

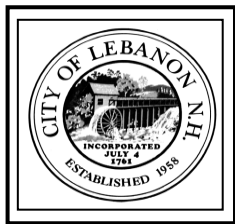


**LEBANON PLANNING BOARD
FEBRUARY 27, 2023 - 6:30 PM
COMMUNITY ROOM - KILTON LIBRARY - 80 MAIN
STREET, WEST LEBANON OR
REMOTE VIA VIRTUAL PLATFORM
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- 1. Call to Order**
 - 2. Study Items**
 - A. 2024-2029 CIP -review 2023 CIP and capital budget
 - B. Review of Planning Board CIP Policies & Procedures
 - C. Site Plan Review Regulations - Review of proposed amendments relating to electric vehicle (EV) charging infrastructure
 - D. Site Plan Review Amendments - Review of proposed amendments to Section 6.2 (landscaping requirements) and minor modifications to Section 4.3 (conceptual review) and Section 5.1 (submission requirements)
 - E. Discussion re: process to prepare and review site plan and subdivision regulation amendments
 - 3. Committee Reports**
 - A. **Planning Board Subcommittees:**
 - Planning Board Capital Improvement Program
 - Planning Board Development Regulations Update
 - B. **City Council Subcommittees:**
 - Class VI Roads Advisory Committee
 - Lebanon Energy Advisory Committee
 - C. **Other Subcommittees:**
 - City Council Representative
 - Heritage Commission
 - Pedestrian & Bicyclist Advisory Committee
 - Upper Valley Lake Sunapee Regional Planning Commission
 - UV SubCommittee of the Connecticut River Joint Commissions
 - Mascoma River Local Advisory Committee
 - West Lebanon Revitalization Advisory Committee
 - Planning & Development Department – Task Status
 - D. Minor Site Plan Committee
 - 4. Other Business**
 - A. Appoint Planning Board members to vacant committee assignments
 - 5. Approval of Minutes**
 - A. January 23, 2023
 - 6. Adjournment**

The order of agenda items is subject to change.

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.



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon Planning Board

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

FROM: Planning and Development Department Staff

RE: Site Plan Review Regulations – *Proposed Amendments Electric Vehicle Charging*

DATE: February 21, 2023

Planning Board members,

Planning and Development Department staff has coordinated with the Lebanon Energy Advisory Committee (LEAC) for review and comment on the attached proposed changes to the Site Plan Regulations (SPR). The subject proposal creates a new section for the SPR focused on electric vehicle (EV) supply equipment and associated charging station requirements and will be located as a new section under Article VI (“Design and Construction Requirements”). The proposed amendments complement the recently adopted companion regulations in the Zoning Ordinance (ZO), new Section 607.8. While the ZO requirements determine “where” EV charging minimums apply and “what” the thresholds are for requiring x number of EV charging-installed and -ready spaces, the SPR requirements determine the remaining standards for “how” to locate and design the EV charging spaces, standards to follow, important best practices, and operability. The proposed requirements only apply to projects that undergo Site Plan application review (i.e. multi-family housing and non-residential developments).

An overview of the proposed amendment is set forth below.

OVERVIEW OF AMENDMENT

As with signage in general, unless there is a common and accepted set of communications standards, confusion can result and reduce the intended performance and user-friendliness of an installation. In addition, without local standards, there is a void of guidance that property owners can or will independently implement. This is true for EV charging station parameters as well. While charging stations are now a frequently installed type of equipment, there is still no single design standard at the national or state level for helping to ensure that users, whether private property owners and their tenants, or the public, have a smooth experience and that the technology used is as accessible and durable as possible. For instance, the most recurrent comments on EV charging station maps tend to be at charging station locations that lack adequate maintenance and signage for contacting the equipment operator.

The proposed SPR amendments draw on numerous examples of other municipalities’ adopted regulations, especially as relates to signage content (e.g., payment information and station operator contact information), accessibility (e.g., barrier free route and clear pavement markings), and maintenance essentials. The amendment also draws on the US Department of Energy’s

references and similar authorities to promote early coordination with utility professionals to address the project's overall electrical needs and optimal siting and load distribution for EV charging.

The proposed definitions are consistent with the adopted ZO definitions associated with EV charging, with the exception of one new definition for Low Power Level 2 charging, which was added to support greater project flexibility to site-specific contexts such as utility capacity.

Some of the content is aspirational or voluntary guidance rather than prescriptive but is offered in the amendment to help make applicants aware of opportunities that a) will increase the performance and cost-effectiveness of EV charging in their projects and b) will help future-proof installations. LEAC members also advised against some of the original proposed language that specified certain EV charging interoperability protocols given the still-changing market landscape, which lacks universal standards, and helped to streamline the proposed language overall.

Following your review of the proposed amendment, staff will provide a revised version for legal counsel review. A final draft will then be prepared for a public hearing, for a date to be scheduled by the Board.

ATTACHMENTS

- Draft excerpt of proposed NEW section for the Site Plan Regulations – Electric Vehicle Charging (last revised February 21, 2023)

DRAFT SITE PLAN REVIEW REGULATION AMENDMENTS

NEW SECTION 6.11 [ELECTRIC VEHICLE (EV) CHARGING]

A. Site selection.

1. Prior to initiating permitting in conjunction with the requirements of Zoning Ordinance Section 607.8, proposed EVSE sites should have a mandatory site survey in coordination with utilities to assess physical and financial options of existing electrical power capacity or needs for bringing power to the site, if required. The purpose is to avoid conflicts that might increase project complexity or impact parking configurations. Submission of load requests to utilities for power reviews should use GPS coordinates rather than address locations. Such a strategy will lead to a more accurate assessment of the feasibility of supplying power to the site.
2. Where **Level 3** and **Level 2** EV charging station capacity is demonstrated to be unsuitable in conjunction with the compliance review and processes per Zoning Ordinance Section 607.8 prior to site plan application, **Low Power Level 2** or **Level 1** EV charging stations should be considered for alternative provisions.
3. Consider the risks of locating chargers in areas subject to 100-year floods. For example, protections can include waterproof connectors that guard the grid from moisture. Some stations can use batteries, but they need to be elevated and have the ability to ventilate.

B. Standards.

1. All installations of EVSE shall meet National Electric Code (Article 625) and UL certification is recommended. The applicant should consult with the local code officials to ensure electrical code compliance as well. Level 2, including all auxiliary loads, should be metered in accordance with electric utility requirements.
2. Property owners should consider equipment that is capable of supporting demand response, time-of-use (TOU), and/or smart charging. For example, evaluation and installation of an **electric vehicle load management system** in conjunction with other EVSE is recommended for larger projects, with the system designed to allocate charging capacity among multiple EV charging stations at a minimum of 8 amps per charger (minimum allocation may vary).
3. Battery charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted.
4. EVSE must comply with relevant ADA guidance including requirements and recommendations for EV Charging Station from the [U.S. Access Board](#).

5. Equipment (including components mounted on pedestals, lighting posts, bollards, or other devices) shall be designed and located as to not impede pedestrian travel or create trip hazards, particularly for on-street charging stations and others within the right-of-way. Provide a retraction device or place to mount cords and EV pedestals or protections designed to minimize vandalism, pedestrian conflict, and potential damage by accidents, snow storage/plowing and inclement weather.
6. EVSE shall be protected such as by wheel stops or concrete filled bollards or shall be placed a minimum of 24 inches clear from the face of the curb.
7. EV infrastructure should be made of low-maintenance durable materials that are vandal-proof to the extent possible and operational in extreme weather conditions (including low and high temperatures).
8. Future-proofing. The make-ready portion of electrical infrastructure installed at publicly-funded, publicly-accessible locations should be capable of supporting chargers with a minimum 150kW capacity.
9. The City's electrical inspector reviews designs in conjunction with the building permit process and should be consulted early in the planning process.
10. Multifamily dwellings and non-residential EVSE installations should include a plan for Operations & Maintenance of the chargers and related equipment, such as software.

C. EVSE siting and parking.

1. Dimensions. EV parking spaces shall meet standard dimensional and related requirements of the Site Plan Regulations, Section 6.5E and applicable ADA parameters, and address siting requirements for EVSE (e.g., pedestals).
2. Accessibility. EV parking spaces should be located adjacent to the principal use. All EVSE shall be connected to a barrier-free accessible route of travel. Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and connected to a barrier-free accessible route of travel. The owner of the property may designate the accessible electric vehicle charging station exclusively for use by people with disabilities.
3. Site design. Provide a statement of explanation for where EV spaces are proposed; while EV parking spaces are encouraged to be sited in visible (readily identified by EV users), desirable and convenient locations on-site, installation costs and similar practical factors may influence site design and should be described. Facilities should blend with the surrounding landscape/architecture for compatibility with the character and use of the site.

4. Public EVSE. The owner or operator must disclose the location and characteristics of each public EV charging station to the U.S. Department of Energy's Alternative Fuels Data Center. Information that must be disclosed includes, but is not limited to, address, voltage, and timing restrictions.
5. Energy optimization. When selecting a charging station location, site hosts and developers should consider existing and future needs for incorporating on-site distributed energy resources, and prioritize areas that can easily accommodate these assets, which in turn could reduce the cost of future upgrades. It is best practice to identify existing locations with excess load capacity that can support the deployment of curbside EV charging; for example, consider repurposing of light poles.
6. Conditions. EV batteries are degraded in hot conditions and not charged fully in cold weather; the applicant may wish to provide shade or other shelter (i.e., enclosed structured parking), noting that 60-70 degrees (F) is the ideal charging temperature.
7. Enhanced charging infrastructure. Innovative charging strategies are encouraged, such as battery pack storage integration with EVSE for TOU demand management, solar canopy parking, co-location with electric bike storage and charging, and bidirectional EV chargers for vehicle-to-grid, -home, or -building.

D. EVSE signage.

1. Parking space access. Identify EVSE as EV-parking only. Except when located in conjunction with single- or two-family dwellings or with assigned/permitted spaces, electric vehicle charging station spaces must be individually signed or otherwise marked for the dedicated parking and charging of electric vehicles only. Provide painted marking of spaces and posted signage according to the Federal Highways Administration/Manual on Uniform Traffic Control Devices (MUTCD) Interim Approval (IA-13) for Electric Vehicle Charging, current edition. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that apply to any other vehicle. When a sign provides notice that a parking spaces is a designated EV charging station, no non-electric vehicles may occupy or otherwise obstruct the space (NH RSA 236:134). Except when located in conjunction with single- or two-family dwellings, with assigned/permitted spaces, or where no policy is otherwise provided and posted, no EV user may occupy the space when not actively charging or beyond the hours designated on any posted signs or policies.
2. Required information. At each location (EVSE parking space) or cluster of EV charging stations, except when located in conjunction with single- or two-family dwellings or with assigned/permitted spaces, and only if to be enforced, signage must be posted and include: time limits for charging, safety information (e.g., voltage and amperage levels), contact information for service problems (including phone number), hours of

operation (e.g. MUTCD R7-5), charging pricing, and penalty warnings (e.g., idling/maximum duration of charging sessions, non-EV parking).

