

FINAL

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, September 18, 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, Devin Wilkie, and Karen Zook

MEMBERS ABSENT: Douglas Whittlesey

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks, Finance Director Vicki Lee, Director of Planning & Development Nathan Reichert, Associate Planner Catheryn Hembree

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

2. PLEDGE OF ALLEGIANCE: Assistant Mayor Below 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:

Mr. William Lamb (Ward – not given): spoke to the Council regarding a letter that he submitted to the City Manager regarding concerns about granting a Conditional Use Permit to someone without first doing a background check. He gave the background of a project that failed in Peabody, MA, and suggested that the Council determine how not to approve a Conditional Use Permit for a PURD for the Brickyard project, if the developer was one in the same.

5. RECOGNITIONS: NONE

6. ACCEPTANCE OF MINUTES: September 4, 2024 (Regular Meeting)

Councilor Heisted MOVED to approve the September 4, 2024 (Regular Meeting) minutes as written and presented in the September 18, 2024, City Council agenda packet.

Seconded by Councilor Wilkie.

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

7. APPOINTMENTS:

- Lebanon Housing Task Force, Ellen Smith-Ahern (Resident Representative)

Mayor McNamara MOVED to NOMINATE Ellen Smith-Ahern as a Resident Representative to the Lebanon Housing Task Force. TERM: N/A

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

- Upper Valley Subcommittee of the Connecticut River Joint Commission, Majestic Terhune (Alternate Citizen Member)

Assistant Mayor Below MOVED to NOMINATE Majestic Terhune as an Alternate Citizen Member to the Upper Valley Subcommittee of the Connecticut River Joint Commission. TERM: N/A
***The Vote on the NOMINATION was approved (8-0)**

- Planning Board, Kellen Appleton (Regular Member)

City Manager Mulholland MOVED to NOMINATE Kellen Appleton as a Regular Member of the Lebanon Planning Board. Term: 9/24-9/27
***The Vote on the NOMINATION was approved (8-0)**

8. PUBLIC HEARING ITEMS: NONE

9. OLD BUSINESS: NONE

10. NEW BUSINESS:

- A.** Review and Discussion of 2024 2nd Quarter Budget Report

Included in the agenda packet: *(All supportive documents and information can be found on pages 27-92, Council agenda packet)*

1. September 18, 2024, Memorandum from Finance, RE: 2nd Quarter Financial Report (June 30, 2024)

Finance Director Vicki Lee reviewed the 2024 2nd Quarter Budget Report

BACKGROUND

The Budget Report presents in summary form year-to-date activity for both expenditures and revenues. City Charter §C419:44 requires financial information to be presented to the City Council for each quarterly period of the year. Administration typically provides required financial information on a monthly basis during the 4th quarter.

Council Comments: NONE

ACTION: No action required by Council. For informational purposes only

- B.** Discussion and Set Public Hearing for October 2, 2024: Ordinance #2024-12 to Amend City Code Chapter 31, Boards, Committees and Commissions, by Deleting and Repealing Article IV, Board of Assessors

Included in the agenda packet: *(All supportive documents and information can be found on pages 93-101, Council agenda packet)*

1. Proposed Ordinance #2024-12
2. City Code Chapter 31, Article IV, Board of Assessors
3. Excerpt of NH RSAs related to Assessors
4. Legal Opinion from Attorney Christine Johnston, dated September 9, 2024

City Manager Mulholland reviewed this item.

BACKGROUND

NH RSA 48:12-13, *et. seq.*, passed in 1846 and revised in 1855, set forth a community's choice of assessors and the duties of such assessors, constituted as a Board of Assessors (BOA). During that century and into the 1900s the members of the BOA actually conducted assessments of the value of properties and prepared the

grand list to issue the annual tax warrant. This work is now done by professional, certified assessors based on standards created by the NH Assessing Standards Board.

On January 6, 1988, in accordance with NH RSA 48:12, the City established a Board of Assessors with the authority to perform all duties related to inventory taking, property appraisal for taxation, tax assessment, and abatement, as well as issuing warrants for tax collection. This Board assumed all the powers and responsibilities typically held by Selectmen and Assessors in towns, as required by law. The Board was also responsible for establishing rules and procedures governing its operation.

The Lebanon Board of Assessors is composed of five members appointed by the City Manager (per City Charter C419:32 and NH RSA 48:12). Each member is required to be a resident of the City of Lebanon, and to remain a resident throughout the duration of their term. However, for at least the last three years, the Board has operated with the minimum number of members required for a quorum (three votes are necessary).

NH RSA 48:12 provides enabling statutory provisions for cities to have Boards of Assessors; however, they are not required. There are similar statutory provisions for towns. It appears that the Towns of New Ipswich and Wakefield may be the only towns that still have Boards of Assessors. The last BOA meeting in the Town of Littleton appears to have occurred in 2020 and the Town of Washington abolished its BOA in 2015.

The administration is seeking to streamline the assessment process, especially given the ongoing difficulty in finding qualified candidates willing to serve on the Board of Assessors. As a result, the administration requests that the Council consider repealing the requirement for a Board of Assessors, and delegating the assessing duties to the City's supervising assessor or contracted assessing firm employed by the City.

The following cities still have Boards of Assessors,

Nashua
Keene
Laconia
Concord
Rochester

The following cities do not have Boards of Assessors,

Manchester
Portsmouth
Claremont (abolished in 2022)
Dover
Somersworth
Franklin

Council Comments:

In response to the presentation, Mayor McNamara noted that the City has had trouble over the years keeping the minimum number of people needed on the Board of Assessors.

Brian Ware, Board of Assessors, stated that the current process is working well, but agreed that finding people to join the Board of Assessors has been difficult.

ACTION:

***Assistant Mayor Below MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, October 2, 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 proposed Ordinance #2024-12, to amend City Code Chapter 31, Boards, Committees and Commissions, by deleting and repealing Article IV, Board of Assessors.
Seconded by Councilor Hill.***

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

ORDINANCE #2024-12

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 31, Boards, Committees and Commissions, by deleting and repealing Article IV, Board of Assessors.

