



**LEBANON CITY COUNCIL
JANUARY 17, 2024 - 6:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

- A. To participate in this meeting, please [join live via Microsoft Teams](#) or call 929-229-5356 (access code: 259 059 302#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

The January 17, 2024 Lebanon City Council Meeting is hereby called to order.

2. Pledge of Allegiance

3. Boards and Committees Reports (4th Quarter 2023)

4. Public Forum Announcement by the Mayor

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

5. Open to the Public

6. Recognitions: None

7. Approval of Minutes

- A. MOTION TO approve the minutes as presented in the January 17, 2024 agenda packet.

8. Appointments

- A. Conservation Commission, Brandon Hill (Alternate Member)

9. Public Hearing Items

- A. Ordinance #2024-01 – A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 168, Vehicles and Traffic, to designate no parking areas along Eldridge Street, Laplante Road, and Prospect Street Extension, Lebanon. (To be postponed to February 7, 2024)
- B. Ordinance #2024-02 - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 68, Fees, to include a fee schedule for applications to the Zoning Board of Adjustment and Building Code Board of Appeals, and administrative preparation of Zoning Verification Letters. (To be postponed to February 7, 2024)

- C. Amendment of Veterans Tax Credit amounts and Adoption of additional Veterans Tax Credit Programs – A public hearing for the purpose of receiving public input and taking action to change the amounts for Veterans' Tax Credits and to consider adoption of two additional Veterans' Tax Credit programs.
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
- D. Proposed Amendments to the Zoning Ordinance for Council Adoption – Public hearing for the purpose of receiving public input and taking action on proposed zoning amendments for adoption by the City Council (To be postponed to February 7, 2024)

10. Old Business: None

11. New Business

- A. Request for Zoning Amendments: Cicotte Properties, LLC – Text Amendment for Light Industrial (IND-L) District
- B. Proposed River Valley Reliability Project Presentation by National Grid
- C. Request from Salt hill Pub for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property
- D. Request from Three Tomatoes for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property
- E. Request from Lalo's Taqueria for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property
- F. Request from Lebanon Outing Club for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property
- G. Discussion & Set Public Hearing for February 7, 2024: Ordinance #2024-03 to amend City Code Chapter 46, Cemeteries, to remove provisions for holiday burials
- H. Review and Discussion of West Lebanon Revitalization Advisory Committee's Recommendation for Redevelopment of 14, 28 and 30 Main Street, West Lebanon
- I. Discuss Potential TIF District for the Main Street Area of West Lebanon
- J. Discuss the City Manager's proposal for development of city-owned parcels pursuant to City Council's April 2022 Resolution on Housing
- K. Discuss possible NHMA Policy Positions for the 2024 NHMA Legislative Policy process
- L. Vote to approve annual compensation for the City Manager

- 12. City Manager Report**
- 13. Council Representatives to Other Bodies Report**
- 14. Future Agenda Items**
- 15. Non-Public Session**
- 16. Adjournment**

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

Future Board/Committee/Commission Appointments
Board/Committee: Lebanon Energy Advisory Committee
Position: Regular Member
Applicant: T. Benzel
City Councilor: D. Wilkie
Assigned Date: 12/28/2023

Proposed Future Agenda Items: Dates may be tentative and this list is not considered all-inclusive.

February 7, 2024

Public Hearing Items:

- A. Ordinance #2024-01 – A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 168, Vehicles and Traffic, to designate no parking areas along Eldridge Street, Laplante Road, and Prospect Street Extension, Lebanon.
- B. Ordinance #2024-02 - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 68, Fees, to include a fee schedule for applications to the Zoning Board of Adjustment and Building Code Board of Appeals, and administrative preparation of Zoning Verification Letters.
- C. Proposed Amendments to the Zoning Ordinance for Council Adoption – Public hearing for the purpose of receiving public input and taking action on proposed zoning amendments for adoption by the City Council as follows:
Amendment #1 – To amend Section 213 (Impact Fee) to collect fees from residential additions larger than 500 sq. ft. and to amend the waiver and appeals provisions (Zoning Ordinance Sections 213.3(E) and 213.8)
Amendment #2 – To amend Section 305A.2 (GC-1 District Table of Uses) and Section 500 (Planned Developments Table) to allow Manufactured Housing Planned Unit Residential Development (PURDs) in the GC-1 District by Condition Use Permit from the Planning Board. (Zoning Ordinance Sections 305A.2 and 500)
Amendment #3 – To amend Section 410.3 (Description of Riverbank Protection District) to remove properties within the Lebanon Downtown (LD) District from the Riverbank Protection District if the properties are granted an Urbanized Shoreland Exemption by the NH Department of Environmental Services pursuant to NH RSA 483-B:12. (Zoning Ordinance Section 410.3)
Amendment #4 – To amend Section 610 (Accessory Dwelling Unit (ADU)) to update the size ratios for ADU calculations, to add a parcel size threshold for larger ADUs, and to create a clear checklist of items needed for the ADU application. (Zoning Ordinance Sections 610.B, 610.G, and 610.K)
Amendment #5 – To amend the definition of “Gross Living Area” in Appendix A (Definitions) to clarify the calculation of impact fees and the size of Accessory Dwelling Units.
Amendment #6 – To adopt miscellaneous minor amendments, including clarifying existing language and making minor editorial changes, clarifying the enabling authority for the Riverbank Protection District, commercial and industrial PUD open space requirements, off-lot parking requirements, ZBA administrative appeal procedures and ZBA application and hearing procedures (Zoning Ordinance Sections 213, 410.2, 501.1.F.2.a, 607.5, 610, 801, 802, and Appendix A)
Amendment #7 (Requested by Choice Storage, LLC) – Proposed Zoning Map change at 0 Etna Road (Tax Map 26, Lot 17), which is currently split-zoned between Light Industrial (IND-L) and Rural Lands Three (RL-3). The property owner has requested to rezone approximately 50 acres of RL-3 land to IND-L and, in exchange, to rezone approximately 50 acres of IND-L land to RL-3 in order to provide more protection for wetland areas, steep slopes, and a wildlife corridor existing in areas to be rezoned to RL-3, while allowing for development of the areas to be rezoned to IND-L.
Amendment #8 (Requested by Cicotte Properties, LLC) – To amend Section 311A.2 (R-O-1 District Table of Uses) to allow “Auto sales and Service” in the R-O-1 District by Conditional Use Permit from the Planning Board (Zoning Ordinance Sections 311A.2)
- D. Ordinance #2024-03 - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 46, Cemeteries, to remove provisions for holiday burials.

Lebanon City Council Agenda
January 17, 2024

New Business:

- A. Release of Public School Impact Fees (4th Quarter 2023)
- B. Discuss changes to the City's Strategic Plan regarding the Financial Stability and Efficiency functional area.
- C. Discuss the City Manager's plan to begin the process of determining the development plan for the parking lots behind City Hall

February 21, 2024

New Business:

- A. Presentation of 2022 Audit
- B. Presentation of 2023-2024 Lebanon Historic Landmark Designations
- C. Request for Authorization to Transfer Appropriated Funds in the Amount of \$125,000.00 from the General Fund to the Public Assistance Revolving Fund

**Agenda
Lebanon City Council
January 17, 2024**

7. Acceptance Of Minutes:

Minutes To Be Accepted

- January 3, 2024

MOVED, to approve the minutes as presented in the January 17, 2024 agenda packet.

DRAFT

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, January 3, 2024 7:00 p.m.
Council Chambers**

Remote Via Microsoft Teams: LebanonNH.gov/Live

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

MEMBERS ABSENT: Devin Wilkie

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks, Deputy Director of Planning & Development Tim Corwin, Director of Planning & Development Nathan Reichert, Public Works Director Jay Cairelli, Recreation, Arts and Parks Director Paul Coats, City Assessor Michael Pelletier, Finance Director Vicki Lee, Deputy Finance Director Alesia Williams, Administrative Assistant for Planning Crystal Taplin

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

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

- City Manager Shaun Mulholland announced the meeting criteria for the public.

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

4. OPEN TO PUBLIC: No one from the public came forth.

- Councilor Simon spoke about the lack of (holiday) lighting missing in West Lebanon, hoping it was just an unfortunate oversight. He hopes that in the years to come, we can equalize our holiday spirit on both sides of the community.
- Councilor Sykes spoke about the housing crisis facing the City and his reasons why he felt this upcoming year would bring an opportunity for the Council and residents of the City to re-examine the issues in solving this problem. He suggested: Thinking about who we want to attract (to the City); establishing a rent subsidy program; helping professional students who have high debt with student loan incentives; and potentially establishing rent control.
- Assistant Mayor Below announced the Community Power Coalition of New Hampshire has established new rates that will start on February 1, 2024 and extend through October of 2024. Lebanon's Community Power basic rate will go to \$0.081 Kwh from the current rate of \$0.10 Kwh. Business rates will also average out to \$0.081 Kwh making these the lowest rates for all utilities in the whole state for all competitive buyers.

5. RECOGNITIONS: NONE

6. ACCEPTANCE OF MINUTES:

- November 28, 2023 (Budget Work Session)
- December 6, 2023 (Regular Meeting)
- December 13, 2023 (Regular Meeting)
- December 14, 2023 (Special Meeting)

Amendments: Page 67, Lines 21: Should read as follows: In this case we are actually asking the taxpayer to be a multi-million dollar investor in a project that we do not “have” open books on, and we do not know how this impacts the “economics of the” project”.
Page 70, Line 47: Change to read: ***“The Vote On the Motion was approved (5-3). Voting against: Mayor McNamara and Councilors Sykes and Willkie.***

Councilor Heistad MOVED to approve the November 28, 2023 (Budget Work Session); the December 6, 2023 (Regular Meeting); the December 13, 2023 (Regular Meeting); and the December 14, 2023 (Special Meeting) minutes as amended and presented in the January 3, 2024 City Council agenda packet.
Seconded by Councilor Liot Hill.

****The Vote on the Motion was approved by the members present (8-0).***

7. APPOINTMENTS:

- Conservation Commission, Susan Almy (Alternate Member) – Currently serving as a Regular Member of the Conservation Commission
- Conservation Commission, Barbara Hirai (Regular Member) – Currently servicing as an Alternate Member of the Conservation Commission.

Councilor Liot Hill MOVED to NOMINATE Susan Almy as an Alternate Member of the Conservation Commission and to NOMINATE Barbara Hirai as a Regular Member of the Conservation Commission.
Seconded by Councilor Heistad.

The NOMINATIONS were approved by the members present (8-0).

8. PUBLIC HEARING ITEMS: NONE

9. OLD BUSINESS

A. Action to adopt revisions to the Airport Tech-Park TIF District Development Program (Public Hearing held December 6, 2023).

Included in the Agenda Packet: ***All supportive documents can be found on [pages 78-95, Council Agenda Packet.](#)***

1. Lebanon Airport-Tech Park TIF District Program Documents adopted November 6, 2019
2. Proposed Addendum #1 to Lebanon Airport-Tech Park TIF District Development Program
3. Lebanon Airport-Tech Park TIF District Expansion Area adopted August 2, 2023

City Manager Shaun Mulholland reviewed the background and the revisions for the Airport Tech-Park TIF District Development Program.

BACKGROUND

On November 6, 2019 the City Council created the Lebanon Airport-Tech Park Tax Increment Finance (TIF) District. Since the creation of the District, the City has extended Airpark Road to access developable areas on both the City's land as well as the Upper Valley Tech Park (UVTP) parcel. To date, UVTP has received approval for a 3-lot Planned Unit Development of its property, and development applications have been approved and construction has started for the two parcels accessed from the extended Airpark Road. In addition, the City is planning for the development of an Early Childhood Learning Center facility on the City's parcel.

1
2 The owners of the UVTP parcel have also received interest for a potential development on the westerly
3 side of their property (the third lot of the 3-lot PUD), which would be accessed from Technology Drive
4 within the Phase 1A Airport Business Park. However, the constructed portion of Technology Drive and
5 the associated water and sewer infrastructure do not extend the full length of the public right-of-way and
6 stop short of the UVTP parcel boundary. Since the Technology Drive right-of-way is already publicly
7 owned, it is expected that any further extension of the roadway and utility infrastructure within the right-
8 of-way will become the City's responsibility for ownership and maintenance.

9
10 On August 2, 2023, the City Council amended the boundary of the TIF District to include the southernmost
11 +/-220 feet of the Technology Drive right-of-way. Including the area of right-of-way will not have any
12 fiscal impact on the district itself since the area is non-taxable but will allow for TIF revenues to be used
13 for the construction and maintenance of the new segments of roadway and utility infrastructure within the
14 right-of-way.

15
16 The Development Program for the TIF District should also be amended to specifically include the
17 construction of this additional roadway and related utilities as required by RSA 162-K. Having held the
18 duly-noticed public hearing on December 6, 2023, the City Council was authorized to take action on the
19 proposed amendment at its meeting on January 3, 2024.

20
21 **ACTION:**

22 ***Councilor Liot Hill MOVED, the following RESOLUTION:***

23
24 ***WHEREAS: The City Council of the City of Lebanon adopted the provisions of NH RSA 162-K,***
25 ***Municipal Economic Development and Revitalization Districts, pursuant to a Resolution passed by the***
26 ***City Council on July 11, 2018; and***

27 ***WHEREAS: The City Council of the City of Lebanon established the Lebanon Airport- Tech***
28 ***Park Tax Increment Finance (TIF) District and adopted the accompanying TIF District***
29 ***Development Program and Financing Plan, consistent with the requirements of NH RSA 162-***
30 ***K, on November 6, 2019; and***

31
32 ***WHEREAS: The City Council of City of Lebanon amended the TIF District boundary on***
33 ***August 2, 2023 to include and incorporate the southernmost 220 feet of the right-of-way of***
34 ***Technology Drive for the purpose of enabling the construction of roadway and related utility***
35 ***infrastructure to connect to the Upper Valley Tech Park property within the TIF District; and***
36

37 ***WHEREAS: The City Council of the City of Lebanon held a duly-noticed public hearing on***
38 ***December 6, 2023 to consider an amendment to the Lebanon Airport-Tech Park TIF District***
39 ***Development Program in accordance with requirements of NH RSA 162-K:5 and pursuant to***
40 ***the provisions of the adopted TIF District Development Program,***

41
42 ***NOW, THEREFORE, BE IT RESOLVED, BY THE LEBANON CITY COUNCIL:***

43 ***That the Lebanon Airport-Tech Park Tax Increment Finance (TIF) District Development Program,***
44 ***adopted on November 6, 2019, is hereby amended to include, and incorporate, Addendum #1 to the***
45 ***Development Program as presented in the City Council's agenda packet for the January 3, 2024***
46 ***meeting.***

47
48 ***This Resolution shall be effective upon passage.***
49

1 *Seconded by Councilor Whittlesey.*

2
3 **The Vote on the Motion was approved by members present (8-0)*

4
5 **B. Amendments To City Charter – Review of comments by State agencies and order to**
6 **place proposed charter amendments on the ballot for the March 12, 2024 municipal**
7 **election.**

8
9 Included in the Agenda Packet: *All supportive documents can be found on [pages 96-99, Council](#)*
10 *Agenda Packet.*

- 11 1. Letter from Attorney General, dated and received on December 27, 2023.
12 2. Lebanon Charter – Excerpt of Relevant Sections to be Amended

13
14 City Manager Mulholland reviewed the background, the reasons behind the amendments to the City
15 Charter, and the process to amend the City Charter.

16
17 **BACKGROUND**

18 The Charter was first created and formally effectuated in 1957 when Lebanon chose to become a City with
19 a City Council-City Manager form of government. As we continue to evolve with changes in laws,
20 regulations, processes, and technology, it has become apparent that changes to the Charter are needed to
21 create consistency and increase efficiency.

22
23 Following a public hearing on November 15, 2023 the City Council adopted a Resolution determining that
24 a proposed amendment to the Lebanon City Charter to delete and repeal §C419:53 (Personnel
25 Advisory Board) & §C419:53a (The Grievance Board); and to amend §C419:17 (Mayor) by deleting
26 reference to the manager's power to appoint a member of the personnel advisory board was necessary and
27 appropriate. The Resolution further directed that a final report of the proposed Charter amendments be
28 filed with the City Clerk and that a certified copy of such report be filed by the Clerk with the New
29 Hampshire Secretary of State, the New Hampshire Attorney General, and the Commissioner of the New
30 Hampshire Department of Revenue Administration in accordance with the procedures in NH RSA 49-B.
31 The final report of the proposed Charter amendment was filed with the City Clerk and with the applicable
32 state agencies on November 16, 2023.

33
34 Pursuant to NH RSA 49-B:4-a, I, the Secretary of State, the Attorney General, and the Commissioner of
35 the Department of Revenue Administration have up to 45 days to review the proposed amendment to
36 ensure that it is consistent with the general laws of the state and to provide notice to the City approving or
37 disapproving the proposed amendment. Only after the three state agencies have approved the proposed
38 amendment can the City Council take action to have the proposed Charter amendment placed on the ballot
39 at the next municipal election on March 12, 2024.

40
41 On December 27, 2023, the City Clerk received a letter from the Attorney General's Office on behalf of
42 all three state agencies stating that they do not object to the proposed amendment.

43
44 **Pursuant to NH RSA 49-B:5, I(b), within 7 days after receiving approval from the state agencies**
45 **under NH RSA 49-B:4-a, the Council may order the proposed amendment to be placed on the**
46 **ballot at the next regular municipal election. Since the state agencies' response was received by the**
47 **City on December 27, 2023, the Council should take action at its regular meeting on January 3,**
48 **2024 to comply with the statutory requirement.**

49
50 **Council Discussions:**

1 In response to Councilor Liot Hill's question regarding whether or not a summary statement would be
2 added to the ballot like we do with the Zoning Amendments, City Manager Mulholland noted that this
3 will be publicized for the voters when they walk in, noting there is only so much that can be put on the
4 ballot due to the way the statute reads.

5
6 **ACTION:**

7 *Councilor Whittlesey MOVED the following:*

8
9 ***BE IT RESOLVED, that the Lebanon City Council, pursuant to its authority granted by NH RSA 49-***
10 ***B:5, I(b), hereby orders the City Clerk to place the following amendment to the City Charter on the ballot***
11 ***at the next municipal election to be held on March 12, 2024:***

- 12
13 ***1. To delete and repeal §C419:53 in its entirety; and***
14 ***2. To delete and repeal §C419:53a in its entirety; and***
15 ***3. To amend §C419:17 by deleting reference to the City Manager's power to appoint a member of***
16 ***the personnel advisory board.***

17
18 ***BE IT FURTHER RESOLVED, that pursuant to RSA 49-B:6, IV(b), the amendment to the City Charter***
19 ***will become effective July 1, 2024, if a majority of the ballots cast at the March 12, 2024 Municipal***
20 ***Election favor acceptance.***

21 *Seconded by Councilor Simon.*

22
23 ****The Vote on the Motion was approved by the members present (8-0.)***

24
25 **10. NEW BUSINESS**

26 **A. Review and Adoption of 2024 Annual Calendar (*pages 100-112, Council Agenda Packet.*)**

27
28 Included in the agenda packet:

- 29 1. Proposed 2024 Annual Calendar

30
31 **BACKGROUND**

32 To better organize the Council's annual events, a calendar has been drafted for review and consideration.
33 Thus far, dates include City holidays, regular Council meetings, municipal election information, proposed
34 dates for the annual work sessions (unconfirmed), a general budget work schedule (in-house), and proposed
35 Council Budget Work Session dates (5 reserved dates in November - subject to change). If the proposed
36 meeting schedule is acceptable, the Council is asked to take action to adopt the Calendar as presented. If
37 changes/additions are desired, the Council is encouraged to suggest alterations for consideration by the
38 body.

39
40 **ACTION:**

41 ***Councilor Simon MOVED, that the Lebanon City Council hereby adopts the Annual Calendar as***
42 ***proposed in the January 3, 2024 agenda packet.***

43 *Seconded by Councilor Whittlesey.*

44
45 ****The Vote on the Motion was approved by the members present (8-0.)***

46
47 **B. Appointment of 2024 Chair and Vice-Chair for Economic Development Commission**

48
49 Included in the agenda packet: *All supportive documents can be found on pages 113-114, Council*
50 *Agenda Packet.*

1 1. EDC Member Roster

2
3 Mayor McNamara noted the current Chair was stepping down from the EDC and wanted to recommend
4 David Newlove be appointed as the new Chair of the EDC and Councilor Liot Hill remain as the Vice
5 Chair.
6

7 **BACKGROUND**

8 On July 10, 2019, the City Council approved Ordinance #2019-12 to amend Chapter 31, Boards,
9 Committees, and Commissions, of the City Code to establish the Economic Development Commission
10 (EDC).
11

12 According to §31-46, Establishment; Membership; Qualifications, the City Council shall annually in
13 December of each year appoint a Chairperson and a Vice-Chairperson from the nine members of the
14 Economic Development Commission to serve the following calendar year.
15

16 Councilor Liot Hill gave her accolades to Bill Dunn and spoke about the positive role she felt Mr.
17 Newlove would bring to the EDC. This past year has been difficult one for the EDC with the Spencer
18 Street Redevelopment Project that fell through and the mixed messages the EDC received about the
19 redevelopment of the parking lots behind City Hall. It would be helpful for Mr. Newlove and Tim
20 Corwin to meet and discuss what the EDC should focus on in the coming year, so members understand
21 what their role is.
22

23 **ACTION:**

24 *Councilor Whittlesey MOVED that David Newlove be appointed as Chair of the Economic*
25 *Development Commission for calendar year 2024.*
26

27 *BE IT FURTHER MOVED, that Councilor Karen Liot Hill be appointed as Vice-Chair of the*
28 *Economic Development Commission for calendar year 2024.*
29 *Seconded by Councilor Heistad.*
30

31 **The Vote on the Motion was approved by the members present (8-0)*
32

- 33 C. Discussion & Set Public Hearing for January 17, 2024: Ordinance #2024-01 to amend
34 City Code Chapter 168, Vehicles and Traffic, to designate no parking areas along
35 Eldridge Street, Laplante Road, and Prospect Street Extension, Lebanon.
36

37 Included in the agenda packet: *All supportive documents can be found on pages 115-119, Council*
38 *Agenda Packet.*

- 39 1. Proposed Ordinance #2024-01
40 2. Aerial Map of Proposed Change Area along Prospect Street Extension and Laplante Road
41 3. Aerial Map of Proposed Change Area along Eldridge Street
42

43 Mr. Jay Cairelli, Public Works Assistant Director, reviewed the background and the reason(s) behind the
44 amendments to Ordinance #2024-01.
45



MAP FOR REFERENCE ONLY. NOT A LEGAL DOCUMENT

BACKGROUND

Earlier this year, the Public Safety Committee convened to address a request brought forward by the Highway Superintendent. The proposal under consideration sought the establishment of a "No Parking Zone" in two locations:

1. On Prospect Street Extension, extending 520 feet on the north and south sides of the road from the intersection of Skylark Drive to Laplante Road (both sides of street); and
2. On Laplante Road, extending 230 feet on the east and west sides of the road beginning from the intersection of Prospect Street Extension and moving in a northerly direction.

