to Section 507 also include expanded criteria for the Planning Board to use when considering whether to award a density bonus under this section.

4. Amend Section 603 ("Senior Housing Complexes") (see p. 7 of the redline). 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.

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 suggests 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").

5. **Add Section 607.8 ("Electric Vehicles")** (see p. 7-9 of the redline). 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 number of fully operational chargers and also install the electrical capacity to install future chargers.

Preparing building and site utilities during initial construction saves property owners from the cost of future retrofits that would be significantly greater than the upfront costs and potentially a barrier to EV implementation in the community as a result. The installation of EV charging infrastructure is four to six times less expensive when included during the initial construction phase as opposed to a subsequent retrofit.

Members of the LEAC and the LEAC EV sub-committee reviewed and assisted with edits to the amendment, with specific attention to technical and threshold requirements. References reviewed for development of the requirements include the International Energy Conservation Code 2021 and benchmarking of similar regulations across the U.S.

Related amendments include removing **Section 607.3.B.1.c** and amending **Appendix A** to add EV-related definitions. (see p. 7 and 12-13 of the redline)

6. **Amend Section 608.7 ("Signs Allowed Without a Building Permit")** (see p. 10 of the redline) to provide flexibility for medical center complexes in adding and replacing signage.

The proposed amendment exempts from Section 608 any medical center complex sign that is not visible from a public street.

7. **Amend Section 306.1, the Central Business purpose statement** (see *p. 2 of the redline*). 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.
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.
9. **Miscellaneous minor amendments:**
 - **Amend Section 501.1.H** to permit existing non-conforming buildings to be included as part of a PUD (see *p. 5 of the redline*).
 - **Section 611.A ("Keeping of Chickens")** to increase the number of chickens permitted for one- and two-family dwellings (see *p. 10 of the redline*).
 - To clarify existing language and to make certain editorial changes including but not limited 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").
10. **ZONING MAP AMENDMENT - 18 Bridge Street (Tax Map 58, Lot 2) & 22 Bridge Street (Tax Map 58, Lot 1):** 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 (see "Option A", depicted below) 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.

To help create a vibrant and attractive gateway to West Lebanon, the proposed amendment also includes a similar partial rezoning of the adjacent lot at 22 Bridge Street, which is under common ownership with 18 Bridge Street. Although 22 Bridge Street is located entirely within the protected shoreland buffer, a portion of the lot beyond the CB district boundary is already cleared. If also rezoned to the CB District, the availability of a larger developable area could substantially increase the likelihood that the cleared

portions of both lots could be redeveloped and mirror the recent development activity located across the Connecticut River in White River Junction, VT.



RECOMMENDATION

As drafted, the proposed Council Amendments will not alter the zoning district designations or alter the Table of Uses or the Table of Area, Dimensions and Coverage for any Residential or Rural Lands zoning districts within the City. As a result, no referendum vote is required for the proposed Council Amendments pursuant to Section 1000.4.A.

Adoption of the proposed Council Amendments is recommended at this time in accordance with the procedures outlined in Section 1000.4.B as follows:

Article X, 1000.4 Action Upon Proposed Zoning Amendments.

Any proposed zoning amendment shall be acted upon and adopted or rejected as follows:

- B.** Action by the Council: The Council shall act on any proposed Zoning amendment not requiring a referendum vote in which case adoption of the Zoning Amendment shall require a majority vote of five members of the City Council; or alternatively, the Council may decide that such an amendment shall be submitted to the voters at the annual City election, even though such a referendum is not required.

ATTACHMENT

- Excerpt of Zoning Ordinance (redline last revised January 10,2023)

DRAFT AMENDMENTS TO THE CITY OF LEBANON ZONING ORDINANCE

ARTICLE III USE DISTRICTS

SECTION 302 USES.

[...]

302.4 Enhanced Performance Standards.

[...]

- B. Authorization. Pursuant to RSA 674:21, II, the Planning Board is hereby authorized to grant a **conditional use** permit for uses identified in Article III as permitted by **conditional use** permit, or as otherwise specified herein, if the application is found to be in compliance with the enhanced performance standards set forth in Section 302.4.D.

[...]

SECTION 303 LIGHT INDUSTRIAL DISTRICT (IND-L).

[...]

303.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
Commercial/Non-Residential [...] 1. <u>Equipment and machinery sales, rental and service</u> 2. <u>Group day care facility per Section 604</u> [...] 1.	Commercial/Non-Residential [...] 1. Group day care facility per Section 604 [...]

[...]

303.4 Outdoor Storage.

Outdoor storage shall be permitted as an **accessory use** to a permitted use if it occupies an area of 20 percent or less of the footprint area of the **principal building**. Otherwise, outdoor storage shall require a **conditional use** permit from the Planning Board pursuant to Section 302.4. The 20% limitation shall not apply to cContractor's yYards and equipment and machinery sales, rental and service. All outdoor storage, including

outdoor storage for a ~~c~~**Contractor's y**~~ard~~ and **equipment and machinery sales, rental and service**, shall be appropriately screened from view from abutting **parcels** and shall not occupy required yard areas.

[...]

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)
Commercial/Non-Residential [...] 1. <u>Group day care facility per Section 604</u>	Commercial/Non-Residential [...] <u>1. Group day care facility per Section 604</u>

[...]

SECTION 306 CENTRAL BUSINESS DISTRICT (CB).

306.1 Purpose.

The purpose of the CB District is to facilitate smart growth and mixed-use development, other related commercial activities, and higher density residential uses that provide more life and opportunities for recreational and cultural offerings with a mix of uses in new or redeveloped properties. These CB District regulations are flexible in order to invite reinvestment on existing parcels and simultaneously attract new developments to enable opportunities for economic development by capitalizing on the attractiveness of the Connecticut River. The CB District is intended to promote an environment that is safe for walking and biking and provide for uses that are compatible and which would tend to retain and enhance the existing character of the area~~provide in town areas for retail and service businesses, banks, offices and government facilities in West Lebanon. Other related commercial activities and higher density residential uses should be encouraged.~~

306.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
[...] Commercial/Non-Residential [...] <u>1. Group day care facility per Section 604</u> 4. [...]]	Commercial/Non-Residential [...] <u>1. Group day care facility per Section 604</u>

[...]

SECTION 307 LEBANON DOWNTOWN DISTRICT (LD).

[...]

307.2 Table of Uses.

<u>Permitted Uses</u>	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
[...] <u>Commercial/Non-Residential</u> [...] 1. <u>Group day care facility per Section 604</u>	Commercial/Non-Residential [...] 1. 2. Group day care facility per Section 604

[...]

SECTION 311 RESIDENTIAL-OFFICE DISTRICT (R-O). [...]

311.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
[...] <u>Commercial/Non-Residential</u> [...] 1. <u>Group day care facility per Section 604</u> [...] 1.2.	[...] <u>Commercial/Non-Residential</u> [...] 1. Group day care facility per Section 604 [...] 2.

[...]

SECTION 311A RESIDENTIAL-OFFICE-ONE DISTRICT (R-O-1).

[...]

311A.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
[...] <u>Commercial/Non-Residential</u> [...] 1. <u>Group day care facility per Section 604</u> [...] 1.2.	[...] 1. Group day care facility per Section 604 [...] 2.

[...]

SECTION 311B PROFESSIONAL BUSINESS DISTRICT (PB).

[...]

311B.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
[...] <u>Commercial/Non-Residential</u> <u>1. Group day care facility per</u> <u>Section 604</u> [...] <u>1.2.</u>	<u>Commercial/Non-Residential</u> [...] <u>1. Group day care facility per Section</u> <u>604</u> [...] <u>2.</u>

[...]

ARTICLE V SUBDIVISIONS AND PLANNED DEVELOPMENTS

SECTION 500 GENERAL.

[...]

Planned developments shall be permitted in accordance with the following table:

District	PURD per Section 501.2	PRec per Section 501.3	Industrial PUD per Section 501.4	Commercial PUD per Section 501.4	Manufactured Home Park per Section 503 and Manufactured Home Subdivision per Section 504	Recreational Camping Parks per Section 505	Medical Center Complexes per Section 506	Planned Business Park per Section 508
IND-L			<u>CUP</u> P					<u>CUP</u> P
IND-RA			<u>CUP</u> P					<u>CUP</u> P
GC				<u>CUP</u> P				
GC-1				<u>CUP</u> P				
CB				<u>CUP</u> P				
LD								
R-1	<u>CUP</u> P				<u>CUP / P</u>			
R-2	<u>CUP</u> P							
R-3	<u>CUP</u> P*							
R-O	<u>CUP</u> P							
R-O-1	<u>CUP</u> P							
PB						SE		
RL-1	<u>CUP</u> P*	<u>CUP</u> P			<u>CUP / P</u>	SE		
RL-2	<u>CUP</u> P*	<u>CUP</u> P			<u>CUP / P</u>	SE		

RL-3	<u>CUP</u> P*	<u>CUP</u> P						
MC				P CUP			P	

P = permitted

SE = **special exception** required

CUP = conditional use permit required

*Subject to Section 501.2.B.1.