3. Price signals. Usage fees must be transparent. Related considerations for programming include time of use rates and demand charges. Charging stations should display on their face the rate of charge, unit price (in whole cents or tenths of one cent), kWh at which the EVSE dispenses electricity during a transaction, and total kWh delivered per charging session, and demand charge signals prior to payment (where applicable).
4. Payment. Multiple payment operations should be enabled. Each newly installed publicly-funded, publicly-accessible charging station must accept payments, with appropriate consumer data protection safeguards, via credit card reader and at least one other accessible form of payment. Publicly accessible EVSE should not require use of cell phone-based payment approaches.
5. Format. As an alternative to posting all information, details subject to change (e.g. rates) may be provided via a digital screen, website or similar. All published physical and digital content must be kept up-to-date. Signage must be included in the specifications package for Site Plan approval.
6. Visibility. EV charging station wayfinding signage and markings are highly encouraged to effectively guide motorists. Refer to MUTCD for standard design.
7. Adequate lighting (may be on timers or motion sensors) must be provided where EV charging stations are installed unless charging will always be for daytime purposes only.
8. Other labels. Plans and associated equipment must be clearly and permanently labeled as follows: 1) service panels must identify full circuits available for EV charging as “EV Ready”, 2) service panels designated for future additional EV charging must be identified as “EV Capable”, and 3) Conduit endpoints must be marked as “EV Ready” for full circuits and “EV Capable” for inaccessible conduit installed. The electric service panels for EVSE ready circuits should be positioned near EV parking and shall provide sufficient capacity and space to accommodate the circuit and over-current protective device. A permanent and visible label stating “EV-READY” shall be posted in a conspicuous place at both the service panel and the circuit termination point.

ARTICLE II – DEFINITIONS

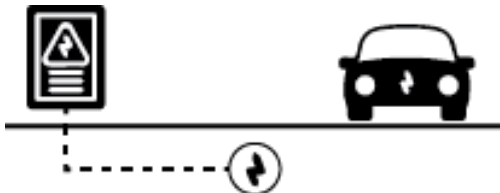


Electric vehicle supply equipment (EVSE)/ EV charging station: The apparatus installed specifically for the purpose of transferring energy between the site or building wiring and the Electric Vehicle. EVSE does not include any equipment affixed to the electric vehicle.

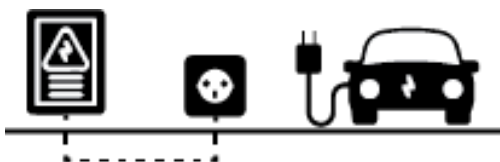
Electric vehicle infrastructure: Structures, machinery, and equipment necessary and integral to support an *electric vehicle*, including *EV charging stations* and electrical outlets.

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.

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 40ampere 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* or *Low Power Level 2 charging stations*, at minimum.

Level 1: “Trickle” charging level for *EVs* that operates on a 15- to 20-amp breaker on a 120-volt AC circuit (wall outlet) while drawing 1.4 to 2.4 kW to add 2-6 miles of range per hour of charging.

Low Power Level 2: Charging level for **EVs** that operates on a 208- or 240-volt, 20-amp circuit while drawing around 3.8 kW to add approximately 13 miles of range gained per hour of charging.

Level 2: Charging level for **EVs** that operates on a dedicated 40- to 100-amp breaker (same kind used by a clothes dryer or stove) on a 208- or 240-volt AC circuit while drawing around 6.2+ kW to supply approximately 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.

Electric Vehicle Load Management System: An automatic load management system designed to distribute load across one, or to locate charging capacity among multiple, EV charging stations. The system should distribute a minimum of 8 amps per charger (though allocations may vary) and is intended to increase cost-effectiveness by allowing the system to “share” the load across multiple EVs in the parking facility depending on aggregate and individual charging needs.

SITE PLAN REVIEW REGULATIONS

DRAFT AMENDMENTS - REDLINE

Section 4.3 – Conceptual Review

- B. Not less than two weeks before the date of the scheduled conceptual review, the Applicant shall provide a project description, ~~a written statement addressing how the concept conforms with the Master Plan,~~ and a sketch plan of sufficient accuracy and quality, based on a United States Geological Survey map or similar map, showing the proposed site layout and any other pertinent information that the applicant may choose to include, such as but not limited to the following:

ARTICLE V – SUBMISSION REQUIREMENTS

Section 5.1 – Drawings and Other Submittals

Applications reviewed by the Planning Board shall contain sufficient information to enable the City Staff and the Planning Board to evaluate the proposed development for compliance with the Zoning Ordinance, the Planning Board's Regulations, and other applicable City Codes, and for the Planning Board to make an informed decision.

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

- E.
13. ~~A~~ When outdoor lighting is proposed, a plan for outdoor lighting demonstrating compliance with Section 6.7 and showing the proposed location mounting height, fixture type, lamp type, color correlated temperature (CCT), and wattage of all exterior free-standing or building-mounted light fixtures, as well as analyses and illuminance-level diagrams, to include average and minimum foot-candle measurements, showing that the proposed installation conforms to the lighting level standards in ~~these Regulations~~ Section 6.7. ~~Manufacturer's specification information shall be provided for each proposed light fixture and lamp. The plan shall also include drawings of all relevant building elevations, showing the location and height of all building mounted fixtures, the portions of any walls or architectural features to be illuminated, the illumination levels of the walls or architectural features, and the aiming points for any remote light fixtures.~~
16. A landscaping plan demonstrating compliance with Section 6.2 and showing proposed new plantings to be installed and existing natural vegetation to be retained. ~~The combination of existing and new plantings must meet or exceed the required total as set forth in these Regulations.~~ The plan shall show in detail the number, size (height and/or caliper), and species (botanical and common names), of all proposed shrubs and trees. ~~Existing trees over 12 inches in diameter, measured 4.5 feet above the ground surface, and within 25 feet of the disturbed area, must be counted and shown on the plan, if included towards fulfilling the landscaping requirements. All calculations for square footage of perimeter landscaping~~

~~shall be shown. All landscape plans shall show parking lot shading calculations by depicting new trees and shrubs at their 10-year crown size.~~

Section 6.2 – Landscaping Standards

A. Purpose

Landscaping shall be required around the perimeter of the parcel, in the parking area, and around the buildings to meet the following objectives:

1. To enhance the overall visual attractiveness of the building, the site, and the City;
2. To protect and preserve the appearance, character, and value of surrounding neighborhoods by improving the compatibility between different land uses in the City and by buffering neighboring properties and areas from any adverse effects of site development;
3. To mitigate the appearance and aesthetic impact of accessory uses (such as loading areas, dumpsters, utility equipment and areas, storage areas, and parking areas) with appropriate screening and landscaping as warranted;
4. To facilitate safe movement of pedestrian and vehicular traffic onto, around, and over a site, and to protect pedestrian movement in areas with vehicular traffic;
5. To mitigate increased temperatures caused by large expanses of unshaded asphalt;
6. To reduce erosion and protect wetlands, surface waters, and aquifer recharge areas;
7. To promote energy efficiency and conservation through landscaping and site design; and,
8. To soften glare, filter noise and air pollution, create privacy, and provide an attractive boundary between properties.
9. To reduce storm water peak flow rates and maintain existing water quality.

10. Within the Central Business (CB) District and Lebanon Downtown (LD) District, to ensure overall visual attractiveness of the building, site, and the City, while not unduly limiting the use of downtown parcels as efficiently and intensely as possible.

B. Perimeter Landscaping

~~1.~~ A minimum landscaped area along the front, side, and rear property lines shall be provided. This area shall be a minimum of ~~15~~ 10 feet in width for the length of each property line

and shall comply with the design requirements set forth [in this Section](#) ~~in Sections 6.2.B.2-7, 10 and 11.~~

- a. Exception. Development in the Central Business (CB) District and Lebanon Downtown (LD) District, [in lieu of full compliance](#) ~~shall provide the required perimeter landscaping in accordance with the design~~ requirements set forth in Sections 6.2.B.2-7, 10 and 11, [shall demonstrate that the landscaping proposed for the development satisfies the purposes set forth in Section 6.2.A](#) ~~except within those portions of the required perimeter landscaped area proposed to be occupied by (i) a building, and/or (ii) a parking area located in the side and/or rear yard.~~ The purpose of this exception is to avoid a conflict between the minimum 15 ft. perimeter landscaping requirement and the CB District and LD District zoning regulations which, except as otherwise provided in the Zoning Ordinance, do not require a minimum setback along the front and side lot lines (see Sections 306.3 and 307.3 of the Zoning Ordinance), and which require a rear setback of only 10 ft.

2. ~~The perimeter landscaped area shall be planted with intermittent vegetation from the ground level to at least 30 feet in height at maturity, and shall be planted at a minimum with one (1) shade tree plus a mix of shrubs and understory trees totaling at least 5 plants for each 600 square feet, unless the Planning Board determines that a semi-opaque or an opaque buffer is required.~~

[C. General Design Requirements](#)

3. ~~Within all the~~ landscaped areas, the Applicant shall propose a mix of **shade trees, understory trees**, shrubs, well-kept grassed areas, and ground cover that is appropriate for the site, its environment, and its surroundings. All new plant material shall be nursery-grown stock. During site plan review, the Planning Board may require a different mix and/or different treatments, including additional trees, if it determines that such changes further the objectives of these Regulations.