The primary objective behind this request is to enhance the efficiency of snow plowing operations within the specified area. Recognizing the importance of maintaining smooth traffic flow and ensuring the safety of both motorists and pedestrians during winter weather conditions, the Committee engaged in thorough discussions to assess the viability and necessity of implementing the requested parking restrictions. The finding of the Committee was that a "No Parking Zone" in the above specified locations would increase plowing efficiencies by eliminating issues with parked cars at the intersections impacted by this change.

In addition, on September 6, 2023, Public Works received a complaint about parked vehicles blocking the entrance to the private parking lot at 76 Hanover Street on a frequent basis. Upon investigation, it was found that the entrance to the private parking lot is blocked by vehicles parking on Eldridge Street causing vehicles to be blocked in and out of the parking lot.

The recommendation seeks the establishment of a "No Parking Zone" in one additional location:

3. On Eldridge Street, extending 340 feet on the south side of the street beginning at the intersection of Hanover Street moving in a westerly direction.

It is noted that City Code Chapter 168, §168-1, No Parking, already includes a no parking restriction on a 335-foot section on the north side of Eldridge Street westerly from the intersection with Hanover Street. As a result, the pending proposal would apply the No Parking restriction to both sides of Eldridge Street for a distance of 340 feet westerly from the intersection with Hanover Street.

1 **Council Discussions:**

2 Councilor Simon questioned if there was an investigation done regarding the Prospect Street Extension/
3 Skylark Drive to find out if those cars were parked there because the citizens were unable to get in and
4 out of driveways, or if this was a routine nightly parking issue. Mr. Cairelli noted that most of the time it
5 was related to people not being able to get in and out of driveways. The problem is that these vehicles
6 remained there for several days after a storm.

7
8 Councilor Liot Hill questioned if the issue on Prospect Street Extension/LaPlante Road is related to
9 plowing and if so, was there a possibility of creating a Winter Parking Ban as opposed to doing a year-
10 round ban. She also questioned if abutters have been notified for both of these areas regarding this
11 possible parking restriction. Mr. Cairelli noted he has not looked into a Winter Parking Ban, but this
12 could certainly be an option. They have also not reached out to all the abutters. We have had
13 conversations with some, but before the Public Hearing we can do that. Councilor Liot Hill was in favor
14 of communicating with all abutters before the Public Hearing and suggested this be tailored to be just a
15 Winter Parking Ban.

16
17 Councilor Simon concurred with a Winter Parking Ban and questioned if there had been educational
18 attempts made with the folks who were creating the issue before more extreme action is taken. Mr.
19 Cairelli noted they did speak with one resident who was frequently parked there last year and they were
20 reluctant to stop parking there. He will speak to this person again.

21
22 City Manager Mulholland and the Council discussed a Winter Parking Ban that would start on December
23 1st and extend through April 1st on a yearly basis.

24
25 **ACTION:**

26 ***Councilor Liot Hill MOVED, that the Lebanon City Council hereby schedules a public hearing for***
27 ***Wednesday, January 17, 2024, beginning at 6:00 p.m. in Council Chambers, City Hall, and Remote via***
28 ***the City's Virtual Platform, for the purpose of receiving public input and taking action on proposed***
29 ***Ordinance #2024-01 to amend City Code Chapter 168, Vehicles and Traffic, §168- 1, No Parking, to***
30 ***include a 520-foot section on both the north and south sides of Prospect Street Extension beginning at***
31 ***the intersection of Laplante Road and moving in a westerly direction; to include a 230-foot section on***
32 ***both the east and west sides of Laplante Road beginning at the intersection of Prospect Street Extension***
33 ***and moving in a northerly direction for a Winter Parking Ban from December 1st to April 1st of every***
34 ***year.***

35 ***FURTHERMORE; to include a 340-foot section on the south side of Eldridge Street beginning at the***
36 ***intersection of Hanover Street and moving in a westerly direction; and to extend the existing no parking***
37 ***restriction on the north side of Eldridge Street by 5 feet to a distance of 340 feet westerly from the***
38 ***intersection of Hanover Street, as "No Parking" zones.***

39 **Seconded by Councilor Whittlesey.**

40
41 ****The Vote on the Motion was approved by the members present (8-0).***

- 42
43 **D. Discussion & Set Public Hearing for January 17, 2024: Ordinance #2024-02 to amend**
44 City Code Chapter 68, Fees, to include a fee schedule for applications to the Zoning
45 Board of Adjustment and Building Code Board of Appeals, and administrative
46 preparation of Zoning Verification Letters.
47

Included in the agenda packet: *All supportive documents can be found on pages 120-126, Council Agenda Packet.*

1. Proposed Ordinance #2024-02
2. Zoning Board of Adjustment Fee Schedule, last revised 8/30/21

Mr. Nathan Reichert (Director of Planning & Development) and Mr. Tim Corwin (Deputy Director Planning & Development) reviewed the background and the reasons behind the amendments to Ordinance #2024-02.

Director Reichert noted there were several items the Zoning Board of Adjustment (ZBA) was currently dealing with. One was the change to the Zoning Ordinance itself, and the other was setting the fees for the Board, which has never been included in §68 of the Code.

The conflict in §68 of the Zoning Ordinance has been addressed and in addition they have articulated a fee schedule for Zoning Board fees that would apply to certain actions taken by the Zoning Board. They reviewed similar fees charged across the State, and the numbers we arrived at were included in the proposal. It should be noted that no one can remember the last time the Zoning Fee Structure was changed, so it has been some time since these fees have been updated. The whole process is to make harmonious §68 in the Zoning Ordinance and to say that City Council has authority to set the fee structure for the Zoning Board applications.

At the request of Mayor McNamara, Mr. Reichart reviewed and explained the proposed changes in fees as highlighted in red on pages 123-126, City Council agenda packet. In Summary:

- Administrative Appeal - \$300.00
- Variance - \$300.00
- Special Exception - \$300.00
- Equitable Waiver of Dimensional Regulations - \$300.00
- Rehearing Requests - \$100.00
- Rehearing - \$300.00 as follows (note: still working on language): Should the Zoning Board grant a rehearing request, the original applicant shall be responsible for all fees associated with the rehearing, regardless of who submitted the rehearing request. The application fee of \$300 shall be waived if the Board, in granting the rehearing request, determines that it did or may have made a prejudicial technical or legal error in its original decision
- Advertising fees and legal notifications fees – Determined by the City Manager
- Zoning Verification Letter - \$100.00 (new)
- Filing Fee for an application to the Building Code of Board Appeal - \$300.00

Mr. Reichert also highlighted the below:

6] Rehearing: \$300. Should the Zoning Board grant a rehearing request, the original applicant party initiating the rehearing request shall be responsible for all fees associated with the rehearing, regardless of who submitted the rehearing request. The application fee of \$300 shall be waived if the Board, in granting the rehearing request, determines that it did or may have made a prejudicial technical or legal error in its original decision.

In response to Mayor McNamara's question regarding what the (ZBA) fees are now, Mr. Corwin explained those fees are not currently identified in the Zoning Board's Fee Schedule and have been applied on an ad hoc basis.

BACKGROUND

The Planning & Development Department proposes to amend Chapter 68 of the Lebanon City Code to enumerate, update, and establish filing fees for the Zoning Board of Adjustment, to establish the filing fee for the Building Code Board of Appeals, and to establish an administrative fee for the preparation of zoning verification letters. Currently, §68-15.A provides that, “Zoning fees shall be set by Council,” but does not specify any fee categories or amounts.

A. Zoning Board of Adjustment

Filing fees for the Zoning Board of Adjustment are currently enumerated in the Zoning Board of Adjustment Fee Schedule, a copy of which is attached for reference, as follows:

- Variance - \$150.00
- Special Exception (including “Wetlands Special Exception” and “Riverbank Special Exception” which, for historical reasons, are listed separately on the Fee Schedule)- \$150.00
- There are currently no filing fees charged for an appeal of an administrative decision or for a rehearing request.

It is not known when these fees were last amended. However, in reviewing prior fee schedules, it is clear that the \$150.00 filing fees for Special Exception and Variance applications have been in place since at least 2007. To adjust for inflation and better account for staff administrative time, the Planning & Development Department proposes to increase the filing fee for Special Exception and Variance applications to \$300.00.

The Planning & Development Department also proposes to establish filing fees for Administrative Appeals, Equitable Waivers of Dimensional Requirements, Rehearing Requests, and Rehearing. All of these applications require staff time to review and administer, which the proposed fees, as follows, are intended to help cover:

- Administrative Appeal - \$300.00
- Equitable Waiver of Dimensional Regulation - \$300.00
- Rehearing Request - \$100.00
- Rehearing - \$300.00

Note that with respect to a rehearing application, the proposed ordinance language would require the fee to be waived if the Zoning Board, in granting the rehearing request, determines that it did or may have made a prejudicial technical or legal error in its original decision. The rationale for this waiver is that an applicant shouldn’t have to pay another \$300 filing fee (on top of the \$300 fee for filing the original application) if the Board determines a rehearing is warranted based on a mistake that the Board has made, rather than for a reason within the control of the applicant.

The proposed Zoning Board application fees are nearly identical to the Town of Hanover Zoning Board application fees and are in line with other larger New Hampshire communities including:

- Nashua: \$330-\$900
- Portsmouth: \$200-\$400
- Concord: \$370-\$460
- Manchester: \$350 (Administrative Appeals and Equitable Waivers)

While the proposed increases will help to cover administrative costs more fully for simple applications, in

1 other instances, the fee will continue to account for only a fraction of staff's time depending on the
2 complexity or contentiousness of the subject matter.

3
4 Finally, note that the proposed changes to Chapter 68, §68-15.A are concurrent with a proposed change to
5 Section 802 of the Zoning Ordinance to clarify that application fees are established by the City Council
6 pursuant to City Code Chapter 68 and not by the Zoning Board of Adjustment. *See* Council Agenda Item
7 #10.G.

8 **B. Zoning Verification Letters**

9
10 Zoning Verification letters are prepared by Planning & Development Department staff upon request, most
11 frequently for lenders in connection with the closing of non-residential and multi-family dwelling
12 properties. The letter typically includes a substantial amount of background information related to the
13 property including, for example, a history of land use and Building Code approvals, and determinations
14 relative to the status of non-conforming properties, uses and structures. Currently, a \$50 fee is charged to
15 prepare these letters. The fee helps to pay for staff's time to prepare these letters, which could be significant.
16 It is not known when the \$50 fee was established, but it is believed to have been in place for at least the past
17 15-20 years. It is also not known who and how the fee was established; to staff's knowledge, the current
18 \$50 fee is not memorialized anywhere.

19
20 The Planning & Development Department staff proposes that the Council establish the zoning verification
21 letter fee by ordinance, and to increase the \$50 fee that the Department has charged as a matter of course
22 and by custom to \$100 to better account for the actual amount of staff time needed to prepare a typical
23 zoning verification letter.

24 **C. Building Code Board of Appeals**

25
26 Pursuant to Chapter 36, §36-13.A of the City Code, the Zoning Board of Adjustment is designated to act as
27 the Building Code Board of Appeals. Filing fees to the Building Code Board of Appeals are not currently
28 identified in either Chapter 36 or Chapter 68, and if such a fee was ever established, it has not been
29 memorialized to staff's knowledge. The Planning & Development Department proposed to amend City
30 Code §68-15 to establish a filing fee for the Building Code Board of Appeals in the amount of \$300, which
31 is identical to the Zoning Board of Adjustment filing fee for an Administrative Appeal.
32

33 **Council Discussions:**

34
35 In response to Councilor Sykes question regarding the difference between #5 and #6 in the Ordinance, Mr.
36 Corwin explained that under State Statute, any interested party to a Zoning Board Application can file a
37 request to the Zoning Board within 30 days of the Zoning Board's decision asking that the Board reconsider
38 its decision and conduct a rehearing. If the Board agrees with the applicant, or person making the request,
39 then a new hearing should be held. There are three steps to this: 1) The original hearing; 2) Request by any
40 party of the Board to reconsider and hold a new hearing, and 3) A Rehearing is held. After the rehearing,
41 the decision can be made for an appeal to Superior Court.

42
43 Mr. Corwin explained to Councilor Liot Hill that the most often request was for a rehearing and explained
44 his reasons. Councilor Liot Hill noted that since the Council annually reviews fee requests it would be
45 good to put these fees into that process so we can have incremental rate increases. Mr. Corwin explained
46 that the timing of this request was to coincide with the related Zoning Amendments.

47
48 Mr. Reichert also noted that these fees were being put into §68 for the first time. Had they been in §68 the
49 Council would have naturally gone through and done a review. The fact that §68 said one thing and the
50 Zoning Ordinance said another, we reconciled this and for the first time we have it in the code so this will

1 trigger your review on an annual basis. While these fees may seem high, when you actually add in the
2 amount of staff time required to process any application, be it simple or complex, the cost of these fees do
3 not reflect the amount of staff time generated to process these applications.
4

5 **ACTION:**

6 *Councilor Whittlesey MOVED, that the Lebanon City Council hereby schedules a public hearing for*
7 *Wednesday, January 17, 2024, beginning at 6:00 pm, in Council Chambers, City Hall, and Remote via*
8 *the City's Virtual Platform, for the purpose of receiving public input and taking action on proposed*
9 *Ordinance #2024-02 to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15,*
10 *Enumeration of Fees, to enumerate, update, and establish filing fees for applications to the Zoning*
11 *Board of Adjustment and the Building Code Board of Appeals, and to establish the administrative fee for*
12 *the preparation of zoning verification letters reflected in tonight's packet with the exception of §6 as*
13 *presented in the meeting tonight. (We are replacing §6 in tonight's packet with a new §6 as proposed*
14 *tonight.)*

15 *Seconded by Councilor Liot Hill.*

16
17 **The Vote on the Motion was approved by members present (8-0).*
18

19 E. Discuss and set public hearing for January 17, 2024 to change the amounts of the
20 Optional Veterans' Tax Credits and the All Veterans' Tax Credit.
21

22 **Included in the agenda packet:** *All supportive documents can be found on [pages 127-133, Council](#)*
23 *Agenda Packet.*

- 24 1. Finance Department table of Veteran's Tax Credits granted for 2023
25 2. NH RSA 72:27-a; RSA 72:28; RSA 72:28-b
26

27 **Mayor McNamara and Councilor Heistad recused themselves from this discussion/vote because**
28 **they both will be applying for this tax credit.**
29

30 **Assistant Mayor Below replaced Mayor McNamara and took the lead on this topic.**

31 Deputy City Manager Brooks reviewed and explained the background, noting the City currently has not
32 adopted the Combat Service Tax Credit or the Surviving Spouse tax credit.
33

34 **BACKGROUND**

35 The Optional Veterans' Tax Credit and the All Veterans' Tax Credit are programs made available by the
36 City for Lebanon's veterans and/or their spouses. The tax credit reduces the total property taxes owed on
37 the veteran's residential property by the amount of the credit. Veterans and/or their spouses may qualify
38 for either the Optional Veterans' Tax Credit or the All Veterans' Tax Credit but cannot receive both. Other
39 tax credits and exemption programs exist for veterans with permanent and total service-connected
40 disabilities, or their surviving spouses.
41

42 The Optional Veterans' Tax Credit and the All Veterans' Tax Credit were re-adopted in the amount of
43 \$250 each by the City Council on January 4, 2023 following statutory changes in the eligibility criteria for
44 those programs. The Veteran's Service-Connected Total Disability Tax Credit was last increased to \$1,400
45 for eligible veterans or their surviving spouses on September 15, 1993.
46

47 The Finance Department and Assessing Division have prepared the attached table showing the number of
48 individuals or households who applied and qualified for the various Veteran's Tax Credit programs offered
49 by the City and the corresponding amount of those tax credits granted for 2023. The table also shows the

- 1 estimated value of tax credits if the individual program amounts were raised to the maximum amounts
- 2 allowed by statute.

Current											
Veterans' Standard/ Optional Tax Credit \$50 Up to \$750		All Veterans' Tax Credit \$50 Up to \$750		Combat Service Tax Credit \$50 Up to \$500		Surviving Spouse Tax Credit \$700 Up to \$2,000		Tax Credit for Service- Connected Total Disability \$700 Up to \$4,000		Veterans' Tax Credits Summary	
RSA 72:28		RSA 72:28-b		RSA 72:28-c		RSA 72:29-a		RSA 72:35			
Number of Tax Credits Granted 2023	Tax Credit \$250	Number of Tax Credits Granted 2023	Tax Credit \$250	Number of Tax Credits Granted 2023	Tax Credit (not adopted)	Number of Tax Credits Granted 2023	Tax Credit (not adopted)	Number of Tax Credits Granted 2023	Tax Credit \$1,400	Total Number of Tax Credits Granted 2023	Total Amount
279	\$69,750	11	\$2,750	0	\$0	0	\$0	23	\$32,200	313	\$104,700
With increases											
	\$750		\$750		\$500		\$2,000		\$4,000		
	\$209,250		\$8,250		0		0		\$92,000		\$309,500
											-\$204,800
				Increase in tax rate would be \$.07							
				for 2023 would increase from 4.01% to 4.87%							

Council Discussions:

In response to Assistant Mayor Below's question regarding data for the Surviving Spouse Tax Credit, Mr. Michael Pelletier, City Assessor, noted they have not received any application for these. It is not too often that an application for this is received because the applicant(s) usually qualify for either the Standard Veteran's Credit as a spouse of a veteran and further explained his reasons. The Surviving Spouse Tax Credit is for those whose spouses became deceased in combat or during active duty.

Assistant Mayor Below opened this discussion to the public and the following residents came forth to speak:

Mr. Tim McNamara, speaking as a resident of the City of Lebanon and not in his capacity as Mayor, noted he had a tremendous amount of respect for combat veterans and would like the Council to implement the Combat Service Tax Credit, which he understands would be additive to the other Veterans' Tax Credits, and suggested this be listed at the maximum limit of \$500.00 and explained his reasons. Mr. Pelletier reiterated that the Combat Service Credit is for people who are in active operations with the National Guard and Army Reserve. It is not additional, you can only get one or the other. You can get the Standard Veteran's Credit as a veteran or if you are deployed to an active theatre of operations, then you can apply as a still enrolled Active Duty Member while you are deployed. When you come back, if you are still on active duty and have not received your DT2-14 duty then that deployment goes away. When you are retired, you go back to the Standard Veteran Tax Credit. Mr. McNamara still felt the Council should implement the Combat Service Tax Credit because the City has reserves and guard members who have not yet received their DT2-14 and further explained his reasons.

1 **Mr. Nathan Lowrey (Ward 1& combat veteran):** He pointed out that a lot of the members of the
2 Army Reserve/National Guard who are mobilized and sent overseas that the pay they get from the
3 military is less than what they would have gotten from their civilian jobs. This puts them and their
4 families in financial burden and suggested raising the amount.

5
6 Councilor Simon would like to see, all across the board, these tax credits raised to the maximum
7 allowable by law, as well as the caveat of the choices that can be combined. Our service men and women
8 have given a lot to our country/community and this is a very small thing that can be done to help them out
9 and further spoke about his reasons.

10
11 In response to Councilor Sykes question regarding the specific wording that should be added to the
12 motion, Deputy City Manager Brooks noted the language should say: "and also consider adopting the
13 Combat Service Tax Credit pursuant to RSA 72:28-c and also consider adopting in the amount of \$500.00
14 and also adopting the Surviving Spouse Tax Credit in the amount of \$2000.00 pursuant to RSA 72:20-a".

15
16 Mr. Nathan Lowrey (Ward 1) spoke about natural disaster deployments and suggested changing the title
17 of the Combat Service Tax Credit to a Mobilization Tax Credit. Assistant Mayor Below stated these titles
18 are prescribed by State Statute, so even the names and what you qualify for are all prescribed by State
19 Statute.

20
21 **ACTION:**

22 ***Councilor Liot Hill MOVED, that the Lebanon City Council hereby schedules a public hearing for***
23 ***Wednesday, January 17, 2024, beginning at 6:00 pm, in Council Chambers, City Hall, and Remote via***
24 ***the City's Virtual Platform, for the purpose of receiving public input and taking action to change the***
25 ***amount of the Optional Veterans' Tax Credit from \$250 to \$750.00 in accordance with NH RSA 72:28,***
26 ***to change the amount of the All Veterans' Tax Credit from \$250 to \$750.00 in accordance with NH***
27 ***RSA 72:28-b, and to change the amount of the Service-Connected Total Disability Tax Credit from***
28 ***\$1,400 to \$4,000.00 in accordance with NH RSA 72:35, and to consider adopting the Combat Service***
29 ***Tax Credit up to the amount of \$500.00 pursuant to NH RSA 72:28-c, and to consider adopting the***
30 ***Surviving Spouse Tax Credit in the amount of \$2,000.00 pursuant to NH RSA 72:29-a.***

31
32 ***Seconded by Councilor Whittlesey.***

33
34 Councilor Liot Hill requested that these Tax Credits be explained when they are advertised so people can
35 clearly understand where they qualify.