SECTION 501 PLANNED UNIT DEVELOPMENT (PUD).

501.1 General Requirements.

[...]

H. Dimensional Requirements.

[...]

4. Existing buildings. An existing **building** on a site proposed to be developed as a PUD may be incorporated into a PUD even if the **building** is nonconforming with respect to the requirements of Section 501.1. However, the extent of the nonconformity may not be increased unless the proposed change to the existing **building** is determined by the Planning Board to be consistent in character, scale and design with the proposed PUD.

[...]

SECTION 507 BONUSES FOR CERTAIN PLANNED DEVELOPMENT.

PUD's and **manufactured ~~home-housing parks and subdivisions~~** may receive an increased density bonus pursuant to Table 507.1 and the provisions of this section.

507.1 Increased Density Bonuses.

Maximum Amount of Bonus Available

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

507.2 Criteria for Award of Bonus.

The Planning Board may allow a gross density of development greater than allowed under Article III of this Ordinance for PURD's, manufactured housing PURDs, (or PRec's) ~~(or subdivisions) or traditional subdivisions~~ up to a maximum bonus allowed by Table 507.1. The Planning Board may approve a density bonus for any one or more of the categories identified in Section 507.1. Density bonuses granted pursuant to this section shall be cumulative. The following guidelines shall be used in determining whether a bonus shall be awarded.

A. Use of Technique. An applicant may receive a bonus not exceeding 12% for using either the PURD or PRec form of development.

~~B. Sensitivity to Environment. (Reserved)~~

~~B.C. Affordable Workforce Housing. (Reserved)~~
For every dwelling unit which qualifies as **workforce housing**, one (1) market rate dwelling unit may be added as a density bonus, to a maximum of 20 bonus units or 10%, whichever is greater, as approved by the Planning Board.

D. Energy Efficient Design. The Planning Board may award a density bonus of up to 10% for any development that will be constructed to meet standards for industry-accepted energy efficiency standards including but not limited to those of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED), the Passive House Institute (PHI), or the Passive House Institute US (PHIUS). In evaluating the requested density bonus, the Planning Board shall take into account the extent and scope of proposed energy efficiency construction throughout the development together with any other relevant factors and considerations related to the development and any applicable energy efficiency certification programs that the applicant proposes to participate in.

C. Renewable Energy Systems. The Planning Board may award a density bonus of up to 10% when one or more non-accessory **renewable energy systems** are incorporated into the design of the development. The bonus awarded shall be commensurate with the amount of energy produced for the development by the proposed **renewable energy system(s)**.

~~D. Reduced Fiscal Impact. (Reserved)~~

The decision of the Planning Board in awarding such a bonus and the amount thereof is hereby declared to be a discretionary administrative decision of the Planning Board. In no case shall the Planning Board award a bonus if it determines that the limitations of a site cannot accommodate the increase.

[...]

ARTICLE VI ADDITIONAL STANDARDS FOR SPECIFIC USES

[...]

SECTION 603 SENIOR HOUSING COMPLEXES [AND WORKFORCE HOUSING](#).

The Board of Adjustment may grant a **special exception** to allow a **senior housing complex** [or a development with workforce housing](#) to have a greater density than that specified for the applicable zoning district. **Senior housing complexes** may include **congregate living facilities**, subject to granting of a **special exception** by the Board of Adjustment.

[...]

SECTION 607 PARKING.

[...]

607.3 Maximum Off-Street Parking Requirement.

[...]

B. Off-street parking in excess of 120% but not more than 150% of the minimum requirement set forth in Section 607.2 may be permitted as set forth below.

1) The following categories of parking spaces shall not be counted towards the 120% maximum set forth in subsection A, but shall be subject to the 150% cap set forth in subsection B:

- a. Spaces provided within a **parking structure**.
- b. Spaces dedicated for vehicles participating in a carpool, vanpool, or car-share program. Such spaces shall be reserved and used only for carpool, vanpool, or car-share program parking, and shall be signed or marked accordingly.
- ~~c. Parking spaces dedicated for vehicles operating on primarily alternative fuels including but not limited to electric, natural gas, and hydrogen. Such spaces shall be reserved and used only for alternative fueled vehicles and shall be signed accordingly and/or the spaces shall be painted with the words "Alternative Fueled Vehicles Only."~~

[...]

607.8 Electric Vehicles.

A. Purpose. The purpose of this section is to facilitate the transition to **electric vehicle** use and to expedite the establishment of convenient, cost-effective **electric vehicle infrastructure** that such a transition necessitates.

- B. Applicability. **EV charging stations** are allowed as an **accessory use** in all zoning districts. When the retail charging of **electric vehicles** is proposed to be the principal use of a **lot**, then the proposed **EV charging station** shall be considered a **service station** for zoning purposes.
- C. EV Infrastructure Requirements / Off-Street EV Parking Requirements. **EVSE-installed spaces**, **EV-ready spaces**, and **EV-capable spaces** shall be provided as follows:
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 30 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**.
 4. Where the calculations above result in a fractional parking space, it shall round up to the next whole number.
 5. Where the number of **EVSE-installed spaces** provided exceeds the minimum required, the excess spaces shall be deducted from the total number of required **EV-ready spaces**.
 6. Where the number of **EV-ready spaces** provided exceeds the minimum required, the excess **EV-ready spaces** shall be deducted from the total number of required **EV-capable spaces**.
 7. Up to five (5) **Level 2 EV-installed spaces** may be substituted with one (1) **Level 3 EV-installed space** (minimum 50kW).
 8. **EVSE-installed spaces**, **EV-ready spaces**, and **EV-capable spaces** are to be included in the calculation for both the number of minimum required and maximum permitted off-street parking spaces.
 - a. Every two (2) **EVSE-installed spaces** provided in addition to the required minimum may be counted as four (4) **off-street parking spaces** as relates to Section 607.1 (Minimum Off-Street Parking

Requirements), for reduction of total required parking not greater than 10 percent of the total amount of required parking.

SECTION 608 SIGNS.

[...]

608.3 Prohibited Signs.

The following are prohibited:

A. **Off-premise signs**, except as may be permitted per Sections 608.6.A.1 and 2. A **sign advertising** an on-site use that has ceased operation or vacated the **lot** shall be considered an **off-premise sign** after a period of 180 consecutive days following the discontinuance of the use and shall be removed as required by Section 608.8.C.3. [...]

608.4 Non-Residential Uses.

A. Non-Residential Uses in Commercial and Industrial Districts. [...]

4. Freestanding Signs. A **lot** in the **commercial** and **industrial districts** may display one **freestanding sign** subject to the following regulations:

a. Sign Area and Height Regulations.

i. **Freestanding signs** must comply with the dimensions set forth in the following table:

	Zoning District					
Maximum	GC & GC-1	CB	LD	IND-L	IND-RA	IND-H
height	25 ft.	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.
sign area	64 sq. ft.	32 sq. ft.	24 sq. ft.	64 sq. ft.	64 sq. ft.	64 sq. ft.

~~The size of any **freestanding sign** shall be deducted from the maximum **sign area** permitted on a **lot** under Section 608.4.A.1.a ("Maximum Sign Area"), except as set forth in Section 608.4.A.4.a.ii below.~~

ii. Strip Plazas and Multi-Tenant Buildings. A **freestanding sign** for a property improved with a **strip plaza** or **multi-tenant building** may exceed the maximum **sign area** set forth in Section 608.4.A.4.a.i by up to 50 percent, except in the CB and LD Districts. ~~Such additional **sign area** shall not be deducted from the maximum **sign area** permitted on a **lot** under Section 608.4.A.1.a ("Maximum Sign Area").~~ [...]

d. A lot within 100 feet of the Interstate 89 right-of-way with an existing freestanding sign that is legal non-conforming due to its height and which has a minimum height of 50 ft. may have one additional freestanding sign which shall have a maximum size and height as set forth above and shall be subject to all other applicable regulations. [...]

608.7 Signs Allowed Without a Building Permit.

The following **signs** (1) are allowed in addition to any other **sign** permitted by this Section, (2) do not require a building permit, and (3) are exempt from the requirements of this Section except for the prohibition of **non-static signs** set forth in Section 608.3.C, the requirements of Section 608.2.D ("Clear Vision & Movement"), and the requirements of Section 608.2.E ("Maintenance"):

[...]

- J. Medical Center Complexes. On-premise **signs** for **medical center complexes** located in the Medical Center District, unless such signs are visible from a **public street**.

[...]

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 <u>1</u> acres | up to a total of 4 <u>5</u> hens |
| <u>Up to 2 to 5</u> acres | up to a total of 10 hens |
| More than 5 <u>2</u> acres | <u>up to 15 hens plus</u> up to 2 hens per acre. |

[...]

