

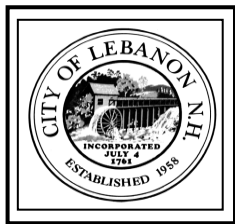


**LEBANON PLANNING BOARD
OCTOBER 23, 2023 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

-
- 1. Call to Order**
 - 2. Study Items**
 - A. Pattern Zoning Project Presentation and Discussion
 - B. Zoning Amendments - Review of proposed amendments to the Zoning Ordinance and Zoning Map
 - C. Request by Edwards Properties, LLC, for Conceptual Discussion of Proposed Rezoning at Evans Drive and NH Route 120
 - D. Discussion re: procedures for making motions relative to development applications
 - 3. Committee Reports**
 - A. **City Council Subcommittees:**
 - Class VI Roads Advisory Committee
 - Lebanon Energy Advisory Committee
 - B. **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
 - Upper Valley Transportation Management Association
 - Mascoma River Local Advisory Committee
 - West Lebanon Revitalization Advisory Committee
 - Planning & Development Department – Task Status
 - C. **Minor Site Plan Committee**
 - 4. Other Business**
 - 5. Approval of Minutes**
 - A. September 25, 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: Planning Board

FROM: Planning and Development Department Staff

RE: 2023-2024 Proposed Zoning Amendments

DATE: October 18, 2023

On October 4, 2023, Planning and Development Department staff presented to the City Council a set of proposed Zoning Ordinance amendments for initial consideration. Following the presentation, the City Council agreed to move the proposed amendments forward for further review.

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

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

For the Board's reference and review, please find attached the following:

- A redline of the current Zoning Ordinance (redline last revised October 10, 2023).
- A staff memo to the City Council, dated September 26, 2023, providing a description of the proposed amendments.
- A plat titled, "Draft Site Master Plan – Signal Park," dated October 2023, provided by Choice Storage, LLC, owner of Tax Map 26, Lot 17, which is the subject of the proposed zoning map amendment discussed on page 5 of the 9/26/23 staff memo (amendment B.7). This plat is in addition to the two (2) zoning map amendment graphics attached to the 9/26/23 staff memo, which were also provided by Choice Storage, LLC.

Please note:

- A legal opinion from the City's attorney is forthcoming and will be provided before the Planning Board's meeting on October 23rd.
- Staff has updated the redline in response to the City Council's comments made at their October 4th meeting and in response to an initial review by the City's legal counsel. Consequently, the page references in the 9/26/23 staff memo may no longer match the updated redline that is attached to this memo.
 - One such change is the removal of language in Section 213 that would have transferred the review of appeals regarding impact fee determinations from the Planning Board to the Zoning Board. This concept is discussed in the 9/26 memo but has been removed from the redline following review by legal counsel.

Once review has been completed by the Planning Board and the other land use boards, the City Council will hold a public hearing in January followed by a vote on whether to adopt the amendments.

DRAFT AMENDMENTS TO THE CITY OF LEBANON ZONING ORDINANCE

ARTICLE II GENERAL PROVISIONS

[...]

SECTION 213 IMPACT FEES.

[...]

213.3 Definitions.

[...]

E. New development means an activity that results in:

- (1) The creation of a new ***dwelling unit*** or units or new ***manufactured housing***; or
- (2) The conversion of a legally existing use, or additions thereto, which would result in a net increase in the number of ***dwelling units***; or
- (3) Construction resulting in a new non-residential ***building*** or a net increase in the ***gross floor area*** of any non-residential ***building***; or
- (4) The conversion of a lawful existing use to another use if such change would result in a net increase in the demand on public capital facilities that are the subject of impact fee assessment.

(5) A net increase in a residential building's gross floor area greater than 500 square feet.

Notwithstanding the above, new development shall not include:

- a. The creation of any new-studio or one-bedroom ***accessory dwelling unit*** with a ***gross living area*** of 500 sq. ft. or less;
- b. The replacement of an existing ***manufactured housing*** unit or any existing ***dwelling unit***; or
- c. The reconstruction of a ***structure*** that has been destroyed by fire or natural disaster where there is no change in size, density, or type of use that would increase the demand on capital facilities for which impact fees are assessed.

[...]

213.8 Waivers.

- A. The ~~Planning Board~~ Zoning Administrator ~~may~~ may administratively grant full or partial waivers of impact fees to an assessed property where the ~~Administrator~~ Board based on credible evidence presented by the applicant, finds that one or more of the following criteria are met with respect to the particular public capital facilities for which impact fees are normally assessed:

~~1. A.~~ — An assessed property may apply for a full or partial waiver of public-school impact fees for those residential units that are lawfully restricted to occupancy by senior citizens age 62 or over in a development that is also maintained in compliance with the provisions of RSA 354-A: 15, Housing For Older Persons. The ~~Planning Board~~ Administrator may waive school impact fee assessments on restricted-occupancy units where it finds that the ***dwelling unit*** will be bound by lawful deeded restrictions on occupancy by senior citizens age 62 or over for a period of at least 20 years.

~~2. B.~~ — 2. An assessed property may apply for a full or partial waiver of public-school impact fees for those studio or one-bedroom residential units that have a ***gross living*** _____ ***area*** of 500 sq. ft. or less.

- B. The Planning Board may grant full or partial waivers of impact fees to an assessed property where the Board based on credible evidence presented by the applicant finds that one or more of the following criteria are met with respect to the particular public capital facilities for which impact fees are normally assessed:

~~1. a. C.~~ — An assessed property may apply to the Planning Board for a full or partial waiver of impact fee assessments imposed by this Ordinance on the basis of other contributions toward public capital facilities. The amount of such a waiver shall not exceed the value of land, facilities construction, or other contributions for public capital facilities. The value of on-site and off-site improvements which are required by the Planning Board as a result of subdivision or site plan review, and which would have to be completed by the developer, regardless of the impact fee provisions, shall not be considered eligible for waiver under this Ordinance. The value of contributions or improvements shall be credited only toward facilities of like kind, and may not be credited to other categories of impact fee assessment. All costs incurred by the City for the review of a proposed waiver, including consultant and counsel fees, shall be paid by the applicant.

~~1.2.~~ D. — The Planning Board may waive an impact fee, in whole or in part where, in the opinion of the Board, such fee would ~~;~~ due to interference with constitutionally-vested rights, pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of this Ordinance.

[...]

ARTICLE III USE DISTRICTS

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

305A.1 Purpose.

The purpose of the GC-1 District is to provide opportunities for a mix of commercial and **multi-family** residential uses within close proximity to regional employers, public transportation routes, and pedestrian and biking trails. The GC-1 District is intended to provide for uses that are compatible with the limited access design of Route 120, and which would tend to retain and enhance the existing character of the area. New **multi-family** housing is encouraged to provide convenient access to major centers of employment, to facilitate future economic growth along the Route 120 corridor, and to complement the existing array of services and amenities within walking or biking distance of the GC-1 District.

305A.2 Table of Uses.

<u>Permitted Uses</u>	<u>Uses by Conditional Use Permit (see Section 302.4)</u>
<u>Residential</u> 1. Multi-family dwelling (see Section 305A.4) <u>Commercial/Non-Residential</u> 2. Dwelling unit(s) above first floor 3. Essential service 4. Financial institution 5. Group day care facility per Section 604 6. Office 7. Personal service 8. Renewable energy system per Section 612	<u>Commercial/Non-Residential</u> 1. Alternative treatment center per Section 613 2. Drycleaning pick-up station 3. Educational facility, college/university 4. Inpatient rehabilitation facility 5. Light industry 6. Research laboratory 7. Restaurant , sandwich shop 8. Retail store <u>Planned Developments</u> 9. Commercial PUD per Section 501 10. <u>Manufactured Housing PURD per Section 504</u>

[...]

ARTICLE IV OVERLAY DISTRICTS

[...]

SECTION 408 HISTORIC DISTRICT.

[...]

408.4 Certificate of Approval Required.

A Certificate of Approval shall be obtained from the Heritage Commission in the manner set forth herein prior to the commencement of any of the following activities within any Historic District:

- A. The construction of any new **building**;
- B. The addition to, alteration, or repair of any existing **building** which would require the issuance of a building permit pursuant to the provisions of the Lebanon Building Code, unless such addition, alteration, or repair does not, ~~in any way,~~ materially alter the exterior of such **building**;
- C. The following activities, whether or not a building permit is required for such activities:
 - 1. Roofing or re-roofing if the roof plane is changed;
 - 2. Siding, including new and re-siding, if it involves a change of design or materials;
 - 3. Replacement of doors and windows if it involves fenestration changes in the size, location, or number of openings in the exterior or facade of a **building**.
 - 4. Replacement or enclosure of porches, decks, and patios if it involves an architectural change in size, location, design, and/or materials;
 - 5. Replacement of exterior stairs, landings, and overhangs if it involves a change in size, location, design, and/or materials;
 - 6. Demolition or moving of a **building** or **accessory building**.

No building permit (when applicable) shall be issued prior to the receipt of a Certificate of Approval for the above-described activities.

[...]

SECTION 410 RIVERBANK PROTECTION DISTRICT.

[...]

410.2 Authority.

This section of the Zoning Ordinance is adopted pursuant to the authority granted by RSA 483-B:8, Shoreland Water Quality Protection Act: Municipal Authority; and RSA 674:16, Grant of Power to Zone; ~~and RSA 674:21, I(j), Innovative Land Use Controls: environmental characteristics zoning.~~

410.3 Description of the Riverbank Protection District.

The Riverbank Protection District includes all areas in the City that are located within an area beginning at the **ordinary high water mark** of the following designated **public rivers**, streams, and lakes:

- (1) Connecticut River

- (2) Mascoma River, [except for lots subject to an Urbanized Shoreland Exemption granted by the NH Department of Environmental Services pursuant to RSA 483-B:12.](#)
- (3) Stoney Brook
- (4) Blodgett Brook
- [...]

as identified by the United States Geological Survey, and depicted on the official Lebanon Riverbank Protection District Overlay Map, and extending inland to fifty (50) horizontal feet, with septic waste systems and fuel storage restrictions extending to one hundred and twenty-five (125) horizontal feet, as set forth in 410.7.F and 410.7.H.

[...]

ARTICLE V SUBDIVISIONS AND PLANNED DEVELOPMENTS

SECTION 500 GENERAL.

[...]

- B. [...] Planned developments shall be permitted in accordance with the following table:

District	PURD per Section 501.2	PRec per Section 501.3	Industrial PUD per Section 501.4	Commercial PUD per Section 501.4	<i>Manufactured Housing PURD</i> per Section 501.24 / <i>Manufactured Housing Park</i> per Section 503	Recreational Camping Parks per Section 505	<i>Medical Center Complexes</i> per Section 506	<i>Planned Business Park</i> per Section 508	<i>Cottage Development</i>
IND-L			CUP					CUP	
IND-RA			CUP					CUP	
GC				CUP					
GC-1				CUP	CUP (Manufactured Housing PURD per Section 501.4 only)				
CB				CUP					
LD									
R-1	CUP				CUP / P				CUP
R-2	CUP								CUP
R-3	CUP*								CUP
R-O	CUP								CUP
R-O-1	CUP								CUP
PB						SE			
RL-1	CUP *	CUP			CUP / P	SE			
RL-2	CUP *	CUP			CUP / P	SE			
RL-3	CUP *	CUP							
MC				CUP			P		

P = permitted

SE = **special exception** required

CUP = **conditional use** permit required

*Subject to Section 501.2.B.1.