36
37 ****The Vote on the Motion was approved (6-0-2). Mayor McNamara and Councilor Heistad were***
38 ***recused.***

39
40 **Mayor McNamara and Councilor Heistad returned as regular members of the City Council.**
41 **Assistant Mayor Below returned as a regular member of the Council.**

42
43 **F. Discussion of Traffic Patterns on Elm Street West, West Lebanon**

44
45 **Included in the agenda packet: *All supportive documents can be found on [pages 134-145](#), Council***
46 ***Agenda Packet.***

47 1. Memorandum from former Deputy City Manager Nik Coates to City Manager Shaun
48 Mulholland, dated October 23, 2023, including email communication from Seth Ames of Twin
49 State Sand & Gravel Co., Inc.

City Manager Mulholland reviewed the background behind this complaint.

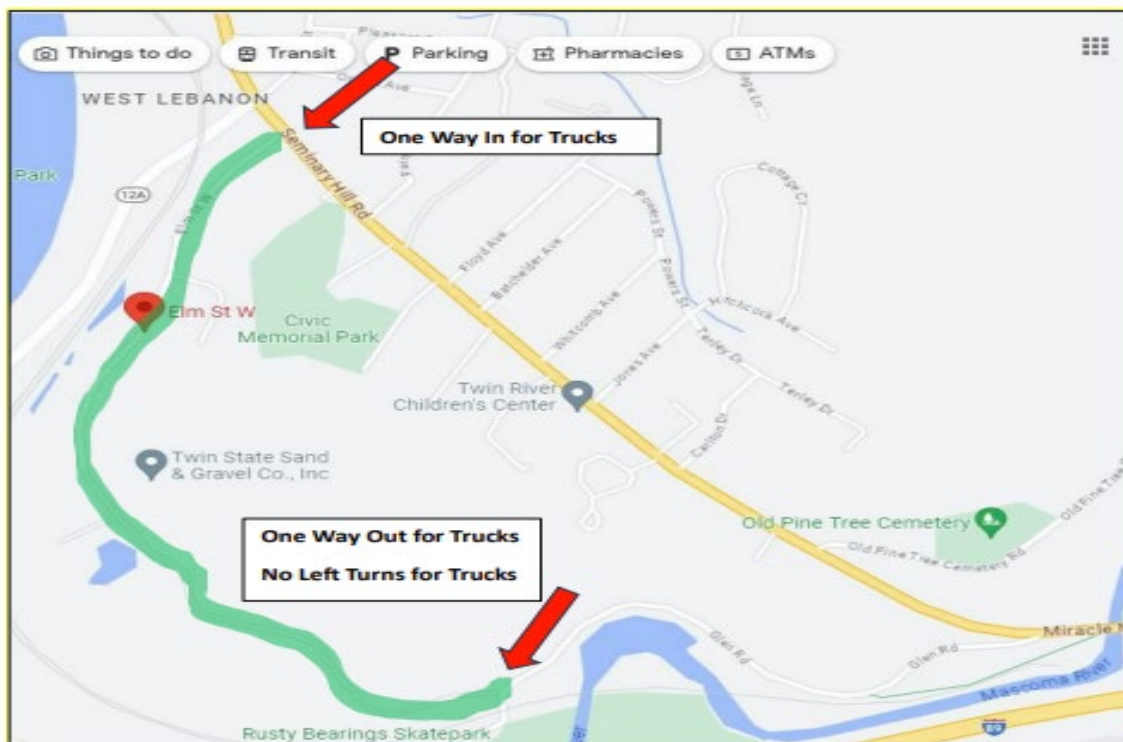
BACKGROUND

On October 5, 2023, the City received communication from Mr. & Mrs. Driscoll of Elm Street West in West Lebanon voicing concerns about an incident that had recently occurred along the street and requesting that the City take some action to address a potentially hazardous condition related to the roadway.

Upon receiving the communication, the Department of Public Works investigated the incident and evaluated the roadway and a variety of alternatives, which are summarized in the enclosed memorandum from former Deputy City Manager Nik Coates to City Manager Shaun Mulholland. As noted in the Coates' memorandum, the Public Safety Committee also met to review the current roadway conditions and to evaluate potential alternatives.

Following its deliberation, the Public Safety Committee recommended that no changes be made to the existing traffic patterns on Elm Street West because there are no viable options, in our view, to be able to resolve this issue.

Map and Photo Documentation:



Mayor McNamara invited everyone involved with this complaint to speak and the following came forth:

Mrs. Jennifer Driscoll (Elm Street West, West Lebanon): She spoke about the large increase of road traffic by oversized trucks on their street; two incidents that occurred which was a safety concern to her and her family; how their road is getting dangerous (i.e., using people's driveways and driving on sidewalks). While there has not been any catastrophic failures to date, what happens in the future if more and more traffic continues to use this road? She clarified the traffic situation for Mayor McNamara

1 noting that the traffic is caused by both incoming and outgoing traffic on Elm St. West, and it is the
2 tractor trailers who ride the sidewalks.

3
4 Councilor Liot Hill questioned what the status of this road is. Mayor McNamara noted it is a city street
5 all the way up to the top of the sand and gravel company. At that point, you are on private property and
6 they have an exit out onto Glen Road just prior to the old river bridge.

7
8 Mr. Brooks noted that the development application by Twin State for the approval of the Iron Horse
9 project included closing off the gated end of Elm Street and keeping it gated for emergency access, but
10 most traffic is directed in different directions other than Elm Street West. More discussions took place
11 regarding a previously proposed development plan; the desire stated in the City's 2012 Master Plan to see
12 Elm Street West gated, which was approved by the Planning Board, and; how the previously proposed
13 development plan did not move forward.

14
15 Councilor Liot Hill regretted not being able to solve this problem because she felt it has been a consistent
16 issue over the years.

17
18 **Ms. Tracy Lowrey (Elm Street West):** She also spoke about the amount of truck traffic on the road and
19 the passing problems they cause for residents on this small road. It's like a commercial street and takes
20 away from a neighborhood feeling and felt this also causes safety concerns (i.e., the bump out for the
21 apartments).

22
23 **Mr. Nate Lowrey (Elm Street West):** He spoke about the past history of the road (West Elm Street)
24 from 1907 to the 1930's, after which time the topographic maps kept being updated. He noted the trucks
25 begin around 5:00AM and will go to 6-6:30PM. In the winter, there are fewer trucks, and in the summer
26 when construction is going on they can come every 5-10 minutes. He also expressed his safety concerns
27 over the bump out.

28
29 **Mr. Steven Blanchard (Elm Street West):** He spoke about the dramatically increased truck traffic on
30 their road. He recommended the City put a camera on this road for 8 months/through the summer so the
31 City can see what they are experiencing. These trucks/employees are moving fast, above the speed limit,
32 many times throughout the day. He noted he is a cyclist and would rather cycle on Route 12A than his
33 own street. It's not just Twin State Gravel, it's the other folks that have rented out their property to (i.e.,
34 the Eastmans, the Casella, and the Romano trucks).

35
36 **Mr. Doug Ames (owner of Twin State Sand & Gravel):** He spoke about how they have been on Elm
37 Street since 1947 and believed the gravel pit existed long before that. Safety and the safety of their
38 neighbors is important to them. Once they learned of the complaints, they had safety meetings with all
39 their drivers, the drivers of their vendors and conducted their own internal investigations and did not find
40 any specific incidences. The road is narrower than most roads (22 ft.), but trucks can safely negotiate past
41 each other. He was uncertain about what the next steps should be but recommended that a Traffic Study
42 be done. To that end, they have reached out to a traffic consultant and spoke about the practical
43 implications of having one way traffic; what is considered a truck; the definition of a commercial vehicle;
44 how their property is private property and the probability that others may be using this road without their
45 consent. He also concurred that the location of the bump out is a safety hazard. He also responded to
46 Councilor Liot Hill's comments regarding how the level of activity has changed over the last few years,
47 noting that their truck traffic overall has actually decreased over the years since they tore down the
48 crushing plant (in 2012) that used to be located there. However, in the last few years, they have rented

1 out some of their property to others (i.e., Eastman Trucking; RSL-working on the I-89 Bridges; and
2 Casella Waste). They also spoke with all of them about being courteous to all the neighbors, following all
3 the safety rules, and to try and use the Glen Road access as much as possible). He was uncertain what
4 more they could do to enforce the behavior of others.

5
6 In response to Councilor Liot Hill's question regarding when their property used to be all together, Mr.
7 Ames stated it was a very long time ago, back in the 1940's/1950's.

8
9 The Council and Mr. Ames discussed: If there were any property easements or rights of way conveyed
10 between the Twin State Gravel property and any of the other properties that used to be a part of it; having
11 City staff check to see if Twin State Gravel conforms to the City's Zoning Regulations, and; how the rail
12 yard is being used.

13
14 Mr. Steven Blanchard (Elm Street West) was interested in knowing when the gated access was changed.

15
16 **Mr. Jake Champion:** He came forth to attest that the Casella traffic is extensive. Before they relocated to
17 their current location, they were located on his property (on Glen Road) and they were in and out of there
18 60/70 times each day during the summer season.

19
20 Councilor Liot Hill wanted to learn more about the history of these property transfers and easement, as
21 well as the history of that road (West Elm Street). She felt the Council needs to do more fact finding
22 before a decision can be made.

23
24 Mayor McNamara concurred and stated there is a lot more information needed before an educated
25 decision can be made on this issue. He directed City Staff to take a look at the historical roads in the area
26 and to take a look at the property lines and report back to the Council in the near future (next month-
27 February 2024). He also wanted to talk more about Jay's potential options.

28
29 **ACTION: No action was taken. Topic will come back for review in February 2024.**

30 **G. Review of Proposed Zoning Amendments for Council Adoption and Set Public Hearing**
31 **for January 17, 2024**

32
33 **Included in the agenda packet: *PLEASE NOTE: All of the detailed supportive documents, as listed***
34 ***below, can be found on pages 146-188 in the January 3, 2024 City Council Agenda Packet.***

- 35 1. December 21, 2023 Memo to the Lebanon City Council from Planning &
36 Development Department Staff re: 2023-2024 Proposed Zoning Amendments,
37 which includes the following:
- 38 • Existing Zoning Map of 0 Etna Road (Tax Map 26, Lot 17), dated November, 2023
 - 39 • Proposed Zoning Map of 0 Etna Road (Tax Map 26, Lot 17), dated September 19, 2023
 - 40 • Proposed Zoning Map of 0 Etna Road (Tax Map 26, Lot 17), dated December, 2023
 - 41 • 2023-2024 Proposed Zoning Ordinance Amendments (Red-lined Version, last
42 revised December 21, 2023)
 - 43 • October 20, 2023 Legal Opinion from Attorney Christine (Fillmore) Johnston
 - 44 • Excerpt of Planning Board meeting minutes from October 23, 2023
 - 45 • Excerpt of Zoning Board of Adjustment meeting minutes from November 6, 2023
 - 46 • Excerpt of Conservation Commission meeting minutes from November 9, 2023
- 47

1 Mr. Nathan Reichert (Director of Planning & Development) and Mr. Tim Corwin (Deputy Director of
2 Planning & Development) reviewed the background and the proposed changes to Zoning Amendments.

4 **BACKGROUND**

5 At its October 4, 2023, meeting the City Council was presented with a number of proposed amendments to
6 the Zoning Ordinance. The Council took action to accept the amendments as presented and forwarded them
7 for review and comment to the Planning Board, Conservation Commission (twice), Heritage Commission
8 and Zoning Board of Adjustment. Legal review has been obtained, and all boards have completed their
9 review. Attorney Johnston's legal opinion, along with excerpts of Land Use Boards' meeting minutes, are
10 attached for the Council's review. A public hearing pursuant to Section 1000.3.D of the Zoning Ordinance
11 is requested for January 17, 2024.

12
13 Based on the feedback we received from all Board/Commissions and legal counsel's opinions, minor
14 changes have been made to the Staff amendments. It is their opinion that all of the amendments being
15 discussed at this meeting do not require a public referendum.

16
17 The purpose of this meeting was to present the final version of the proposed amendments to be considered
18 by the City Council at the upcoming public hearing. All of the proposed amendments are addressed in the
19 attached comprehensive memorandum drafted by Planning & Development Department staff on [pages](#)
20 [146-188 in the January 3, 2024 City Council Agenda Packet.](#)

21
22 All proposed amendments are under the authority of the Council and do not require placement on the Ballot
23 for consideration by voters. As a reminder, the Council has the authority to place any of the proposed
24 amendments on the Ballot, including those that are under the Council's sole purview.

25
26 Once the proposed amendments are finalized, they will be posted as part of the public hearing. Once posted,
27 all applications to the Land Use Boards and all Building/Zoning Permit applications will be subject to the
28 provisions of both the existing Zoning Ordinance and the proposed amendments. The proposed
29 amendments will be posted by January 5, 2024.

30
31 Mr. Tim Corwin highlighted and explained the changes being proposed for the Zoning Amendments as
32 depicted on [pages 158-168](#), Council agenda packet. The draft text amendments are highlighted in the **red-**
33 **lined** excerpt of the Zoning Ordinance, date last revised 12/21/23. New or revised text is [blue and](#)
34 [underlined](#). Text to be deleted is shown as **red with a strike-out**. The terms that are defined in Appendix
35 A of the Zoning Ordinance appear in *bold italics*. (Note: Detailed information on each of the proposed
36 text Zoning Amendments can be found on [pages 148-152](#). Map information can be found on [pages](#)
37 [155-157](#).)

38 39 **Council Discussions:**

40 In response to Mayor McNamara's question regarding whether or not the other 20 shoreline communities
41 have received the Enterprise Shoreline Exemption like Lebanon has, Mr. Corwin stated he has not looked
42 at each of their Zoning Ordinances but thought the City of Lebanon goes above and beyond the others.
43 He will form an analysis for the Council.

44
45 Mr. Reichert informed the Council that the Heritage Commission will likely be offering an award of the
46 RFP on using grant dollars to analyze the Historic District and enabling the language in the Zoning
47 Ordinance. We will be having a Historic Analysis done and there will be recommendations for Zoning
48 changes that should come to next year's cycle based on the consultant's work with the Heritage
49 Commission. Making these changes (now) might be a little premature but based on legal counsel's

1 review we will strike the amendment and come back with a full set of changes, should there be any, next
2 month.

3
4 Councilor Heistad noted the two major concerns in the Zoning Amendments for the Conservation
5 Commission were steep slopes and wetlands. Mr. Reichert noted these have been addressed as much as
6 can rationally be done. Maybe the vast majority of steep slopes will be under the RL-3 District now as
7 opposed to the Industrial. The Industrial District does not convey steep slopes protection but the RL-3
8 does.

9
10 Mayor McNamara suggested that for the Public Hearing the wetlands mapping and slopes be
11 superimposed on the maps as depicted in the agenda packet.

12
13 Mr. Reichert reviewed and explained the reasons why the agenda packet materials for Item 10.G does not
14 include the amendments requested by Cicotte Properties, LLC (Mr. Dan Nash and Attorney Schuster).
15 Since Cicotte Properties, LLC's new proposal differed from the original proposal reviewed by the
16 Council October 23, 2023, staff needed to get the final form of the proposed amendments in order to be
17 able to advertise it for the Public Hearing. Cicotte Properties, LLC wanted to add a text amendment to
18 add automobile sales and service to both the R0-1 district and the IND-L districts. In the City attorney's
19 opinion, the altered amendment change to permitted uses in the IND-L district cannot be considered a
20 modification of the original proposal and has not been properly reviewed pursuant to Section 1000 of the
21 Zoning Ordinance, but the proposed amendment to the permitted uses in the R-0-1 District has been
22 reviewed properly and is ready for the Council's consideration at this meeting. Staff recommends adding
23 the IND-L piece to the amendments for the Public Hearing in the format that was submitted by Mr. Nash.
24 It is staff's position that the IND-L Amendment change will not trigger the need for a referendum that has
25 not been verified by legal counsel's opinion.

26
27 Deputy City Manager Brooks noted he sent an email to the Council explaining what happened regarding
28 this bit of mis-communication.

29
30 **Mr. Dan Nash (Ward 1):** He was disappointed that the attorney said the modification was substantive
31 and it cannot move forward, because the whole purpose of the Council sending this to the Boards for their
32 review was to modify and tweak it if there was something not to your liking. In this case, the only one
33 who has not heard the modification, formally, is the Zoning Board. He requested this be put on the
34 Council's agenda for the middle of March to have the IND-L change in time for the Public Hearing in
35 March. Mr. Corwin also noted this would also give them time to have a review by legal counsel as well,
36 which is another step that needs to be taken.

37
38 Mr. Corwin suggested that in an attempt to try and keep the Light Industrial District proposed Zoning
39 Amendment in line with the required procedures under Section 1000, Council may want to consider
40 following Section 1000.3 (a), which is establishing the tentative schedule for the remaining steps of the
41 review for this amendment. Let's just follow, as much as we can, the formalities of the Zoning
42 Amendment process.

43
44 **ACTION:**

45 ***Councilor Whittlesey MOVED, that the Lebanon City Council hereby schedules a public hearing for***
46 ***Wednesday, January 17, 2024, beginning at 6:00pm, in Council Chambers, City Hall, and Remote via***
47 ***the City's Virtual Platform, for the purpose of receiving public input and taking action to adopt certain***
48 ***amendments to the City of Lebanon Zoning Ordinance and Zoning Map.***

1 *Seconded by Councilor Liot Hill.*

2
3 **The Vote on the Motion was approved by members present (8-0)*

4
5 H. Discuss Letter of Opposition to NH House Bill 1479 Regarding Anti-Advocacy at the
6 Local Level

7
8 **Included in the agenda packet: *All supportive documents can be found on [pages 189-194](#), Council***
9 ***Agenda Packet.***

- 10 1. HB 1479
11 2. Sample letter from NHMA in opposition to HB 1479

12
13 City Manager Mulholland reviewed the background and the reasons behind opposing HB 1479.

14
15 **BACKGROUND**

16 HB 1479 is similar to bills that are filed every year to prohibit local officials from utilizing public funds to
17 advocate on behalf of local government issues. It seeks to penalize local officials by creating criminal
18 penalties when they advocate on behalf of their local government. This bill and previous legislation is
19 focused on NHMA; however, it also applies to all of the other professional associations that City officials
20 are members of as indicated in the attached letter.

21
22 City officials testify on pieces of legislation every year. This bill would prohibit staff from testifying on
23 those matters moving forward if this bill is passed into law. This bill on its face appears to be contrary to
24 the State Constitution and freedom of speech for public employees under the provisions of RSA 98-E.

25
26 **ACTION:**

27 ***Councilor Sykes MOVED, that the Lebanon City Council is in opposition to HB 1479 and authorizes the***
28 ***City Manager to submit a letter in opposition to this bill and otherwise advocate in opposition to the bill.***
29 ***Seconded by Councilor Liot Hill.***

30
31 **The Vote on the Motion was approved by members present (8-0)*

32
33 **11. City Manager Report:**

34 City Manager Shaun Mulholland updated the Council on the following:

- 35
 - Tax Deeded Properties: Have been sold.
 - AI (Artificial Intelligence) Pilot Program: A media release will be coming out soon.
 - Strategic Plan Reviews

36
37
38
39 **12. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE**

40
41 **13. FUTURE AGENDA ITEMS:**

42
43 **14. NON-PUBLIC SESSION: NONE**

44
45 **15. ADJOURNMENT:**

46 ***Councilor Simon MOVED for adjournment.***
47 ***Seconded by Councilor Heistad.***

48
49 **The Vote on the MOTION was unanimously approved (8-0)*

1
2 **The meeting was adjourned at 9:37 PM.**
3
4 Respectfully submitted,
5 Dona E. Gibson
6 Recording Secretary

**Agenda
Lebanon City Council
January 17, 2024**

8. Appointments:

Appointments

Board/Committee Appointments as presented by City Clerk/Tax Collector Jaseya Ewing

- Conservation Commission, Brandon Hill (Alternate Member)

Included in this Section:

1. Memo from City Clerk/Tax Collector Jaseya Ewing dated January 17, 2024



Office of the City Clerk & Tax Collector
51 N. Park Street
Lebanon, NH 03766

MEMORANDUM

DATE: January 17, 2024
TO: The Honorable Mayor & City Council
FROM: Jaseya Ewing, City Clerk & Tax Collector
RE: **Appointments Proposed for Council Discussion/Action:**

If the Council wishes to proceed with action on the appointments below, a nomination should be made and voted on for each appointment.

Note: nominations do not need to be seconded.

Conservation Commission

- **Brandon Hill** – Appointment as an alternate Member of Conservation Commission for a two-year term. Interviewed by: Clifton Below

Term: 01/24-01/26

From: [Kara Tracy](#)
To: [Kara Tracy](#)
Subject: FW: [EXTERNAL] Online Form Submission #7939 for Board Member Application
Date: Wednesday, January 3, 2024 8:34:19 AM
Attachments: [2024-01-02 Interview Report Form - Brandon Hill.pdf](#)

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

Board Member Application

Application Process

After submitting this application, you will be contacted and interviewed by one of our City Councilors. Your application will then go before the full Council at one of their regular meetings for consideration of appointment. If you have questions, please contact the City Clerk's Office at 603-448-3054 or cityclerk@lebanonnh.gov.