[Plants, other than trees along street frontages, should be placed in a random manner to blend with the natural landscape and to avoid a linear plantation appearance, unless designed by a landscape architect. Plants shall be placed at intervals appropriate to the size of the plant at maturity.](#)

4. ~~At the time of planting, all deciduous trees shall be a minimum 2.5 to 3 inches in caliper, measured 6 inches above the finish grade level; all evergreen trees shall be a minimum of 6 to 7 feet in height. Where appropriate, the Planning Board may require larger trees at the time of planting. Said trees shall be planted no closer than 8 feet to any property line. New trees may include evergreens not to exceed 25% of the total, unless determined by the Planning Board to be necessary for screening.~~
5. ~~Shrubs shall be planted as a mix, ranging from 50% to 70% flowering, with the remainder being evergreen. At the time of planting, all shrubs, whether~~

~~deciduous or evergreen, shall be 24 to 30 inches in height and/or 18 to 24 inches in spread.~~

6. ~~Where necessary to mitigate the impact of a land use on neighboring properties or the neighborhood, the Planning Board will require that all or some of the perimeter landscaping required herein be planted as an opaque or semi-opaque buffer, and increased in width pursuant to the following chart:~~

~~Additional Width and Opacity for Perimeter Landscaping~~

	EXISTING LAND USE				
P					
L					
R					
Of					
In					

M					
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Legend: o = opaque; s = semi-opaque; * = perimeter landscaping

~~Example: If a retail development is proposed to be constructed on land next to a residential development, then the width of the perimeter landscaping along the common boundary line must be increased by 10 feet over the basic 15-foot requirement, for a total of 25 feet, and the planting must meet the requirements for an opaque buffer.~~

- ~~7. Buffers and screens shall be either opaque or semi-opaque, as determined by the Planning Board, based on the width of the landscaped area and the extent of negative impact of the use or facility being screened or buffered.~~
- ~~a. The opaque buffer is opaque from ground level to 6 feet in height, with intermittent vegetation from 6 feet to at least 30 feet in height. It shall be planted at a minimum of one (1) **shade tree** or evergreen tree with conical shape and one (1) **understory tree** per 300 square feet, with as many evergreen shrubs as necessary to exclude all visual contact from ground level to 6 feet in height.~~
- ~~b. The semi-opaque buffer is opaque from ground level to 3 feet in height, with intermittent vegetation from 3 feet to at least 30 feet in height. It shall be planted at a minimum of one (1) **shade tree** and one (1) **understory tree** per 300 square feet, with as many shrubs as necessary to partially block visual contact from ground level to 3 feet in height.~~

D. Screening

- ~~8. Screens at least 5 feet in width shall be provided for service areas and facilities (such as garbage and waste disposal containers, recycling bins, and loading areas; outside storage areas; and electrical and mechanical equipment, such as transformers and compressors), or for any other similar facilities or areas required by the Planning Board. **Screens may be incorporated within any of the minimum landscaped areas required herein.**~~

- ~~9. A **buffer or** screen may include fencing, subject to the approval of the Planning Board. **A buffer or screen may be combined with storm water infiltration strips and bio-filtration areas as long as the requirements of both the perimeter landscaping and storm water management are met.**~~

E. Street Trees

~~10.~~—Trees spaced no greater than 40 feet on center shall be provided along all street frontages in order to create a definition of the street with regularly spaced **shade trees** appropriate to the neighborhood. ~~These trees may be counted toward the amount of planting required in the perimeter landscaped area.~~

~~11.~~—Plants, other than trees along street frontages, should be placed in a random manner to blend with the natural landscape and to avoid a linear plantation appearance, unless designed by a landscape architect. Plants shall be placed at intervals appropriate to the size of the plant at maturity. Shrubs shall be spaced to achieve touching of branches in 3 years when used for opaque or semi-opaque buffers.

~~GF.~~ Additional Buffers

The Planning Board may require ~~wider~~ buffers when required by overlay districts or when required by special circumstances associated with the parcel, such as roadways of special character or those designated by the City as scenic roadways, commercial development abutting residential development; and proximity to natural resources and historic landmarks.

~~DG.~~ Landscaping Around Buildings

~~1.~~—Landscaping around buildings shall be provided ~~to a minimum width of 10 feet~~ and planted with trees, shrubs, and ground cover appropriate to the architecture in order to buffer parking areas, define entrances, provide foundation planting, and soften large expanses of walls or long roof lines. Development in the Central Business (CB) District and Lebanon Downtown (LD) District shall demonstrate that the landscaping proposed for the development satisfies the purposes set forth in Section 6.2.A.

~~2.~~—As part of the landscape design, functional features (such as patios, entrance walks, and loading areas that cross through the landscaped area to the building) may be permitted if they are necessary for the normal functioning of the building.

~~EH.~~ Landscaping of Parking Areas

To moderate summer temperatures due to heated pavement, minimize the visual effects of parking areas, provide separated space for pedestrians to walk through parking lots, and support on-site stormwater management, parking lots shall be dispersed by landscaped beds and integrated with pedestrian access, as follows:

1. Those areas containing one or two rows of parking spaces shall be planted with deciduous trees along the perimeter, so placed to shade 30% of the total parking area, and supplemented with shrubs, perennials, or **understory trees** ~~to visually screen the parking area.~~
2. The end of each row of parking shall have a landscape bed to protect any vehicle parked next to a travel lane. End beds shall be at least 8 feet in

width, except for corner radii, ~~shall be long enough to protect tree roots and vehicles parked in the adjacent parking spaces,~~ and shall be planted with deciduous trees for shade.

3. Any parking area containing three or more rows of parking shall be planted along the perimeter as stated above, and also shall have landscape islands placed between each double row of parking spaces, exclusive of aisles. These landscape islands shall have a minimum width of 8 feet, shall extend the length of the row of parking spaces, shall be planted with deciduous trees for shade, and shall terminate on each end with a landscape bed. If linear landscape islands are not practicable, then other interior landscape islands of equivalent size and evenly distributed throughout the parking lot may be allowed.
4. Any single or double row of parking longer than 100 feet shall be dispersed every 100 feet or less by a landscaped bed that is at least 8 feet by 8 feet, exclusive of curbing. The Planning Board may exclude from this requirement any row of parking that abuts a landscaped area along the full-length of the row.
- ~~5. The perimeter of the parking area shall be delineated by the curbing, pavement edge, and fencing that encircles the parking area.~~
6.
 - a. The number of trees required to meet the 30% shading requirement for parking areas shall be calculated on a minimum crown diameter of 30 feet, which each tree shall have attained within 10 years from planting.
 - ~~b. Trees at maturity must have a trunk diameter of at least 12 inches, measured 4 feet above the ground surface.~~
7. Required landscaped islands and beds, particularly in areas related to traffic, access, and parking, shall, to the maximum extent practicable, be designed to concurrently fulfill other site plan regulation requirements, such as for pedestrian facilities, lighting, snow storage and drainage, utilities, open space/recreation, and stormwater management (e.g., LID) features, so as to maximize land use efficiency.

~~F~~I. Erosion Control

1. Graded areas shall be vegetated to insure erosion control by seeding, mulching, and fertilizing. Disturbed areas shall be planted with suitable plant materials.
2. Grading shall not exceed a ratio of 3 horizontal to 1 vertical without special erosion control measures. Netting or similar material shall be provided on slopes with a ratio greater than 3:1 while ground cover is being established.

~~G~~J. Protection of Surface Water

The Planning Board may require retention of natural vegetation and/or establishment of vegetation and plantings along wetlands, rivers, streams, and other bodies of water in order to protect surface water quality and enhance the riparian habitat.

~~H.K.~~ Maintenance and Materials

1. ~~The property owner shall be responsible for maintaining all landscaping, to include grass and mulch, in good, healthy condition so as to present a neat and orderly appearance.~~ The property owner shall replace any unhealthy or dead plant materials in conformance with the landscape plan approved by the Board as part of the site plan.
2. Trees shall be salt- and drought-tolerant, native or noninvasive species, and have a structure and growth form which prevents them from obstructing sidewalks and walkways. Flood-tolerant plants shall be used in drainage swale. ~~The property owner shall plant materials appropriate to the site's soil and moisture conditions, as well as its proximity to substantial open space and wildlands.~~

~~All plant stock intended to fulfill these landscaping requirements must be hardy to Zone 4 or lower.~~

~~Plants tolerant of salt shall be planted in areas where they are likely to be exposed to dust and salt, such as in parking areas or along driveways. Suggested salt tolerant species are listed below:~~

~~Shade Trees for Dusty, Salty Locations~~

~~Acer ginnala — Amur maple
Crataegus spp. — Hawthorne
Gleditsia triacanthos — Honey locust
Tilia cordata 'Greenspire' — Greenspire linden
Tilia cordata — Littleleaf linden~~

~~Evergreen Trees for Dusty, Salty Locations~~

~~Pinus nigra — Austrian pine
Pinus resinosa — Red pine
Pinus sylvestris — Scotch pine~~

~~Shrubs for Dusty, Salty Locations~~

~~Caragan arborescens — Siberian peashrub
Forsythia spp. — Forsythia
Ilex verticillata — Winterberry
Potentilla spp. — Potentilla
Rosa rugosa — Rugosa rose
Spirea nipponica var. 'Snowmound' & 'van Houttei' — spirea
Syringa — Dwarf Korean lilac
Syringa patula 'Miss Kim' — lilac
Syringa vulgaris — Common lilac~~

3. ~~Native plant species are preferred. Invasive exotic plants cannot be used to satisfy the landscaping requirements. Such exotic plants include, but are not limited to, the following species:~~

~~Acer plantanoides — Norway maple
Aedopodium podagraria — Bishopsweed, goutweed
Ailanthus altissima — Tree of heaven
Ampelopsis brevipedunculata Porcelain berry
Berberis thunbergii — Japanese barberry
Berberis vulgaris — European (or common) barberry
Celastrus orbiculatus Asian bittersweet
Coronilla varia Crown vetch
Cytisus scoparius — Scotch broom
Elaeagnus angustifolia — Russian olive
Elaeagnus umbellata Autumn olive
Euonymous alata — Burning bush
Euonymous fortunei — Climbing euonymous, winter creeper
Hedera helix — English ivy
Lonicera japonica — Japanese honeysuckle
Lonicera maackii — Amur honeysuckle
Lonicera morrowii — Morrow's honeysuckle
Lythrum salicaria — Purple loosestrife
Phragmites — Common reed
Rhamnus cathartica — Common buckthorn, tall hedge
Rhamnus frangula — European buckthorn
Rosa multiflora — Multiflora rose, baby rose~~

I. ~~Existing Plant Material Credit~~

1. ~~The Applicant shall save and protect, to the greatest extent practicable, all existing large trees on the site having a trunk diameter of at least 12 inches, measured 4 feet above the ground surface.~~
2. ~~Where healthy plant material exists on the site prior to development and provision is made to preserve the plant material on a permanent basis, the Planning Board may give credit for such preserved plant materials against these landscaping requirements, when such plantings meet the intent and purpose of these requirements.~~

J.L. Prohibition of Sight-Obscuring Landscaping Features

~~All plantings, fences, and walls necessitated by these landscaping and screening requirements~~ shall conform with the street intersection sight-obstruction requirements provided in Section 206 of the Lebanon Zoning Ordinance. All such plant materials must be pruned as necessary to maintain compliance.