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

Section 1.

The Code of the City of Lebanon, Chapter 31, Boards, Committees and Commissions, is hereby amended by deleting and repealing Article IV, Board of Assessors.

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 jurisdiction, 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.

C. Pattern Zones Presentation

Included in the agenda packet: ***(All supportive documents and information can be found on pages 102-144, Council agenda packet)***

1. Pattern Zones Project presentation dated September 9, 2024.

Nate Reichert, Director of Planning & Development, introduced this topic to the Council.

BACKGROUND

The City of Lebanon has been working with Pattern Zones Company to identify infill housing opportunities in the downtowns of Lebanon and West Lebanon. The project started in January of 2023 when Lebanon was awarded \$170,317.00 in an InvestNH Housing Opportunity Planning Grant. The purpose of the grant program is to help municipalities create local regulations that will help increase housing supply, especially affordable and workforce housing.

The consultants from Pattern Zones Company will be giving a presentation about what we have been working on. We have been looking at land analysis of the two study areas, possible zoning changes, and creating a catalog of permit-ready, infill housing plans that will be free for the public to use in the study areas.

There are two main goals we want to see come from this project: 1) zoning changes to allow denser housing in the study areas, and 2) the house plan catalog.

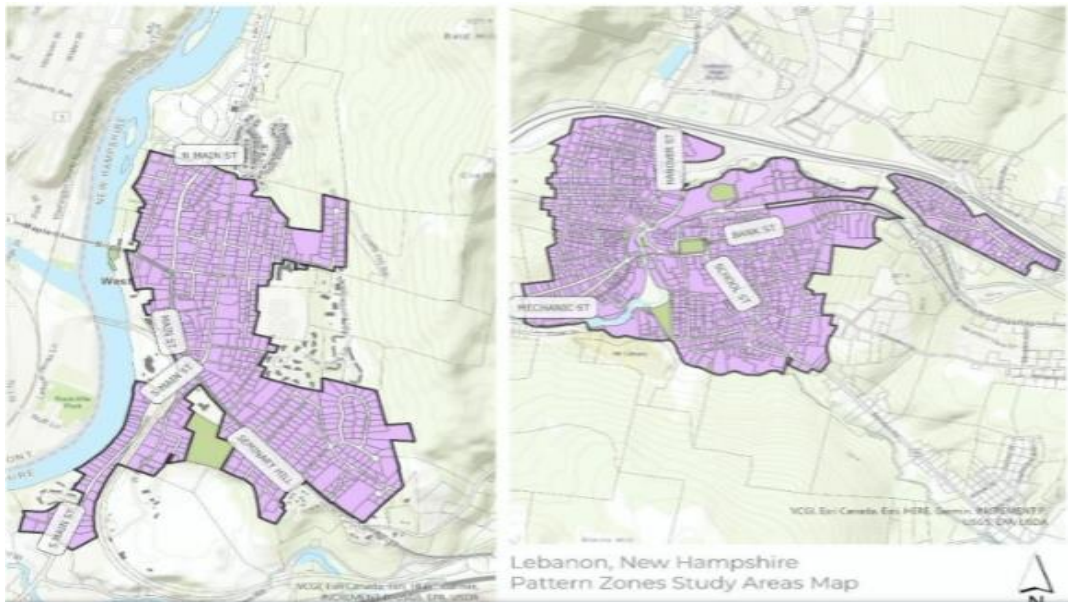
The Council’s agenda packet contains examples of house plans that may be included in the catalog as well as the Land Use and Zoning Memo.

Matthew Petty, Matthew Hoffman, and Lindsay Hackett, of Pattern Zones Company, made a presentation to the Council as provided below:

Coordination

(Final) Next Steps

- 1 Plan-by-plan safety reviews
Underway and proceeding at pace
- 2 Service Agreement
Contract for platform and plan licensing
- 3 Miscellaneous items
Pre-recorded webinar, finishing touches on deliverables
- 4 Sandboxing and deployment
Minimum four week implementation and testing period



2 Parcels looking at permitting and conducting study areas
A FEW SAMPLES OF HOUSING IN PORTFOLIO below

The Jewel



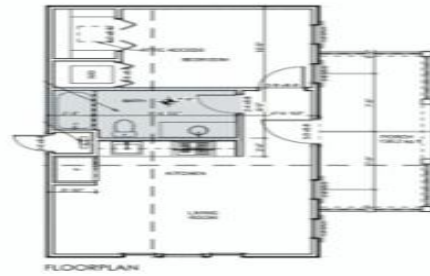
Cottage

Number of units: 1
Beds: 1 / Baths: 1

Total SF: 512
Width: 32'
Depth: 23'
Height: 1 stories

Unit Description

512 square foot cottage.



FLOORPLAN

Permit-Ready Portfolio Pilot Program for Lebanon, NH

The Jefferson



Cottage

Number of units: 1
Beds: 2 / Baths: 1.5

Total SF: 1088
Width: 32'
Depth: 44'
Height: 2 stories

Unit Description

1088 square foot house: living space on the first floor and bedrooms on the second floor.



FIRST FLOOR

SECOND FLOOR

Permit-Ready Portfolio Pilot Program for Lebanon, NH

The Rosie



Cottage

Number of units: 1
Beds: 2 / Baths: 2

Total SF: 1182
Width: 30'
Depth: 58'
Height: 1 stories

Unit Description

1182 square foot house with wrap around porch.