Basic Requirements

- *Lebanon/West Lebanon resident (except for those boards whose membership makeup includes non-resident)*
- *Willingness to learn*
- *Commitment to attend meetings*
- *Treat people fairly*
- *Consider the best interest of the community as a whole when making decisions*
- *Must have attended one meeting of the board that you wish to apply to within the last six months to observe the process and function of the board.*

(Section Break)

First Name	Brandon
------------	---------

Last Name	Hill
-----------	------

Physical Address	
------------------	--

City	
------	--

State	
-------	--

Zip Code	██████
Is this your mailing address?	Yes
Home Phone Number	██████████
Work Number	<i>Field not completed.</i>
Email Address	████████████████████
How long have you resided in Lebanon?	2 years
(Section Break)	
Is this an application for re-appointment?	This application is not for re-appointment.
For which board, committee, or commission are you applying?	Conservation Commission
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	Good citizenship is putting in your part to make the community stronger. This seems like a sound way for me to contribute. In seeing the work that the commission does, it becomes clear the need for informed citizens to participate in the challenging decisions of how best to protect our natural resources that benefits the whole community. A full slate of members (and alternates) is critical in making sure that more neighborhoods are represented in the work of the commission.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	Professionally I am a scientist. I bring my knowledge of soil biomes, chemistry, mycology, and geology to the group. I have a love for local hiking trails and exploring the natural spaces around me. I spend my spare time staring at LiDAR maps and reading soil surveys to better understand the history of the land around us (both pre-historic and recent). Becoming a part of this commission would be a natural way for me to put those interests to use for the good of the Lebanon. I'm also relatively new to this area. I come with the experience of someone who moved here to only find almost no rentals and real estate market with minimal inventory. That isn't sustainable. To both allow growth and protect our resources takes a lot of thought, communication, cooperation, and work (only unfettered growth, or protection at the cost of all else are trivial). I aim to be

a part of that.

I spent my youth wading through New England ponds and discovering the wonders of all the plants and animals therein. I want to do my part in ensuring that the next generation has access to equally robust and diverse environments.

Finally, if I were to become a member of the commission, I want to be a representative not just a citizen with an opinion. I am blessed to live in a very social neighborhood. I would see part of my responsibility is to keep my neighbors informed and to seek their views and ideas so that they are be represented in my part of the commission.

Certification

I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

Email not displaying correctly? [View it in your browser.](#)

Councilor Interview Report Form

Councilor Name: Clifton Below

Date of Interview: 1/2/24

Applicant Name: Brandon Hill

Board(s) to Which Applied: Conservation Commission

 Regular Seat X Alternate Seat

Has Applicant Attended Meeting of Board to Which Applying? 2 Yes No

(If yes, indicate date of meeting.) Date: Nov, & Dec.

Recommend Appointment: X Yes No

 Regular Seat X Alternate Seat

General Comments: Brandon looks to be a real asset to the Conservation Commission as his professional background as a scientist and experience in other parts of New England, along and his strong interest in our outdoor environment and exploring and engaging with the community, along with understanding the need for more sustainable development and affordable housing should bring a thoughtful and balanced perspective to the Commission.

(PLEASE NOTE: THIS FORM WILL BE INCLUDED IN THE AGENDA MATERIALS WHEN APPLICANT IS SCHEDULED TO APPEAR BEFORE THE CITY COUNCIL.)

Standard Questions for All Applicants:

1) What do you believe is the purpose of this Board/Committee?

Give consideration to ecological concerns for various proposals being looked at by the City.
Maintain our natural resources.

2) Are you familiar with the meeting dates and time commitments of this Board/Committee?
Would you be available for additional meetings, site visits, or other official events when necessary?

Yes

3) Do you have any previous experience working with this type of Board/Committee, or in a related field, in this community or any other community?

No prior civic experience. Has been a member of mycological societies. Works professionally as a research scientists, with background in soil biomass, geology, & chemistry.

4) Do you have any interest in attending educational presentations and seminars in order to further educate yourself relative to the work of this Board/Committee?

Yes.

5) Do you anticipate that you would have to recuse yourself from more than an occasional meeting due to a conflict of interest (perceived or real) relating to your past or present employment, organizational membership, real estate holdings, family ties, or other reasons?

Don't anticipate any need. Research scientist so doesn't represent clients.

6) What do you think are the key challenges for this Board/Committee?

How to manage conservation with need for development – more housing. Being a group of volunteers, the depth of education on the commission is necessarily limited, so some speculation during time limited review does occur. Need to distinguish between what matters and what doesn't.

7) What do you think are the key opportunities for this Board/Committee?

Entire area is not nearly developed as many areas of New England, so lots of opportunities to conserve and lots of diversity in our environment. While many natural areas have special attributes worth conserving, others are not so special or precious and might be okay to develop.

8) What you would like to see this Board/Committee accomplish in the next year?

Expanding the communications of the major issues that come before the Commission, such as the Wilder Dam relicensing, so more in the community can engage.

Conservation Commission:

1) Have you ever appeared before a conservation commission, personally or through a representative?

No.

2) The Conservation Commission's advisory role in New Hampshire environmental permitting can be controversial. Do you believe you can tolerate possible criticism from your friends and neighbors as a result of how you may have voted?

Yes, comes with the role. Sees that a variety of viewpoints are being expressed, so there seems to be healthy respect for such.

**Agenda
Lebanon City Council
January 17, 2024**

9. Public Hearing Items:

**9.A – Ordinance #2024-01 to amend City Code Chapter 168, Vehicles and Traffic,
to designate no parking areas along Eldridge Street, Laplante Road, and
Prospect Street Extension, Lebanon**

The City Council scheduled this public hearing at its January 3, 2024 regular meeting. However, due to a defect in the public hearing notice, the Administration requests that the public hearing be rescheduled to February 7, 2024.

Action:

For purposes of rescheduling the public hearing for proposed Ordinance #2024-01, the following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council hereby reschedules a public hearing for Wednesday, February 7, 2024, beginning at 7:00 p.m. in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2024-01 to amend City Code Chapter 168, Vehicles and Traffic, §168-1, No Parking, to include a 520-foot section on both the north and south sides of Prospect Street Extension beginning at the intersection of Laplante Road and moving in a westerly direction and to include a 230-foot section on both the east and west sides of Laplante Road beginning at the intersection of Prospect Street Extension and moving in a northerly direction, for a winter parking ban from December 1st to April 1st of every year; to include a 340-foot section on the south side of Eldridge Street beginning at the intersection of Hanover Street and moving in a westerly direction; and to extend the existing no parking restriction on the north side of Eldridge Street by 5 feet to a distance of 340 feet westerly from the intersection of Hanover Street, as "No Parking" zones.

**Agenda
Lebanon City Council
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9. Public Hearing Items:

9.B – Ordinance #2024-02 to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to include a Fee Schedule for Applications to the Zoning Board of Adjustment and Building Code Board of Appeals, and Administrative Preparation of Zoning Verification Letters

The City Council scheduled this public hearing at its January 3, 2024 regular meeting. However, due to a defect in the public hearing notice, the Administration requests that the public hearing be rescheduled to February 7, 2024.

Action:

For purposes of rescheduling the public hearing for proposed Ordinance #2024-02, the following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council hereby reschedules a public hearing for Wednesday, February 7, 2024, beginning at 7:00 pm, in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2024-02 to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to enumerate, update, and establish filing fees for applications to the Zoning Board of Adjustment and the Building Code Board of Appeals, and to establish the administrative fee for the preparation of zoning verification letters.

**Agenda
Lebanon City Council
January 17, 2024**

9. Public Hearing Items:

**9.C – Amendment of Veterans Tax Credit Amounts and Adoption of
additional Veterans Tax Credit programs**

A public hearing for the purpose of receiving public input and taking action to change the amount of the Optional Veterans' Tax Credit from \$250 to \$750 in accordance with NH RSA 72:28; to change the amount of the All Veterans' Tax Credit from \$250 to \$750 in accordance with NH RSA 72:28-b; and to change the amount of the Service-Connected Total Disability Tax Credit from \$1,400 to \$4,000 in accordance with NH RSA 72:35; and to consider adoption of the Combat Service Tax Credit in the amount of \$500 in accordance with NH RSA 72:28-c, and to consider adoption of the Surviving Spouse Tax Credit in the amount of \$2,000 in accordance with NH RSA 72:29-a.

The City Council scheduled this public hearing at its January 3, 2024 regular meeting. The public hearing was properly noticed in the *Valley News* on January 6, 2024 in accordance with City Code and State Law.

Background

The Optional Veterans' Tax Credit, the All Veterans' Tax Credit, and the Service-Connected Total Disability Tax Credit are programs made available by the City for Lebanon's veterans and/or their spouses. The tax credit reduces the total property taxes owed on the veteran's residential property by the amount of the credit. Veterans and/or their spouses may qualify for either the Optional Veterans' Tax Credit or the All Veterans' Tax Credit, but cannot receive both.

The Optional Veterans' Tax Credit and the All Veterans' Tax Credit were re-adopted in the amount of \$250 each by the City Council on January 4, 2023 following statutory changes in the eligibility criteria for those programs. The Veteran's Service-Connected Total Disability Tax Credit was last increased to \$1,400 for eligible veterans or their surviving spouses on September 15, 1993.

The Finance Department and Assessing Division have prepared the attached table showing the number of individuals or households who applied and qualified for the various Veteran's Tax Credit programs offered by the City and the corresponding amount of those tax credits granted for 2023. The table also shows the estimated value of tax credits if the individual program amounts were raised to the maximum amounts allowed by statute.

If the Council wishes to continue to offer the existing Veteran's Tax Credit programs at the current amounts, then no further action is required. However, if the Council wishes to change the tax credit amount for any or all of the programs and/or to adopt the additional tax credit programs that are allowed by statute, then a public hearing must be scheduled and held to consider the proposed changes.

Action:

If the Council decides to move forward, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby amends the Optional Veterans' Tax Credit amount from \$250.00 to \$750.00 in accordance with NH RSA 72:28; amends the All Veterans' Tax Credit amount from \$250.00 to \$750.00 in accordance with NH RSA 72:28-b; and amends the Veteran's Service-Connected Total Disability Tax Credit amount from \$1,400.00 to \$4,000.00 in accordance with NH RSA 72:35.

BE IT FURTHER MOVED, that the Lebanon City Council hereby adopts the Combat Service Tax Credit in the amount of \$500.00 in accordance with NH RSA 72:28-c and adopts of the Surviving Spouse Tax Credit in the amount of \$2,000.00 in accordance with NH RSA 72:29-a.

Included in this Section:

1. Finance Department table of Veteran's Tax Credits granted for 2023
2. NH RSA 72:27-a; RSA 72:28; RSA 72:28-b; RSA 72:28-c; RSA 72:29-a; RSA 72:35
3. Notice of Public Hearing as published in the January 6, 2024 Edition of the *Valley News*

Current											
Veterans' Standard/Optional Tax Credit \$50 Up to \$750		All Veterans' Tax Credit \$50 Up to \$750		Combat Service Tax Credit \$50 Up to \$500		Surviving Spouse Tax Credit \$700 Up to \$2,000		Tax Credit for Service-Connected Total Disability \$700 Up to \$4,000		Veterans' Tax Credits Summary	
RSA 72:28		RSA 72:28-b		RSA 72:28-c		RSA 72:29-a		RSA 72:35			
Number of Tax Credits Granted 2023	Tax Credit \$250	Number of Tax Credits Granted 2023	Tax Credit \$250	Number of Tax Credits Granted 2023	Tax Credit (not adopted)	Number of Tax Credits Granted 2023	Tax Credit (not adopted)	Number of Tax Credits Granted 2023	Tax Credit \$1,400	Total Number of Tax Credits Granted 2023	Total Amount
279	\$69,750	11	\$2,750	0	\$0	0	\$0	23	\$32,200	313	\$104,700
With increases											
	\$750		\$750		\$500		\$2,000		\$4,000		
	\$209,250		\$8,250		0		0		\$92,000		\$309,500
											-\$204,800
				Increase in tax rate would be \$.07							
				for 2023 would increase from 4.01% to 4.87%							

TITLE V TAXATION

Chapter 72 PERSONS AND PROPERTY LIABLE TO TAXATION

Section 72:27-a

72:27-a Procedure for Adoption, Modification, or Rescission. –

I. Any town or city may adopt the provisions of RSA 72:28, RSA 72:28-b, RSA 72:29-a, RSA 72:35, RSA 72:37, RSA 72:37-b, RSA 72:38-b, RSA 72:39-a, RSA 72:62, RSA 72:66, RSA 72:70, RSA 72:76, RSA 72:82, RSA 72:85, or RSA 72:87, in the following manner:

(a) In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition pursuant to RSA 39:3.

(b) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such municipality may vote to place the question on the official ballot for any regular municipal election.

II. The vote shall specify the provisions of the property tax exemption or credit, the amount of such exemption or credit, and the manner of its determination, as listed in paragraph I. If a majority of those voting on the question vote " yes, " the exemption or credit shall take effect within the town or city, on the date set by the governing body, or in the tax year beginning April 1 following its adoption, whichever shall occur first.

III. A municipality may modify, if applicable, or rescind the exemption or credits provided in paragraph I in the manner described in this section.

IV. An amendment to a statutory provision listed in paragraph I related to an exemption or credit amount or to the eligibility or application of an exemption or credit, shall apply in a municipality which previously adopted the provision only after the municipality complies with the procedure in this section, unless otherwise expressly required by law.

Source. 2003, 299:1; 299:23. 2004, 170:3. 2008, 224:3, eff. July 1, 2008. 2016, 217:2, eff. Aug. 8, 2016. 2017, 179:1, eff. Aug. 28, 2017. 2019, 327:3, eff. Oct. 15, 2019. 2021, 200:2, Pt. II, Sec. 1, eff. Oct. 9, 2021.

Section 72:28

72:28 Standard and Optional Veterans' Tax Credit. –

I. The standard veterans' tax credit shall be \$50.

II. The optional veterans' tax credit, upon adoption by a city or town pursuant to RSA 72:27-a, shall be an amount from \$51 up to \$750. The optional veterans' tax credit shall replace the standard veterans' tax credit in its entirety and shall not be in addition thereto.

III. Either the standard veterans' tax credit or the optional veterans' tax credit shall be subtracted each year from the property tax on the veteran's residential property. However, the surviving

spouse of a resident who suffered a service-connected death may have the amount subtracted from the property tax on any real property in the same municipality where the surviving spouse is a resident.

IV. The following persons shall qualify for the standard veterans' tax credit or the optional veterans' tax credit:

- (a) Every resident of this state who is a veteran, as defined in RSA 21:50, and served not less than 90 days on active service in the armed forces of the United States in any qualifying war or armed conflict listed in this section, and continues to serve or was honorably discharged or an officer who continues to serve or was honorably separated from service; or the spouse or surviving spouse of such resident, provided that training for active duty by a member of the national guard or reserve shall be included as service under this subparagraph;
- (b) Every resident of this state who was terminated from the armed forces because of service-connected disability; or the surviving spouse of such resident; and
- (c) The surviving spouse of any resident who suffered a service-connected death.

V. Service in a qualifying war or armed conflict shall be as follows:

- (a) "World War I" between April 6, 1917 and November 11, 1918, extended to April 1, 1920 for service in Russia; provided that military or naval service on or after November 12, 1918 and before July 2, 1921, where there was prior service between April 6, 1917 and November 11, 1918 shall be considered as World War I service;
- (b) "World War II" between December 7, 1941 and December 31, 1946;
- (c) "Korean Conflict" between June 25, 1950 and January 31, 1955;
- (d) "Vietnam Conflict" between December 22, 1961 and May 7, 1975;
- (e) "Vietnam Conflict" between July 1, 1958 and December 22, 1961, if the resident earned the Vietnam service medal or the armed forces expeditionary medal;
- (f) "Persian Gulf War" between August 2, 1990 and the date thereafter prescribed by Presidential proclamation or by law; and
- (g) Any other war or armed conflict that has occurred since May 8, 1975, and in which the resident earned an armed forces expeditionary medal or theater of operations service medal.

Source. 1871, 13:1. GL 54:2. PS 56:4. 1907, 95:1. 1919, 54:1. 1921, 12:3; 103:1. 1923, 68:2. PL 60:26. 1941, 157:1. RL 73:29. 1943, 174:1. 1944, 4:1. 1947, 240:1, par. 29. 1949, 167:1. 1951, 132:1. RSA 72:28. 1955, 289:1. 1963, 49:1; 118:1; 324:1. 1967, 35:1, 2; 219:1, 2. 1971, 303:1. 1975, 282:1. 1976, 42:1, 2. 1977, 61:1. 1979, 288:2. 1981, 215:1. 1989, 64:1; 270:1. 1991, 70:3-6. 1992, 70:3. 1993, 73:3, 10; 262:1. 2003, 299:2. 2005, 126:1, eff. April 1, 2006. 2013, 254:2, eff. July 24, 2013. 2016, 217:9, eff. Aug. 8, 2016. 2018, 148:1, eff. Apr. 1, 2018. 2022, 121:1, eff. July 26, 2022.

Section 72:28-a

72:28-a Repealed by 2003, 299:29, I, eff. April 1, 2003. –

Section 72:28-b

72:28-b All Veterans' Tax Credit. –

I. A town or city may adopt or rescind the all veterans' property tax credit granted under this section by the procedure in RSA 72:27-a.

II. The credit granted under this section shall be the same as the amount of the standard or optional veterans' tax credit in effect in the town or city under RSA 72:28. A town or city with an existing standard or optional veterans' tax credit under RSA 72:28 prior to August 18, 2016, adopting the credit under this section, may phase in the amount of the all veterans' tax credit over a 3-year period to match the standard or optional veterans' tax credit.

III. The all veterans' tax credit shall be subtracted each year from the property tax on the veteran's residential property.

IV. A person shall qualify for the all veterans' tax credit if the person is a resident of this state who is a veteran, as defined in RSA 21:50, and served not less than 90 days on active service in the armed forces of the United States and continues to serve or was honorably discharged or an officer who continues to serve or was honorably separated from service; or the spouse or surviving spouse of such resident, provided that training for active duty or state active duty by a member of the national guard or reserve shall be included as service under this paragraph; provided however that the person is not eligible for and is not receiving a credit under RSA 72:28 or RSA 72:35.

Source. 2016, 217:1, eff. Aug. 8, 2016. 2017, 109:1, eff. June 8, 2017. 2022, 121:2, eff. July 26, 2022.

Section 72:28-c

72:28-c Optional Tax Credit for Combat Service. –

I. A town or city may adopt or rescind an optional tax credit for combat service pursuant to the procedure provided in RSA 72:27-a.

II. The optional tax credit for combat service, upon adoption by a city or town pursuant to RSA 72:27-a, shall be an amount from \$50 up to \$500. The tax credit for combat service shall be subtracted each year from the property tax on the qualifying service member's residential real estate, as defined in RSA 72:29, II.

III. To qualify for the tax credit for combat service, a person shall be a resident of this state engaged at any point during the taxable period in combat service as a member of the New Hampshire national guard or a reserve component of the United States armed forces, called to active duty. For purposes of this section, and in accordance with Internal Revenue Service Publication 3, Armed Forces Tax Guide, "combat service" shall mean military service in one of the following areas:

(a) An active combat area as designated by the President in an Executive Order, for which the service member receives special pay for duty subject to hostile fire or imminent danger as certified by the Department of Defense.

(b) A support area as designated by the Department of Defense in direct sustainment of military operations in the combat zone, for which the service member receives special pay for duty subject to hostile fire or imminent danger as certified by the Department of Defense.

(c) Service in a contingency operation as designated by the Department of Defense, for which the service member receives special pay for duty subject to hostile fire or imminent danger as certified by the Department of Defense.

IV. The application for the tax credit under this section shall be accompanied by the service member's military orders, and shall include such information as may be required for the assessor's office to verify the dates of combat service.

V. A tax credit for combat service shall be in lieu of, and not in addition to, the optional veteran's tax credit under RSA 72:28 or the all veterans' tax credit under RSA 72:28-b. The service member shall be eligible for the credit in each tax year in which the combat service occurs, but the credit may be prorated in the second tax year based on the duration of combat service.

Source. 2018, 151:1, eff. Jan. 1, 2019.

Section 72:29-a

72:29-a Surviving Spouse. –

I. The surviving spouse of any person who was killed or died while on active duty in the armed forces of the United States or any of the armed forces of any of the governments associated with the United States in the wars, conflicts or armed conflicts, or combat zones set forth in RSA 72:28, shall receive a tax credit in the amount of \$700 for the taxes due upon the surviving spouse's real and personal property, whether residential or not, in the same municipality where the surviving spouse is a resident.

II. Upon the adoption of this paragraph by a city or town as provided in RSA 72:27-a, the surviving spouse of any person who was killed or died while on active duty in the armed forces of the United States or any of the armed forces of any of the governments associated with the United States in the wars, conflicts or armed conflicts, or combat zones set forth in RSA 72:28, shall receive a tax credit in the amount from \$701 up to \$2,000 for the taxes due upon the surviving spouse's real and personal property, whether residential or not, in the same municipality where the surviving spouse is a resident.

Source. 1963, 174:2. 1967, 219:3. 1969, 56:1. 1975, 277:1. 1990, 125:3. 1991, 70:11. 1993, 73:5. 2003, 299:3, eff. April 1, 2003.

Section 72:35

72:35 Tax Credit for Service-Connected Total Disability. –

I. Any person who has been honorably discharged or an officer honorably separated from the military service of the United States and who has total and permanent service-connected disability, or who is a double amputee or paraplegic because of service-connected injury, or the surviving spouse of such a person, shall receive a standard yearly tax credit in the amount of \$700 of property taxes on the person's residential property.