K.M. Encroachment on Landscaped Areas

After the issuance of a Certificate of Occupancy, the storage, display, or parking of motor vehicles, boats, mobile homes, trailers, or construction equipment within

landscaped areas, buffers, or screens, shown as such on the approved landscape plan, is expressly prohibited and a violation of the Notice of Action.

~~L~~N. Protection of Landscaped Areas

Landscaped areas within and adjacent to all parking and vehicular areas shall be protected by curbing, wheel stops, or fencing, with the potential exception of areas containing LID features, if deemed to be acceptable by the Reviewing Engineer and if approved by the Planning Board.

~~M~~. ~~Low Impact Design (LID) Features~~

~~LID design features may replace required landscaping components as approved by the Planning Board.~~

~~N~~O. Other Requirements

1. Service areas, equipment storage, utility boxes, fuel storage, waste enclosures, and similar functions shall not be located in the front yard. ~~Exceptions may be allowed where adequate screening is proposed in accordance with the requirements of Section 6.2.B.8 and 9.~~
2. The landscape design on large (more than 25 units) multifamily and commercial properties should demonstrate at least one **place-making** element that enhances pedestrian-level engagement and offers visibility on the principal frontage. Where a multifamily or commercial use property provides front yard additional to the minimum required front yard setback, the development must provide such **streetscape** enhancements. Elements may include but are not exclusive to: usable public open space such as a plaza, or pocket park with seating; landscaping integrated with structural elements (e.g., awning, gazebo, vegetated wall, trellis, shade pergola, or screen); distinct or custom outdoor lighting, plant hangers, banners, or **bicycle parking**; interactive design; hardscape installations like terracing and water features; attractive wayfinding; permanent or rotating public art space and installations; and/or other amenities that contribute to and are compatible with the primary neighborhood character and function.

SITE PLAN REVIEW REGULATIONS

DRAFT AMENDMENTS - BLACKLINE

Section 4.3 – Conceptual Review [...]

- B. Not less than two weeks before the date of the scheduled conceptual review, the Applicant shall provide a project description and a sketch plan of sufficient accuracy and quality, based on a United States Geological Survey map or similar map, showing the proposed site layout and any other pertinent information that the applicant may choose to include, such as but not limited to the following: [...]

Section 5.1 – Drawings and Other Submittals

Applications reviewed by the Planning Board shall contain sufficient information to enable the City Staff and the Planning Board to evaluate the proposed development for compliance with the Zoning Ordinance, the Planning Board's Regulations, and other applicable City Codes, and for the Planning Board to make an informed decision.

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

- E. [...]
13. When outdoor lighting is proposed, a plan for outdoor lighting demonstrating compliance with Section 6.7 and showing the proposed location mounting height, fixture type, lamp type, color correlated temperature (CCT), and wattage of all exterior free-standing or building-mounted light fixtures, as well as analyses and illuminance-level diagrams, to include average and minimum foot-candle measurements, showing that the proposed installation conforms to the lighting level standards in Section 6.7.[...]
16. A landscaping plan demonstrating compliance with Section 6.2 and showing proposed new plantings to be installed and existing natural vegetation to be retained. The plan shall show in detail the number, size (height and/or caliper), and species (botanical and common names), of all proposed shrubs and trees. [...]

Section 6.2 – Landscaping Standards

A. Purpose

Landscaping shall be required around the perimeter of the parcel, in the parking area, and around the buildings to meet the following objectives:

1. To enhance the overall visual attractiveness of the building, the site, and the City;
2. To protect and preserve the appearance, character, and value of surrounding neighborhoods by improving the compatibility between different land uses in the City and by buffering neighboring properties and areas from any adverse effects of site development;
3. To mitigate the appearance and aesthetic impact of accessory uses (such as loading areas, dumpsters, utility equipment and areas, storage areas,

and parking areas) with appropriate screening and landscaping as warranted;

4. To facilitate safe movement of pedestrian and vehicular traffic onto, around, and over a site, and to protect pedestrian movement in areas with vehicular traffic;
5. To mitigate increased temperatures caused by large expanses of unshaded asphalt;
6. To reduce erosion and protect wetlands, surface waters, and aquifer recharge areas;
7. To promote energy efficiency and conservation through landscaping and site design; and,
8. To soften glare, filter noise and air pollution, create privacy, and provide an attractive boundary between properties.
9. To reduce storm water peak flow rates and maintain existing water quality.
10. Within the Central Business (CB) District and Lebanon Downtown (LD) District, to ensure overall visual attractiveness of the building, site, and the City, while not unduly limiting the use of downtown parcels as efficiently and intensely as possible.

B. Perimeter Landscaping

A minimum landscaped area along the front, side, and rear property lines shall be provided. This area shall be a minimum of 10 feet in width for the length of each property line and shall comply with the design requirements set forth in this Section.

1. Exception. Development in the Central Business (CB) District and Lebanon Downtown (LD) District, in lieu of full compliance with the requirements set forth in Sections 6.2.B.2-7, 10 and 11, shall demonstrate that the landscaping proposed for the development satisfies the purposes set forth in Section 6.2.A. The purpose of this exception is to avoid a conflict between the minimum 15 ft. perimeter landscaping requirement and the CB District and LD District zoning regulations which, except as otherwise provided in the Zoning Ordinance, do not require a minimum setback along the front and side lot lines (see Sections 306.3 and 307.3 of the Zoning Ordinance), and which require a rear setback of only 10 ft.

C. General Design Requirements

Within all landscaped areas, the Applicant shall propose a mix of *shade trees*, *understory trees*, shrubs, well-kept grassed areas, and ground cover that is appropriate for the site, its environment, and its surroundings. All new plant material shall be nursery-grown stock. During site plan review, the Planning Board may require a different mix and/or different treatments, including additional trees, if it determines that such changes further the objectives of these Regulations.

Plants, other than trees along street frontages, should be placed in a random manner to blend with the natural landscape and to avoid a linear plantation appearance, unless designed by a landscape architect. Plants shall be placed at intervals appropriate to the size of the plant at maturity.

D. Screening

Screens at least 5 feet in width shall be provided for service areas and facilities (such as garbage and waste disposal containers, recycling bins, and loading areas; outside storage areas; and electrical and mechanical equipment, such as transformers and compressors), or for any other similar facilities or areas required by the Planning Board. A screen may include fencing, subject to the approval of the Planning Board.

E. Street Trees

Trees spaced no greater than 40 feet on center shall be provided along all street frontages in order to create a definition of the street with regularly spaced ***shade trees*** appropriate to the neighborhood.

F. Buffers

The Planning Board may require buffers when required by overlay districts or when required by special circumstances associated with the parcel, such as roadways of special character or those designated by the City as scenic roadways, commercial development abutting residential development; and proximity to natural resources and historic landmarks.

G. Landscaping Around Buildings

Landscaping around buildings shall be provided and planted with trees, shrubs, and ground cover appropriate to the architecture in order to buffer parking areas, define entrances, provide foundation planting, and soften large expanses of walls or long roof lines. Development in the Central Business (CB) District and Lebanon Downtown (LD) District shall demonstrate that the landscaping proposed for the development satisfies the purposes set forth in Section 6.2.A.

H. Landscaping of Parking Areas

To moderate summer temperatures due to heated pavement, minimize the visual effects of parking areas, provide separated space for pedestrians to walk through parking lots, and support on-site stormwater management, parking lots shall be dispersed by landscaped beds and integrated with pedestrian access, as follows:

1. Those areas containing one or two rows of parking spaces shall be planted with deciduous trees along the perimeter, so placed to shade 30% of the total parking area, and supplemented with shrubs, perennials, or ***understory trees***.
2. The end of each row of parking shall have a landscape bed to protect any vehicle parked next to a travel lane. End beds shall be at least 8 feet in

width, except for corner radii and shall be planted with deciduous trees for shade.

3. Any parking area containing three or more rows of parking shall be planted along the perimeter as stated above, and also shall have landscape islands placed between each double row of parking spaces, exclusive of aisles. These landscape islands shall have a minimum width of 8 feet, shall extend the length of the row of parking spaces, shall be planted with deciduous trees for shade, and shall terminate on each end with a landscape bed. If linear landscape islands are not practicable, then other interior landscape islands of equivalent size and evenly distributed throughout the parking lot may be allowed.
4. Any single or double row of parking longer than 100 feet shall be dispersed every 100 feet or less by a landscaped bed that is at least 8 feet by 8 feet, exclusive of curbing. The Planning Board may exclude from this requirement any row of parking that abuts a landscaped area along the full-length of the row.
5. The number of trees required to meet the 30% shading requirement for parking areas shall be calculated on a minimum crown diameter of 30 feet, which each tree shall have attained within 10 years from planting.
6. Required landscaped islands and beds, particularly in areas related to traffic, access, and parking, shall, to the maximum extent practicable, be designed to concurrently fulfill other site plan regulation requirements, such as for pedestrian facilities, lighting, snow storage and drainage, utilities, open space/recreation, and stormwater management (e.g., LID) features, so as to maximize land use efficiency.

I. Erosion Control

1. Graded areas shall be vegetated to insure erosion control by seeding, mulching, and fertilizing. Disturbed areas shall be planted with suitable plant materials.
2. Grading shall not exceed a ratio of 3 horizontal to 1 vertical without special erosion control measures. Netting or similar material shall be provided on slopes with a ratio greater than 3:1 while ground cover is being established.

J. Protection of Surface Water

The Planning Board may require retention of natural vegetation and/or establishment of vegetation and plantings along wetlands, rivers, streams, and other bodies of water in order to protect surface water quality and enhance the riparian habitat.

K. Maintenance and Materials

1. The property owner shall replace any unhealthy or dead plant materials in conformance with the landscape plan approved by the Board as part of the site plan.

2. Trees shall be salt- and drought-tolerant, native or noninvasive species, and have a structure and growth form which prevents them from obstructing sidewalks and walkways. Flood-tolerant plants shall be used in drainage swale.

L. Prohibition of Sight-Obscuring Landscaping Features

All plantings shall conform with the street intersection sight-obstruction requirements provided in Section 206 of the Lebanon Zoning Ordinance. All such plant materials must be pruned as necessary to maintain compliance.

M. Encroachment on Landscaped Areas

After the issuance of a Certificate of Occupancy, the storage, display, or parking of motor vehicles, boats, mobile homes, trailers, or construction equipment within landscaped areas, buffers, or screens, shown as such on the approved landscape plan, is expressly prohibited and a violation of the Notice of Action.

N. Protection of Landscaped Areas

Landscaped areas within and adjacent to all parking and vehicular areas shall be protected by curbing, wheel stops, or fencing, with the potential exception of areas containing LID features, if deemed to be acceptable by the Reviewing Engineer and if approved by the Planning Board.

