

FINAL

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, February 7, 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, Douglas Whittlesey, Devin Wilkie, and Karen Zook

MEMBERS ABSENT: George Sykes

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 & Parks Director Paul Coats, City Engineer Rod Finley, Finance Director Vicki Lee, Deputy Finance Director Alesia Williams, DPW Maintenance Manager Patrick McCarthy, Planning Administrative Assistant 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 came forth.

5. RECOGNITIONS: NONE

6. ACCEPTANCE OF MINUTES: January 17, 2024 (Regular Meeting)

Amendments: For Clarification, the minutes were amended as follows:

- Page 11, Line 13: Add Phrase: The recused persons sat in the audience.
- Page 18, Lines 35-36: Add: “ownership interest in the building at 1 Court Street and he sat in the audience.
- Page 19, Line 22: Change to vote: Vote should be (7-0-1). Councilor Below abstained
- Page 29, Line 12: Should read “Mayor McNamara noted that market rate principle apartments are being address nicely by developers.
- Page 29, Line 24: Change sentence to read: “ allow development of parcels”
- Page 30. Line 1: Should read: “There are a number of correctly” Line 5: add “we can show that these can enhance while filling”; Line 9: Change “Kitter” to “Kidder” throughout document

Councilor Heistad MOVED to approve the January 17, 2024 (Regular Meeting) minutes as amended and presented in the February 7, 2024 City Council agenda packet.

Seconded by Councilor Whittlesey.

****The Vote on the Motion was approved (8-0)***

7. APPOINTMENTS:

- Arts & Culture Commission, Benjamin Van Vliet (Reappointment Arts Organization Representative)

Councilor Liot Hill MOVED to NOMINATE Benjamin Van Vliet for Reappointment Arts Organization Representative to the Arts & Culture Commission.

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

- Lebanon Energy Advisory Committee, Thomas Benzel (Regular Member)

Councilor Wilkie MOVED to NOMINATE Thomas Benzel as a Regular Member of the Lebanon Energy Advisory Committee.

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

- Planning Board, Laurel Stavis (Reappointment Regular Member)

City Manager Mulholland requested the Council to accept the NOMINATE of Laurel Stavis for Reappointment as a Regular Member of the Planning Board.

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

8. 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.

Included in the agenda packet: ***(All supportive documents and information can be found on Pages 45-50, Council agenda packet)***

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

Mr. Patrick McCarthy (DPW Maintenance Manager) briefly reviewed the background, noting that they wanted to put a parking band along Eldridge Street, as well as LaPlante Road and Prospect Street Extension. They had numerous complaints in both areas, not only by residents but also by City Staff.

BACKGROUND

A public hearing 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.

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" (winter parking only) in the following 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; 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 a thorough discussion 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 or out of the parking lot.

The recommendation seeks the establishment of a year-round "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.

Mayor McNamara noted the Council did receive a letter via email from Ms. Sarah Riley, 45 Eldridge St. He did not read this into the record because of its length. The letter was related to the proposed Eldridge St. parking ban.

Mayor McNamara opened the Public Hearing and the following came forth to speak:

Mr. Harrison Trumbull (Owner of building at 76 Hanover St. and one on Eldridge St.) He was curious about the nature of the complaints, noting he has owned these building for 30 years and never had a problem with cars parking on Eldridge Street. He spoke with several of his tenants, and nobody had any complaints. In response to Mayor McNamara's question, Mr. McCarthy noted this issue was on the other side of the street (north side) from where Mr. Trumbull's building is located. The complaint came from a commercial building. City Staff spoke to the owners of the commercial space and they were neglecting to work with us regarding the parking issue.

In looking at City Code, Chapter 168-1, Deputy City Manager Brooks noted that Eldridge Street already has a prohibition on the north side from the intersection of Eldridge Street to Hanover Street, 335 feet to the west. Mayor McNamara then questioned why the Council was being asked to institute a No Parking Zone when there is already a No Parking Zone in place.

Mr. Jay Cairelli (Director of Public Works) stated they did receive a complaint from 76 Eldridge Street. He was uncertain if Mr. Trumbull had spoken to all of his tenants, noting that staff drove down the streets several times and saw that driveway blocked many times. They also received complaints from the other side of the street.

Mayor McNamara suggested that before instituting another No Parking ban, the Council allow Mr. Trumbull to talk to his tenants. Mr. Cairelli concurred but noted that part of the problem was some private businesses on Hanover Street utilized that area for parking. In response to Mr. Trumbull's request, Mayor McNamara said it would be helpful if he put up a Please Do Not Block Driveway sign on his properties. Mr. Trumbull concurred and will put up the signs. This will be discussed by the Council at another time, if necessary.

Ms. Sarah Riley (Ward-2; 45 Eldridge street). She felt that since there is already an existing Ordinance that addresses not blocking driveways, it would be good to focus on enforcing the Ordinance. She also spoke about and explained some of the issues she had (i.e., plowing could be addressed separately; how cars block the intersection in an unsafe way) and suggested that instead of a no parking ban, she was in favor of a flashing beacon and creating a pedestrian island for pedestrian safety.

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

Council Discussions:

At the Request of Mayor McNamara, the Council focused their discussion on the seasonal parking restrictions for the Prospect Street Extension and Laplante Road. They also discussed the NH State Law that prohibits parking within 30 feet (facing) a Stop sign; the NH State Law that prohibits blocking driveways (violation); and, speaking with the Lebanon Police Department Chief about the need to have more downtown parking enforcement.

ACTION:

Councilor Liot Hill MOVED, that the Lebanon City Council hereby adopts Ordinance #2024-01 to amend City Code Chapter 168, Vehicles and Traffic, §168-1, No Parking, as presented in the February 7, 2024 City Council agenda packet with the removal of the provisions applying to Eldridge Street so that it will only affect the Prospect Street Extension and LaPlante Road. This will be effective upon passage.

Seconded by Councilor Whittlesey.

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

- 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.

Included in the agenda packet: *(All supportive documents and information can be found on Pages 51-58, Council agenda packet)*

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

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 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 proposes to establish filing fees for Administrative Appeals, Equitable Waivers of Dimensional Requirements, Rehearing Requests, and Rehearing’s. 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

Mr. Nathan Reichert (Director of Planning & Development) and Mr. Tim Corwin (Deputy Director of Planning & Development) reviewed the background and the reasons behind their proposed amendments to Chapter 68 of the Lebanon City Code. What they are trying to do is: 1) To put the fees where they belong, which is in the fee structure and not in the hands of the Zoning Board, and 2) Adjust the fee structure in a way that is consistent with the rest of the State of NH.

At the request of Mayor McNamara, Director Reichert reviewed the Zoning fees that will be set by the Council per §68-15.A Zoning Code as follows:

- [1] Zoning Board of Adjustment fees: (a) Filing fees: \$300.00.
- [2] Variance application fees \$300.00.
- [3] Special Exception fees: \$300.00.
- [4] Equitable Waiver of Dimensional Regulations: \$300.00.
- [5] Rehearing requests: \$100.00.
- [6] Rehearing fees: \$300.00. Should the Zoning Board grant a rehearing request, the party initiating the rehearing request shall be responsible for all fees associated with the rehearing.