I-a. The optional tax credit for service-connected total disability, upon adoption by a city or town pursuant to RSA 72:27-a, shall be an amount from \$701 up to \$4,000. The optional tax credit for service-connected total disability shall replace the standard tax credit in its entirety and shall not be in addition thereto.

I-b. Either the standard tax credit for service-connected total disability or the optional tax credit for service-connected total disability shall be subtracted each year from the property tax on the person's residential property.

II. The standard or optional tax credit under this section may be applied only to property which is occupied as the principal place of abode by the disabled person or the surviving spouse. The tax credit may be applied to any land or buildings appurtenant to the residence or to manufactured housing if that is the principal place of abode.

III. (a) Any person applying for the standard or optional tax credit under this section shall furnish to the assessors or selectmen certification from the United States Department of Veterans' Affairs that the applicant is rated totally and permanently disabled from service connection. The assessors or selectmen shall accept such certification as conclusive on the question of disability unless they have specific contrary evidence and the applicant, or the applicant's representative, has had a reasonable opportunity to review and rebut that evidence. The applicant shall also be afforded a reasonable opportunity to submit additional evidence on the question of disability.

(b) Any decision to deny an application shall identify the evidence upon which the decision relied and shall be made within the time period provided by law.

(c) Any tax credit shall be divided evenly among the number of tax payments required annually by the town or city so that a portion of the tax credit shall apply to each tax payment to be made.

Source. 1947, 240:1, par. 29-f. RSA 72:35. 1955, 283:1. 1963, 174:1. 1967, 219:6. 1969, 54:1. 1973, 553:1. 1975, 277:2. 1983, 95:1. 1989, 64:3. 1991, 70:17. 1993, 73:6, 7. 2000, 54:1. 2003, 299:8, eff. April 1, 2003. 2018, 105:1, eff. Jan. 1, 2019.



**LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARINGS
Wednesday, January 17, 2024 - 6:00pm
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE**

The Lebanon City Council will hold public hearings on January 17, 2024, beginning at 6:00pm for the following:

- A. Ordinance #2024-01** – A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 168, Vehicles and Traffic, to designate no parking areas along Eldridge Street, Laplante Road, and Prospect Street Extension, Lebanon.
- B. Ordinance #2024-02** – A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 68, Fees, to include a fee schedule for applications to the Zoning Board of Adjustment and Building Code Board of Appeals, and administrative preparation of Zoning Verification Letters.
- C. Amend Veterans Tax Credits** – A public hearing for the purpose of receiving public input and taking action to change the amounts for Veterans' Tax Credits
- D. Proposed Amendments to the Zoning Ordinance for Council Adoption** – Public hearing for the purpose of receiving public input and taking action on proposed zoning amendments for adoption by the City Council

The January 17, 2024 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning January 12, 2024: LebanonNH.gov/Agendas

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

NE-435980

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, January 6, 2024.

Jaseya Ewing, City Clerk

**Agenda
Lebanon City Council
January 17, 2024**

9. Public Hearing Items:

9.D – Proposed Amendments to the Zoning Ordinance for Council Adoption

The City Council scheduled this public hearing at its January 3, 2024 regular meeting. However, due to a defect in the public hearing notice, the Administration requests that the public hearing be rescheduled to February 7, 2024.

Action:

For purposes of rescheduling the public hearing for the proposed zoning ordinance amendments, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby reschedules a public hearing for Wednesday, February 7, 2024, beginning at 7:00pm, in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action to adopt certain amendments to the City of Lebanon Zoning Ordinance and Zoning Map.

**Agenda
Lebanon City Council
January 17, 2024**

11. New Business:

**11.A – Request for Zoning Amendments: Cicotte Properties, LLC –
Text Amendment for Light Industrial (IND-L) District**

Background

On September 28, 2023, the City received a request from Dan Nash, of Advanced Geomatics and Design, on behalf of Cicotte Properties, LLC, pursuant to Section 1000.2.C of the Zoning Ordinance, for three Zoning Map amendments and an amendment to Section 311A.2 of the Zoning Ordinance to add several additional uses as permitted uses in the R-O-1 District. Cicotte Properties, LLC's proposed amendments are outlined in the attached September 28, 2023 rezoning request letter from Dan Nash, PE.

As set forth in the attached memo from Mr. Nash dated January 2, 2024, the applicant has narrowed the scope of their zoning amendment request, which is now limited to the following:

1. Amend Section 311A.2 of the Zoning Ordinance to add “vehicular sales” as a use allowed by Conditional Use Permit in the Residential-Office-One (R-O-1) District. (“Cicotte Amendment #1”)
2. Amend Section 303.2 of the Zoning Ordinance to add “vehicular sales” as a use allowed by Conditional Use Permit in the Light Industrial (IND-L) District. (“Cicotte Amendment #2”)

Regarding Cicotte Amendment #1, a public hearing has been scheduled for January 17, 2024.

As discussed with the Council at its January 3, 2024 meeting, the City's legal counsel considers Cicotte Amendment #2 to be substantially different from the amendments as first presented on October 18th, and concluded that the proposed amendment would need its own review in accordance with the procedures outlined in Section 1000 of the Zoning Ordinance. Based on legal counsel's recommendation, the Council agreed that Cicotte Amendment #2 should be reviewed separately from Cicotte Amendment #1, which was fully reviewed under the Section 1000 process.

Note that Mr. Nash's January 2nd letter and materials refer to adding “auto sales and service” in the IND-L, which is not a use category identified in the Zoning Ordinance. Rather, staff recommends that the Council consider Cicotte Amendment #2 as a request relating to the existing “vehicular sales” category which is defined in Appendix A of the Zoning Ordinance as follows:

The display and sales of new or used motor vehicles, motorcycles, recreational vehicles, manufactured homes, and boats. No retail sale of gasoline or oil is permitted. Vehicular sales shall include facilities for the short term leasing of automobiles and trucks to the end consumer.

Note that the “vehicular sales” use category includes all uses that are accessory to the primary “vehicular sales” use, including but not limited to auto repair.

MASTER PLAN

The City’s current Master Plan, adopted in March 2012, describes the current land use of the Exit 18 area as follows [Section 2[C-2b]:

- **Exit 18.** 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 Master Plan identifies the desired land uses north of Exit 18 as including “small-scale commercial, light industrial, office and residential uses”, but also recommends a study of the Route 120 corridor to address traffic patterns, land uses, and aesthetic concerns. See Section 2[D-2j]:

- 2[D-2j] **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.

See also Action# 2.2.A6 (“Conduct a study of the Route 120 corridor to address traffic patterns, land uses & aesthetic concerns”); and Action# 2.3.A10 (“Determine the appropriate level and type of future development in the Heater Road area”).

RECOMMENDATIONS:

Staff recommends the City Council consider postponing the applicant’s request in light of a pending land use study of the Route 120 corridor. Pursuant to the recommendations of the Master Plan (as described above), the City has contracted with VHB to prepare a neighborhood plan for the Route 120 corridor extending from Exit 18 to the Hanover line. A project “kick off” meeting was held with staff on January 3, 2024. The study will identify existing land uses and projected development demands along the corridor and will likely result in proposed amendments to the Zoning Ordinance to accommodate desired growth and uses. To add “vehicular sales” at this time on an ad-hoc basis is premature given the pending neighborhood master planning effort, the results of which are expected in the late spring/summer with zoning amendments to be presented to the City Council for “kick off” in October.

Alternatively, should the City Council elect to proceed with consideration of Cicotte Amendment #2 now, the Planning and Development Department recommends that the Council establish a tentative schedule for review, as is required pursuant to Section 1000.3.A of the Zoning Ordinance. Staff offers the following tentative schedule for review and comment:

Action

If the Council decides to move forward with consideration of the proposed amendment, the following motion is offered for consideration:

MOVED, that the Lebanon City Council, in accordance with the City of Lebanon Zoning Ordinance, Article X, Section 1000.3, Amendment Procedures, hereby submits the Zoning Ordinance amendment to add "Vehicular sales" to the Light Industrial (IND-L) District Table of Uses as a use allowed by Conditional Use Permit as described in a January 2, 2024 letter from Daniel Nash of Advanced Geomatics & Design to the Planning Board, Conservation Commission, and Zoning Board of Adjustment for their review and comment. The City Council hereby sets the following tentative review schedule:

City Council decision to proceed – January 17, 2024

Legal Review – by February 1, 2024

Planning Board – February 26, 2024

Zoning Board of Adjustment – March 4, 2024

Conservation Commission – March 14, 2024

City Council Work Session – March 20, 2024

City Council Public Hearing – April 3, 2024

Included In This Section:

1. September 28, 2023 rezoning request letter from Dan Nash, of Advanced Geomatics, on behalf of Cicotte Properties, LLC, including attachments.
2. January 2, 2024 letter from Dan Nash, of Advanced Geomatics and Design, on behalf of Cicotte Properties, LLC, including attachment.



28 September 2023

Honorable Mayor and City Council
City of Lebanon
51 North Park Street
Lebanon, NH 03766

Re: Request for Zoning Changes

Dear Mayor and Councilors:

On behalf of Cicotte Properties, this letter is being written to request zoning changes to be part of the city's annual zoning review.

Request #1. Rezone parcels 64-30 and 78-61 on Little Heater Road to GC (see attached "Little Heater").

Parcel 64-30 is an auto dealership and has been since 1985. The existing operation essentially maxes out the usable property. As can be seen on the sketch, the parcel is divided by a drainage feature. The land on the west side of the drain feature is likely wetlands and difficult to permit for use. The inclusion of the vacant parcel to the south, 78-61, is to preclude a claim of "spot zoning". As discussed, there is little risk of this change promoting a project that has harmful impacts, as it is essentially fully developed. The need is to restore the use of this land as a "Permitted Use". This status was lost when the zoning was changed to IND-L some time ago. This change placed an unnecessary burden on the landowner to obtain either a zoning special exception or a variance to make any changes to the property. The city's recent change to the expansion of non-conforming properties required the applicant to obtain a Variance to expand a legitimate addition to an auto dealership. This property has been a responsible and productive business for the city. The property generates roughly \$90,000 of tax revenue each year.

Restoring the proper zoning to these parcels would be just, appropriate, and not cause the potential for harmful impacts from development.

Request #2. Rezone parcels 78-40-1, 78-40-2, and 63-4 on Evans Drive to GC (see attached "Evans Drive").

These parcels were GC before their conversion to RO-1. It is my opinion that this change was inappropriate for the parcels involved and should be undone. In particular, the zoning of parcel 64-3 to RL-3 was "Spot zoning" and should never have been allowed. Parcel 78-40-2 has been an auto dealership since the 1960's and it is unjust for it to lose its "Permitted Use" status for no legitimate public purpose. There is no need or purpose for residential uses on these properties.

Request #3. Rezone parcel 63-4 on Evans Drive to RO-1 (see attached “Evans Drive”).

If request #2 does not find favor with the city, we request Parcel 63-4 be converted to RO-1, to be zoned as the abutting parcels. The zoning of parcel 64-3 to RL-3 was “Spot zoning” and should never have been allowed.

Request #4. Add several uses allowed in GC to be allowed in RO-1 by Special Exception or Conditional Use (see attached “GC”).

If requests #2 or #3 do not find favor with the city, we request the city allow several uses, namely uses 25-31, be allowed in the RO-1 zone as Special Exceptions or Conditional Uses. These uses were permitted uses before the parcels were inappropriately converted to RO-1 from GC. By placement of the uses under Special Exception or Conditional Use, allows additional city review of proposed uses to prevent adverse impacts to the city from development of these uses.

Please let me know if you have any questions regarding this request.

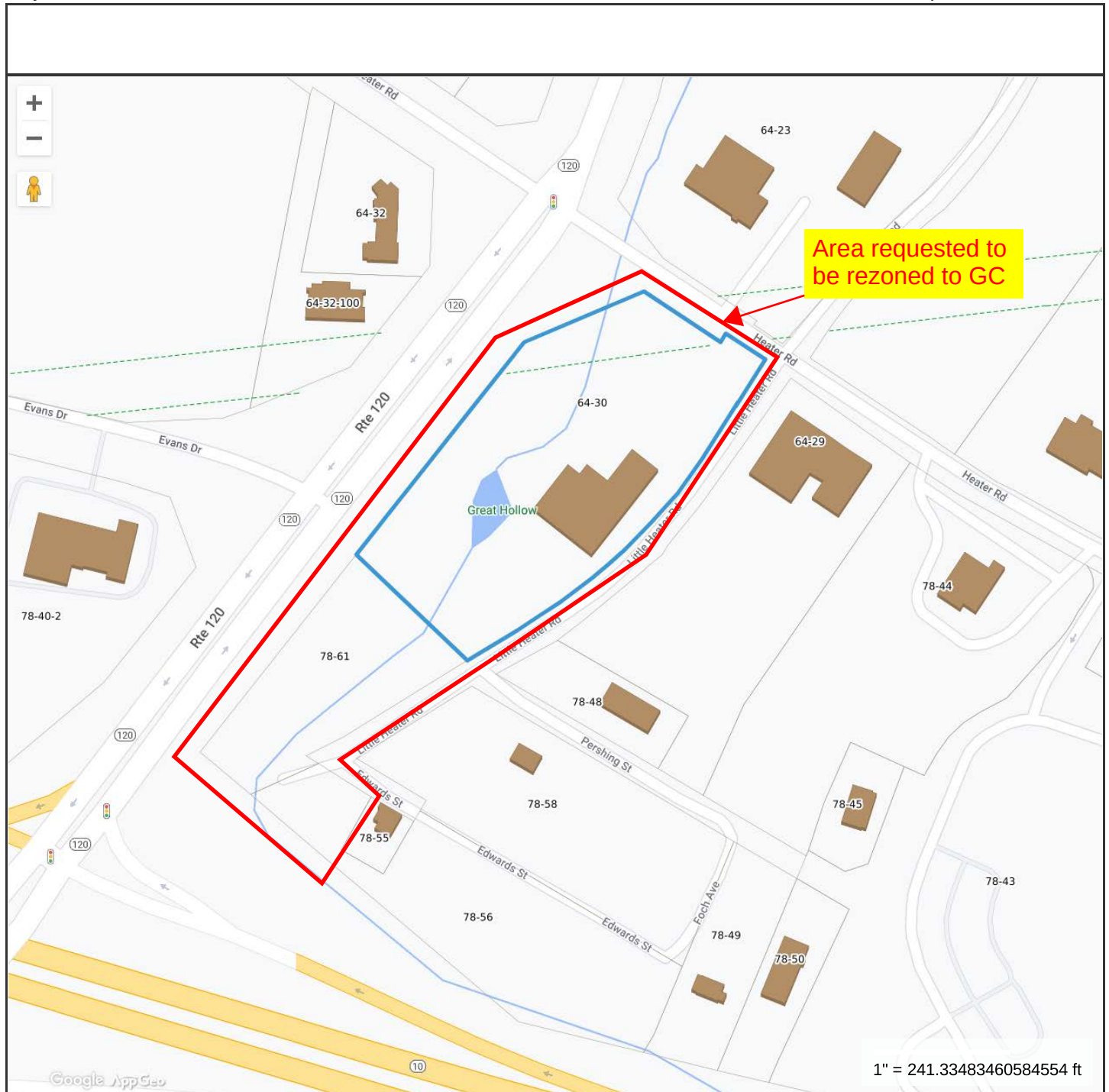
Sincerely,

Daniel A. Nash, PE
Principal

Attachments:
-Little Heater
-Evans Drive
-GC

CC: Johanna Cicotte

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Property Information

Property ID 64-30
Location 175 HEATER RD
Owner CICOTTE PROPERTIES LLC

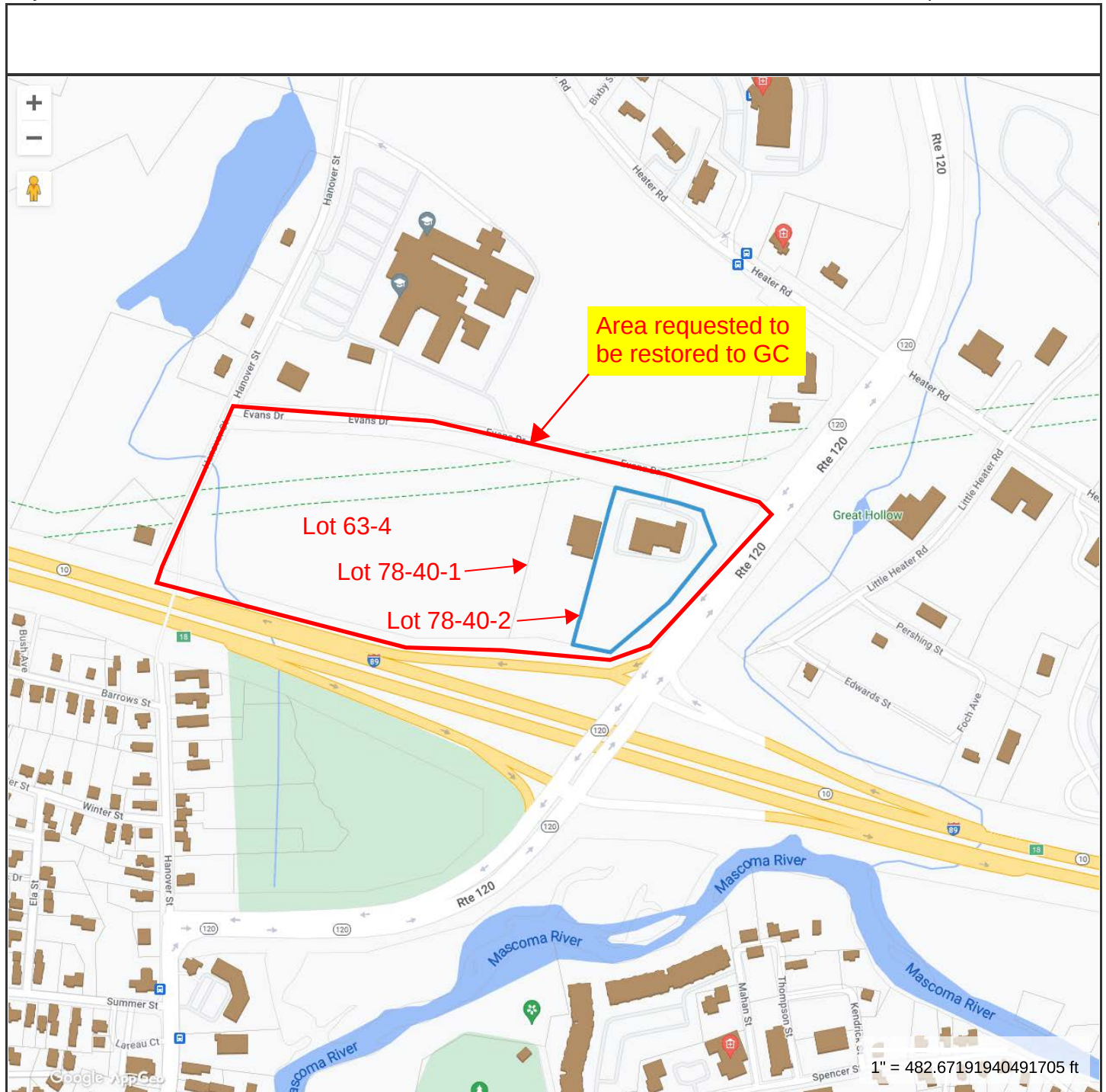


MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT

City of Lebanon, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 08/11/2023
 Data updated 11/18/2018

Print map scale is approximate.
 Critical layout or measurement activities should not be done using this resource.

**Property Information**

Property ID 78-40-200
Location 51 EVANS DR
Owner CICOTTE HOLDINGS, LLC



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

City of Lebanon, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 08/11/2023
 Data updated 11/18/2018

Print map scale is approximate.
 Critical layout or measurement activities should not be done using this resource.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
25. Renewable energy system per Section 612 26. Restaurant , sandwich shop 27. Retail product pickup 28. Retail store 29. Service station 30. Vehicular repair 31. Vehicular sales	
<u>Planned Developments</u> 32. Commercial PUD per Section 501	

305.3 Table of Area, Dimension and Coverage.

Minimum Lot Requirements					Maximum Limitations	
Area	Frontage	Front Yard	Side Yard	Rear Yard	Building Coverage	Height
50,000 square feet	150'	40'	20'	20'	30%	45' See Section 305.4

305.4 Special Height Restriction.

On **parcels** adjacent to residential districts the height limitation of the adjacent residential district shall apply; but, on such **parcels**, **building height** may be increased above the residential limitation by one (1) foot for each two (2) feet that the **building** is set back from the required set back line(s) on sides of the **lot** adjacent to the residential district. However, in no case shall the height exceed 45 feet.

305.5 Dwelling Unit Density.

Density determinations for **multi-family dwellings** and **mixed use buildings** shall be made by the Planning Board during the course of site review based on site specific conditions and factors such as the availability of parking and/or the ability to provide required parking, the availability of adequate water and sewer, and the ability to provide required site improvements and to meet all other requirements of the Site Plan Review Regulations and all other applicable City regulations.



TO: NATHAN REICHERT, PLANNING & DEVELOPMENT DIRECTOR

FROM: DANIEL A. NASH, PE

RE: PROPOSED ZONING CHANGES

CC: SHAUN MULHOLLAND, CITY MANAGER

DATE: 2 JANUARY 2024

In reviewing the City Council agenda for 3Jan24, I observed what appears to have been an oversight. On item 10.G., the item includes no mention of the petitioned changes brought before the city council on 18Oct23. At that meeting, the council directed that the petitioned changes track with those prepared by planning staff, being routed to the Zoning and Planning Boards and the Conservation commission.