SECTION 501 PLANNED UNIT DEVELOPMENT (PUD).

501.1 General Requirements.

[...]

F. Open Space.

[...]

2. Minimum Required Open Space.

[...]

- a. Commercial or Industrial PUD. At least ~~ten (10)~~ 15% percent of the property utilized for a Commercial or Industrial PUD shall be preserved as Open Space. None of the **curtilage** of a **principal building** shall be used to meet the ~~10 percent~~ 15% criteria.

[...]

ARTICLE VI ADDITIONAL STANDARDS FOR SPECIFIC USES

[...]

SECTION 607 PARKING.

[...]

607.5 Off-Lot Parking.

Parking shall be provided on the same **lot** as the use for which the parking is accessory, except as follows:

- A. In the IND-L, IND-H, IND-RA, GC, GC-1, CB, LD, RO, RO-1, PB, and MC Districts, the Planning Board may approve private off-lot parking as a **conditional use** permit. Instead of the findings required by Section 302.4, the Board shall determine that:

[...]

4. Such parking arrangements are either permanently deeded and recorded or conveyed by an irrevocable 99-year lease or some other legal instrument, acceptable to an attorney representing the City, and submitted with the Conditional Use Permit application for approval by the Planning Board. Such legal agreement shall ~~that will~~ ensure that such parking arrangement will remain as long as the need exists.

[...]

- B. For conversions of **one-** or **two-family dwellings** to **multi-family dwellings** or where adding additional **dwelling units** to an existing **multi-family dwelling**, the

Planning Board may approve private off-lot parking, as a **conditional use** permit. Instead of the findings required by Section 302.4, the Board shall determine that:

[...]

5. Such parking arrangements are permanently and irrevocably deeded and recorded or conveyed by an irrevocable 99-year lease or some other legal instrument, acceptable to an attorney representing the City, and submitted with the Conditional Use Permit application for approval by the Planning Board. Such legal agreement shall~~that will~~ ensure that such parking arrangement will remain as long as the need exists.

[...]

SECTION 610 ACCESSORY DWELLING UNIT (ADU).

Accessory dwelling units are intended as an option for homeowners to offer separate and independent living space for their extended families, or to offer small **dwelling units** as rentals to offset the expense of maintaining the **dwelling**.

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

- A. An **ADU** is allowed on any **lot** in any zoning district with a **one-family dwelling**. For lots in any zoning district with a **two-family dwelling**, a detached or attached ADU is allowed. Only one such **ADU** is permitted per **lot**. The dwelling unit density requirements of the underlying zoning district shall not apply to ADUs.
- B. ~~The~~If attached, the appearance and character of the existing or proposed **ADU** shall remain single family in nature if converting a one-family dwelling to a one-family dwelling with an ADU, and shall remain two-family in nature if converting a two-family dwelling to a two-family dwelling with an ADU. If detached, the ADU shall maintain the primary building's architectural style, proportional mass, size, and height to ensure it is not taller than the principal building on the lot. A detached ADU may be permitted to be taller than the principal building by special exception.
- C. The property owner must occupy one of the **dwelling units** as their permanent residence. A temporary leave of absence of no more than one (1) year by the property owner is allowed, provided the owner-occupied unit is not rented or occupied by anyone other than the property owner during the temporary leave or absence.

Prior to the issuance of a zoning/~~building~~-permit, the owner shall record in the Grafton County Registry of Deeds an ~~acknowledgment of the above owner-occupancy requirement~~ Accessory Dwelling Unit Owner Occupancy Restriction, in a form satisfactory to the Zoning Administrator, in order to put prospective buyers on notice of the prohibition against renting out both units. All recording fees shall be the responsibility of the applicant.

- D. The **ADU** must be located in the same **building** as the principal **dwelling unit(s)** unless the **lot** meets or exceeds the minimum required lot size for the respective zoning district. If the **lot** meets or exceeds the required minimum lot size, the **ADU** may be located in a separate detached accessory **structure** such as a garage or

barn, provided the existing accessory **structure** conforms with the minimum required **yard** requirements for the respective zoning district. An **ADU** may also be in a new **structure**. By **special exception**, the Zoning Board of Adjustment may allow an **ADU** to be located in a detached **structure** on a **lot** that is non-conforming to the minimum lot size and/or to be allowed in an existing accessory **structure** that is legally non-conforming to the applicable minimum yard requirements.

- E. If the **ADU** is located within or by an addition to the existing **principal building**, an interior door shall be provided between the **ADU** and the principal **dwelling unit** or between the **ADU** and one of the principal **dwelling units** if the principal building is a **two-family dwelling**.
- F. If applicable, the owner must seek a permit from the State of NH Dept. of Environmental Services Subsurface Systems Bureau, in accordance with NH RSA 485-A:38, for any increased load on an existing sewage disposal system as a result of the addition of an **ADU** to the **lot**.

G. Size of ADU.

- 1. ~~O~~Conversion of one-family dwellings: If the **gross living area** of the principal **dwelling unit** is 1,500 square feet or less, the **gross living area** of the **ADU** may be no greater than ~~65~~50% of the **gross living area** of the principal **dwelling unit**. If the **gross living area** of the principal **dwelling unit** is greater than 1,500 square feet, but less than 3,000 square feet, the **gross living area** of the **ADU** shall not exceed ~~960~~750 square feet. If the principal **dwelling unit** is greater than 3,000 square feet, the **gross living area** of the **ADU** can exceed ~~960~~750 square feet provided the **ADU** is no greater than ~~33~~25% of the **gross living area** of the principal **dwelling unit**. If the ADU is located on a parcel of land greater than 4 acres a detached ADU can exceed 960 square feet provided that the detached ADU is no greater than 50% of the gross living area of the principal dwelling unit.
- 2. ~~I~~Conversion of two-family dwellings: If the **gross living area** of the smaller of the two principal **dwelling units** is 1,500 square feet or less, the **gross living area** of the **ADU** may be no greater than ~~65~~50% of the **gross living area** of the smaller of the two principal **dwelling units**. If the **gross living area** of the smaller of the two principal **dwelling units** is greater than 1,500 square feet, but less than 3,000 square feet, the **gross living area** of the **ADU** shall not exceed ~~960~~750 square feet. If the smaller of the two principal **dwelling units** is greater than 3,000 square feet, the **gross living area** of the **ADU** can exceed ~~960~~750 square feet provided the **ADU** is no greater than ~~33~~25% of the **gross living area** of the smaller of the two principal **dwelling units**.

~~H. A detached ADU, if permitted under paragraph B above, shall maintain a proportional mass, size, and height to ensure it is not taller than the principal building on the lot. An ADU may be permitted to be taller than the principal building by special exception.~~

~~H.~~H. Any necessary additional entrances or exits to the **principal building**, to serve the **ADU**, shall be located to the side or rear of the **building**. All new or altered **structures**, intended to be used as an **ADU**, must be located behind the **front building line** of the existing **principal building** except by **special exception** if the

Zoning Board finds that the placement of the **ADU** on the **lot** will not adversely affect the character of the neighborhood; traffic on roads and highways; safety of pedestrians, and will not create a hazard or nuisance to abutting property owners.

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

K. An **ADU** located within the **principal building** shall have interconnected smoke and carbon monoxide alarms.

K. An ADU Permit application submission shall include a minimum of the following materials and exhibits demonstrating compliance with the applicable Zoning Ordinance requirements:

1. Existing and proposed site conditions and parking plan.

2. Existing and proposed floor plans for all dwelling units and structures.

A. If applicable this floor plan shall show compliance with ADU entrance, interconnection and smoke and carbon monoxide alarm plan requirements.

3. A gross living area square footage calculation which includes existing and proposed floor plans, and a square footage calculation for both the primary dwelling and ADU demonstrating adherence with 610.G ADU Size pursuant to the definition of gross living area within Appendix A Definitions.

4. A signed, recordable "Accessory Dwelling Unit Owner Occupancy Restriction"

5. A bank or business check or money order for all recording fees made payable to the Grafton County Registry of Deeds.

6. If applicable a copy of the State of NH Dept. of Environmental Services Subsurface Systems Bureau Approval and plans.

7. If applicable a Water Connection Permit Application.

8. If applicable a Sewer Connection Permit Application.

9. Impact Fee Invoice Acknowledgment.

[...]

ARTICLE VIII BOARD OF ADJUSTMENT

[...]

SECTION 801 POWERS AND DUTIES.

The powers and duties of the Board shall be as prescribed by NH RSA 674:33, as amended. The powers and duties are:

801.1 Administrative Appeals.

~~To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by any administrative official in the enforcement of this Ordinance, as~~ As set forth in RSA 676:5, I, appeals to the Board concerning any matter within the Board's powers as set forth in RSA 674:33 may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. In exercising this power, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination

appealed from and may make such order or decision as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

For the purposes of this section:

(a) The "administrative officer" shall mean the Zoning Administrator.

(b) As set forth in RSA 676:5, II, a "decision of the administrative officer" includes any decision involving construction, interpretation or application of the terms of the Zoning Ordinance. It does not include a discretionary decision to commence formal or informal enforcement proceedings, but does include any construction, interpretation or application of the terms of the Zoning Ordinance which is implicated in such enforcement proceedings.

An appeal under this section shall be taken within 30 days of the date of the administrative decision being appealed, or within 30 days of the time that the person filing the appeal know or had reason to know that the administrative decision had been made. The effect of an appeal shall be as set forth in RSA 676:6.

[...]

SECTION 802 BOARD PROCEDURES.

802.1 Applications.

Applications to the Board for an administrative appeal, **variance**, **special exception** or equitable waiver shall be made on forms provided by the Board in compliance with procedures established by the Board.

- A. Fees: The application shall be accompanied by whatever fees are required by ~~the Board to defray the costs.~~ Chapter 68 of the City Code.
- B. Plans and Information: The application shall be accompanied by whatever plans and other information are required by the Board including but not limited a scaled plan of the subject property identifying existing and proposed conditions and improvements, and a business operations plan, if applicable.

[...]

802.3 Hearing Procedure.

[...]

- D. Conflicts of Interest: Conflicts of interest are governed by RSA 673:14, the City of Lebanon Ethics policy (ADM-108, as amended), and the Board's Rules of Procedure. No member of the Board shall sit upon the hearing of any question which the Board is to decide in a judicial capacity if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law. Reasons for disqualifications do not include exemption from service as a juror or knowledge of the facts involved gained in the performance of the

member's official duties. If a member is disqualified or unable to act in any particular case pending before the Board, the chairman shall designate an alternate to act in his place.

[...]

802.4 Decisions of the Board.

~~In exercising its powers the Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order, or decision as ought to be made and, to that end, shall have all the powers of the administrative official from whom the appeal is taken.~~

[...]