ARTICLE VII NON-CONFORMITIES

[...]

SECTION 702 NON-CONFORMING USES.

[...]

702.5 Expansion of Use.

- A. The Zoning Board of Adjustment may, by **special exception**, permit a legal **non-conforming use** pursuant to Section 700 to be expanded, provided that the following tests are met in lieu of Section 801.3:

[...]

- B. As part of a proposed expansion under subsection A, the Board of Adjustment may allow a legal **non-conforming use** to expand into an addition to an existing **building** occupied by the **non-conforming use** provided that the ~~gross footprint~~ floor area of the addition is no greater than ten percent (10%) of the size of the ~~footprint-gross floor area~~ of the existing **building** measured as of January 22, 2020.

[...]

SECTION 703 NON-CONFORMING BUILDINGS AND STRUCTURES.

[...]

703.2 Abandonment, Discontinuance, Destruction.

Any **non-conforming building** or **non-conforming structure** which is partially or wholly destroyed by reason of any cause whatsoever, including obsolescence, fire, explosion, storm, floods, or other acts of God, may be resumed or restored and operated in its former non-conformity if same is done within two (2) years; thereafter, any **non-conforming building** or **structure** shall not be re-established if such **building** or **structure** has been discontinued for a period of two (2) years or more; provided, however, that the Zoning Board of Adjustment, upon an appeal from the Zoning Administrator's decision concerning such resumption or restoration, may permit the resumption or restoration of the same **building** or **structure** if it finds: (a) that no action incorporating an intent to abandon the **non-conforming building** or **structure** has been taken by the owner or occupant, including but not limited to a change in **non-conforming use** to razing or remodeling the **building** or structure; and (b) that the failure to resume or restore the use during the two-year period was due to economic, regulatory, or other forces beyond the control of the owner or occupant.

Non-conforming signs shall be subject to Section 608.8 in lieu of Section 703.2. Non-conforming sign structures shall be subject to Section 703.2.

[...]

APPENDIX A DEFINITIONS

[...]

CENTRALIZED SEWER SYSTEMS: A wastewater disposal system that does not connect to the municipal wastewater disposal system and that is designed to serve as the wastewater disposal system for an entire development. Such a system shall be approved by the [New Hampshire Department of Environmental Services \("NHDES"\)](#), ~~NHWSPCD and the City of Lebanon~~. Such systems, if approved, are permitted in the RL Districts only.

[...]

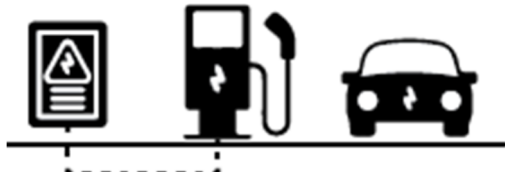
CLASSIFICATION (CLASSES) OF LOTS: Whether a **lot** is classified as "1", "2", or "3" depends on the provisions for water supply and sewage disposal, as follows:

CLASSIFICATION	DESCRIPTION
CLASS 1	Municipal water and municipal sewerage, <u>or community water system and centralized sewer system approved by NHDES</u>
CLASS 2	Municipal sewerage <u>or centralized sewer system approved by NHDES</u>
CLASS 3	Water and sewerage service that is neither Class 1 or Class 2

[...]

DWELLING: A **building** designed for and used primarily by one or more families for living quarters, but not including recreational vehicles (RVs), **manufactured homes**, trailers of any kind, **hotels, motels, group residences, lodging houses**, institutional homes, residential clubs, or other commercial accommodations offered for occupancy.

[...]



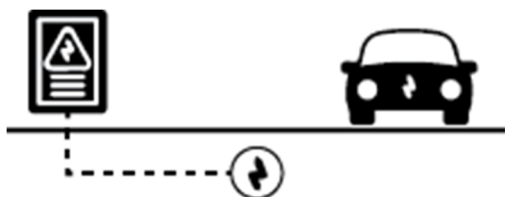
ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE) / EV charging station: The apparatus installed specifically for the purpose of transferring energy between the site or building wiring and the Electric Vehicle. EVSE does not include any equipment affixed to the electric vehicle.

ELECTRIC VEHICLE INFRASTRUCTURE: Structures, machinery, and equipment necessary and integral to support an **electric vehicle**, including **EV charging stations** and electrical outlets.

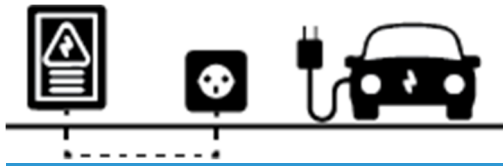
ELECTRIC VEHICLE (EV): An automotive-type vehicle for on-road use primarily powered by an electric motor, including any battery electric vehicle, fuel cell electric vehicle, or plug-in hybrid electric vehicle, that draws current from an onboard battery charged through a building or site electrical service, **EVSE**, or other source of electric current.

EQUIPMENT AND MACHINERY SALES, RENTAL AND SERVICE: The sale and/or rental of new or used construction, concrete, building and/or agricultural equipment and/or machinery. The outdoor storage and display, maintenance, and servicing of such equipment and machinery is permitted, provided that no retail sale of gasoline or oil is allowed.

EV-CAPABLE SPACE: An **off-street parking space** with electrical panel capacity and space for a branch circuit dedicated to the parking space that is not less than 40-ampere and 208/240-volt and equipped with raceways, both underground and surface mounted, to enable the future installation of **EVSE**. For two adjacent EV-capable spaces, a single branch circuit is permitted.



EV-READY SPACE: An off-street parking space provided with a full dedicated branch circuit that includes not less than 40-ampere and 208/240-volt panel capacity, conduit, wiring, receptacle, and overprotection devices terminating in an outlet, receptacle or junction box that will support an installed EVSE and which is located in close proximity to the location of the parking space. For two adjacent EV-ready spaces, a single branch circuit is permitted. These spaces are “ready to go” with the addition of an EV charging station (EVSE).



EVSE-INSTALLED SPACE: An *off-street parking space* with a dedicated branch circuit and EVSE for *Level 2 EV charging stations*, at minimum.

[...]

HEALTH CLUB: An establishment that provides indoor and/or outdoor exercise facilities, programs, instruction and/or training related to fitness, wellness, aerobics, weight lifting, court sports, and/or swimming, as well as locker rooms, showers, massage rooms, saunas, and/or related **accessory uses**. This shall not include any **local government use**.

[...]

LEVEL 2: Charging level for *EVs* that operates on a dedicated 40-100 amp breaker (same kind used by a clothes dryer or stove) on a 208 or 240 volt AC circuit while drawing 6.2+ kW to supply 19+ miles of range gained per hour of charging.

LEVEL 3: Fast or rapid charging level for *EVs* that operates on a 60 amp or higher breaker on a 480 volt AC electric circuit or higher three phase circuit with special grounding equipment and mounting on an equipment pad.

[...]

SIGN: A structure or an image, display, or illustration which is affixed to, painted or represented directly or indirectly upon a **building**, **structure** or **parcel** of land, which is (a) visible from a **public street**, private street, or an adjoining property, and (b) designed to communicate a non-artistic message. "Sign" does not include the **sign structure** unless the sign structure forms an integral part of the sign display or is used to differentiate the sign from the background against which it is placed.

SIGN AREA: **Sign area** means the entire area within a geometric form enclosing the extreme limits of writing, representation, emblem or any other figure of similar character, together with any frame, structure, or other material or color forming an integral part of the display or used to differentiate the **sign** from the background against which it is placed; ~~excluding the necessary supports or uprights on which such **sign** is placed.~~ The geometric form shall be limited to a circle, triangle or parallelogram.

Where a **sign** has two or more faces, the area of all faces shall be included in determining the area of the **sign**, except where two such faces are placed back to back and are at no point more than two feet from one another, the area of the **sign** shall be taken either as the area of one face — if the two faces are of equal area, or the area of the larger face — if the two faces are of unequal area. [...]

SIGN STRUCTURE: The necessary supports or uprights on which a sign is placed.

[...]

STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. The term includes, but is not limited to, buildings, swimming pools, tennis courts, manufactured homes, ~~billboards, poster panels~~, wind and solar energy facilities, satellite dishes and antenna. The term does not include minor installations such as fences less than three and a half feet high, agricultural and safety fences, mail boxes, flagpoles and children's play equipment, nor does it include subsurface waste disposal systems.[...]

[...]

VEHICULAR SALES: The display and sales of new or used motor vehicles, motorcycles, recreational vehicles, manufactured homes, ~~and boats, heavy equipment and farm machinery~~. No retail sale of gasoline or oil is permitted. Vehicular sales shall include facilities for the short term leasing of automobiles and trucks to the end consumer. [...]