FIRST FLOOR PLAN

Permit-Ready Portfolio Pilot Program for Lebanon, NH

Platform

Simple and Predictable

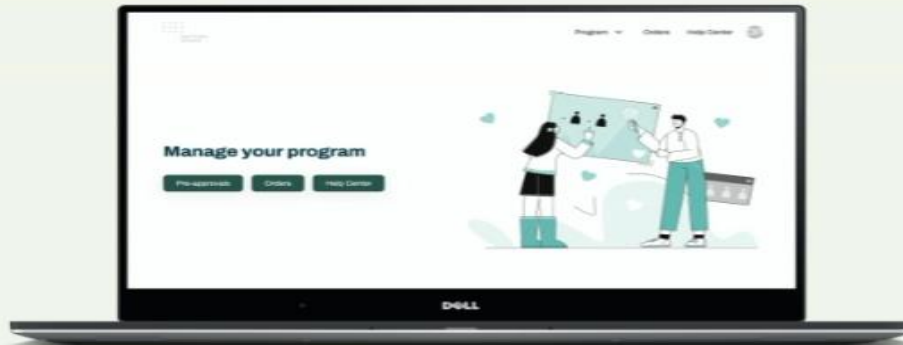
Applicants select a building and site diagram from a pre-approved list. They license and download plans and then submit a permit application.



Platform

Measure and Manage

Program managers can drill down to see all relevant data.



Process

Pattern Zones <> Permitting System

Plan release

1. Applicant identifies parcel
2. Applicant selects plan
3. Applicant orders the plan

Application

1. City accepts application
2. Applicant submits filings
3. City approves application

Annual reports

1. City shares permit list, etc
2. PZC aggregates data
3. City reports and remixes

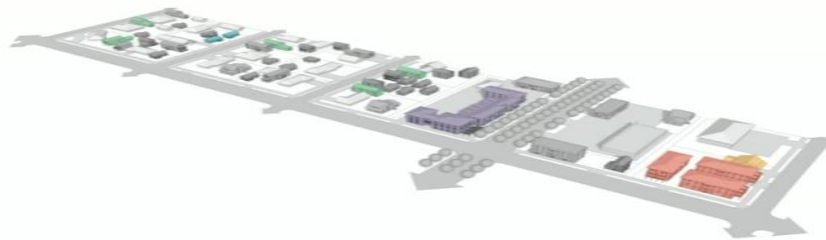


Analysis (above) about where/where development can be done
Orange – likely to be redeveloped in Lebanon
Parcels in West Leb

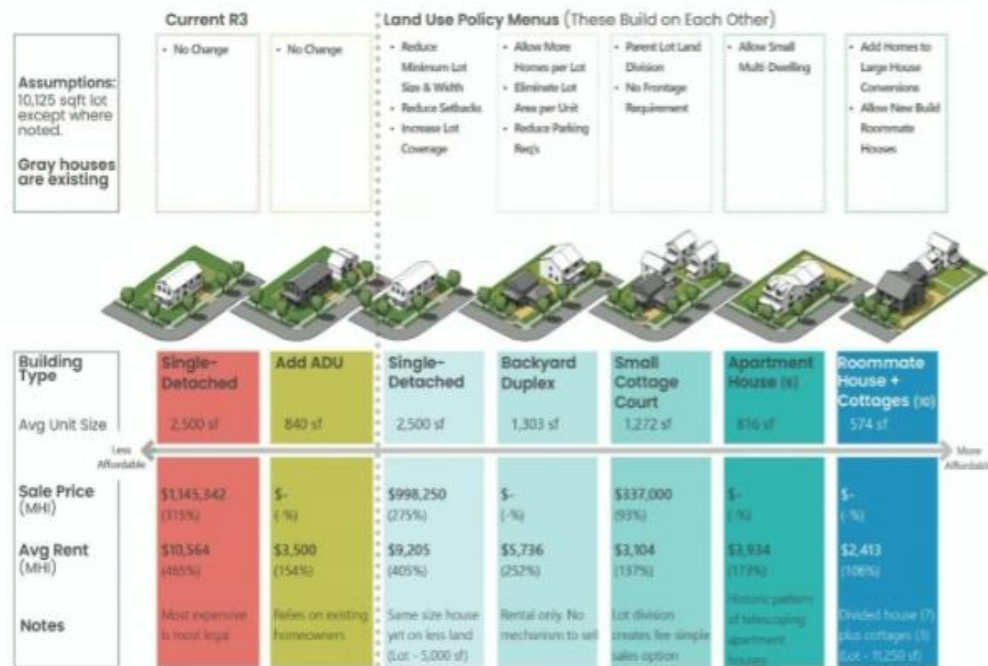


Incremental Development

Growth with preservation and opportunity for all.