APPENDIX A DEFINITIONS

[...]

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

[...]

EDUCATIONAL FACILITY, PRIMARY/SECONDARY: A public or private school offering instruction at the primary and/or secondary school levels in the branches of learning and study required to be taught in the public schools of the state of New Hampshire. This term shall include preparatory schools and progressive schools and shall not include group day care facilities.

[...]

GROSS LIVING AREA: The total area of above-grade residential space ~~of a~~ within a dwelling unit as measured using exterior building dimensions, with a ceiling height of 7 ft. or greater, excluding unheated areas such garages, as enclosed or open porches, covered or open decks, outside stairs, and balconies, garages, or and other unenclosed areas. ~~Gross living area does not include the area within a garage, deck or other unenclosed area.~~ The floor area of a walk-out basement with a ceiling height of 7 feet or greater shall be included.

[...]

- A. **CHILD DAY CARE FACILITY:** A day care center, a day nursery, a private nursery school or kindergarten, a child development center, a play group, a head start center, ~~progressive school~~ or any other facility which cares for seven (7) or more children under the age of 16 for a part but not all of a 24 hour day. This term shall not include primary/secondary educational facilities.

Such facilities may be privately operated or sponsored by a house of worship, social agency, cooperative group or a community or by a public agency other than public schools.

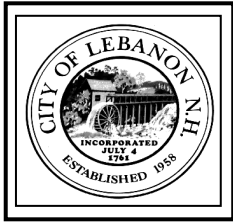
[...]

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

[...]

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

[...]



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon City Council

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

FROM: Planning and Development Department Staff

RE: 2023-2024 Proposed Zoning Amendments

DATE: September 26, 2023

Honorable Mayor and City Councilors,

The Planning and Development Department has prepared draft amendments to the Zoning Ordinance for consideration by the City Council, and requests that the proposed amendments be placed on the October 4, 2023 meeting agenda for discussion.

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

The current set of proposed amendments are summarized below and are highlighted in the attached redlined excerpt of the Zoning Ordinance. The new or revised text is blue and underlined. The text to be deleted is shown as ~~red with a strike-out~~.

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

OVERVIEW OF AMENDMENTS

A. Text Amendments

1. Amend Section 213 ("Impact Fee") (see p. 1-3 of the redline) to:

- **500 square foot additions:** Collect impact fees for residential additions larger than 500 sq. ft. The proposal is intended to address a "loophole" whereby once a dwelling is completed, any future additions are exempt from impact fees regardless of the size of the addition and regardless of the size of the addition compared to the size of the original home. For example, a 1,000 sq. ft. addition to a 500 sq. ft. home would be wholly exempt from impact fees. The typical case scenario is that an applicant will show the smallest number of square feet for a project on a plan to minimize impact fee costs. Then, when finished they will finish all habitable space in the home. In one case an impact fee was based on an application of 1200 square feet, two years later the same applicant has another application for a related use and claims the home's living area exceeds 5000 square feet including

area finished in the attic, walk out basement, and above the connected garage. Closing this loophole will allow the Department to accomplish two tasks. The 1st will be closing a loophole in the code and making the impact fees fairer for all homeowners in Lebanon. 2nd when discovering unpermitted finished work in a home that exceeds 500 square feet an impact fee can be required, thereby bringing equality to the system. Closing this loophole will help build a culture of compliance with permit requirements within the community as it will encourage applicants to permit all square footage upfront and avoid having to pay the impact fee when the work is discovered.

- **Amend the waiver and appeals provisions.** The Planning Board recently had its first case where an applicant brought forward an appeal to waive school impact fees for apartments under 500 square feet that were included in the project's previous approval. After the hearing the Planning Board recommended that staff make the process of appeal easier for the applicant as there are no articulated standards that the Board had in the Zoning Ordinance to make the decision. Based upon the recommendation of the Planning Board's experience with the existing regulations, staff has brought forward several proposed reforms to the process:
 - Administrative approvals for waiver of impact fees. If the waiver is based upon easily verifiable standards such as 500 square feet or smaller, or a deed restriction then the Zoning Administrator is empowered to waive the school impact fee administratively. The standard of review is rather simple: it either meets the criteria or it does not. If the standard is met, then the waiver is granted.
 - The second classification of review contains a more subjective standard of "hardship" and as such is best left to a Board to interpret. Removing a judgement of hardship from an administrative determination leaves the Applicant a pathway to a waiver but a slightly higher bar to prove to the Board that a hardship exists and therefore a waiver should be granted.
 - The Review Board is shifted from the Planning Board to the Zoning Board. The Planning Board writes the policy and sets the impact fees, as they are the author of the impact fees the interpretation of the written policy should then shift to the Zoning Board. Hardship is a Zoning Board standard that is used in all variance cases. As such the Zoning Board is more familiar with the standard. Removing the ability for one Board to write and interpret the standard avoids ethical conflicts and makes the system more resilient. Ultimately the standard is; the Planning Board writes the impact fee policy, the Zoning Board interprets and enforces the policy.

2. **Amend Section 305A.2 ("GC-1 District Table of Uses") and Section 500 (planned developments table)** (see p. 4 and 6 of the redline) to allow Manufactured Housing Planned Unit Residential Developments (PURDs) in the GC-1 District by Conditional Use Permit from the Planning Board per Section 504 of the Zoning Ordinance. This amendment is in furtherance of a concept recently presented by DHMC to Planning staff for a single-family development utilizing a "CrossMod" product at DHMC's property on the east side of Route 120 (between Jesse's restaurant and Centerra). The "CrossMod" product (pictured below) constitutes "manufactured housing" as defined in the City of Lebanon Zoning Ordinance. The GC-1 District already allows multi-family development with density to be determined by the Planning Board through Site Plan Review. As such, Manufactured Housing PURDs is a less intensive use than those already permitted in the GC-1 and will allow for much needed affordable single unit detached home ownership opportunities to serve the City's workforce. The development remains subject to the

extensive regulatory framework for PURDs, including the requirement to provide a minimum of 50% open space, and per Section 504, a maximum permitted density of 1 unit per 5,000 sq. ft. It is the staff's understanding that DHMC will be submitting a letter to the Council in support of this amendment request.



Example of a "CrossMod" single family residence where a portion of the home is stick-built on site which meets the State Building Code, and a portion of the house is built at an off-site facility which meets HUD housing code.

3. **Amend Section 410.3 ("Description of Riverbank Protection District")** (see p. 5 of the redline) to remove properties within the Lebanon Downtown (LD) District from the Riverbank Protection District. This amendment is in tandem with an application that the City is preparing to the NH Department of Environmental Services requesting an exemption for downtown Lebanon from the provisions of the state's Shoreland Water Quality Protection Act (SWQPA). The vast majority of New Hampshire's historic downtowns in cities and towns of comparable size to Lebanon have already requested and been approved for such an exemption, which has been available since the original passage of the SWQPA's predecessor in 1991 (the Comprehensive Shoreland Protection Act). The exemption allowed by the SWQPA recognizes that New Hampshire's historic downtowns were typically built up to and around a river (or other water body) – for example, the Cocheco River in Dover, the Merrimack River in Manchester, the Nashua River in Nashua, the Androscoggin River in Berlin, and in Lebanon, the Mascoma River. What the SWQPA is intended to protect or prevent is no longer attainable in these areas and only serves as an unnecessary impediment to much needed downtown redevelopment. Likewise, the Riverbank Protection District regulations – which substantially mirror the requirements of the SWQPA – also create a regulatory barrier to downtown redevelopment without any significant benefit to the community. Please note that FEMA Flood Zone building requirements remain in effect within this area.
4. **Amend Section 610 ("Accessory Dwelling Unit (ADU)")** (see p. 7-9 of the redline). Staff brings forward several ADU reforms based upon our lived experience with the ADU regulations over the last year. The ADU standards have begun to catch on and we are seeing more homeowners seek to permit ADUs.
 - *"FHA only requires that a home be marketable in the area and have adequate space necessary to assure suitable living, sleeping, cooking and dining accommodations and sanitary facilities."* Traditionally, FHA underwriting has used 960 square feet as a minimum number of square feet for a house to meet the articulated standard. Thus, there is not an interpretive question about the size of the dwelling unit if 960 square feet standard is made. Based upon this 960 sq ft FHA standard staff recommends amending the size ratios for ADU calculations as the present 750 square foot standard is too small to meet a traditional FHA habitability standard. Thus, the number is proposed to be changed to allow a larger ADU to be constructed.

- Square footage calculation has been a major concern with several ADU cases currently seeking permits that are running up against the smaller ratio standards. The definition of “gross living area” in Appendix A is proposed to be amended to make the calculation clearer.
- Further, square footage ratios are increased to allow for a larger ratio-based home with a by right standard of 960 square feet, thereby resolving permitting log jams by making meeting the ratios easier for many applicants and not adversely impacting surrounding neighborhoods.
- The large 4-acre lot provision was added to ease ratio concerns and permit mass and proportionality continuity. We have several cases currently seeking approval for a larger ADU on a very large lot. The 4 acres number allows for ample room for septic and well configuration for both lots. The larger ratio of 50% of the main house creates a scenario where the Large House and Small house remain more proportional to the scale of the neighborhood and house/lot configuration. The large lot standard allows for a significant second dwelling unit to be created, often in a configuration where the primary house and the ADU appear more as neighboring houses as opposed to a Primary/ADU relationship. Consequently, allowing the larger ADU will maintain mass, proportionality and not adversely impact a neighborhood with pre-existing large lots. Additionally, if configured correctly a larger ratio may underwrite the ease of sub-dividing a lot in the future and creating a stand-alone home on its own lot that meets all the regulatory standards while fitting the character of the neighborhood.
- A clear checklist of items needed for the ADU is included to inform an applicant of the necessary submissions at the time of application. Informing the applicant before an application is made helps develop a clear understanding of timelines and necessary obligations to achieve a favorable permit outcome and generate a successful project.

5. Amend Appendix A (“Definitions”) (see p. 11-12 of the redline) to:

- “Gross Living Area” For purposes of calculating impact fees and the size of accessory dwelling units, amend the definition of “gross living area” to specify more clearly those areas of a dwelling unit – including walk out basements - that are included as part of the “gross living area”.