- (a) 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.
 - (b) Advertising fees and legal notification fees shall be determined by the City Manager (“Miscellaneous nonscheduled fees”).
- [7] Zoning Verification letter administrative fee: \$100.00.

The Building Code of Appeals, which is a standing subcommittee of the ZBA, would also be \$300.

All of these applications require staff time to review and administer, which the proposed fees are intended to help cover. While these fees reflect more closely the costs of staff time, they do not cover the total cost for processing an application.

Mayor McNamara opened the Public Hearing. Hearing no comments from the public, the Public Hearing was closed.

ACTION:

Councilor Wilkie MOVED, that the Lebanon City Council hereby adopts Ordinance #2024-02 to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, as presented in the February 7, 2024 City Council agenda packet, effective upon passage.

Seconded by Councilor Whittlesey.

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

Item D was taken out of order from the agenda packet and discussed next.

- 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.

Included in the agenda packet: *(All supportive documents and information can be found on Pages 137-140, Council agenda packet)*

1. Proposed Ordinance #2024-03

City Manager Mulholland requested that action be delayed due to added information that has been obtained. There are some changes that need to be made in Ordinance #2024-03.

In order to give people a chance to express their opinions on this topic, Mayor McNamara opened the Public Hearing and the following residents came forth to speak:

Ms. Roberta Berner (Ward-1 and President of the Upper Valley Jewish Community): She spoke about her concerns limiting the dates that burials could occur in a city cemetery, noting that Jewish tradition/law requires that a body be buried as quickly as possible, preferably within a day or two. For example, if someone died on the Wednesday before Thanksgiving, it could take up to five (5) days before a burial could take place, which is out of the question. She sent a letter to the Council regarding this issue.

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

BACKGROUND (Left in minutes for Informational purposes only)

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), Veterans' Day (November 11), and the Day after Thanksgiving.

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.

ACTION: No action was taken by the Council at this time.

Note: The remainder of the agenda items were taken in the order as discussed by the Council.

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 listed below:

Included in the agenda packet: *(All supportive documents, Zoning Map renditions, letters, and supplemental information can be found on Pages 59-136, in the February 7, 2024 Council agenda packet.*

1. January 4, 2024 Memo to the Lebanon City Council from Planning & Development Department Staff re: Public Hearing on Proposed Zoning Amendments for Consideration and Adoption by the City Council, which includes:
 - December 21, 2023 Memo to the Lebanon City Council from Planning & Development Department Staff re: 2023-2024 Proposed Zoning Amendments, which includes the following:
 - o Existing Zoning Map of 0 Etna Road (Tax Map 26, Lot 17), dated November, 2023
 - o Proposed Zoning Map of 0 Etna Road (Tax Map 26, Lot 17), dated December, 2023
 - o 2023-2024 Draft Amendments to Zoning Ordinance (Red-lined Version, last revised December 21, 2023)
2. January 4, 2024 Memo to the Lebanon City Council from Planning & Development Department Staff re: Public Hearing on Proposed Zoning Amendments by Cicotte Properties, LLC for Consideration and Adoption by the City Council, which includes:
3. January 22, 2024 letter from Sarah Riley, Chair, Lebanon Conservation Commission

Available, but not included in this Section:

1. January 3, 2024 City Council Agenda Packet

BACKGROUND

Amendment #1 – To amend Section 213 (Impact Fees) to collect fees from residential additions larger than 500 sq. ft., to expand and clarify the type of development that is excluded from paying fees, and to amend the waiver and appeals provisions (**Zoning Ordinance Sections 213.3(E) and 213.8**)

Amendment #2 – To amend Section 305A.1 (GC-1 District Purpose), 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.1, 305A.2, and 500**)

Amendment #3 – To amend Section 410.3 (Description of Riverbank Protection District) to remove properties 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, to clarify the property owner temporary leave of absence requirement, 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 conditional use application requirements, ZBA administrative appeal procedures and definitions, ZBA application and hearing procedures, and changes to the definitions of “dwelling”, “primary/secondary educational facility”, “child day care facility”, “health club,” and “structure”. (**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 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 one of the following uses in the R-O-1 District by Conditional Use Permit from the Planning Board: either “auto sales and service” or “vehicular sales”. (**Zoning Ordinance Sections 311A.2**)

Mr. Nathan Reichert (Director of Planning & Development) and Mr. Tim Corwin (Deputy Director of Planning & Development) reviewed the background and went through the general concepts of the proposed Zoning Amendments. A PowerPoint presentation was given regarding the proposed Zoning Amendments. A few highlights from their presentation are listed:

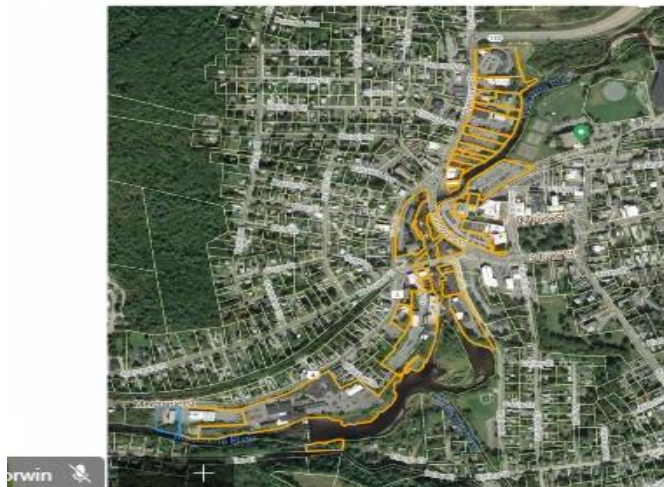
1. IMPACT FEES - Section 213

- ▶ Expand definition of “new development” to include residential additions of greater than 500 sq. ft.
- ▶ Amend the waiver and appeals process:
 - ▶ Authorize administrative approvals for waiver of school impact fees for dwelling units of 500 sq. ft. or less

2. GC-1 District - Manufactured Home PURDs



3. Riverbank Protection District - LD District



The following cities or towns have received Urbanized Shoreland Exemptions:

- Claremont
- Dover
- Franklin
- Goffstown
- Gorham
- Keene
- Laconia
- Lincoln
- Littleton
- Manchester
- Milford
- Nashua
- Newmarket
- Newport
- Portsmouth
- Rochester
- Somersworth
- Swanzey
- Winchester
- Wolfeboro

Planning Staff are at the beginning of the process of an Urbanization Exemption and are looking at the properties in the downtown area of Lebanon, NH because these areas are urbanized properties that have effectively lost their forest coverage due to development over many years. Director Reichert noted that if the City should seek an exemption from the State of NH regulations, then this would bring about a local regulatory exemption. The State would need to approve any application for an exemption from their regulations which targets the protection of forests and buffers around our waterways.