WORKFORCE HOUSING: This term shall have the meaning as set forth in RSA 674:58, IV, as amended.

[...]



CITY OF LEBANON PLANNING & DEVELOPMENT

PLANNING BOARD NOTICE OF PUBLIC HEARINGS

The Lebanon City Council will hold public hearings on **January 18, 2023**, beginning at **6:00pm** for the following:

A. PROPOSED AMENDMENTS TO THE ZONING ORDINANCE FOR 2023 MUNICIPAL BALLOT

- Public Hearing for the purpose of receiving public input and taking action to place proposed zoning amendments on the 2023 Municipal Ballot, as follows:

Amendment #1 – To adopt a new Section 509 (“Cottage Developments”) as a use allowed by Conditional Use Permit in the R-1, R-2, R-3, R-O, and R-O-1 Districts. (Zoning Ordinance ADD Section 509 and amend Sections 308.2, 309.2, 310.2, 311.2, and 311A.2, with related amendments to Section 205.1, Section 500, and Appendix A)

Amendment #2 – To amend and rename the Manufactured Home regulations in Sections 503 and 504. (Zoning Ordinance Sections 503 and 504, with related amendments to Sections 209, 308.2, 312.2, 313.2, 500, 501.2.C, and Appendix A)

Amendment #3 – To amend the RL-3 District Table of Uses to change “accessory use to any one-family dwelling” from a use allowed by Special Exception to a Permitted Use. (Zoning Ordinance Section 314.2)

Amendment #4 – To amend the Accessory Dwelling Unit (ADU) regulations in Section 610 to allow an accessory dwelling unit for an owner-occupied two-family dwelling. (Zoning Ordinance Section 610)

B. PROPOSED AMENDMENTS TO THE ZONING ORDINANCE FOR COUNCIL ADOPTION -

- Public Hearing for the purpose of receiving public input and taking action on proposed zoning amendments for adoption by the City Council, as follows:

Amendment #1 – To add “equipment and machinery sales, rental and service” to the IND-L District Table of Uses as a permitted use and to provide a definition for “equipment and machinery sales, rental and service.” (Zoning Ordinance Section 303.2 and Appendix A, with a related amendment to Section 303.4)

Amendment #2 – To amend the sign regulations in Section 608 to allow properties that are within 100 feet of the Interstate 89 right-of-way and that have an existing freestanding sign that is non-conforming due to its height to have one additional freestanding sign in conformance with the requirements of Section 608.4.A.4. (Zoning Ordinance Section 608.4.A.4)

Amendment #3 – To amend Section 507 “Bomuses for Certain Planned Development” to allow the Planning Board to award a density bonus for developments that include workforce housing, energy efficient design, or renewable energy systems, and to provide criteria for the consideration of such density bonus awards. (Zoning Ordinance Section 507, with a related amendment to Appendix A)

Amendment #4 – To amend the regulations for Senior Housing Complexes in Section 603 to also apply to developments with Workforce Housing. (Zoning Ordinance Section 603)

Amendment #5 – To amend the parking regulations in Section 607 to include requirements for Electric Vehicle parking spaces and infrastructure. (Zoning Ordinance ADD Section 607.3 and amend Appendix A with a related amendment to Section 607.3.B.1)

Amendment #6 – To amend the sign regulations in Section 608 to exempt any medical center complex sign that is not visible from a public street. (Zoning Ordinance ADD Section 608.7.J)

Amendment #7 – To amend the purpose statement of the Central Business District. (Zoning Ordinance Section 306.1)

Amendment #8 – To change “group day care facilities” from a use allowed by Special Exception to a Permitted Use in the IND-L, IND-RA, CB, R-O, R-O-1, and PB Districts and from a use allowed by Conditional Use Permit in the LD District to a Permitted Use. (Zoning Ordinance Sections 303.2, 303A.2, 306.2, 307.2, 311.2, 311A.2, and 311B.2)

Amendment #9 – To adopt miscellaneous minor amendments including corrections to typographical errors, and to adopt amendments to defined terms set forth in Appendix A. (Zoning Ordinance Sections 501.1.H, 611.A, 302.4.B, 500, 608, 703.2, 702.5, and Appendix A)

Amendment #10 – Proposed Zoning Map change from R-3 to CB District for a portion of properties located at 18 Bridge Street (M/L 58-2) and 22 Bridge Street (M/L 58-1) extending the CB District boundary from 200 feet from the centerline of Bridge Street to 425 feet from the centerline of Bridge Street. The primary purpose of this amendment is to more accurately reflect existing improvements on the properties and to better facilitate redevelopment of the properties as envisioned in the 2012 Master Plan and the 2021 Action Plan for West Lebanon. (Zoning Map Change)

The January 18, 2023 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning January 13, 2023: [LebanonNH.gov/Agendas](https://lebanonnh.gov/Agendas)

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

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, January 7, 2023.

Kristin M. Kenniston, City Clerk

**AGENDA
LEBANON CITY COUNCIL
JANUARY 18, 2023**

11. NEW BUSINESS:

**11.A – REQUEST FROM SALT HILL PUB FOR EXEMPTION OF
CITY CODE CHAPTER 14, ALCOHOLIC BEVERAGES, TO PERMIT THE SERVING
OF ALCOHOLIC BEVERAGES ON CITY PROPERTY**

BACKGROUND

Beginning in 2020, the City Council approved an expanded outdoor seating area for Salt hill Pub that included additional space within the pedestrian mall, as well as the parking area on West Park Street in front of Salt hill Pub and the 20 West Park Street building. Salt hill Pub is requesting renewal of their exemption to include those expanded seating areas approved in 2020, 2021 and 2022. Please see attached letter from Josh Tuohy.

City Administration has no objection to the closure of the parking area for use by Salt hill Pub as was done in 2020, 2021 and 2022.

City Code Chapter 14, Alcoholic Beverages, §14-5, Exemption, states that, “Any person, publicly recognized organization, organized group, family group or business may be exempted from the provisions of this article for a short period of time not exceeding 12 hours, upon first obtaining permission from the City Manager after consultation with and approval by the Chief of Police. For a period of time exceeding 12 hours but not exceeding one year, permission must first be obtained from the Lebanon City Council and reviewed on an annual basis.” Whereas the current request is for the alcohol exemption/permit to cover the entire year period from January through December, Council approval is required pursuant to §14-5 above.

ACTION

If the Council decides to grant the exemption to Salt hill Pub, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby grants an exemption to Salt hill Pub pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to serve alcoholic beverages on the Lebanon Pedestrian Mall and the parking area on West Park Street as shown on the map included in the January 18, 2023 City Council Agenda Packet. The exemption shall be valid beginning January 19, 2023 and shall expire on December 31, 2023.

Included in this Section:

1. December 12, 2022 Letter from Josh Tuohy, Salt hill Pub
2. Location Map of Outdoor Seating Areas for Three Tomatoes Trattoria and Salt hill Pub

Salt hill Pub
2 West Park Street
Lebanon, NH 03766
603-448-4532



December 12, 2022

Re: Renewal of License to Serve Food and Alcohol on Outdoor Patio

To whom it may concern,

We respectfully request that the City of Lebanon renew our license to serve food and alcohol (NHSLC License # 1242903) in our designated outdoor patio areas (city property). This encompasses both on the central Mall area, as well as the front parking area in front of Whipple Building, should the city of Lebanon grant use as they have the previous three summers.

Additionally, we request the alcohol exemption/permit for the entire year period, January through December, on the Central Mall patio area. This is to accommodate outdoor use in colder periods, fire pits, etc.

Please let me know if you have any questions. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Tuohy". The signature is written over a large, thin, curved line that starts under "Sincerely," and extends to the right.

Josh Tuohy
Josh.tuohy@salthillpub.com
603-398-7900



Three Tomatoes
Trattoria

Three Tomatoes
Trattoria

Salt hill Pub

Outdoor Seating Areas for
Three Tomatoes & Salt hill Pub

Salt hill Pub

**AGENDA
LEBANON CITY COUNCIL
JANUARY 18, 2023**

11. NEW BUSINESS:

**11.B – REQUEST FROM THREE TOMATOES FOR EXEMPTION OF
CITY CODE CHAPTER 14, ALCOHOLIC BEVERAGES, TO PERMIT THE SERVING
OF ALCOHOLIC BEVERAGES ON CITY PROPERTY**

BACKGROUND

Three Tomatoes is requesting renewal of their exemption to serve alcohol in their “normal” awning area on the Pedestrian Mall and their expanded seating on Court Street. Please see attached letter from Robert Meyers.

City Administration has no objection to the closure of the portion of Court Street for use by Three Tomatoes as was done in 2020, 2021 and 2022.