At the Planning Board meeting on 11Dec23, the petitioned requests were narrowed to include automobile sales and service as a Conditional Use in the RO-1 and IND-L zones. This refinement is acceptable to the petitioner. Attached is a transcription of the motion made by the Planning Board. I have attached recommended changes to the zoning tables for each zone. As I understand, the Zoning Board and Conservation Commission comments do not conflict with the Planning Board recommendation.

Can you please ensure that this information is sent to the City Council as supplemental information for Item 10.G. on their 3Jan24 meeting? Please let me know if you have any questions regarding this request.

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SECTION 303 LIGHT INDUSTRIAL DISTRICT (IND-L).

303.1 Purpose.

The purpose of the IND-L District is to provide land in appropriate locations for the establishment of manufacturing plants and other businesses of a similar nature, which improve employment opportunities and strengthen the economic base of the city. Such activities should not adversely affect the natural environment, adjacent residential areas or community facilities. A variety of manufacturing, distribution and service industries, and certain limited support activities are allowed in the district. However, in order to preserve appropriate land for such uses, residential uses and many types of commercial uses, such as retailing and **personal services**, are not allowed.

303.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Commercial/Non-Residential</u> 1. Airport 2. Bus terminal 3. Essential service 4. Equipment and machinery sales, rental and service 5. Group day care facility per Section 604 6. Health club 7. Light industry 8. Local government use 9. Outdoor storage per Section 303.4 (less than 20%) 10. Plumbing, electrical or carpentry shop 11. Publishing/printing 12. Research laboratory 13. Renewable energy system per Section 612 14. Retail product pickup 15. Retail showroom per Section 303.5 (less than 10%) 16. Trucking terminal 17. Warehouse	<u>Commercial/Non-Residential</u> 1. Care and treatment of animals 2. Contractor's yard 3. Educational facility, college/university 4. Educational facility, vocational school
	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
<u>Planned Developments</u> 18. Industrial PUD per Section 501 19. Planned business park per Section 508	<u>Commercial/Non-Residential</u> 1. Car wash 2. Inpatient rehabilitation facility 3. Office 4. Outdoor storage per Section 303.4 (more than 20%) 5. Retail showroom per Section 303.5 (between 10-20%) 6. Auto sales and Service

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

311A.1 Purpose.

The purpose of the R-O-1 district is to provide for well-planned neighborhoods of **offices** and higher density housing by carefully guiding the integration of multi-residential housing and **office** uses. The district balances the goals of: (1) preserving the economic viability of older, large **dwelling**s modified to accommodate multiple residential units or **office** space or both; (2) providing for attractive locations for small **offices**; and (3) providing for new **office** buildings compatible with surroundings.

311A.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> One-family dwelling Two-family dwelling Multi-family dwelling (4 dwelling units or less) per Section 601 Accessory dwelling unit (ADU) per Section 610 <u>Commercial/Non-Residential</u> - Construction of new office building (3,000 sq. ft. or less) per Section 601 - Conversion of a dwelling to office use per Section 601 Financial institution Group day care facility per Section 604 Home business per Section 600 - House of worship Personal service Renewable energy system per Section 612 <u>Planned Developments</u> - PURD per Section 501	<u>Residential</u> Multi-family dwelling (5 dwelling units or more) per Section 601 Senior housing complex <u>Commercial/Non-Residential</u> - Construction of new office building (3,001 sq. ft. – 6,000 sq. ft.) per Section 601 Educational facility, college/university Educational facility, primary/secondary Essential service - Funeral home Group residence Health club Hospice Lodging house Public safety facility Recreational facility, indoor Recreational facility, outdoor Tourist home (or bed and breakfast facility)

	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
	<u>Residential</u> 1. Cottage development per Section 509 2. Auto sales and Service

311A.3 Table of Area, Dimensions and Coverage.

Minimum Lot Size

Class	Area	Width	Additional Area per D.U. After Two	Maximum Height
1	10,000 sq.ft.	75'	3,000 sq.ft.	45'
2	15,000 sq.ft.	75'	5,000 sq.ft.	45'
3	40,000 sq.ft.	100'	15,000 sq.ft.	45'

Minimum Yard

Class	Front	Side	Rear	Maximum Building Coverage
1	20'	15'	20'	25%
2	20'	15'	20'	20%
3	25'	25'	30'	15%

Planning Board Motion

Extracted from meeting media for 11Dec2023 meeting

Motion is on media from time stamp 2:22:28 to 2:25:13.

Richard Ford Burley moved: the Planning Board would like to recommend that

a) it would seem to us to be acceptable that allowing auto sales and service in the IND-L and RO-1 zones only as a Conditional Use could be acceptable as a stop gap measure given the pending Route 120 neighborhood planning effort

b) we would like to strongly encourage matters like the present to be considered in the pending neighborhood planning effort and potential rezoning

c) we believe that Lot 63-4 should be left zoned as RL-3 pending further zoning and environmental review.

Seconded by Jeremy Rutter.

Vote 6-0 in favor.

**Agenda
Lebanon City Council
January 17, 2024**

11. New Business:

11.B – Proposed River Valley Reliability Project Presentation by National Grid

Background

National Grid employees will present the proposed [River Valley Reliability Project](#) and answer any questions.

Action

No action is required by Council, item is for informational purposes only.

Included In This Section:

1. River Valley Reliability Project Fact Sheet
2. River Valley Reliability Project Introduction Letter dated November 16, 2023

River Valley Reliability Project

Fact Sheet

Overview

The River Valley Reliability Project (RVRP) proposes to complete required upgrades to an existing electric transmission line, known as the W149 Line, over a length of approximately 44.2 miles, with work to be conducted within National Grid's existing right-of-way (ROW). The RVRP will replace aging wood pole structures with modern steel structures, relocate and replace structures as needed, and re-conductor approximately 39.6 miles of line. Replacing the conductor and structures will improve electric reliability throughout the region, thereby reducing future maintenance and repair costs. It will also provide the infrastructure for additional capacity that may be required to meet future electric energy needs in the area. Upgrades to the W149 Line will help National Grid continue to provide safe and reliable energy to all residents in the region.

The W149 Line originates at the Bellows Falls Switchyard in Rockingham, VT and ends at the Wilder Switchyard in Hartford, VT. In New Hampshire, the line follows the ROW between Walpole and Lebanon including the towns of Walpole, Charlestown, Claremont, Cornish, Plainfield, and Lebanon.

Throughout the planning phase of this project, National Grid will be working closely with communities along the route to ensure proactive communication and information sharing with local residents and businesses. National Grid encourages all who are interested to consider signing up for the project email newsletter to receive updates.

Purpose

The RVRP will implement necessary upgrades to the W149 Line which has been in service since 1948 and was refurbished in 2008. The W149 Line experiences frequent outages due to multiple factors. The goal of the RVRP is to redesign and rebuild the structures to reduce conditions in the ROW that cause those outages.

Most of the performance issues experienced on the W149 Line are due to tree contacts. As a result, vegetation management and tree removal within the ROW will be a necessary part of this project. The project also plans to realign new structures further away from the tree line to minimize the potential for future tree contact that result in service interruptions.

The overall goal of the RVRP is to improve the structural integrity of the W149 line and minimize the potential for outages caused by damage from tree contact and other factors that can adversely impact long term reliability.

Stay In Touch

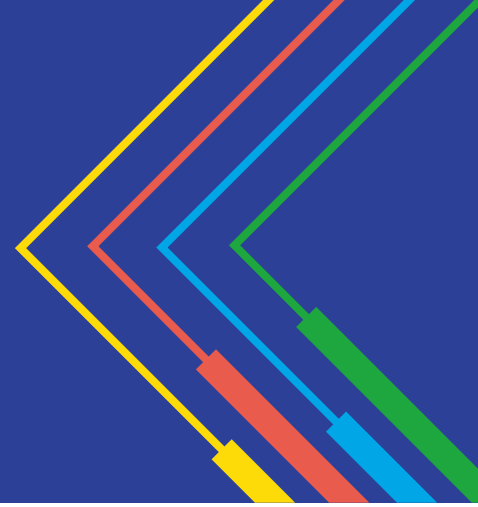
www.rivervalleyreliabilityproject.com

(833) 874-6988

outreach@rivervalleyreliabilityproject.com

River Valley Reliability Project

Fact Sheet



Project Scope

- Replace structures on the W149 Line with a combination of engineered steel pole davit arm structures, H-frame structures, and three pole deadend structures.
- Relocate the centerline of the transmission line where possible in order to reduce tree contacts that result in outages.
- Replace 39.6 circuit miles of shield wire from the Bellows Falls Switchyard to the Wilder Switchyard with Optical Ground Wire (OPGW).
- Replace 39.6 circuit miles of 115 kV conductor from the Bellows Falls Switchyard to the Wilder Switchyard with new 115 kV conductor.
- Where necessary, vegetation management and tree removal will be needed within the ROW.

Project Timeline

- Permitting Start: Spring 2024
- Construction Start: December 2026
- Construction Complete: April 2030

Project dates are all anticipated and subject to change.

Community Collaboration and Outreach

Our project team is committed to working with host communities, residents, businesses, landowners, elected officials, and community groups throughout the application, proposal, siting, and construction processes.

We also understand that communities deserve comprehensive conversations and two-way communication about our work. Through local presentations, town-based community meetings, one-on-one discussions, mailings, a comprehensive website, toll-free hotline number, and other methods we will provide timely, detailed information to individuals and groups interested in the proposal. Above all, our team is committed to ongoing, open conversations about our work every step of the way.

About National Grid

National Grid (NYSE: NGG) is an electricity, natural gas, and clean energy delivery company serving more than 20 million customers throughout territory. National Grid is focused on building a path to a more affordable, reliable clean energy future through its fossil-free vision. National Grid is transforming electricity and natural gas networks with smarter, cleaner, and more resilient energy solutions to meet the goal of reducing greenhouse gas emissions.

River Valley Reliability Project Introduction

November 16, 2023

Dear Neighbor,

On behalf of National Grid, I am writing today to inform you about an upcoming proposed reliability Project known as the River Valley Reliability Project along the existing transmission line corridor near your property. **This proposed Project is currently in the planning and design phases with construction tentatively scheduled to begin in 2026 and end in 2030.** The proposed Project will address the need for improved reliability as National Grid works to improve our infrastructure through upgrades of the existing W149 Transmission Line near your property.

The proposed Project originates at the Bellows Falls Switchyard in Rockingham, VT and ends at the Wilder Switchyard in Hartford, VT. In New Hampshire, the line traverses the existing right-of-way (ROW) between Walpole and Lebanon including the communities of Walpole, Charlestown, Claremont, Cornish, Plainfield, and Lebanon. **A map of the Project can be found on the reverse.**

Many of the current performance issues on the W149 Line are due to tree contacts, making vegetation management and tree removal necessary within the ROW. This Project plans to realign the structures further away from the tree line, where it is possible, to minimize service interruptions due to tree contacts. The goal of these upgrades is to increase the reliability of the transmission line.

Over the next several months, we expect various Project team members and contractors to continue accessing the ROW during this preliminary engineering phase to gather additional information needed for proper planning, evaluation, and vegetation management.

We appreciate your patience and understanding as we work to improve this critical infrastructure in your community. Please know that our Project team is committed to actively working with you, local officials, businesses, and all residents to maintain an open dialogue throughout this Project. We look forward to providing more detailed information on Project timelines as those are finalized. We encourage you to sign up for our newsletter at www.rivervalleyreliabilityproject.com.

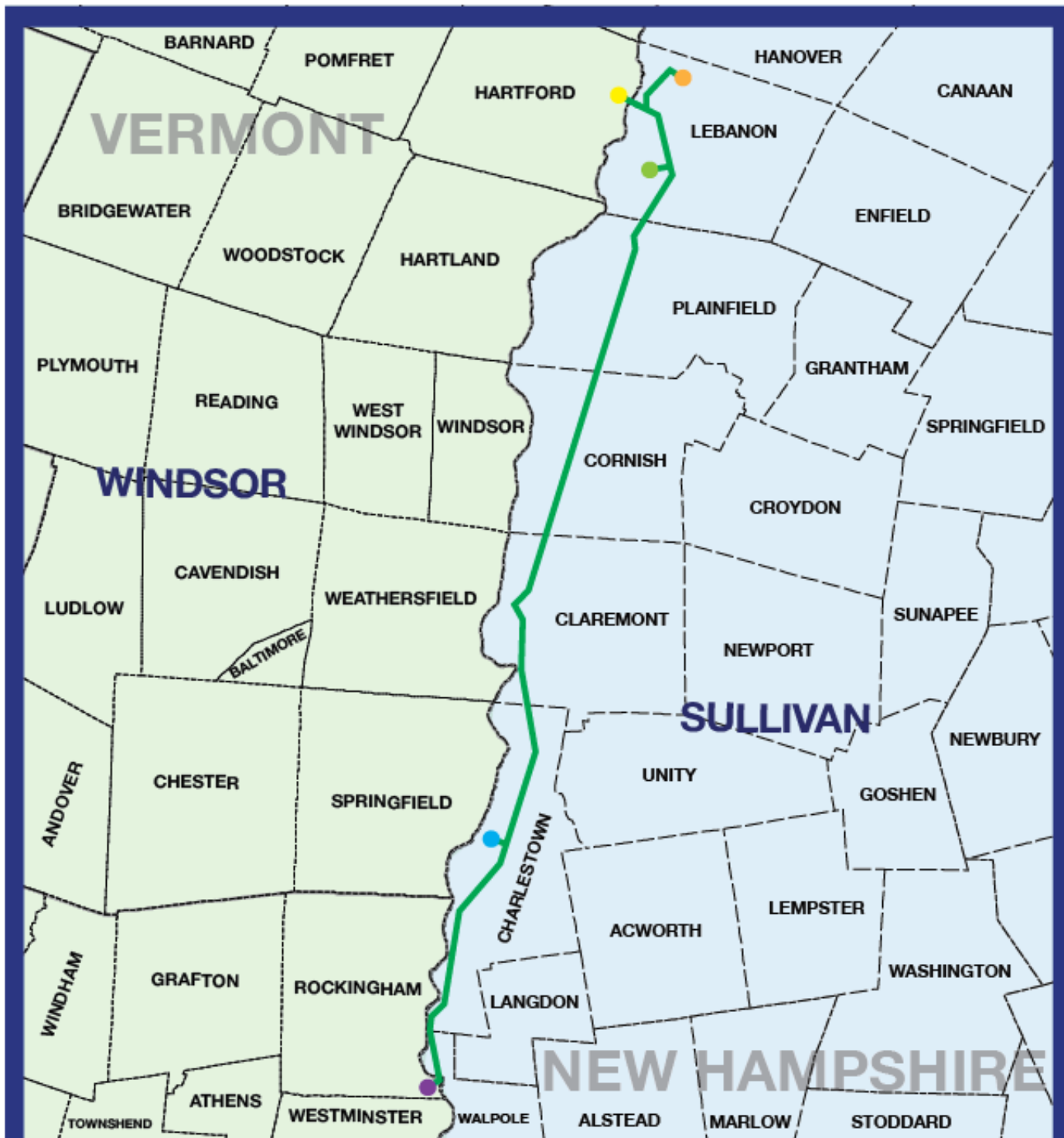
If you have any questions or concerns about the activity associated with this Project, please contact us at (833)-874-6988 or by email to outreach@rivervalleyreliabilityproject.com. If you are interested in receiving future electronic updates with regards to this Project, please sign up on our website.

Sincerely,

Bethany Rocha

Bethany Rocha
Senior Specialist
Stakeholder Management

nationalgrid



River Valley Reliability Project

Map Not Drawn To Scale
Updated 10/9/23

- Transmission Cable
- Mount Support Substation
- Wilder Switchyard
- Slayton Hill Substation
- Michael Ave Substation
- Bellows Falls Switchyard

nationalgrid

Agenda

Lebanon City Council

January 17, 2024

11. New Business:

11.C – Request from Salt Hill Pub for Exemption of City Code Chapter 14, Alcoholic Beverages, To Permit the Serving of Alcoholic Beverages on City Property

Background

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

City Administration has no objection to the closure of the parking area for use by Salt hill Pub as has been done since 2020.

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

ACTION

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

MOVED, that the Lebanon City Council hereby grants an exemption to Salt hill Pub pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to serve alcoholic beverages on the Lebanon Pedestrian Mall and the parking area on West Park Street as shown on the map included in the January 17, 2024 City Council Agenda Packet. The exemption shall be valid beginning January 18, 2024 and shall expire on December 31, 2024.

Included in this Section:

1. January 1, 2024 Letter from Josh Tuohy, Salt hill Pub
2. Location Map of Outdoor Seating Areas for Three Tomatoes Trattoria and Salt hill Pub

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

January 1, 2024

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

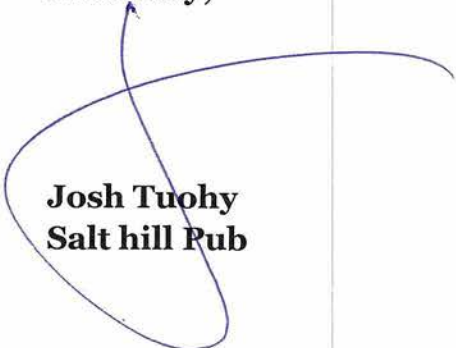
To whom it may concern,

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

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

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

Sincerely,



**Josh Tuohy
Salt hill Pub**



Three Tomatoes
Trattoria

Three Tomatoes
Trattoria

Salt hill Pub

Outdoor Seating Areas for
Three Tomatoes & Salt hill Pub

Salt hill Pub

N Park St

W Park St

W Park St

Agenda Lebanon City Council January 17, 20274

11. New Business:

11.D – Request from Three Tomatoes for Exemption of City Code Chapter 14, Alcoholic Beverages, To Permit the Serving of Alcoholic Beverages on City Property

Background

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

City Administration has no objection to the closure of the portion of Court Street for use by Three Tomatoes as has been done since 2020.

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

ACTION

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

MOVED, that the Lebanon City Council hereby grants an exemption to Three Tomatoes pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to serve alcoholic beverages on the Lebanon Pedestrian Mall and the closed portion of Court Street as shown on the map included in the January 17, 2024 City Council Agenda Packet. The exemption shall be valid beginning January 18, 2024 and shall expire on December 31, 2024.

Included in this Section:

1. January 4, 2024 Letter from Louise Clark on behalf of Three Tomatoes
2. Location Map of Outdoor Seating Areas for Three Tomatoes Trattoria and Salt hill Pub



1/4/24

Shaun Mulholland
City Manager City of Lebanon, NH

Dear Shaun,

Three Tomatoes Trattoria is requesting an amended exception of City Code

Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City Property, within our current expanded seating, until December 31, 2024.

With Gratitude,

Louise Clark

Owner/Partner Dolce Pomodoro Inc. dba/ Three Tomatoes



91-242

91-243

91-244

91-247

91-

Three Tomatoes
Trattoria

Three Tomatoes
Trattoria

Salt hill Pub

Outdoor Seating Areas for
Three Tomatoes & Salt hill Pub

91-233

Salt hill Pub

91-232

N Park St

W Park St

W Park St

Agenda

Lebanon City Council

January 17, 2024

11. New Business:

11.E – Request From Lalo’s Taqueria for Exemption of City Code Chapter 14, Alcoholic Beverages, To Permit the Serving of Alcoholic Beverages on City Property

Background

Lalo’s Taqueria, located at the west end of the pedestrian mall, established an outdoor dining area in 2021 and is planning to continue the service in 2024. As the restaurant serves alcoholic beverages as part of its dining menu, they would like to serve alcohol as part of their outdoor dining service. In order to do so, an exemption from City Code Chapter 14 is required.

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

ACTION

If the Council decides to grant the exemption to Lalo’s Taqueria, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby grants an exemption pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to Lalo’s Taqueria to serve alcoholic beverages on the Lebanon Pedestrian Mall within the area shown on the maps included in the January 17, 2024 City Council Agenda Packet. The exemption shall be valid beginning January 18, 2024 and shall expire on December 31, 2024.

Included in this Section:

1. Letter from Nick Yager, Lalo’s Taqueria requesting exemption pursuant to City Code Chapter 14 (Letter undated. Received by the City Manager’s Office January 5, 2024)
2. Map depicting proposed outdoor seating area

City of Lebanon

Lebanon City Council

Dear Sir or Ma'am:

Lalo's Taqueria is requesting an amended exemption of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City Property, within our expanded seating, until December 31st,2024.