4/5. Accessory Dwelling Units (ADUs)

- Increasing permissible size and square footage ratios of ADUs
- Clarifying the owner occupancy requirements
- Clarifying application submission requirements
- Amend definition of “Gross Living Area”

5. Miscellaneous

- **Amend Section 410.2 (Riverbank Protection District enabling authority)** to remove the reference to RSA 674:21
- **Amend Section 501.1.F.2.a** to make the minimum open space requirements for commercial and industrial PUDs consistent with the minimum open space requirements of the Subdivision Regs
- **Amend Section 607.5 (off-lot parking requirements)** to require that the legal documentation securing the right to use the off-lot parking is provided as part of the CUP application
- **Amend Section 801** to amend the ZBA administrative appeal procedures for consistency with state statutory requirements
- **Amend Section 802** to clarify that ZBA application fees are established pursuant to City Code Chapter 68

The amendments above are just technical clean up with small clarifications that allow us to help make things easier for people to understand.



The above map depicts a parcel of land owned by Mr. Champion. He is seeking to swap RL-3 with the Light Industrial (as depicted above) and is an equal trade (acre for acre) between the two and would allow us to do several things:

- 1) Focuses the Ind-L area in the area of the property that is most likely and logical to develop.
- 2) It moves that industrial development further away from the wetlands.
- 3) The RL-3 District (left side of map) is a wildlife corridor that is fairly significant. This swap moves the development further away from that wildlife migration zone and creates more uplands protection from the standpoint of steep slopes and will also encapsulate more of the steep slopes area of the property which would provide more protection for that area.

(Please note that detailed map renditions can be found in the February 7, 2024, Council agenda packet.)

Director Reichert spoke in depth about Amendment #8, which is listed below.

Amendment #8 (Requested by Cicotte Properties, LLC) – To amend Section 311A.2 (R-O-1 District Table of Uses) to allow one of the following uses in the R-O-1 District by Conditional Use Permit from the Planning Board: either “auto sales and service” or “vehicular sales”.
(Zoning Ordinance Sections 311A.2)

On September 28, 2023, Planning Staff received a request from Dan Nash, of Advanced Geomatics, on behalf of Cicotte Properties, LLC. Director Reichert noted there is a Zoning violation present on the property now and they are seeking a pathway to legalize that Zoning Violation and explained the process that Cicotte Properties, LLC needs to go through noting that a Conditional Use Permit would take what is now a Non-conforming Use (prior to 2001) and turn it into something that we could legally permit. Cicotte Properties, LLC will need to go through the Planning Board for a Site Plan Review, as well for a Conditional Use Permit.

(NOTE: Cicotte Properties, LLC detailed requests and maps can be found in the Memorandum sent to City Manager Mulholland and the Planning & Development Staff dated October 10, 2023. This Memorandum, along with supplemental documents can be found on **pages 91-136, in the February 7, 2024 Council agenda packet.**)

Mayor McNamara opened the Public Hearing.

Mr. Barry Schuster (W-3): He was representing Cicotte Properties, LLC. For many years, this property was Smith Auto. There was a 5-4 vote by the Council in 2000, but this was unfortunate because since then, any time a successive owner wanted to put in a new office, they had to get a Variance. There is a question over parking now that requires a Variance or some sort of approval. A Conditional Use Permit simply says that if the Planning Board approves it, then you go for a Site Plan Review and further explained his reasoning.

Ms. Sarah Riley (Chair, Conservation Committee): She summarized the Conservation Commission's comments/points/concerns/recommendations made in a letter (dated January 24, 2024) sent to the City Council. The letter can be found on **pages 132-135, Council agenda packet.**

Mr. Casey Boardman (W-1): He spoke about his reasons supporting ADUs (Amendment #4).

Ms. Sarah Riley (speaking as resident): She spoke about her reasons against the proposed Zoning Map Amendment at 0 Etna Road and the future Land Use Map.

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

Council Discussions:

The Council, Director Reichert and Deputy Director Corwin reviewed and discussed the proposed Future Zoning Map vs. the existing Zoning Map; steep slope locations; wetland locations; wildlife crossing locations; how much land can be developed for PUDs; if PUDs can be configured to recognize/identify topography and different constraints on a property (i.e., natural resources such as wildlife corridors; wetlands; steep slopes; etc.); the land and natural resources in and around Cicotte Properties, LLC proposed Zoning Amendment; a study that will be taking place for properties along the Route 120 corridor and Exit 18; and, the City Board/Commissions reviews for the proposed amendments.

Ms. Sarah Riley clarified that the Conservation Commission reviewed the dealerships parking lots, and while they were not in favor of additional asphalt (impervious surfaces), it did not change what was already allowed in that zone. Because of that, the Conservation Commission felt there was not any conservation implications.

ACTION:

Assistant Mayor Below MOVED, that the Lebanon City Council hereby approves amendments #1-8 to the Lebanon Zoning Ordinance as presented in the February 7, 2024 City Council Agenda Packet. Seconded by Councilor Liot Hill.

Assistant Mayor Below spoke to his motion, particularly Amendment #8, and felt a Conditional Use Permit was a good solution. For Amendment #7, he spoke about the pros/cons of this area but felt it offers better protection to this area while also allowing a reasonable amount of development. With regard to the Riverbank Protection District, he respected the concerns of the Conservation Commission, but he felt it was an appropriate set of parcels to be looking at for an Urban Exemption and further explained his reasons.

Councilor Liot Hill concurred with Assistant Mayor Below and spoke about her reasons for supporting the ADU Amendment (Amendment #7) and the protection of Lebanon's wildlife corridors.

Councilor Heistad spoke about the vast wildlife corridors that exist in Lebanon, noting that Lebanon is part of a really big network of wildlife corridors.

Deputy Director Corwin clarified Amendments 1-6, noting the Planning Board adopted a motion to accept these amendments. With respect to Amendment #7 (Etna Road Rezoning Request) the Planning Board (PB) Motion was unanimously approved to accept and support the Map Amendment regarding 0 Etna Road. At the December PB meeting regarding the Cicotte Properties, the PB adopted a motion to allow auto sales in RO-1 Zones only as a Conditional Use. They believed Lot 63-4 should be left zoned as RL-3 pending further zoning and environmental review.

****The Vote on the Motion was approved (8-0)***

9. OLD BUSINESS:

- A.** Discuss the City Manager's proposal for development of city-owned parcels pursuant to City Council's April 2022 Resolution on Housing – Request for determination that city-owned properties have redevelopment potential per City Council Policy, CC-102, Real Property Transactions

Included in the agenda packet: ***(All supportive reports documents, site maps, and information can be found on Pages 141-201, Council agenda packet)***

1. January 22, 2024 Memo from Deputy City Manager Brooks, Summary of Review and Comments on City-owned Properties for Determination as Surplus to City Needs or Suitable for Redevelopment, with attachments.
2. City Council's Resolution on Housing, dated April 21, 2022
3. City Council Policy, CC-102, Real Property Transactions

Available, but not included in this Section:

1. January 17, 2024 City Council Agenda Packet

Deputy City Manager David Brooks reviewed the background and the proposed five (5) parcels submitted for development. Comments were received and an extraction of the comments are included in Council

agenda packet. He believed Planning Staff had completed the process required by CC-102 and asked the Council to designate them as redevelopment areas.

BACKGROUND

On January 17, 2024, the City Council reviewed and discussed a proposal from the City Manager's Office regarding the redevelopment of city-owned parcels in furtherance of the Council's April 2022 Resolution on Housing. Specifically, the City Manager is proposing to utilize grant funding from the InvestNH program along with the adopted cottage cluster zoning regulations and the Pattern Zoning study's housing plans to execute one or more demonstration projects on city-owned parcels around the community. 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.