Lebanon, New Hampshire – Land Use Policy Menu Sensitivity Testing

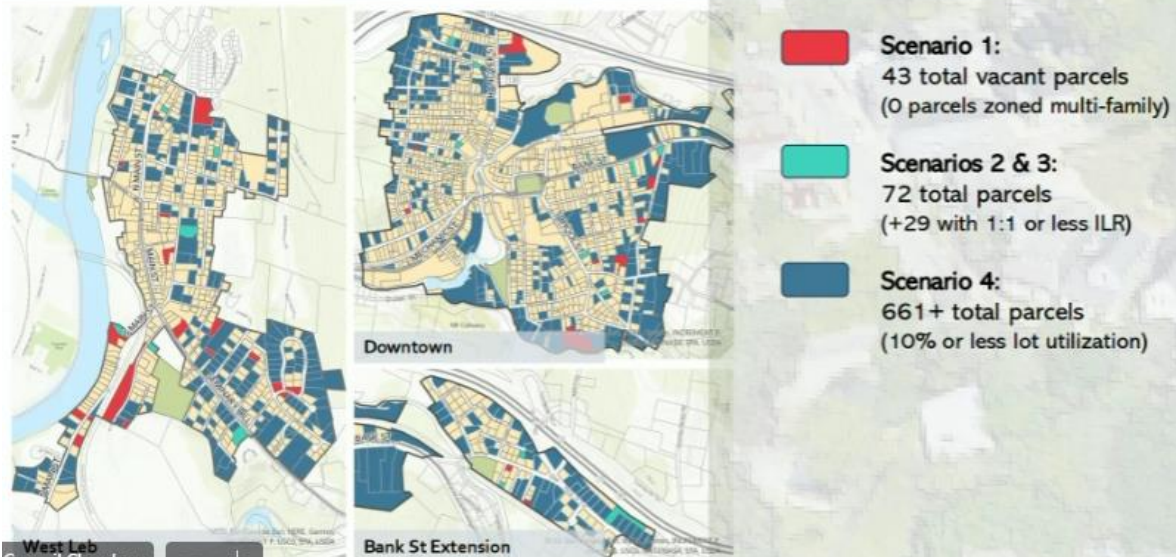


Lebanon, New Hampshire – Land Use Policy Menu Sensitivity Testing

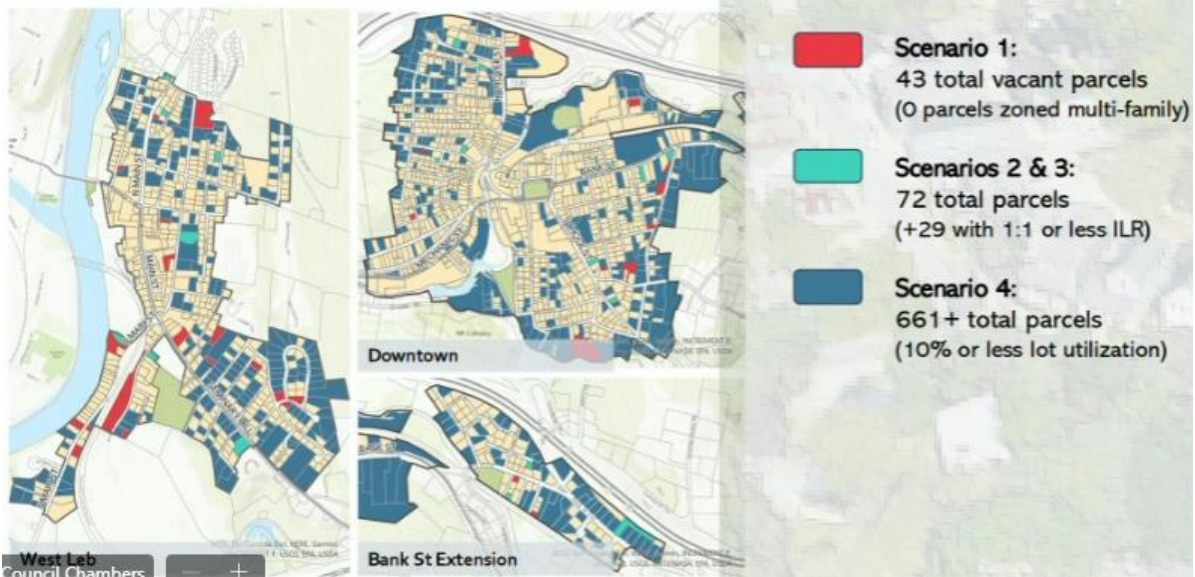


Good news for home ownership (above)

Scenario Parcels by Study Area



Scenario Parcels by Study Area





Council Comments:

In response to the presentation, Councilor Liot Hill explained that the reason that the City adopted an incremental process was because in 2008, the Council attempted to complete a large scale comprehensive reform of the City's zoning, which was resoundingly defeated by the voters. One of the more recent incremental changes was to make ADUs allowable on duplexes in the City's downtown areas. The Council believes in infill development in that it is respectful of the character of neighborhoods and that it satisfies a need to increase the stock for the missing middle. It is hoped that the proposed pattern zoning will unleash the potential that the infill strategy and progressive zoning policies have been trying to achieve.

Assistant Mayor Below suggested that all of the proposed designs, where feasible, should have 7' deep porches, as this dimension works well for gathering. He suggested additional potential parcels to be included along Prospect Street.

Mayor McNamara noted that the City's current cottage project settles around 1,000 square feet, for two-bedroom, single story cottages.

Barbara Hirai (Ward 1) asked for the timeframe of this project. Mayor McNamara stated that the Council is hoping to have parts of this recommendation ready to roll out for the March election. Communication to the public on this will be critical.

Kathie Romano (Ward 1) noted that many of the lots in Lebanon are odd-shaped. Smaller setbacks and the flag lot requirements will likely need to be altered in order to make these recommendations work.

ACTION: *Presentation was for informational purposes only. No Council action was required at this time.*

D. Route 120 Study Presentation

Included in the agenda packet: *(All supportive documents and information, including house plans, market data, proposed zoning, etc. can be found on pages 145-183, Council agenda packet)*

1. DRAFT Northern Lebanon Community Plan, dated September 2024 – DRAFT, prepared by VHB

Associate Planner Catheryn Hembree introduced the topic to the Council.

BACKGROUND

The Planning & Development Department has been working with a consultant team from VHB to study the corridor around Route 120 from Exit 18 off I-89 to the Hanover town line. The purpose of this study was to evaluate and document existing conditions within the study area and to develop a vision plan establishing goals and strategies with respect to land use, housing opportunities, circulation, and natural resource protection, and planning for multi-modal transportation options and public services including fire, police, parks and recreation, and water and sewer.

The consultants from VHB will give a presentation at the September 18, 2024, meeting of the City Council to provide an overview of the study and planning process which initially kicked off in January of this year. The presentation will focus on the outcomes and strategies that were identified over the course of public meetings and surveys and will conclude recommendations for zoning amendments needed to implement the land use goals set forth in the study.

