

FINAL

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

MEMBERS PRESENT: Jeremy Rutter (Vice Chair), Andrew Faunce, Bruce Garland, Patrick Kennelly, Kathie Romano-Remote, Laurel Stavis, Richard Ford-Burley

MEMBERS ABSENT: Matthew Hall (Chair), Karen Zook (City Council Rep)

STAFF PRESENT: Nathan Reichert (Planning Director), Tim Corwin (Deputy Planning Director)

1. Call to Order

Vice Chair Rutter called the meeting to order at 6:31 PM.

Kathie Romano was out of town and participating remotely.

2. Study Items

A. Pattern Zoning Project Presentation and Discussion

Planner Matthew Petty, Architect Matthew Hoffman, Lindsey Hackett, and Ivy Van appeared to share their presentation as Pattern Zones Company.

Mr. Petty described the program, which is voluntary, and shared the presentation. The goals for this meeting are to inform the Board and receive feedback. The focus of the project is on small-scale project permitting for allowable projects. Several potential building areas for additional housing units were shown, and styles of some themed portfolios were shared. The program is available to view by the public online, and a program for Lebanon would be tailored to the City's specifications. Mr. Hoffman noted that the building types viewed in Lebanon are excellent examples of neighborhood housing.

Mr. Garland inquired about the nature of their company. Mr. Petty stated that they are an ad hoc group that has formed to offer their services to communities.

Ms. Stavis inquired about the process for choosing this company. Mr. Reichert stated that a grant was available for a study that revealed the potential benefits for the kind of growth that would enhance the neighborhoods of Lebanon. Ms. Stavis inquired if the designs developed would be approved. Mr. Reichert stated that the feedback obtained from the Board and the community is essential for creating a program that fits Lebanon.

Mr. Kennelly inquired about a survey of nonconforming housing, which is common in Lebanon. Mr. Hoffman stated that regional adaptations to designs is standard practice.

Mr. Ford-Burley inquired about the Riverdale area that has great potential for infill housing and asked if modular housing was part of the program. Mr. Hoffman stated it was not at present. Mr. Ford-Burley

stated that reducing the density requirement may be unpopular and asked how historic areas would be affected. Mr. Petty stated that historic neighborhoods aren't affected, adding that the changes will not happen overnight or change what is already in Lebanon. Mr. Hoffman stated that the program is different in that the language and vision are clear and readily accessible.

Ms. Romano stated that the idea is intriguing but will require significant changes to fire codes, and plans for duplexes would be of interest. Mr. Petty stated that the fire code can work well.

Barry Schuster noted that he lives in a nonconforming neighborhood and cited *The Geography of Nowhere* by William Howard Kunstler that characterizes Lebanon as a model town. He inquired about the other boards and groups would be included in the process. Mr. Petty stated that many boards and the public would be included with presentations and obtaining feedback adding that it would take about a year and a half.

Mr. Reichert stated that all of the regulatory board would have presentations along with several other boards and the City Council. The proposal would be ready by the summer of 2024 with zoning amendments to follow. The zoning referendum would be in 2025. There would also be community presentations. Mr. Petty detailed the scope of programs that are already in process.

Ms. Stavis inquired about engaging property owners. Ms. Van described how property owners can add units to their property. Mr. Petty stated that infill development can become popular with regional builders. There are many property owners who have difficulty considering projects because it is complicated today. He invited Board members to contact them with questions and suggestions.

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

Mr. Corwin introduced this year's proposed amendments and the process for review.

Mr. Garland stated that this year's changes are wording changes rather than substantive changes.

Mr. Corwin stated that the changes are generated from several sources. The seventh proposed amendment was prompted by a citizen request. Mr. Reichert stated that the legal review of the project noted the potential for an appearance of spot zoning. Jay Campion, owner of the Etna Road properties, noted that the current zoning of Light Industrial doesn't allow the creation of the recreation fields, and the area has wetlands that would be less affected by recreation. He is attempting to swap the zoning of two equal areas.

Mr. Garland noted the residential units proposed for the property. Mr. Corwin stated that the current regulations allow PUD in Light Industrial.

Mr. Ford-Burley noted that the two pieces of land may not be similar for the proposed type of development. Mr. Campion stated that the land uses would be more suitable if changed.

Ms. Romano stated that the Recreation Department has needed this type of accessible land for recreation fields.

Mr. Ford-Burley inquired if there is a process of deciding if this plan is appropriate. Mr. Reichert stated that there will be discussions with all the land use boards and the Heritage Commission. There will also be two public hearing sessions. The City Council can decide on it in January.

Vice Chair Rutter inquired about a portion of the property. Mr. Campion stated that there would be a choice of it becoming RL2 or RL3. Mr. Reichert stated that it would not change from RL3 and indicated a better view of the property line in the packet.

Mr. Corwin stated that the Board can recommend all or some of the amendments to the City Council.