The procedures for the City Council's consideration of disposition or redevelopment of city owned parcels are outlined in City Council Policy, CC-102, Real Property Transactions. In accordance with Section 4.1.1 (Deeming Properties As Surplus To City Needs Or Suitable For Redevelopment) of the policy, in November 2022, the City Manager's Office solicited review and comment from City departments (Airport, Fire, Planning & Development, Police, Public Works, and Recreation, Arts & Parks), the Planning Board, Conservation Commission, and the Lebanon School District on a list of city-owned parcels that appeared to be suitable for disposition or redevelopment. The November 2022 request included a total of eighteen (18) city owned properties, including the five (5) parcels that have become the primary focus of the current redevelopment proposal.

The agenda packet contains a report and supporting information summarizing the comments received from Public Works, the Planning Board and Conservation Commission. It should be noted that no comments were received regarding the five subject parcels from the remaining City departments, or from the Lebanon School District.

In order for the City Manager to continue to move forward with the proposed redevelopment effort, the City Council must determine that the city-owned parcels have redevelopment potential and must act to designate the properties as Redevelopment Areas in accordance with City Council Policy, CC-102, Real Property Transactions.

Council Discussions:

Councilor Liot Hill reviewed the process, noting that for these properties the concepts would be developed and brought back to City Council; Public Hearings would take place before the properties are sold; the Council would have the ability to tailor the terms of the sale and any future considerations of the properties.

Deputy City Manager Brooks added that these housing developments would be subject to zoning and would go through the Site Plan process and each of these steps would involve a Public Hearing. They expect to reach out to engage and have discussions with each of these neighborhoods as these development concepts come together.

ACTION:

Councilor Wilkie MOVED that:

BE IT HEREBY RESOLVED that the Lebanon City Council, in accordance City Council Policy, CC-102, Real Property Transactions, hereby determines that the following City owned properties

have redevelopment potential and are suitable for redevelopment as part of designated Redevelopment Areas:

- 0 Barrows Street; Tax Map 77, Lot 106
- 0 Barrows Street; Tax Map 77, Lot 107
- 0 Hanover Street Extension; Tax Map 64, Lot 1
- 3 Seminary Hill; Tax Map 86, Lot 56
- 5 South Main Street; Tax Map 86, Lot 55

BE IT FURTHER RESOLVED that the Lebanon City Council hereby authorizes the City Manager to pursue redevelopment of the above-listed parcels in accordance with the proposal outlined in the January 17, 2024 City Council Agenda Packet, for the purpose of achieving the goals and objectives of the City, including those expressed in the City Council’s April 2022 Resolution on Housing, as well as the 2012 Master Plan, and the 2024-2027 Strategic Plan.

Seconded by Whittlesey.

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

B. Discuss Potential TIF District for the Main Street Area of West Lebanon

Included in the agenda packet: **(All supportive documents and information can be found on Pages 202-217, Council agenda packet)**

1. NH RSA 162-K Chapter 162-K Municipal Economic Development And Revitalization Districts (state.nh.us)
2. Government Finance Officers Association (GFOA) Best Practices-Creation, Implementation and Evaluation of Tax Increment Financing Creation, Implementation, and Evaluation of Tax Increment Financing (gfoa.org)

Councilor Simon noted he brought this request forward to the Council for their discussion at their last meeting to see if it was worth bringing it to the West Lebanon Revitalization Advisory Commission (WLRAC) and the Economic Development Committee (EDC) to look into the creation of a TIF District.

City Manager Mulholland explained the background and the phases/questions that need to be answered before a proposal to create a TIF District can be created. He suggested that the WLRAC/EDC work through the two phases of this project. (as listed below).

BACKGROUND

Municipalities in New Hampshire are permitted to create Tax Increment Finance Districts pursuant to RSA Chapter 162-K entitled Municipal Economic Development and Revitalization Districts. The City Council has the authority to create TIF districts with limitations identified in the RSAs. The City presently has two TIF districts: the Downtown TIF District and the Airport-Tech Park TIF District. The Council discussed the concept of a TIF district in West Lebanon at its meeting on January 17, 2024. This agenda item is a result of that conceptual discussion.

Phase I – The following questions should be answered before moving to the Phase II analysis.

1. What is the purpose of the TIF district?
2. What are its objectives?
3. How and why is TIF the most effective option to address this objective(s)?
4. What is the geographical area of the TIF district?

5. Will the TIF district share any portion of the captured tax increment with the School District, the General Fund and/or the County, especially if there are additional residential structures created in the TIF district?

Phase II – The following questions will need to be answered before a TIF district can be created.

6. What are the answers to the following requirements from RSA 162-K:6? The development program shall contain a complete statement as to the public facilities to be constructed within the district, the open space to be created, the environmental controls to be applied, the proposed reuse of private property, and the proposed operations of the district after the capital improvements within the district have been completed.

7. What are the answers to the following requirements from RSA 162-K:9? A tax increment financing plan shall contain a statement of objectives of a municipality for improvement of a development district. Such plan shall be incorporated into the development program for the district. It shall contain estimates of the following: cost of the development program; sources of revenues to finance those costs including estimates of tax increments; amount of bonded indebtedness to be incurred; and the duration of the program's existence. The plan shall also contain a statement of the estimated impact of tax increment financing on the assessed values of all taxing jurisdictions in which the district is located.

8. What are the fiscal and economic implications of the proposed TIF district (RSA 162-K:9, III)?

The process to create the Downtown TIF District involved economic analysis developed by the consulting firm Applied Economic Research (AER) in 2017. The cost at that time was \$35,000. The Phase II analysis will require the development of an RFP and a subsequent contract with a firm to conduct the analysis necessary to finish the feasibility study before a TIF district can be considered by the City Council. The Phase I analysis should be conducted through a joint effort of the City Manager, the West Lebanon Revitalization Advisory Committee, and the Economic Development Commission. The Phase I analysis and recommendations of the City Manager, WLRAC and EDC should be presented to the City Council before directives are issued to conduct Phase II. There are no funds presently appropriated for the Phase II process. This would need to be considered in the 2025 Budget if it is determined that a TIF District is necessary after the Phase I analysis.

Council Discussions:

Mayor McNamara felt this was a good process to go through and thought Phase I, and certainly the outcome would cause a robust discussion in order to pursue the cost of Phase II. He further explained his reasons and thoughts. (i.e., How funds would be utilized to further the objectives of this TIF?)

Councilor Wilkie felt that the Committees should keep in mind that a TIF District will withhold funds from the General Fund, and wanted to make sure this could not be achieved through some other means. Mayor McNamara concurred and noted the (West Lebanon) TIF District should facilitate additional tax dollars that could be then rolled back into the General Fund.

Councilor Liot Hill explained her reasons why she felt this was a good time to consider a West Lebanon TIF District.

Councilor Wilkie spoke about how a (West Lebanon) TIF District could build and pay for the infrastructure needed to further development in the West Lebanon area.

ACTION:

Councilor Liot Hill MOVED, that the Lebanon City Council hereby directs the City Manager, the West Lebanon Revitalization Advisory Committee, and the Economic Development Commission to work collaboratively to conduct the Phase I analysis as detailed above, receive stakeholder input, and produce a report back to the City Council no later than October 31st, 2024.