6. Miscellaneous minor amendments:

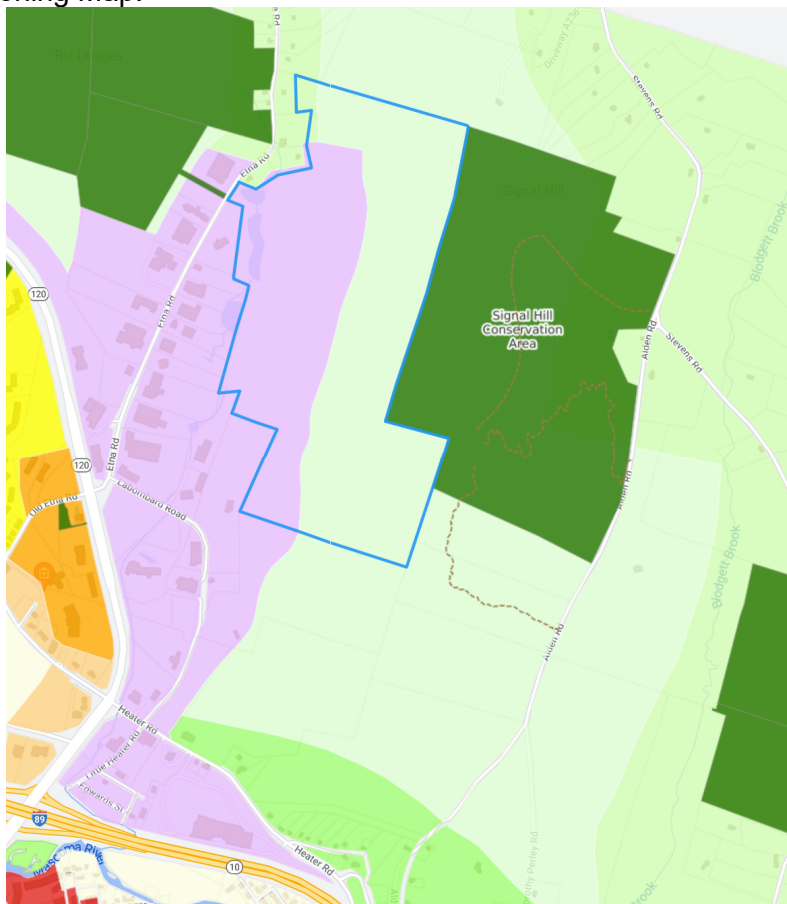
- **Amend Section 408.4 (Historic District Certificate of Approval requirements)** (see p. 4 of the redline) to clarify the activities within the Historic District that require a Certificate of Approval from the Heritage Commission.
- **Amend Section 410.2 (Riverbank Protection District enabling authority)** (see p. 5 of the redline) to remove the reference to RSA 674:21 (innovative land use controls) which implicates the cumbersome procedural requirements for innovative land use controls, and which are not currently followed by City staff in the administration of the Riverbank Protection District.
- **Amend Section 501.1.F.2.a (commercial and industrial PUD open space requirements)** (see p. 6 of the redline) to make the minimum open space requirements consistent with the minimum open space requirements of the Lebanon Subdivision Regulations (which require a minimum of 15% whereas the commercial and industrial PUD regulations only require 10%).

- **Amend Section 607.5 (off-lot parking requirements)** (see p. 7 of the redline) to require that the legal documentation securing the right to use the off-lot parking is provided as part of the Conditional Use Permit application.
- **Amend Section 801** (see p. 10 of the redline) to amend the ZBA administrative appeal procedures for consistency with state statutory requirements.
- **Amend Section 802** (see p. 10-11 of the redline) to amend the ZBA application and hearing procedures and to clarify that application fees are established pursuant to City Code Chapter 68.
- To clarify existing language and to make certain editorial changes to Section 213 (“Impact Fees”), Section 410 (“Riverbank Protection District”), Section 610 (“Accessory Dwelling Unit (ADU)”), and Appendix A (revise definitions of “child day care facility,” “dwelling,” “educational facility, primary/secondary,” and “health club”).

B. Map Amendment

7. **0 Etna Road (Tax Map 26, Lot 17)** (see attachments provided by the property owner, *Choice Storage, LLC*, depicting the existing and proposed zoning):

Current Zoning Map:



The subject property is a +/-182 acre lot (per City assessing records) that is split-zoned IND-L and RL-3, and abuts the City’s Signal Hill Conservation Area to the west (see image above). The use of the property is identified as “Rural” on the Future Land Use Map. The property owner has

requested that the Council rezone approximately 50 acres of the RL-3 portion of the property to IND-L in exchange for the rezoning of approximately 50 acres that is currently zoned IND-L to RL-3. It is the applicant's intent to transfer some of the land to be rezoned to RL-3 to the City of Lebanon for the development of recreational playing fields and has been working with the Recreation, Arts and Parks Department on preliminary concepts. Given the substantial need for recreational playing fields, staff are supportive of the applicant's request. However, it should be noted that the rezoning request cannot be made contingent on the City's acquisition of any portion of the property. The property owner has provided the attached exhibits depicting the existing and proposed zoning and will be present at the City Council's meeting on October 4th to describe the rezoning proposal in more detail as well as his current plans for the development of the property which, as staff understands it, includes a significant housing component. The proposed re-zone exchange will open an opportunity for possible development of City owned ball/soccer fields, housing options and mixed-use light industrial upon the parcel.

SCHEDULE

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

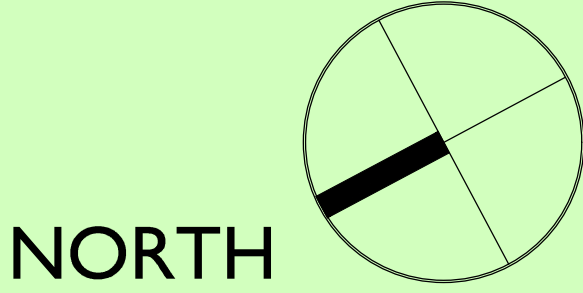
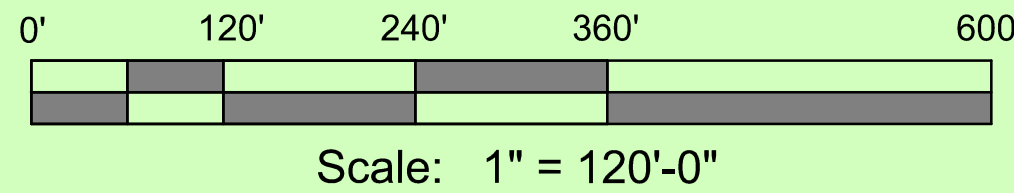
1. Staff presents amendments to City Council for initial consideration - *scheduled for the October 4, 2023 Council meeting*. Section 1000.2.A.
2. If Council decides to move forward with the amendments, they will set a tentative schedule including review by legal counsel, review before the City's land use boards, and a public hearing before the Council. Section 1000.3.A.
3. The amendments will be forwarded to the City's attorney for review. *Legal opinion expected to be received by the end of October*. Section 1000.3.B.2.
4. The amendments are forwarded to the City's land use boards for review. Sections 1000.3.B.1 and C.
 - a. Planning Board - *expected to be scheduled for the October 23, 2023 meeting*.
 - b. Zoning Board – *expected to be scheduled for the November 6, 2023 meeting*.
 - c. Conservation Commission – *expected to be scheduled for the November 9, 2023 meeting*.
5. The Council will then hold a work session to review the amendments as modified based on legal input and land use board feedback – *expected to be scheduled for the January 3, 2024 Council meeting*.
6. Finally, the Council will hold a public hearing followed by a vote on whether to adopt the amendments and/or to place amendments on the March ballot for voter consideration - *expected to be scheduled for January 17, 2024 Council meeting*. Section 1000.3.D.

Please note that the proposed amendments may be adopted by the City Council per Section 1000.4.B of the Zoning Ordinance, and do not require approval by referendum vote (subject to verification by the City's legal counsel). Per Section 1000.4, the Council does have the ability to voluntarily place any proposed amendment on the March ballot for voter approval.

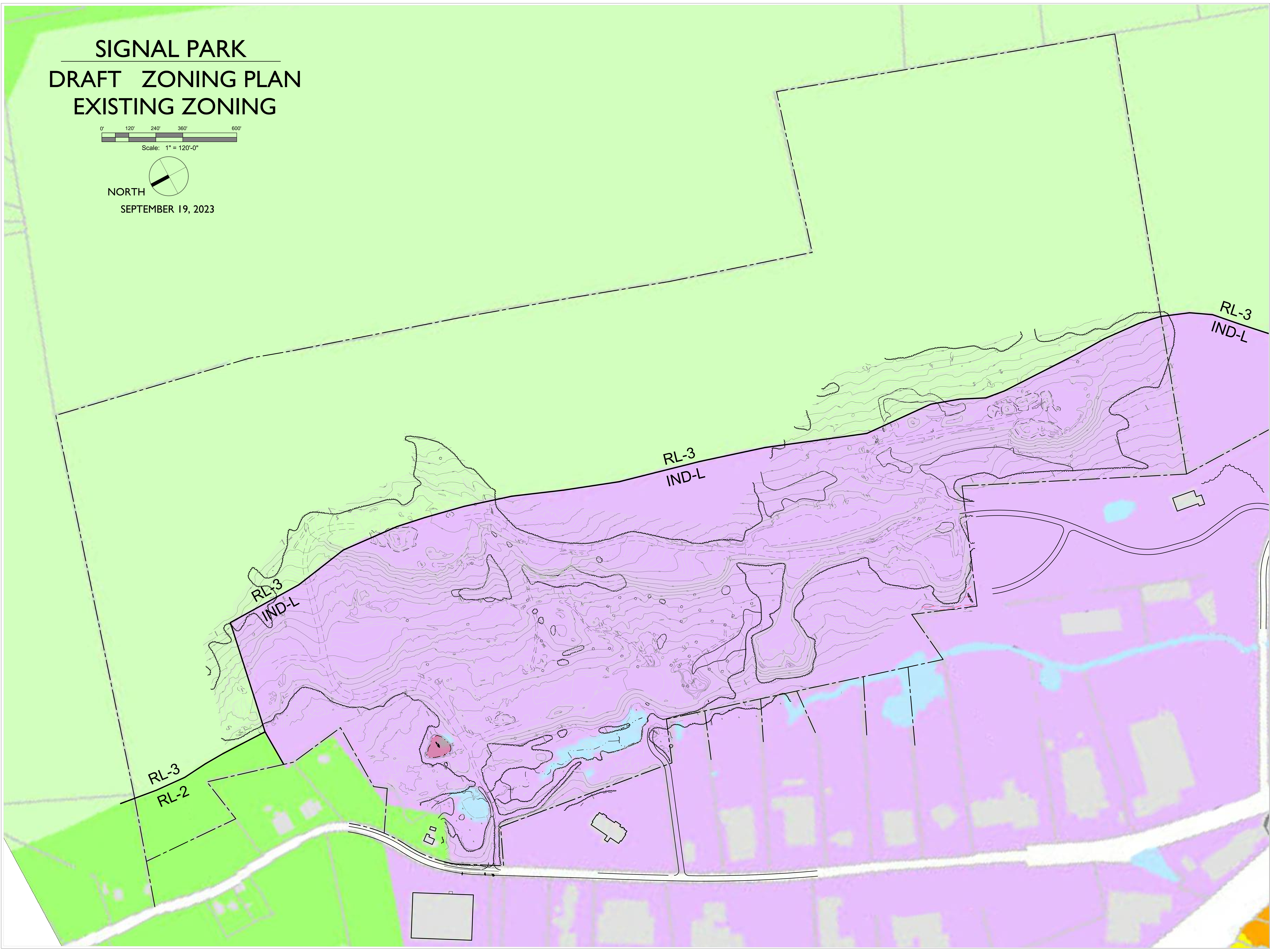
ATTACHMENTS

- 0 Etna Road (Tax Map 26, Lot 17) – existing zoning
- 0 Etna Road (Tax Map 26, Lot 17) – proposed zoning
- Redline excerpt of current Zoning Ordinance (redline last revised 9/26/23)