A MOTION by Laurel Stavis that the Planning Board accepts and supports the map amendment regarding 0 Etna Road.

The motion was seconded by Andrew Faunce.

Roll Call Vote:

Voting in Favor – Mr. Faunce, Mr. Garland, Ms. Stavis, Mr. Rutter, Mr. Ford-Burley, Mr. Kennelly, Ms. Stavis

Voting Against – None

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

Mr. Rutter cited Page 7, 6.10.C, and suggested the potential for misuse of the allowed absences for ADU property owners. Mr. Reichert stated that they are attempting to state a time frame. Ms. Stavis inquired about an ordinance requiring residence and its enforcement. Mr. Reichert stated that only one unit can be rented based upon incidents of both units being rented. One unit must be owner-occupied. Ms. Stavis inquired if there could be limits on short-term rentals. Mr. Reichert stated that it was not discussed with the City Council.

Ms. Romano suggested that leaving the property owner's unit vacant would suffice. She noted that Hanover has a new program for apartment inspections that could be worth investigating. Mr. Reichert stated that inspecting apartments can take many forms with the goal of public safety.

A MOTION by Bruce Garland to accept and recommend all the other amendments to the City Council. The motion was seconded by Laurel Stavis.

Ms. Romano noted the need for using language that is easily understood by the public. She also inquired about the extension of 99-year leases for parking spaces. Mr. Corwin stated that the language isn't available at this time.

Mr. Rutter inquired about the structural change versus a cosmetic change. Mr. Reichert stated that it was more for historic buildings.

Mr. Kennelly inquired about the change to Section 6.10.B regarding appearance and character of ADU's. Mr. Corwin stated that it was just language moved from another section. Mr. Reichert stated that architectural language is very specific and is easily interpreted.

Roll Call Vote:

Voting in Favor – Mr. Kennelly, Mr. Garland, Ms. Stavis, Mr. Rutter, Mr. Burley, Mr. Faunce, Ms. Stavis

Voting Against – None

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

- C. Request by Edwards Properties, LLC, for Conceptual Discussion of Proposed Rezoning at Evans Drive and NH Route 120

Atty. Barry Schuster noted his letter of September 27, 2023, regarding a conceptual discussion of the property that is now the Nissan dealership and was rezoned, making the dealership a nonconforming use.

The goal is to determine a zoning category that would allow the use that has always been for the property. Mr. Reichert stated that the rezoning was an attempt to down-zone the area of the high school with the understanding that the dealership would be affected. Atty. Schuster noted that the Master Plan acknowledges the presence of the dealerships, and a change to a conforming use would be appreciated.

Ms. Stavis noted that the Planning Board is being asked to weigh in on issues that were previously decided by the City Council. Mr. Corwin stated that the actual amendment will appear in the November work session. Mr. Reichert noted three pathways forward, and the Board can make a recommendation. Mr. Rutter suggested continuing the discussion at the November work session. Ms. Stavis noted that there is a need for more detailed information.

D. Discussion re: procedures for making motions relative to development applications

Mr. Corwin stated that this topic relates to reading entire motions into the record when the conditions of approval are already outlined in the Staff Memo. Legal counsel recommends reading the entire motion into the record. There may be ways to shorten the way of making motions by using a case-by-case basis. Mr. Garland stated that other communities do not read the entirety of a motion. Mr. Corwin suggested they proceed on a case-by-case basis.

3. Committee Reports

A. **City Council Subcommittees:**

- Class VI Roads Advisory Committee
- Lebanon Energy Advisory Committee – VACANT

B. **Other Subcommittees:**

- City Council Representative
- Heritage Commission
- Pedestrian & Bicyclist Advisory Committee – VACANT
- 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

Ms. Stavis noted that the next West Lebanon Revitalization Advisory Committee meeting would be on October 30, 2023 at the Kilton Library and encouraged the Board members and anyone else interested to attend. The findings of a survey regarding use of the properties that were purchased by the City on Main Street will be presented and discussed.

C. **Minor Site Plan Committee**

4. Other Business

5. Approval of Minutes

- A. September 25, 2023

A MOTION by Bruce Garland to approve the Planning Board Minutes of September 25, 2023, as presented.

The motion was seconded by Laurel Stavis.

Roll Call Vote:

Voting in Favor – Mr. Faunce, Mr. Garland, Ms. Stavis, Mr. Rutter, Mr. Ford-Burley, Mr. Kennelly, Ms. Stavis

Voting Against – None

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

6. Adjournment

A MOTION by Laurel Stavis to adjourn the meeting.

The motion was seconded by Andrew Faunce.

Roll Call Vote:

Voting in Favor – Mr. Faunce, Mr. Garland, Ms. Stavis, Mr. Rutter, Mr. Ford-Burley, Mr. Kennelly, Ms. Stavis

Voting Against – None

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

The meeting was adjourned at 9:14 PM.

Respectfully submitted,

Holly Howes

Recording Secretary