As has been done in the past, alcohol will be served in the outdoor seating areas. City Code Chapter 14, Alcoholic Beverages, §14-5, Exemption, states that, “Any person, publicly recognized organization, organized group, family group or business may be exempted from the provisions of this article for a short period of time not exceeding 12 hours, upon first obtaining permission from the City Manager after consultation with and approval by the Chief of Police. For a period of time exceeding 12 hours but not exceeding one year, permission must first be obtained from the Lebanon City Council and reviewed on an annual basis.” Whereas the current request is for the alcohol exemption/permit to cover the entire year period from January through December, Council approval is required pursuant to §14-5 above.

ACTION

If the Council decides to grant the exemption to Three Tomatoes, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby grants an exemption to Three Tomatoes pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to serve alcoholic beverages on the Lebanon Pedestrian Mall and the closed portion of Court Street as shown on the map included in the January 18, 2023 City Council Agenda Packet. The exemption shall be valid beginning January 19, 2023 and shall expire on December 31, 2023.

Included in this Section:

1. January 10, 2023 Letter from Robert Meyers, Three Tomatoes
2. Location Map of Outdoor Seating Areas for Three Tomatoes Trattoria and Salt hill Pub



1/10/23

Shaun Mulholland
City Manager City of Lebanon, NH

Dear Shaun,

Three Tomatoes Trattoria is requesting an amended exemption of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City Property, within our current expanded seating, until December 31, 2023.

With Gratitude,

A handwritten signature in black ink, appearing to be "R. Meyers", written over a horizontal line.

Robert Meyers
Owner Dolce Pomodoro Inc. dba/ Three Tomatoes Trattoria



Three Tomatoes
Trattoria

Three Tomatoes
Trattoria

Salt hill Pub

Outdoor Seating Areas for
Three Tomatoes & Salt hill Pub

Salt hill Pub

AGENDA

LEBANON CITY COUNCIL

JANUARY 18, 2023

11. NEW BUSINESS:

11.C – REQUEST FROM LEBANON OPERA HOUSE FOR EXEMPTION OF CITY CODE CHAPTER 14, ALCOHOLIC BEVERAGES, TO PERMIT THE SERVING OF ALCOHOLIC BEVERAGES ON CITY PROPERTY

BACKGROUND

On April 20, 2022, the City Council granted an exemption to the Lebanon Opera House (LOH) pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to allow them to serve alcoholic beverages in the alley between City Hall and the neighboring building located at 55 North Park Street, the back parking lot behind City Hall, the sidewalk in front of City Hall, and all other areas immediately surrounding the building. On May 18, 2022, the Council granted an exemption to LOH to allow the serving of alcoholic beverages inside City Hall during LOH events and performances. On June 30, 2022, the City and LOH entered into a license agreement to formalize the use of City property by LOH, including the alcohol exemptions.

LOH is requesting a renewal of the same alcohol exemptions for 2023. Please see the attached email from Lebanon Opera House Operations Manager, Brian Cook. City Administration has no objection to the request.

City Code Chapter 14, Alcoholic Beverages, §14-5, Exemption, states that, “Any person, publicly recognized organization, organized group, family group or business may be exempted from the provisions of this article for a short period of time not exceeding 12 hours, upon first obtaining permission from the City Manager after consultation with and approval by the Chief of Police. For a period of time exceeding 12 hours but not exceeding one year, permission must first be obtained from the Lebanon City Council and reviewed on an annual basis.” Whereas the current request is for the alcohol exemption/permit to cover a one-year period, Council approval is required pursuant to §14-5 above.

ACTION

If the Council decides to grant the exemption to Lebanon Opera House, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby grants an exemption to Lebanon Opera House (LOH) pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to serve alcoholic beverages inside City Hall during LOH events and performances, as well as in the alley between City Hall and the neighboring building at 55 North Park Street, the back parking lot behind City Hall, the sidewalk in front of City Hall, and all other areas immediately surrounding the building. The exemption shall be valid beginning January 19, 2023 and shall expire on December 31, 2023.

Included in this Section:

1. January 9, 2023 email from Lebanon Opera House Operations Manager Brian Cook
2. Map of requested areas

From: [Brian Cook](#)
To: [Beth Beraldi](#)
Subject: [EXTERNAL] Lebanon Opera House proposal and requests
Date: Monday, January 9, 2023 10:04:17 AM
Attachments: [Updated License Agreement Map.pdf](#)

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

Dear Shaun,

Lebanon Opera House is grateful for the City's support in 2022 in transforming the alley between City Hall and the neighboring building located at 55 North Park Street into a seasonal gathering place. Our goal was to add vibrancy to Lebanon's downtown arts and culture scene, and the consensus among all stakeholders seems to be that we succeeded. We ask for the City's support in repeating this plan in 2023.

Lebanon Opera House again requests a one-year Use of Space License for the alley, specifically the area designated in the attached diagram, beginning March 27 and ending November 6. During this time, LOH would have the option to sell beverages, food, and other concessions during LOH events and performances while offering bistro-style tables and limited seating. We would also set up a small busker stage for musical performances. When not in use during LOH events and performances, the public would have access to the space. Our neighbors at 55 North Park Street, including Dutille's, Mascoma Bank, and the owners of the property, continue to support this proposal.

LOH would again need the City's approval to deny alleyway access to vehicular traffic during the months of our proposed seasonal use. This would be done via the placement of barricades, possibly planters, which would continue to allow year-round pedestrian traffic.

Furthermore, Lebanon Opera House again requests the City's permission to sell and serve alcohol on the premises including in the following spaces: inside the building, the alleyway, the sidewalk in front of the building, and all other areas immediately surrounding the building (see attached diagram).

We ask that these requests please be added to the City Council's agenda when it meets on Wednesday, January 18, 2023. If you have any questions, please contact me at (603) 448-0400.

Thank you for your consideration.

Sincerely,

Brian Cook
Operations Manager

--

Brian Cook (he/him)

Operations Manager

Lebanon Opera House

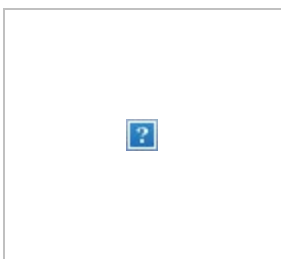
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Lebanon, NH 03766