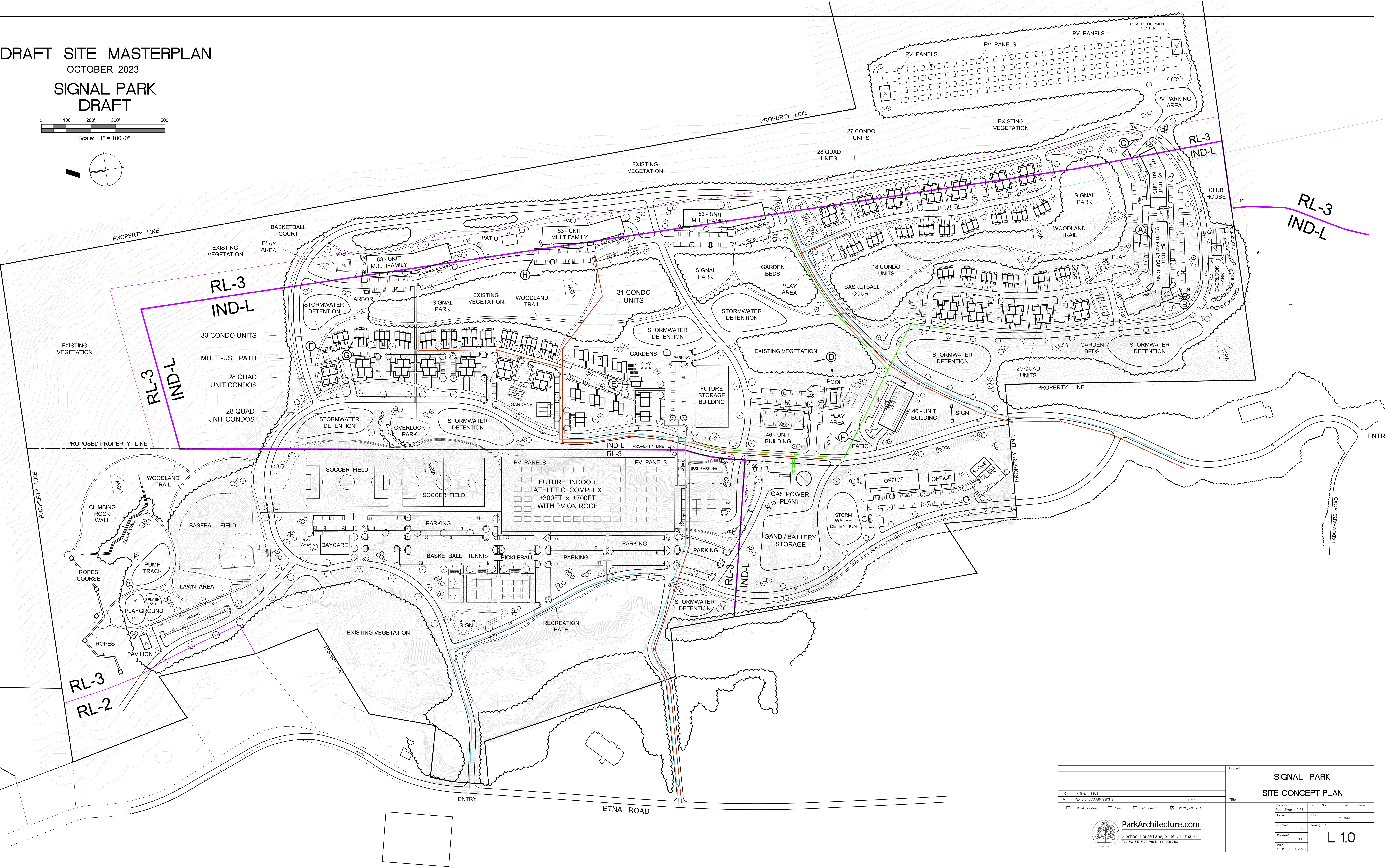
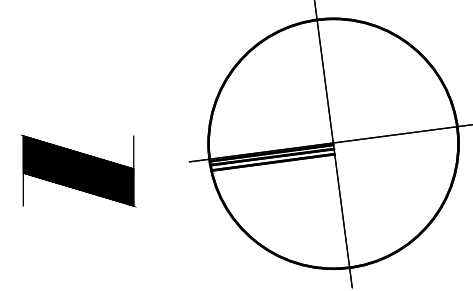
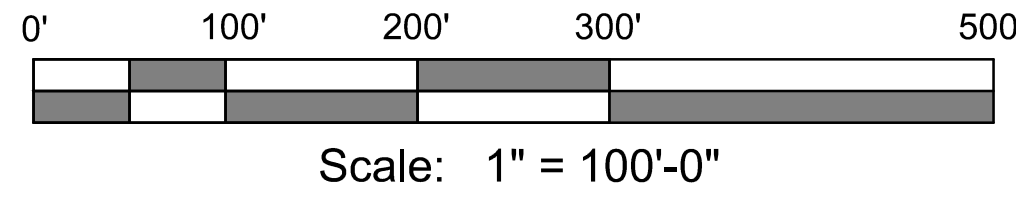
SIGNAL PARK
DRAFT ZONING PLAN
EXISTING ZONING



SEPTEMBER 19, 2023



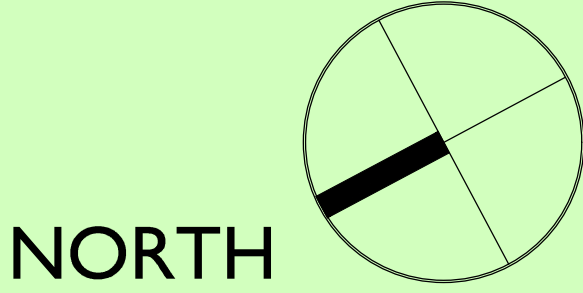
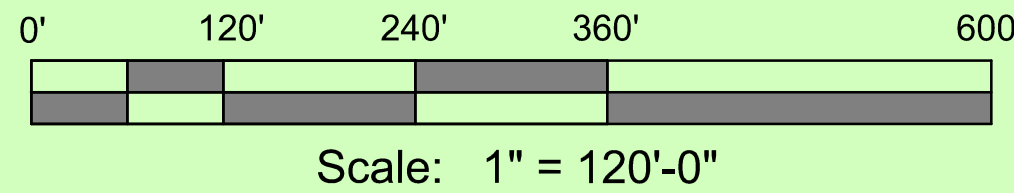
DRAFT SITE MASTERPLAN
OCTOBER 2023
SIGNAL PARK
DRAFT



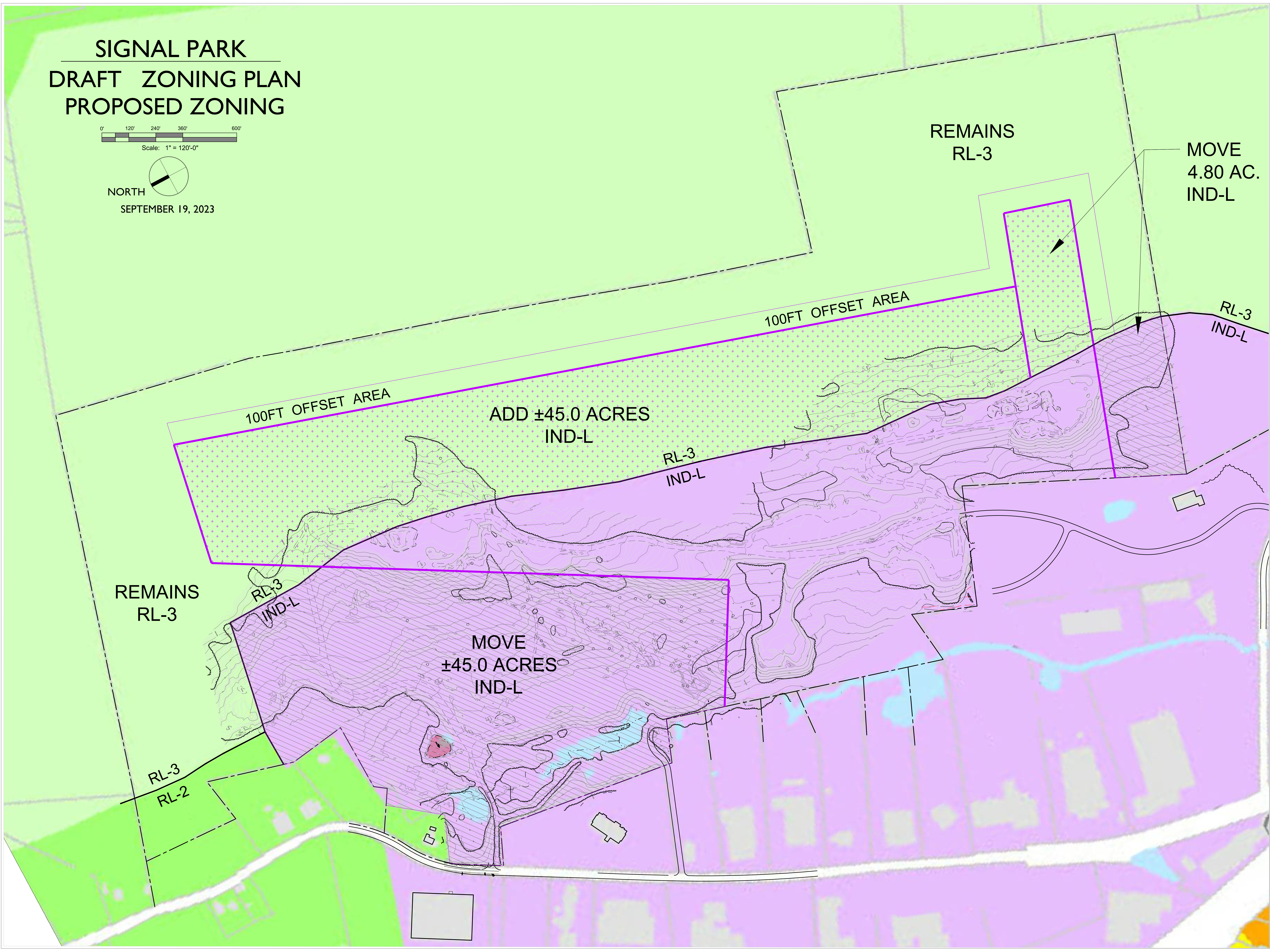
Project		SIGNAL PARK	
Title		SITE CONCEPT PLAN	
0 INITIAL ISSUE	Date	Prepared by	Project No.
1 REVISIONS/SUBMISSIONS		Paul Simon / PS	
☐ RECORD DRAWING	☐ FINAL	☐ PRELIMINARY	☒ SKETCH/CONCEPT
Scale		1" = 100FT	
Drawing No.		L 1.0	
Date		OCTOBER 16, 2023	

ParkArchitecture.com
3 School House Lane, Suite #1 Etna NH
Tel: 603.463.3360 Email: 677.905.0467

SIGNAL PARK
DRAFT ZONING PLAN
PROPOSED ZONING



SEPTEMBER 19, 2023



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September 27, 2023

Nathan Reichert
Timothy Corwin
Planning & Development Department
51 N. Park St.
Lebanon, NH 03766

Re: Planning Board Work Session Item

Dear Nate and Tim:

In response to Tim's recent email regarding the land use issues concerning the property of Edwards Properties, LLC, at the intersection of Evans Drive and Rt. 120, on behalf of Edwards the following information is provided. As part of the City's on-going discussions about the potential land uses and zoning districts that might be applicable to this area, Edwards would like to have a conceptual discussion with the Planning Board in its role in planning for the City. Although Edwards is also submitting a zoning proposal to the City Council as part of the Council's review of zoning amendments, Edwards hopes that a discussion with the Planning Board will provide suggestions or even guidance on a course of action that meets the needs of the City and the landowners in the area.