Tommy Boston and Luke Mitchell, VHB gave a presentation, as shown below:

Agenda

- Study Area Overview
- Existing Conditions
- Planning Context
- Community Input
- Key Findings
- Vision, Strategic Goals & Recommendations



Tommy Boston (External)

Study Area Context

- Located between I-89 Exit 18 and the Hanover Town line
- This study will help to:
 - Gain insight on the existing opportunities and constraints through public input and analysis; and
 - Recommend ways to encourage development that is sustainable and meets existing and future demand



Tommy Boston (External)



Study Area Context

- Bisected by Route 120 as the primary north-south corridor
- Dartmouth-Hitchcock Medical Center (DHMC) serves as a major employer for the region
- Two newer developments in the northern portion – Centerra and Altaria
- Hanover Street School & Lebanon High School located in the southern portion



Tommy Boston (External)

Study Area Overview

Topography

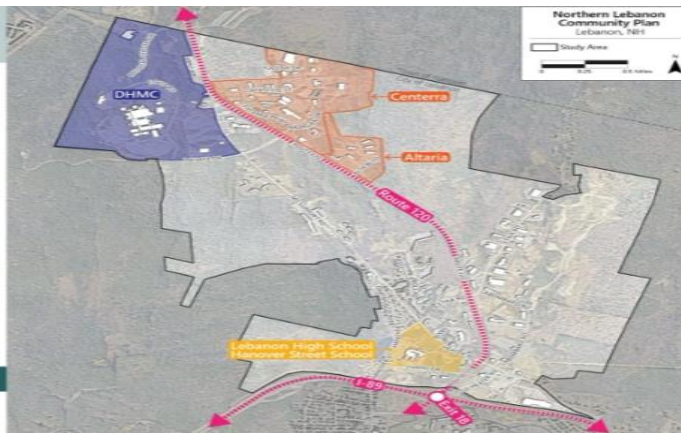
- Topography has shaped the development pattern of the Study Area
 - Majority of development has occurred in the valleys
 - Outliers are located atop relatively gently sloping hills in the northern portion
- Steep slopes are present to the north of SR120 and to the west of Mt. Support Rd
 - These slopes restrict larger developments in these areas
 - Developments tend to directly abut roadways in this area



Study Area Overview

Wetlands and Floodplains

- Majority of wetlands exist:
 - Between Route 120 and Mt Support Rd; and
 - Parallel to Etna Rd north of Route 120
- Wetlands Conservation District:
 - 100-ft buffer around the High or Very High-Value Wetlands
 - Special Exception can be requested for certain uses (buildings, structures, driveways) prop. within 100-ft buffer
- Floodplains located in the southwest corner, north of the Mascoma River and tributaries



Study Area Overview

Conservation Lands

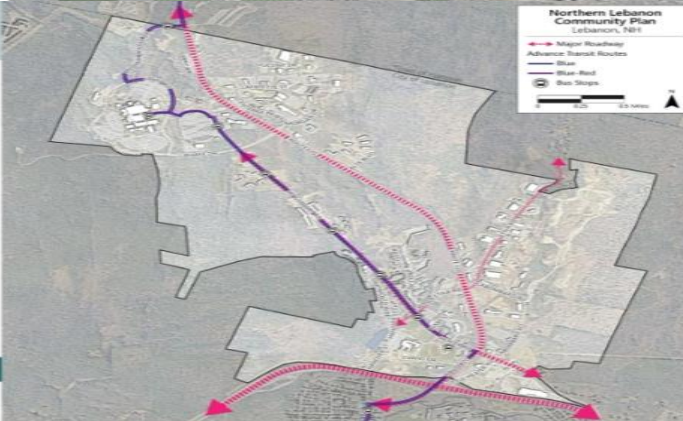
- Large swaths of land designated as conservation areas in the northern portion
- Prominence of sensitive ecological habitats throughout the area
- Wildlife corridors bisect Mt Support Rd, Route 120, and Etna Rd
- Separated multi-use path along Mt Support Rd connecting DHMC to the north to residential areas to the south



Study Area Overview

Transportation

- Primary N-S corridor is State Route 120 (SR120), connecting Hanover to the north and downtown Lebanon to the south
- Secondary N-S corridors include Mt. Support Rd, Heater St, Hanover St, & Etna Rd
- Advance Transit operates two routes that serve the corridor – the Blue and the Blue-Red



Tommy Boston (External)