Seconded by Councilor Simon.

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

C. Discuss possible NHMA Policy Positions for the 2024 NHMA Legislative Policy process

Included in the agenda packet: **(All supportive documents and information can be found on Pages 218-219, Council agenda packet)**

1. 2025-2026 NHMA Explanation of Proposed Policy form

BACKGROUND (Left on agenda as a reminder to the Council).

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.

Council Discussions: NONE

ACTION: No action was taken at this time.

10. NEW BUSINESS:

A. Discuss changes to the City's Strategic Plan regarding the Financial Stability and Efficiency functional area.

Included in the agenda packet: **(All supportive documents and information can be found on Pages 220-222, Council agenda packet)**

1. Strategic Plan PDF of functional area Financial Stability and Efficiency with proposed changes.

City Manager Mulholland reviewed the background, and his reasons for the need to create financial stability and efficiency in the Strategic Objectives and his proposed changes to the Vision Statement. He wanted to give the Council preparation time to think about this before the workshops that will take place in April.

BACKGROUND

The City Council approved its first Strategic Plan in May of 2023. The Strategic Plan is intended to be updated every year and to set objectives for the ensuing year and the two subsequent years after that. Significant changes in the direction of the City's finances have occurred by actions of the City Council. The strategic objectives need to change to chart the path moving forward relative to those decisions.

The previous Strategic Plan section 3.2 Maintain a long-term strategy to stabilize the tax rate and user fees to avoid spikes in the rates is not consistent with recent actions taken by the City Council. The strategic objectives should be modified to state that the objective is to mitigate the impacts of tax rate increase and user fee increases to achieve other objectives in the Strategic Plan.

Council Discussions:

Mayor McNamara said one significant change recommended by Administration (to the Strategic Plan) is to substitute the word “stabilize” to “mitigate impact on (tax rate),” noting that stabilization is not possible at this point unless we do some significant cuts in services. The other significant change is to the Unassigned Fund Balance, which will be changed from “19% to 24%” to “5%-19%.” (As noted on page 222, agenda packet.)

Councilor Whittlesey felt that mitigating the impact on the tax rate is more in line, noting the Council will have to make more decisions that will cause the tax rate to fluctuate due to significant infrastructure investment needs. Being fiscally responsible and making sound financial choices is what we need to do and further explained his reasons.

ACTION: No action taken by Council. Item was for discussion purposes only at this time.

- B.** Discussion and Set Public Hearing for March 6, 2024: Request for Supplemental Appropriation in the amount of \$268,000 for Civic Park Playground Improvements; and to Authorize Disbursement of \$135,000 in Recreation Impact Fees

Included in the agenda packet: *(All supportive documents, pictorial renditions, and information can be found on Pages 223-226, Council agenda packet)*

1. December 19, 2023 Memo from Recreation, Arts & Parks Director Paul Coats, including examples of the proposed playground design.

Not included in agenda packet: Director Paul Coats’ PowerPoint Presentation.

Paul Coats, Director of Arts, Parks, and Recreation, reviewed the background regarding the proposed request for a supplemental appropriation as listed above.

BACKGROUND

Civic Park is the largest and most accessible park in the West Lebanon area, and it is the most actively programmed park in the City. The park is strategically located within walking distance of 200 children’s homes and is visited by hundreds of families on a regular basis during programmed activities. The popularity of Civic Park makes it a priority location for a playground to serve children 2-5 and 5-12 years old. No such playground currently exists.

Last year, the Recreation, Arts & Parks Department (RAP) created the “Civic Plays” task force to gather community input for a new playground design, research manufacturers, and to raise funds through a capital campaign. The Civic Plays taskforce has been actively pursuing these objectives through 2023 and is now engaged in raising a portion of the needed funds.

RAP proposes to fund approximately 50% of the total project cost from Recreation Impact Fees collected from new development in the community. The remaining costs will be raised through leadership level gifts in the first quarter of 2024, followed by a public capital campaign. Since funds for the appropriation

are to be transferred from Recreation Impact Fees to the Capital Improvements fund, and will be supplemented with grants and donations, there will be no impact to the tax rate.

ACTION:

Councilor Whittlesey MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, March 6, 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 appropriate \$270,000 for a new Civic Park Playground Improvements capital project; and to authorize disbursement of \$135,000 in Recreation Impact Fees as the means to partially pay for the work, with the remaining project costs to be raised from grants and donations

Seconded by Councilor Simon.

****The Vote on the MOTION was approved (8-0).***

- C.** Discussion and Set Public Hearing for March 20, 2024: Layout of right-of-way widening for Trues Brook Road; Scheduling of on-site public meeting for personal examination of proposed roadway

Included in the agenda packet: ***(All supportive documents and information can be found on Pages 227-233, Council agenda packet)***

1. Petition for Layout of Class V Highway, dated January 26, 2024
2. Plans entitled “Trues Brook Road Over Bloods Brook, Easement Plan (1 of 2) and Easement Plan (2 of 2)” (Sheets 8 and 9 of 47), prepared by Hoyle Tanner, dated January 2024, Project No. 21.906414.00

Mr. Rod Finley, City Engineer, reviewed the background behind widening the right-or-way for Trues Brook Road.

BACKGROUND

The Trues Brook Road Bridge was built in 1952 and rebuilt in 1986. The bridge is showing signs of deterioration and has been placed on the NHDOT’s Red-List.

The Department of Public Works has an ongoing project to replace the existing structurally deficient bridge with a new bridge that will be structurally sound and that can safely accommodate traffic and design flood events in a cost-effective manner, while minimizing environmental impacts, construction duration, and project costs. The new bridge will be widened to provide two 11’ wide lanes and two 5’ wide shoulders to allow both bicycles and walkers to safely share the road with vehicular traffic. The project includes approximately 1,000 feet of roadway reconstruction and improvements approaching each side of the bridge. Additionally, the project includes a temporary bridge, to be constructed adjacent to the permanent bridge, to eliminate the need for closing of the road and creating a long detour from Rte. 12A in the City of Lebanon to the town of Plainfield and vise-versa.

At the current time, the Bridge project is in the final design phase. The layout of the right-of-way widening required for the project and the development of easement plans identifying the required permanent and temporary easements from abutting properties have been completed.

To enable construction of the new bridge, roadway approaches, and the associated improvements, the City Council must, in accordance with RSA 231:8, receive and act upon a petition to “lay out” the widened road right-of-way. A petition was filed on January 26, 2024 and is attached hereto for review and

consideration. Pursuant to NH RSA 674:40, III, before the City Council can locate and construct the roadway, the proposed layout must first be submitted to the Planning Board for review. Review by the Planning Board is tentatively scheduled for February 26th.

In addition, RSA 231:11 requires the City Council to make a “personal examination” of the proposed new road layout. Staff recommends that the Council hold a public meeting prior to the public hearing (on the same day, if possible) to review the proposed road location.

Chair Sarah Riley clarified that the Conservation Commission can only comment on wetland impacts and noted the NH DES has no jurisdiction over Lebanon’s high value wetland buffers.