603.448.0400 x189

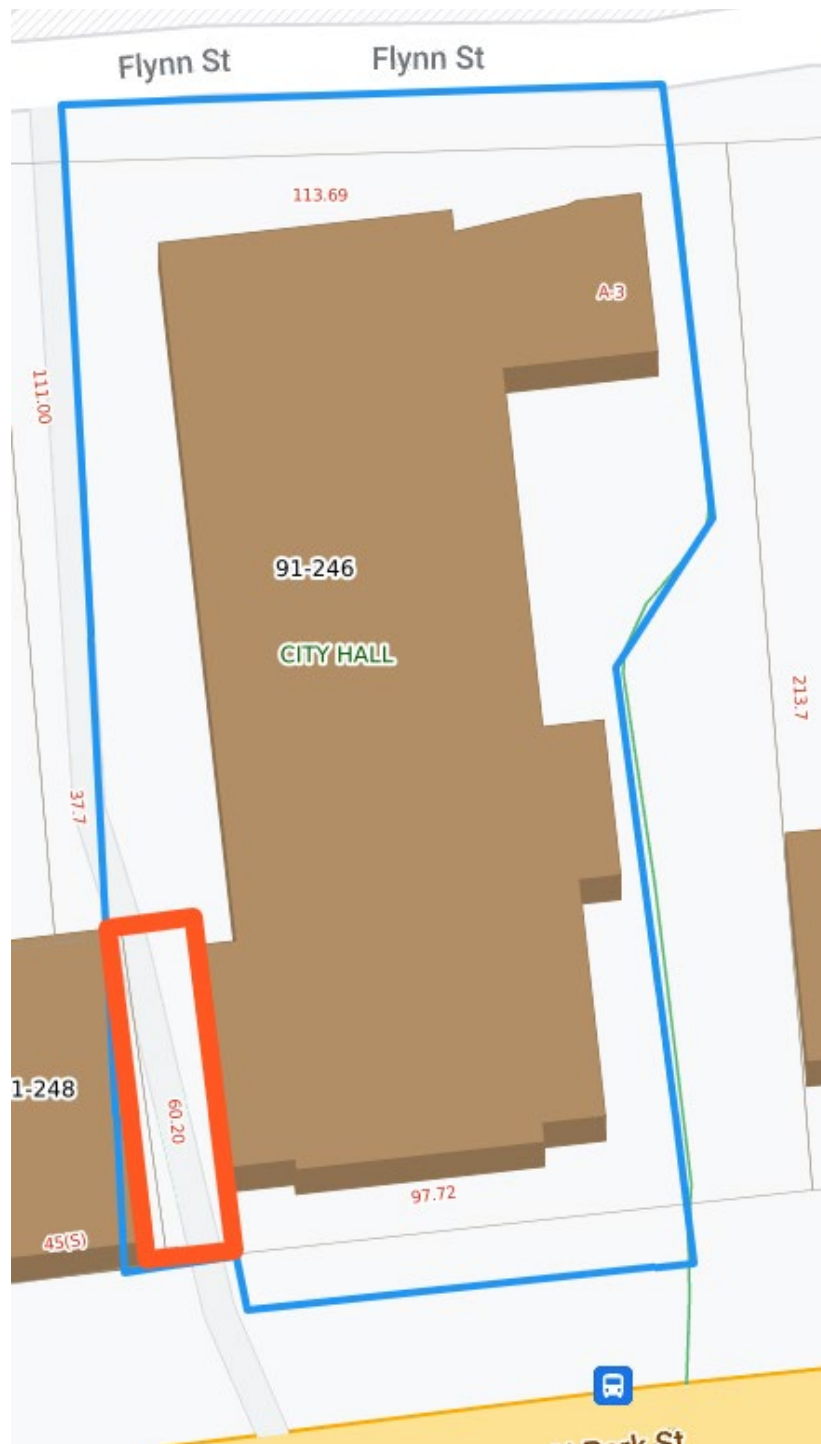
lebanonoperahouse.org/donate/

bcook@lebanonoperahouse.org



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Exhibit A



Area within the blue line (on the sidewalk and within the parking spaces located at the front of City Hall and all other areas immediately surrounding the building) – approved area for serving of food and beverages with temporary seating in conjunction with scheduled LOH events or performances

Area within the orange rectangle (alley between City Hall and 55 N. Park Street) - approved area for serving of food and beverages with permanent seating available until agreement expires

AGENDA

LEBANON CITY COUNCIL

JANUARY 18, 2023

11. NEW BUSINESS:

11.D – REVIEW OF THE DRAFT STRATEGIC PLAN

BACKGROUND

Each year, the City Manager, with city staff, develop the Annual Outcomes and Work Plan (AOWP) that is presented to the City Council in the form of workshops in April. The AOWP is intended to determine the objectives that form the basis for the development of the annual budget and is developed to achieve the objectives of the City's Master Plan which has a primary focus on land use. Additionally, the City has sustainability objectives and other guidance documents.

The development of a strategic plan is intended to replace the AOWP and works to achieve the goals of the Master Plan, sustainability objectives and the other key goals of the City. Unlike the AOWP, the strategic plan will be approved by City Council. The strategic plan has ten functional areas with objectives, vision statements, key performance indicators (KPI), and identification of city departments, city boards and partners that are tasked with accomplishing the objectives. The task items will be identified as well with a timeline for the ensuing year and the two subsequent years after that.

The City Manager met with several of the boards/committees/commissions and city staff to develop an "ideas board" which was used to determine the ten functional areas and the objectives within those areas.

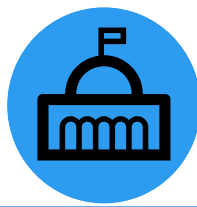
The goal is to obtain tentative approval from the City Council to move to the next step in the process which would be public comment at the end of January/beginning of February. Further revisions would be made after receiving public input with the goal of presenting a complete draft of the plan to the Council in April with approval in May. The plan would include the specific task items what would occur over the three-year period. The approved strategic plan would provide guidance for the development of the 2024 Budget.

ACTION

MOVED, that the City Council approves the initial draft of the City's Strategic Plan for the purposes of receiving public comment.

Information Available but not Included in this Section:

1. [Lebanon Strategic Plan web page](#) including Miro Board of Draft Strategic Plan



High Performing Government



Summary of Strategic Objectives

- 1.1 Operate City government at a very high level of Transparency. To the extent possible government documents are available in digital formats through the City's website minimizing the need to make requests to staff.
- 1.2 Recruit, Develop, and Retain trained and qualified City staff.
- 1.3 Enhance process innovation using technology, data, and key performance objectives.
- 1.4 Advocate at the Regional, State, and Federal level.
- 1.5 Enhance the credibility of the City's government.
- 1.6 Enhance community engagement.

Timeline: 2024-2026

Responsible Groups

City Departments

City Clerk City Manager Cyber Services DPW HR Planning

Boards and Committees

City Council DEI

Partners

Vision Statement

The city government has to be responsive to the needs of its residents, businesses and partners. The delivery and/or the facilitation of the delivery of services is one of the cornerstones of effective local government. A responsive and effective city government does the following:

- **Transparency-** the decision making processes must be open and as accessible as possible to allow the public to participate. Government records need to be available, easily accessible and in a timely manner.
- **Ethics-** City officials and staff meet public expectations of very high ethical standards while conducting City business as well as in the pursuit of their personal lives. Ethical expectations directly relate to the credibility of the City in view that people have of it. City officials comply with statutory and regulatory requirements.
- **Problem Solving-** the expectation is that the City government is an organization that functions to identify and develop solutions to address problems and the needs of the community. Data driven decision making is operationalized when and where appropriate.
- **Teamwork-** highly effective organizations are those that can bring together the players to achieve the mission. Our team consists of elected officials, appointed officials, staff, volunteers, service providers and our partners who work together to drive and achieve success.
- **Communication-** an effective City government utilizes multiple modes of communication to inform residents including emergency messaging, how to information, education materials, opportunities and the activities of the organization. This must be timely, accurate, accessible and sufficient to keep the public informed.
- **Engaging-** the City takes proactive steps to engage the general public and key stakeholders in the development of public policy.
- **Efficiency-** the City utilizes management practices and process review procedures such as LEAN to reduce wasted time and money while at the same time enhance the quality of city services. City officials and staff operate in a culture of continuous quality improvement.
- **Technology-** the City utilizes technology to enhance the quality, accessibility, timeliness and efficiency of City services.
- **Innovation-** the City uses or develops innovative approaches to problem-solving and service delivery.
- **Human Capital-** the quality, skill base, experience and emotional intelligence of City officials is of very high quality. The City invests in training and staff development constantly enhancing the effectiveness of City staff. The City is "growing" leaders from within its ranks to perform higher level and leadership roles in the organization. The retention of qualified personnel is a key objective for City leaders.
- **Partnership-** City leaders value the importance of partnerships with other municipalities, the school district, the housing authority and the other levels of government. Working with the business community, non-profit entities and neighborhood groups is highly valued in solving problems and providing services to the community.
- **Leadership-** the City values and understands its leadership role in the Upper Valley and the State of New Hampshire from a political, economic and social perspective. It actively advocates and exercises that leadership role in service to the people of the City and the Upper Valley.



Housing and Neighborhoods



Summary of Strategic Objectives

- 2.1 Facilitate the Development/Redevelopment of Housing.
- 2.2 Work cooperatively to address Homelessness.
- 2.3 Revise Land Use Regulations to limit barriers to development/redevelopment while preserving neighborhood character.
- 2.4 Development of a comprehensive Citywide housing strategy.

Timeline: 2024-2026

Responsible Groups

City Departments

City Manager Human Services Planning

Boards and Committees

DEI Downtown TIF EDC Heritage Commission Planning Board

Partners

Housing Authority LISTEN The Haven Tri-County CAP Twin Pines Housing

Vision Statement

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

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

An inclusive community has a range of housing types to meet the needs of a diverse population. Those housing types include;

- Single Family
- Multi-Family (spanning duplexes to large apartment buildings)
- Elderly Housing
- Accessory Dwelling Units
- Manufactured Housing
- Temporary Housing - Homeless Shelters and Transitional Housing Units

The housing inventory of the City must include a mix to meet the affordability needs of its residents such that no more than 30% of combined household income is committed to housing. That mix of housing affordability includes;

- Market Rate Housing
- Workforce Housing
- Low Income Housing

[Chapter 7 of the City's Master Plan](#) is incorporated into this Strategic Plan.



Financial Stability and Efficiency



Summary of Strategic Objectives

- 3.1** Maintain a responsible debt management plan.
- 3.2** Maintain a long term strategy to stabilize the tax rate and user fees to avoid spikes in the rates
- 3.3** Advocate and seek funding at the State and Federal level to reduce the impact on property taxes and user fees.
- 3.4** Maintain adequate cash reserves to ensure cash flow, the ability to respond to emergencies and the resources to take advantage of opportunities.

Timeline: 2024-2026

Responsible Groups

City Departments

City Manager Finance

Boards and Committees

City Council

Partners

Vision Statement

The City strives to diversify its revenue streams to reduce the reliance upon the property tax as the primary source of revenue for general government operations. User fees have a direct relationship to the services provided and are commensurate with the actual cost of the services provided. The use of Unassigned Fund Balances in the General Fund as well as the enterprise funds is a strategy to minimize tax and fee rate spikes.

The Unassigned Fund Balance in the General Fund is healthy when it:

- is within a range of 19% to 24% of the current General Fund expenditure budget;
- provides a cash reserve to address emergencies;
- provides sufficient cash flow between semi-annual tax billings.