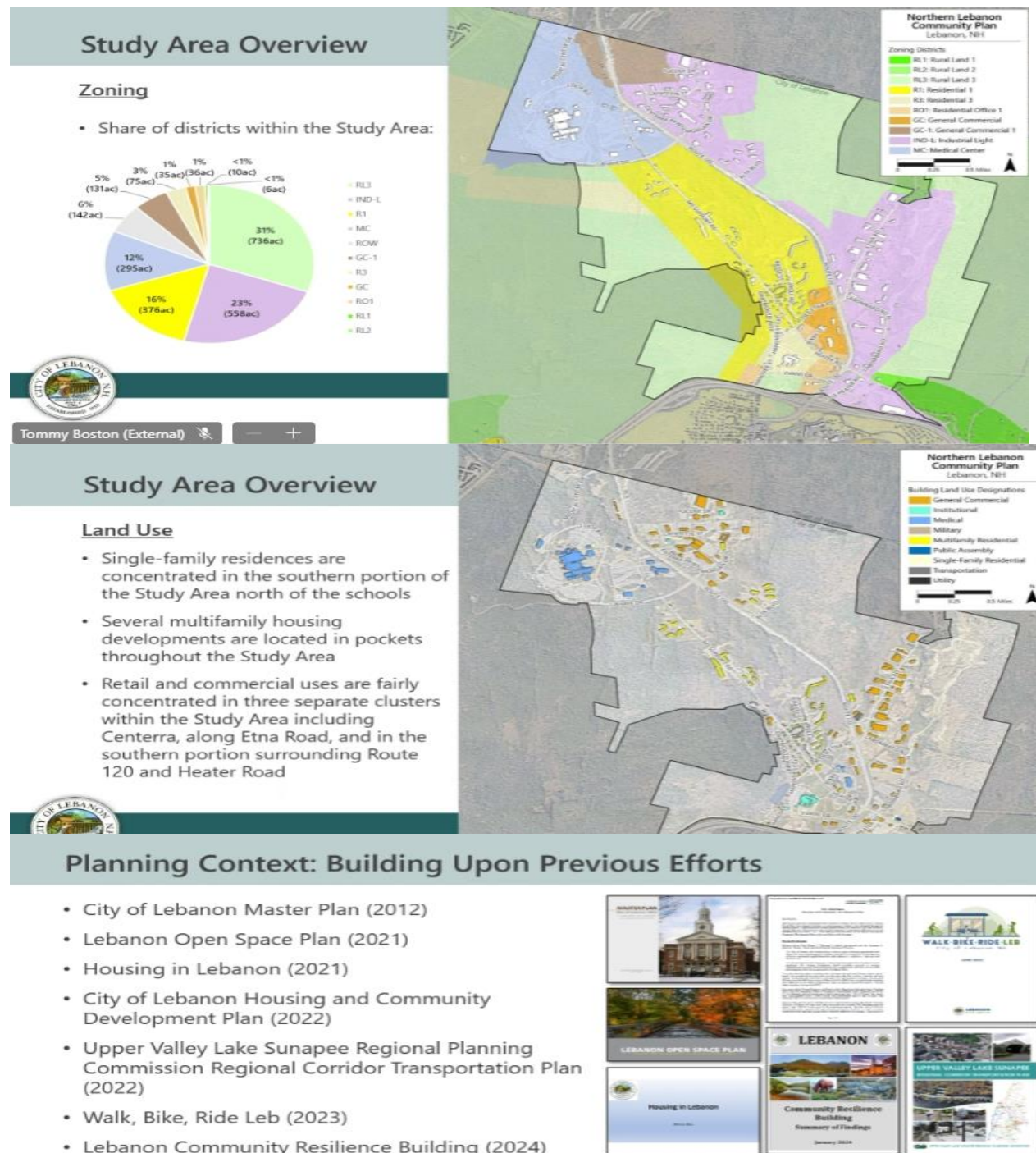
Study Area Overview

Connectivity

- Limited sidewalks throughout the Study Area
- Existing sidewalks do not provide contiguous connections
- Lack of safe crossings from either side of Route 120
- Preference currently given to automobile traffic



Tommy Boston (External)



Community Input: Identifying Key Issues and Opportunities



Housing: types, location, affordability



Zoning: limited/restrictive, requires variances



Connectivity: improved ped/bike connections & safety, more transit, extension of multi-use path, better connections to downtown and across Route 120



Natural Resources: better access to open space, more trails



Tommy Boston (External)

Community Input: Developing a Consensus on Priorities

- Provide **more housing** in a cohesive, sustainable way
- Need for **better, safer pedestrian connections**
- **Rezone** existing light industrial areas to residential
- Include **higher bedroom counts** in multifamily developments
- Incorporate **climate resiliency measures** in new developments
- Preserve the **wildlife corridors**
- Preserve the historic features of the former brickyard site, **connect it to the schools, and incorporate community use and retail / commercial**
- Preserve and **expand existing quality of life values such as green space**
- New developments should be a **combination of mixed-uses and adaptive reuse**
- Establish **housing partnership with DHMC**



Key Findings: Balancing Analysis with Community Input

- › Concerns over pedestrian and bicyclist safety, combined with the lack of contiguous sidewalks and the existing multi-use path, result in unsafe and fragmented non-vehicular circulation patterns within the Study Area.
- › Recent developments occur in isolation from one another and lack interconnectivity, resulting in a built environment that can be cumbersome to navigate.
- › The rise of multifamily developments within the Study Area have sparked concerns over the preservation and protection of wetlands, the wildlife corridors, and protected open space assets such as conservation lands and sensitive ecological habitats.
- › The Study Area lacks a sense of place and would likely benefit from additional community amenities, neighborhood-serving retail, and a neighborhood branding campaign.
- › Limited housing options within the Study Area have led to either employee turnover or long commute times at several large employers within the Study Area, indicating the need for additional, locally concentrated housing opportunities of varying types.

Strategic Goal 1.

Preserve and enhance the Study Area's existing natural character by protecting existing conservation areas, wildlife corridors, and ecosystems, while providing additional recreational opportunities and enhanced connections to existing natural assets for residents, visitors, and employees that frequent the Study Area.



Strategic Goal 1. Recommendations (cont'd)

- › **Recommendation 1.5.** Install signed and directional trailheads throughout the Study Area to promote the use of the extensive network of trails through existing conservation lands in and around the Study Area.
- › **Recommendation 1.6.** Mandate a percentage of new developments require dedicated public open space in the form of a landscaped plaza, pocket park, or a community garden.
- › **Recommendation 1.7.** Approach DHMC regarding their three parcel assemblage north of Lahaye Drive (Parcel IDs 10-23, 10-24-200, and 10-25 for a total of approximately 9 acres) to gauge their willingness to dedicate the land to the City for the purposes of creating a community park inclusive of amenities and programming of appropriate scale and size to reflect the land's existing natural features.
- › **Recommendation 1.8.** Require that any future development within 250-feet of wetlands include a certain percentage of total site land cover as permeable surfaces.
- › **Recommendation 1.9.** Expand the coverage area of the Steep Slopes District to cover the entirety of the Study Area where slopes greater than or equal to 25-percent are located in order to preserve the natural character of neighboring conservation lands, ridgelines, and rock formations. Consider special exceptions upon review and approval by the Conservation Commission.

Strategic Goal 2.

Identify and prioritize the completion or enhancement of missing, incomplete, or unsafe pedestrian, bicycle, and multimodal connections to facilitate improved local and regional connectivity between existing neighborhoods, community amenities and facilities, and job centers.