ACTION

Councilor Wilkie MOVED, that the Lebanon City Council hereby refers the layout of the widening of Trues Brook Road as shown on the plans entitled “Trues Brook Road Over Bloods Brook, Easement Plan (1 of 2) and Easement Plan (2 of 2)” (Sheets 8 and 9 of 47), prepared by Hoyle Tanner, dated January 2024, Project No. 21.906414.00, for review by the Planning Board in accordance with RSA 674:40

BE IT FURTHER MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, March 20, 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 on approval of the layout of the widening of Trues Brook Road to facilitate the replacement of the Trues Brook Road Bridge and the reconstruction of the roadway and other improvements approaching each side of the bridge, as shown on the plans entitled “Trues Brook Road Over Bloods Brook, Easement Plan (1 of 2) and Easement Plan (2 of 2)” (Sheets 8 and 9 of 47), prepared by Hoyle Tanner, dated January 2024, Project No. 21.906414.00.

BE IT FURTHER MOVED, that an on-site public meeting be scheduled for Wednesday, March 20, 2024, beginning at 5:30pm, for the purpose of personal examination of the proposed roadway layout in accordance with NH RSA 231:11

Seconded by Councilor Whittlesey.

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

- D.** Request for Exemption of Zoning Requirements per Section 214 of the Zoning Ordinance for City of Lebanon to Construct Public Infrastructure Improvements for the Trues Brook Road Bridge Reconstruction Project

Included in the agenda packet: ***(All supportive documents and information can be found on Pages 234-236, Council agenda packet)***

1. Plan entitled “Trues Brook Road Over Bloods Brook, Wetland Impacts Plan” (Sheet 23 of 45), prepared by Hoyle Tanner, dated September 2021, Project No. 906414

Mr. Rod Finley, City Engineer, briefly summarized the background (pages 237-238, Council agenda packet) for his request as listed above.

Councilor Whittlesey MOVED that in accordance with Section 214 of the Lebanon Zoning Ordinance, the City Council hereby exempts the Trues Brook Road Bridge project from all zoning

requirements; however, in accordance with NH RSA 674:54, the Department of Public Works is directed to prepare all necessary documentation to notify the Planning Board of the planned Bridge project prior to the commencement of construction.

Seconded by Councilor Wilkie.

***The Vote on the MOTION was approved (8-0).**

- E. Request for Exemption of Zoning Requirements per Section 214 of the Zoning Ordinance for City of Lebanon to Construct Public Infrastructure Improvements for the Lahaye Drive/Mt. Support Road Intersection Project**

Included in the agenda packet: **(All supportive documents and information can be found on Pages 237-246, Council agenda packet)**

1. Plan entitled “Lahaye Drive At Mount Support Road Intersection Improvements, Key Plan” (Sheet 2), prepared by Weston & Sampson, dated September 2023, Project No. ENG21- 1276.
2. NHDES Permit: AOT-2496, dated December 6, 2023.
3. NHDES Wetlands and Non-Site Specific Permit 2023-02602, dated December 28, 2023.
4. Approved Standard Dredge and Fill Wetlands Permit Application (RSA 482-A), NHDES File Number: 2023-02602, dated December 29, 2023.

Mr. Brian Vincent, City Engineer, reviewed the background and the reasons for the request of an exemption from the requirements of Section 214 for this project.

BACKGROUND

Between 2019 and 2024, several large residential development projects were proposed and approved in the Mt. Support Road corridor, including: 401 Mt. Support Road sponsored by Trustees of Dartmouth College (309 residential units), 343 Mt. Support Road, the Marek (250 residential units), and 402 Mt. Support Road, the Marek 2 (204 residential units). In addition, Dartmouth Health constructed a new, 5-story patient tower containing 128 additional hospital beds. These projects, and the associated traffic generated by them, have rendered the Lahaye Drive/Mt. Support Road Intersection (Intersection) into a poorly functioning and inefficient intersection. This problem is exacerbated as vehicle capacity needs are projected over the next 10 to 20 years.

The Department of Public Works has an ongoing project to address this poor level of service problem. In addition to intersection improvements, the project proposes improvements to pedestrian and bike movement and accessibility with the addition of 1,200+ linear feet of a multiuse path along Mt. Support Road, north of the intersection. The Intersection Improvements project was authorized by the City Council as part of the CIP process. The costs associated with the Intersection project are covered using a Special Assessment District comprised of the aforementioned developments including the DH patient tower expansion.

At the current time, the Intersection Improvements project is in the final design phase. Permits were sought from the New Hampshire Department of Environmental Services (NHDES) to include an Alteration of Terrain (AOT) Permit and a Wetland Dredge and Fill (Wetland) Permit. The AOT permit was received on December 7, 2023 and the Wetland Permit was received on December 29, 2023. The Intersection Improvements project impacts adjacent properties owned by the Trustees of Dartmouth College and Dartmouth Health. The City is seeking easements for these impacts, and preliminary discussions have been positive as both entities strongly support this project.

In accordance with RSA 674:54, the Intersection Improvements project was presented to the Lebanon Planning Board in 2022 and 2023 as part of the CIP process, and the Planning Board expressed no objection to proceeding as planned.

The project is scheduled to go to bid in the Summer of 2024 and begin construction later in 2024 contingent upon utility pole relocation and finalization of the easement process.

Section 214 of the Zoning Ordinance regulates Governmental Uses as follows: “Governmental Uses shall be governed by RSA 674:54; provided, however, that governmental uses proposed by the City of Lebanon shall be considered to be subject to this Ordinance, unless expressly exempted from it by vote of the City Council.” The Intersection Improvements project is a public infrastructure and safety improvements project. The project is a capital improvements project that does not seek any kind of revenue or profit generation. The project is not a “land use” project such as the development of a building lot. Rather, it constitutes an expansion of existing infrastructure in response to public need. With that, Public Works requests an exemption from the requirements of Section 214 for this project.

ACTION:

Councilor Below MOVED that in accordance with Section 214 of the Lebanon Zoning Ordinance, the City Council hereby exempts the Lahaye Drive/Mt. Support Road Intersection Improvements project from all zoning requirements.

Seconded by Councilor Whittlesey.

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

- F. Request for Exemption of Zoning Requirements per Section 214 of the Zoning Ordinance for City of Lebanon to construct Lahaye Drive Multi-Use Path/TAP Project**

Included in the agenda packet: ***(All supportive documents, construction renditions, and information can be found on Pages 247-256, Council agenda packet)***

1. Plans entitled “Construction Plans, Transportation Alternatives Program (TAP), Lahaye Drive Multi-Use Path, FHWA Project No. X-A004(617), NHDOT Project No. 41366”, prepared by Dubois & King, dated November 2, 2023, D&K Project No. 624260.
2. Approved Standard Dredge and Fill Wetlands Permit Application – Required Payment to Aquatic Resource Mitigation Fund (RSA 482-A), NHDES File Number: 2021-02369, dated January 10, 2022.

Mr. Brian Vincent, City Engineer, reviewed the background behind his request as listed above.