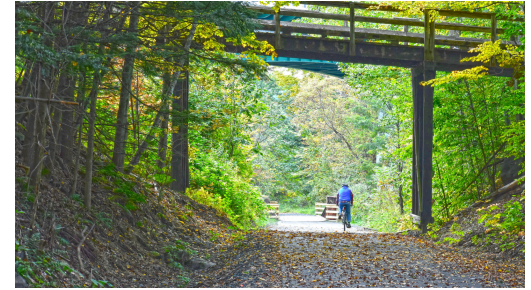
Financial planning is based on a long-term strategy to stabilize tax and user fee rates to minimize rate hikes. Planning for capital projects in the six-year Capital Improvements Plan that allows a more even spread of debt service payments where possible is utilized.

The City's debt load is maintained within the statutory requirements and the City Council's Debt Management policy for all funds.

The City utilizes federal, state, and private grant funding to offset the cost of capital and operating expenses. Additionally, the City advocates in partnership with other municipalities and the New Hampshire Municipal Association for more state funding to offset the impact to local property taxes. The City takes active steps to transition education funding from the statewide and local property tax to a more equitable cost share with other revenue sources.



Recreation, Arts, and Parks



Summary of Strategic Objectives

- 4.1 Provide a wide array of recreational programing in conjunction with other entities in the Upper Valley.
- 4.2 Maintain and expand recreation infrastructure in the City to include parks, athletic facilities, trails, and greenways.
- 4.3 Enhance the vitality of Arts & Culture in the City in cooperation with arts community in the Upper Valley. This includes energizing the arts economy as well as opportunities for public art.
- 4.4 Celebrate the City's rich history and enhancing the public's awareness of its history through multiple modalities.
- 4.5 Celebrate the City's diverse cultural makeup by providing opportunities allow the public to experience the diverse cultures in the Upper Valley.

Timeline: 2024-2026

Responsible Groups

City Departments

City Manager Library Planning RAP

Boards and Committees

Arts & Culture Commission Conservation Commission DEI Downtown TIF EDC
Heritage Commission

Partners

AVA Art Gallery CCBA Lebanon Historical Society Lebanon Opera House
Lebanon Outing Club Lebanon Youth Baseball NE Music Center LV Hockey Assoc.

Vision Statement

Recreation

The City has a wide array of recreational opportunities available to its residents. The programs are operated by the City while others are provided by not-for-profit entities and for-profit entities. A robust range of recreational opportunities has a positive impact on the physical and emotional health of our people. The City's vision for Recreation is further outlined in [Chapter 10: Recreation](#) of the Master Plan.

Arts, Culture, and the Humanities

The City celebrates the arts, culture and the humanities in its various modalities. The City's recently created Arts and Culture Commission is the primary City body to advocate and advance the arts in the community. The City supports a vibrant partnership with a growing arts community to enhance opportunities for equitable participation and inclusion. The City continues to enhance opportunities for displays of art in public places to create a livelier living environment. The City's vision is further outlined in [Chapter 12: Community Design and Civic Art](#) of the Master Plan.

Parks

The City maintains parks in various parts of the City to enhance neighborhood environments and provide outdoor spaces for its residents to enjoy the outdoor world. Everything from athletic fields, the Storrs Hill Ski facility, the Mascoma Greenway, the Northern Rail Trail and various nature trails and conservation areas provide opportunities to exercise and enjoy nature.



Environment and Sustainability



Summary of Strategic Objectives

Waste Management

- 5.1 Enhance the City's waste management practices with the end goal of reducing the City's waste to zero non-renewal material.
- 5.2 Managing solid waste and wastewater to ensure public health, the protection of wildlife, the protection of plant life and minimizing the impact on the environment.

Energy

- 5.3 Ensuring the City's waste management infrastructure systems will meet the City's needs today and into the future.
- 5.4 Reduce the GHG emissions produced by City government's activities by transitioning to 100% renewable energy sources by 2050.
- 5.5 Encourage and support communitywide initiatives to transition the community to 100% renewable energy sources by 2050 in alignment with the Energy Chapter of the City's Master Plan.

Conservation & Natural Resources

- 5.6 Enhance, support and implement measures to sustain the City's public and private forests. Implement urban forest management programs to address urban heat zones and aesthetics.
- 5.7 Maintain and highlight the City's conservation resources.
- 5.8 Protect the water resources within the City.
- 5.9 Protect the wildlife, aquatic organisms and plants from the impacts of human activity and climate change.

Timeline: 2024-2026

Responsible Groups

City Departments

DPW Planning RAP

Partners

Sustainable Lebanon

Boards and Committees

Conservation Commission Planning Board Tree Advisory Board

Vision Statement

The City is proactive in sustainable environmental stewardship. [Lebanon's Principles of Sustainability](#) focus on seven principles. Principal #3 is Environmental Responsibility and Energy Efficiency.

Principle #3 – Environmental Responsibility and Energy Efficiency

Does the action. . .

- A. Sustain and enhance a healthy natural environment: air, water, soil, and ecosystems?
- B. Promote and reinforce a network ("green infrastructure") of protected open space and natural areas?
- C. Improve energy efficiency and reduce the City's carbon footprint?
- D. Engage the Lebanon community to conserve energy and adopt more sustainable technologies for heating, cooling, lighting, transportation, and so forth?

The functions of the City government will achieve the objective of reducing its greenhouse gas emission 80% below 1990 levels by 2050. The City supports the Paris Climate Accords and the implementation of the goals of the Paris Climate Agreement.

Waste Management

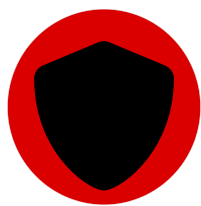
The goal is to achieve zero waste. The City manages a number of waste materials from the City itself and the Upper Valley as a region. The goal is to recycle the materials where possible or dispose of the materials in an environmentally safe fashion that does not impair the public health. As technological solutions become available the City implements them to achieve the ultimate goal of eliminating waste.

Energy

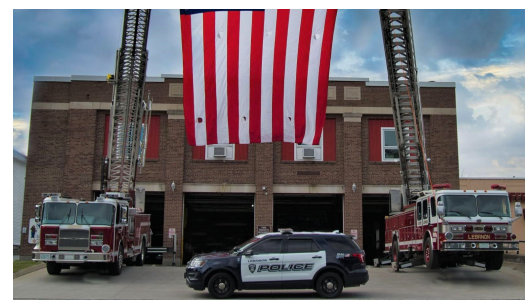
The City's Master Plan outlines the City's policies regarding Energy in [Chapter 13](#). The City implements a number of strategies to reduce the amount of energy used in the community with a shift from energy that produces greenhouse gas emissions. This includes a shift to the use of electric powered vehicles and electric powered building heating sources. The shift to energy produced by solar, landfill gas and other renewable sources.

Conservation and Natural Resources

The City's Master Plan outlines the City's policies regarding Natural Resources in [Chapter 5](#). The City has considerable conservation and natural resource assets that it continues to maintain and protect



Public Safety

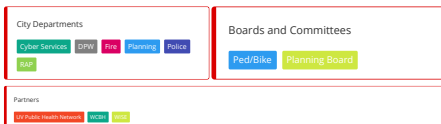


Summary of Strategic Objectives

- 6.1** Enhance Emergency Management capability regarding Planning for, Preparing for, Responding to, Recovery from and Mitigation of Disasters.
- 6.2** Enhance Code Enforcement efforts.
- 6.3** Maintain a proactive Traffic Safety Program.
- 6.4** Maintain a proactive Crime Prevention and Response Program.
- 6.5** Maintain an effective Fire Prevention effort and Fire Suppression capability.
- 6.6** Enhance multi-modal transportation safety through prevention, education, enforcement and infrastructure improvements
- 6.7** Enhance the City government's cyber security posture to minimize impact on city services. Enhance the police department's ability to prevent, investigate and prosecute cybercrimes that impact businesses and residents.

Timeline: 2024-2026

Responsible Groups



Vision Statement

Perceptions of public safety, whether they are real or perceived, impact the way people feel and interact in the community. Public safety is not just about injury prevention and crime prevention; it is about building a strong, cohesive, vibrant, participatory City. Individuals and families enjoy a sustained quality of life, participation in work, leisure, social, cultural, artistic and educational activities, and preservation of income and assets. A safe community embraces a methodology and infrastructure where all sectors of the community work together collaboratively to safeguard citizens' well-being and property. Our vision of the City involves the following aspects.

Emergency Management: The City has a robust emergency management capability that adequately:

- foresees and plans for natural and human made disasters;
- prepares for these events and provides advanced warning and guidance to residents, businesses and other partners. This also includes training for, having the necessary equipment facilities, supplies and partnerships available to respond to disasters;
- responds to disasters to effectively reduce the risk to life and property;
- recovery from disasters such that the community is able to return to normal as soon as possible. This includes psychological recovery from the impacts of disasters;
- mitigation steps are taken in advance of and during disasters to reduce the impacts of known or disasters that are likely to impact the City.

Code Enforcement: The City has adequate life safety codes that reduce the risk of injury or death as well as the protection of property. The City effectively educates the public regarding these regulations. The City takes a proactive step to address violations.

Crime Prevention and Response: The City takes proactive steps to reduce the amount of, severity of and the impacts of crime. Residents and visitors in the City have a quality of life and are able to pursue and obtain the fullest benefits from their domestic, social and economic lives without fear or hindrance from crime and disorder. The City is able to respond to criminal incidents proactively, quickly and effectively.

Domestic and Sexual Violence: The City in partnership with other entities leads efforts to protect and assist victims of sexual and domestic violence.

Cyber Security: The City's cyber infrastructure and protected information are secure from hacking, damage, or destruction and other disruptions.

Traffic Safety: The City has a multi-pronged approach to addressing safety on City streets, sidewalks, greenways, and rail trails. Proactive steps are taken to minimize motor vehicle accidents as well as accidents involving bicycles and other wheeled vehicles. A number of strategies are used to enhance pedestrian safety with the goal of zero pedestrian accidents.

Fire Prevention and Suppression: The City implements strategies to prevent death, injuries and damage to property from the impacts of fire. The fire department has adequate resources and strategies to respond to fires to save lives and minimize damage to property.



Transportation



Summary of Strategic Objectives

Public Transit

- 7.1 Maintain & expand public transportation availability in the Upper Valley.

Airport

- 7.2 Support efforts to maintain Essential Air Service
- 7.3 Support efforts to maintain general aviation.

Multi-Modal Transportation

- 7.4 Maintain, enhance and expand the Mascoma Greenway, Northern Rail Trail and new connector segments to strengthen the multi-use recreational/transportation network.
- 7.5 Maintain, enhance and expand the City's sidewalk network connecting the segments to create a comprehensive network.

Roadway Infrastructure

- 7.6 Enhance the City's roadway infrastructure maintenance plan.
- 7.7 Enhance the City's roadway system to adequately manage present and projected traffic volumes.
- 7.8 Coordinate with NH DOT's efforts to enhance state transportation improvements in the City.

Timeline: 2024-2026

Responsible Groups

City Departments

Airport DPW RAP

Boards and Committees

Ped/Bike Planning Board

Partners

Vision Statement

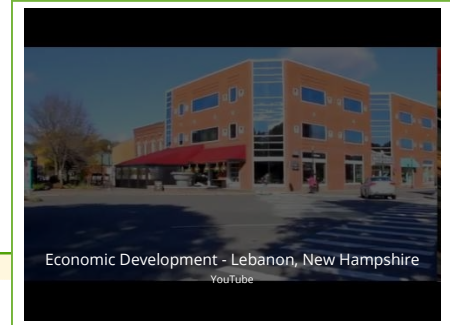
The City operates a multi-modal transportation system and partners with other entities to meet the transportation needs of the City within the context of the larger transportation network in the Upper Valley. The City's Master Plan further delineates the larger transportation goals located in [Chapter 9](#).

The City will continue to use innovative technologies and make infrastructure investments to ensure those systems are adequately maintained to ensure they function effectively and safely. The focus will be on the lifecycle maintenance of infrastructure and properly tracking the infrastructure through a fixed asset management system.

The City will continue with its Complete Streets strategy when reconstructing a street to include upgrading all of the assets within the street where appropriate.



Economic Vitality



Summary of Strategic Objectives

- 8.1 Facilitate a Sustainable and Resilient Economy.
- 8.2 Facilitate and develop partnerships to increase Early Childhood Education capacity and reduce cost.
- 8.3 Work cooperatively with UVBA, the Corporate Council and others to enhance the business climate in the region.
- 8.4 Coordinate regionally to enhance tourism opportunities in the Upper Valley
- 8.5 Implement opportunities for redevelopment in the four core business districts of the City.

Timeline: 2024-2026

Responsible Groups

City Departments

City Manager Planning

Boards and Committees

Downtown TIF EDC Planning Board

Partners

UV Business Alliance
UV Public Health Network Vital Communities

Vision Statement

The City is the economic hub of the Upper Valley. Most of the jobs in the region are located here in the City. The City is the host of a diversified and resilient economy. Traditionally the impacts of worldwide and national economic downturns impact the region to a lesser extent. The predominance of the medical sector, with Dartmouth Health being the largest employer in the region and the largest employer in the State, results in considerable supplemental and complimentary economic activity. The area has over 120 high-tech businesses, many of which are medtech and biotech companies. Many of these companies have a direct relationship or lineage from Dartmouth College and Dartmouth Health.

The region has the highest average salaries in the State. The Upper Valley economy is vibrant and resilient when it has the following:

- A trained workforce adequate to meet the needs of all employers;
- An innovative, creative, and entrepreneurial culture that drives and develops new ideas;
- A diversified commercial/industrial sector that includes small, medium, and large businesses;
- Adequate housing to meet the needs of the workforce needed for the economy;
- Adequate childcare and early childcare development to allow parents to work in the economy;
- Adequate public education and postsecondary education to develop and maintain a skilled workforce; and
- Vibrant and diversified retail, food, and general service sectors that meet the supporting needs of the Upper Valley.

The City's Master Plan addresses the larger vision statement relative to [Economic Development](#) located in Chapter 6.



Social Health and Justice



Summary of Strategic Objectives

- 9.1** Develop and implement a citywide Equity Plan.
- 9.2** Maintain the City's ADA Transition Plan.
- 9.3** Implement equity in all policies, codes, charter and in the delivery of City services.
- 9.4** Be a welcoming community to people of all cultures, races, skin color, national or ethnic origin, language, religions, gender identity or expression, sexual orientation, mental or physical ability, age, political opinion or activity, economic status, immigration status or housing status.
- 9.5** Develop the concept of Environmental Justice throughout the organization and the community.

Timeline: 2024-2026

Responsible Groups

City Departments

City Manager HR Human Services Planning

Boards and Committees

City Council DEI Planning Board

Partners

Vision Statement

The City supports and upholds the federal and state constitutions.

The City resolves the following:

- Preserving the public trust and promoting community identity, civic pride, and quality of life for all residents, regardless of race, skin color, national or ethnic origin, age, sex, gender identity or expression, sexual orientation, mental or physical disability, religious or political opinion or activity, immigration status, socio-economic status, or housing status.
- The City takes a leading role in protecting civil liberties, promoting inclusiveness, and providing equal protection under the law to all persons in the City.
- A diverse population supports a resilient economy and fosters a high quality of life for its residents and visitors, in accordance with the City's Sustainability Principles.
- That while Free Speech is protected under the First Amendment; we can speak out against and discourage hate speech as contrary to our values.
- The City demonstrates its commitment to protecting its residents and visitors against discrimination on the basis of race, skin color, national or ethnic origin, age, sex, gender identity or expression, sexual orientation, mental or physical disability, immigration status, religious or political opinion or activity, socio-economic status, or housing status.
- The City takes a stand against ideologies of violence, hatred, and intolerance. The City denounces and rejects all ideologies based on discrimination, hatred, and intolerance, including racism, xenophobia, and homophobia, and condemns activities that promote these ideologies.
- The City is committed to fair and equal treatment of everyone in our community, including in housing, education, employment, and healthcare, and will strive to ensure all of our actions, policies, and operating procedures reflect this commitment.



Public Health



Summary of Strategic Objectives

- 10.1** Continue partnership with West Central Behavioral Health to enhance Mental Health Care and Response.
- 10.2** Provide effective Mobile Integrated Health Care.
- 10.3** Provide high quality Emergency Medical response capability.
- 10.4** Maintain the partnership with the Upper Valley Public Health Network to respond to public health emergencies.
- 10.5** Continue partnerships to provide Medical and Dental Care for those who cannot afford it.
- 10.6** Enhance community engagement.

Timeline: 2024-2026

Responsible Groups

City Departments

City Manager DPW/SLW Fire
Human Services Planning Police

Boards and Committees

Joint Loss

Partners

Dartmouth Health Good Neighbor Health Clinic HIV HCV Resource Center Headrest
UV Public Health Network Visiting Nurse NHI & VI WCBH WISE

Vision Statement

The goal of public health is to preserve the medical and mental health of those who reside in the City and those who visit it. Eliminating or minimizing the risk of disease and injury as well as responding to and providing care to those who need it are primary objectives of municipal governments. The City works in partnership with an array of state and federal agencies along with not for profit entities to meet the objectives of the Ten Essential Public Health Services:

- Monitor Health
- Diagnose and Investigate
- Inform, Educate, and Empower
- Mobilize Community Partnerships
- Develop Policies
- Enforce Laws
- Link to Services
- Assure Competent Workforce
- Evaluate