Strategic Goal 2. Recommendations

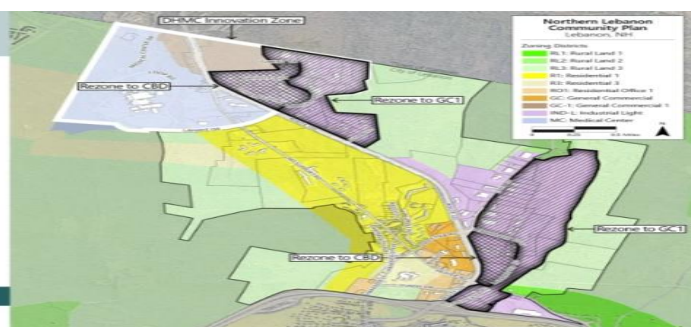
- › **Recommendation 2.1.** Identify gaps in sidewalk connectivity and portions in need of repair or expansion and construct adequately sized sidewalks and associated infrastructure to accommodate the safe passage of pedestrians and wheelchair users along and across Route 120 between its intersections with Evans Drive, Heater Road, and Old Etna Road, and Lahaye Drive and Centerra Parkway.
- › **Recommendation 2.2.** Apply for the Fiscal Year 2025 Recreational Trails Program grant round through the New Hampshire Division of Parks and Recreation's Bureau of Trails to extend the multi-use path on Mt. Support Road south to the Hanover Street pedestrian bridge.
- › **Recommendation 2.3.** Coordinate with the Town of Hanover and DHMC to leverage private funding from DHMC to extend the Mt. Support Road multi-use trail north through DHMC's campus, tying into Medical Center Drive north of the campus before connecting across the town line with Hanover.
- › **Recommendation 2.4.** Enhance the existing pedestrian bridge over I-89 through the addition of wayfinding signage throughout the southern portion of the Study Area inviting users to the bridge, remove overgrown plant species, install native landscaping, and commission a public art installation from a local artist to showcase the bridge.

Strategic Goal 2. Recommendations (cont'd)

- › **Recommendation 2.5.** Commission a branding, signage, and wayfinding study to identify locations for pedestrian, bicycle, and vehicular wayfinding signage north of Exit 18.
- › **Recommendation 2.6.** Prioritize pedestrian and streetscape improvements around the Hanover Street School and Lebanon High School in Lebanon's Capital Plan.
- › **Recommendation 2.7.** Coordinate with Advance Transit to identify additional routing options or bus stops for the Blue and Blue-Red lines based on existing demand and areas of projected future development.
- › **Recommendation 2.8.** Coordinate with the New Hampshire Department of Transportation (NHDOT) on their Lebanon 29612 project that is currently evaluating alternatives for Route 120 from the Hanover Street intersection through Exit 18 and north to Etna Road. Any zoning changes as a result of the Northern Lebanon Community Plan should be shared with NHDOT's District 2's Bureau of Traffic.

Strategic Goal 3.

Propose changes to the existing Zoning Ordinance and Map to allow for by right mixed-use development and a range of housing choices to support the diverse needs of the community and its current and future residents.



Strategic Goal 3. Recommendations

- › **Recommendation 3.1.** Rezone the following existing INDL districts:
 - South of Heater Road, north and east of Labombard Road, and east of Etna Road; and
 - North of Lafayette Street and south and west of Morgan Drive
 to General Commercial One District (GC1) to allow for multifamily dwelling units by-right in close proximity to larger employers, community assets, and existing transportation infrastructure.
- › **Recommendation 3.2.** Rezone the following existing INDL districts:
 - East of Route 120 in Centerra to the southern edge of Lafayette Street and northern and western edge of Morgan Drive; and
 - East of Route 120, south of Etna Road and west of Labombard Road
 to Central Business District (CBD) to allow for the construction of dwellings above first floor retail/commercial and multifamily dwellings by-right to begin to develop a new mixed-use neighborhood to anchor the northern end of the Study Area, and to create a critical mass of new development in the southern portion of the Study Area northeast of Exit 18 that has already experienced significant redevelopment.

Strategic Goal 3. Recommendations (cont'd)

- › **Recommendation 3.3.** Amend the permitted uses in the General Commercial One District (GC-1) to include retail stores and restaurants.
- › **Recommendation 3.4.** Upon the completion of the City's public residential single and multi-family construction projects on City-owned land at Barrows Street, Hanover Street Extension, Seminary Hill, and South Main Street, consider using these projects as a model to guide future development in the Study Area by providing a mix of housing types in future private development, including cottage courts, smaller single-family homes, townhomes, duplexes, and triplexes. This could include updating the Residential 1 (R1) district to include these housing types under permitted uses, and amending minimum lot size and dimensional requirements in R1 to encourage these housing types.
- › **Recommendation 3.5.** Require all new developments to install sidewalks, designated bicycle parking, and make streetscape improvements that extend and connect to the next nearest existing sidewalk.

Recommendation 3.6. As recommended in the Lebanon Open Space Plan (2021), consider implementing the following measures:

- Develop and incorporate a maximum lot coverage limitation to ensure that a portion of all lots remains as greenspace;
- Develop maximum parking requirements and allow for reductions in parking provided on site, in addition to encouraging adjoining properties to share parking to reduce the creation of new or expanded impervious surfaces; and
- Conduct a feasibility assessment of increasing the maximum height of buildings within the GC-1 and CBD district to help reduce the overall footprint of development projects.

Recommendation 3.7. Facilitate a partnership between the City of Lebanon, Twin Pines Housing, the Lebanon Housing Authority, and DHMC to leverage funding resources, existing housing subsidies for DHMC employees, and DHMC's relocation office to assist in the creation and preservation of affordable housing units.

Strategic Goal 3. Recommendations (cont'd)

- › **Recommendation 3.8.** Designate DHMC and the portion of Centerra north of Morgan Drive as an "Innovation Zone" and leverage the resources of Lebanon's Economic Development Commission, the New Hampshire Division of Economic Development, the Upper Valley Business Alliance, and DHMC to promote the area and attract startups and develop an incubator space in vacant structures, with an emphasis on companies that can benefit from the existing synergies and research occurring at DHMC.
- › **Recommendation 3.9.** Given NHDOT's existing moratorium on new curb cuts along Route 120, north of I-89's Exit 18, require all new developments on the eastern portion of Route 120 to provide adequate internal road network connections to existing developments to facilitate improved circulation amongst existing and future developments.

Council Comments:

Mayor McNamara stated that it will be important to determine what can be done to make this a more balanced and vibrant neighborhood.