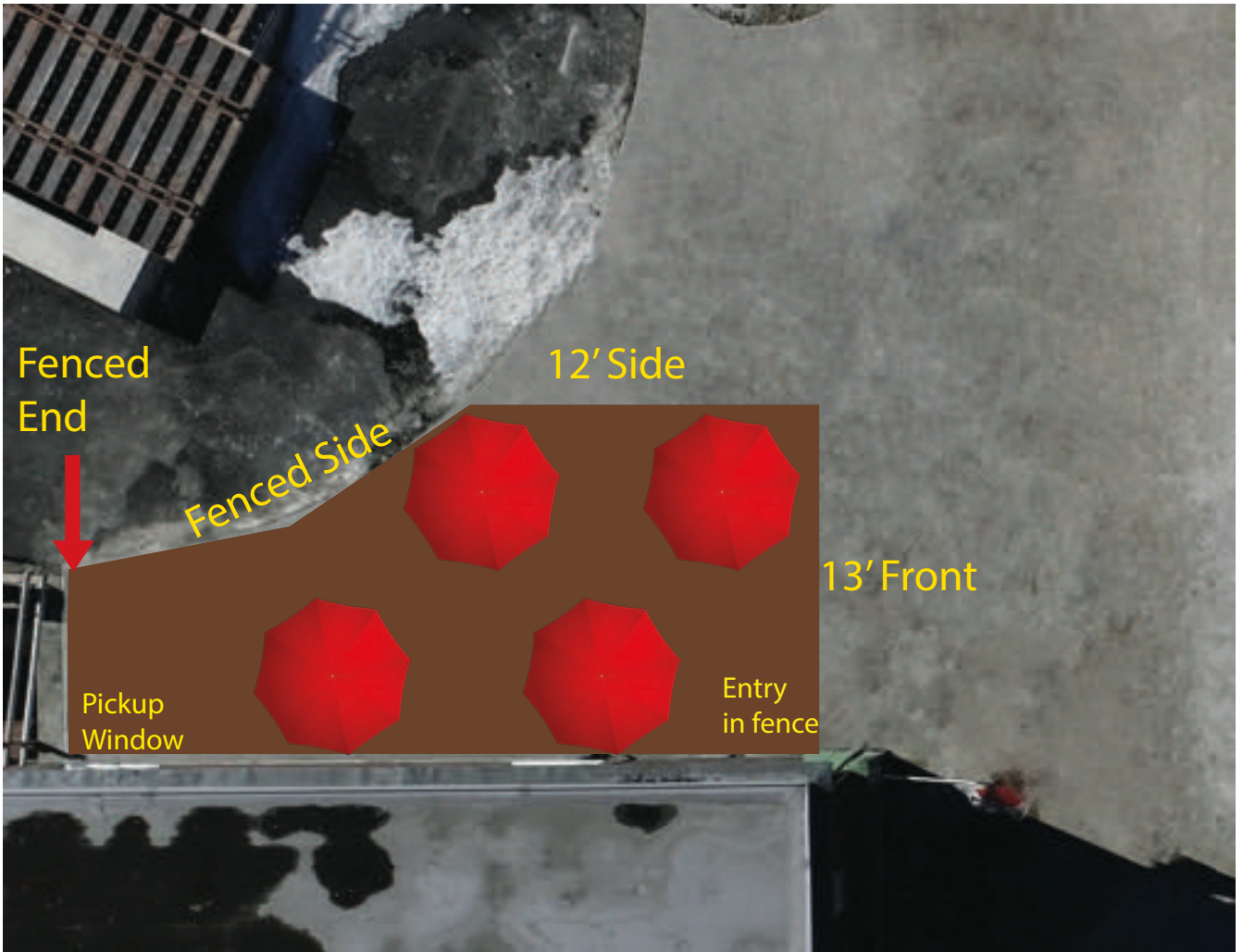
Please let me know if you have any questions.

Thank you

A handwritten signature in black ink, appearing to read "Nick Yager", written in a cursive style.

Nick Yager

Delicious 603 LLC dba Lalo's Taqueria



Agenda

Lebanon City Council

January 17, 2024

11. New Business:

11.F – Request from Lebanon Outing Club for Exemption of City Code Chapter 14, Alcoholic Beverages, To Permit the Serving of Alcoholic Beverages on City Property

Background

Lebanon Outing Club (LOC) is requesting an alcohol exemption to serve alcohol on city-owned property at Storrs Hill Ski Lodge and immediate surrounding areas. Please see the attached email from Lebanon Outing Club President Cory Grant. City Administration has no objection to the request.

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

ACTION

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

MOVED, that the Lebanon City Council hereby grants an exemption to Lebanon Outing Club (LOC) pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to serve alcoholic beverages on city owned property at Storrs Hill Ski Lodge and immediate surrounding areas. The exemption shall be valid beginning January 18, 2024 and shall expire on December 31, 2024.

Included in this Section:

1. December 21, 2023 email from Lebanon Outing Club, Cory Grant
2. Map of requested areas

From: corygrnt@skistorrshill.com
To: [Manager](#)
Subject: [EXTERNAL] Liquor Exemption
Date: Thursday, December 21, 2023 7:49:43 PM

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

To whom it may concern..

“We respectfully request that the City of Lebanon issue a license to serve alcohol in our designated areas (city property).

Additionally, we request the alcohol exemption/permit for the entire year period, January through December.”

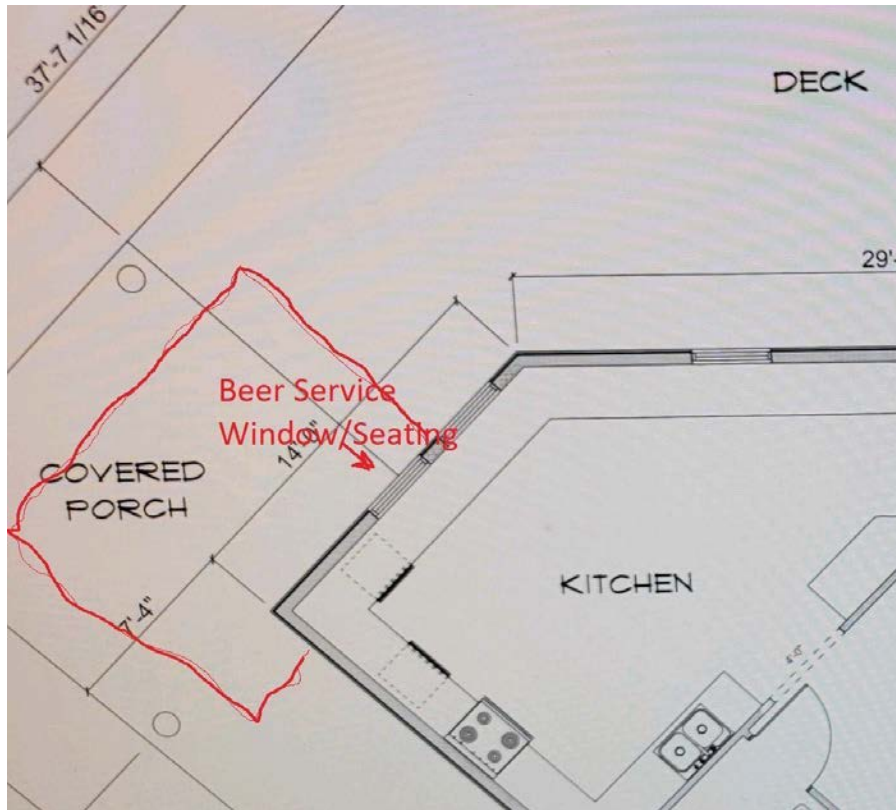
Please let me know if you have any questions.

Thanks,

Cory Grant

President LOC

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.



Agenda

Lebanon City Council

January 17, 2024

11. New Business:

11.G – Discussion & Set Public Hearing for February 7, 2024: Ordinance #2024-03 to Amend City Code Chapter 46, Cemeteries

BACKGROUND

In an effort to streamline operations and create equity amongst staff within the Department of Public Works, Public Works Administration is proposing that burials no longer be permitted on any holiday officially observed by the City. As proposed, weekends immediately preceding or immediately following a holiday would be included as part of the holiday and burials would not be permitted on these days.

By current regulation, burials are not permitted on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day unless otherwise approved by the Director of Public Works. Burials have not been previously approved on any of these holidays for as long as staff can recall.

The other observed annual holidays are Martin Luther King, Jr./Civil Rights Day (Third Monday in January); Presidents' Day (Third Monday in February); and Veterans' Day (November 11).

A calendar would be created annually to show available burial dates and would be available to the public via the City's website or in-person at the DPW Admin Building. The calendar would also be furnished to our local churches and funeral home(s). Should this Ordinance be adopted as proposed on February 7, 2024, there would be 17 days for the remainder of the year where burials would not be permitted.

The Council is asked to set a public hearing for February 7, 2024, to consider the adoption of Ordinance #2024-03.

ACTION

Should the Council wish to move forward with proposed Ordinance #2024-03, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, February 7, 2024, beginning at 7:00 pm, in Council Chambers, City Hall, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2024-03 to amend City Code Chapter 46, Cemeteries, to revise regulations with regard to holiday burials.

Included in this Section:

1. Proposed Ordinance #2024-03

ORDINANCE #2024-03

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 46, Cemeteries, to amend regulations for holiday burials.

Be it ordained by the Council of the City of Lebanon as follows:

Section 1.

The Code of the City of Lebanon, Section 46-7 is hereby amended as follows:

§ 46-7. Burials.

A. GENERAL CONDITIONS:

(2) Holiday burials. Holidays formally recognized by the City of Lebanon include the following:

New Year's Day
Martin Luther King, Jr./Civil Rights Day
Presidents' Day
Memorial Day
Independence Day
Labor Day
Veterans' Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve
Christmas Day

~~*Burials are not permitted on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day unless otherwise approved by the Director of Public Works.~~

~~Burials are permitted on Martin Luther King, Jr./Civil Rights Day, Presidents' Day, Veterans' Day, and the Day after Thanksgiving, subject to the rates listed below.~~

Burials are not permitted on any holiday officially observed by the City. Burials are also not permitted over the weekend immediately preceding or immediately following an observed holiday. For example, if an observed holiday falls on a Friday, burials will not be permitted on Saturday or Sunday following; or if a holiday falls on a Monday, burials will not be permitted on the Saturday or Sunday before. A calendar will be available annually in January showing which dates will not be available for burials during the given year.

Section 2. Severability.

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

Section 3. Effective Date.

This ordinance shall become effective upon passage.

Agenda

Lebanon City Council

January 17, 2024

11. New Business:

11.H – Review and Discussion of the West Lebanon Revitalization Advisory Committee’s Recommendation for Redevelopment of 14, 28, and 30 Main Street, West Lebanon

Background

On May 31, 2023, the City completed the acquisition of properties located at 14, 28, and 30 Main Street in West Lebanon. Subsequently, the City Council asked the West Lebanon Revitalization Advisory Committee (WLRAC) to lead a process of engaging the community to determine the preferred disposition and redevelopment of the properties.

WLRAC discussed the issue at numerous committee meetings during the Summer and Fall of 2023. In addition, WLRAC conducted an online survey to obtain community feedback concerning potential redevelopment scenarios. The survey results from 350 respondents are included as an attachment.

On December 4, 2023, WLRAC adopted the attached motion summarizing its recommendations to the City Council on the redevelopment of the Main Street properties. Members of the West Lebanon Revitalization Advisory Committee and the Planning and Development Department will be present at the Council meeting to review and discuss the process and resulting recommendations.

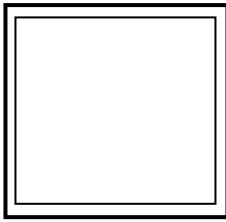
Action

Should the City Council decide to move forward with the West Lebanon Revitalization Advisory Committee’s recommendation, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby authorizes and directs the City Manager to prepare and advertise a Request For Proposals (RFP) for the redevelopment of city-owned properties located at 14, 28, and 30 Main Street, West Lebanon, incorporating the recommendations of the West Lebanon Revitalization Advisory Committee as set forth in the January 17, 2024 City Council Agenda Packet, with a goal of advertising the RFP by February 1, 2024.

Included In This Section:

1. West Lebanon Revitalization Advisory Committee’s Final Decision on Recommendation to City Council on Redevelopment of 14, 28, and 30 Main Street, December 4, 2023
2. Results of Future Use Survey for 14, 28, and 30 Main Street conducted by West Lebanon Revitalization Advisory Committee



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

West Lebanon Revitalization Advisory Committee Final Decision on Recommendation to City Council on Redevelopment of 14, 28 and 30 Main Street December 4, 2023 Regular Meeting

Motion made by: Andrew Faunce

Upon the request of the Lebanon City Council the West Lebanon Revitalization Advisory Committee was charged with exploring options for making recommendations and seeking the community's input on the properties at 14, 28 and 30 Main Street in West Lebanon concerning the disposition of said properties based upon West Lebanon community's preferences.

Therefore, based on testimony given, materials presented, community feedback, a neighborhood survey and supporting documents submitted, I move that the West Lebanon Revitalization Advisory Committee approve the following recommendations for City Council's Consideration concerning the future disposition of 14, 28 and 30 Main Street:

1. The subject properties should be converted into a mixed-use building, including commercial uses occupying the 1st floor and residential units occupying the upper floors.
 - a. To help achieve a walkable and more sociable downtown, street-level storefronts should create outdoor space for informal gatherings. This could be achieved by an overhang or a greater setback at street level, with the upper floors extending to create a contiguous weather protected street adjacent space. Parking should be included as well.
 - b. Commercial offerings that support residents and attract others to visit and spend time in town - for example one or more eateries to offer service across the day are preferred to "hit and run" retail opportunities.
 - c. Given the lack of redevelopment on Main Street recently, it may be necessary for the City to subsidize the project in some way (sell property at reduced price, favorable lease terms etc) to bring these goals to fruition.
2. That 28 and 30 Main Street should be unified into one parcel.
3. Dependent upon viability of the project it may be appropriate to abandon the Church Street public right of way and add 14 Main Street to the other merged lots. This would create a contiguous connected street frontage on Main Street and make Church Street dead end on the property's east side. Alternatively, consideration could be given to developing over the public right of way to support maximum residential uses and to either preserve the full right of way or sustain pedestrian access to Main St while creating additional (rentable) outdoor social space.
4. If possible, the intermittent stream to the rear of the properties should be designed in such a way as to maximize daylighting for the stream and to create a positive environmental impact.

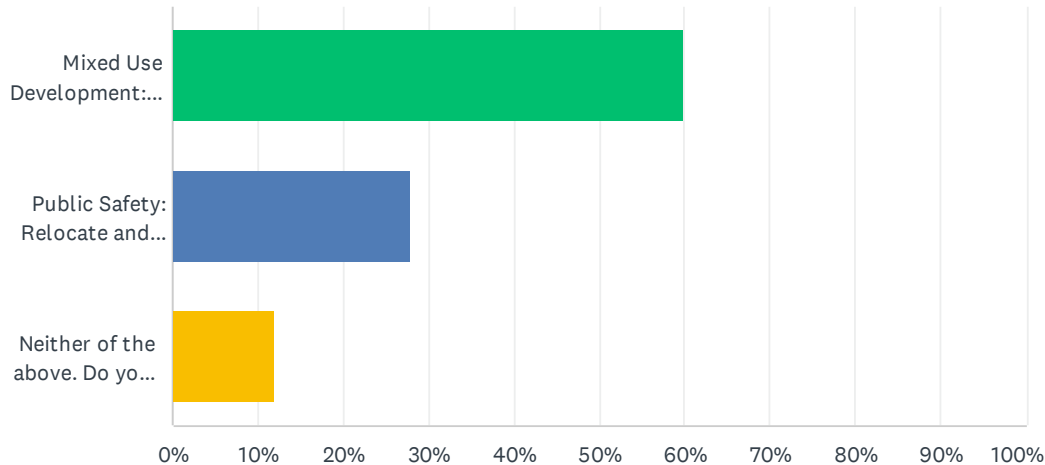
5. If possible, the rear area of 30 Main Street should be designed in such a way to include a recreational pocket park area for area residents to enjoy.
6. Recommend that the Lebanon City Council begin the RFP process. The RFP should give priority to projects that meet the criteria in bullet point numbers one, three, four and five. If these items are not practically or economically feasible, developers should indicate what concessions the City might offer to make their project(s) viable.
7. Recommend that the West Lebanon Revitalization Advisory Committee be kept apprised of the RFP process and that it be given the opportunity to review and comment on RFP responses, as appropriate.
8. Recommend that the City Council assign the RFP process to the appropriate staff members, with the goal of a release date not later than February 1, 2024.

Motion seconded by: James Mashal

Vote: Unanimous (7-0)

Q1 What future use choice do you recommend for developing the three parcels?

Answered: 350 Skipped: 0



ANSWER CHOICES	RESPONSES	
Mixed Use Development: Combine two or more of the lots and partner with a developer to create a block of residential units above street level retail, thereby, creating housing and business opportunity for West Lebanon residents.	60.00%	210
Public Safety: Relocate and update the West Lebanon Fire and Ambulance station, thereby, creating a modern station and keeping response times short for West Lebanon residents.	28.00%	98
Neither of the above. Do you have another use for the property that you would like to see?	12.00%	42
TOTAL		350

#	NEITHER OF THE ABOVE. DO YOU HAVE ANOTHER USE FOR THE PROPERTY THAT YOU WOULD LIKE TO SEE?	DATE
1	I would like to support the idea of opening up the stream that's now under the area of Church St (discussed in the 9/18 minutes), and having a park around the stream. Re the Fire Station-- is it possible for the city to acquire the property behind the Fire Station (VIP tire 72-8) and expand the existing Fire Station in this direction?	10/30/2023 2:55 PM
2	I would vote for the mixed residential and commercial use if the property was going to be paying taxes in Lebanon. I am not in favor of the city becoming landlords.	10/26/2023 5:30 PM
3	A Bath & Body Works	10/20/2023 10:04 AM
4	Market Basket grocery store or Trader Joes	10/19/2023 5:34 PM
5	If there is an equally viable location for the Fire/Ambulance station I would prefer mixed use development	10/19/2023 2:17 PM
6	Mixed use, but try to ensure that the businesses on the street level serve the folks above, and the residential neighborhood of West Lebanon. And that they're walkable. Don't encourage any more cars to drive our roadways.	10/14/2023 1:30 PM
7	I'm prefer the first option above, but since this is the only place to put comments, I'm selecting this 'other' option. Re: the fire station, what about either down the hill toward the west. Maybe buy some property or swap property with one of the spaces there. Or over behind 4 Aces diner. Seems like there are some warehouses there that don't seem to be used. Also, for the	10/13/2023 8:59 PM

West Lebanon Revitalization Advisory Committee - 14, 28, and 30 Main Street Future Use Survey

purchased area on main street, I think it would be nice to have a pocket park that would allow people to be outside and have somewhat of a quiet space with some greenery. Could be used by residents of the housing and people shopping or waiting for the buses.

8	I know this may not be the most popular, but let me add an observation. Many middle class people (older like myself and husband) would like to move from our 4BR house in the country to someplace like West Leb . We want condos that are one floor, somewhat larger and more elegant than the housing developments that are being built in the UV. Having people with some disposable income in downtown West Leb would be one way to revitalize and support local businesses there.	10/12/2023 2:50 PM
9	I would like to see the city create a park-like space, with trees and stream, on some of this space. Church St W should be made a pedestrian-first street, with pedestrians given priority over its length and breadth. This pedestrian connectivity between the uphill neighborhood and Main St will encourage more foot traffic; will give folks a friendly outdoor gathering spot *on* Main St. Small-scale development on parts of the collective property (some of the Main St frontage) could be commercial, with some residential on the upper levels. Please, don't overbuild the site. the city has a unique opportunity to do this thing and to do it here. Private landowners will not be able to create a greenspace with a stream running through it, but the City can. Consider grant opportunities such as https://www.nfwf.org/programs/long-island-sound-futures-fund (this project could help water quality in the Ct River, which would in turn help water quality in long island sound, thus making it eligible for this funding source).	10/11/2023 6:21 PM
10	I would like to see a proposal that compromises. A new modern EMS building is a good idea, but following the move would open the existing EMS building parcel. Could we do both in a single development plan? Enriching the downtown and modernizing the infrastructure we rely on?	10/10/2023 11:49 AM
11	Would like to see some of it kept as green space. We do need a new home for the fire station. Could the committee see if there are other locations for the fire station (e.g. on the SAU seminary hill property)? If a new fire station home is found, then we could do a small-scale mixed use development -- not more than 3 stories -- on the lots. If no other fire station home, then maybe it should go there. Thank you for all your work on this.	10/9/2023 10:24 AM
12	Why can't we do both mixed use AND fire station if there are multiple properties?	10/8/2023 9:36 AM
13	Save money	10/8/2023 8:51 AM
14	Both! Can both be done over time? Presumably, if one or more of these parcels is used to relocate and update the Fire/Ambulance station, then the old station can be eventually used for Mixed Use Development. But, which is better? Using some/all/re-portioning the new parcels for a new F/A station? Or having a temporary station while the old building is being upgraded before making the mixed use buildings in the new lots? Where the current fire station is, is not residential on that side of the street. Across the street is more residential. It might be nicer for the community members currently close to the new parcels to NOT have a working F/A station on their side of the street. Also, parcel 30 and 28 could be combined leaving 14 separate? I am not comfortable blocking off the existing street if the F/A equipment is then restricted. The people on the new "dead end" would have less egress options with the street blocked off.	10/7/2023 8:55 PM
15	I would choose mixed use development, as long as the housing is affordable, and tenants have a legitimate voice in how the place where they live is managed.	10/6/2023 5:26 PM
16	Make the northeast part of 30 and all of 14 for residential. Make the bulk of 30 and all of 28 a small park connected by tunnel beneath Main St. to the Westboro Yard which would also be developed as a park. There is already too much traffic on Main St. to imagine increased retail or residential building facing the street.	10/6/2023 4:01 PM
17	I would like to see housing that is below market rate. I would like to see some green space preserved, perhaps on the closed road, or in the corner where there is already a tree. Since this is one of our more barren streets, I'd like to see the structures moved back from the road far enough to plant significant amounts of trees that won't be killed by snowplows. Retail space is fine.	10/6/2023 8:29 AM
18	Combine 28 and 30 to create the fire station, leave 30 and turn it into shops and housing	10/6/2023 7:05 AM
19	I would like to see these properties generating revenue for the tax base. We do not need anymore commercial properties taken out of the tax base. Lebanon is quickly becoming	10/6/2023 7:05 AM

West Lebanon Revitalization Advisory Committee - 14, 28, and 30 Main Street Future Use Survey

unaffordable for residential owners due to the heavy tax burden created by the lack of taxable commercial properties.