In recent correspondence, you had noted that the 2012 Master Plan contains a discussion of the Heater Road-Route 120-Evans Drive area. The Master Plan states:

Heater Road-Route 120-Evans Drive-Hanover Street. For the Heater Road area, the general recommendation is to determine the appropriate level and type of future development. The area surrounding the Hanover Street School and Lebanon High School would be appropriate for mixed-use development, including small scale commercial, light industrial, office, and residential uses. Because of the proximity to schools and residential areas, surrounding wetlands, and difficult access for traffic from Route 120 onto Evans Drive, development must meet well-defined performance standards for traffic, hours of operation, impervious surface, and parking. A study of the entire Route 120 corridor is needed to address traffic patterns, land uses, and aesthetic concerns. The City supports the NHDOT's position that no further curb cuts should be granted on Route 120 north of Exit 18. The entry corridor from Exit 18 to Hanover Street should be landscaped by the

state to reduce the current expanse of impervious pavement.

The Master Plan suggests that the area is “appropriate for mixed-use development, including small scale commercial, light industrial, office, and residential uses.” Although “mixed-use development” is not defined in the Master Plan, it implies that multiple and different uses are permitted in the zone.

The specific area presently of concern is along the east and west sides of Rt. 120 between I-89 and the intersection of Evans Drive. Prior to 2000, the area on the west side of Rt. 120 was zoned General Commercial (GC) and “vehicular sales” was a permitted use. This existed in recognition of the fact that Smith Auto Sales had been in business at this location since the 1960's. Similarly, on the east side and across Rt. 120 from the current Nissan dealership, The auto dealership then known as The Car Store was constructed in 1985. It received approval for “vehicular sales” which at the time was permitted as a “special exception” in what was then the “Industrial Zone.” Today, that dealership continues as the Volvo/Volkswagen auto dealership but the land area is now zoned as the Industrial Light zone (IND-L). The re-zoning which occurred around the year 2000, converted the Nissan dealership property and the Volvo/Volkswagen dealerships from permitted uses to non-conforming “grandfathered” uses. The re-zoning also affected two office buildings, changing their uses from permitted to non-conforming.

A view of the land uses along Rt. 120 confirms that certain office and commercial uses exist and are appropriate given the proximity to the heavily traveled Rt. 120. However, there are no residential uses planned or in existence that have direct access from Rt. 120 in the area immediately north of I-89. The expectation that residential uses might occur there is unlikely given that residential use has, in fact, occurred on more on secondary roads like Hanover Street, Mt. Support and from Etna Road, and is now planned in the core areas of Lebanon, as has occurred in West Lebanon.

Not every commercial use may be appropriate along Rt. 120, perhaps the most heavily traveled road in Lebanon. It is appropriate that “no further curb cuts should be granted on Route 120 north of Exit 18” as the Master Plan states. However, the recognition that automotive dealerships have existed at their current locations for over 60 years for the Nissan dealership and for over 40 years for the Volvo/Volkswagen dealership demonstrates that these businesses are successful because of their location and they will not be leaving. The Key Dodge auto dealership, just a bit further up Rt. 120, where the land is zoned general commercial, has been an auto dealership for many years and further demonstrates that this is a prime area for auto dealerships, and it will continue to be so.

The only other mention in the Master Plan of land uses in the Exit 18 area occurs on page 2-4 of the Plan which states:

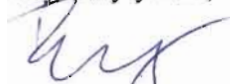
In the vicinity of Exit 18, there are several auto-related business (gas stations, convenience stores, auto dealerships, trucking facilities), as well as additional general commercial uses within close proximity (hotels, retail, etc.) In recent years, new construction and some redevelopment has been occurring in this area.

The auto-related businesses are the Nissan, Volvo/Volkswagen and Doges dealerships along Rt. 120. The gas station, truck stop, and convenience store are all at "The Fort" on Heater Road. The hotel is accessed from LaBombard Road. In the vicinity directly north of I-89, no retail exists other than at The Fort.

The absence of any contrary vision for the Rt. 120 corridor directly north of I-89 suggests that the corridor is functioning as intended and that the only re-zoning required is to have zoning correspond to the uses that are there and that have been existing in that location for decades. This is not a situation of needing to find a solution to a land use problem. This is a situation of correcting regulations so that they reflect the history and future of the area and permit the existing land uses to remain as contributing businesses in the City.

Edwards Properties, LLC, would welcome the opportunity to have a conceptual discussion with the Board so that Edwards may assist in developing options for the zoning along Rt 120.

Very truly yours,



Barry C. Schuster

BCS/sf
cc: Edwards Properties, LLC

DRAFT

LEBANON PLANNING BOARD
Regular Session
Monday, September 25, 2023, 6:30 PM
Council Chambers, City Hall
or Remote Via Microsoft Teams
LebanonNH.gov/Live

MEMBERS PRESENT: Matthew Hall (Chair), Jeremy Rutter (Vice Chair), Douglas Whittlesey (City Council Alt.), Andrew Faunce, Bruce Garland, Patrick Kennelly, Kathie Romano, Laurel Stavis (Remote)

MEMBERS ABSENT: Karen Zook (City Council Rep)

STAFF PRESENT: Nathan Reichert (Planning Director), Tim Corwin (Deputy Planning Director), Shaun Mulholland (City Manager), Brian Vincent (City Engineer), Lynne Goodwin (Human Resources Director)

1. Call to Order

Chair Hall called the meeting to order at 6:30 PM.

2. Notice of Regional Impact

The following application was received before September 25, 2023:

Johanna Cicotte & Edwards Properties, LLC, 30 Little Heater Road (Tax Map 78, Lot 61) and 0 Edwards Street (Tax Map 78, Lot 54), zoned IND-L: Request for a Boundary Line Adjustment. PB2022-42-BLA

Mr. Corwin stated that the above application does not have the potential for regional impact.

A MOTION by Jeremy Rutter that the application of Johanna Cicotte & Edwards Properties, LLC, 30 Little Heater Road (Tax Map 78, Lot 61) and 0 Edwards Street (Tax Map 78, Lot 54), zoned IND-L, does not have the potential for regional impact.

The motion was seconded by Bruce Garland.

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

3. Public Hearing Items

- A. Quail I, LP, 69 Lily Lane (Tax Map 8, Lot 2, Plot 200), zoned R-3: Request for Site Plan Review to renew a previously approved Site Plan Approval (PB2019-13-SPR) to construct a new 32-unit, 50,000 square foot building for senior housing, together with associated site improvements, to be operated as part of the existing Quail Hollow Senior Living Community. PB2023-30-SPR - Postponed from September 11, 2023**

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

1 ***A MOTION by Jeremy Rutter that the Lebanon Planning Board finds the application of Quail I, LP,***
2 ***PB2023-30-SPR, IS complete enough to accept jurisdiction and commence review.***
3 ***The motion was seconded by Bruce Garland.***
4 ****The MOTION was approved (7-0).***
5

6 John Giebink and Charles Brush appeared in support of the application.
7

8 Mr. Giebink stated that the pandemic caused everything to be put on hold, which necessitated the
9 extension. All new designs have been completed and the City departments have been consulted. Another
10 extension is not allowed, so the new application reflects compliance with updated regulations.
11

12 Mr. Giebink provided background for the waiver requests.
13

14 Mr. Corwin explained the timeline for the previous application and the reason for the new application,
15 which is substantially the same as the one approved in 2019. The waiver requests were reviewed. Staff's
16 conditions of approval were outlined.
17

18 Ms. Romano noted that the residents had asked that a garden be relocated prior to the construction of the
19 new building. Mr. Giebink stated that they are planning to relocate and enlarge the garden in another
20 location. Ms. Romano also inquired about the second entrance to the property. Mr. Giebink stated that
21 there is still a gated entrance.
22

23 Laurel Stavis joined the meeting online at 6:47 PM.
24

25 Mr. Rutter inquired about the letter from the UVLSRPC. Mr. Giebink stated that his reply to that letter
26 should be in the materials. Mr. Rutter also commented on the presence of a retaining wall and inquired if
27 it would be screened in some way. Mr. Giebink stated that it was not in the plan. Mr. Rutter also inquired
28 about certain State permit approvals, and Mr. Corwin stated that new permits would be required as stated
29 in the conditions of approval. All State and local approvals must be updated and approved before the
30 project can move forward.
31

32 Mr. Whittlesey inquired about the location of the retaining wall and the recommendations for screening.
33 Mr. Corwin brought up a rendering of the site that showed the location of the wall on a steep slope. It was
34 suggested that trees could be added for screening.
35

36 Chair Hall invited Public Comment.
37

38 Mary Rohr of Quail Hollow Condominiums and president of the resident association stated that they
39 share the Summit Development property under discussion. Enforcement of speed limits, route of travel
40 for construction vehicles to avoid Linden Drive and Lower Lily Lane, and safety of residents with
41 ambulatory challenges were all concerns. Chair Hall stated that the Planning Board does not have any
42 jurisdiction over those aspects of the location. Mr. Corwin stated that the development is subject to the
43 site plan, and the property owner must maintain the property including damage caused by construction.
44 Mr. Giebink stated that a flag person would be employed to direct construction traffic, and it is to their
45 benefit to maintain the property. Mr. Whittlesey confirmed the traffic plan for construction vehicles and
46 inquired if additional pedestrian infrastructure would be added. Mr. Giebink stated that there would be
47 new paths and sidewalk provided.
48

49 Mr. Garland stated that the second entrance is reported to be open frequently. Mr. Giebink stated that the
50 gate was repaired and replaced.
51

1 Ralph Faris of Quail Hollow expressed concern regarding drivers ignoring the speed within the property,
2 the impact of construction vehicles on the roadways, damage to drainage caused by recent heavy rains,
3 and stormwater in the new area of construction. The construction would also impact available parking for
4 residents. Mr. Faris inquired about the plans for sewage and whether they would be using the system for
5 the condos. Mr. Giebink stated that stormwater management and sewage have been approved by the City.

6
7 Ms. Rohr asked for confirmation that the sewage would be going through the existing sewage system that
8 is often needing service. Mr. Giebink stated that the sewage system would be used for the new building
9 and the maintenance system for the sewage system calls for regular inspection and maintenance.