Assistant Mayor Below asked if the plan considers some of the improvements proposed and in progress at the intersection of Mount Support and Route 120/Lahaye Drive. Mr. Tommy Boston stated that these have been incorporated into the plan and the recommendations will be updated to reflect these improvements.

Mr. Nathan Reichert stated that there are a lot of action items and potential zoning reforms that Staff will continue to work through as part of this study.

ACTION: *This presentation was for informational purposes only. No Council action was required at this time*

- E.** Discussion regarding Revisions to Council Policy CC-105, Community Revitalization Tax Relief Incentive Program (79-E) Guidelines

Included in the agenda packet: *(All supportive documents and information can be found on pages 184-192, Council agenda packet)*

1. Council Policy CC-105 – Community Revitalization Tax Relief Incentive Program, redline with proposed amendments

Deputy City Manager David Brooks reviewed the proposed revisions with the Council.

BACKGROUND

On August 4, 2021, the City Council adopted Council Policy CC-105, Community Revitalization Tax Relief Incentive Program Guidelines, to document the guidelines the Council would utilize when considering applications for the Community Revitalization Tax Relief Incentive (NH RSA 79-E) Program. The guidelines are meant to ensure consistent and fair administration of the program, and also to assist potential applicants as they prepare applications for the tax relief incentive program.

Prior to adopting the CC-105 policy, the City Council reviewed and approved 79-E tax relief for substantial rehabilitation projects on four different properties in downtown Lebanon and West Lebanon. Since adopting the policy, the City Council has reviewed and approved two additional requests for 79-E tax relief.

One of the significant purposes of the 79-E program is to encourage the rehabilitation and active use of under-utilized structures in downtowns and town centers. The program is intended to assist property owners by providing a subsidy in the form of short-term, limited property tax relief to enable substantial rehabilitation of qualifying structures that would provide one or more documented public benefits. If approved for tax relief, applicants are required to record a Declaration of Covenant to protect the public benefit(s) and to ensure the structure is used and maintained as proposed for up to twice the duration of the tax relief granted.

The City Manager has drafted recommended amendments to the existing Council Policy to further clarify the purposes of the program and to expand on the procedures for considering requests for tax relief. In particular, the proposed amendments would provide more detail about program eligibility and property owner obligations if tax relief is approved by the City Council.

In addition, to better ensure that the incentive program is used to enable projects providing public benefits that might not otherwise be financially viable, the City Manager recommends that the Council Policy should be amended to require applicants to demonstrate the financial need of the project for the tax relief. Specifically, applicants would be required to provide detailed information about the financing for their project, including a project budget and a financial pro forma. Property owners would also be required to document actual costs and revenues at the completion of the project, and to provide annual expense and revenue data to continue receiving the tax exemption.

Council Comments:

Assistant Mayor Below noted that there is no explicit statement as to whether the financial pro forma for the project would be treated as competitively sensitive commercial information, subject to non-disclosure

under the Right to Know Law. He asked if this was discussed with other communities. City Manager Mulholland stated that this was not a topic of conversation but could be brought up with Town Counsel.

Councilor Wilkie asked about Section 5.3.2., which provides additional years of tax relief for housing and affordable housing, and whether the four and the two years run concurrently or consecutively. Also, under Section 5.5.3.B, the language notes that the tax assessment relief shall run with the land. However, there is no language that explicitly states that the property owner obligations also run with the relief. This could be made clearer.

ACTION:

Councilor Wilkie MOVED, that the Lebanon City Council hereby adopts the amended Council Policy CC- 105, Community Revitalization Tax Relief Incentive Program, as presented in the September 18, 2024, City Council Agenda packet, to be effective upon passage.

Seconded by Councilor Heistad.

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

- F.** Mayor's discussion of potential Sachem Village-Dartmouth Hitchcock Connector project – ***This item was not discussed at this time.***

11. CITY MANAGER REPORT:

Councilor Simon stated that the Council previously heard a presentation regarding dog waste and other materials being left behind in the cemetery or lands and properties adjacent to the cemetery. The Cemetery Board of Trustees has not yet been successful in meeting to discuss this topic. Thus, he suggested that the Manager, through his authority, implement a pilot program or study of this issue utilizing the West Lebanon Cemetery and the School Street Cemetery. The pilot program could include placing a couple waste receptacles at these location for the remainder of the year and allowing Staff to gauge how this is going. City Manager Mulholland supported the pilot program.

City Manager Mulholland updated the Council on the following:

- Tunnel Artwork
- Elm Street truck traffic issue
- ICM Conference in Pittsburg
- Church Street layout
- 2025 Budget Process
- Westboro Yard
- Pilot landfill project with two Dartmouth students
- 20 Spencer Street update given by Deputy City Manager Brooks
- Letter of support for housing opportunity planning grant given by Deputy City Manager Brooks

12. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE

13. FUTURE AGENDA ITEMS: NONE

14. NON-PUBLIC SESSION:

- A.** RSA 91-A:3, II(d) - Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are averse to those of the general community.

ACTION:

Councilor Wilkie MOVED that the City Council extend the meeting to 10:10PM.

Seconded by Councilor Simon.

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

Councilor Wilkie MOVED that the City Council enter into Non-Public Sessions for the purpose of discussing: RSA 91-A:3, II(d) - Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are averse to those of the general community.

Seconded by Councilor Sykes.

Roll Call Vote:

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

None voted Nay.

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

The Council went into Non-Public Session at 9:48PM.

Councilor Wilkie MOVED that the City Council come out of Non-Public Session at 9:54PM.

Seconded by Councilor Sykes.

Roll Call Vote:

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

None voted Nay.

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

The Council came out of Non-Public Session at 9:54 PM

Council was now back in Regular Session and took the following Action:

15. ADJOURNMENT:

Councilor Wilkie MOVED for adjournment.

Seconded by Councilor Simon.

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

The meeting was adjourned at 9:55PM

Respectfully submitted,
Kristan Patenaude
Recording Secretary