20	Leave it the way it is . The store there is very important to this community.	10/6/2023 5:36 AM
21	The Firehouse should relocate..but not in any of those locations you've mapped out...Are you seriously thinking that will be a better location? I would like to see them just down the road towards Hanover..where they can get out without a congestion of vehicles hindering them.My vote is to have more housing in those locations and small businesses..because really, without those small businesses, why would I even go to that part of Lebanon..which I have been doing for the last 40 years.Also, WHY would joining those properties have to close off Church street?? I see no need to make them physically join by cutting off that access....I have to ask...Where is your God Given Common sense in both these issues, the location of Firehouse and keeping small businesses alive, not to mention much needed housing.	10/5/2023 9:24 PM
22	I am very torn about the prospect of projects which will increase our property taxes since as seniors living on a fixed income, we have reached a point where we realize we can't stay in Lebanon if taxes rise precipitously. However, this project makes sense for many reasons, most important of which is public safety. Is it possible to build a new fire station without relying totally on property taxes? Can we scale back or eliminate some of the other proposals falling solely on taxpayers in Lebanon, which ought to be funded by allcommunities in the tri-town area? The proposed childcare center, homeless shelter, workforce housing and airport expansion all come to mind. Why are we and Hartford the only Upper Valley residents stepping up to meet these responsibilities? These are all good projects but they should not come at the cost of driving people of Lebanon from their homes.	10/5/2023 8:38 PM
23	Combine all three properties and create a park/public space with lawn, flower beds, trees and benches. West Lebanon Main Street needs something similar to Colburn Park in Lebanon. It will attract people who will spend a little more time in West Lebanon rather than simply drive through, or stop briefly to shop or visit the bank before driving away.	10/5/2023 7:06 PM
24	I was hoping you could use the #14 property for a new fire station and the other two properties for mixed use development. If we could do only one or the other, I believe the needs for first safety dictate going with the new station.	10/5/2023 3:05 PM
25	Retail only with small shops. Remove the access to 12-a on Main Street and create an alternate route after they come across the bridge from Vermont. We need a normal walking main street like other towns have. it shouldn't be a Thruway to 12 by the traffic is crazy, it has to be rerouted somehow so people feel comfortable walking down there with their families and going to some interesting shops that could be put in those buildings. Lebanon has the mall and the green with it shops. All we have is a paved road to 12a with a ton of traffic.	10/5/2023 12:42 PM
26	West Lebanon would benefit from a moderately sized building (NO higher than 4 or five stories please!!) that contains a good (in quality, but NOT fast food) restaurant on the ground floor--which under an experienced manager or owner would remain in business, and offer additional jobs to workers who have had to travel outside our city to work! The floors bove the restaurant could--provided there is at least one building elevator--house small shops, companies that cater to local and visiting people. The developer who would be hired MUST be local, or familiar with New Hampshire tons nd dsmall cities--NOT someone/some company whose only experience is from the Boston/Hartford, CT./NYC building environment, please! (I am a former multi-year member of the Lebanon, NH Pknning Committee, so take these comments seriously, please!)	10/5/2023 12:00 PM
27	Elder housing only if the city is taking g it off the tax rolls. We need trees and lights. It is ugly. We do not need the coat of a second large fire station- mutual aid should not allow other towns to forgo purchasing equipment at the cost of Lebanon tax payers.	10/5/2023 11:53 AM
28	I sounds like a great idea to use part of the property for the Fire Station, but do you need all 3 properties for that? could the rest be used for retail & residential What about the current fire station - will that be converted to retail/residential?	10/5/2023 11:41 AM
29	I am fine with mixed-use development (first choice above) as long as it is mostly used for businesses. West Lebanon needs more businesses, to bring people to Main Street to shop and/or eat in them.	10/5/2023 9:57 AM
30	We are in favor of moving the fire station to this location. However, the parking lot by the vaccuum store seems to be a parking lot for Shryls. What effect would moving the fire station	10/5/2023 9:36 AM

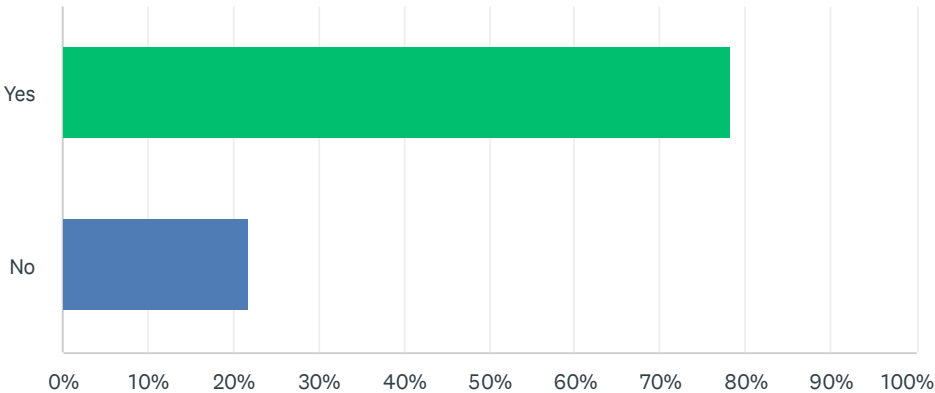
West Lebanon Revitalization Advisory Committee - 14, 28, and 30 Main Street Future Use Survey

to this location have on the early morning parking situation? We are in favor of anything that can be done to improve the appearance of Old West Lebanon.

31	Combine 28 and 30 to create a public open space park or common to give a focal point for the West Lebanon community. There are already ample commercial properties in the area. Use parcel 14 to ceate residential housing for seniors.	10/5/2023 8:57 AM
32	Both of these goals are desirable and possible. There is plenty of space for both projects if the old location of the fire station was redeveloped into mixed use also.	10/5/2023 8:48 AM
33	Actually, both of the above. The argument for new fire stations in Lebanon and West Lebanon seems convincing. Consider combining parcels 28 and 30 for a fire station (or would parcel 28 alone suffice?). Build mixed use on parcel 14.	10/5/2023 8:16 AM
34	Is it big enough for both? Smaller mixed use plus fire station? I'd like to see mixed use with restrictions - no more payday loans or auto parts stores.	10/5/2023 8:04 AM
35	I liked the mixed use development option but we need AFFORDABLE housing. The housing costs in this area are insane and forcing out a lot of people who would stay and enrich our community. If the city cant build more housing that is geared towards lower/middle incomes then our community will continue to struggle with poor service experiences at our hospitals, grocery stores, and elsewhere.	10/5/2023 7:39 AM
36	Park, coffee shop, small shops, or restaurants. To make it more a walkable livable town and not a drive through town	10/5/2023 7:39 AM
37	The fire station is better served not being on Main St. I grew up here and it is now a pass through route and too congested. I would love to see life brought back to West Lebanon and this would be a wonderful first step. Combining the parcels is appealing but traffic will be a huge issue. Allowing traffic to also enter/exit via Church st will help with the current congestion along Main St, rather than adding to it.	10/5/2023 7:11 AM
38	If you combine the properties as suggested below, would you be able to locate the fire department and some mixed-use development in that space? If you could, that would be something I could support.	10/4/2023 2:48 PM
39	How about some green space. West Leb is sorely lacking in it.	10/4/2023 2:26 PM
40	Public Safety proposal is great, but I would take advantage of one of these parking areas for the relocation of the bus stops in front of Kilton Library. The current situation with buses idling and lining up in main street is messy and uncomfortable. Maybe plan for a place for buses to get off traffic, facility transfers, enable more comfortable waiting for passengers, declutter Library entrance?	10/4/2023 1:46 PM
41	Mixed Use- residential above transit hub with some street level retail like a coffee shop. HIGH DENSITY please so more of us have an option to live in west leb near the bus lines! I would support consolidation of the lots across Church Street only if pedestrian access maintained.	10/4/2023 1:13 PM
42	I very much like the idea of housing above street level retail, making a more vibrant downtown West Lebanon but I'm aware of the need for a modernized fire station. If the fire station is moved to 28 & 30, what is being considered for the lot where the fire station currently is? Would that be a space appropriate for a new housing project? And is there the possibility of a major housing project going in at the church site on Maple Street that at one point was being considered for the fire station?	10/4/2023 12:39 PM

Q2 To improve the viability of any development project, would you support combining 14, 28, and 30 Main Street to create one contiguous parcel? (Please refer to the graphic above.) This choice could restrict or close access to Church Street West at the Main Street intersection and result in a dead end of Church Street West.

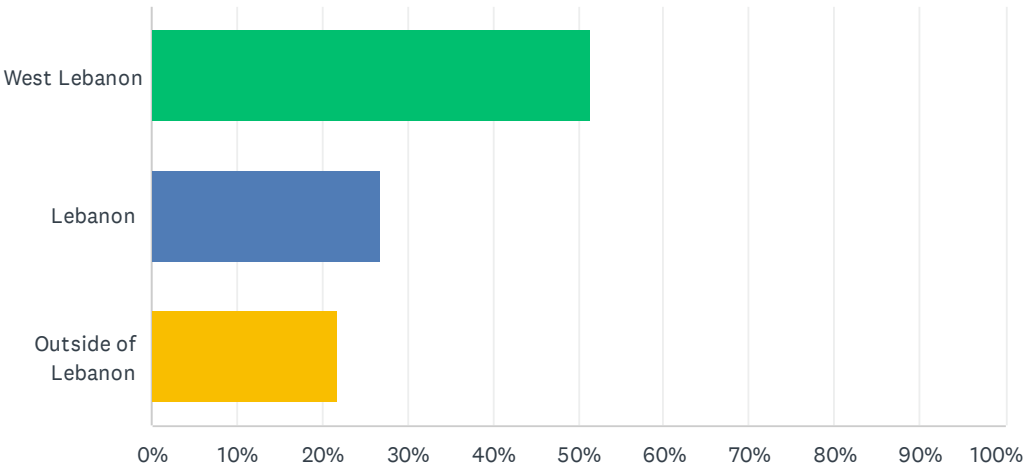
Answered: 350 Skipped: 0



ANSWER CHOICES		RESPONSES	
Yes		78.29%	274
No		21.71%	76
TOTAL			350

Q3 Please choose where you live.

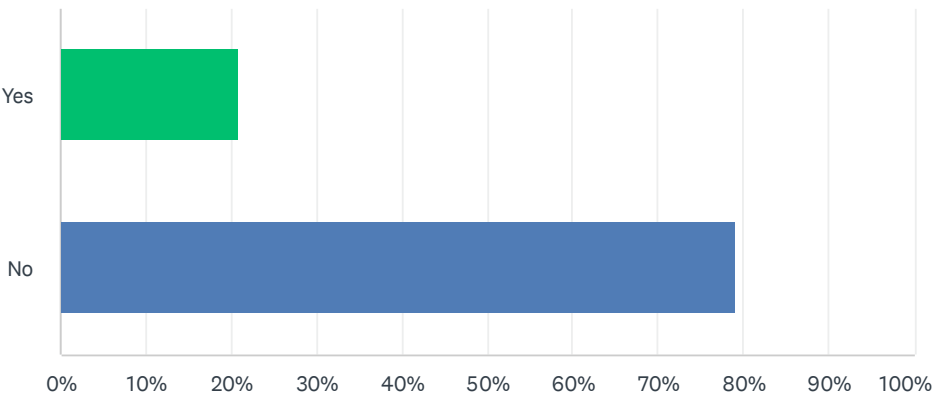
Answered: 350 Skipped: 0



ANSWER CHOICES		RESPONSES
West Lebanon		51.43%180
Lebanon		26.86%94
Outside of Lebanon		21.71%76
TOTAL		350

Q4 Do you own or work at a business in West Lebanon?

Answered: 350 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	20.86%	73
No	79.14%	277
TOTAL		350

**Agenda
Lebanon City Council
January 17, 2024**

11. New Business:

**11.I – Discuss Potential Tax Increment Finance (TIF) District for the
Main Street Area of West Lebanon**

Background

Councilor Simon has submitted an agenda request to discuss the potential creation of a Tax Increment Finance (TIF) District in the Main Street area of West Lebanon.

Action

Should the City Council decide to provide direction for the City Manager with regard to the evaluation or establishment of a TIF District for West Lebanon, a motion will be developed based on the discussion at the meeting.

Included in this Section:

1. Agenda Request Form Submitted by Councilor Simon re: Tax Increment Financing District for Main Street West Lebanon.

LEBANON CITY COUNCIL

AGENDA REQUEST FORM

1. Councilor Name: Chris Simon

2. Preferred Date of Council Meeting to Consider Item: As soon as resonable

Please keep in mind that if this request is for an agenda item and is not urgent in nature, a future date is preferable in order to allow proper time to prepare materials. See Council Rules § A191-7. Agenda, last amended 4-20-2011.

3. Is there a deadline associated with this item, if so, what is it:

No

4. Name of agenda topic item:

Tax Increment Financing Distric for West Lebanon Main Street Distric

5. Reason for topic item:

The idea for a TIF Distric in West Lebanon Main Street Distric has been discussed for a while.

6. Specific questions related to topic item:

I am looking to see if the City Council would like to discuss this topic as a tool for improving the Main Street Distric area further. If there is interest what the next steps might be, Finally if there is no interest in a TIF then we should say so and move on to other plans.

7. Proposed or possible action, motion, goal, and/or code or policy amendment:

The City Council should decide on these directions.

8. Supporting documentation requested re: topic item:

None at this time.

9. Other:

N/A.

Agenda

Lebanon City Council

January 17, 2024

11. New Business:

11.J – Discussion of City Manager’s Proposal for Development of City-owned Parcels pursuant to City Council’s April 2022 Resolution on Housing

Background

On April 21, 2022, the City Council unanimously adopted a Resolution directing the City Manager to take steps to Enable, Incentivize, and Partner in the development of housing needs not currently being addressed by the market through a variety of actions.

Since that time, zoning amendments prepared by the Planning & Development Department have been adopted by the City Council and the public enabling the creation of “cottage cluster” housing developments; revising the manufactured home park regulations to better reflect the existing manufactured home developments within the City; and allowing the Planning Board to grant increased density bonus provisions for certain developments. Zoning amendments have also been adopted (and others are currently proposed) related to Accessory Dwelling Units (ADUs) to further improve the existing regulations based on the City’s ongoing experience with permitting and development of such units.

Among the additional steps outlined in the April 2022 Council resolution is to “partner with the Lebanon Housing Authority and other residential developers to utilize city-owned properties for the development of new housing units, including the possibility of a ‘demonstration project’ on a city-owned parcel with high visibility and an opportunity for a reasonable number of units to help overcome barriers to affordability.”

Subsequently, in May 2023, the Council adopted the City’s Strategic Plan for 2024-2027, which details the Council’s goals and priorities and guides the City’s operational and budgetary decision-making over the 3-year planning horizon. Among the Strategic Themes highlighted in the Plan is “Housing and Neighborhood”, which includes specific objectives of “facilitating the healthy continuum of development/redevelopment of housing” and “revis[ing] land use regulations to limit barriers to development/redevelopment while nurturing neighborhood character.”

To that end, the Planning & Development Department sought and secured a grant through the InvestNH program to undertake a “Pattern Zoning” study. Through the study, licensed architects will develop pre-approved building plans for a variety of housing types and sizes that are based on and compatible with the existing vernacular architecture of Lebanon and West Lebanon. The City intends to make the pre-approved plans available to builders and property owners to streamline the building permit process and to promote compatible infill development. The Pattern Zoning study is anticipated to be completed by mid to late 2024, but individual house plans may be available sooner for site planning purposes.

The City is also expecting to receive \$440,000 in funds from the State through the InvestNH program in connection with the Lebanon Housing Authority’s construction of 44 affordable units in the Heater Landing project located on Heater Road. The InvestNH program provides

municipalities with \$10,000 per unit to help incentivize the construction of new affordable housing units across the state. The City Manager's Office recommends that these funds be reinvested to create additional housing units in the City.

As envisioned in the Council's April 2022 resolution, the City Administration is proposing to utilize the InvestNH funding along with the adopted cottage cluster zoning amendments and the Pattern Zoning study's housing plans to execute one or more demonstration projects on city-owned parcels around the community in furtherance of the City's Strategic Plan and Master Plan goals. The overall aim of the program would be to develop new, affordable homes for owner-occupancy that could be marketed toward specific populations. The program would also demonstrate the viability of these types of projects and programs to builders, lenders, and others in the housing development field.

For example, the City would partner with a builder and lender to develop small-scale, infill residential units on selected city-owned parcels utilizing the Pattern Zoning plans to ensure neighborhood compatibility. The City would provide capital funds, including the InvestNH grant funds, for construction in anticipation of being repaid from the sale of the completed units. Prospective buyers would be selected through a lottery system that would favor specific groups, including City and School District employees, and area non-profit organizations ahead of the general public. A survey conducted by the City in 2023 indicated that 69% of the City's staff do not reside in Lebanon. The lender would provide loans for prospective buyers for limited or no money down with assurances from the employers. A Declaration of Covenants would be applied to the completed units providing the City with a right of first refusal to help ensure a continued level of affordability upon future resale for a defined period of time.

To date, the Administration has identified three city-owned parcels that appear to have the potential for new, small-scale, infill residential development. The City has begun to take some due diligence steps on one of the parcels, including authorizing a boundary survey and wetlands delineation. Additional steps will be required for all of the parcels. The properties include the following city-owned parcels:

Barrows Street:

- ~1.51 acres (in two existing parcels) at the west end of Barrows Street (Tax Map/Lot 77-106 and 77-107); It is envisioned that the end of the Barrows Street right-of-way would be discontinued to allow for the merger of the two properties into a single, large parcel to maximize redevelopment potential.
- Zoned: Residential Three (R-3) District



Hanover Street Extension:

- ~1.92 acres on Hanover Street Extension (Tax Map/Lot 64-1)
- Zoned: Residential One (R-1) District



Seminary Hill Road:

- ~0.50 acres at 3 Seminary Hill Road (Tax Map/Lot 86-56) and potentially parts of 5 South Main Street (Tax Map/Lot 86-55) depending on the final design of intersection improvements associated with the Dry Bridge project
- Zoned: Central Business (CB) District



The Administration is looking for feedback and guidance from the City Council for continuing to work on this proposed project and to act in furtherance of the City Council's goals as stated in the April 2022 Resolution on Housing.

Action

Should the Council decide to provide direction and guidance to the City Manager relative to the redevelopment of city-owned properties, a motion will be developed based on the discussion at the meeting.

Included In This Section:

1. City Council's Resolution on Housing, dated April 21, 2022

Councilor Whittlesey MOVED the following:

RESOLVED, the Lebanon City Council hereby directs the City Manager to take steps to Enable, Incentivize, and Partner in the development of housing needs not currently being addressed by the market through the following actions:

- 1. Prepare amendments to the Zoning Ordinance to enable the creation of “cottage cluster” housing developments on appropriate parcels in the City.**
- 2. Prepare amendments to the Zoning Ordinance to revise the regulations for Manufactured Home Parks, Manufactured Home Subdivisions, and Manufactured Home Planned Unit Residential Developments (PURDs) to better reflect the existing Manufactured Home developments within the City and manufactured homes that are in production today.**
- 3. Prepare amendments to the Zoning Ordinance to complete the Increased Density Bonuses table set forth in Section 507.1 and to develop Criteria for the Award of Bonus set forth in Section 507.2.**
- 4. Develop regulations and guidance for the creation of Housing Opportunity Zones (pursuant to RSA 79-E:4-c) and/or Residential Housing Revitalization Zones (pursuant to RSA 79-E:4-b) to incentivize desirable forms of development.**
- 5. Partner with the Lebanon Housing Authority and other residential developers to utilize city-owned properties for the development of new housing units, including the possibility of a “demonstration project” on a city-owned parcel with high visibility and an opportunity for a reasonable number of units to help overcome barriers to affordability.**
- 6. Study and evaluate the benefits and impacts of Accessory Dwelling Units (ADUs) and potential barriers to ADU development and prepare guides, fact sheets, and educational materials to help reduce potential impacts and reduce regulatory and non-regulatory barriers.**
- 7. In each of the above actions, consider enabling, incentivizing, or demonstrating affordable net zero energy or zero energy-ready homes.**

Seconded by Councilor Wilkie. The vote on the motion was unanimously approved (9-0).

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11. New Business:

11.K – 2025-2026 NHMA Legislative Policy Process

Background

It is the time of year when the New Hampshire Municipal Association (NHMA) begins planning for the Legislative Policy Conference in the Fall. The policy process begins with solicitation of policy proposals from local officials to create an initial issues list. The deadline for submission of a policy proposal is April 15, 2024.

NHMA's legislative policy committees - Finance and Revenue; General Administration and Governance; and Infrastructure, Development and Land Use – will review all policy proposals in order to make recommendations which will go to the NHMA Legislative Policy Conference in September.

Action

Should the Council decide not to submit proposed Legislative Policies, no action is required.

Should the Council decide to submit policy proposals, an Explanation of Proposed Policy Form (attached) must be completed for each proposal.

Included In This Section:

1. 2025-2026 NHMA Explanation of Proposed Policy form



New Hampshire Municipal Association

Explanation of Proposed Policy

Submitted by (Name): _____ Date: _____

Title of Person Submitting Policy: _____

City or Town: _____ Phone: _____

To see if NHMA will SUPPORT/OPPOSE:

Municipal interest to be accomplished by proposal:

Explanation:

A sheet like this should accompany each proposed legislative policy. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal and an explanation that describes the nature of the problem or concern from a municipal perspective and discusses the proposed action that is being advocated to address the problem. Mail to NHMA, 25 Triangle Park Drive, Concord, NH 03301; or e-mail to <mailto:governmentaffairs@nhmunicipal.org> **no later than the close of business on April 15, 2024.**

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Lebanon City Council
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11. New Business:

11.L – Vote to Approve Annual Compensation for City Manager

Background

City Manager Shaun Mulholland was appointed as the City Manager on January 22, 2018. The City Council sets the level of compensation for the City Manager on an annual basis.

Action

The following motion is offered for City Council consideration:

MOVED, that in accordance with City Charter §C419:24, Salaries, the City Council hereby increases the compensation of the City Manager by 6.0%, with an effective date of the first pay period of 2024.