BACKGROUND

In 2016, the City sought and received grant funding under the Transportation Alternatives Program (TAP) through the NH Department of Transportation. The goal of the federally funded TAP program is to provide choices for non-motorized users that are safe, reliable, and convenient. At the time of the original TAP application, the City was aware of a gap in connectivity along Lahaye Drive between Mt. Support Road and the Centerra and Altaria Business Parks on the east side of NH Route 120. Subsequently, between 2019 and 2024, several large residential development projects were proposed and approved in the Mt. Support Road corridor, including: 401 Mt. Support Road sponsored by Trustees of Dartmouth College (309 residential units), 343 Mt. Support Road, the Marek (250 residential units), and 402 Mt. Support Road, the Marek 2 (204 residential units). In addition, Dartmouth Health constructed a new, 5-

story patient tower containing 128 additional hospital beds. These newer projects, and the overall need for expanded pedestrian and bike facilities and improved connectivity, have only increased the importance of the Lahaye Drive TAP project. The TAP project consists of a multi-use path (MUP) along the north edge of Lahaye Drive, extending from the Route 120/Centerra Intersection to the intersection with Mt. Support Road. The current road shoulder in this area is very narrow with guardrail extending along its length, which is unsafe for pedestrians. The Lahaye Drive MUP project was authorized by the City Council as part of the CIP process. The costs associated with the MUP project are shared by the NHDOT LPA Program, city funds, donations from Dartmouth College and Dartmouth Health, and other local resources. At the current time, the Lahaye Drive MUP project has been bid and Public Works is in the process of evaluating the bids. Permits were sought and obtained from NHDES for a Wetland Dredge and Fill (Wetland) Permit. The MUP project impacts adjacent properties owned by the Trustees of Dartmouth College. The City has received permanent and temporary easements for these impacts, with permanent easements recorded at the Grafton County Registry of Deeds. In accordance with RSA 674:54, the Lahaye Drive MUP project was presented to the Lebanon Planning Board in 2022 and 2023 as part of the CIP process, and the Planning Board expressed no objection to proceeding as planned. The project schedule is to select a contractor in February 2024 and begin construction shortly thereafter, as the NHDES Wetlands Permit requires certain work to be completed during winter months to avoid impacting sensitive plants.

Council Discussions:

Councilor Liot Hill questioned if wetland impacts are being mitigated. Mr. Vincent noted that for both projects, there is wetland mitigation required by the NH DES and we are providing mitigating those impacts through the ARM Funds.

ACTION:

Councilor Whittlesey MOVED that in accordance with Section 214 of the Lebanon Zoning Ordinance, the City Council hereby exempts the Lahaye Drive Multi-Use Path/TAP project from all zoning requirements.

Seconded by Councilor Wilkie.

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

- G.** Discussion and Set Public Hearing for February 21, 2024: Establishment of a Redevelopment Properties Revolving Fund to include 0 Barrows Street (M/L 77-106 and 77-107), 0 Hanover St Ext (M/L 64-1), 3 Seminary Hill (M/L 86-56), and 5 S. Main St (M/L 86-55); Authorization to Transfer InvestNH grant funds into the Revolving Fund upon receipt

Included in the agenda packet: ***(All supportive documents and information can be found on pages 257, Council agenda packet).***

Deputy City Manager Brooks reviewed the background behind the proposed projects.

BACKGROUND

On January 17, 2024, the City Council reviewed and discussed a proposal from the City Manager's Office regarding the redevelopment of city-owned parcels in furtherance of the Council's April 2022 Resolution on Housing. Specifically, the City Manager is proposing to utilize \$440,000 in grant funding from the InvestNH program, along with the adopted cottage cluster zoning regulations and the Pattern Zoning

study's housing plans to execute one or more demonstration projects on city-owned parcels around the community.

In order to provide for the planning and construction phases of the redevelopment proposal, the City Manager recommends that the City Council authorize the establishment of a Redevelopment Properties Revolving Fund pursuant to NH RSA 31:95-h for the accrual of grant funds and future sales proceeds and for the payment of costs associated with planning, design, permitting, and construction of residential units on the city-owned properties that have become the focus of the redevelopment proposal, including city-owned properties on Barrows Street, Hanover Street Extension, Seminary Hill and South Main Street.

In addition, it is recommended that the Council authorize the transfer of the \$440,000 in grant funding from the InvestNH program into the Redevelopment Properties Revolving Fund, upon receipt from the State, so those funds can be used as seed money for the initial design, permitting, and other costs associated with the redevelopment of the city-owned parcels as proposed. It is envisioned that as residential units are constructed and sold, any excess proceeds would be placed in the Revolving Fund as seed money for the subsequent redevelopment of other city-owned properties

ACTION:

Councilor Wilkie MOVED that the Lebanon City Council hereby schedules a public hearing for Wednesday, February 21, 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 establish a Redevelopment Properties Revolving Fund pursuant to NH RSA 31:95-h, to facilitate the planning, design, permitting, construction, and sale of residential units on city-owned properties at 0 Barrows St. (M/L 77-106), 0 Barrows St. (M/L 77-107), 0 Hanover St. Ext. (M/L 64-1), 3 Seminary Hill (M/L 86-56), and 5 S. Main St. (M/L 86-55)

Seconded by Councilor Whittlesey.

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

H. Discuss the City Manager's plan to Begin the Process of Determining the Development Options for Downtown Parking Lots

Included in the agenda packet: ***(All supportive documents and information can be found on Pages 258-261, Council agenda packet).***

1. Downtown Parking Lot Redevelopment, Scope and Process of Evaluation

Available, but not included in this Section but available on the City's website:

1. Lebanon 2024-2027 Strategic Plan
2. Strategic Plan Miro Board

Assistant Mayor Below recused himself from this discussion and vote because of his ownership interest in 1 Court Street, which abuts these parking lots, and took a seat in the audience.

Mayor McNamara kicked this discussion off by noting he felt this was a good, methodical process.

City Manager Mulholland reviewed the background and discussed the potential options for the Downtown Parking lots. He said this will be a very comprehensive study, noting the City has only done limited point-in-time parking assessments, but has not done parking modeling. He described the work

that needs to be done (i.e., the dilapidated guardrails; the retaining wall that is starting to shift; the parking lot cracks, which are beyond filling; how there is not a good connection between the Mascoma Greenway to the NRT and Rail Trail; and identified heat zones, etc.). He did not want to move forward with this project without support from the Council and if they were not interested he would take this out of the Strategic Plan.

BACKGROUND

In the 2016 Lebanon Downtown Vision Plan and Tunnel Assessment report, the surface parking areas located between City Hall and the Mascoma River were identified as one of several potential opportunity sites for the City to pursue redevelopment or other improvements to invigorate and enliven the downtown. In August of 2022, the City issued a Request for Expressions of Interest (RFI or RFEI) to solicit interest and redevelopment ideas and strategies for the parking areas, which would advance the City's goals and objectives, including enhanced visibility and access to the Mascoma River; improved connectivity between the Northern Rail Trail and the Mascoma River Greenway via the downtown tunnel; and economic development opportunities to further enhance vitality in the downtown core.

From the RFI, three responses were received from the design and development community. The Economic Development Commission (EDC) and Downtown TIF Advisory Board spent a number of months reviewing the individual responses with the developers and the community. The joint committees were in the process of considering changes to the RFI for incorporation into a potential future Request for Proposals (RFP) when the City Council redirected their attention to the 20 Spencer Street property.