10
11 Mr. Faunce inquired about parking spaces being added. Mr. Giebink stated that the new building would
12 add 32 spaces, and the current gravel area being used is not approved parking. Mr. Giebink added that
13 there is ample parking currently without using the gravel area.

14
15 Mr. Corwin stated that a traffic study would only be for peak hour trips if there were sufficient trips
16 currently. The previous study was in 2018, and it was not deemed necessary to require a new study.

17
18 Sandy Besas, 21 Linden Drive, expressed concern for safety on the private roads and the speeding, but the
19 Police Department cannot enforce the speed limit. The secondary locked exit from the property is a
20 concern. The sidewalks are dangerous and uneven causing residents to use the streets.

21
22 Ms. Stavis referred to a presentation by the Fire Chief before the West Lebanon Advisory Committee that
23 reported increased calls come from the upper Route 10 and Quail Hollow area. Mr. Whittlesey stated that
24 there is a presentation on Wednesday regarding Fire Station issues. Mr. Corwin stated that the Fire
25 Department is always asked to give input, and several comments were addressed in 2019. Site design is
26 the primary focus of the Fire Department, not the impact from use of the facility. There would need to be
27 a specific request to investigate Quail Hollow and its impact on the West Lebanon Fire Station. Mr.
28 Vincent stated that there is information in the packet from 2018-2019 regarding the impact of the new
29 building on the Fire Department's capacity. Mr. Whittlesey stated that a portion of impact fees goes to the
30 Fire Department. Chair Hall stated that the application is virtually the same as it was previously, and the
31 Fire Department did not have concerns at that time. Ms. Romano stated that the Fire Department has
32 dependable access to the Quail Hollow property.

33
34 Chair Hall directed the Board members to the waivers.

35
36 Mr. Rutter inquired about the need for a survey. Mr. Giebink stated that nothing has changed from
37 previous surveys.

38
39 ***A MOTION by Jeremy Rutter*** that for the application of Quail I, LP, PB2023-30-SPR, the Lebanon
40 Planning Board **APPROVE** a partial waiver from the following section of the Site Plan Review
41 Regulations:

- 42
43
 - **Section 5.1.E.5** – *requiring a current survey of the property certified by a licensed NH land*
44 *surveyor*

45 ***The motion was seconded by Kathie Romano.***

46 ***Voting in Favor – Mr. Whittlesey, Mr. Garland, Mr. Hall, Mr. Rutter, Ms. Romano, Mr. Kennelly, Mr.***
47 ***Faunce, Ms. Stavis***

48 ***Voting Against – None***

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

Judy Butler, a Quail Hollow resident, asked for the location of the sewer system as designated on the plan. Mr. Giebink stated that it would be going into the same system that is being used now. The system has unused capacity at present and is operating as intended. Mr. Vincent stated that it has been evaluated and approved.

Douglas Teschner, Quail Hollow, noted that the only way into the community is down a very steep road.

A MOTION by Jeremy Rutter that for the application of Quail I, LP, PB2023-30-SPR, the Lebanon Planning Board **APPROVE** a partial waiver from the following section of the Site Plan Review Regulations:

- **Section 5.1.E.16** – requiring landscaping plan to depict existing trees of a certain size, include calculations for square footage of perimeter landscaping, and provide parking lot shading calculations

The motion was seconded by Patrick Kennelly

Roll Call Vote:

Voting in Favor – Mr. Whittlesey, Mr. Garland, Mr. Hall, Mr. Rutter, Ms. Romano, Mr. Kennelly, Mr. Faunce, Ms. Stavis

Voting Against – None

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

A MOTION by Jeremy Rutter that for the application of Quail I, LP, PB2023-30-SPR, the Lebanon Planning Board **APPROVE** a partial waiver from the following section of the Site Plan Review Regulations:

- **Section 6.2.D** – landscaping around buildings requirements

The motion was seconded by Bruce Garland.

Mr. Corwin stated that landscaping is required within a 10-foot strip around the building. Three of the four sides of the building do not have that landscaping. Mr. Rutter inquired why the applicant cannot provide landscaping. Mr. Vincent ??? in front of the retaining wall. Mr. Corwin stated that this waiver would still be required. Mr. Giebink ...

Barbara Parry, Quail Hollow, asked how high the retaining wall would be and how they would make the site look attractive. Mr. Giebink

Mr. Rutter stated that the information regarding waivers provided was not sufficient in 2023 for members who were not present for the original approval. Ms. Parry inquired about the length of the project. Mr. Corwin stated that the building permit must be applied for within two years from approval, with construction to begin within six months once it is approved. Mr. Vincent stated that he was not the person who reviewed the original plans. Mr. Corwin noted that the conditions of approval require a plan be submitted for the retaining wall.

Mr. Rutter stated that there should be a new landscaping plan, and the landscaping requirements can be adhered to. Mr. Whittlesey noted that how the landscaping would interfere with the drainage system is the actual issue, and the 7-foot retaining wall can be screened.

Roll Call Vote:

Voting in Favor – Mr. Whittlesey, Mr. Garland, Mr. Hall, Ms. Romano, Mr. Kennelly, Mr. Faunce,

1 **Ms. Stavis**

2 **Voting Against – Jeremy Rutter**

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

4
5 **A MOTION by Bruce Garland** that for the application of Quail I, LP, PB2023-30-SPR, the Lebanon
6 Planning Board **APPROVE** a partial waiver from the following section of the Site Plan Review
7 Regulations:

- 8
9 • **Section 6.5.I** – long-term bicycle parking requirements

10
11 **The motion was seconded by Douglas Whittlesey.**

12
13 Mr. Corwin stated that the issue is regarding long-term bicycle storage. Mr. Giebink stated that there are
14 bike racks inside a building that requires a key for entry.

15
16 **Roll Call Vote:**

17 **Voting in Favor – Mr. Whittlesey, Mr. Garland, Mr. Hall, Ms. Romano, Mr. Kennelly, Mr. Faunce,**

18 **Ms. Stavis**

19 **Voting Against – Jeremy Rutter**

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

21
22 Kathleen Cooper, 20 Linden Drive, inquired if parking would be maintained in the River House area and
23 if residents would be able to walk through the area. Mr. Giebink stated that parking will be maintained for
24 residents, and there will be traffic safety people on site.

25
26 Chair Hall closed the Public Hearing.

27
28 **A MOTION by Jeremy Rutter** that the Lebanon Planning Board **APPROVE** the application of Quail I,
29 LP, regarding 69 Lily Lane (Tax Map 8, Lot 2, Plot 200), zoned R3, PB2023-130-SPR, for Site Plan
30 Review to construct a new 32-unit, 50,000 square foot building for senior housing, together with
31 associated site improvements, to be operated as part of the existing Quail Hollow Senior Living
32 Community, as shown on a plan set titled set titled, “Site Plan for Quail Hollow Senior Living
33 Community – Phase V” prepared by Pathways Consulting, LLC, dated June 10, 2019, revised July 10,
34 2023, Proj. No. 10112, including any and all submissions and testimony provided for and during the
35 public hearing.

36
37 In support of its decision, the Board finds that the applicant has submitted plans, testimony, technical
38 data, information, reports, and studies that together satisfactorily demonstrate compliance with the
39 applicable requirements of the Site Plan Review Regulations, except as may reasonably be addressed
40 through the imposition of certain conditions of approval, set forth below, and except as may have been
41 waived pursuant to Section 7.1.

42
43 This approval is subject to the following conditions:

44
45 **General Conditions**

- 46
47 1. It shall be the applicant’s responsibility to be familiar with and aware of these conditions of
48 approval, and it shall be the applicant’s responsibility to satisfy these conditions of approval
49 and to satisfy them within the relevant timeframes outlined below.

2. The development is subject to the Site Plan Review Regulations adopted May 13, 1991, last revised January 23, 2023, and the Zoning Ordinance adopted January 16, 2013, last amended March 14, 2023, which are the regulations in effect at the time the application was submitted.
3. A building permit must be applied for *and issued* within two (2) years of the date of this approval (4.10.A), subject to an extension if applied for by the applicant and if approved by the Planning Board per Section 4.10.B.
4. “Active and substantial development,” as defined in Section 8.4.A.1 of the Site Plan Review Regulations, shall be achieved within two (2) years of the date of this approval (8.4.A.2), subject to an extension if applied for by the applicant and if approved by the Planning Board per Section 8.4.A.3. If active and substantial development is not achieved within two (2) years of the date of the Planning Board’s approval, the development shall be subject to any changes in the City’s land use regulations.
5. “Substantial completion,” as defined in Section 8.4.B.1 of the Site Plan Review Regulations, shall be achieved within five (5) years of the date of this approval. If substantial completion is not achieved within five (5) years of the date of the Planning Board’s approval, the development shall be subject to any changes in the City’s land use regulations.
6. 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.
7. The applicant shall implement and maintain NHDES Site Specific Best Management Practices before, during, and after construction.
8. Edge-of-disturbance fencing shall be installed and maintained before and during any site work, to be verified by the City Engineer or City’s third-party inspector on site.
9. 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).

Conditions to be Satisfied Prior to Application for a Building Permit and Prior to the Start of Any Construction Activities

10. The applicant shall make the following revisions to the plan set to the satisfaction of the Planning and Development Department and the City Engineer:
 - a) Add a sidewalk along the west side of Route 10 from Quail Drive to Richardson Place, pursuant to condition of approval #4 of the Zoning Board of Adjustment’s Notice of Decision dated March 19, 2018, for ZB2017-34-SE.
 - b) The applicant shall install landscaping along the face of the retaining wall behind the building using plantings suitable for the location in accordance with Section 6.2.H of the Site Plan Review Regulations and shall relocate the community garden to a suitable location.
 - c) The applicant shall coordinate with the City Engineer on the installation of at least one (1) additional suitable shade tree pursuant to Section 6.2.H adjacent to the building in a location that does not conflict with underground utilities.
11. The applicant shall schedule and hold a pre-building permit application meeting with the Planning and Development Department, City Building Inspectors, City Engineer/Department

- 1 of Public Works, and Fire Department, in order to help streamline the building permit review
2 process and to review applicable code requirements.
3
4 12. The applicant shall obtain approval from the City Council or the City Manager's office for
5 any additional water and/or sewer flows in accordance with the applicable Chapter 136 and
6 182 of the City Code.
7
8 13. The applicant shall provide a letter or certification from the engineer of record or other qualified
9 design professional confirming that the approved plan set meets the accessibility standards of
10 the State of New Hampshire Building Code.
11
12 14. All engineering review fees shall be paid in full as required by Section 4.7.E.1 of the Site
13 Plan Review Regulations. (*Note: applicant can request an invoice from the Department of*
14 *Public Works*).
15

16 **Conditions to be Satisfied Prior to the Issuance of a Building Permit**
17

- 18 15. The applicant shall submit engineered plans for the proposed retaining wall for review and
19 approval by the Building Inspector and City Engineer.
20
21 16. Prior to the start of any construction activities on the property for which construction
22 inspection is required pursuant to this decision or any applicable ordinance or code, the City
23 shall retain the services of an independent third-party inspector, for which the applicant shall
24 be responsible for all inspection fees related to (a) on-site work related to sewer, water,
25 temporary sedimentation and erosion control, and drainage improvements, and (b) all off-site
26 work within the City's right-of-way (including but not limited to water, sewer, driveways,
27 drainage), in accordance with Chapters 136 and 182 of the City Code and Section 8.2 of the
28 Site Plan Review Regulations. The applicant shall provide funding for inspection services in
29 a form and amount acceptable to the City and shall sign a Water & Sewer Extension and
30 Infrastructure Inspection Agreement in accordance with Chapters 136 and 182 of the City
31 Code.
32
33 17. The development shall be subject to City of Lebanon Impact Fees, pursuant to Section 213 of
34 the Zoning Ordinance. The Impact Fee shall be calculated at the time of Building Permit
35 issuance based on the Impact Fee Schedule adopted on October 12, 2021. In accordance with
36 RSA 674:39, the approved site plan shall be exempt from any future changes in impact fees
37 and methodology for five years from the date of approval; however, any building permits
38 which are issued after the end of that five-year period shall be fully subject to whatever
39 impact fees and methodology are in effect at the time of building permit issuance.
40
41 18. All water and sewer fees shall be paid as set forth in City Code Chapter 68.
42
43 19. Prior to the start of any construction activities on the property, the applicant shall obtain or
44 update (if appropriate) any required State approvals.
45
46 20. The applicant shall obtain an Excavation Permit from the Department of Public Works for
47 any site work in the public right-of-way prior to any work in the right-of-way, and
48 construction or installation of any new driveway(s) shall also require a Driveway Permit from
49 the Department of Public Works.
50

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

- 1
2 21. The applicant shall dedicate and convey the completed water main and any hydrants within
3 the Richardson Place right-of-way to NH Route 10, to the City for ownership and
4 maintenance, subject to appropriate easements. Said conveyance and easements shall be
5 approved by the City Attorney and the Department of Public Works and recorded in the
6 Grafton County Registry of Deeds prior to acceptance of any utility improvements by the
7 City.
8
9 22. Third-party engineer or design engineer inspection reports and as-built drawings provided by
10 the applicants (PDF format and CAD .dwg format, using the NH State Plane Coordinate
11 System), including tie sheets, shall be reviewed and approved by the City Engineer prior to
12 acceptance of any utility improvements by the City.
13
14 23. The impact fee calculated pursuant to Condition of Approval #17 shall be paid.
15
16 24. Pavement and gravels constructed within the City's right-of-way, or any easement areas must
17 meet NHDOT specification requirements. The applicant shall provide compaction tests and
18 borings prepared by a licensed engineer to the Department of Public Works to certify that
19 compaction and thickness requirements are met.
20
21 25. All improvements depicted on the plan shall be completed and shall be constructed as
22 depicted on the approved plan, including any modifications to the plan as may be approved
23 by the Planning Board in accordance with the Site Plan Review Regulations.
24

25 *The motion was seconded by Bruce Garland.*
26

27 Chair Hall inquired about the requirements for thickness and compaction. Mr. Vincent stated that it has to
28 do with the right-of-way.
29

30 *Roll Call Vote:*

31 *Voting in Favor – Mr. Whittlesey, Mr. Garland, Mr. Hall, Mr. Rutter, Ms. Romano, Mr. Kennelly, Mr.*
32 *Faunce, Ms. Stavis*

33 *Voting Against – None*

34 **The MOTION was approved (8-0).*
35
36

- 37 B. **City of Lebanon, 160 Mechanic Street (Tax Map 105, Lot 27), zoned R-2:** Request for
38 Site Plan Review to convert the use of the property to an emergency winter shelter.
39 **PB2023-33-SPR** (NOTE: This application will be reviewed as a Governmental Land Use
40 pursuant to RSA 674:54)
41

42 Chair Hall explained the aspects of a Governmental Land Use application.
43

44 City Manager Mulholland provided the background for the request. He stated that a roundabout is planned
45 for the location, and this property is necessary for that project. The City decided to purchase the property
46 now to limit the cost to the City. Homelessness has increased dramatically, and the City is required to
47 provide housing. Federal funding has expired, so the City is proposing to construct a temporary facility
48 for use during the winter. The Haven will provide services.
49

50 Ms. Goodwin reported on the current homeless population and the funding available.
51

1 Mr. Corwin noted that there are two powers of the Planning Board, which are to hold a hearing and to
2 issue an approval based upon current land use regulations.

3
4 Chair Hall inquired about the potential increase in the homeless population. Ms. Goodwin stated that the
5 people housed last winter were from the Lebanon area.

6
7 Ms. Romano noted that when the facility is demolished for the roundabout, there will be a need for a new
8 facility. Ms. Goodwin stated that they are asking for an overnight shelter.

9
10 Mr. Garland inquired about the potential for increased crime. Mr. Mulholland stated that there was a
11 decrease in certain crimes reported in a study. Other area shelters have not prompted any additional crime.

12
13 Ms. Romano inquired as to where the homeless people would go each morning. Ms. Goodwin stated that
14 many go to the local libraries and other public locations.

15
16 Mr. Rutter inquired about the nearest bus stop and the amount of parking. Ms. Goodwin noted that it is
17 located by the east corner of the building, and there would be parking for seven vehicles.

18
19 Chair Hall invited public comment.

20
21 Susan Almy, a State Representative, stated that she has been working on housing in the area. She stated
22 that people are no longer camping in Boston Lot. In the past, they also used the snow dump. Many
23 homeless people are working and come from Lebanon. Lebanon is the only city of its size that doesn't
24 have a shelter. There are federal regulations regarding shelters, which are very expensive to implement.

25
26 Paul Roberts, 149 Mascoma Street, which is across from the property and does not support the shelter
27 proposal. He noted that statistics show that crime will go up. The Kilton Library has issues with drugs and
28 other issues related to the homeless who frequent the library. Spending money on a temporary structure
29 will add to the tax burden when a permanent structure is needed. There are vacant buildings that could
30 house people, and there are other alternatives. Properties within 1,000 feet of the shelter will lose value
31 due to proximity to the shelter.

32
33 Joe Paduda, who owns 7 Slayton Hill, stated that he works with at risk populations in Massachusetts and
34 noted multiple problems with the proposal. He stated that it doesn't fulfill State requirements, and it is an
35 emergency shelter that will be torn down. It's hard to find staff, and it must be ADA compliant. He
36 suggested alternatives, such as the empty J.C. Penney building. He passed out information on the location
37 he works with, CCA in Massachusetts, that is effective. He would suggest J.C. Penney or the individual
38 modular units as the best alternatives.

39
40 Jeremy Ouellette, Slayton Hill Road, stated that he is in favor of the shelter even though it is temporary,
41 but he would prefer a year-round facility. He added that creating a shelter is morally right and provides
42 safety.

43
44 Deb Paduda stated that she supports the Haven and hopes all comments are considered.

45
46 Mr. Kennelly inquired about the survey. Mr. Mulholland stated that the location is mostly commercial.

47
48 Mr. Whittlesey stated that there is not a surplus property that could be used. Ms. Goodwin noted that
49 several properties had been considered but the owners refused.

1 Michael Redmond, Executive Director of Upper Valley Haven and online, responded to the potential for
2 use of the shelter. He stated that The Haven operated a similar shelter for 5 years, and the census was
3 twelve through the winter and at capacity. He added that there is a good chance the temporary shelter
4 would be used at the levels they anticipate.

5
6 Deb Paduda inquired about the crime rate at the Claremont shelter. Mr. Mulholland stated that the
7 Claremont police advised that there have been shelters for many years in a higher crime area, but crimes
8 are not related to the shelter itself. Mr. Roberts stated that he spoke with someone at the Claremont Police
9 and learned there have been many calls to the shelter.

10
11 Chair Hall closed the Public Hearing

12
13 ***A MOTION by Kathie Romano to extend the meeting to 9:40 PM.***

14 ***The motion was seconded by Bruce Garland.***

15 ***Roll Call Vote:***

16 ***Voting in Favor – Mr. Whittlesey, Mr. Garland, Mr. Hall, Mr. Rutter, Ms. Romano, Mr. Kennelly, Mr.***
17 ***Faunce, Ms. Stavis***

18 ***Voting Against – None***

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

20
21 **4. Study Items**

22
23 A. Review of proposed amendments to the Site Plan Review Regulations re: electric vehicle
24 (EV) charging infrastructure - **Continued from July 24, 2023 – Postponed to October 9,**
25 **2023**

26
27 B. Zoning Amendments - Review of proposed amendments to the Zoning Ordinance and
28 Zoning Map

29
30 Mr. Mulholland asked for the comments Board members had at this time.

31
32 The Board members provided comments on impact fees and EV infrastructure. Councilor Whittlesey
33 noted that the EV ready requirement is a function of the location's electric capacity. Mr. Corwin noted
34 that there is a proposed amendment.

35
36 Jay Campion appeared and gave a brief introduction of his proposal to donate acreage to the city for
37 recreation fields and the related zoning issues. The parcel covers 229 acres and would encompass several
38 uses. Mr. Reichert stated that the proposal would be forthcoming.

39
40 Mr. Reichert noted that a zoning application fee increase is being proposed in response to increasing costs
41 of processing appeals.

42
43 ***A MOTION by Bruce Garland to extend the meeting to 9:50 PM.***

44 ***The motion was seconded by Jeremy Rutter.***

45 ***Roll Call Vote:***

46 ***Voting in Favor – Mr. Whittlesey, Mr. Garland, Mr. Hall, Mr. Rutter, Ms. Romano, Mr. Kennelly, Mr.***
47 ***Faunce, Ms. Stavis***

48 ***Voting Against – None***

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

The Board members expressed approval of the concept presented by Mr. Campion and would like to see a written proposal for the recreation fields, housing, and light industrial components. Mr. Mulholland noted that they are preparing a proposal for the City Council. There would be no need for a ballot, just hearings through December.

Mr. Mulholland distributed information on the proposed zoning application fee increase.

5. Committee Reports

A. City Council Subcommittees:

- Class VI Roads Advisory Committee
- Lebanon Energy Advisory Committee

B. 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
- Upper Valley Transportation Management Association
- Mascoma River Local Advisory Committee
- West Lebanon Revitalization Advisory Committee
- Planning & Development Department – Task Status

C. Planning Board Subcommittees:

- Planning Board Capital Improvement Program
- Planning Board Development Regulations Update

D. Minor Site Plan Committee

6. Other Business

7. Approval of Minutes

- A. None

8. Adjournment

A MOTION by Bruce Garland to adjourn the meeting.

The motion was seconded by Kathie Romano.

Roll Call Vote:

Voting in Favor – Mr. Whittlesey, Mr. Garland, Mr. Hall, Mr. Rutter, Ms. Romano, Mr. Kennelly, Mr. Faunce, Ms. Stavis

Voting Against – None

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

The meeting was adjourned at 9:48 PM.

Respectfully submitted,

Holly Howes, Recording Secretary