O. Other Requirements

1. Service areas, equipment storage, utility boxes, fuel storage, waste enclosures, and similar functions shall not be located in the front yard.
2. The landscape design on large (more than 25 units) multifamily and commercial properties should demonstrate at least one *place-making* element that enhances pedestrian-level engagement and offers visibility on the principal frontage. Where a multifamily or commercial use property provides front yard additional to the minimum required front yard setback, the development must provide such *streetscape* enhancements. Elements may include but are not exclusive to: usable public open space such as a plaza, or pocket park with seating; landscaping integrated with structural elements (e.g., awning, gazebo, vegetated wall, trellis, shade pergola, or screen); distinct or custom outdoor lighting, plant hangers, banners, or *bicycle parking*; interactive design; hardscape installations like terracing and water features; attractive wayfinding; permanent or rotating public art space and installations; and/or other amenities that contribute to and are compatible with the primary neighborhood character and function.

2/06/2023

TO: Members of the Lebanon Planning Board

FROM: Lebanon Tree Advisory Board

SUBJECT: Input on proposed amendments to the Landscaping section of the Lebanon Site Plan Review Regulations

Among the goals of the Lebanon Tree Advisory Board (TAB; formed in 2021; charter found at <https://lebanonnh.gov/1531/Tree-Advisory-Board>) are:

- to promote tree health and vibrancy through proper planning, documentation, protection, education, planting programs, and advocacy throughout the City; and
- to consult and coordinate with City administration and boards regarding existing policies and future projects affecting trees.

TAB members have been following the Planning Board's efforts to simplify the landscaping regulations in Section 6.2 of the Site Plan Review Regulations. We've reviewed the draft redline, and some of us have viewed the video of the Planning Board (PB) meeting of 12/19/22 at which the general ideas behind the amendments were discussed.

We understand that some members of the Board find the Landscaping regulations too detailed and prescriptive. Others have concluded that the requests for waivers by developers suggest there's something wrong with the regulations. One PB member wondered about the origin of these detailed landscaping regulations.

It's apparent that when these somewhat detailed regulations were written the Board thought it was necessary to have concrete, enforceable standards to ensure that the goals outlined in "Purposes" (Section 6.2.A) could be achieved. The "Purposes" laid out in Section 6.2.A are in keeping with the vision for the City that the residents spelled out in the Master Plan, a product of many years of discussion and collaboration. We believe any significant changes to the standards should strive to further these goals.

The City is losing urban trees to development, disease, damage, neglect or mismanagement faster than it is replacing them. Steps need to be taken to improve the City's urban tree canopy. The TAB is developing a tree ordinance outlining proper tree planting, care, and maintenance, and is focusing on the importance of trees for climate mitigation and to reduce the urban heat island effect. We are also advocating for a tree warden to be hired by the City.

The TAB believes that the City's planning regulations should clarify and strengthen the importance of trees and also provide for their proper planting, care, and maintenance in perpetuity.

The following are some questions and comments regarding the proposed changes to the landscaping standards in the City's Site Plan Review Regulations.

COMMENTS ON SPECIFIC SECTIONS

5.1.E.16 Submission of Drawings

Drawings should include some indication of significant trees (over 12" diameter or some other metric) that the applicant wants to remove. Retaining existing vegetation, especially large trees is important to purpose 6.2.A6 - *to reduce erosion and protect wetlands, surface waters, and aquifer recharge areas*; and purpose 6.2.A9 - *to reduce storm water peak flow rates and maintain existing water quality*.

6.2.B Perimeter Landscaping

6.2.B.1. What is the justification for reducing the minimum from 15' to 10'? A 10' perimeter is really not sufficient to accommodate substantial shade trees. Reducing the size of perimeter landscape areas might make sense for some sites in the CBD or LDD, or for sites outside these districts in which unusual circumstances exist. But in general, we think the 15' minimum should be retained.

6.2.B.1a. As stated in this section, *"The purpose of this exception is to avoid a conflict between the minimum 15 ft. perimeter landscaping requirement and the CB District and LD District zoning regulations..."* Should these landscaping regulations and the CD/LD zoning regulations be brought into alignment to avoid this very lengthy section and the need for this exception?

6.2.B.2. Why eliminate height or density minimums at maturity? Having tall shade trees is essential to meeting purposes 1, 5, and 7 of these regs, not to mention other goals of the Master Plan.

6.2.C General Design Requirements

6.2.C.4 & C.5 Minimum Size Requirements. Why eliminate minimum size requirements for trees and shrubs? By eliminating size and density requirements at both planting and maturity, the PB cannot ensure that applicants won't just plant extremely young trees and shrubs that will take too long to reach any significant size, and therefore not meet the Purposes outlined in 6.2.A. Since we have no mechanism for checking whether long-term standards are being met, it makes sense to require greater size and density at the outset.

6.2.C.6 & C.7 Buffers. Protecting residential neighborhoods from abutting and nearby land uses is an important goal of these standards (6.2.A2) – one that requires sufficient buffer sizes and vegetation. The sections that have been eliminated here provided guidance on what sorts of buffering may be necessary to “mitigate the impact of a land use on neighboring properties”, e.g., retail abutting residential, etc. How will these potential problems be addressed without this guidance? If the present table and commentary are considered too unwieldy, perhaps the Board can find a more efficient and clearer way of providing this valuable information.

6.2.H. Landscaping of Parking Areas

Breaking up large areas of impervious surfaces provides shade and opportunities for stormwater management, but only if the trees are planted properly in the first place and are given adequate room and care.

We can't find any reference to the goal of 30% shading of total parking area. This is an important standard that should be more clearly specified and an important goal to attain.

To that end, parking lot shading at 10-year crown size is an important metric to achieve purpose 6.2.A5 - *to mitigate increased temperatures caused by large expanses of unshaded asphalt.*

The size of landscaped beds may need to be increased to better accommodate healthy shade trees that can attain the expected 10-year crown size.

There have been a lot of recent publications on the design of “*Sustainable Green Parking Lots*”. Perhaps this is an area where the PB could allow for some of the desired developer inventiveness. For example, the PB could direct designers to: *Innovative Land Use Planning Techniques: A Handbook for Sustainable Development*, Chapter 3.6 on Landscaping (a publication of the NH Office of Strategic Initiatives)

<https://www.nh.gov/osi/planning/resources/documents/ilupt-chpt-3.6.pdf>

or *Sustainable Green Parking Lots*, 2015

https://www.montcopa.org/DocumentCenter/View/9735/Green-Sustainable-Parking-Guide-2_10_2016-Web?bidId=

6.2.I. Erosion Control

Rather than requiring mulch and fertilizer, the City might encourage drought tolerant, low maintenance, and chemical free approaches to vegetating graded areas.

6.2.K. Maintenance and Materials

1. **Maintenance.** If anything, we believe this section should be strengthened. Owners should be required to maintain the landscaping “*in good, healthy condition so as to present a neat and orderly appearance*”. Just requiring that dead material be replaced is not sufficient. Owners should be required to care for the landscaping so that the 10-year goal for shading is achieved and maintained, and so that the purposes for which the landscaping was designed are being satisfied (Section 6.2.A) There needs to be some mechanism for checking on these things.

2. **Materials.** Applicants, staff, and the PB should refer to the most up-to-date species lists for preferred trees, shrubs, and plants, as well as prohibited invasives and emerging threats (such as callery pears).

<https://extension.unh.edu/resource/list-new-hampshire-native-trees-0>

<https://extension.unh.edu/natural-resources/forests-trees/invasive-species>

Salt tolerance should not be a requirement across the board. Only in certain locations.

GENERAL COMMENTS AND CONCERNS

1. **Waivers.** The TAB wonders whether Site Plan Review Regulations, Section 7.2 General Waiver Exclusions has been considered in assessing recent waiver requests:

“Waivers from landscaping requirements shall not be considered in cases where adequate parking areas cannot be provided due to landscaping requirements. In such cases, the development shall be scaled down so that landscaping requirements can be met.”

2. **Master Plan.** The TAB hopes the PB will consider whether the suggested changes to the regulations are in keeping with the goals spelled out in the Master Plan, including:

- Chapter 5, Outcome 1, Action 13. *Develop recommended landscaping guidelines for distribution to landowners, regarding such issues as the protection of existing trees and landscaping, choosing plant species native to the region, and planting to screen utility facilities and equipment.*
- Chapter 11, Outcome 1, Action 9. *Preserve and plant street trees in the Historic District and Central Business Districts of both Lebanon and West Lebanon.*
- Chapter 13, Outcome 7, Action 4. *Incorporate green infrastructure -such as street trees, buffers and parks- in road, neighborhood and commercial design, to diminish stormwater runoff, enhance soil capacity to absorb stormwater, enhance the aesthetic value of the landscape, reduce greenhouse gas emissions, reduce the need for traditional stormwater management techniques and reduce energy demands from the urban heat island effect.*

3. **Do the suggested changes simplify the process?**

- The TAB believes that eliminating so many of the specific landscape requirements from the regulations could well result in significant problems for both applicants and the Planning Dept. and PB. Lacking specific guidance, how will applicants determine whether their landscaping plans satisfy the “Purposes” listed in Section 6.2.A as they are understood by the Planning Department and PB? How do they know if their plan “enhances the overall visual attractiveness of the building, site, and City” to the satisfaction of the PB?

- Is the PB being given sufficient specific and concrete criteria by which to judge whether an applicant's plan satisfies the "Purposes" listed in Section 6.2.A? Will these suggested changes in the regulations result in even more back and forth between the applicant, the Planning Dept. and the PB than there is now? In several sections (e.g., 6.2.F) the PB reserves the right to ask for additional buffers, more plantings, or a different mix of trees and shrubs. Why not mitigate some of this potential back and forth by having requirements clearly specified?
- How can the PB and the Applicants feel assured that all applicants are being treated the same. Will the PB always interpret the Purposes of the Landscaping Standards in the roughly the same way?

4. Input from other sources

The TAB recommends that the PB consult a landscape architect, landscape designer, or urban forester regarding these draft changes to the landscaping regulations.

The PB might also look at *Innovative Land Use Planning Techniques: A Handbook for Sustainable Development*, Chapter 3.6 on Landscaping, which lists some regulations that Lebanon might consider if it hasn't already:

- requiring landscaping be maintained in perpetuity;
- requiring a security or performance bond to be held for at least 24 months;
- requiring that landscaping be kept free of debris and not be used for snow storage;
- and minimum size requirements, including larger buffers than Lebanon currently has, as well as larger landscaped islands in parking lots.

This publication also recommends:

- *"A maintenance plan shall be provided with the site plan application. All landscaped areas shall receive regular maintenance and upkeep. Severely injured, diseased, or dead plant material shall be replaced in kind in perpetuity (avoid replacing landscape materials in the period from November to March.) Best practices to minimize environmental impacts such as the use of low phosphorous fertilizer and slow release nitrogen, shall be included in the management plan."*
- *"The Planning Board may seek an advisory opinion regarding the submitted landscape plan at the expense of the applicant."*

- *“The Planning Board will seek an advisory opinion of the conservation commission or other municipal board or committee regarding the landscape plan, if deemed necessary.”*

Additional purposes could be added to these standards, as described in the OSI model language:

- Preserving existing resources and features, particularly existing mature (and healthy) trees.
- Preserving, supporting and promoting wildlife habitat;
- and furthering the goals of the City’s Complete Streets Policy.

Further (and newer) model regulations can be found here:

- [NHDES Model Water Efficient Landscaping Regulation for Municipalities](#)
“The regulation recommends area limits for lawns, utilization of native plants, retention of mature trees, minimum loam requirements, and water efficiency provisions for inground irrigation systems”

In line with these recommendations, the TAB encourages the PB to consider water saving measures when revising these landscaping regs. All efforts to reduce lawn sizes and plant drought tolerant, deep rooted native perennials and shrubs should be encouraged.

DRAFT

LEBANON PLANNING BOARD
Regular Session
Monday, January 23, 2023, 6:30 PM
City Council Chambers, City Hall
or Remote Via Microsoft Teams
LebanonNH.gov/Live

MEMBERS PRESENT: Matthew Hall (Chair), Jeremy Rutter (Vice Chair), Douglas Whittlesey (Alt. City Council Rep), Kim Chewning, Bruce Garland, Kathie Romano - remote, Cori Hirai (Alternate), Thomas Jasinski (Alternate)

MEMBERS ABSENT: Karen Zook (City Council Rep), Laurel Stavis

STAFF PRESENT: Nathan Reichert (Planning Director), Tim Corwin (Deputy Planning Director), Brian Vincent (City Engineer)

1. Call to Order

Chair Hall called the meeting to order at 6:36 PM.

Cori Hirai and Tom Jasinski were appointed in place of Laurel Stavis and the empty ~~position~~ positions.

Ms. Romano was attending remotely due to being out of town.

2. Public Hearing Items

A. **CP Centerra LLC, 12 Centerra Parkway (Tax Map 10, Lot 11, Plot 100), zoned IND-L:** Request for Site Plan Review to construct a +/-2,273 sq. ft. restaurant with a drive through (Starbucks) together with associated site improvements. PB2022-45-SPR - **Continued from December 19, 2022**

Mr. Garland recused himself for this application.

Kerry McCormack of Crosspoint Associates appeared online in support of the application.

Mr. Corwin recapped the progress to date on the application and brought up the request for additional time of four years instead of the usual two years. He also noted the issue of the third-party engineer and asked Mr. McCormack to discuss the applicant's request.

Mr. McCormack commented on the site drawings presented and stated that the final drawings from Starbucks will take additional time due to the extensive project. He stated that due to current supply conditions, they are requesting four years to get utilities in the ground. Chair Hall inquired if the usual two years would give them enough time. Mr. McCormack stated that they would ~~be underfind~~ a ~~severe~~ two-year timeframe ~~with two year~~ extremely onerous.

Mr. Corwin commented ~~on the third party~~ that staff would not object to the design engineer performing the required inspection, ~~which is usually based upon services depending on~~ the size of the site disturbance ~~but can be recommended for a more complex project.~~ A draft motion ~~was~~ has been prepared for the Board's consideration with new conditions related to the project. Mr. Vincent noted that inspection

criteria would be specified. Mr. Corwin noted that the new conditions could provide some flexibility for the ~~applicant~~ applicants to use their own design engineer.

With respect to the request to extend the time within which a building permit must be obtained, Chair Hall stated that four years would be too long in his view, considering that traffic and zoning regulations may change in during that time ~~and, so he~~ recommended keeping to the usual two-year time frame.

Mr. Rutter commented that it could establish a bad precedent to allow four years. Ms. Hirai suggested that the applicant come back once there is more specific information from Starbucks to complete the entire details of the project. Councilor Whittlesey inquired ~~about why they would submit~~ the applicants were submitting the application ~~when~~ without all the site plan details in place. Mr. McCormack stated that they are attempting to limit the upfront costs while they don't know ~~if whether or not~~ the entire project ~~could~~ will be approved. There is still geotechnical data needed, and going back and forth with the tenant and obtaining financing will also take additional time. Three years would be a minimum to give the applicants enough time.

Ms. Romano stated that if three years makes more sense than coming back for an additional year, she would be in favor of it if the popular shopping area ~~is~~ will not be torn up for any additional time.

Chair Hall noted that the applicant could come back for an additional ~~year~~ year's extension after two years, which is common practice.

Chair Hall invited public comment. Hearing none, he closed the Public Hearing.

Mr. Jasinski noted that the ~~motion~~ application presented has additional conditions but is essentially the same as a typical ~~extension of application for~~ two years.

A MOTION by Jeremy Rutter that the Lebanon Planning Board APPROVE the application of CP Centerra LLC regarding 12 Centerra Parkway (Tax Map 10, Lot 11, Plot 100), zoned IND-L, PB2022-45-SPR, for Site Plan Review to construct a +/-2,273 sq. ft. restaurant with a drive through (Starbucks) together with associated site improvements as shown on a plan set titled "Centerra Marketplace "Starbucks"" prepared by Pathways Consulting, LLC, dated October 10, 2022, last revised November 28, 2022 (17 sheets), including any and all submissions and testimony provided for and during the public hearing.

In support of its decision, the Board finds that the applicant has submitted plans, testimony, technical data, information, reports, and studies – variously prepared by a professional civil engineer, professional traffic engineer, licensed land surveyor, an architect, and a landscape architect – that together satisfactorily demonstrate compliance with the applicable requirements of the Site Plan Review Regulations, except as may reasonably be addressed through the imposition of certain conditions of approval, set forth below, and except as may have been waived pursuant to Section 7.1.

This approval is subject to the following conditions:

Conditions to be Satisfied Prior to Application for a Building Permit

1. The applicant shall provide a temporary stormwater and erosion control management plan (in plan view) for review and approval by the City Engineer.
2. The applicant shall make the following revisions to the plan set to the satisfaction of the Planning and Development Department:
 - a) Remove references to "Orange Theory" tenant.

- b) Identify the height of the existing buildings (5.1.E.4.e.8).
 - c) Add the temporary stormwater and erosion control management plan required by condition of approval #1.
 - d) Amend the cover sheet to provide description of plan revisions (5.1.E.4.d).
3. The applicant shall schedule and hold a pre-building permit application meeting with the Planning and Development Department, City Building Inspectors, City Engineer/Department of Public Works, and Fire Department, in order to help streamline the building permit review process and to review applicable code requirements.
 4. The applicant shall obtain approval from the City Council or the City Manager's office for any additional water and/or sewer flows in accordance with the applicable Chapter 136 and 182 of the City Code.
 5. All engineering review fees shall be paid in full as required by Section 4.7.E.1 of the Site Plan Review Regulations.

Conditions to be Satisfied Prior to the Issuance of a Building Permit

6. Prior to the start of any construction activities on the property for which construction inspection is required pursuant to this decision or any applicable ordinance or code, the City shall retain the services of an independent third-party inspector, for which the applicant shall be responsible for all inspection fees related to (a) on-site work related to sewer, water, temporary sedimentation and erosion control, and drainage improvements, and (b) all off-site work within the City's right-of-way (including but not limited to water, sewer, roadway, sidewalks, crosswalks, bus stops/shelters, driveways, drainage), in accordance with Chapters 136 and 182 of the City Code and Section 8.2 of the Site Plan Review Regulations. The applicant shall provide funding for inspection services in a form and amount acceptable to the City and shall sign a Water & Sewer Extension and Infrastructure Inspection Agreement in accordance with Chapters 136 and 182 of the City Code.
7. The development shall be subject to City of Lebanon Impact Fees, pursuant to Section 213 of the Zoning Ordinance. The Impact Fee shall be calculated at the time of Building Permit issuance based on the Impact Fee Schedule adopted on October 13, 2021. In accordance with RSA 674:39, the approved site plan shall be exempt from any future changes in impact fees and methodology for five years from the date of approval; however, any building permits which are issued after the end of that five-year period shall be fully subject to whatever impact fees and methodology are in effect at the time of building permit issuance.
8. All water and sewer fees shall be paid as set forth in City Code Chapter 68.
9. Prior to the start of any construction activities on the property, the applicant shall obtain or update (if appropriate) any required State approvals.

Conditions to be Satisfied Prior to the Issuance of a Certificate of Occupancy

10. The impact fee calculated pursuant to Condition of Approval #7 shall be paid.

11. Third-party engineer inspection reports and as-built drawings provided by the applicants (PDF format and CAD .dwg format, using the NH State Plane Coordinate System), including tie sheets, shall be reviewed and approved by the City Engineer prior to acceptance of any utility improvements by the City.
12. All improvements depicted on the plan shall be completed and shall be constructed as depicted on the approved plan, including any modifications to the plan as may be approved by the Planning Board in accordance with the Site Plan Review Regulations.

General Conditions

13. All required landscape plantings shall meet the minimum size requirements for such plantings set forth in Section 6.2.B of the Site Plan Review Regulations at the time of installation.
14. The applicant shall implement and maintain NHDES Site Specific Best Management Practices before, during, and after construction.
15. The property owner is responsible for the maintenance and operation of the stormwater management system in accord with the O&M plan, and such responsibility shall run with the land. (Section 6.6.H.2.b of the Site Plan Review Regulations).

The motion was seconded by Tom Jasinski.

Mr. Jasinski asked about the third-party engineer requirement. Mr. Corwin stated ~~that it is part of a standard policy of the Planning Board. It~~ is up to the Board to make the recommendation for a third-party engineer whenever the Board believes it is necessary. ~~The requirement depends upon the site disturbance being 40,000 sq. ft. or greater. Mr. Jasinski inquired if...~~ Mr. Corwin stated that it is ~~completely~~ up to the Board to allow the applicant the choice of ~~a City Engineer or utilizing their design engineer or a~~ third-party engineer ~~if the Board approves.~~ Chair Hall noted that if the City Engineer is okay with ~~using a design engineer~~, then he would be.

Ms. Romano inquired about the difference in cost of using the ~~City Engineer~~ design engineer versus a third-party engineer. Ms. Hirai noted that the cost would be the same.

Ms. Chewning inquired as to the way the City determines the size of the site disturbance. Mr. Corwin noted that there is less need for scrutiny on a smaller project. Mr. Vincent stated that it depends on the potential impact on abutters due to the size of the site disturbance. Mr. Corwin noted that Section 8.2 provides the requirements for this policy. Ms. Chewning stated that she believes it's an arbitrary decision. Mr. Corwin stated that Staff is comfortable with allowing the applicant's design engineer to oversee the project and provide formal confirmation that the site plans were carried out as presented and approved. Councilor Whittlesey stated that it is important that someone impartial inspects the work rather than someone hired by the contractor. A third party would have an independent viewpoint.

Chair Hall conducted an informal poll of the Board members regarding their preference for a third-party engineer versus ~~and the~~ applicant's engineer.

Mr. Corwin made an adjustment to the motion to reflect the Board members' preference for a third-party engineer. ~~(see Condition #6 above for the motion as adjusted).~~

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Roll Call Vote:

Voting in Favor – Mr. Jasinski, Councilor Whittlesey, Ms. Chewning, Mr. Rutter, Mr. Hall, Ms. Hirai, Ms. Romano

Voting Against – None

***The MOTION was approved (7-0).**

Bruce Garland returned to the Board.

B. Altaria Lebanon Park, LLC, NH Route 120 & Cavendish Court (Tax Map 10, Lots 26-34), zoned IND-L: Pursuant to Section 7.13 of the Subdivision Regulations, Applicant requests approval to construct the 11-lot Altaria Planned Business Park development in phases. **PB2022-53-FMAJA - Continued from January 9, 2023**

Chair Hall noted that the dates for the phasing need to be determined.

Mark Rosenshein and Peter Knights of Lebanon Altaria Park, Attorney Nate Burke, and Kevin Worden of Engineering Ventures appeared in support of the application.

Mr. Rosenshein stated that they had met with Staff to discuss the dates for phasing and explained the parameters of the phases.

Chair Hall noted that the Board had issues regarding the phasing plan, stating that it must carry all the requirements and conditions of the original, approved plan.

Chair Hall invited public comment. Hearing none, he closed the Public Hearing.

A MOTION by Douglas Whittlesey that the Lebanon Planning Board **APPROVE** the application of Altaria Lebanon Park, LLC, to construct the 11-lot Altaria Planned Business Park development in phases per Section 7.13 of the Subdivision Regulations as shown on the plan set titled, "Construction Phasing Plan," prepared by Engineering Ventures, PC, dated November 8, 2022, last revised January 20, 2023, EV #: 09428 ("Phasing Plan"), PB2022-52-FMAJA, including any and all supplemental submissions and testimony provided during the public hearing, with the following conditions:

1. The applicant shall comply with all applicable conditions of the Planning Board's prior Notices of Action for the Altaria Planned Business Park development, including but not limited to, the Notice of Action dated November 12, 2013, PB2013-27-FMAJ, except that the development shall be constructed in phases pursuant to and in accordance with the Phasing Plan.
2. With respect to the **Phase 2** site improvements, the applicant shall be required to (a) achieve Active and Substantial Development or Building, as defined in Section 14.1.B.1 of the Subdivision Regulations, by July 31, 2024; and (b) achieve Substantial Completion, as defined in Section 14.1.B.2, by July 31, 2025.
3. With respect to the **Phase 3** site improvements, the applicant shall be required to (a) achieve Active and Substantial Development or Building, as defined in Section 14.1.B.1 of the Subdivision Regulations, by July 31, 2025; and (b) achieve Substantial Completion, as defined in Section 14.1.B.2, by July 31, 2026.

4. Prior to the start of any construction activities or site work, the applicant shall update all Subdivision Agreements, Security Agreements, and other documents, as necessary, to reflect the dates of the extended and phased approval (per Section 14.1.B.1.c of the Subdivision Regulations).
5. Prior to the start of any construction activities or site work, the applicant shall, pursuant to Sections 7.10 and 14.5 of the Subdivision Regulations, enter into a Performance Security Agreement and provide security necessary for the completion of all Phase 2 required improvements and utilities. The Agreement shall specify that security for Phase 3 shall be posted by no later than September 31, 2024.

The motion was seconded by Jeremy Rutter.

Roll Call Vote:

Voting in Favor – Mr. Jasinski, Councilor Whittlesey, Ms. Chewning, Mr. Rutter, Mr. Hall, Mr. Garland, Ms. Hirai, Ms. Romano

Voting Against – None

**The MOTION was approved (8-0).*

C. **Upper Valley Technology Park, LLC, 0 Plainfield Road (Tax Map 131, Lot 3), zoned IND-L:** Request for Site Plan Review to construct a +/-9,400 sq. ft. building for a proposed equipment and machinery sales, rental and service use, together with associated site improvements. The building and improvements will be located on lot 2 (110 Airpark Road) of a proposed 3-lot industrial planned unit development (**PB2022-51-CUPMIN**). Applicant also requests a Conditional Use Permit per Section 303.4 of the Zoning Ordinance to allow a proposed outdoor storage area to occupy an area greater than 20 percent of the footprint area of the proposed principal building. **PB2022-52-SPR**

Mr. Corwin stated that Staff has determined that the application is complete enough for the Planning Board to accept jurisdiction and commence review.

A MOTION by Bruce Garland that the application of Upper Valley Technology Park, LLC, 0 Plainfield Road (Tax Map 131, Lot 3), zoned IND-L, is complete enough for the Planning Board to accept jurisdiction and commence review.

The motion was seconded by Jeremy Rutter.

Roll Call Vote:

Voting in Favor – Mr. Jasinski, Councilor Whittlesey, Ms. Chewning, Mr. Rutter, Mr. Hall, Mr. Garland, Ms. Hirai, Ms. Romano

Voting Against – None

**The MOTION was approved (8-0)*

Adam Morse of Engineering Ventures, Landscape Architect Paul Simon, Brad Farrin and Jeff Hytinen of Milton Cat, and Don Wells of DW Properties appeared in support of the application.

Mr. Farrin stated that Milton Cat is a construction equipment rental business and a facility for state-of-the-art ~~services~~servicing of construction equipment.

Mr. Morse explained the aspects of the site that prompted the requested waivers, many of which are partial waivers. Mr. Simon provided additional details for the waiver requests.

1 Mr. Corwin stated that Staff reviewed the project and recommend a third-party engineer. Mr. Vincent
2 added that there are still details to resolve regarding stormwater management and a possible condition of
3 approval.

4
5 Mr. Corwin stated that there is no draft motion for this meeting, but the Board can deal with waivers
6 tonight and go forward with the hearing at the February 13, 2023 meeting.

7
8 Chair Hall inquired if the applicant agreed with this plan. Mr. Farrin agreed with that plan and with
9 appointing a third-party engineer.

10
11 Mr. Garland inquired if this application is for one of three lots and if plans are ready for this one and not
12 the others. Mr. Morse agreed. Mr. Corwin inquired of Mr. Morse how many acres were in each parcel.
13 Mr. Morse stated that there were 6 acres, 4 acres, and 27 acres for a total of 37 acres. Mr. Wells stated
14 that they are in talks with other companies for the other lots.

15
16 Mr. Corwin noted that the 37-acre lot was subdivided in December, and the subdivision plat would need
17 to be recorded as a condition of approval. The 6-acre lot is the one in this application.

18
19 Mr. Morse stated that the CUP is to allow retail sales of equipment. Mr. Hytinen added that there would
20 be sales of construction-related items and accessories such as safety vests, hard hats, and safety glasses.

21
22 Councilor Whittlesey inquired if they would be using the ~~existing~~proposed building for the equipment
23 sales. Mr. Morse stated that they would. The Councilor also noted that there was no comment from the
24 Fire Department.

25
26 Mr. Garland noted that the Board is not qualified to assess the fire safety requirements and that the
27 building is not sprinkled. ~~Recommends meeting~~He recommends that the applicant meet with the
28 ~~applicant~~Fire Department. Mr. Morse agreed and will consult with the new Fire Chief.

29
30 Ms. Hirai inquired about the bike rack waiver. Mr. Farrin stated that they are only servicing their own
31 equipment and not equipment for the public. Mr. Morse stated that there are 7-10 employees and service
32 techs on the road in their own trucks. Mr. Farrin noted that it is not the best area for bikes.

33
34 Mr. Rutter ~~inquired, inquiring~~ about parking and trees ~~and, asked~~ if they would ~~change~~consider changing
35 the proposed spacing or locations of trees. Mr. Simon provided the details of the landscaping plan.

36 ~~Mr. Morse—~~
37 ~~Whittlesey—sidewalks—no bicycling observed, difficult terrain and distance. Doesn't think a bike rack is~~
38 ~~necessary. Tree waiver is necessary. Chair Hall—waiver makes sense based on wooded lot.~~

39
40 Ms. Romano noted the absence of ~~the~~ stormwater management information and Fire Department
41 comments. She inquired about the dumpster screening. Mr. Corwin noted that there would be an
42 enclosure for the dumpster but not vegetation. Ms. Romano stated that a bike rack would be okay for an
43 employee without a car.

44
45 Chair Hall invited public comment. There was none.

46
47 Ms. Hirai inquired about minimizing the island to limit impervious surface. Mr. Simon stated that they
48 are meeting the shade requirements for parking. The display areas go around the building, and they are
49 doing as much as they can. The surface in the display area is gravel.

Chair Hall suggested that the Board members vote on all waivers except the ~~one concerning a bicycle rack-one~~.

A MOTION by Jeremy Rutter that for the application of **Upper Valley Technology Park, LLC, 0 Plainfield Road (Tax Map 131, Lot 3), zoned IND-L**, the Lebanon Planning Board **APPROVE** waivers from the following sections of the Site Plan Review Regulations:

- **Section 6.2.D** – 10-foot building landscaping (partial)
- **Section 6.2.B.1** – perimeter landscaping requirement (partial)
- **Section 6.2.B.10** – trees being spaced no more than 40 feet apart (partial)
- **Section 6.5.C.1** – building façade oriented towards the street frontage
- **Section 6.5.C.2** – sidewalks along the street frontage
- **Section 6.5.D.5** – prohibiting new parking area within the front yard
- **Section 6.5.E.7** – the front yard setback for parking
- ~~**Section 6.5.I.3** – providing bicycle racks~~
- **Section 6.2.B.8** – landscape screens for dumpsters (partial)

The motion was seconded by Douglas Whittlesey.

Roll Call Vote:

Voting in Favor – Mr. Jasinski, Councilor Whittlesey, Ms. Chewning, Mr. Rutter, Mr. Hall, Mr. Garland, Ms. Hirai, Ms. Romano

Voting Against – None

**The MOTION was approved (8-0).*

A MOTION by Tom Jasinski to approve the waiver from Section 6.5.I.3 – installation of a bicycle rack.

The motion was seconded by Douglas Whittlesey.

Roll Call Vote:

Voting in Favor – Mr. Jasinski, Councilor Whittlesey, Mr. Rutter, Mr. Hall, Mr. Garland, Ms. Hirai

Voting Against – Ms. Chewning, Ms. Romano

**The MOTION was approved (6-2).*

Mr. Corwin recommended continuing the hearing and noted the need for a Conditional Use Permit due to the showroom size.

Ms. Hirai stated the need for EV charging.

A MOTION by Jeremy Rutter to continue the hearing of Upper Valley Technology Park, LLC, 0 Plainfield Road (Tax Map 131, Lot 3), zoned IND-L, to February 13, 2023, at 6:30 PM.

The motion was seconded by Bruce Garland.

Roll Call Vote:

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1 *Voting in Favor – Mr. Jasinski, Councilor Whittlesey, Ms. Chewning, Mr. Rutter, Mr. Hall, Mr.*
 2 *Garland, Ms. Hirai, Ms. Romano*

3 *Voting Against – None*

4 **The MOTION was approved (8-0).*

5
 6
 7 **D. Amendments to the Site Plan Review Regulations:** The Lebanon Planning Board will
 8 hold a public hearing for the purpose of receiving input and taking action on proposed amendments to
 9 Sections 3.1 and 3.2 of the Site Plan Review Regulations to modify the minor site plan jurisdictional
 10 thresholds and review procedures. Copies of the proposed amendments are available for review at the
 11 Planning and Development Department and will be made available online at the City's website,
 12 lebanonnh.gov.

13
 14 Mr. Corwin stated that a public hearing was scheduled for October 24, 2022, at the September 26, 2022,
 15 work session, but the hearing was postponed. The amendments were approved by the Board members,
 16 but public input was needed. ~~The Minor Site Plan Committee requirements and~~

17
 18 Regarding item 3.1.C.1., Ms. Romano suggested wording of “equal to or greater than” five units in
 19 column B ~~and of the accompanying table, as well as~~ other items.

20
 21 Mr. Jasinski ~~commented, commenting~~ on item 3.2 ~~item B. 4.d and~~, suggested the Minor Site Plan
 22 Committee provide a summary of ~~the~~ actions taken since the ~~last preceding~~ Board meeting, in much like
 23 the same fashion as the Board deals with regional impact ~~item items~~ at the start of ~~meeting its meetings~~.
 24 Chair Hall agreed and noted that ~~this change~~ would require a vote.

25
 26 Mr. Corwin noted that ~~an formal~~ approval would also be needed to change the sq. ft. requirements to
 27 “equal to or greater than ~~five units.~~” instead of simply “greater than” in item 3.1.C.1.

28
 29 The Board members finished their discussion.

30
 31 **A MOTION by Bruce Garland to approve the Site Plan Review Regulations as amended.**

32 *The motion was seconded by Tom Jasinski.*

33 **Roll Call Vote:**

34 *Voting in Favor – Mr. Jasinski, Councilor Whittlesey, Ms. Chewning, Mr. Rutter, Mr. Hall, Mr.*
 35 *Garland, Ms. Hirai, Ms. Romano*

36 *Voting Against – None*

37 **The MOTION was approved (8-0).*

39 **3. Committee Reports**

40 **A. Planning Board Subcommittees:**

41 --Planning Board Capital Improvement Program – Jasinski – nothing to report

42 --Planning Board Development Regulations Update

43 **B. City Council Subcommittees:**

44 --Class VI Roads Advisory Committee

45 --Lebanon Energy Advisory Committee

46 **C. Other Subcommittees:**

47 --City Council Representative

48 --Heritage Commission

--Pedestrian & Bicyclist Advisory Committee
 --Upper Valley Lake Sunapee Regional Planning Commission
 --UV SubCommittee of the Connecticut River Joint Commissions
 --Upper Valley Transportation Management Association
 --Mascoma River Local Advisory Committee
 --West Lebanon Revitalization Advisory Committee
 --Planning & Development Department – Task Status

D. Minor Site Plan Committee

Mr. Corwin stated that there hasn't been any recent activity, but he will add a recap at the next Board meeting.

4. Other Business

A. Potential disposition of city-owned parcels for housing - Continued from January 9, 2023

Chair Hall noted that only the City Council knows the status of every lot, but if certain ones are of concern to Board members, they should discuss them now.

Ms. Romano commented on the two lots at foot of Seminary Hill Road, suggesting it would be premature to dispose of them now with all the ongoing reconstruction activity in the immediate area. She added that the City should be setting aside areas for important things ~~that~~ the city needs, such as the new Fire Department location.

Mr. Reichert stated that disposition of property by the City Council is based on the City's needs by determining if it is surplus and if it is needed to implement the Master Plan. The Council must supply comment as to why or why not. Until the City knows what the Seminary ~~property~~Hill properties will look like after some is used for road improvements, ~~it~~they should not be sold.

Ms. Hirai suggested that if it means expanding conserved land, they should do it, like the property on North Main St. Mr. Reichert noted that when the Conservation Commission looks at them, they will note if any should be determined as useful for conservation protection. Mr. Goodwin ~~added-on behalf of the Conservation Commission noted~~ that one property ~~was noted-had been recommended~~ for conservation and five others ~~as remaining~~to remain undeveloped.

A MOTION by Tom Jasinski that the Planning Board passes on to the City Council, except for the 0 North Main Street, Lot 14-23, and the 3 Seminary Hill, Lot 86/56, and 5 South Main Street, Lot 86/55, the remaining lots are surplus property and offering them for sale is consistent with the Master Plan. The motion was seconded by Bruce Garland.

Roll Call Vote:

Voting in Favor – Mr. Jasinski, Ms. Chewning, Mr. Rutter, Mr. Hall, Mr. Garland, Ms. Hirai, Ms. Romano

Voting Against – None

Abstaining – Councilor Whittlesey

**The MOTION was approved (7-0-1).*

A MOTION by Cori Hirai that the Planning Board recommends that 0 North Main Street, Lot 14-23, be conserved.

The motion was seconded by Kim Chewning.

Roll Call Vote:

1 *Voting in Favor – Mr. Jasinski, Ms. Chewning, Mr. Rutter, Mr. Garland, Ms. Hirai*

2 *Voting Against – Mr. Hall, Ms. Romano*

3 *Abstaining – Councilor Whittlesey*

4 **The MOTION was approved (5-2-1).*

6 *A MOTION by Kim Chewning that the Planning Board recommends that the disposition of the lots at 5 South Main Street and 3 Seminary Hill in West Lebanon be delayed until all area reconstruction is completed.*

9 *The motion was seconded by Cori Hirai.*

10 *Voting in Favor – Mr. Jasinski, Ms. Chewning, Mr. Rutter, Mr. Garland, Ms. Hirai, Ms. Romano*

11 *Voting Against – Matthew Hall*

12 *Abstaining – Councilor Whittlesey*

13 **The MOTION was approved (6-1-1).*

16 B. Zoning Amendments Ballot Amendments concise statements

18 The Board members discussed the proposed concise statements and made suggestions for edits to amend the statements to:

21 #1 – Endorsing Cottage Developments

22 #2 – Encouraging Manufactured Housing consistent with similar Lebanon developments

23 #3 – ~~In RL-3 to remove~~ Removing the ~~special exception~~ requirement for a Special Exception for an ADU to one-family dwellings in RL-3

25 #4 – Allowing ADU's for owner-occupied, two-family dwellings consistent with ~~the current~~ the neighborhood.

28 *A MOTION by Tom Jasinski to approve the concise statements for the Zoning Ballot Amendments as amended.*

30 *The motion was seconded by Bruce Garland.*

31 *Roll Call Vote:*

32 *Voting in Favor – Mr. Jasinski, Councilor Whittlesey, Ms. Chewning, Mr. Rutter, Mr. Hall, Mr.*

33 *Garland, Ms. Hirai, Ms. Romano*

34 *Voting Against – None*

35 **The MOTION was approved (8-0).*

37 Chair Hall congratulated Cori Hirai for her time on the Board as this would be her last meeting.

40 5. Approval of Minutes

42 A. December 19, 2022 – Postponed to February 13, 2023

44 6. Study Items

46 A. CIP Process

48 Mr. Corwin stated that ~~the~~ City ~~was~~ is under a statutory requirement to use the CIP process, which is a planning tool to be used to provide feedback to the City Council. It is important to make sure procedures are followed.

1 Mr. Jasinski displayed a framework for the CIP process. He noted that the first steps in February and
2 March didn't happen in 2021 and suggested that the CIP Committee be convened in January and could
3 include City Council and Budget Committee members. He also noted that the current sequence of events
4 and responsibility are currently not as originally designed.

5
6 Mr. Corwin noted that the Planning Department coordinates the information provided by the other
7 departments. Mr. Reichert noted that the Master Plan is the guiding document and some items have not
8 been completed. It would be important to know ~~what~~which items have not yet been ~~done~~finished and
9 ~~what~~which are proposed ~~are~~.

10
11 Chair Hall commented on the necessity of the CIP Committee, noting that the compilation of the
12 proposed projects is ~~done~~ currently done by the Planning Department.

13
14 Mr. Reichert stated that there is a finite budget, which includes federal funding and as well as funds from
15 other ~~funding~~ sources. All projects must be considered as supporting the Master Plan and must be
16 evaluated based on need. The CIP Committee provides valuable, independent feedback to the City
17 Council.

18
19 Councilor Whittlesey described the aspects of the project review process from his point of view. He noted
20 the different sources of funds and the numerous facts to consider in the needs of the departments. The
21 feedback from the 2021 CIP Committee with the scoring and explanations was ~~the~~ most helpful.

22
23 The Board members agreed that further discussion and planning is needed for the CIP Committee. Mr.
24 Jasinski was asked to continue this discussion with Staff and report back to the Board.

25 26 7. Adjournment

27
28 *A MOTION by Cori Hirai to adjourn the meeting.*

29 *The motion was seconded by Bruce Garland.*

30 *Roll Call Vote:*

31 *Voting in Favor –Ms. Hirai, Councilor Whittlesey, Ms. Chewning, Mr. Rutter, Ms. Romano, Mr. Hall,*

32 *Mr. Jasinski, Mr. Garland*

33 *Voting Against – None*

34 **The MOTION was approved (8-0).*

35
36 The meeting was adjourned at 9:30 PM.

37
38 Respectfully submitted,

39
40 Holly Howes

41 Recording Secretary