Subsequently, in October 2023, the City Council, EDC, and Downtown TIF Board held a joint meeting to discuss reexamining the Downtown Parking Lot project. Both committees made suggestions regarding next steps. Following the joint meeting, the City Manager's Office took responsibility for developing a process to determine and evaluate options for redeveloping the Downtown Parking Lots.

As envisioned, the effort would start with engaging a planning and design firm to help the City address and resolve some of the outstanding issues and questions that impact what can or should be accomplished in the downtown parking lots, including: a comprehensive study of parking and traffic needs, consideration of environmental and floodplain issues, structural and geotechnical questions, economic development potential, and other factors. The next step would be to apply that information to creating a set of scenarios for community consideration. Along the way, the City would seek assistance in engaging stakeholders and the public and in coordinating with boards and committees to review the alternatives and identify preferred outcomes.

The City's Strategic Plan, adopted in May 2023, includes Strategic Objective 8.5 to "implement opportunities for redevelopment in the four core business districts of the City." Specific action plans and key performance indicators referenced in the Plan includes; Action 8.5.2 "Downtown Redevelopment – 20 Spencer, Village Mkt, Kleen, Parking Lots" and KPI 8.5.2a "Redevelopment of the parking lots behind City Hall, maintaining the existing parking capacity, developing workforce housing and green space.

As one of the stated objectives of the current Strategic Plan, redevelopment of the downtown parking lots is an effort that the City Manager's Office is prepared to work on and execute over the coming period, unless otherwise directed by the City Council.

Council Discussions:

In response to Councilor Simon's request about an estimate, City Manager Mulholland noted he has put this question before one of the City's consultants and guessed we are in the range of \$200-\$300K. Councilor Simon wanted to know what exactly it is that we want to accomplish before we start spending money to try to accomplish something.

Mayor McNamara said this study will lead us up to that decision (i.e., what are the relative costs of doing minor repairs vs. creating buffers; what is the impact of any or those potential options on parking in Downtown – do we lose 50 – 100 spaces or do we have 100 extra spaces to use during prime time events?) In Councilor Simon's mind, he felt that if we are going to put money into something, perhaps someone else could invest the funds instead of us.

The Council continued discussion regarding the funds that would potentially be needed to evaluate the Downtown parking lots and hiring a consultant to provide some of the answers to their questions (i.e., What can we do and what are we trying to?).

Councilor Liot Hill spoke about her reasons why parking data is needed to help provide basic information, which would help us get closer to the answers we are looking for.

Councilor Heistad did not think the Council knows how many (parking spaces) are needed on a daily basis.

City Manager Mulholland requested that the Council provide some feedback on what they think they would want because he wants to take this to the EDC/Downtown TIF to get their feedback before finalizing it, noting we do not want to do this again.

Assistant Mayor Below (speaking from the audience) suggested tweaking:

1. Item 1.b (*page 260, agenda packet*) adding in “***factoring in/considering current vacancies and proposed and plausible uses***” and explained his reasons and difference between proposed uses and plausible uses.

b. Model anticipated parking needs and trip generation based on existing downtown uses and proposed uses depending on scenarios based on existing Downtown uses ***factoring in/considering current vacancies and proposed and plausible uses*** depending on scenarios discussed below.

2. Adding a 1.d under Parking-Mobility (*page 260, agenda packet*):
d. An evaluation of the traffic flows in and around this area.

Councilor Liot Hill MOVED to extend the meeting to 10:30 PM.

Seconded by Councilor Wilkie.

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

Councilor Liot Hill spoke about her reasons why she felt exploring the idea of a bus stop shelter, or facility should be included.

ACTION:

Councilor Wilkie MOVED that the Lebanon City Council supports the plan proposed by the City Manager, who also serves as the Downtown Lebanon TIF District Administrator, to initiate the process

outlined in the February 7, 2024 City Council agenda packet regarding the potential development of the downtown parking lots behind City Hall.

Seconded by Councilor Whittlesey.

**The Vote on the MOTION was approved by members present (6-0-1). Assistant Mayor Below was recused; Councilor Sykes was absent from vote; Councilor Heistad was not present at the time this vote was taken.*

Assistant Mayor Below returned to his seat as a regular member of the Council.

11. CITY MANAGER REPORT:

City Manager Mulholland updated the Council on the following:

- Ethics Training
- 20 Spencer Street Proposal
- Candidates Forum on February 27, 2024
- AI (Artificial Intelligence) Training for staff
- City Manager Mulholland and Mayor McNamara's vacations: February 16-25, 2024.

12. COUNCIL REPRESENTATIVES TO OTHER BODIES REPORT: NONE

13. FUTURE AGENDA ITEMS: NONE

14. NON-PUBLIC SESSIONS:

Councilor Liot Hill MOVED to go into the first Non-Public Session for the purpose of discussing the following:

- A. RSA 91-A:3, II(a) – “The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her...”**

Seconded by Councilor Wilkie.

Roll Call Vote:

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Whittlesey, Wilkie, Zook and Mayor McNamara all voting Yea.

None voted Nay.

Absent from discussion and vote: Councilor Sykes

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

The Council went into the first Non-Public Session at 10:03 PM

- B. RSA 91-A:3, II(a) – “The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her...”**

Councilor Liot Hill MOVED to go into the second Non-Public Session for the purpose of discussing the following: “The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her...”

Seconded by Councilor Whittlesey.

Roll Call Vote:

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Whittlesey, Wilkie, Zook and Mayor McNamara all voting Yea.

None voted Nay.

Absent from discussion and vote: Councilor Sykes

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

Councilor Liot Hill MOVED to come of the first non-Public Session.

Seconded by Councilor Whittlesey.

Roll Call Vote:

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Whittlesey, Wilkie, Zook and Mayor McNamara all voting Yea.

None voted Nay.

Absent from discussion and vote: Councilor Sykes

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

The Council entered into the 1st Non-Public Session at 10:03 PM.

Councilor Liot Hill MOVED to come out of the 1st Non-Public Session

Seconded by Councilor Whittlesey.

Roll Call Vote:

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Whittlesey, Wilkie, Zook and Mayor McNamara all voting Yea.

None voted Nay.

Absent from discussion and vote: Councilor Sykes

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

The Came out of the first Non-Public Session at 10:07 PM.

Councilor Liot Hill Moved to go into the second Non-Public Session.

Seconded by Councilor Whittlesey.

Roll Call Vote:

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Whittlesey, Wilkie, Zook and Mayor McNamara all voting Yea.

None voted Nay.

Absent from discussion and vote: Councilor Sykes

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

The Council went into the second Non-Public Session at 10:08 PM.

***Councilor Whittlesey MOVED to come out of the 2nd Non-Public Session.
Seconded by Councilor Wilkie.***

Roll Call Vote:

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Whittlesey, Wilkie, Zook and Mayor McNamara all voting Yea.

None voted Nay.

Absent from vote: Councilor Sykes

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

The Council came out of the first and second Non-Public Session at 10:27 PM.

Council was back in Public Session.

15. ADJOURNMENT:

Councilor Whittlesey MOVED for adjournment.

Seconded by Councilor Wilkie

****The Vote on the MOTION was unanimously approved by members present (8-0)***

The meeting was adjourned at 10:27 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary