



**LEBANON CITY COUNCIL
JANUARY 22, 2025 - 6:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

Remote Meeting Access: To participate in this meeting, please [join live via Microsoft Teams](#) or call 929-229-5356 (conference ID: **648 399 611#**). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

1. Call to Order

The January 22, 2025 Lebanon City Council Meeting is hereby called to order.

2. Pledge of Allegiance

3. Boards and Committees Reports (4th Quarter 2024)

4. Public Forum Announcement by the Mayor

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

5. Open to the Public

6. Recognitions: None

7. Approval of Minutes

- A. MOTION TO approve the minutes as presented in the January 22, 2025 agenda packet.

8. Appointments

- A.
- Conservation Commission, Travis Talbert (Alternate Member)
 - Board of Cemetery Trustees, David Muzzy (Reappointment Regular Member)

9. Public Hearing Items

- A. Community Revitalization Tax Relief Application – A public hearing for the purpose of receiving public input and taking action on a Community Revitalization Tax Relief Application (per NH RSA 79-E) by 10 Spencer Studios, LLC for property located at 10 Spencer Street, Lebanon. -
Resolution: R-2025-2
- i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
- B. Public Facilities CDBG and Recovery Housing Program Applications for Families Flourish Northeast - Public hearings for the purpose of receiving public input and taking action on Community Development Block Grant (CDBG) and Recovery Housing Program (RHP) grant applications proposed by the City of Lebanon to the NH Community Development Finance Authority (CDFA). Counties and communities can apply for CDBG grants up to \$500,000 annually on a competitive basis for housing, public facilities, economic development, and for emergency activities that directly benefit low- and moderate-income persons. Up to \$25,000 is available for planning grants. The Recovery Housing Program (RHP) is a pilot program for special needs housing, which municipalities and non-profits may apply to for up to \$1,000,000. Public hearings are as follows:
- 1. A public hearing on a proposed CDBG application for up to \$500,000 in CDBG Public Facilities funds to be sub-granted to Families Flourish Northeast; and to authorize the City Manager to sign, submit, and execute any documents which may be necessary to effectuate the CDBG Application and contract; and
 - 2. A public hearing on a proposed Recovery Housing Program (RHP) grant application for up to \$1,000,000 to be sub-granted to Families Flourish Northeast; and to authorize the City Manager to sign, submit, and execute any documents which may be necessary to effectuate the RHP Application and contract; and
 - 3. A public hearing to adopt the City of Lebanon Anti-Displacement and Relocation Assistance Plan for Families Flourish Northeast.
- i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:

- C. Proposed Amendments to the Zoning Ordinance for 2025 Municipal Ballot - Public hearing for the purpose of receiving public input and taking action to place proposed zoning amendments on the 2025 Municipal Ballot, as follows:
- Amendment #1 – To create the Pattern Zones Overlay District and regulations to create additional housing that fits the character of the existing neighborhoods in Downtown Lebanon and Downtown West Lebanon; to establish and preserve the characteristics of the historical downtown areas of Lebanon and West Lebanon; and to increase density and housing choices in the district (Add Zoning Ordinance Section 411 and Zoning Map Amendment)
 - Amendment #2 – To amend the R-1, R-2, and R-3 District Tables of Uses to allow “recovery house” by Special Exception (Zoning Ordinance Sections 308.2, 309.2, and 310.2)
 - Amendment #3 – To rezone Tax Maps/Lots 90-59, 76-4, 76-6, and 76-7 from R-3 to a new MC-2 District (Zoning Map Amendment)
- i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:

D. Proposed Amendments to the Zoning Ordinance for Council Adoption – Public hearing for the purpose of receiving public input and taking action on proposed zoning amendments for adoption by the City Council, as follows:

- Amendment #4 – To rezone the properties within the Centerra Planned Business Park from IND-L to CB, except for Tax Map/Lots 10-11-1200, 10-13, 10-11-1300, 10-11-1302, 10-11-3100, 10-11-3200, 10-11-3400, 10-11-3600, and 10-11-3800, which are proposed to be rezoned from IND-L to GC-1; to rezone the +/-15.72 acre Altaria Planned Unit Development from IND-L to GC-1; to rezone the +/-50.1 acre former Altaria Planned Business Park from IND-L to GC-1; and to rezone to GC-1 all properties currently zoned IND-L located to the east of Etna Road, and east and west of Labombard Road, excluding Tax Map/Lot 51-12, which is proposed to be rezoned entirely RL-3; and all properties currently zoned IND-L located to the east of Route 120 between Heater Road and I-89 Exit 18, excluding Tax Map/Lots 78-41, 78-42, and 78-43. The City Council may also consider rezoning to GC-1 all properties currently zoned IND-L located to the west of Etna Road. (Zoning Map Amendment)
- Amendment #5 – To amend the GC-1 and CB District Tables of Uses to allow “industrial planned unit development” and “planned business park” by Conditional Use Permit. (Zoning Ordinance Sections 305A, 306 and 508.2)
- Amendment #6 – To amend the Commercial PUD and Industrial PUD regulations relative to tract size and calculating permitted residential dwelling unit density, and to amend the Planned Business Park regulations relative to allowed uses and calculating permitted residential dwelling unit density. (Zoning Ordinance Sections 501.4, 508.2, and 508.4)
- Amendment #7 – To ADD Section 614 (“Recovery Houses”) and to amend the IND-L, GC, CB, LD, R-O, MC, and MC-2 Districts to allow “recovery house” by Special Exception. (Zoning Ordinance Sections 303.2, 305.2, 306.2, 307.2, 311.2, 315.2, 315A.2, and Appendix A, and ADD Section 614)
- Amendment #8 – To create a “Medical Center Two (MC-2)” zoning district. (ADD Zoning Ordinance Section 315A)
- Amendment #9 – To rezone the property located at 31 Romano Circle (Tax Map/Lot 101-20) from R-2 to R-O. (Zoning Map Amendment)
- Amendment #10 – To allow stairs and stairwells to project up to 2 ft. into minimum required yards. (Zoning Ordinance Section 201)
- Amendment #11 – To clarify procedures for requesting a waiver of impact fees from the Planning Board. (Zoning Ordinance Section 213)

- Amendment #12 – To amend the requirements for shared driveways and to allow off-site utility improvements by Conditional Use Permit. (Zoning Ordinance Section 215)
- Amendment #13 – To allow density bonuses for multi-family developments in the R-1 and R-2 Districts that provide for workforce housing, are energy efficient, and/or incorporate renewable energy systems. (Zoning Ordinance Section 507)
- Amendment #14 – To amend the cottage development regulations by clarifying the minimum building site and off-street parking requirements. (Zoning Ordinance Section 509 and the Table of Minimum Off-Street Parking Requirements)
- Amendment #15 – To clarify that family day care homes and family group day care homes are allowed as an accessory use to any primary residential use. (Zoning Ordinance Section 604 and Appendix A)
- Amendment #16 – To permit the Planning Board to authorize alternative parking solutions for residential uses as required by state statute. (Zoning Ordinance Section 607.1)
- Amendment #17 – To clarify the minimum percentage of EVSE-installed, EV-ready, and EV-capable parking spaces for multi-family dwelling and non-residential uses. (Zoning Ordinance Section 607.8)
- Amendment #18 – To amend the sign regulations to allow freestanding digital signs on certain streets within the GC District with related changes to the sign illumination standards and the sign enforcement provisions. (Zoning Ordinance Section 608.2, 608.3, 608.4, and Appendix A)
- Amendment #19 – To clarify who has standing to appeal an administrative decision to the Zoning Board of Adjustment and who has standing to request a rehearing, and to clarify that the term “abutter” shall have the same meaning as provided by state statute. (Zoning Ordinance Section 801.1, 802.5 and Appendix A)
- Amendment #20 – To rezone the property located at 92 Riverside Drive (M/L 111-16) from RL-1 to GC. (Zoning Map Amendment)
- Amendment #21 – To rezone the property located at 67-69 Etna Road (M/L 26-2) from IND-L and RL-3 to GC-1. (Zoning Map Amendment)

- i. Presentation:
- ii. Opening of the Public Hearing:
- iii. Questions & Comments by the Public:
- iv. Closing of the Public Hearing:
- v. Council Deliberation & Action:

10. Old Business

- A. Appointment of 2025 Chair and Vice-Chair for Economic Development Commission

11. New Business

- A. Request from Salt hill Pub for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property
- B. Request from Three Tomatoes for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property
- C. Release of Collected Public School Impact Fees (3rd and 4th Quarter 2024)
- D. Request for Zoning Map Amendment: Hatch Property – 24 Labombard Road, Tax Map 51, Lot 12, Lebanon
- E. Preparation of Concise Explanations stating the City Council's position on the Zoning Amendments to appear on the March 2025 Municipal Ballot
- F. Discussion and Authorization for the City Manager to Transfer Funds from Departments within the General Fund to the Legal Services Budget
- **Resolution: R-2025-3**

12. City Manager Report

13. Council Representatives to Other Bodies Report

14. Future Agenda Items

15. Non-Public Session

16. Adjournment

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

Future Board/Committee/Commission Appointments: There are currently no future board/committee/commission appointments.

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

February 5, 2025

Public Hearing Items:

A. Discontinuance of Roadways – A public hearing for the purpose of receiving public input and taking action on a request by Edwards Properties, LLC to discontinue portions of Little Heater Road and Edwards Street, Lebanon.

New Business:

- A. Request from Village Pizza for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property
- B. Review and Discussion of Potential Expansion of Colburn Park National Register Historic District
- C. Vote to Make Public Previously Sealed Non-Public Minutes of the City Council

February 19, 2025

New Business:

- A. Review and Discussion of Disability-Friendly City Ordinance Proposed by DEI Commission

**Agenda
Lebanon City Council
January 22, 2025**

7. Acceptance Of Minutes:

Minutes To Be Accepted

- January 8, 2025

MOVED, to approve the minutes as presented in the January 22, 2025 agenda packet.

DRAFT

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, January 8, 2025 7:00 p.m.
Council Chambers**

Remote Via Microsoft Teams: [LebanonNH.gov/Live](https://lebanonnh.gov/Live)

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

MEMBERS ABSENT: Karen Zook, and George Sykes

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks

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

3
4 **2. PLEDGE OF ALLEGIANCE:** Councilor Simon led the Council in the Pledge.
5 • City Manager Shaun Mulholland announced the meeting criteria for the public.

6
7 **3. PUBLIC FORUM:** Mayor McNamara made the Public Forum announcement.

8
9 **4. OPEN TO PUBLIC:**

10 A resident spoke to formation of an Advisory Finance Committee and a Capital Revenue Fundraising
11 Committee for the City. The City needs to consider how to obtain funds from other sources. He would
12 like the Council to continue to discuss what to do with City-owned properties. Councilor Liot Hill
13 suggested that residents should reach out to City Councilors to request a formal agenda item for a future
14 meeting.

15
16 **5. RECOGNITIONS: NONE**

17
18 **6. ACCEPTANCE OF MINUTES:**

19 • November 20, 2024

20 Amendments: None

21
22 • December 4, 2024

23 Amendments: None

24
25 • December 12, 2024 (Special Meeting)

26 Amendments: None

27
28 • December 18, 2024

29 Amendments: None

30
31 *Councilor Heistad MOVED to approve the November 20, 2024; the December 4, 2024; the December*
32 *12, 2024 (Special Meeting); and the December 18, 2024, meeting minutes as written and presented in*
33 *the January 8, 2025, City Council agenda packet.*
34 *Seconded by Councilor Whittlesey.*

35
36 **The Vote on the Motion was approved (7-0)*

37
38 **7. APPOINTMENTS:**

39 • Heritage Commission, Claire Geno (Alternate Member)

1 **Councilor Wilkie MOVED to NOMINATE Claire Geno as an Alternate Member of Heritage**
2 **Commission. Term: 1/2025-1/2028**

3 ***The Vote on the NOMINATION was approved (7-0).**
4

5 • Conservation Commission, Sarah Riley (Reappointment Regular Member)
6 **Councilor Wilkie MOVED to NOMINATE Sarah Riley for Reappointment as a Regular Member of the**
7 **Conservation Commission. TERM: 1/2025-1/2028**

8 ***The Vote on the NOMINATION was approved (7-0)**
9

10 • Planning Board, Eric Stacy (Regular Member)
11 **City Manager Mulholland MOVED to NOMINATE Eric Stacy as a Regular Member of the Planning**
12 **Board. Term: 1/2025-1/2028**

13 ***The Vote on the NOMINATION was approved (7-0)**
14

15 • Tree Advisory Board, Charles DePuy (Reappointment as Citizen Member)
16 **Assistant Mayor Below MOVED to NOMINATE Charles DePuy for Reappointment as Citizen Member**
17 **to the Tree Advisory Board. TERM: 1/2025-1/2028**

18 ***The Vote on the NOMINATION was approved (7-0).**
19

20 • Zoning Board of Adjustment, David Newlove (Reappointment Regular Member)
21 **Mayor McNamara MOVED to NOMINATE David Newlove for Reappointment as a Regular Member**
22 **of the Zoning Board of Adjustment. Term: 1/2025-1/2028**

23 ***The Vote on the NOMINATION was approved (7-0).**
24

25 • Zoning Board of Adjustment, William Koppenheffer (Reappointment Regular Member)
26 **Councilor Whittlesey MOVED to NOMINATE William Koppenheffer for Reappointment as a Regular**
27 **Member of the Zoning Board of Adjustment. Term: 1/2025-1/2028**

28 ***The Vote on the NOMINATION was approved (7-0).**
29

30 • Lebanon Airport-Tech Park TIF Advisory Committee, Jason Archambeault (Reappointment as
31 Citizen Member)
32 **Councilor Simon MOVED to NOMINATE Jason Archambeault for Reappointment as a Citizen**
33 **Member of the Lebanon Airport-Tech Park TIF Advisory Committee. Term: 1/2025-1/2028**

34 ***The Vote on the NOMINATION was approved (7-0).**
35

36 • Diversity, Equity, and Inclusion Commission, Richard Ford Burley (Reappointment as Public
37 Representative)
38 **Councilor Wilkie MOVED to NOMINATE Richard Ford Burley for Reappointment as a Public**
39 **Representative to the Diversity, Equity, and Inclusion Commission. Term: 1/2025-1/2027**

40 ***The Vote on the NOMINATION was approved (7-0).**
41

42 • Diversity, Equity, and Inclusion Commission, Keiselim Montas (Reappointment as Public
43 Representative)
44 **Councilor Wilkie MOVED to NOMINATE Keiselim Montas for Reappointment as a Public**
45 **Representative to the Diversity, Equity, and Inclusion Commission. Term: 1/2025-1/2027**

46 ***The Vote on the NOMINATION was approved (7-0).**
47

48 **8. PUBLIC HEARING ITEMS: NONE**
49

50 **9. OLD BUSINESS:**

1 **A. Amendments To City Charter – Review of comments by State agencies and order to place**
2 **proposed charter amendments on the ballot for the March 11, 2025, municipal election.**
3

4 Included in the agenda packet: **(NOTE: All supportive documents and detailed information/changes**
5 **can be found on pages 132-162 , Council agenda packet)**

- 6 1. Letter from Attorney General, dated and received on December 31, 2024
- 7 2. November 12, 2024 Legal opinion from Attorney Matthew Decker, RE: RSA 49-B City
8 Charter Amendment – 2025 Amendment #1 – Reorganize and Renumber Charter Sections,
9 including red-line versions of Charter Table of Contents and full Charter text
- 10 3. November 12, 2024 Legal opinion from Attorney Matthew Decker, RE: RSA 49-B City
11 Charter Amendment – 2025 Amendment #2 – Supervisors of the Checklist Terms of Office,
12 including red-line version of amendment to §C419:8, Ward Officials
- 13 4. November 12, 2024 Legal opinion from Attorney Matthew Decker, RE: RSA 49-B City
14 Charter Amendment – 2025 Amendment #3 – City Office Candidacy Filing Period, including
15 red-line version of amendment to §C419:10, Preparation of Ballots

16
17 Deputy City Manager Brooks reviewed the background and proposed amendments to the City Charter.
18

19 **BACKGROUND**

20 The Charter was first created and formally effectuated in 1957 when Lebanon chose to become a City with
21 a City Council-City Manager form of government. As we continue to evolve with changes in laws,
22 regulations, processes, and technology, it has become apparent that changes to the Charter are needed to
23 create consistency and increase efficiency. At this time, three separate Charter amendments are proposed,
24 each of which must be considered and acted upon independently of the others in accordance with NH RSA
25 49-B:5.
26

27 The first proposed amendment is to reorganize and renumber the existing Charter language to follow the
28 model charter structure suggested by the National Civic League. This proposed amendment allows for the
29 existing Charter language to be organized and presented in a more coherent and logical sequence but does
30 not alter any existing Charter language. Attached are red-line versions of the Table of Contents and the full
31 Charter, which highlight the proposed reorganization and renumbering of existing sections within the
32 Charter.
33

34 The second amendment is proposed to extend the terms of the Supervisors of the Checklist for each of the
35 three City wards and to stagger the election of each Supervisor. Under the existing Charter language, the
36 three Supervisors of the Checklist for each ward are elected every two years (in odd years) to serve two-
37 year terms. This can result in three new Supervisors being elected at once with no institutional knowledge
38 carrying over. The proposed amendment to City Charter Section II, Elections, §C419:8, Ward Officials,
39 [Section 2.05 under the proposed renumbering system], would extend the Supervisors of the Checklist term
40 of office to six years, and would stagger the terms of the three Supervisors in each ward, so that each ward
41 would normally have two Supervisors already elected and serving, when a new Supervisor is elected. With
42 this proposed amendment, the institutional knowledge of Supervisors would be more easily preserved and
43 passed on to future elected Supervisors of the Checklist.
44

45 The third amendment is proposed to synchronize the candidate filing periods for School District office
46 elections and City office elections. (The date of the City election is already synchronized with the School
47 District election per §C419:6.) Under the existing Charter language, the candidacy filing periods for City
48 offices and School District offices are not in sync -- the School District candidate filing period is a 10-day
49 period from 48 to 39 days before the City election per RSA 671:19 and RSA 669:19, whereas the City
50 candidate filing period is a 15-day period from 42 to 28 days before the City election per §C419:10. The

1 current filing period for City offices leaves little time for the City Clerk to prepare the official ballots and
2 publish sample ballots in advance of the annual election. The proposed amendment to City Charter Section
3 II, Elections, §C419:10, Preparation of Ballots, [Section 2.07 under the proposed renumbering system], is
4 intended to synchronize the School District and City candidacy filing periods by linking the City office
5 filing period to the School District office filing period as set forth in NH RSA 669:19, which will also allow
6 more time for official ballots and sample ballots to be prepared in advance of the annual election.

7
8 Following a public hearing on November 20, 2024, the City Council adopted Resolutions for the three
9 separate Charter amendments as described above. The Resolutions further directed that a final report of
10 each proposed Charter amendment be filed with the City Clerk and that a certified copy of such report be
11 filed by the Clerk with the New Hampshire Secretary of State, the New Hampshire Attorney General, and
12 the Commissioner of the New Hampshire Department of Revenue Administration in accordance with the
13 procedures in NH RSA 49-B. The final report of the proposed Charter amendments was filed with the City
14 Clerk and the applicable state agencies on November 21, 2024.

15
16 Pursuant to NH RSA 49-B:4-a, I, the Secretary of State, the Attorney General, and the Commissioner of
17 the Department of Revenue Administration have up to 45 days to review the proposed amendments to
18 ensure that they are consistent with the general laws of the state and to provide notice to the City approving
19 or disapproving the proposed amendments. Only after the three state agencies have approved the proposed
20 amendments can the City Council take action to have the proposed Charter amendments placed on the ballot
21 at the next municipal election on March 11, 2025.

22
23 On December 31, 2024, the City Clerk received a letter from the Attorney General's Office on behalf of all
24 three state agencies stating that they do not object to the proposed amendments.

25
26 Pursuant to NH RSA 49-B:5, I(b), within 7 days after receiving approval from the state agencies under NH
27 RSA 49-B:4-a, the Council may order the proposed amendments to be placed on the ballot at the next
28 regular municipal election. The Council should take action at its regular meeting on January 8, 2025, to
29 comply with the statutory requirement.

30 31 **Council Comments:**

32
33 Councilor Heistad expressed concern regarding the proposed six year period. Deputy City Manager
34 Brooks explained that staggering the six year term is consistent with what is required in towns. This does
35 not prevent someone from stepping down if they have a reason or a need to do so, but it helps to preserve
36 the institutional knowledge for those who are willing to serve that long. Councilor Wilkie stated that he
37 had similar concerns but believes they were assuaged, being that a six year term allows someone to learn
38 the position and be able to commit to it without having to worry about an election three years from that
39 moment.

40
41 Assistant Mayor Below suggested language for a future amendment that if someone does not complete
42 their term, the Council could elect someone to fill out that term in order to keep the expected rotation of
43 terms. City Manager Mulholland stated that this would be considered further.

44 45 **ACTION:**

46 *Councilor Wilkie MOVED the following:*

47
48 ***BE IT RESOLVED that the Lebanon City Council, pursuant to its authority granted by NH RSA 49-***
49 ***B:5, I(b), hereby orders the City Clerk to place the following amendments to the City Charter on the***
50 ***ballot at the next municipal election to be held on March 11, 2025:***

1
2 *Amendment #1: To amend the City Charter by reorganizing and renumbering the Charter language*
3 *to organize and present the existing sections in a more coherent and logical sequence; and*
4 *Amendment #2: To amend City Charter Section II, Elections, §C419:8, Ward Officials, [Article II,*
5 *Section 2.05 under the reorganized numbering outlined in proposed Charter amendment #1], to*
6 *extend the term of office for Supervisors of the Checklist for each ward to 6 years, and to stagger*
7 *the terms of office for each of the three Supervisors for each ward; and*
8 *Amendment #3: To amend City Charter Section II, Elections, §C419:10, Preparation of Ballots,*
9 *[Article II, Section 2.07 under the reorganized numbering outlined in proposed Charter*
10 *amendment #1], to synchronize the candidate filing periods for School District office elections and*
11 *City office elections.*
12

13 *BE IT FURTHER RESOLVED, that pursuant to RSA 49-B:6, IV(b), the amendments to the City Charter*
14 *will become effective July 1, 2025, if a majority of the ballots cast at the March 11, 2025, Municipal*
15 *Election favor acceptance of each amendment.*
16 *Seconded by Councilor Whittlesey.*
17

18 **The Vote on the Motion was approved (7-0).*
19

20 **10. NEW BUSINESS:**

21 **A. Review and Adoption of 2025 Annual Calendar**

22

23 Included in the agenda packet: (NOTE: The complete Calendar for all City Council Meetings in 2025
24 can be found on pages 163-175, Council agenda packet.)

25 1. Proposed 2025 Annual Calendar

26

27 Deputy City Manager Brooks reviewed the 2025 Annual Calendar.
28

29 **BACKGROUND**

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

38 **Council Comments:**

39

40 Councilor Wilkie noted that there may need to be additional meetings regarding the budget for 2025. City
41 Manager Mulholland stated that he is suggesting a Q&A session on November 20th. There was discussion
42 regarding how to engage the public in the budget process early in the year.
43

44 **ACTION:**

45 *Councilor Wilkie MOVED, that the Lebanon City Council hereby adopts the Annual Calendar as*
46 *proposed in the January 8, 2025, agenda packet.*
47 *Seconded by Councilor Whittlesey.*
48

49 **The Vote on the Motion was approved (7-0).*
50

1 **B. Appointment of 2025 Chair and Vice-Chair for Economic Development Commission**

2
3 Included in the agenda packet: **(All supportive documents and information can be found on pages**
4 **176-177, Council agenda packet)**

5 1. EDC Member Roster

6
7 Mayor McNamara noted that David Newlove will be stepping down as Chair of the Economic
8 Development Commission. He has reached out to several of the current members to see if they are
9 interested in stepping into the role but has not yet heard back. He recommended tabling this item to the
10 Council's next meeting in order to hear feedback from the existing members on this item.

11
12 **C. Discussion and Potential Rescission of Community Revitalization Tax Relief (79-E) Approval**
13 **for LWM Residential, LLC for Redevelopment of 1 Foundry Street, Lebanon, NH**

14
15 Included in the agenda packet: **(All supportive documents and detailed information can be found on**
16 **pages 178-204, Council agenda packet)**

- 17 1. Excerpts of minutes of November 15, 2023 and December 14, 2023 City Council meetings RE:
18 Community Revitalization Tax Relief Application by LWM Residential, LLC
19 2. LWM Residential cover letter to Planning Board for site plan amendment, dated August 12, 2024
20 3. Excerpts of LWM Residential, LLC Site Plan layouts dated December 11, 2023 and
21 September 30, 2024

22
23 Deputy City Manager Brooks gave a background introduction for this item.

24
25 Jon Livadas, LWM Residential, LLC, presented to the Council. He explained that the originally proposed
26 new building at 25 Mechanic Street has been removed from the plan. This is now proposed to be a
27 parking lot to help service the development. This all been approved by the Planning Board. Half of the
28 brick office building across from the mill was originally proposed to be demolished, but this building is
29 filled with environmental contaminants and the entire building is now proposed to be removed. Removal
30 of the building at 25 Mechanic Street results in the unit count reducing from 183 to 155. This results in
31 the parking count changing from 213 to 239 spaces. Also, the oldest mill building on the site was
32 originally planned to be maintained, but it is structurally unsound and will instead be removed. A
33 structure will be built in its same footprint to honor the mill. The updated site plan shows increased
34 parking at 25 Mechanic Street with an ADA compliant connection ramp to Mechanic Street. The plan
35 shows a two story garage off Foundry Street. The plan shows a public plaza which everyone in the
36 community will have access to at all times. This will connect to the River and will connect Mechanic
37 Street to downtown in a different way than ever before.

38
39 **BACKGROUND**

40 On November 15, 2023, the City Council held a public hearing to consider a request from LWM Residential,
41 LLC (LWM) for tax relief under the provisions of the Community Revitalization Tax Relief Incentive (RSA
42 79-E) Program. On December 14, 2023, the Council voted to grant eleven (11) years of 79-E tax relief to
43 LWM in conjunction with its proposal to substantially rehabilitate and/or replace qualifying structures on
44 properties located at 1 Foundry Street and 25 Mechanic Street (which have been merged) in Lebanon.

45 At the time of the Council's vote concerning the 79-E tax relief, LWM had Planning Board approval for a
46 project involving two renovated buildings and two new buildings and a total of 183 dwelling units, with
47 on-site parking and other improvements, including a central plaza (the "Mill Yard") and riverfront walking
48 paths that would be open and accessible to the general public. [Note: the LWM project was originally
49 approved in October 2022 for a total of 196 dwelling units, which included the renovation of an existing

1 building on a third property located at 43 Mechanic Street. In November-December 2023, LWM sought
2 and obtained an amendment from the Planning Board to remove the 43 Mechanic Street property from the
3 project and to reduce the total number of approved units from 196 to 183.]

4 Subsequently, in August-September 2024, LWM requested and obtained a second amendment to the
5 project, which eliminated the proposed new building at 25 Mechanic Street as well the proposed renovation
6 of an existing office building at 1 Foundry Street. In both cases, the buildings were approved to be replaced
7 with additional parking. Overall, the number of dwelling units was further reduced from 183 to 155 as
8 approved by the Planning Board and on-site parking was increased. Also, the “Mill Yard” plaza area was
9 reconfigured, and other changes were made to complement site layout revisions.

10
11 Following the Planning Board’s decision on September 30th, the City Manager’s Office alerted LWM of
12 the Manager’s intention to notify the City Council of the amendments to the overall project, including the
13 changes to the number of dwelling units and to the publicly accessible components of the project. The City
14 Manager’s Office also informed LWM of the then recent changes to City Council Policy CC-105,
15 Community Revitalization Tax Relief Incentive (79-E) Program guidelines and procedures. After learning
16 of the project amendments, the Council requested that LWM appear to review the changes and to discuss
17 whether they warranted the reconsideration of the 79-E relief granted to the project.

18
19 To the extent that changes in the project would affect items that were a material factor in the Council’s
20 original consideration and approval of the 79-E tax relief, and if the changes would reduce the identified
21 public benefit(s) in a material way, then that could be the basis for the City Council to consider whether the
22 project has changed enough that the tax relief should be modified or rescinded.

23
24 The City Manager recommends that the City Council meet with LWM Residential to review and discuss the
25 changes to the LWM project as approved by the Planning Board in September 2024 and determine whether
26 they warrant reconsideration of previously approved 79-E property tax relief.

27
28 **Council Comments:**

29
30 City Manager Mulholland asked about the slight reduction proposed in the public plaza area. Mr. Livadas
31 stated that this has been measured at a 30’ reduction. There will be continuous pedestrian access from
32 Blacksmith Street to Mechanic Street. A bus stop and crosswalk are being worked on for this area.

33
34 Mayor McNamara asked why the proposed number of parking spaces has increased when the proposed
35 number of units has decreased. Mr. Livadas explained that the 155 proposed units contains mostly one
36 bedroom units, but these will likely house two people, each of which would likely have a vehicle.

37
38 Councilor Wilkie asked how much the proposed changes impact the green space and/or the heat islands
39 for the property. Mr. Livadas explained that this site currently contains a four acre parking lot, and the
40 proposal will mostly mirror this area with the addition of some trees.

41
42 Councilor Liot Hill asked for more information regarding the potential public benefit of environmental
43 cleanup proposed for the site under the current plan. Mr. Livadas explained that the building on Mechanic
44 Street was removed from the plan as it was not financially viable. Regarding the brick office building,
45 through conversations with DES and an environmental consultant, it was determined that the amount of
46 work needed to deal with the contamination would make preservation of the building not economically
47 viable. Councilor Liot Hill asked what would be required regarding the environmental contamination if
48 the site is not developed. Mr. Livadas stated that there would be no requirements. The building would
49 remain as it is.

1
2 Councilor Liot Hill stated that the Council's discussion tonight are the changes to the scope of the project
3 and whether they trigger the need for a new application or if an amended application can be allowed to
4 continue in the process. She asked about the impact to the project if the Council were to rescind the 79-E
5 approval and require a reapplication. Mr. Livadas stated that reapplication would likely lead to all of the
6 existing equity investors pulling their commitments to the project. It would also put the project into a
7 huge time crunch, potentially leading to it not being economically viable. The purpose of this proposal
8 was to generate downtown investment in blighted buildings. The proposed public plaza was designed
9 from the get-go by the developer.

10
11 Mayor McNamara stated that he originally voted against this proposal. He did not feel at the time that the
12 original proposal had sufficient financial justification to ask the citizens of the City to essentially become
13 investors in this project. He wanted to see a more robust pro forma than was presented. The minimum for
14 this was never presented. The site plan for the project has changed significantly. The number of units has
15 changed and contains no workforce units. Mr. Livadas stated that there was never a workforce component
16 to the proposed project. 79-E deals with the public benefit and he asked how this has changed in the new
17 plans. City Manager Mulholland stated that the area that citizens were supposed to be able to use on the
18 property is half of what it used to be.

19
20 Councilor Liot Hill stated that 79-E does not require public amenities. It requires public benefit. She
21 struggles to find that there is a significant change to the public benefit in the modified plans. The plans
22 still contain the addition of housing, which was the primary public benefit identified. It still contains the
23 enhancement of the economic vitality of downtown. It still contains the enhancement/improvement of a
24 historically important structure. It still contains the promotion and preservation of existing building stock.
25 It still contains the promotion of developing municipal centers, providing efficiency, safety and a greater
26 sense of community. With all other items the same, for the purposes of satisfying the requirements of 79-
27 E, she does not find the reduction of units from 183 to 155, or a 15.3% decrease, to be significant. She is
28 concerned with harming Lebanon taxpayers in the long run by rescinding the approval.

29
30 Mayor McNamara stated that the developer's rationale for modifying the site plan was to reduce the
31 overall project cost. It is still unclear what the City's contribution does to the project, as there is a not a
32 pro forma to review. It is also unclear what minimum contribution is needed to facilitate the project.

33
34 Councilor Whittlesey stated that the 15.3% reduction is significant and material. This reduction leads to a
35 reduction in economic vitality. The financials involving the City's contribution are not yet clear.

36
37 City Manager Mulholland stated that he still believes 79-E is appropriate for this project. The City
38 Council must make a policy decision regarding the transparency of the use of public tax dollars for the
39 project. Mr. Livadas stated that if this project does not happen, there will be approximately \$1M in fees
40 that taxpayers will not have next year. In the incremental period, Lebanon will also miss out on hundreds
41 of thousands of dollars of water and sewer fees. The mill will collapse if something is not done to it which
42 will lead to a lower tax assessment for the property. The site is a brownfield site and continues to pollute
43 the area.

44
45 Assistant Mayor Below stated that, at a high level, 79-E was intended to help make good things happen
46 that would not otherwise happen without some tax relief. The reality is that the project will likely not go
47 ahead if the developer has to restart the application process and the property will then likely remain as it
48 is for an extended period of time, not providing any public benefit.

1 Barry Schuster, Ward 3, stated that no other developer will touch this project for at least ten years, if it
2 fails. He stated that the Council should do everything it can to make this project happen. There is nothing
3 to lose if this tax break is given, but there is much to lose if the project does not proceed, and the site falls
4 to ruin. This is an existing project that could lead to a more vibrant downtown.

5
6 Josh Flanders, Ward 1, echoed Mr. Schuster's comments. As a homeowner and a taxpayer in Lebanon, he
7 looks forward to collecting tax revenue on this project 11 years down the road. He does not see another
8 developer touching this property and trying to work with the Council if this project fails.

9
10 Joan Townsend, Ward 2, asked if this is considered affordable housing. It was stated that this will be
11 market rate housing. Ms. Townsend stated that taxpayers do not get breaks when they build residential
12 homes. She is concerned that there will not be a tax break to residents for 11 years from this project.
13 Mayor McNamara noted that the taxes on the base value of this property will increase each year, similarly
14 to anyone else in the City.

15
16 Matt Smith, Ward 2, and Vice Chair of the Heritage Commission, stated that this City is built on mills.
17 The few still standing are defining parts of the city. The Lebanon Woolen Mill is derelict, and it will not
18 remain standing without active intervention. The developer is committing to doing just that, including
19 preserving the last remaining smokestack. This site is not in the Historic District and requires no
20 involvement of the Commission, but the developer has continued to meet with them.

21
22 Seth Messier, Ward 3, thanked the Council for doing its job in asking questions and defending the
23 taxpayers.

24
25 Councilor Heistad stated that this proposal is asset protection for the city.

26
27 Mayor McNamara reviewed the options for the city to consider. One would be to rescind approval, the
28 next would be to allow the application to continue as is, and a third would be to allow the application to
29 continue while modifying the approval to some extent of less than 11 years.

30
31 Councilor Whittlesey stated that the Council has an obligation to ensure that it is being as prudent as
32 possible, and it does not have enough financial information to understand the proposed economic
33 valuation for this project. There has not been transparency regarding the economics. The Council asked
34 for pro forma statements in the initial discussions on this project and the developer respectfully declined.
35 Mr. Livadas noted that this was not a requirement at the time.

36
37 **ACTION:**

38 ***Councilor Simon MOVED, that the 79-E, as was previously agreed to stay in effect with the revised site***
39 ***plan as presented tonight.***

40 ***Seconded by Councilor Liot Hill.***

41
42 **Discussion:**

43 Councilor Simon stated that he was disappointed in the proposed reduction. He continues to support the
44 79-E. He thanked the public for their input.

45
46 Councilor Whittlesey requested to amend the motion to state that any further change in the size, scope, or
47 layout of this project will trigger a review of the 79-E abatement that was provided.

48
49 Councilor Wilkie asked if the Council could choose to do nothing this evening as an option. Mayor
50 McNamara stated that, in his opinion, the site plan has changed from what was originally approved and so

1 doing nothing is not an option. City Manager Mulholland stated that, if the Council wants the project to
2 move along as presented, no action is required. Councilor Wilkie stated that the original 2023 motion was
3 that the applicant's project was to renovate the existing mill structure, construct two new buildings,
4 demolish buildings, remediate a brownfield site, and complete other site improvements as approved by
5 the Lebanon Planning Board. He noted that he opposed the original approval due to the 11 year period
6 without visibility and transparency. However, while he agrees there have been significant changes to the
7 scope, he is not sure they are substantial enough to negate what was previously granted. He would prefer
8 to let the existing agreement stand.

9
10 **ACTION:**

11 *Councilor Simon AMENDED the MOTION that the 79-E, as was previously agreed to stay in effect*
12 *with the change in plan as presented tonight, and that any further change in the size, scope, or layout*
13 *of this project will trigger a review of the 79-E abatement that was provided*
14 *There was no SECOND. AMENDED MOTION died on the floor.*

15
16 **ACTION:**

17 *Councilor Simon MOVED, that the 79-E, as was previously agreed to stay in effect with the revised site*
18 *plan as presented tonight.*
19 *Seconded by Councilor Liot Hill.*

20
21 **The Vote on the Motion was approved (5-2).*
22

23 Mayor McNamara stated that he is very uncomfortable not knowing the financials of this project.
24 However, the amount that is proposed to be collected in fees and in water and sewer fees is not
25 insignificant, and so he is willing to reverse his decision with the condition that he is uncomfortable with
26 the financials.

- 27
28 **D.** Discussion and Set Public Hearing for January 22, 2025: Community Revitalization Tax
29 Relief (79-E) Approval for 10 Spencer Studios, LLC for Rehabilitation of 10 Spencer Street,
30 Lebanon, NH
31

32 Included in the agenda packet: **(All supportive documents and detailed information (that includes the**
33 **application and site renderings, etc.) can be found on pages 205-235, Council agenda packet)**

- 34 1. December 27, 2024 Memo from Deputy City Manager David Brooks, RE: Community Revitalization
35 Tax Relief Incentive Program (RSA 79-E) Application from 10 Spencer Studios, LLC – 10 Spencer
36 Street; Tax Map 92, Lot 33
37 2. Application of 10 Spencer Studios, LLC for Community Revitalization Tax Relief Incentive Program,
38 including supporting documents
39 3. Council Policy CC-105, Community Revitalization Tax Relief Incentive Program, last revised
40 September 18, 2024
41

42 Jennifer Caine, 10 Spencer Studios, LLC, explained that 10 Spencer Street is a masonry building that was
43 built in 1928. It was originally the Nabisco warehouse. The building is uninhabitable in its current
44 condition. The building needs to be completely renovated in order to be used, but the renovations are in
45 keeping with the existing structure. She and one of the owners are painters and plan to charge themselves
46 rent for two of the units. This project may barely break even with the current tax rate. Rehabilitating the
47 building offers a public benefit. This is a distinctive building which sits at the entrance of the rail trail on
48 Spencer Street. It is within the Downtown district. The proposal includes an idea for a non-profit
49 organization to allow emerging artists to find space within the building as part of a mentorship program to

1 attract artists to the area. She noted that she would like the application to be considered for historic tax
2 relief as well. The age and use seem to meet those requirements.

3 4 **BACKGROUND**

5 In February 2016, the City Council adopted the provisions of the Community Revitalization Tax Relief
6 Incentive Program pursuant to NH RSA 79-E. Subsequently, in August 2021, the Council adopted City
7 Council Policy CC-105, Community Revitalization Tax Relief Incentive Program, which outlines the
8 purposes of the program and the procedures to be utilized when considering applications for tax relief.
9 Council Policy CC-105 was revised and updated in September 2024 to expand and clarify the guidelines
10 and procedures.

11
12 10 Spencer Studios, LLC, owner of the building at 10 Spencer Street, Lebanon, is applying for tax relief
13 under the program, as they are converting the structure from an industrial use (a former rug cleaning
14 business) to an art studio use.

15
16 The City Manager's Office received the application from 10 Spencer Studios, LLC on November 19, 2024.
17 Following an initial review, the applicant was advised of the changes to Council Policy CC-105, and was
18 asked to submit revised and additional information, which were received on December 3, 2024.

19
20 Under the terms of the 79-E program, the City Council must hold a public hearing within 60 days of receipt
21 of a complete application to determine whether the structure is a Qualifying Structure; whether the proposed
22 project is a Substantial Rehabilitation; and whether there is a Public Benefit to granting the requested tax
23 relief, and if so, for what duration.

24
25 For detailed information regarding the project, please see the attached memo from City administration,
26 along with the accompanying application and supporting documentation submitted by 10 Spencer Studios,
27 LLC.

28 29 **Council Comments:**

30
31 Mayor McNamara noted that this is being considered under the most recent revisions to 79-E. He
32 appreciated the data from the applicant's contractor on cost and the pro forma provided. He agreed that
33 this building is located in a key area. He supports the five years suggested but is hesitant for the extra four
34 years proposed for the historic relief.

35
36 Councilor Liot Hill stated that she would like to see this moved forward to a public hearing and would
37 further consider the historic relief requested.

38 39 **ACTION:**

40 ***Councilor Liot Hill MOVED, that the Lebanon City Council hereby schedules a public hearing for***
41 ***Wednesday, January 22, 2025, beginning at 6:00pm, in Council Chambers, City Hall, and Remote via***
42 ***the City's Virtual Platform, for the purpose of receiving public input and taking action on a request by***
43 ***10 Spencer Studios, LLC, for tax relief under the provisions of the Community Revitalization Tax***
44 ***Relief Incentive Program (NH RSA 79-E) as adopted by the City Council on February 17, 2016.***
45 ***Seconded by Councilor Whittlesey.***

46
47 ****The Vote on the Motion was approved (7-0)***

48
49 **E. Discussion and Set Public Hearing for January 22, 2025: CDBG and Recovery Housing Program**
50 **Application for Families Flourish Northeast Upper Valley-Lebanon**

1
2 Included in the agenda packet: **(All supportive documents and detailed information can be found on**
3 **pages 236-241, Council agenda packet)**

- 4 1. Project Description – Families Flourish Northeast – Upper Valley Facility
- 5 2. City of Lebanon Residential Anti-Displacement and Relocation Assistance Plan for
- 6 Families Flourish Northeast

7
8 Courtney Tanner, Families Flourish, presented the proposal which is to build a new building on 424 Mt.
9 Support Road with 12 beds for women with their children.

10 11 **BACKGROUND**

12 The New Hampshire Community Development Finance Authority (CDFA) receives approximately \$9
13 million annually for the statewide Community Development Block Grant (CDBG) program, which includes
14 all non-entitlement municipalities and counties. Up to \$500,000 annually is available to communities or
15 counties on a competitive basis in each of the four categories of housing, public facilities, economic
16 development, and emergency activities that directly benefit low- and moderate-income persons. Up to
17 \$25,000 is available for planning grants. The Recovery Housing Program (RHP) is a pilot program for
18 special needs housing, which municipalities and non-profits may apply to for up to \$1,000,000.

19
20 Families Flourish Northeast requests that the Lebanon City Council support the submission of a CDBG
21 application for Public Facilities for up to \$500,000 and an RHP application for up to \$1,000,000 to
22 support the development of a high-intensity residential substance-use treatment center for pregnant and
23 parenting women and their children in the Upper Valley. The proposed location for the facility is 424 Mount
24 Support Road (Tax Map 24, Lot 6), which is owned by Mary Hitchcock Memorial Hospital. The cost of
25 the construction is estimated at \$9 million. The goal is to begin providing services at the new facility in
26 mid- to late-2026.

27
28 A request to submit applications for CDBG and RHP funds was approved by the City Council in May of
29 2023; the applications were submitted but then later withdrawn due to the site becoming unavailable. The
30 proposal includes funds from both CDBG and RHP, which are both administered by CDFA and carry similar
31 program criteria to CDBG and a separate application.

32
33 Please see the attached description and project overview in the Council agenda packet for more information.

34 35 **Council Comments:**

36
37 Mayor McNamara noted that this is a vacant lot currently owned by Mary Hitchcock Memorial Hospital.
38 It is located near the intersection of Lahaye Drive and Mt. Support Road. Ms. Tanner stated that the lot
39 will continue to be owned by Mary Hitchcock and the proposal is for a 30+ year lease.

40 41 **ACTION:**

42 ***Councilor Liot Hill MOVED, that the Lebanon City Council hereby schedules public hearings for***
43 ***Wednesday, January 22, 2025, beginning at 6:00pm, Council Chambers, City Hall, and Remote via***
44 ***the City's Virtual Platform, for the following:***

- 45
46 ***1) A public hearing for the purpose of receiving public input and taking action on a proposed***
47 ***Community Development Block Grant (CDBG) application for up to \$500,000 in CDBG Public***
48 ***Facilities funds to be sub-granted to Families Flourish Northeast; and to authorize the City***
49 ***Manager to sign, submit, and execute any documents which may be necessary to effectuate the***
50 ***CDBG Application and contract; and***

displaced low/moderate income household shall not bear a ratio of shelter costs to income that exceeds thirty (30) percent, or:

2. If elected by a family, a lump-sum payment equal to the capitalized value of the compensation available under subparagraph 1. above to permit the household to secure participation in a housing cooperative or mutual housing association, or a Section 8 certificate of voucher for rental assistance provided through New Hampshire Housing Finance Authority.
- i. Persons displaced shall be relocated into comparable replacement housing that is decent, safe, and sanitary, adequate in size to accommodate the occupants, functionally equivalent, and in an area not subject to unreasonably adverse environmental conditions;
- j. Provide that persons displaced have the right to elect, as an alternative to the benefits in subparagraph 2. above, to received benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 if such persons determine that it is in their best interest to do so; and
- k. The right of appeal to the executive director of CDFA where a claim for assistance under subparagraph 2. above, is denied by the grantee. The executive director's decision shall be final unless a court determines the decision was arbitrary and capricious.
- l. Paragraphs a. through k. above shall not apply where the HUD Field Office objectively finds that there is an adequate supply of decent, affordable low/moderate income housing in the area.

CERTIFICATION OF COMPLIANCE

CITY OF LEBANON anticipates displacement or relocation activities will be necessitated by this project, and the City certifies that it will comply with the Uniform Relocation Act and Section 104(d) of the Housing and Community Development Act of 1974, as amended.

Printed Municipal Official Name: _____

Title:

Signature:

Date of Adoption by the Lebanon City Council: _____

ACTION:

***Councilor Wilkie MOVED to extend the meeting to 10:30PM.
Seconded by Councilor Heistad.***

****The Vote on the Motion was approved (7-0)***

- F.** Discussion and Set Public Hearing for February 5, 2025: Request by Edwards Properties, LLC to Discontinue Portions of Little Heater Road and Edwards Street, Lebanon

Included in the agenda packet: **(All supportive documents and information can be found on pages 242-252, Council agenda packet)**

1. November 15, 2024 letter from Advanced Geomatics & Design requesting the discontinuance of portions of Little Heater Road and Edwards Street
2. December 18, 2024 letter from Jay Cairelli, Director of Public Works
3. NH RSA Chapter 231 Transportation; Sections 231:43 – 231:52 (Discontinuance of Class IV, V and VI Highways)

Deputy City Manager Brooks reviewed the background of the request as listed above.

BACKGROUND

On November 15, 2024, the City received a request from Advanced Geomatics & Design on behalf of Edwards Properties to discontinue portions of Edwards Street and Little Heater Road in Lebanon. Edwards Properties has purchased the last parcel on Edwards Street (M/L 78-55) and proposes to merge it with the surrounding property, which it already owns, to create a single large parcel of land suitable for redevelopment.

The applicant has indicated that easements would be provided for the City to continue to access and maintain existing water and sewer utilities within the discontinued rights-of-way. Should the requested roadway discontinuances be approved, existing easements from Edwards Properties to the City for a “T” turnaround on Edwards Street would become obsolete and could be released by the City.

The Department of Public Works has reviewed the request and has provided a memorandum for the City Council’s consideration outlining recommended plans, information, and actions that should be provided or completed as conditions of the discontinuances.

Should the Council choose to act on this request, a public hearing would need to be scheduled to receive input from the general public and from any abutting property owners who may be impacted by the discontinuances. Administration is requesting a public hearing be scheduled for February 5, 2025, to allow adequate time to properly notify abutting landowners as required by statute.

Council/Staff Comments: NONE

ACTION:

Assistant Mayor Below MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, February 5, 2025, beginning at 7:00pm in Council Chambers, City Hall, and Remote via City’s Virtual Platform, for the purpose of receiving public input and taking action on a request by Edwards Properties, LLC to discontinue portions of Little Heater Road and Edwards Street in Lebanon. These streets are Class V roadways that may be discontinued by action of the City Council in accordance with the provisions of NH RSA 231:43.

Seconded by Councilor Liot Hill.

**The Vote on the Motion was approved (7-0)*

- G.** Review and Set Public Hearing for January 22, 2025: Proposed Zoning Amendments for Council Adoption and for Municipal Ballot **(Please Note: The information provided below was from a scanned document converted to a PDF that could not be converted to a MS Word document, so screen shots were used.)**

Included in the agenda packet: (All supportive documents, maps and all detailed information can be found on pages 253-335, Council agenda packet)

1. December 31, 2024 Memorandum to the Lebanon City Council from Planning & Development Department Staff re: 2024-2025 Proposed Zoning Amendments, including the following attachments:

- Legal opinion from Matthew Decker, Esq., dated December 30, 2024 (pattern zone regulations)
- Pattern Zones Overlay District draft regulations (new Section 411)
- Legal opinion from Matthew Decker, Esq., dated December 30, 2024 (120 – North Lebanon Study map and text amendments, 31 Romano Circle map amendment, and 92 Riverside Drive map amendment petition)
- 120 – North Lebanon Study text amendments (GC-1 & CB Tables of Uses and Sections 501.4 & 508)
- Legal opinion from Matthew Decker, Esq., dated December 30, 2024 (recovery houses)
- Recovery House draft regulations (new Section 614)
- Legal opinion from Matthew Decker, Esq., dated December 30, 2024 (MC-2 District)
- MC-2 District draft regulations (new Section 315A)
- Legal opinion from Matthew Decker, Esq., dated December 30, 2024 (miscellaneous text amendments)
- Redline excerpt of current Zoning Ordinance with miscellaneous text amendments (redline last revised November 11, 2024)
- Rezoning request letter dated September 27, 2024 from Dan Nash, of Advanced Geomatics, on behalf of Oakes Storage, LLC and Oakes Real Estate SPE, LLC, including attachments (92 Riverside Drive rezoning petition)
- Excerpt of Zoning Board of Adjustment meeting minutes from November 18, 2024
- Excerpt of Planning Board draft meeting minutes from November 25, 2024, December 9, 2024, and December 17, 2024
- Excerpt of Conservation Commission draft meeting minutes from December 12, 2024

2. December 30, 2024 Memorandum to the Lebanon City Council from Planning & Development Department Staff re: Request by ICV of NH, LLC to Rezone Tax Map 26, Lot 2 to GC-1, including the following attachments:

- Rezoning request letter dated October 30, 2024 from Dan Nash, of Advanced Geomatics, on behalf of ICV of NH, LLC, including attachments (5 pages)
- Planning Staff memo to the City Council dated November 12, 2024 (2 pages)
- Legal opinion from Matthew Decker, Esq., dated November 25, 2024 (2 pages)
- Excerpt of draft Planning Board meeting minutes from November 25, 2024 (3 pages)
- Zoning Amendment Sketch, submitted by Advanced Geomatics & Design on November 25, 2024 (1 page)
- Excerpt of draft Conservation Commission meeting minutes from December 12, 2024 (1 page)

Nate Reichert, Director of Planning & Development, reviewed this item with the Council. He noted that, after having conversations with landowners, there is a request that one portion of the Route 120 area be removed from any potential zoning changes. A further resolution on that item will be brought to the Council at a future meeting.

BACKGROUND

At its meeting on October 23, 2024, the City Council was presented with a number of proposed amendments to the Zoning Ordinance. The Council took action to accept the amendments as presented and forwarded them for review and comment by the Planning Board, Conservation Commission, and Zoning Board of Adjustment. Legal review has been obtained, and all land use boards have completed their review. Attorney Decker's legal opinions, along with excerpts of land use boards' meeting minutes, are attached for your review. A public hearing pursuant to Section 1000.3.D of the Zoning Ordinance is requested for January 22, 2025 (tentatively scheduled as part of the Council's prior action on October 23rd).

In addition, on November 20, 2024, the City Council reviewed and "kicked-off" a request, dated October 30, 2024, from Dan Nash of Advanced Geomatics and Design, on behalf of ICV of NH, LLC, to rezone the ICV property at 67-69 Etna Road (Tax Map 26, Lot 2) from IND-L and RL-3 to General Commercial One (GC-1). As with the larger batch of amendments kicked-off on October 23rd, the ICV rezoning request has been reviewed by legal counsel and by the land use boards.

The purpose of this meeting is to present the final version of the proposed amendments to be considered by the City Council at the upcoming public hearings. All of the proposed amendments are addressed in the attached comprehensive memoranda drafted by Planning & Development Department staff.

Some of the proposed amendments may be approved by the City Council, while others require placement on the 2025 Municipal Ballot for consideration by voters pursuant to Section 1000.4.A of the Zoning Ordinance. As a reminder, the Council has the authority to place any of the proposed amendments on the Ballot, including those that are under the Council's purview.

Once the proposed amendments are finalized, they will be posted as part of the public hearing. Once posted, all applications to the Land Use Boards and all Building/Zoning Permit applications will be subject to the provisions of both the existing Zoning Ordinance and the proposed amendments. The proposed amendments will be posted by January 10, 2025.

Council/Staff Comments: NONE

ACTION:

Councilor Wilkie MOVED, that the Lebanon City Council hereby schedules public hearings for Wednesday, January 22, 2025, beginning at 6:00pm, in Council Chambers, City Hall, and remote via the City's Virtual Platform, for the purpose of receiving public input and taking action to:

- 1. Adopt certain amendments to Ordinance #2, the City of Lebanon Zoning Ordinance and Zoning Map; and**
- 2. Place other proposed amendments to Ordinance #2 on the March 2025 Municipal Ballot for consideration by Lebanon voters.**

Seconded by Councilor Whittlesey.

**The Vote on the Motion was approved (7-0).*

H. Discussion of Potential Zoning Amendment to Add "Research Laboratory" as a Permitted Use in the Central Business District

Included in the agenda packet: **(All supportive documents and information can be found on pages 336-341, Council agenda packet)**

- 1 1. Memorandum from Planning and Development Department, dated December 30, 2024, regarding the
2 request to amend Section 306.2 of the Zoning Ordinance to add “Research Laboratory” as a Permitted
3 Use in the Central Business (CB) District
- 4 2. TITLE LXIV. Planning & Zoning, Chapter 674, Local Land Use Planning and Regulatory Powers;
5 Zoning, Section 674:17.
6

7 Mayor McNamara reviewed the background on this item.
8

9 **BACKGROUND**

10 The Mayor has requested that the City Council consider amending Section 306.2 of the Zoning Ordinance
11 to add “Research Laboratory” as a permitted use within the Central Business District (CBD). This request
12 has been made pursuant to Section 1000.2.A of the Zoning Ordinance, which provides that amendments to
13 the Zoning Ordinance may be proposed “[f]rom the City Council at any time.”
14

15 “Research Laboratory” is currently a permitted use in the Light Industrial (IND-L) and Industrial- Rail
16 Access (IND-RA) districts and is also allowed in the General Commercial One (GC-1) district by
17 Conditional Use Permit from the Planning Board. Currently, the Zoning Ordinance does not include a
18 definition for research laboratory.
19

20 The Planning and Development Department has prepared a memorandum of recommendations, which also
21 summarizes the amendment process outlined in Section 1000 of the Zoning Ordinance. As noted in the
22 attached memorandum, if the Council wishes to consider adding “Research Laboratory” as a permitted use
23 in the CBD, staff recommends that the Council also consider adding the same use to the Lebanon Downtown
24 (LD) District. Staff further recommends that the Council adopt a definition for “Research Laboratory” to
25 avoid future miscommunication and misinterpretation concerning the use.
26

27 **RECOMMENDATIONS**

- 28
29 1. If “research laboratory” is to be added to the Central Business (CB) District as a permitted use, staff
30 recommends that the Council also consider adding “research laboratory” as a permitted use in the
31 Lebanon Downtown (LD) District. The West Lebanon Revitalization Committee’s (WLRAC’s)
32 original recommendations included making the CB and LD Districts more consistent, and the City
33 Council has moved in this direction with dimensional requirements and most allowed uses (except those
34 that WLRAC preferred to retain in West Lebanon, such as drive-throughs). Adding “research
35 laboratory” to the CB District but not to the LD District would be inconsistent with WLRAC’s stated
36 goal.
37

38 In addition, zoning regulations may only be adopted in furtherance of the purposes enumerated in NH RSA
39 674:17. The most applicable purpose identified in RSA 674:17 that could be used to support the inclusion
40 of “research laboratory” in the CB District would be to “promote health and the general welfare”. As such,
41 a zoning regulation cannot be adopted in support of or for the exclusive benefit of any individual property.
42 Rather, zoning regulations must be designed to support every similarly situated property impacted by the
43 regulation.
44

45 In the context of the proposed amendment, high-tech companies that may operate as research laboratories
46 already exist in the LD District with the benefit of zoning relief granted over the years. However, these
47 existing uses still need additional zoning relief to expand or make changes in their operations since they are
48 non-conforming with the underlying zoning requirements. There are no known research laboratories or
49 high-tech companies currently operating within the CB District. Consequently, if the Council decides that
50 adding “research laboratory” is appropriate in the CB District, it will also seem to be appropriate in the LD

District.

2. Staff also recommends that the Council adopt a definition of “research laboratory” as is good drafting practice and to help avoid future misinterpretation and miscommunication. A definition will also help distinguish “research laboratory” from other similar uses such as “medical research facility” (allowed in the MC District) and “light industry” (allowed in the IND-L, IND-RA, and GC-1 Districts), which are defined in Appendix A of the Zoning Ordinance as follows:

LIGHT INDUSTRY: The assembly, manufacture, processing, packaging or other industrial operations conducted in such manner that all resulting cinders, dust, fumes, gas, odors, smoke and vapor are effectively confined to the premises or disposed of so as to avoid any air pollution and conducted in such a manner that noise, flashing lights and vibrations will not be a nuisance or otherwise detrimental to abutting properties. Light industry includes the development and production of computer software and hardware and its associated equipment.

MEDICAL RESEARCH FACILITY: A medically related research laboratory, which may as a subsidiary function, engage in the manufacture of products within the following Standard Industrial Classifications: biological products; medicinal chemicals; pharmaceutical preparations; optical instruments and lenses; and surgical and medical instruments.

In reviewing the various examples found in *A Planners Dictionary*, published by the American Planning Association (APA), staff offers the following potential definition of “research laboratory” for the Council’s consideration:

RESEARCH LABORATORY: A facility for scientific research, development, analysis, and testing in various technology-intensive fields of science including but not limited to biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and electronics.

Council/Staff Comments:

Deputy City Manager Brooks stated that the Council may want to consider adding this to the GC District at this time. Staff’s recommendation is to add this use to the Lebanon Downtown District. Councilor Whittlesey agreed with this proposal.

Councilor Simon stated that this was presented to the West Lebanon Revitalization Committee meeting on December 16th. He read a motion made by Mr. Nash during that meeting: “Mr. Nash moved that the West Lebanon Revitalization Advisory Committee support the proposal to add Research Laboratory as a permitted use in the Central Business District.” This motion was seconded and voted on by the Committee members. Seven were in favor, none against, and one member abstained, as he is the chair of the Planning Board. Councilor Simon asked the Council for its support on this item.

Assistant City Manager Below recused himself from this item.

ACTION:

Councilor Liot Hill MOVED, that the Lebanon City Council, in accordance with the City of Lebanon Zoning Ordinance, Article X, Section 1000.3, Amendment Procedures, hereby submits the proposed zoning amendment to add “Research Laboratory” as a Permitted Use in the Central Business District (CBD), GC, and GC1, to the Planning Board, Zoning Board of Adjustment, and Conservation Commission for their review and comment. The City Council hereby sets the following tentative review schedule:

- *Legal Review – by January 24, 2025*
- *Zoning Board of Adjustment – February 3, 2025*
- *Conservation Commission – February 13, 2025*
- *Planning Board – February 24, 2025*
- *City Council Work Session Review – March 5, 2025*
- *City Council Public Hearing – March 19, 2025*

Seconded by Councilor Simon.

**The Vote on the Motion was approved (6-0, Abstained-1)*

I. Discussion of Status of Board of Cemetery Trustees and Potential Courses of Action

Included in the agenda packet: *(All supportive documents and detailed information can be found on pages 342-359, Council agenda packet)*

1. NH RSA 37:6, Powers and Duties of Town Managers
2. NH RSA Chapter 289, Cemetery Trustees
3. November 1, 2017 - Lebanon City Council Agenda Request Form from Councilor Sarah Welsch
4. February 6, 2018 - Lebanon Cemeteries Governance Task Force Minutes

City Manager Mulholland reviewed the background behind the status of the Board of Cemetery Trustees and the potential Course of Action(s) that the Council could take.

BACKGROUND

On November 1, 2017, the City Council created the Lebanon Cemeteries Governance Task Force. This was at the request of Councilor Sarah Welsch due to a lack of maintenance of the City's cemeteries. In reviewing the documents from the Task Force, there were several emails to City Councilors regarding the deteriorating condition of the City's cemeteries. The Task Force looked at three options (*Lebanon Cemeteries Governance Task Force, Minutes, Feb 6, 2018*):

- 1- *City Council appoints a Cemetery Board of Trustees*
- 2- *City Council appoints the City Manager to handle cemeteries from an administrative standpoint without a citizen's board in place*
- 3- *The existing trustees and trust fund are given the additional duty of being the Board of Trustees*

On June 20, 2018, the City Council adopted an ordinance to amend Chapter 31, Boards, Committees and Commissions, of the Code of the City of Lebanon, by adding Article VIII, Board of Cemetery Trustees. The purpose of this ordinance was to establish a City of Lebanon Board of Cemetery Trustees pursuant to RSA 289 to operate and maintain all cemeteries owned by the City of Lebanon. Notwithstanding RSA 289:7, II, maintenance and other work on cemeteries shall continue to be performed by employees of the Department of Public Works (DPW), who shall continue to be subject to all applicable City personnel policies or collective bargaining agreements.

The Board of Cemetery Trustees has not met since April of 2023. The DPW has made several attempts to call a meeting; however, the members of the Board did not agree to meet. The Board consists of five members. The two at-large member positions are vacant. The terms have expired in 2024 for the persons appointed to the Ward 2 & 3 positions. The Ward 1 member is the only active member with a term expiring in February of 2026.

1 The City Council increased spending in subsequent budgets starting in 2019 to address the significant
2 backlog of maintenance and facilities needs in the City's cemeteries. The City Council cut \$20,000 in
3 funding from the 2025 Budget for cemeteries. Chapter 46 *Cemeteries* of the City Code details the
4 responsibilities for cemeteries. The City Council has delegated the authority and responsibilities to create
5 bylaws for cemeteries to the Board of Cemetery Trustees. Further, the Board of Cemetery Trustees has
6 the sole authority to expend funds from the Cemetery Maintenance and Preservation Trust Fund.

7
8 NH RSA 289:6 requires every Town and City to have a Board of Cemetery Trustees or to delegate all of the
9 duties and responsibilities of cemetery trustees to the town manager (RSA 37:6, VII, (i)).

10
11 **Council Comments:**

12 Councilor Liot Hill suggested reaching out to the public to attempt to fill the seats on the Board of
13 Cemetery Trustees. The Council agreed.

14
15 **11. CITY MANAGER REPORT:**

16 A. Strategic Plan: As discussed during the update.

17
18 City Manager Mulholland further updated the Council on the following:

- 19 • Dry bridge report and recommendations
- 20 • Westboro Yard status
- 21 • Warming shelter opens this evening
- 22 • Q&A Session for the budget November 20th
- 23 • Pyrolysis technology, January presentation
- 24 • Candidate forum February 25/26
- 25 • Schedule Ask the Council sessions
- 26 • Three Strategic Plan engagement session (1/28, 1/30, 2/6)

27
28 Deputy City Manager Brooks stated that the 20 Spencer Street project/Muse Lebanon project was not
29 funded in the competitive round. They followed up with New Hampshire Housing Finance to review their
30 application. They feel confident they will be funded in a future round, but there is no expectation that
31 there will be another round until October 2025. There continues to be discussion regarding how to fund
32 this project.

33
34 **12. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE**

35
36 **13. FUTURE AGENDA ITEMS: NONE**

37
38 **14. NON-PUBLIC SESSION: NONE**

39
40 **15. ADJOURNMENT:**

41 *Councilor Heistad MOVED for adjournment.*

42 *Seconded by Councilor Whittlesey.*

43 **The Vote on the MOTION was unanimously approved (7-0).*

44
45 **The meeting was adjourned at 10:29 PM.**

46
47 Respectfully submitted,
48 Kristan Patenaude
49 Recording Secretary

Agenda
Lebanon City Council
January 22, 2025

8. Appointments:

Appointments

Board/Committee Appointments as presented by Interim City Clerk/Tax Collector Diane Mulholland:

- Conservation Commission, Travis Talbert (Alternate Member)
- Board of Cemetery Trustees, David Muzzy (Reappointment Regular Member)

Included in this Section:

1. Memo from Interim City Clerk/Tax Collector Diane Mulholland dated January 22, 2025



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

MEMORANDUM

DATE: January 22, 2025
TO: The Honorable Mayor & City Council
FROM: Diane Mulholland, Interim City Clerk & Tax Collector
RE: **Appointments Proposed for Council Discussion/Action:**

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

Note: nominations do not need to be seconded.

Conservation Commission

- **Travis Talbert** – Appointment as an alternate Member for a three-year term.
Term: 1/2025-1/2028
- Interviewed By: Mayor Timothy McNamara

Board of Cemetery Trustees

- **David Muzzy** – Reappointment as a Member for a three-year term.
Term: 1/2025-1/2028

From: [Kara Tracy](#)
To: [Kara Tracy](#)
Subject: FW: [EXTERNAL] Online Form Submission #11091 for Board Member Application
Date: Monday, December 2, 2024 7:54:54 AM



Board Member Application

Application Process

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

Basic Requirements

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

(Section Break)

First Name	Travis
------------	--------

Last Name	Talbert
-----------	---------

Physical Address	[REDACTED]
------------------	------------

City	[REDACTED]
------	------------

State	[REDACTED]
-------	------------

Zip Code	[REDACTED]
----------	------------

Is this your mailing address?	Yes
Home Phone Number	
Work Number	Field not completed.
Email Address	harpsdad0816@gmail.com
How long have you resided in Lebanon?	1 year
(Section Break)	
Is this an application for re-appointment?	This application is not for re-appointment.
For which board, committee, or commission are you applying?	Conservation Commission
Other Committee	Field not completed.
Why would you like to serve?	I would like to serve on the conservation committee because I am deeply passionate about protecting our natural environment, and I believe that by joining this committee, I can actively contribute to preserving our local ecosystem, wildlife habitats, and open spaces for future generations, utilizing my skills and knowledge to advocate for sustainable practices and responsible land use decisions within our community.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I used to own a Lawncare business, and I am an avid outdoors person such as hiking and fishing. I used to volunteer for the sea turtle preservation society in Melbourne Florida. I would like to be appointed to this board because Lebanon Nh has wonderful outdoor activities and beautiful wilderness and trails that need to be protected and treasured by everyone. I believe that by joining the committee, I can be a valuable asset to the community and also, I believe that if we speak with schools and the community and local businesses, we can bring awareness to our community about the importance of preserving our natural habitat.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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

Councilor Interview Report Form

Councilor Name: Tim McNamara Date of Interview: 1/9/25

Applicant Name: Travis Talbert

Board(s) to Which Applied: Conservation Commission

 Regular Seat X Alternate Seat

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

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

Recommend Appointment: X Yes No

 Regular Seat X Alternate Seat

General Comments:

Mr. Talbert is a relatively new resident of Lebanon, but has a background in conservation
during his residency in Florida.

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

Standard Questions for All Applicants:

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

Helping to build awareness in the City for conservation of the natural environment, assisting with
cleanup efforts, and helping to recruit volunteers to assist in these efforts.

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

No.

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

Served as a volunteer with the Sea Turtle Preservation Society in Florida and
participated in beach cleanups.

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

Yes.

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

No.

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

Public education and keeping natural areas clean.

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

Same as #6.

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

Need to understand more about the CC before responding.

Specific Questions for Applicants to Land-Use Boards:

Zoning Board of Adjustment:

1) Have you ever appeared before a zoning board, personally or through a representative?

2) Do you have any personal or professional knowledge or background in the area of zoning law?

3) Do you believe you can set aside your personal opinions and make impartial decisions based on the City's adopted Zoning Ordinance?

4) Zoning Board decisions can be controversial. The Board is bound by law to work within the current zoning regulations. Do you believe you can tolerate possible criticism from your friends and neighbors as a result of how you may have voted?

Planning Board:

1) Have you ever appeared before a planning board, personally or through a representative?

2) Do you have any personal or professional knowledge or background in the area of planning law?

3) Do you believe you can set aside your personal opinions and make impartial decisions based on the City's adopted site plan and subdivision regulations, as well as the Zoning Ordinance?

4) Planning Board decisions can be controversial. The Board is bound by law to work within the current site plan and subdivision regulations. Do you believe you can tolerate possible criticism from your friends and neighbors as a result of how you may have voted?

Conservation Commission:

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

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



CITY OF LEBANON BOARD/COMMITTEE APPLICATION

You must meet the basic requirements listed below to be considered for appointment to a City board/committee.

BASIC REQUIREMENTS:

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

Check all that apply:

I am an applicant for: Cemetery Board

☒ Check if for re-appointment.

Name: DAVID MUZZY
(Please print)

Address: [REDACTED]
(street)

(Zip) [REDACTED] (Town) [REDACTED]

Mailing Address, if different from above: _____

Home Phone [REDACTED] Work Phone: _____ Cell Phone: _____

Email Address: Damios1@comcast.net

Continued reverse side.....

How long have you resided in Lebanon? 73 years.
(This will not necessarily reflect on your possible appointment.)

Why would you like to serve?

Have been serving since the creation of the board. Life long Lebanon resident + enjoy helping the community's cemeteries stay clean and up to date.

State a few of what you feel your qualifications are or why you wish to be appointed to this board/committee.

Helped pass green burials and am one of the original board members.

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

David A. Muzzey
Applicant Signature

1/15/25
Date

Please return to:

Lebanon City Clerk's Office
51 North Park Street, Lebanon, NH 03766

Email: cityclerk@lebanonnh.gov

**Agenda
Lebanon City Council
January 22, 2025**

9. Public Hearing Items:

**9.A – Community Revitalization Tax Relief Incentive (RSA 79-E)
Program Application – 10 Spencer Studios, LLC**

A public hearing for the purpose of receiving public input and taking action on a request by 10 Spencer Studios, LLC, for tax relief under the provisions of the Community Revitalization Tax Relief Incentive Program (NH RSA 79-E) as adopted by the City Council on February 17, 2016.

The City Council scheduled this public hearing at its January 8, 2025 regular meeting. The public hearing was properly noticed in the *Valley News* on January 11, 2025 in accordance with City Code and State Law.

Background

In February 2016, the City Council adopted the provisions of the Community Revitalization Tax Relief Incentive Program pursuant to NH RSA 79-E. Subsequently, in August 2021, the Council adopted City Council Policy CC-105, Community Revitalization Tax Relief Incentive Program, which outlines the purposes of the program and the procedures to be utilized when considering applications for tax relief. Council Policy CC-105 was revised and updated in September 2024 to expand and clarify the guidelines and procedures.

10 Spencer Studios, LLC, owner of the building at 10 Spencer Street, Lebanon, is applying for tax relief under the program, as they are converting the structure from an industrial use (a former rug cleaning business) to an art studio use.

The City Manager's Office received the application from 10 Spencer Studios, LLC on November 19, 2024. Following an initial review, the applicant was advised of the changes to Council Policy CC-105, and was asked to submit revised and additional information, which were received on December 3, 2024.

Under the terms of the 79-E program, the City Council must hold a public hearing within 60 days of receipt of a complete application to determine whether the structure is a Qualifying Structure; whether the proposed project is a Substantial Rehabilitation; and whether there is a Public Benefit to granting the requested tax relief, and if so, for what duration.

For detailed information regarding the project, please see the attached memo from City administration, along with the accompanying application and supporting documentation submitted by 10 Spencer Studios, LLC.

Action:

If the Council decides to grant the requested 79-E tax relief, the following motion is offered for consideration:

BE IT HEREBY RESOLVED by the Lebanon City Council, after a duly-noticed public hearing, that:

WHEREAS, the City Council has determined that the application of 10 Spencer Studios, LLC (hereinafter the "Applicant") for property assessment tax relief under the City's 79-E Program is complete enough to commence consideration, and

WHEREAS, the City Council has determined that the Applicant's property, 10 Spencer Street, Tax Map 92, Lot 33 (hereinafter the "Property"), is situated in the Downtown Lebanon 79-E District as adopted by the City and, therefore, meets the 79-E Program requirement as a Qualifying Structure, and

WHEREAS, the City Council has determined that the Applicant's project to complete interior renovation and exterior rehabilitation of the building on the Property pursuant to plans and information provided in the application (hereinafter the "Project") exceeds the lesser of 15% of the building's current pre-rehabilitation assessed valuation or \$75,000 and, therefore, meets the 79-E Program requirement as a Substantial Rehabilitation, and

WHEREAS, the City Council has determined that the Applicant's proposed Project will generate one or more Public Benefits to the City, including:

- 1. Enhancement of the economic vitality of Downtown Lebanon, and**
- 2. Enhancement or improvement of a culturally or historically important structure, and**
- 3. Promotion of the preservation and reuse of existing building stock, and**
- 4. Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community consistent with RSA 9-B.**

NOW THEREFORE, pursuant to the provisions of the Community Revitalization Tax Relief Incentive (NH RSA 79-E) Program, as adopted by the City, the City Council hereby grants to the Applicant ____ years of property assessment tax relief for the Property to commence upon completion of Project, with the following conditions:

1. The Applicant shall grant to the City of Lebanon a Declaration of Covenant to be recorded in the Grafton County Registry of Deeds ensuring that the Project shall be maintained and used in a manner that furthers the Public Benefit(s) set forth above for which this property tax relief is granted. The term of the Declaration of Covenant shall be effective for ____ years, which is twice the duration of the approved tax relief period as permitted under RSA 79-E:8, II.

2. The Applicant shall obtain and maintain property and casualty insurance, as well as flood insurance, if appropriate, for the term of the Declaration of Covenant set forth above to ensure proper restoration or replacement of the Project and Property. Such insurance shall, effective as of the date on which the Project is completed, name the City of Lebanon as an additional insured by endorsement and the City shall be provided with certificates of insurance annually. Further, the applicant shall agree to have the City made a Loss Payee of the proceeds of any property or casualty insurance coverage, subject to the rights of any current or future mortgagee of the Property and any structures thereon, for the purpose of ensuring proper and timely restoration or demolition of the Property, including any damaged structures thereon. The Applicant shall agree to commence any restoration or demolition of such structures within one year following the date of any occurrence or incident for which an insurance claim is or could be made; otherwise the Applicant shall be subject to the termination provisions set forth in RSA 79-E:9, I.

3. The Applicant shall obtain a Building Permit for the Project and commence construction no later than one year from the date of this Resolution, unless otherwise

extended by the City Council in writing. The Project, as approved, shall be completed on or before March 31, 20____, unless otherwise extended by the City Council in writing.

Included in this Section:

1. December 27, 2024 Memo from Deputy City Manager David Brooks, RE: Community Revitalization Tax Relief Incentive Program (RSA 79-E) Application from 10 Spencer Studios, LLC – 10 Spencer Street; Tax Map 92, Lot 33
2. December 3, 2024 Application of 10 Spencer Studios, LLC for Community Revitalization Tax Relief Incentive Program, including supporting documents
3. Notice of Public Hearing as Published in the January 11, 2025 edition of the *Valley News*



CITY MANAGER'S OFFICE
City of Lebanon, NH
51 North Park Street
Lebanon, NH 03766
(603) 448-4220 fax (603) 966-3122

TO: Honorable Mayor and City Councilors
FROM: David Brooks, Deputy City Manager
CC: Shaun Mulholland, City Manager
DATE: Community Revitalization Tax Relief Incentive Program (RSA 79-E) Application from
10 Spencer Studios, LLC – 10 Spencer Street, Lebanon; 92-33
RE: December 27, 2024

Introduction:

In February 2016, the City Council adopted the provisions of the Community Revitalization Tax Relief Incentive Program pursuant to NH RSA 79-E to encourage rehabilitation of existing buildings and structures in downtown Lebanon and downtown West Lebanon. Subsequently, in August 2021, the Council adopted City Council Policy CC-105, Community Revitalization Tax Relief Incentive Program Guidelines, which outlines the purposes of the program and the procedures to be utilized when considering applications for tax relief. Council Policy CC-105 was revised and updated in September 2024 to expand and clarify the guidelines and procedures.

On November 19, 2024, 10 Spencer Studios, LLC applied for consideration under the program. Following an initial review, the applicant was advised of the recent changes to Council Policy CC-105, and was asked to submit revised and additional information, which were received on December 3, 2024.

10 Spencer Studios, LLC is the owner of property located at 10 Spencer Street, Lebanon (Tax Map 92, Lot 33), which is situated in the Lebanon Downtown (LD) Zoning District. On September 23, 2024, the Planning Board granted Conditional Use Permit approval to convert the existing building from an industrial use (formerly a rug cleaning business) to an art studio use. The anticipated improvements will include complete interior renovation and exterior rehabilitation as well as electrical, plumbing, mechanical, and fire protection upgrades. Excerpts of project plans, photos of the existing building, and cost estimates from the proposed building permit application are attached for review.

Under the terms of the 79-E program, the City Council must hold a public hearing within 60 days from receipt of a complete application to determine whether the structure at issue is a Qualifying Structure; whether the proposed project is a Substantial Rehabilitation; and whether there is a Public Benefit to granting the requested tax relief, and if so, for what duration.

Does the project involve a Qualifying Structure?

The existing building, located at 10 Spencer Street, is situated within the Downtown Lebanon 79-E District as adopted by the City Council and, therefore, the property can be considered a Qualifying Structure.

Is the project a Substantial Rehabilitation?

Since receiving the application, the City Assessor has reviewed the property and verified that the current pre-rehabilitation assessed valuation of the building is \$263,800 and the land is valued at \$263,300, for a total valuation of \$527,100. Under the terms of the 79-E program as adopted by the City, and as further clarified within Council Policy CC-105, the rehabilitation project must cost at least 15% of the building's pre-rehabilitation assessed valuation (excluding the value of the land and the cost of real estate acquisition, which is \$39,570) or \$75,000, whichever is less, in order to be considered substantial.

The applicant has provided a cost estimate of \$825,000 for completing the entire renovation and rehabilitation project based on construction estimates from their general contractor. The Building Inspector has reviewed the proposed project plans to verify that the estimated cost is reasonable based on the scope of the project and is comfortable that the project will exceed 15% of the building's current assessed valuation as required. As a result, the project can be considered a Substantial Rehabilitation.

Does the project generate one or more Public Benefits?

Appropriate public benefits for consideration under the 79-E program are specified within the state law, including:

- Enhancement of the economic vitality of the downtown; (RSA 79-E:7, I)
- Enhancement and improvement of a structure that is culturally or historically important on a local, regional, state or national level, either independently or within the context of an historic district, town center, or village center; (RSA 79-E:7, II)
- Promotion of the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures; (RSA 79-E:7, II-a)
- Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community consistent with RSA 9-B (State Economic Growth, Resource Protection, and Planning Policy) (RSA 79-E:7, III); or
- Increase of residential housing in urban or town centers. (RSA 79-E:7, IV)

As noted in the application form and cover letter, the applicant has suggested that the project will address several of the stated public benefits, including enhancing economic vitality, enhancing and improving a culturally or historically important structure, promoting the preservation and reuse of existing building stock, and promoting the development of municipal centers. If the City Council agrees with the above statements, the project can be considered to generate one or more Public Benefits in furtherance of the purposes of the 79-E program.

For how long may tax relief be granted?

Under the terms of the 79-E program, the City Council may, in its discretion, grant up to five (5) years of tax assessment relief for a project that complies with the program requirements. The City Council may also, in its discretion, grant up to four (4) additional years of tax relief for a Substantial Rehabilitation of a Qualifying Structure that is listed on or determined to be eligible for listing on the National Register of Historic Places, State Register of Historic Places, or is located within and important to a locally designated historic district, provided that the Substantial Rehabilitation is conducted in accordance with the U.S. Secretary of Interior's Standards for Rehabilitation. (RSA 79-E:5, III)

For any amount of tax relief approved, such tax relief begins upon the completion of the Substantial Rehabilitation of the structure(s). In addition, all taxes, utility fees, impact fees, and any other user fees assessed by the City for the property on which the structure is located must be paid in full before any 79-E tax assessment relief goes into effect.

The applicant has requested a minimum of five (5) years of tax relief for the project, which appears to comply with program requirements. In addition, the applicant has asked the City Council to consider extending the tax relief for a period of four (4) additional years, for a total of 9 years, for the Substantial Rehabilitation of an historic building in accordance with the U.S. Secretary of Interior's Standards for Rehabilitation.

In accordance with the updated Council Policy CC-105, the applicant has provided financial information about the project, including a basic *pro forma* and a listing of sources and uses for the project. The applicant has indicated that they are not pursuing the project as a money-making venture, but rather as owner/operators of the building in which they will contribute rental income as occupants of a portion of the rentable space.

Since the City Council is essentially deciding whether to forego potential property tax revenue by granting limited tax relief through the 79-E program, the Administration recommends that the City Council carefully balance the benefit of enabling projects that might not otherwise "pencil out" and the public benefits to be derived from such projects versus the property tax revenue foregone through the tax relief.

Recommendation:

Staff recommends that the City Council schedule and hold a public hearing on the application in order to receive public input on the request prior to making a final determination. Following the public hearing, the City Council will make a determination as to whether the applicant's Project and Property comply with the requirements of the 79-E Program as set forth above, and if so, whether to grant the requested tax relief and for how long.

10 Spencer Studios, LLC

23 S. Main St. Ste 2d

Hanover, NH 03755

APPLICATION FOR:

COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE PROGRAM (RSA 79-E)

December 3, 2024

City of Lebanon

51 N. Park St.

Attn: Planning & Development

Lebanon, NH 03766

To Whom It May Concern:

I am writing to request your review of our application for the Community Revitalization Tax Relief Incentive Program (RSA 79-E).

10 Spencer Studios, LLC, an artist-owned partnership, purchased the property on November 13. Our intention is to complete a full rehabilitation of the building, within the existing footprint. Our intended renovations will preserve the historic charm of the building but make it functional, attractive, energy efficient, and safe. As an owner/manager, I will occupy one studio in the building, and the other artist/owner of the LLC, painter Enrico Riley, will occupy a second. The remaining two spaces will be rented to artists/creatives or other appropriate business use tenants.

We believe we meet the requirements of a Substantial Rehabilitation of a Qualifying Structure, with respect to cost of rehabilitation and also to energy efficiency improvements. We are requesting tax relief for a period of 5 years.

We also would ask that The Council consider extending tax relief for a period of 4 additional years, as we believe 10 Spencer is eligible for historic designation. Though it is not already designated, it meets the following requirements for historic designation 1) Building must be least 50 years old (*10 Spencer was built in 1928*) 2) Building must have significant historical association with events or people (*please see attached Nabisco article*) 3) Building retains a high degree of architectural integrity (*exterior masonry construction including distinctive parapet is unharmed, other than natural wear due to age*) 4) Building is considered important within its local context (*10 Spencer is importantly sited at the beginning of the Rail Trail and entry to Spencer Street, just outside of the Colburn Park historic district, a short walk from AVA Gallery and directly adjacent to CCBA*).

Our intention is to begin renovations as soon as possible, so that we can limit further deterioration of the building and begin to use our art studios and bring life to the building. In order to take on the amount of debt we will need to finance our project, we are counting on a period of tax relief to be able to generate a small profit (~\$5k per year, if all goes smoothly) or at least minimize our losses. We are not taking on this project as a money-making venture. Rather, as two working artists who have both had studios in Lebanon in the past, we fell in love with this building, and we want to dedicate the next chapter of our lives as artists to painting there.

Our long-term aspiration for the building is for it to also be home to a 501c3 non-profit organization offering studios, mentorship, and community engagement to high potential emerging artists. This non-profit is in its conception phase and thus is not part of our application, but in the short term we are looking for other tenants who share our love of the unique historic space of 10 Spencer and who will contribute to the revitalization of the area. It is clear from our pro forma that if we complete the thorough and extensive rehabilitation of the building we plan, we will barely break-even on a cash flow basis, even after we contribute rental income to the building partnership for the spaces we occupy as owner-artist-occupants of more than half the building's rentable square footage; however, the tax relief provided by the Community Revitalization Tax Relief Incentive Program will enable us to proceed with our project with confidence that we will be able to make it work, even as the numbers will be tight.

We appreciate your consideration of our application and would be happy to provide any additional information that might be helpful.

Sincerely,



Jennifer Caine

Manager

10 Spencer Studios LLC

617-304-3544

jennifercainerussell@gmail.com

www.jlcaine.com



APPLICATION FOR COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE PROGRAM (RSA 79-E)

Date application submitted: _____

Received by: _____

Note: Application must be accompanied by a \$50 application fee at the time of submission.

APPLICANT:	OWNER: (if different from applicant)
Name: Jennifer Caine	Name: 10 Spencer Studios, LLC
Mailing Address: 23 S. Main St., Ste 2d	Mailing Address: 23 S. Main St., Ste 2d
City, State, Zip: Hanover, NH 03755	City, State, Zip: Hanover, NH 03755
Phone / Fax: 617-304-3544	Phone / Fax: 617-304-3544
Email: jennifercainerussell@gmail.com	Email: jennifercainerussell@gmail.com

PROPERTY / BUILDING INFORMATION:			
Building Name (if any): 10 Spencer Street		Year Built: 1928	
Building Address: 10 Spencer Street		Gross Square Footage of Building: 7836	
Tax Map # 92	Lot # 33	Plot # 92-33	
Grafton County Registry Book # 4903		Page # 222	

Existing Property / Building Information:

(Describe *current* use, size, number of units, number of employees, etc.)

The building is currently vacant and has been for some time. However, it was previously used for various businesses, most recently a rug cleaning business. ,

Proposed Property / Building Information:

(Describe *proposed* use, size, number of units, number of employees, etc.)

The proposed use retains the existing footprint to create two owner-occupied professional artist studios. Two other rentable spaces will target other professional artists, creatives, or other appropriate business-use tenants.

Is there a change of use associated with this project?

Yes ☐ No ☒ If yes, please describe

Will the project include new residential units?

Yes ☐ No ☒ If yes, please describe

Will the project include new subsidized residential units?

Yes ☐ No ☒ If yes, please describe

Is the building eligible for listing or listed individually on the State or National Register of Historic Places or located within a State or National Register Historic District? Yes ☒ No ☒ If yes, provide a copy of the approved designation by the State or National Register of the building or the district.
Is the building located within and is it significant to a locally-designated historic district? Yes ☐ No ☒
Is the property located in an existing Tax Increment Finance (TIF) District? Yes ☒ No ☐
Has an abatement application been filed or has abatement been awarded on this property within the last year? Yes ☐ No ☒
Will any state or federal grants or funds or low income subsidies or tax credits be used in this project? Yes ☐ No ☒ If yes, what is the amount of the aid? \$_____ Describe and detail any terms of repayment, if applicable.

PROJECT INFORMATION: Describe the work to be done and the estimated cost. Please attach additional sheets, if necessary, as well as any written construction cost estimates. Please attach any construction contracts, plot plans, building plans, sketches, renderings or photographs that would help describe and explain this application.	
Expected Project Start Date: <u>1/5/2025</u>	Expected Project Completion Date: <u>6/1/2025</u>
Structural: 	\$ _____
Exterior Alterations: (storefront/façade, walls, windows, doors, etc.) New replacement windows and doors throughout, ADA ramps, repointing of existing brick, roof.	\$ 262000
Interior Alterations: (walls, ceilings, moldings, doors, etc.) Full insulation of the entire building, new demising walls, molding, floors, interior painting.	\$ 206000
Electrical: All new electrical	\$ 155000
Plumbing/Heating: All new plumbing	\$ 36000
Mechanical: HVAC will be new and energy efficient.	\$ 141000
Fire Protection: New monitoring and alarm systems.	\$ 25000
Other: These are preliminary estimates, based on information furnished by Estes & Gallup Construction (details attached)	\$ _____
Total: NOTE: In completing this form, the applicant certifies that the estimated costs provided herein are reasonable and that such costs meet the above program requirements. Failure to meet the program requirements or the listing of unreasonable construction costs will result in denial of the application and forfeiture of the application fee.	\$ 825000
To be considered for this tax relief incentive program, the total project cost must be at least 15% of the pre-rehabilitation assessed value or \$75,000, whichever is less. In the case of historic structures, the project must devote at least 10% of the pre-rehabilitation assessed value or \$5,000, whichever is less, to energy efficiency in accordance with the U.S. Secretary of the Interior's Standards for Rehabilitation.	
TO BE COMPLETED BY CITY ASSESSING DEPARTMENT:	
Pre-Rehabilitation Assessed Valuation as of date of application submission: \$ _____	
Are the cost threshold requirements satisfied by the project as proposed? Yes ____ / No ____	

PROPOSED PUBLIC BENEFIT (RSA 79-E:7)

In order to qualify for property assessment tax relief under this program, the proposed substantial rehabilitation must provide at least one of the public benefits listed below. Any proposed *replacement* of a qualifying structure must provide one or more of the public benefits listed below to a greater degree than would a substantial rehabilitation of the same qualifying structure.

Does the Project provide the following public benefits? (Check all that apply)

Enhances the economic vitality of the designated areas.

If yes, please describe.

The renovation and rehabilitation of 10 Spencer Street will contribute to the revitalization of Spencer Street, taking a dilapidated and vacant building and bringing it back to life. In addition, it will contribute to an "Arts District" in the downtown area of Lebanon, providing complementary building use activities to AVA Gallery and the adjacent 20 Spencer Street housing/gallery project. Whether in small towns or large cities, artist studios are a hub of creativity and craftsmanship, and along with other art spaces, are known to serve as cultural anchors, attracting visitors and members of the community alike. In addition to infusing the vibrancy of the arts into a vacant building, 10 Spencer will provide direct economic benefits as well, as artists often collaborate with local businesses and source materials locally.

Yes ☒
No ☐

Enhances and improves a culturally or historically important structure.

If yes, please describe.

The renovation/rehabilitation of the building will significantly beautify the former historic National Biscuit Co, Nabisco, warehouse. The building was well built in 1928 of masonry construction, sited on the Lebanon rail line with an attractive façade on Spencer Street. However, it has fallen into disrepair in recent years. The owners plan to entirely rejuvenate the building while preserving the historic charm of the structure. Restoration will include new windows and doors, a new roof, exterior repointing of the brick, attractive landscaping and a full renovation of the interior. The warehouse directly abuts the Lebanon Rail Trail near its Spencer Street entrance, and the improvements to the building and site will make the area inviting for trail use.

Yes ☒
No ☐

Promotes preservation and reuse of existing building stock by rehabilitation of historic structures in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation.

If yes, please describe.

The artist owners of 10 Spencer are committed to preserving the historic and architecturally distinctive building, which lends charm and texture to the neighborhood. The extensive rehabilitation of the existing building will happen within the existing footprint and will preserve the original structure while repairing and restoring every surface. Renovation plans will dramatically improve the appearance, safety, energy efficiency and functionality of the building with virtually no change to the façade. Any outward facing renovations will only change the appearance of the building in compliance with current ADA requirements.

Yes ☒
No ☐

Promotes development in the designated areas, providing for efficiency, safety, and a greater sense of community, consistent with RSA Chapter 9-B.

If yes, please describe.

The clustering of arts-related buildings in the downtown area will further establish Lebanon as a cultural hub and draw visitors and residents to the area. Following renovation, 10 Spencer's welcoming facade at the start of Spencer St. will invite exploration of the neighborhood, helping create a vibrant atmosphere. Currently sitting vacant and overgrown with brush, 10 Spencer has begun to attract graffiti and dumping. The renovation will improve safety by providing an attractive, well-lit structure. Two of the owners will have studios in the building, and their presence will ensure that the building is properly maintained.

Yes ☒
No ☐

Increases residential housing in the designated areas.

If yes, please describe.

NA

Yes ☐
No ☒

HISTORICAL REQUIREMENT FOR REPLACEMENT OF QUALIFYING STRUCTURES

In the case of replacement of qualifying structure(s), the applicant shall submit a New Hampshire Division of Historical Resources Individual Inventory Form prepared by a qualified architectural historian and a letter issued by the Lebanon Heritage Commission that identifies any and all historical, cultural, and architectural value of the structure(s) that are proposed to be replaced and the property on which those structure(s) are located.

Note: An application for replacement of a qualifying structure shall not be considered complete, and no public hearing shall be scheduled, until the Individual Inventory Form and the Heritage Commission letter, as well as any other required information, have been submitted.

IMPORTANT

Per RSA 79-E:13, II, the Base or "Original" Assessed Value for any tax relief period is only set after the following two conditions are met:

1. Approval of the tax relief by the City Council following a public hearing.
2. The applicant's entering into a Covenant with the City of Lebanon to protect the public benefit(s).

Therefore, the applicant and/or property owner shall not commence any of the improvements included in this application until such time as he or she has satisfied the above requirements. This prohibition shall include any demolition to the existing structure.

AFFIDAVIT

I/We have read and understand the Community Revitalization Tax Relief Incentive (RSA 79-E) and am/are aware that this will be a public process, including a public hearing to be held to discuss the merits of this application and the subsequent need to enter into a covenant with the City and pay any reasonable expenses associated with the drafting of the covenant. I/We understand the application will not be determined as complete or recommended to the City Council for consideration until all of the necessary information is provided.

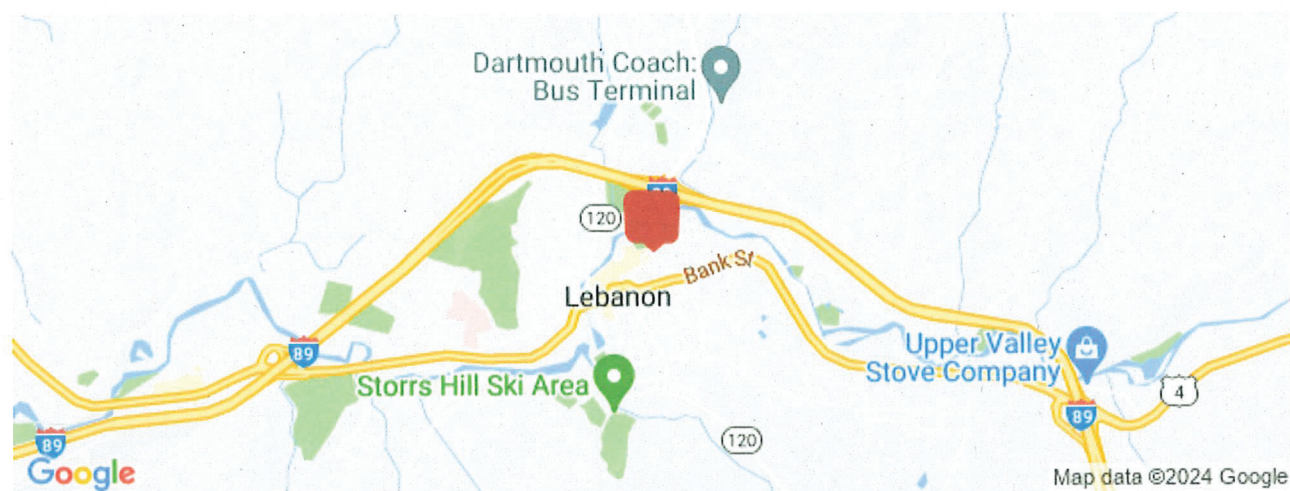
The undersigned hereby acknowledge understanding of the above statement and certify that the information provided herein are true and correct:

Signature 	Print Name Jennifer Caine	Date: 12/3/2024
Signature	Print Name	Date:
Signature	Print Name	Date:
Signature	Print Name	Date:
Signature	Print Name	Date:





 barrett architecture Pratt, C. Barrett, Jr., AIA 241 Elm Street Concord, NH 03301 Telephone: 603-256-0004 barrett@barrett-arch.com									
PROJECT SITE 10 SPENCER STREET LEBANON, NEW HAMPSHIRE									
SHEET INFORMATION EXISTING ELEVATIONS	Drawn By: JPO Checked By: JPB								
Revisions: <table border="1"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>									
Sheet: X4									
Date: 11 NOV 2024									



Property Images



2. Exterior photo

4. Pending Adjacent Artist Housing

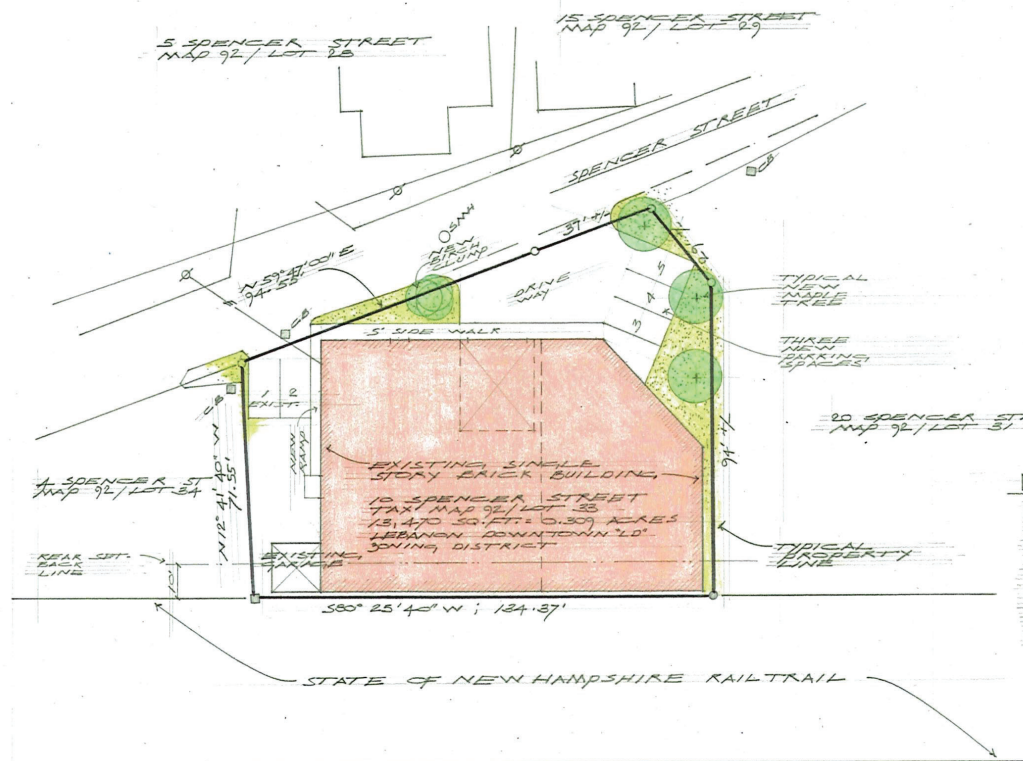


3. Aerial-Looking East

5. Aerial of Downtown

LEBANON, N. H.

The Lebanon Realty Comapny has been established here with its object the building and financing the building of a warehouse here for the National Biscuit Co. following its decision to establish warehouse headquarters in Lebanon provided a building to be leased by the Company for a number of years could be furnished by local capital. The matter has been under discussion by the Lebanon Chamber of Commerce and other local business men for sometime past and the Realty Company is negotiating with the Boston & Maine railroad for the lease of a siding as soon as the contract for the building is awarded and for which bids are not out. It is expected that the National Biscuit Co. will employ at least about 15 men here at the warehouse. The officers of the new corporation are Dean N. Dwinell, president; Alfred J. Densmore, vice-president; Arthur H. Hill, treasurer; Richard H. Kelley, clerk.



NOTES

1. THIS DRAWING IS BASED UPON A PLAN TITLED: LOT LINE ADJUST. WENT PLAT CITY OF LEBANON AND KEITH BEARLE, PREPARED BY KOSWOOD LAND SERVICES, LLC DATED (ILLEGIBLE)
2. THERE ARE NO NEW DIRT FRONT OR SIDE SETBACK LINES.

SITE PLAN



SCALE: 1" = 20'

10 SPENCER STREET
LEBANON, NEW HAMPSHIRE

ba barrett architecture
FRANK J. BARRETT, JR., AIA
281 The Bend Road • Greensboro Bend • VT 05842
(802) 296-0001 • frank@barrettjr.com

DATE: SEPT. 21, 2024
REVISED:

1 OF 1



Standard Estimate Report
10 Spencer Street Lebanon 09.2024

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Project name	10 Spencer Street Lebanon 09.2024
Labor rate table	Bare Rates
Job size	8187 SF
Notes	<i>General Budget</i> <i>Interior Fitup</i> <i>975 SF Corridor / Common</i> <i>Jen 2325 SF</i> <i>Enrico 1837 SF</i> <i>Total Building = 8187 SF</i>
Report format	Sorted by 'Group phase/Phase' 'Detail' summary Print item notes Paginate



Standard Estimate Report
10 Spencer Street Lebanon 09.2024

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Item	Description	Takeoff Qty	Labor		Material		Subcontract		Name	Total
			Unit Cost	Amount	Unit Cost	Amount	Amount	Amount		
1000.000 GENERAL CONDITIONS										
1050.000	Permits									
	10 Building Permits by Owner			-	-			-		
	10 Electrical Utility Fees NIC	0.00 ls		-	-			-		
1060.000	Documents									
	10 Prints & Records Permit Drawings Allowance Documents	1.00 ls		-	-	4,500.00 /ls	4,500	-		4,500
							4,500			4,500
1100.000	Project Management									
	14 Project Manager	120.00 hr	95.00 /hr		11,400	-	-	-		11,400
	Project Management				11,400					11,400
	120.00 Labor hours									
	4,800.00 Equipment hours									
1102.000	Site Supervision									
	14 Superintendent	12.00 wk	3,000.00 /wk		36,000	-	-	-		36,000
	Site Supervision				36,000					36,000
	480.00 Labor hours									
	480.00 Equipment hours									
1260.000	Utilities									
	14 Electric Power By OWNER	0.00 mo		-	-			-		
	18 Telephone Charges	3.00 mo		-	-	125.00 /mo	375	-		375
	20 Temporary Toilets	3.00 mo		-	-	150.00 /mo	450	-		450
	Utilities						825			825
1272.000	Safety Protection									
	50 Temporary Protection	0.00 ls	0.00		0	0.00	0	-		
1300.000	Project Clean Up									
	12 Weekly Cleaning Misc Labor, Safety.	12.00 wk	150.00 /wk		1,800	50.00 /wk	600	-		2,400
	14 Final Cleaning	1.00 ls	5,000.00 /ls		5,000	1,000.00 /ls	1,000	-		6,000
	46 Dump Fees LS	3.00 ea		-	-	1,200.00 /ea	3,600	-		3,600
	Project Clean Up				6,800		5,200			12,000
	480.00 Labor hours									
1350.000	Tools & Equipment									
	16 Misc. Tools / Blades	1.00 ls		-	-	500.00 /ls	500	-		500



ESTES &
GALLUP
CONSTRUCTION

Standard Estimate Report
10 Spencer Street Lebanon 09.2024

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Item	Description	Takeoff Qty	Labor		Material		Subcontract		Total	
			Unit Cost	Amount	Unit Cost	Amount	Amount	Name	Amount	
CONCRETE				2,640		1,925	0		4,565	
4000.000	MASONRY									
4001.000	Masonry Sub									
10	Masonry Subcontract Misc Cut Patch Parge Infil Allowance	1.00 ls	-	-	-	-	7,500		7,500	
	Masonry Sub						7,500		7,500	
MASONRY				0		0	7,500		7,500	
5000.000	METALS									
5122.000	Structural Erection									
100	Misc Steel Lintels, Hangers, Misc Allowance	1.00 ls	-	-	-	-	2,500		2,500	
	Structural Erection						2,500		2,500	
METALS				0		0	2,500		2,500	
6000.000	ROUGH CARPENTRY									
6002.000	Rough Carpentry									
10	Rough Carpentry Materials Ramp Right Side	140.00 sf	-	-	30.00 /sf	4,200			4,200	
10	Rough Carpentry Materials Interior Ramp / Landing	300.00 sf	-	-	30.00 /sf	9,000			9,000	
10	Ramp stair Left Side	67.00 sf	-	-	30.00 /sf	2,010			2,010	
10	Rough Carpentry Materials Misc Interior Blocking, Etc.	1.00 ls	-	-	2,500.00 /ls	2,500			2,500	
15	Rough Carpentry Labor	40.00 md	480.00 /md	19,200	-	-	-		19,200	
	Rough Carpentry			19,200		17,710			36,910	
	320.00 Labor hours									
ROUGH CARPENTRY				19,200		17,710	0		36,910	
	320.00 Labor hours									
6200.000	FINISH CARPENTRY									
6210.000	Interior Door Trim									
10	Interior Door Trim Poplar 1x4	504.00 lf			1.74 /lf	877	-		877	
—	Interior Running Trim Labor	10.00 md	480.00 /md	4,800					4,800	



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CONSTRUCTION

Standard Estimate Report
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Item	Description	Takeoff Qty		Labor		Material		Subcontract		Total	
				Unit Cost	Amount	Unit Cost	Amount	Amount	Name	Amount	Amount
	Interior Door Trim				4,800		877				5,677
	584.00 Labor hours										
6211.000	Interior Window Trim										
30	Int Window Trim if needed or Not Drywall returns	2,160.00	If	2.222 /lf	4,800	1.74 /lf	3,758	-			8,558
	Interior Window Trim				4,800		3,758				8,558
	54.00 Labor hours										
6212.000	Base Molding										
10	Interior Base	0.00	If	0.00	0	0.00	0	-			
	Assumed Vinyl										
	FINISH CARPENTRY				9,600		4,635	0			14,235
	638.00 Labor hours										
7000.000	THERMAL & MOIST PROTECT										
7210.000	Blown-In Insulation										
sub	Foam / Cellulose/ Vapor Barrier Insulation Sub	1.00	Is	-	-	-	-	20,949			20,949
sub	Foam Insulation Sub at basement PO walls	1.00	Is	-	-	-	-	7,261			7,261
	Blown-In Insulation							28,210			28,210
7530.000	Membrane Roofing										
20	Membrane Roofing Base Price Budget (+/- 10k)	8,188.00	sf	-	-	-	-	160,000			160,000
	Range 150-170,000										
20	Add for 1/2" Gypsum thermal barrier (if needed)	8,188.00	sf	-	-	-	-	21,000			21,000
20	Asbestos Abatement allowance	8,188.00	sf	-	-	-	-	23,000			23,000
20	Roof at small garage area if needed	307.00	sf	-	-	-	-	6,000			6,000
	Membrane Roofing							210,000			210,000
	THERMAL & MOIST PROTECT				0		0	238,210			238,210
8000.000	DOORS & WINDOWS										
8100.000	Hollow Metal Purchase										
10	Semi Residential Interior Door Allowance	12.00	ea	-	-	556.667 /ea	6,680	-			6,680
	Hollow Metal Purchase						6,680				6,680
8102.000	Hollow Metal Frames										
10	Install Door Frame and Hardware	12.00	ea	480.00 /ea	5,760			-			5,760



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Item	Description	Takeoff Qty	Labor		Material		Subcontract		Total	
			Unit Cost	Amount	Unit Cost	Amount	Amount	Name	Amount	Amount
	Hollow Metal Frames			5,760						5,760
	320.000 Labor hours									
8205.000	Wood Door									
	1000 Wood Door Exterior Plain Therna Tru Allowance	2.00 ea			750.00 /ea	1,500	-			1,500
	1000 Door Hardware Allowance	12.00 ea			175.00 /ea	2,100	-			2,100
	Wood Door					3,600				3,600
	28.00 Labor hours									
8410.000	Aluminum Storefront									
	10 Aluminum Frame Storefronts	2.00 ea	-	-	-	-	41,826			41,826
	Aluminum Storefront						41,826			41,826
8500.000	Window Schedule									
	1 Purchase Marvin Elevate Series	18.00 ea	-	-	2,177.222 /ea	39,190	-			39,190
	Window installation accessories	18.00 ea			125.00 /ea	2,250				2,250
	Window Installation labor	18.00 unit	480.00 /unit	8,640						8,640
	Window Schedule			8,640		41,440				50,080
	DOORS & WINDOWS			14,400		51,720	41,826			107,946
	348.000 Labor hours									
9000.000	FINISHES									
9250.000	Drywall									
	10 GWB Interior Partitions 5/8 20g Insulated Partitions	16,375.00 sf	-	-	-	-	56,000			56,000
	Drywall						56,000			56,000
9680.000	Flooring Allowance									
	sub Floor Underlayment (new finished areas only) ?	5,500.00 sf	-	-	-	-	10,950			10,950
	sub Complete Flooring Contract (Budget)	5,500.00 ls	-	-	-	-	61,081			61,081
	Flooring Allowance						72,031			72,031
9910.000	Painting Exterior									
	sub Painting Exterior Sub	0.00 ls	-	-	-	-	0			
	Not Included									
	sub Misc Painting Exterior / Touchup Allowance	1.00 ls	-	-	-	-	1,500			1,500
	Painting Exterior						1,500			1,500
9920.000	Painting Interior (budget									
	sub Painting Interior Sub	22,000.00 sf	-	-	-	-	33,000			33,000



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Item	Description	Takeoff Qty	Labor		Material		Subcontract		Total	
			Unit Cost	Amount	Unit Cost	Amount	Amount	Name	Amount	Amount
	Painting Interior (budget						33,000			33,000
	FINISHES			0		0	162,531			162,531
10000.000	SPECIALTIES									
10820.000	Bath Accessories by LS									
12	Bath Accessories	2.00 ea			525.00 /ea	1,050	-			1,050
12	Install Bath Accessories	1.00 md	480.00 /md	480	-	-	-			480
	Added Bathroom (assumed wall mount sink, no vanities)									
	Bath Accessories by LS			480		1,050				1,530
	8.00 Labor hours									
	SPECIALTIES			480		1,050	0			1,530
	8.00 Labor hours									
15000.000	MECHANICAL									
15050.000	Project Mechanical									
10	Mechanical HP Tenant A, B, (add Alternate)	0.00 ls	-	-	-	-	0			
	58000									
10	Mechanical HP Jen, Enrico Area	1.00 ls	-	-	-	-	115,000			115,000
	Project Mechanical						115,000			115,000
15110.000	Plumbing									
sub	Plumbing Subcontract Toilet Rm, Jan Closet	1.00 ls	-	-	-	-	22,000			22,000
	Plumbing						22,000			22,000
15470.000	Sprinkler Systems									
sub	Sprinklers Allowance	1.00 ls	-	-	-	-	40,500			40,500
	Sprinkler Systems						40,500			40,500
	MECHANICAL			0		0	177,500			177,500
16000.000	ELECTRICAL									
16110.000	Electrical Allowances									
sub	Fire Alarm System Allowance	1.00 ls	-	-	-	-	25,000			25,000
sub	3 phase 400 amp service upgrade allowance	1.00 ls	-	-	-	-	31,000			31,000
sub	Lighting allowance	1.00 ls	-	-	-	-	10,000			10,000
sub	Hvac Mech Eq Allowance, Electric heating at Bath, Janitor, corridor	1.00 ls	-	-	-	-	7,500			7,500



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Item	Description	Takeoff Qty	Labor		Material		Subcontract	Name	Total
			Unit Cost	Amount	Unit Cost	Amount	Amount		Amount
16110.000	Electrical Allowances								
sub	Electrical Subcontract	1.00 ls	-	-	-	-	81,500		81,500
	Electrical Allowances						155,000		155,000
ELECTRICAL				0		0	155,000		155,000

10 Spencer Studios, LLC - Pro Forma P&L

Revenues:

	2025	2029
Base rental income (includes owner occupants)	\$100,200	116,400
CAM reimbursements	\$10,000	10,000

Expenses:

CAM expenses	\$10,000	10,000
Property taxes	\$14,906	14,906
Insurance	\$5,000	6,000
Property Management, Professional fees, Maintenance	\$9,500	10,000
Accounting and Legal Admin	\$2,500	3,000
Total Expenses	\$41,906	\$43,906
Net Operating Income (Before Depreciation and Interest)	\$68,294	\$82,494
Depreciation and amortization		

Non-cash Expense:

Other income (expense):

Mortgage expense (2025-29: interest only. 2029: interest and principal)	(\$63,373)	(81,600)
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Net Operating Income (Before Depreciation)	\$4,921	894
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Rental Income Assumptions

Rental Income	Per Month	PerMonth	Approx Sq Ft.
Tenant 1 (Enrico Riley - owner artist occupant)	\$2,000	\$2,400	1850
Tenant 2 (Jennifer Caine - owner artist occupant)	\$2,000	\$2,400	1850
Tenant 3	\$2,400	\$2,700	1800
Tenant 4	\$1,950	\$2,200	1400
Common Space	810		810
	7830	\$9,700	7830

Project Sources and Uses

Financing Sources		
Equity	\$200,000	
Debt	\$1,270,000	
Total Sources	\$1,470,000	
	Interest only	Amortizing
Rate	4.99%	5%
Annual Cost of Debt	(\$63,373)	(81,600)
Investment Uses		
Building Purchase	\$555,000	
Due Diligence/Soft Costs	\$15,000	
Restoration Expenses	\$900,000	
Total Uses	\$1,470,000	

January 13, 2025



LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARING
Wednesday, January 22, 2025 - 6:00pm
Council Chambers, City Hall or REMOTE VIA
VIRTUAL PLATFORM LebanonNH.gov/LIVE

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1. A public hearing for the purpose of receiving public input and taking action on a proposed CDBG application for up to \$500,000 in CDBG Public Facilities funds to be sub-granted to Families Flourish Northeast, and to authorize the City Manager to sign, submit, and execute any documents which may be necessary to effectuate the CDBG Application and contract; and
2. A public hearing for the purpose of receiving public input and taking action on a proposed Recovery Housing Program (RHP) grant application for up to \$1,000,000 to be sub-granted to Families Flourish Northeast; and to authorize the City Manager to sign, submit, and execute any documents which may be necessary to effectuate the RHP Application and contract; and
3. A public hearing for the purpose of receiving public input and taking action to adopt the City of Lebanon Anti Displacement and Relocation Assistance Plan for Families Flourish Northeast.

C. Proposed Amendments to the Zoning Ordinance for 2025 Municipal Ballot – Public hearing for the purpose of receiving public input and taking action to place proposed zoning amendments on the 2025 Municipal Ballot, as follows:

- **Amendment #1** – To create the Pattern Zones Overlay District and regulations to create additional housing that fit the character of the existing neighborhoods in Downtown Lebanon and Downtown West Lebanon; to establish and preserve the characteristics of the historical downtown areas of Lebanon and West Lebanon; and to increase density and housing choices in the district (Add Zoning Ordinance Section 411 and Zoning Map Amendment)
- **Amendment #2** – To amend the R-1, R-2, and R-3 District Tables of Uses to allow “recovery house” by Special Exception (Zoning Ordinance Sections 308.2, 309.2, and 310.2)
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D. Proposed Amendments to the Zoning Ordinance for Council Adoption – Public hearing for the purpose of receiving public input and taking action on proposed zoning amendments for adoption by the City Council, as follows:

- **Amendment #4** – To rezone the properties within the Centerra Planned Business Park from IND-1 to CB, except for Tax Map/Lots 10-11-1200, 10-11-1300, 10-11-1302, 10-11-3100, 10-11-3200, 10-11-3400, 10-11-3600, and 10-11-3800, which are proposed to be rezoned from IND-1 to GC-1; to rezone the +/-15.72 acre Altaria Planned Unit Development from IND-1 to GC-1; to rezone the +/-50.1 acre former Altaria Planned Business Park from IND-1 to GC-1; and to rezone to GC-1 all properties currently zoned IND-1 located to the east of Etna Road, and east and west of Labombard Road, excluding Tax Map/Lot 51-12, which is proposed to be rezoned entirely RL-3; and all properties currently zoned IND-1 located to the east of Route 120 between Heater Road and I-89 Exit 18, excluding Tax Map/Lots 78-41, 78-42, and 78-43. The City Council may also consider rezoning to GC-1 all properties currently zoned IND-1 located to the west of Etna Road (Zoning Map Amendment)

- **Amendment #5** – To amend the GC-1 and CB District Tables of Uses to allow “industrial planned unit development” and “planned business park” by Conditional Use Permit (Zoning Ordinance Sections 305A, 306 and 508.2)
- **Amendment #6** – To amend the Commercial PUD and Industrial PUD regulations relative to tract size and calculating permitted residential dwelling unit density, and to amend the Planned Business Park regulations relative to allowed uses and calculating permitted residential dwelling unit density (Zoning Ordinance Sections 501.4, 508.2, and 508.4)
- **Amendment #7** – To ADD Section 614 (“Recovery Houses”) and to amend the IND-1, GC, CB, LD, R-O, MC, and MC-2 Districts to allow “recovery house” by Special Exception (Zoning Ordinance Sections 303.2, 305.2, 306.2, 307.2, 311.2, 315.2, 315A.2, and Appendix A, and ADD Section 614)
- **Amendment #8** – To create a “Medical Center Two (MC-2)” zoning district (ADD Zoning Ordinance Section 315A)
- **Amendment #9** – To rezone the property located at 31 Romano Circle (Tax Map/Lot 101-20) from R-2 to R-O (Zoning Map Amendment)
- **Amendment #10** – To allow stairs and stairwells to project up to 2 ft. into minimum required yards (Zoning Ordinance Section 201)
- **Amendment #11** – To clarify procedures for requesting a waiver of impact fees from the Planning Board (Zoning Ordinance Section 213)
- **Amendment #12** – To amend the requirements for shared driveways and to allow off-site utility improvements by Conditional Use Permit (Zoning Ordinance Section 215)
- **Amendment #13** – To allow density bonuses for multi-family developments in the R-1 and R-2 Districts that provide for workforce housing, are energy efficient, and/or incorporate renewable energy systems (Zoning Ordinance Section 507)
- **Amendment #14** – To amend the cottage development regulations by clarifying the minimum building size and off-street parking requirements (Zoning Ordinance Section 509 and the Table of Minimum Off-Street Parking Requirements)
- **Amendment #15** – To clarify that family day care homes and family group day care homes are allowed as an accessory use in any primary residential use (Zoning Ordinance Section 604 and Appendix A)
- **Amendment #16** – To permit the Planning Board to authorize alternative parking solutions for residential uses as required by state statute (Zoning Ordinance Section 607.1)
- **Amendment #17** – To clarify the minimum percentage of EVSE installed, EV-ready, and EV-capable parking spaces for multi-family dwelling and non-residential uses (Zoning Ordinance Section 607.3)
- **Amendment #18** – To amend the sign regulations to allow freestanding digital signs on certain streets within the GC District with related changes to the sign illumination standards and the sign enforcement provisions (Zoning Ordinance Sections 608.2, 608.3, 608.4, and Appendix A)
- **Amendment #19** – To clarify who has standing to appeal an administrative decision to the Zoning Board of Adjustment and who has standing to request a rehearing, and to clarify that the term “abutter” shall have the same meaning as provided by state statute (Zoning Ordinance Sections 801.1, 802.5 and Appendix A)
- **Amendment #20** – To rezone the property located at 92 Riverside Drive (M/L 111-16) from RL-1 to GC (Zoning Map Amendment)
- **Amendment #21** – To rezone the property located at 67-69 Etna Road (M/L 26-2) from IND-1 and RL-1 to GC-1 (Zoning Map Amendment)

The January 22, 2025 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning January 17, 2025: LebanonNH.gov/Agendas

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

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, January 11, 2025.


Diane Mulholland, Interim City Clerk

Agenda

Lebanon City Council

January 22, 2025

9. Public Hearing Items:

9.B – Public Facilities CDBG and Recovery Housing Program

Grant Applications for Families Flourish Northeast

Public hearings for the purpose of receiving public input and taking action on Community Development Block Grant (CDBG) and Recovery Housing Program (RHP) grant applications proposed by the City of Lebanon to the NH Community Development Finance Authority (CDFA). Counties and communities can apply for CDBG grants up to \$500,000 annually on a competitive basis for housing, public facilities, economic development, and for emergency activities that directly benefit low- and moderate-income persons. Up to \$25,000 is available for planning grants. The Recovery Housing Program (RHP) is a pilot program for special needs housing, which municipalities and non-profits may apply to for up to \$1,000,000.

Public hearings are scheduled for the following:

1. A proposed CDBG application for up to \$500,000 in CDBG Public Facilities funds to be sub-granted to Families Flourish Northeast; and to authorize the City Manager to sign, submit, and execute any documents which may be necessary to effectuate the CDBG Application and contract; and
2. A proposed Recovery Housing Program (RHP) grant application for up to \$1,000,000 to be sub-granted to Families Flourish Northeast; and to authorize the City Manager to sign, submit, and execute any documents which may be necessary to effectuate the RHP Application and contract; and
3. To adopt the City of Lebanon Anti-Displacement and Relocation Assistance Plan for Families Flourish Northeast.

The City Council scheduled these public hearings at its January 8, 2025 regular meeting. The public hearing was properly noticed in the *Valley News* on January 11, 2025 in accordance with City Code and State Law.

Background

The New Hampshire Community Development Finance Authority (CDFA) receives approximately \$9 million annually for the statewide Community Development Block Grant (CDBG) program, which includes all non-entitlement municipalities and counties. Grant funding is available annually to communities or counties on a competitive basis in each of the four categories of housing, public facilities, economic development, and emergency activities that directly benefit low- and moderate-income persons. Additional funds are available for planning grants. The Recovery Housing Program (RHP) is a pilot program for special needs housing, to which municipalities and non-profits may apply for grant funds.

Families Flourish Northeast requests that the Lebanon City Council support the submission of a CDBG application for Public Facilities for up to \$500,000 and an RHP application for up to \$1,000,000 to support the development of a high-intensity residential substance-use treatment center for pregnant and parenting women and their children in the Upper Valley. The proposed location for the facility is 424 Mount Support Road (Tax Map 24, Lot 6), which is owned by Mary

Hitchcock Memorial Hospital. The cost of the construction is estimated at \$9 million. The goal is to begin providing services at the new facility in mid- to late-2026.

A request to submit applications for CDBG and RHP funds was approved by the City Council in May 2023, however, the applications were later withdrawn due to the intended site becoming unavailable. The proposal includes funds from both CDBG and RHP, which are both administered by CDFA and carry similar program criteria to CDBG and a separate application.

Please see the attached description and project overview for more information.

Action:

As part of the CDBG and RHP application process, the following language must be read into the record:

Community Development Block Grant funds are available to municipalities for economic development, public facility, and housing rehabilitation projects and feasibility studies that primarily benefit low- and moderate-income persons. The purpose of the public hearings required for CDBG funding is to solicit the view of the citizens on community development; furnish the citizens with information concerning the amount of funds available and the range of community development activities which may be undertaken under the Community Development Act.

For the remainder of 2025, there will be approximately \$1.3 million dollars available for housing and \$1.3 million for public facilities projects. Approximately \$1.3 million will be available for economic development, \$500,000 for emergency grants, and \$600,000 for planning grants. Economic development, emergency and planning grant applications are submitted on a rolling basis until the funds are used up. The City of Lebanon is eligible for up to \$750,000 per year for housing applications, \$500,000 for public facilities, up to \$500,000 per year for economic development projects, as well as up to \$500,000 per year in emergency funds. Planning grants are available for up to \$25,000 per year for traditional planning grants and \$100,000 for transformational planning grants.

The Community Development Finance Authority (CDFA) has identified that there is critical need for recovery housing in New Hampshire and that Recovery Housing Program funds aim to help alleviate the significant shortage of this type of housing across the state. CDFA has approximately \$3.6 million in Recovery Housing Program (RHP) funds available on a rolling basis. The City of Lebanon is eligible to apply for up to \$1,000,000.

NOTE: PLEASE CONDUCT THE PUBLIC HEARINGS INDIVIDUALLY AND ACT ON EACH PUBLIC HEARING BY SEPARATE MOTION

PUBLIC HEARING B.1:

MOVED, that the Lebanon City Council hereby approves the submittal of a Community Development Block Grant (CDBG) application for up to \$500,000 in CDBG Public Facilities funds to be sub-granted to Families Flourish Northeast; and authorizes the City Manager to sign, submit, and execute any documents which may be necessary to effectuate the CDBG Application and contract, as described in the January 22, 2025 City Council Agenda Packet.

PUBLIC HEARING B.2:

MOVED, that the Lebanon City Council hereby approves the submittal of a Recovery Housing Program (RHP) grant application for up to \$1,000,000 to be sub-granted to Families Flourish Northeast; and authorizes the City Manager to sign, submit, and execute any documents which may be necessary to effectuate the RHP Application and contract, as described in the January 22, 2025 City Council Agenda Packet.

PUBLIC HEARING B.3:

MOVED, that the Lebanon City Council hereby adopts the City of Lebanon Residential Anti-Displacement and Relocation Assistance Plan for Families Flourish Northeast, as presented in the January 22, 2025 City Council Agenda Packet.

Included in this Section:

1. Project Description – Families Flourish Northeast – Upper Valley Facility
2. City of Lebanon Residential Anti-Displacement and Relocation Assistance Plan for Families Flourish Northeast
3. January 13, 2025 Certification of Public Notice Posting
4. Notice of Public Hearing as Published in the January 11, 2025 edition of the *Valley News*

Name and Town: Families Flourish Northeast, Lebanon, NH

Email: info@familiesflourishne.org

Families Flourish Northeast (FFNE) is a New Hampshire 501(c)3 nonprofit corporation in the final planning phase for a high-intensity residential substance-use treatment center for pregnant and parenting women and their children. The organization is currently seeking \$9 million dollars in funding for startup costs and renovation/construction of its future home in the Upper Valley of New Hampshire, with a goal of providing services by mid- to late-2026.

Filling the critical gap in access to family-centered residential treatment in New Hampshire. Rural families and communities in central and northern New Hampshire have been severely impacted by our state's substance use crisis yet have far less access to treatment than the more heavily populated southern part of our state. In 2020, the proportion of newborns born at Dartmouth-Hitchcock with prenatal substance exposure rose to 10.3%, in contrast to 6.7% for New Hampshire overall. By 2023, these numbers had risen again to 13.4% for DHMC compared to 6.4% % for the state. The COVID-19 pandemic increased rates of substance exposed pregnancies and the severity of maternal substance use have increased in the Upper Valley, as well as statewide. Unfortunately, treatment need far exceeds supply, especially for pregnant people. The two family- centered residential programs in New Hampshire are in the southern part of the state, comprise only 26 treatment beds, and carry up to a 6-month waiting list. FFNE will significantly increase treatment capacity for this vulnerable population by providing comprehensive treatment for up to 12 pregnant and parenting women and their children up to age 12.

Mission: Our mission is to fill a critical gap by providing trauma-informed residential substance use disorder treatment for pregnant and parenting women in a warm, safe and supportive community.

Vision: Our vision is to support lifelong health, healing and recovery for women, children, families, and communities by interrupting the intergenerational cycle of addiction.

Clinical Model Overview: The Families Flourish Northeast (FFNE) program will provide the American Society of Addiction Medicine level 3.5, Clinically Managed High-Intensity Residential Substance Use Treatment for women. This level of care includes residential services capable of addressing complex co-occurring mental health needs, providing 24-hour care with trained addiction and mental health counselors to stabilize and prepare participants for outpatient treatment. The FFNE 12-month program will be divided into three phases: stabilization, active treatment, and transition. FFNE's multidisciplinary approach will include comprehensive substance use and psychiatric evaluation, individual and group therapy, treatment medications as indicated, parent-child psychotherapy and attachment interventions, and critical parenting support. As women progress through treatment, emphasis will shift to recovery maintenance, development of life skills, employment training, and re-entry to the workforce. Pediatric services will include comprehensive behavioral and development assessment and age-appropriate interventions for children 0-12 years. FFNE will work closely with the Division of Children, Youth, and Families to support family reunification for women who do not have custody of their children.

Urgent need for residential services: Between 2018-2020, 29 women attending Dartmouth-Hitchcock's Moms in Recovery intensive outpatient treatment program were referred to residential treatment, of whom 25 declined referral due to lack of gender-specific services that would allow them to bring their children with them or to continue visitation with their children who were not in their care. Over 80% of program participants had co-occurring mental health diagnoses and many were experiencing family violence.

Gap in Existing Services: Currently, treatment for pregnant and parenting women with Substance Use Disorder (SUD) in Cheshire, Sullivan, Grafton, Carroll and Coos counties are almost entirely outpatient-based, with one gender-specific Intensive Outpatient Program (IOP) in Lebanon in the Moms in Recovery program. As mentioned previously, southern New Hampshire currently has two programs offering clinically managed, high intensity residential treatment for women with children, totaling 26 beds, both carry waitlists up to 6 months. While 28-day residential beds in mixed-gender facilities are more available, these programs do not allow women to bring their children with them. Lack of accessible treatment for parenting women is contributing to the current strain on New Hampshire's child welfare, criminal justice, and correctional systems.

Effectiveness of FFNE treatment model: FFNE aims to provide the appropriate level of addiction treatment needed to support sustained recovery, community reintegration, and intact maternal-child relationships. The FFNE model is based on the evidence-based *Horizons for Women* program, which provides long term residential treatment for women with children at the University of North Carolina. This treatment program is based on a relational model utilizing state-of-the-science practices in women's treatment, parent-child psychotherapy, and attachment-based approaches which address the developmental needs of children impacted by maternal substance use.

FFNE's program will support women as they move from initial stabilization through treatment, recovery maintenance, and finally re-entry into the community setting. The program will be provided in a structured environment which builds women's capacity for safely parenting their children, supports family reunification, and reduces the impact of adverse childhood events. Case management starting on admission will work proactively with community-based services, affordable housing providers, and employers to ensure successful reintegration to a woman's home community following residential program completion.

Physical space needed to deliver the Families Flourish clinical model. FFNE's future home will meet all requirements for NH residential program licensure, and accreditation by the Council for Accreditation of Rehabilitation Facilities (CARF), in an innovative family-centered model facility. Residential accommodations will allow for stabilization, active treatment, supported employment, and transition to independent, community-based recovery over the course of the 9–12-month program. Family units will be designed to facilitate mentored parenting skill development and attachment, in the context of a larger family-centered recovery community. Between the close of 2024 and beginning of 2025 FFNE is slated to sign a Letter of Intent to lease 424 Mount Support Road in Lebanon and construct a new building on the property, which is owned by and adjacent to the Mary Hitchcock Memorial Hospital. As a result, FFNE and Dartmouth Health, which operates the hospital, are now actively negotiating a long-term lease for the building with a goal to begin construction by the latter part of 2025. Necessary state and local permitting is under way with zoning review, including wetland permitting, anticipated for completion in January 2025, to be followed by site plan review.

Funding Sources. Families Flourish Northeast has worked diligently to explore multiple avenues of revenue to fund start-up and renovation costs. During the past several years, FFNE has received foundational support from the New Hampshire Charitable Foundation and DHMC, investing a combined total of over \$250,000 for the planning and development of our organization. FFNE is confident that the first phase of our upcoming Capital Campaign will be successful in recruiting several individuals, corporations, and philanthropists throughout New England who will be eager to support our project, including consideration of NHCDFA tax credits. FFNE will utilize a seasoned development consultant to help strengthen community connections and expand our current prospect pool through 2025. Overall FFNE is actively seeking additional community, state and federal funding for infrastructure and capacity building including the following opportunities: USDA Recovery Grant (ARPA), HRSA (earmark), Community Development Block Grant (CDBG), Recovery Housing Program Pilot (RHP), Governor's Office for Emergency Relief and Recovery (GOFERR), Northern Border Regional Commission (NBRC), NHHFA OUD Supportive Housing Capital Program, and donations as well as smaller grants. Once operational, FFNE will seek programmatic funding from SAMSHA, HUD, NIH, and other federal agency opportunities.

**CITY OF LEBANON
RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN
FAMILIES FLOURISH NORTHEAST**

Every effort will be made to minimize temporary or permanent displacement of persons due to a CDBG project and a Recovery Housing project undertaken by the municipality. THE FAMILIES FLOURISH NORTHEAST WILL INCLUDE DISPLACEMENT of one or more existing businesses. Families Flourish will develop and submit a Relocation Plan.

However, in the event of displacement as a result of a federally funded award, the CITY OF LEBANON will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, to any household, regardless of income which is involuntarily and permanently displaced.

If the property is acquired, but will not be used for low/moderate income housing under 104(d) of the Housing and Community Development Act of 1974, as amended, the displacement and relocation plan shall provide that before obligating and spending funds that will directly result in such demolition or conversion the municipality will make public and submit to CDFA the following information:

- a. Comparable replacement housing in the community within three (3) years of the commencement date of the demolition or rehabilitation;
- b. A description of the proposed activity;
- c. The general location on a map and appropriate number of dwelling units by number of bedrooms that will be demolished or converted to a use other than as low and moderate income dwelling units as a direct result of the assisted activity;
- d. A time schedule for the commencement and completion date of the demolition or conversion;
- e. The general location on a map and appropriate number of dwelling units by number of bedrooms that will be provided as replacement dwelling units;
- f. The source of funding and a time schedule for the provision of replacement dwelling units;
- g. The basis for concluding that each replacement dwelling unit will remain a low and moderate income dwelling unit for at least ten (10) years from the date of initial occupancy;
- h. Relocation benefits for all low or moderate income persons shall be provided, including reimbursement for moving expenses, security deposits, credit checks, temporary housing, and other related expenses and either:
 1. Sufficient compensation to ensure that, at least for five (5) years after being relocated, any displaced low/moderate income household shall not bear a ratio of shelter costs to income that exceeds thirty (30) percent, or;
 2. If elected by a family, a lump-sum payment equal to the capitalized value of the compensation available under subparagraph 1. above to permit the household to secure participation in a housing cooperative or mutual housing association, or a Section 8 certificate of voucher for rental assistance provided through New Hampshire Housing Finance Authority.

- i. Persons displaced shall be relocated into comparable replacement housing that is decent, safe, and sanitary, adequate in size to accommodate the occupants, functionally equivalent, and in an area not subject to unreasonably adverse environmental conditions;
- j. Provide that persons displaced have the right to elect, as an alternative to the benefits in subparagraph 2. above, to received benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 if such persons determine that it is in their best interest to do so; and
- k. The right of appeal to the executive director of CDFA where a claim for assistance under subparagraph 2. above, is denied by the grantee. The executive director's decision shall be final unless a court determines the decision was arbitrary and capricious.
- l. Paragraphs a. through k. above shall not apply where the HUD Field Office objectively finds that there is an adequate supply of decent, affordable low/moderate income housing in the area.

CERTIFICATION OF COMPLIANCE

CITY OF LEBANON anticipates displacement or relocation activities will be necessitated by this project, and the City certifies that it will comply with the Uniform Relocation Act and Section 104(d) of the Housing and Community Development Act of 1974, as amended.

Printed Municipal Official Name: _____

Title: _____

Signature: _____

Date of Adoption by the Lebanon City Council : _____



The January 22, 2025 Notice of Public Hearing for the FAMILIES FLOURISH NORTHEAST PUBLIC FACILITIES CDBG APPLICATION AND RECOVERY HOUSING PROGRAM (RHP) APPLICATION was posted on Thursday, January 9, 2025 in the following three public places:

Lebanon City Hall, Lebanon, NH
Lebanon Public Library, Lebanon, NH
Kilton Public Library, West Lebanon, NH

The Notice was also published in the *Valley News* on Saturday, January 11, 2025.

Certified by:

David Brooks
Deputy City Manager
City of Lebanon, NH

Dated: January 13, 2025



LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARING
Wednesday, January 22, 2025 - 6:00pm
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- **Amendment #2** - To amend the R-1, R-2, and R-3 District Tables of Uses to allow "recovery house" by Special Exception (Zoning Ordinance Sections 308.2, 309.2, and 310.2)
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D. Proposed Amendments to the Zoning Ordinance for Council Adoption - Public hearing for the purpose of receiving public input and taking action on proposed zoning amendments for adoption by the City Council, as follows:

- **Amendment #4** - To rezone the properties within the Eastern Planned Business Park from IND-1 to CB, except for Tax Map/Lots 10-11-1300, 10-11-1302, 10-11-3100, 10-11-3200, 10-11-3400, 10-11-3600, and 10-11-3800, which are proposed to be rezoned from IND-1 to GC-1; to rezone the +/-15.72 acre Altaria Planned Unit Development from IND-1 to GC-1; to rezone the +/-50.1 acre former Altaria Planned Business Park from IND-1 to GC-1; and to rezone to GC-1 all properties currently zoned IND-1 located to the east of Etna Road, and east and west of Labombard Road, excluding Tax Map/Lot 51-12, which is proposed to be rezoned entirely RL-3; and all properties currently zoned IND-1 located to the east of Route 120 between Heater Road and I-89 Exit 18, excluding Tax Map/Lots 78-41, 78-42, and 78-43. The City Council may also consider rezoning to GC-1 all properties currently zoned IND-1 located to the west of Etna Road (Zoning Map Amendment)

- **Amendment #5** - To amend the GC-1 and CB District Tables of Uses to allow "industrial planned unit development" and "planned business park" by Conditional Use Permit (Zoning Ordinance Sections 305A, 306 and 308.2)
- **Amendment #6** - To amend the Commercial PUD and Industrial PUD regulations relative to tract size and calculating permitted residential dwelling unit density, and to amend the Planned Business Park regulations relative to allowed uses and calculating permitted residential dwelling unit density (Zoning Ordinance Sections 301.4, 308.2, and 308.4)
- **Amendment #7** - To ADD Section 614 ("Recovery Houses") and to amend the IND-1, GC, CB, LD, R-O, MC, and MC-2 Districts to allow "recovery house" by Special Exception (Zoning Ordinance Sections 303.2, 305.2, 306.2, 307.2, 311.2, 315.2, 315A.2, and Appendix A, and ADD Section 614)
- **Amendment #8** - To create a "Medical Center Two (MC-2)" zoning district (ADD Zoning Ordinance Section 315A)
- **Amendment #9** - To rezone the property located at 31 Romano Circle (Tax Map/Lot 101-20) from R-2 to R-O (Zoning Map Amendment)
- **Amendment #10** - To allow stairs and stairwells to project up to 2 ft. into minimum required yards (Zoning Ordinance Section 201)
- **Amendment #11** - To clarify procedures for requesting a waiver of impact fees from the Planning Board (Zoning Ordinance Section 213)
- **Amendment #12** - To amend the requirements for shared driveways and to allow off-site utility improvements by Conditional Use Permit (Zoning Ordinance Section 215)
- **Amendment #13** - To allow density bonuses for multi-family developments in the R-1 and R-2 Districts that provide for workforce housing, are energy efficient, and/or incorporate renewable energy systems (Zoning Ordinance Section 507)
- **Amendment #14** - To amend the cottage development regulations by clarifying the minimum building size and off-street parking requirements (Zoning Ordinance Section 509 and the Table of Minimum Off-Street Parking Requirements)
- **Amendment #15** - To clarify that family day care homes and family group day care homes are allowed as an accessory use to any primary residential use (Zoning Ordinance Section 604 and Appendix A)
- **Amendment #16** - To permit the Planning Board to authorize alternative parking solutions for residential uses as required by state statute (Zoning Ordinance Section 607.1)
- **Amendment #17** - To clarify the minimum percentage of EVSE installed, EV-ready, and EV-capable parking spaces for multi-family dwelling and non-residential uses (Zoning Ordinance Section 607.3)
- **Amendment #18** - To amend the sign regulations to allow freestanding digital signs on certain streets within the GC District with related changes to the sign illumination standards and the sign enforcement provisions (Zoning Ordinance Sections 608.2, 608.3, 608.4, and Appendix A)
- **Amendment #19** - To clarify who has standing to appeal an administrative decision to the Zoning Board of Adjustment and who has standing to request a rehearing, and to clarify that the term "abutter" shall have the same meaning as provided by state statute (Zoning Ordinance Section 801.1, 802.5 and Appendix A)
- **Amendment #20** - To rezone the property located at 92 Riverside Drive (M/L 111-16) from RL-1 to GC (Zoning Map Amendment)
- **Amendment #21** - To rezone the property located at 67-69 Etna Road (M/L 26-2) from IND-1 and RL-1 to GC-1 (Zoning Map Amendment)

The January 22, 2025 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning January 17, 2025: LebanonNH.gov/Agendas

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

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, January 11, 2025.


Diane Mulholland, Interim City Clerk

Agenda

Lebanon City Council

January 22, 2025

9. Public Hearing Items:

9.C – Proposed Amendments to the Zoning Ordinance for Placement on the 2025 Municipal Ballot

A public hearing for the purpose of receiving public input and taking action on proposed amendments to the Lebanon Zoning Ordinance in advance of placing the amendments on the 2025 Municipal Ballot.

The City Council scheduled this public hearing at its January 8, 2025 regular meeting. The public hearing was properly noticed in the *Valley News* on January 11, 2025 in accordance with City Code and State Law.

Background

On October 23, 2024, the City Council was presented with a number of proposed amendments to the Lebanon Zoning Ordinance. The Council took action to accept the amendments for consideration and forwarded them for review and comment by the Planning Board, Conservation Commission, and Zoning Board of Adjustment. Legal review has also been obtained, and all boards have completed their review.

In accordance with Section 1000.4(A) of the Zoning Ordinance, proposed Amendments #1-3, listed below, require voter approval before they can be enacted:

Amendment #1 – To create the Pattern Zones Overlay District and regulations to create additional housing that fits the character of the existing neighborhoods in Downtown Lebanon and Downtown West Lebanon; to establish and preserve the characteristics of the historical downtown areas of Lebanon and West Lebanon; and to increase density and housing choices in the district (**Add Zoning Ordinance Section 411 and Zoning Map Amendment**)

Amendment #2 – To amend the Residential One (R-1), Residential Two (R-2), and Residential Three (R-3) District Tables of Uses to allow “Recovery House” by Special Exception (**Zoning Ordinance Sections 308.2, 309.2, and 310.2**)

Amendment #3 – To rezone Tax Maps/Lots 90-59, 76-4, 76-6, and 76-7, (which comprise the Alice Peck Day Memorial Hospital campus) from Residential Three (R-3) to a new Medical Center Two (MC-2) District (**Zoning Map Amendment**)

Following the public hearing on the proposed amendments listed above, the City Council will be asked to take action to have the amendments placed on the March 11, 2025 Municipal Ballot for consideration by Lebanon voters.

Action:

If the Council decides to move the proposed amendments forward to the March 11, 2025 Ballot, the following motion is offered for consideration:

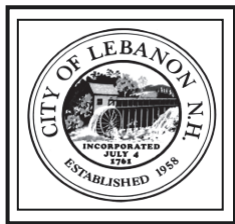
MOVED, that the Lebanon City Council hereby requests that the City Clerk place Amendments #1-3, as listed above, onto the March 11, 2025 Municipal Ballot for consideration by Lebanon voters.

Included in this Section:

1. January 9, 2025 Memorandum from Planning & Development Department Staff RE: 2024-2025 Proposed Zoning Amendments for Ballot
2. Notice of Public Hearing as Published in the January 11, 2025 edition of the *Valley News*

Information available but not included in this section:

1. [January 8, 2025 City Council Agenda Packet](#)



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Planning and Development Department Staff

RE: 2024-2025 Proposed Zoning Amendments for Ballot

DATE: January 9, 2025

As a result of Council and Land Use Board reviews of 2024-2025 Proposed Zoning Amendments, three amendments are being sent to the residents of Lebanon to be voted on at the March Municipal Election. Section 1000.4(A) *Amendment of the Zoning District Boundaries Requiring Referendum Vote* of the Zoning Ordinance states that:

“Any amendment which alters the zoning map in such a way as to change the zoning district designation of any area which is within the R-1, R-2, R-3, RL-1, RL-2 or RL-3 districts, and whose size exceeds ten times the minimum lot size for a Class 3 lot for the respective district as currently zoned, or which alters the Article III Table of Uses which are permitted or allowed by special exception or conditional use permit, or which alters the Table of Area, Dimensions and Coverage, for one or more of the above-listed districts, shall be placed on the ballot at the annual City election in March. This paragraph shall not apply to textual changes in the zoning ordinance which do not alter the boundaries or districting shown on the zoning map and which do not alter the Article III Tables of Uses or alter the Table of Area, Dimensions and Coverage, applicable to those districts.”

Based on Section 1000.4(A) the following amendments require a referendum vote:

A. Amendment #1: Pattern Zones Overlay District

This amendment would allow the creation of a Pattern Zones Overlay District to promote infill housing development within the study areas of Downtown Lebanon and West Lebanon.

B. Amendment #2 Recovery Houses

This amendment would amend the use tables in the Residential-1, Residential-2, and Residential-3 zoning districts to allow Recovery Houses as a use by Special Exception.

C. Amendment #3 Medical Center Two (MC2)

This amendment would create a Medical Center 2 (MC2) zoning district on the following properties that are currently zoned Residential-3:

- i. Tax Map 90 Lot 59 – 10 Alice Peck Day Drive
- ii. Tax Map 76 Lot 4 – 23 Alice Peck Day Drive
- iii. Tax Map 76 Lot 6 - 0 Young Street
- iv. Tax Map 76 Lot 7 – 0 Hough Street

Procedure/Schedule

- A. **City Council Public Hearing:** A public hearing on the amendments, required by Section 1000 of the Zoning Ordinance, will be held at the Council's January 22, 2024 meeting. Following the public hearing, the Council must vote whether to place the amendments on the March ballot.

- B. **City Council Concise Statements:** If the Council moves the amendments to the ballot, it will be required to adopt a concise statement either approving or disapproving each amendment. The concise statements of approval or disapproval that are adopted by the City Council will be indicated on the March ballot. This will occur at the January 22, 2024 meeting.
- C. **Planning Board and Conservation Commission Concise Statements:** The amendments will also be placed on the upcoming Planning Board and Conservation Commission meeting agendas to allow those boards to prepare and adopt concise statements of approval or disapproval, as required per Section 1000.4.C. The Planning Board will review the statements at their January 27, 2025 regular meeting and the Conservation Commission will review the statements at a January 27, 2025 Special Meeting.
- D. **Materials Delivered to City Clerk:** Planning staff will deliver to the City Clerk's office the zoning amendments and the draft ballot questions. The concise statements of the City Council, Planning Board and Conservation Commission will be provided to the City Clerk by January 31, 2025.
- E. **Legal Review:** Planning staff will work with Clerk's office to finalize the ballot language and will obtain legal review prior to placement on the ballot.
- F. **Public Informational Session:** Planning staff will hold at least one public informational session in February to discuss the proposed amendments and answer questions.

Please see the attachments for more information on each Amendment.

- 1. Pattern Zones Overlay District Proposed Text, Maps, and legal option letter.
- 2. Text of Recovery Houses amendments, Proposed Use Tables, and legal option letter.
- 3. Medical Center Two (MC2) Proposed Map, Medical Center 2 Text Amendment, and legal option letter.

Section 411 Pattern Zones Overlay District

Section 411.1 - Purpose

The purpose of the Pattern Zone Overlay District is to create additional housing that fits the character of the existing neighborhood in Downtown Lebanon and Downtown West Lebanon, to establish and preserve the characteristics of the historical downtown areas of Lebanon and West Lebanon, and to increase density and housing choices in the district.

Section 411.2 - Description of Pattern Zones Overlay District

The areas and boundaries of the Pattern Zone Overlay District are shown on the Pattern Zone Overlay District Map of the City of Lebanon and made a part of this Ordinance and the Official Zoning Map of the City of Lebanon. The Pattern Zone Overlay District Map is attached hereto as Appendix D.

Note: staff proposes to update to the overlay district map to also include properties along Prospect Street to the Reservoir Road intersection including 50, 58, 60, 62, 64, 59 and 75 Prospect Street.

Section 411.3 Permitted Uses

The Overlay District regulations are intended to only be used for uses allowed within the Pattern Zone Overlay District Table of Uses Table of Uses. Any nonresidential uses shall adhere to regulations set forth in Article III based on the underlying zoning district.

Pattern Zone Overlay District Table of Uses

Permitted Uses	Special Exception
Residential: - Up to 2 One-Family Detached Dwellings - Two-Family Dwelling - Accessory Dwelling Unit per Section 610 Commercial/Non-Residential - Any listed in the Base Zoning District pursuant to Article III.	Residential: - Tri-Plex (3 units) - Quad-plex (4 units) - Townhouses / Rowhomes up to 4 units Commercial/Non-Residential: - Any listed in the Base Zoning District pursuant to Article III. Conditional Use Permit Residential: - Cottage Development per Section 509 with a minimum 20,000 sq. ft. lot

Section 411.4 Table of Areas, Dimensions, and Coverage

Minimum Lot Requirements					Maximum Limitations	
Area	Frontage	Front Yard	Side Yard/ Corner Side Yard	Rear Yard	Lot Coverage % of impervious cover	Height
4,000 sq. ft.	40' on lot that abuts a street* 15' on a flag shaped lot* 0' if on rear split lot* *Pursuant to 411.6	10' OR pursuant to 411.9 Front Yard	5' / 7.5'	10'	60% by right 60% - 80% by Special Exception pursuant to 411.8	45'

Section 411.5 - Parking

A minimum of one on-site parking space per dwelling unit is required.

Section 411.6 - Creating New Lots in the Overlay District

- A. Notwithstanding underlying zoning districts, new lots within the overlay may be created utilizing the overlay lot dimensional requirements.
- B. Creating a **flag lot** split shall provide 15' of frontage and meet the minimum lot area requirements.
 1. Front yard setback requirements shall begin at the point where the lot widens.
- C. The creation of a rear lot without the street frontage required by RSA 674:41 may only be approved if all of the following conditions are met:
 1. A perpetual deeded easement in favor of the rear lot to use a driveway across a lot which does have legally-sufficient frontage and identifying maintenance responsibilities shall be submitted with the application for approval by the Planning Board. If the subdivision is approved, the execution and recording of the easement in the registry of deeds shall be a condition of approval.
 2. The driveway shall be shown on the subdivision plan.
 3. The Planning Board shall determine that the driveway is sufficient for access to the rear lot.

Section 411.7 Shading and Buffers

- A. Preservation of a property's existing trees is encouraged to maintain a natural shade canopy upon the property.
- B. Properties shall be landscaped to achieve a minimum of 30% shade coverage.
- C. New houses located with the minimum 5' side yard setback from a property line must have a vegetative buffer.

Section 411.8 Impervious Cover

- A. Within the overlay district, impervious cover shall be limited as follows:
 1. The maximum impervious cover shall be up to 60% by right.
 2. Maximum impervious cover up to 80% may be permitted by Special Exception pursuant to Section 801.3.
 3. For purposes of this overlay district impervious cover shall be defined as: A structure or land surface with a low capacity for infiltration,

including but not limited to pavement, roofs, roadways, and compacted soils, that has a Curve Number of 98 or greater.

4. Impervious cover determinations when in question shall be made by the City Engineer.
- B. An applicant for a Special Exception to allow impervious cover up to 80% shall meet the criteria of Section 801.3 in addition to the following:
 1. A stormwater management plan shall be provided to the Board. The plan must demonstrate that all stormwater is managed and treated onsite with a preference for low impact development stormwater management methods. Applicants may tie into the City's stormwater drain system as may be permitted by the City Code.

Section 411.9 Snow, Garbage, Fuel Tanks

- A. A snow storage plan shall be submitted with the application and, if approved, shall be a condition of the approval.
- B. Garbage/recycling receptacle storage plan shall be submitted with the application and, if approved, shall be a condition of approval.
 1. Garbage/recycling shall not be stored in the front yard of the property.
 2. Applicable screening shall be provided.
 3. If a dumpster is used then it shall be enclosed, stored on a hard surface and meet screening requirements. A dumpster shall meet setback requirements, not interfere with parking, be located in the rear or side yard and beyond the front line of the structure and meet the setback requirements.
- C. Exterior fuel storage within the overlay shall:
 1. Meet all zoning setback requirements.
 2. Fuel storage tanks shall be located within the rear yard.
 3. Underground fuel storage may be located in the front, side or rear yard provided they meet the required yard setbacks.
 4. **Above ground fuel tanks may not be located in the front yard**

*** Options for Section 411.10 ***

Option A

Section 411.10 Pattern Book Requirements

The architectural plan for a building within the overlay pursuant to these requirements shall be selected from the Pattern Zones Book (a catalog of preapproved house plans available through the Lebanon Planning and Development Department from 2025-2028).

Option B

Section 411.10 Architecturally Designed Plans

The architectural plan for a building within the overlay pursuant to these requirements shall be designed by a licensed Architect.

Option C

Section 411.10 Design Guidelines

The following design guidelines shall apply to any design that is not preapproved within the Pattern Zones Book, a catalog of preapproved house plans available through the Lebanon Planning and Development Department from 2025-2028:

- A. A majority of these requirements shall be employed in the building's design: a. Front porch, Wood appearing siding or brick exterior, a peaked roof, street facing entry, street facing windows, garage located behind the front building line, chimney, non-split-level design.
- B. All designs shall demonstrate that the proposed design fits the architectural characteristics of the street block in which it will be located.

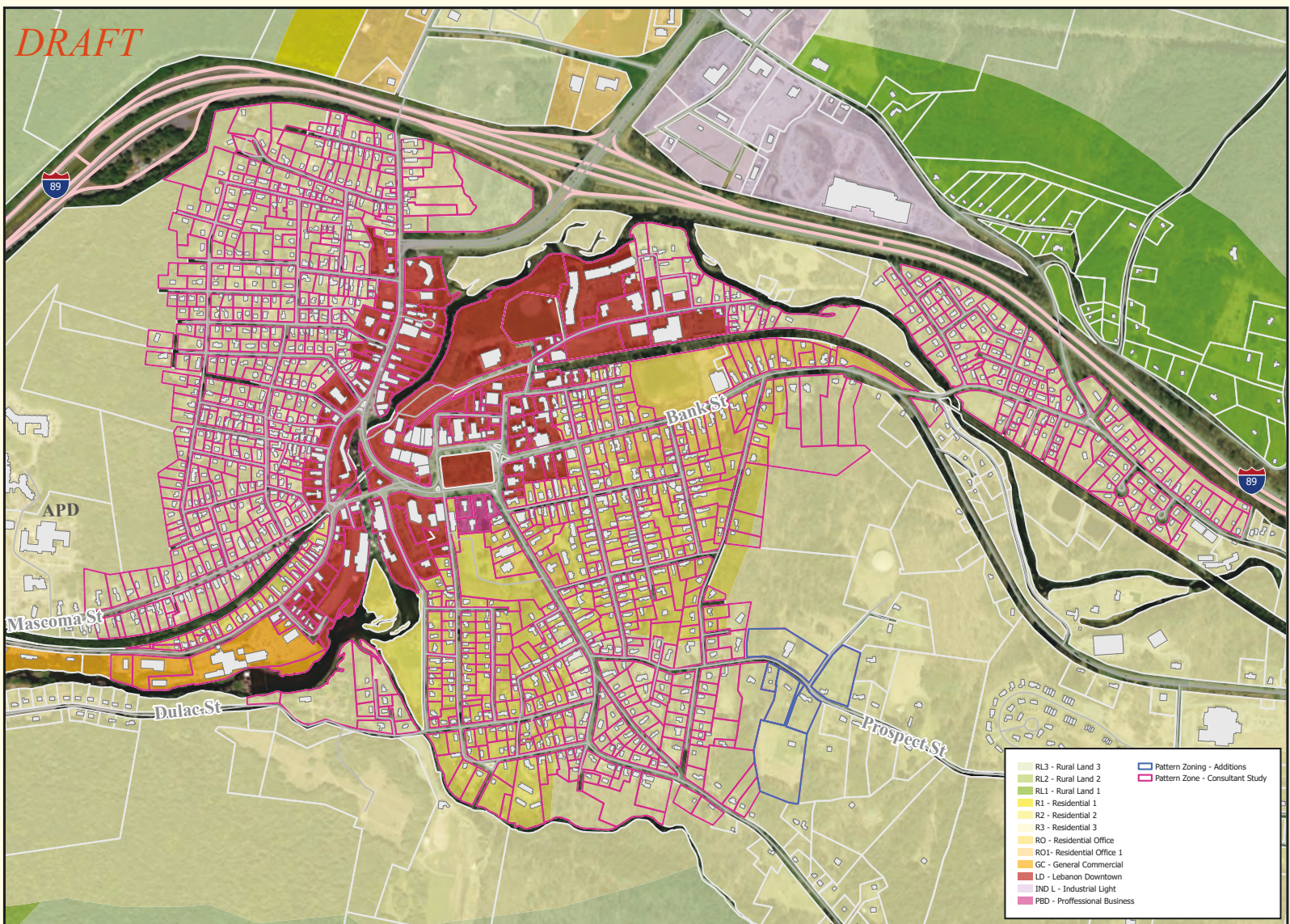
411.11 Front Yard

- A. The required front yard may be reduced to the average front yard of the existing buildings on the same side of the street in the same block and located within 300 feet of the subject lot, provided that there are at least 2 such buildings. This reduction shall not be allowed for lots fronting on a state highway.
- B. On lots with more than one frontage on an indeterminate lot, the (option 1: The side with the narrowest frontage will be considered the front yard in regards to setbacks. The corner side with street frontage will be considered a corner side yard and have a setback that is the average of the established front and side setbacks.) (**OR** option 2: The front yard will be determined by the Zoning Administrator based on the orientation of the principal structure on the lot. The corner side with frontage will be considered a side yard and have a setback that is the average of the established front and side setbacks).
- C. On lots with no frontage, the front yard is determined by the Building Official or Zoning Administrator based on the orientation of the principal structure on the lot and the access easement location.

Appendix A - new definition

Flag lot - A lot that has access to a street by **means** of a narrow strip of land.

DRAFT



Map Printed
12/05/2024

Pattern Zone Overlay District Zoning Amendment

Lebanon Urban Core

DRAFT

Maple St

Bridge St

S. Main St

Seminary Rd

VCGI, Max, Microsoft

Pattern Zoning - Additions
 Pattern Zone - Consultant Study
 RL3 - Rural Land 3
 RL2 - Rural Land 2
 R2 - Residential 2
 R3 - Residential 3
 RO - Residential Office
 GC - General Commercial
 CB - Central Business
 IND RA - Industrial Rail Access



December 30, 2024

Nathan Reichert, Director of Planning & Development
City of Lebanon
51 S. Park Street
Lebanon, NH 03766
nathan.reichert@lebanonnh.gov

**RE: Proposed Zoning Amendment –
Pattern Zones Overlay District – Section 411 and Map Amendment**

Mr. Reichert:

In a letter dated November 13, 2024, my colleague Christine Johnston, Esq., provided a preliminary legal opinion concerning a Pattern Zones Overlay District and related zoning map amendment. Following review and comment upon the proposed amendments by the ZBA, Planning Board, and Conservation Commission, I am now providing a final legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance.

The proposed amendments are shown in a “Section 411 – Pattern Zones Overlay District” document dated as of November 13, 2024, as well as a map of the overlay areas for the two neighborhoods. The amendments would establish a new overlay zoning district including much of the downtown areas in Lebanon and West Lebanon, to preserve the historic downtown characteristics of these neighborhoods and to increase density and housing choices in those locations to promote infill housing development.

ZO Section 1000.3(B) requires this legal review to cover: (a) whether such amendments are within the authority delegated to the City under State law; (b) whether the form is appropriate; and (c) whether, from an administrative point of view, the amendments can be administered and enforced. My answer to these three questions is “yes”, and I discern no legal or administrative issues of concern with these proposed amendments.

Please do not hesitate to contact me with any questions or concerns about this opinion.

Sincerely,



Matthew C. Decker

ATTACHMENTS: Recovery House

Recovery House Definition, Use Code Additions, and Text:

Proposed Definition for Appendix A:

Recovery House: As defined in RSA 153:10-d, II, as the same may be amended: A residence that provides a safe, healthy, family-like, substance free living environment that supports individuals in recovery from addiction and is centered on peer support and a connection to services that promote long-term recovery; provided that “recovery housing” shall not include a halfway house or any other facility requiring a license pursuant to RSA 151.

Proposed Article III Table of Use Amendments for City Council approval:

Allow "recovery house" by Special Exception per Section 614 in the following zoning districts:

- CB - Central Business
- LD - Lebanon Downtown
- GC - General Commercial
- RO- Residential Office
- MC- Medical Center
- MC2- Medical Center Two
- IND-L- Industrial Light

Proposed Article III Table of Use Amendments for voter approval:

Allow "recovery house" by Special Exception per Section 614 in the following zoning districts:

- R-1- Residential One
- R-2- Residential Two
- R-3- Residential Three

Proposed amendment to Article VI of the Zoning Ordinance - new Section 614:

Section 614 Recovery Houses.

614.1 Purpose.

The purpose of this section is to institute reasonable regulations for the establishment of recovery houses in accordance with RSA 153:10-d Exemption for Recovery Houses and to protect the health, safety, and welfare of the patrons of such operations, and of the citizens of Lebanon, and to prevent the deleterious siting of recovery houses within the City.

614.2 Certification Required.

To establish and operate a recovery house, the following standards shall be met:

A. The recovery house shall be certified and maintain certification by the ~~New Hampshire Coalition of Recovery Residences~~ New Hampshire Partnership of Recovery Residences (NHPRR) at all times while in operation. Documentation of this certification and recertification shall be provided immediately to the Zoning Official, Fire Chief, Police Chief, and the City Clerk.

1. A letter from the New Hampshire Partnership of Recovery Residences (NHPRR) confirming the recovery house certification process has commenced shall accompany all City permit applications for the establishment of a new recovery house.

2. Upon final New Hampshire Partnership of Recovery Residences (NHPRR) certification of a new recovery house the certification shall immediately be communicated to the Zoning Official,

Fire Chief, Police Chief and City Clerk. The recovery house may not begin operation under any City approval until certification has been received and transmitted to the City as required by this section.

- B. A 24-hour emergency contact person with contact information and the approved building occupant load shall be posted in the common area of the building, so it is readily visible to residents and emergency responders. A 24-hour emergency contact person with contact information shall be provided, kept updated and remain on file with the Police Chief and Fire Chief.

614.3 Special Exception Application Requirements.

An application for a Special Exception shall include the following documentation:

- A. A location map demonstrating adherence to the 1320 ft. (1/4 mile) bus stop radius requirement set forth in Section 614.3.
- B. A site plan and floor plan demonstrating adherence to the requirements of RSA 153:10-d Exemption for Recovery Houses.
- C. A letter from the **New Hampshire Partnership of Recovery Residences (NHPRR)** confirming the recovery house certification process has begun.
- D. A proposed site plan depicting the following:
 - 1. A garbage management plan with locations of exterior garbage receptacles and compliance with the applicable criteria set forth in Section 614.3. If a garbage dumpster is being used, the plan shall demonstrate compliance with the applicable location and screening requirements as set forth in the Site Plan Review Regulations.
 - 2. A proposed smoking compliance plan that meets the standards of 153:10-d Exemption for Recovery Houses and the applicable criteria set forth in Section 614.4.
 - 3. A parking plan sufficient to demonstrate that the recovery house has sufficient parking to meet the needs of its residents.

614.4 Special Exception Criteria.

In addition to the general Special Exception criteria set forth in Section 801.3 and the certification requirements set forth in Section 614.2, an applicant for a Special Exception shall demonstrate compliance with the following criteria:

- A. The recovery house will be operated in a manner harmonious to the neighborhood and shall maintain a residential home appearance from the street view.
- B. The recovery house shall have walkable and bikeable access to and be located within $\frac{1}{4}$ mile (1320 ft.) of a bus stop.
- C. Smoking areas are not permitted in the front yard of a recovery house.
- D. A designated smoking area shall meet applicable setback for the zoning district and if abutting a residential use screening shall be provided.
- E. All garbage receptacles shall be stored in a location on the side or rear of the house.

308 Residential One District (R-1)

308.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> 1. One-family dwelling 2. Two-family dwelling 3. Multi-family dwelling 4. Accessory dwelling unit (ADU) per Section 610 5. Senior housing complex (see also Section 603)	<u>Commercial/Non-Residential</u> 1. Cemetery 2. Essential service 3. Funeral home 4. Group day care facility per Section 604 5. Group residence 6. Home-based agricultural business per Section 600B.2 (lots less than 5 acres) 7. Indoor recreational facility 8. Outdoor recreational facility 9. Lodging house 10. Nursing home 11. Tourist home (or bed and breakfast facility) 12. Recovery Houses
<u>Commercial/Non-Residential</u> 6. Home-based agricultural business per Section 600B.2 (lots 5 acres or more) 7. Home business per Section 600 8. House of worship 9. Public education facility 10. Public recreation facility 11. Public safety facility 12. Renewable energy system per Section 612	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
<u>Planned Developments</u> 13. Manufactured housing park per Section 503 14. Manufactured housing PURD per Section 504 15. PURD per Section 501	<u>Residential</u> 1. Cottage development per Section 509

309 Residential Two District (R-2)

309.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> One-family dwelling Two-family dwelling Multi-family dwelling conversion (4 dwelling units or less) per Section 601 Accessory dwelling unit (ADU) per Section 610 Senior housing complex <u>Commercial/Non-Residential</u> - Home-based agricultural business per Section 600B.2 (lots 5 acres or more) Home business per Section 600 - House of worship - Public education facility Public recreation facility Public safety facility Renewable energy system per Section 612 <u>Planned Developments</u> - PURD per Section 501	<u>Residential</u> Multi-family dwelling conversion per Section 601 (5 dwelling units or more) <u>Commercial/Non-Residential</u> Office conversion per Section 601 - Cemetery Essential service - Funeral home Group day care facility per Section 604 Group residence - Home-based agricultural business per Section 600B.2 (lots less than 5 acres) Indoor/outdoor recreational facility Lodging house Nursing home Tourist home (or bed and breakfast facility) Recovery Houses <u>Uses by Conditional Use Permit</u> (see Section 302.4) <u>Residential</u> Cottage development per Section 509

310 Residential Three District (R-3)

310.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> One-family dwelling Accessory dwelling unit (ADU) per Section 610	<u>Residential</u> Two-family dwelling by conversion of existing one-family dwelling Senior housing complex
<u>Commercial/Non-Residential</u> Home business per Section 600 - Home-based agricultural business per Section 600B.2 (lots 5 acres or more) and per Section 600B.3 (lots greater than 10 acres) - Home-based agricultural business per Section 600B.3.A (5–10 acre lots) - Home-based agricultural business per Section 600B.3.B (10+ acre lots) - Hospital - House of worship - Public education facility Public recreation facility Public safety facility Renewable energy system per Section 612	<u>Commercial/Non-Residential</u> - Cemetery Essential service Group day care facility per Section 604 - Home-based agricultural business per Section 600B.2 (lots less than 5 acres) Nursing home Recovery Houses
	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
<u>Planned Developments</u> PURD per Section 501	<u>Residential</u> Cottage development per Section 509

December 30, 2024

Nathan Reichert, Director of Planning & Development
City of Lebanon
51 S. Park Street
Lebanon, NH 03766
nathan.reichert@lebanonnh.gov

RE: Proposed Zoning Amendment – Recovery Houses

Mr. Reichert:

In a letter dated November 14, 2024, my colleague Christine Johnston, Esq., provided a preliminary legal opinion concerning proposed amendments to the Lebanon Zoning Ordinance to regulate “Recovery Houses”. Following review and comment upon the proposed amendments by the ZBA, Planning Board, and Conservation Commission, I am now providing a final legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance.

The proposed amendments are as shown in a “Recovery House” document dated as of November 13, 2024, which provides a proposed definition for “Recovery House” for ZO Appendix A, a list of proposed Article III Table of Use amendments to allow recovery houses by Special Exception in various zoning districts, and a new Section 614 setting forth specific regulations for the establishment and operation of recovery houses.

ZO Section 1000.3(B) requires this legal review to cover: (a) whether such amendments are within the authority delegated to the City under State law; (b) whether the form is appropriate; and (c) whether, from an administrative point of view, the amendments can be administered and enforced. My answer to these three questions is “yes”, and I discern no legal or administrative issues of concern with these proposed amendments.

Please do not hesitate to contact me with any questions or concerns about this opinion.

Sincerely,

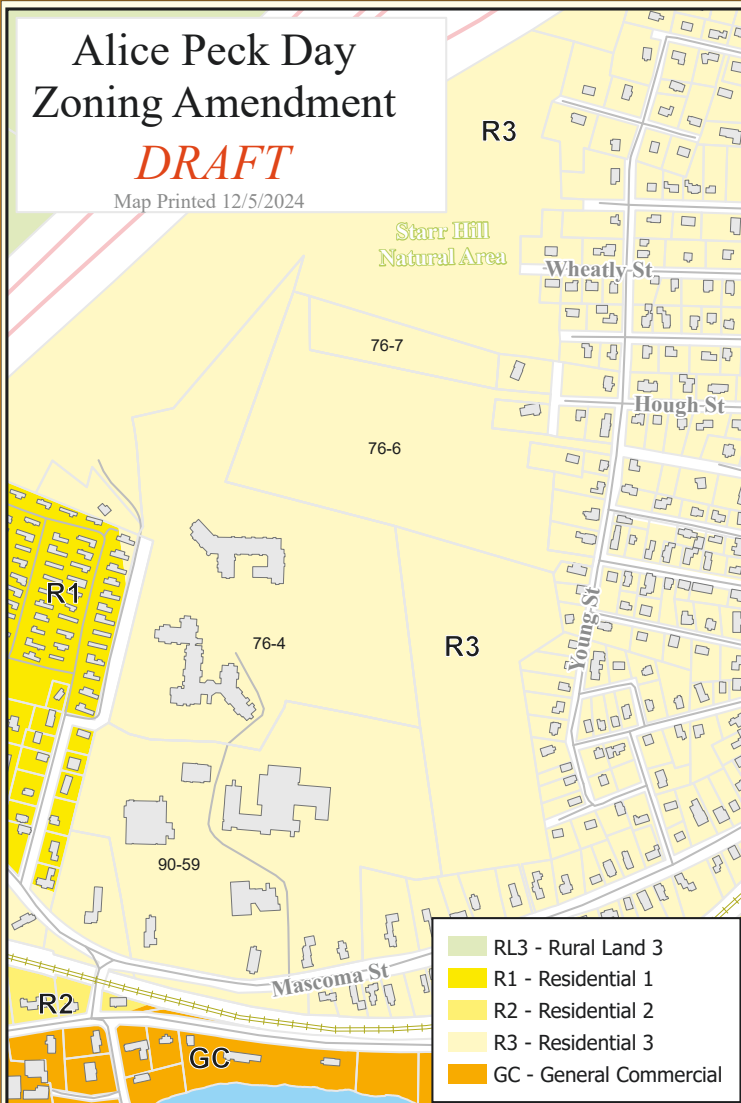


Matthew C. Decker

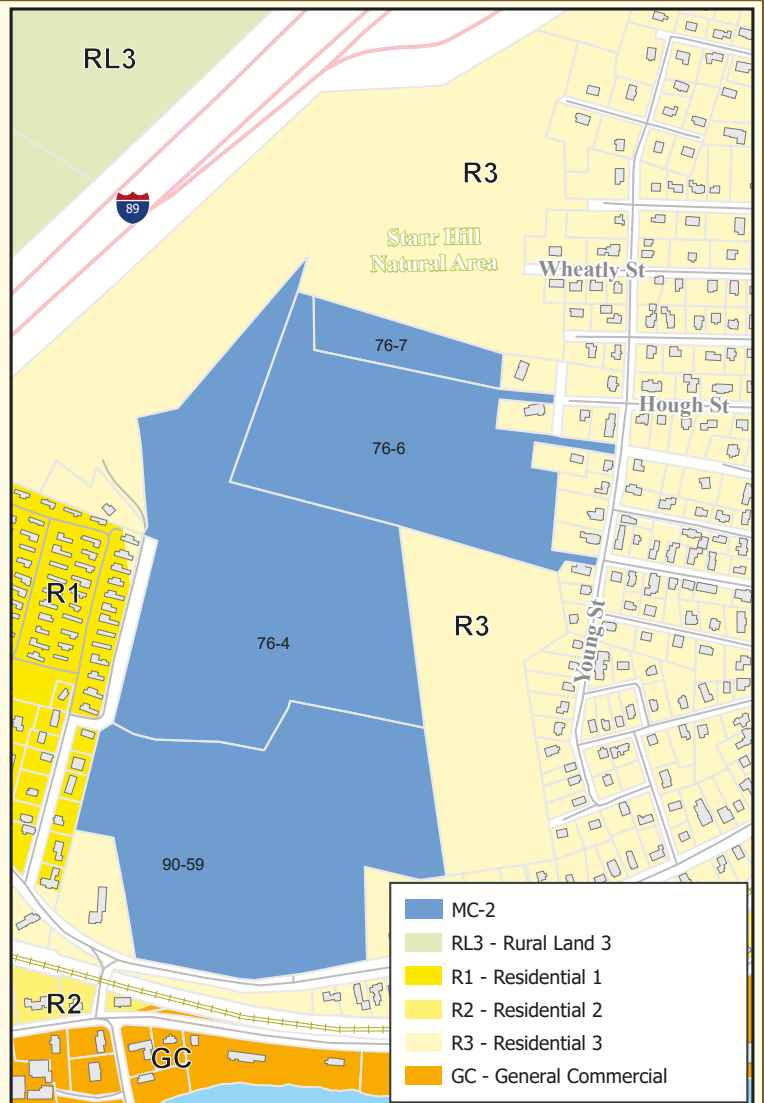
Alice Peck Day Zoning Amendment

DRAFT

Map Printed 12/5/2024



EXISTING ZONING



PROPOSED ZONING

ATTACHMENTS:
Medical Center

SECTION 315A MEDICAL CENTER TWO DISTRICT (MC-2).

315A.1 Purpose.

The purpose of the Medical Center Two District is to provide for the provision of inpatient and outpatient health care and other related and complimentary uses, including but not limited to housing for employees and staff.

315A.2 Permitted Uses.

MC-2 DISTRICT

Permitted Uses	Conditional Use Permit (see Section 302.4)
1. Hospital 2. Hospice 3. Medical office 4. Nursing home 5. Senior housing complex 6. Essential service 7. Renewable energy system per Section 612	1. Group day care facility 2. Group residence 3. Parking facility 4. <u>Multi-family dwelling</u>

315A.3 Table of Area, Dimensions and Coverage.

MC-2 DISTRICT

Minimum Lot Requirements					Maximum Limitations	
Lot Area	Lot Frontage	Front Yard	Side Yard	Rear Yard	Height	Building Coverage
30,000 sq.ft.	100'	20'	15'	20'	60' (See Section 31X.4)	40%

315A.4 Special Height Restriction.

On parcels adjacent to residential districts, the height limitation of the adjacent residential district shall apply; provided, however, that on such parcels, building height may be increased above the residential limitation by one (1) foot for each

two (2) feet that the building is set back from the required setback line(s) on sides of the lot adjacent to the residential district, but shall in no case exceed 60 feet.

315A.5 Dwelling Unit Density.

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

December 30, 2024

Nathan Reichert, Director of Planning & Development
City of Lebanon
51 S. Park Street
Lebanon, NH 03766
nathan.reichert@lebanonnh.gov

**RE: Proposed Zoning Amendment –
Creation of Medical Center Two (MC-2) Zoning District
Section 31X and Map Amendment**

Mr. Reichert:

In a letter dated November 13, 2024, my colleague Christine Johnston, Esq., provided a preliminary legal opinion concerning proposed amendments to the Lebanon Zoning Ordinance to create a new Medical Center Two (MC-2) zoning district. Following review and comment upon the proposed amendments by the ZBA, Planning Board, and Conservation Commission, I am now providing a final legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance.

The proposed amendments are as shown in a draft of a “Section 31X – Medical Center Two District (MC-2)” document dated as of November 13, 2024, and in a proposed zoning map amendment which shows four large lots in the vicinity of the Alice Peck Day Hospital which would be re-zoned from R-3 to MC-2. I understand that the proposed amendments would establish a new MC-2 zoning district to facilitate the continued development of the selected lots for inpatient and outpatient health care and other related and complimentary uses, including but not limited to housing for employees.

ZO Section 1000.3(B) requires this legal review to cover: (a) whether such amendments are within the authority delegated to the City under State law; (b) whether the form is appropriate; and (c) whether, from an administrative point of view, the amendments can be administered and enforced. Other than as explained below, my answer to these three questions is “yes”, and I discern no legal or administrative issues of concern with these proposed amendments.

Attorney Johnston’s preliminary letter of November 13 provided a discussion of “spot zoning” and cautioned that zoning map amendments must comply with a “rational basis” level of Due Process analysis to be constitutional, meaning that map amendments must not be arbitrary and they must be in reasonable furtherance of some valid public land use regulatory purpose. I refer you to this prior discussion, which I will not repeat in full here.

The re-zoning of four contiguous lots comprising ~59 acres from R-3 to MC-2, with an apparent purpose of facilitating the continued development of a medical campus that serves the City’s

December 30, 2024

Page 2

needs, does appear to advance the City's comprehensive development plans and serve the public interest. At the time of the public hearing of this proposed amendment, I recommend that the City Council's deliberations should include additional specific discussion of (i) the ways in which this amendment fits into the City's development goals, and (ii) the community planning interest, public interest, and public benefit of this amendment.

Please do not hesitate to contact me with any questions or concerns about this opinion.

Sincerely,



Matthew C. Decker

January 13, 2025



LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARING
Wednesday, January 22, 2025 - 6:00pm
Council Chambers, City Hall or REMOTE VIA
VIRTUAL PLATFORM LebanonNH.gov/LIVE

The Lebanon City Council will hold public hearings on January 22, 2025, beginning at 6:00pm for the following:

A. Community Revitalization Tax Relief Application – A public hearing for the purpose of receiving public input and taking action on a Community Revitalization Tax Relief Application (per NH RSA 79-E) by 10 Spencer Studios, LLC for property located at 10 Spencer Street, Lebanon.

B. Public Facilities CDBG and Recovery Housing Program Applications for Families Flourish Northeast – Public hearings for the purpose of receiving public input and taking action on Community Development Block Grant (CDBG) and Recovery Housing Program (RHP) grant applications proposed by the City of Lebanon to the NH Community Development Finance Authority (CDFFA). Counties and communities can apply for CDBG grants up to \$500,000 annually on a competitive basis for housing, public facilities, economic development, and for emergency activities that directly benefit low- and moderate-income persons. Up to \$25,000 is available for planning grants. The Recovery Housing Program (RHP) is a pilot program for special needs housing, which municipalities and non-profits may apply to for up to \$1,000,000. Public hearings are as follows:

1. A public hearing for the purpose of receiving public input and taking action on a proposed CDBG application for up to \$500,000 in CDBG Public Facilities funds to be sub-granted to Families Flourish Northeast, and to authorize the City Manager to sign, submit, and execute any documents which may be necessary to effectuate the CDBG Application and contract; and
2. A public hearing for the purpose of receiving public input and taking action on a proposed Recovery Housing Program (RHP) grant application for up to \$1,000,000 to be sub-granted to Families Flourish Northeast, and to authorize the City Manager to sign, submit, and execute any documents which may be necessary to effectuate the RHP Application and contract; and
3. A public hearing for the purpose of receiving public input and taking action to adopt the City of Lebanon Anti Displacement and Relocation Assistance Plan for Families Flourish Northeast.

C. Proposed Amendments to the Zoning Ordinance for 2025 Municipal Ballot – Public hearing for the purpose of receiving public input and taking action to place proposed zoning amendments on the 2025 Municipal Ballot, as follows:

- **Amendment #1** – To create the Pattern Zones Overlay District and regulations to create additional housing that fit the character of the existing neighborhoods in Downtown Lebanon and Downtown West Lebanon, to establish and preserve the characteristics of the historical downtown areas of Lebanon and West Lebanon, and to increase density and housing choices in the district (Add Zoning Ordinance Section 411 and Zoning Map Amendment)
- **Amendment #2** – To amend the R-1, R-2, and R-3 District Tables of Uses to allow “recovery house” by Special Exception (Zoning Ordinance Sections 308.2, 309.2, and 310.2)
- **Amendment #3** – To rezone Tax Map/Lots 90-99, 76-4, 76-6, and 76-7 from R-3 to a new MC-2 District (Zoning Map Amendment)

D. Proposed Amendments to the Zoning Ordinance for Council Adoption – Public hearing for the purpose of receiving public input and taking action on proposed zoning amendments for adoption by the City Council, as follows:

- **Amendment #4** – To rezone the properties within the Centers Planned Business Park from IND-1 to CB, except for Tax Map/Lots 10-11-1300, 10-11-1301, 10-11-1302, 10-11-3100, 10-11-3200, 10-11-3400, 10-11-3600, and 10-11-3800, which are proposed to be rezoned from IND-1 to GC-1; to rezone the 47-15-72 acre Altaria Planned Unit Development from IND-1 to GC-1; to rezone the 47-50-1 acre former Altaria Planned Business Park from IND-1 to GC-1, and to rezone to GC-1 all properties currently zoned IND-1 located to the east of Etna Road, and east and west of Labombard Road, excluding Tax Map/Lot 51-12, which is proposed to be rezoned entirely RL-3, and all properties currently zoned IND-1 located to the east of Route 120 between Heater Road and I-89 Exit 18, excluding Tax Map/Lots 78-41, 78-42, and 78-43. The City Council may also consider rezoning to GC-1 all properties currently zoned IND-1 located to the west of Etna Road (Zoning Map Amendment)

- **Amendment #5** – To amend the GC-1 and CB District Tables of Uses to allow “industrial planned unit development” and “planned business park” by Conditional Use Permit (Zoning Ordinance Sections 305A, 306 and 508.2)
- **Amendment #6** – To amend the Commercial PUD and Industrial PUD regulations relative to tract size and calculating permitted residential dwelling unit density, and to amend the Planned Business Park regulations relative to allowed uses and calculating permitted residential dwelling unit density (Zoning Ordinance Sections 501.4, 508.2, and 508.4)
- **Amendment #7** – To ADD Section 614 (“Recovery Houses”) and to amend the IND-1, GC, CB, LD, R-O, MC, and MC-2 Districts to allow “recovery house” by Special Exception (Zoning Ordinance Sections 303.2, 305.2, 306.2, 307.2, 311.2, 315.2, 315A.2, and Appendix A, and ADD Section 614)
- **Amendment #8** – To create a “Medical Center Two (MC-2)” zoning district (ADD Zoning Ordinance Section 315A)
- **Amendment #9** – To rezone the property located at 31 Romano Circle (Tax Map/Lot 101-20) from R-2 to R-O (Zoning Map Amendment)
- **Amendment #10** – To allow stairs and stairwells to project up to 2 ft. into minimum required yards (Zoning Ordinance Section 201)
- **Amendment #11** – To clarify procedures for requesting a waiver of impact fees from the Planning Board (Zoning Ordinance Section 213)
- **Amendment #12** – To amend the requirements for shared driveways and to allow off-site utility improvements by Conditional Use Permit (Zoning Ordinance Section 215)
- **Amendment #13** – To allow density bonuses for multi-family developments in the R-1 and R-2 Districts that provide for workforce housing, are energy efficient, and/or incorporate renewable energy systems (Zoning Ordinance Section 507)
- **Amendment #14** – To amend the cottage development regulations by clarifying the minimum building size and off-street parking requirements (Zoning Ordinance Section 509 and the Table of Minimum Off-Street Parking Requirements)
- **Amendment #15** – To clarify that family day care homes and family group day care homes are allowed as an accessory use in any primary residential use (Zoning Ordinance Section 604 and Appendix A)
- **Amendment #16** – To permit the Planning Board to authorize alternative parking solutions for residential uses as required by state statute (Zoning Ordinance Section 607.1)
- **Amendment #17** – To clarify the minimum percentage of EVSE installed, EV ready, and EV-capable parking spaces for multi-family dwelling and non-residential uses (Zoning Ordinance Section 607.8)
- **Amendment #18** – To amend the sign regulations to allow freestanding digital signs on certain streets within the GC District with related changes to the sign illumination standards and the sign enforcement provisions (Zoning Ordinance Sections 608.2, 608.3, 608.4, and Appendix A)
- **Amendment #19** – To clarify who has standing to appeal an administrative decision to the Zoning Board of Adjustment and who has standing to request a rehearing, and to clarify that the term “abutter” shall have the same meaning as provided by state statute (Zoning Ordinance Sections 801.1, 802.5 and Appendix A)
- **Amendment #20** – To rezone the property located at 92 Riverside Drive (M/L 111-16) from RL-1 to GC (Zoning Map Amendment)
- **Amendment #21** – To rezone the property located at 67-69 Etna Road (M/L 26-2) from IND-1 and RL-1 to GC-1 (Zoning Map Amendment)

The January 22, 2025 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning January 17, 2025: LebanonNH.gov/Agendas

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

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, January 11, 2025.


Diane Mulholland, Interim City Clerk

Agenda

Lebanon City Council

January 22, 2025

9. Public Hearing Items:

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

A public hearing for the purpose of receiving public input and taking action on proposed zoning amendments for adoption by the City Council.

The City Council scheduled this public hearing at its January 8, 2025 regular meeting. The public hearing was properly noticed in the *Valley News* on January 11, 2025 in accordance with City Code and State Law.

Background

On October 23, 2024, the City Council was presented with a number of proposed amendments to the Lebanon Zoning Ordinance. The Council took action to accept the amendments for consideration and forwarded them for review and comment by the Planning Board, Conservation Commission, and Zoning Board of Adjustment. Legal review has also been obtained, and all boards have completed their review.

A follow-up presentation was held with the City Council on January 8, 2025, at which time the following proposed amendments were scheduled for a public hearing:

Amendment #4 – To rezone the properties within the Centerra Planned Business Park from IND-L to CB, except for Tax Map/Lots 10-11-1200, 10-13, 10-11-1300, 10-11-1302, 10-11-3100, 10-11-3200, 10-11-3400, 10-11-3600, and 10-11-3800, which are proposed to be rezoned from IND-L to GC-1; to rezone the +/-15.72 acre Altaria Planned Unit Development from IND-L to GC-1; to rezone the +/-50.1 acre former Altaria Planned Business Park from IND-L to GC-1; and to rezone to GC-1 all properties currently zoned IND-L located to the east of Etna Road, and east and west of Labombard Road, excluding Tax Map/Lot 51-12, which is proposed to be rezoned entirely RL-3; and all properties currently zoned IND-L located to the east of Route 120 between Heater Road and I-89 Exit 18, excluding Tax Map/Lots 78-41, 78-42, and 78-43. The City Council may also consider rezoning to GC-1 all properties currently zoned IND-L located to the west of Etna Road. **(Zoning Map Amendment)**

Amendment #5 – To amend the GC-1 and CB District Tables of Uses to allow “industrial planned unit development” and “planned business park” by Conditional Use Permit. **(Zoning Ordinance Sections 305A, 306 and 508.2)**

Amendment #6 – To amend the Commercial PUD and Industrial PUD regulations relative to tract size and calculating permitted residential dwelling unit density, and to amend the Planned Business Park regulations relative to allowed uses and calculating permitted residential dwelling unit density. **(Zoning Ordinance Sections 501.4, 508.2, and 508.4)**

Amendment #7 – To ADD Section 614 (“Recovery Houses”) and to amend the IND-L, GC, CB, LD, R-O, MC, and MC-2 Districts to allow “recovery house” by Special Exception. **(Zoning Ordinance Sections 303.2, 305.2, 306.2, 307.2, 311.2, 315.2, 315A.2, and Appendix A, and ADD Section 614)**

Amendment #8 – To create a “Medical Center Two (MC-2)” zoning district. **(ADD Zoning Ordinance Section 315A)**

Amendment #9 – To rezone the property located at 31 Romano Circle (Tax Map/Lot 101-20) from R-2 to R-O. **(Zoning Map Amendment)**

Amendment #10 – To allow stairs and stairwells to project up to 2 ft. into minimum required yards. **(Zoning Ordinance Section 201)**

Amendment #11 – To clarify procedures for requesting a waiver of impact fees from the Planning Board. **(Zoning Ordinance Section 213)**

Amendment #12 – To amend the requirements for shared driveways and to allow off-site utility improvements by Conditional Use Permit. **(Zoning Ordinance Section 215)**

Amendment #13 – To allow density bonuses for multi-family developments in the R-1 and R-2 Districts that provide for workforce housing, are energy efficient, and/or incorporate renewable energy systems. **(Zoning Ordinance Section 507)**

Amendment #14 – To amend the cottage development regulations by clarifying the minimum building site and off-street parking requirements. **(Zoning Ordinance Section 509 and the Table of Minimum Off-Street Parking Requirements)**

Amendment #15 – To clarify that family day care homes and family group day care homes are allowed as an accessory use to any primary residential use. **(Zoning Ordinance Section 604 and Appendix A)**

Amendment #16 – To permit the Planning Board to authorize alternative parking solutions for residential uses as required by state statute. **(Zoning Ordinance Section 607.1)**

Amendment #17 – To clarify the minimum percentage of EVSE-installed, EV-ready, and EV-capable parking spaces for multi-family dwelling and non-residential uses. **(Zoning Ordinance Section 607.8)**

Amendment #18 – To amend the sign regulations to allow freestanding digital signs on certain streets within the GC District with related changes to the sign illumination standards and the sign enforcement provisions. **(Zoning Ordinance Section 608.2, 608.3, 608.4, and Appendix A)**

Amendment #19 – To clarify who has standing to appeal an administrative decision to the Zoning Board of Adjustment and who has standing to request a rehearing, and to clarify that the term “abutter” shall have the same meaning as provided by state statute. **(Zoning Ordinance Section 801.1, 802.5 and Appendix A)**

Amendment #20 – To rezone the property located at 92 Riverside Drive (M/L 111-16) from RL-1 to GC. **(Zoning Map Amendment)**

Amendment #21 – To rezone the property located at 67-69 Etna Road (M/L 26-2) from IND-L and RL-3 to GC-1. **(Zoning Map Amendment)**

As drafted, the proposed Council Amendments listed above will not alter the zoning district designations or alter the Table of Uses or the Table of Area, Dimensions and Coverage for any Residential or Rural Lands zoning districts within the City. As a result, no referendum vote is required for the proposed Council Amendments pursuant to Section 1000.4.A.

Following the public hearing on the proposed amendments listed above, the City Council will be asked to take action to adopt the amendments.

Action:

If the Council decides to adopt the proposed amendments listed above, the following motion is offered for consideration:

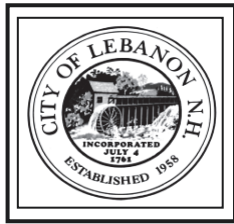
MOVED, that the Lebanon City Council hereby approves zoning amendments #4 through #21 as presented in the January 22, 2025 City Council Agenda Packet.

Included in this Section:

1. January 9, 2025 Memorandum from Planning & Development Department Staff RE: 2024-2025 Proposed Zoning Amendments for Council Approval
2. Notice of Public Hearing as Published in the January 11, 2025 edition of the *Valley News*

Information available but not included in this section:

1. [January 8, 2025 City Council Agenda Packet](#)



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Planning and Development Department Staff

RE: 2024-2025 Proposed Zoning Amendments for Council Approval

DATE: January 9, 2025

As a result of Council and Land Use Boards reviews of 2024-2025 Proposed Zoning Amendments, three amendments are being sent to the residents of Lebanon to be voted on at the March Municipal Election. The remaining 18 amendments will be sent to City Council for their adoption following a public hearing. The amendments are listed below:

Amendment #4 – To rezone the properties within the Centerra Planned Business Park from IND-L to CB, except for Tax Map/Lots 10-11-1200, 10-13, 10-11-1300, 10-11-1302, 10-11-3100, 10-11-3200, 10-11-3400, 10-11-3600, and 10-11-3800, which are proposed to be rezoned from IND-L to GC-1; to rezone the +/-15.72 acre Altaria Planned Unit Development from IND-L to GC-1; to rezone the +/-50.1 acre former Altaria Planned Business Park from IND-L to GC-1; and to rezone to GC-1 all properties currently zoned IND-L located to the east of Etna Road, and east and west of Labombard Road, excluding Tax Map/Lot 51-12, which is proposed to be rezoned entirely RL-3; and all properties currently zoned IND-L located to the east of Route 120 between Heater Road and I-89 Exit 18, excluding Tax Map/Lots 78-41, 78-42, and 78-43. The City Council may also consider rezoning to GC-1 all properties currently zoned IND-L located to the west of Etna Road. **(Zoning Map Amendment)**

Amendment #5 – To amend the GC-1 and CB District Tables of Uses to allow “industrial planned unit development” and “planned business park” by Conditional Use Permit. **(Zoning Ordinance Sections 305A, 306 and 508.2)**

Amendment #6 – To amend the Commercial PUD and Industrial PUD regulations relative to tract size and calculating permitted residential dwelling unit density, and to amend the Planned Business Park regulations relative to allowed uses and calculating permitted residential dwelling unit density. **(Zoning Ordinance Sections 501.4, 508.2, and 508.4)**

Amendment #7 – To ADD Section 614 (“Recovery Houses”) and to amend the IND-L, GC, CB, LD, R-O, MC, and MC-2 Districts to allow “recovery house” by Special Exception. **(Zoning Ordinance Sections 303.2, 305.2, 306.2, 307.2, 311.2, 315.2, 315A.2, and Appendix A, and ADD Section 614)**

Amendment #8 – To create a “Medical Center Two (MC-2)” zoning district. **(ADD Zoning Ordinance Section 315A)**

Amendment #9 – To rezone the property located at 31 Romano Circle (Tax Map/Lot 101-20) from R-2 to R-O. **(Zoning Map Amendment)**

Amendment #10 – To allow stairs and stairwells to project up to 2 ft. into minimum required yards. **(Zoning Ordinance Section 201)**

Amendment #11 – To clarify procedures for requesting a waiver of impact fees from the Planning Board. **(Zoning Ordinance Section 213)**

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Amendment #13–To allow density bonuses for multi-family developments in the R-1 and R-2 Districts that provide for workforce housing, are energy efficient, and/or incorporate renewable energy systems. **(Zoning Ordinance Section 507)**

Amendment #14–To amend the cottage development regulations by clarifying the minimum building site and off-street parking requirements. **(Zoning Ordinance Section 509 and the Table of Minimum Off-Street Parking Requirements)**

Amendment #15–To clarify that family day care homes and family group day care homes are allowed as an accessory use to any primary residential use. **(Zoning Ordinance Section 604 and Appendix A)**

Amendment #16–To permit the Planning Board to authorize alternative parking solutions for residential uses as required by state statute. **(Zoning Ordinance Section 607.1)**

Amendment #17–To clarify the minimum percentage of EVSE-installed, EV-ready, and EV-capable parking spaces for multi-family dwelling and non-residential uses. **(Zoning Ordinance Section 607.8)**

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Amendment #19–To clarify who has standing to appeal an administrative decision to the Zoning Board of Adjustment and who has standing to request a rehearing, and to clarify that the term “abutter” shall have the same meaning as provided by state statute. **(Zoning Ordinance Section 801.1, 802.5 and Appendix A)**

Amendment #20–To rezone the property located at 92 Riverside Drive (M/L 111-16) from RL-1 to GC. **(Zoning Map Amendment)**

Amendment #21–To rezone the property located at 67-69 Etna Road (M/L 26-2) from IND-L and RL-3 to GC-1. **(Zoning Map Amendment)**

Recommendation

As drafted, the proposed Council Amendments will not alter the zoning district designations or alter the Table of Uses or the Table of Area, Dimensions, and Coverage for a Residential or Rural Lands zoning districts within the City. As a result, no referendum vote is required for the proposed Council Amendments pursuant to Section 1000.4.A

Adoption of the proposed Council Amendments is recommended at this time in accordance with the procedures outlined in Section 1000.4.B as follows:

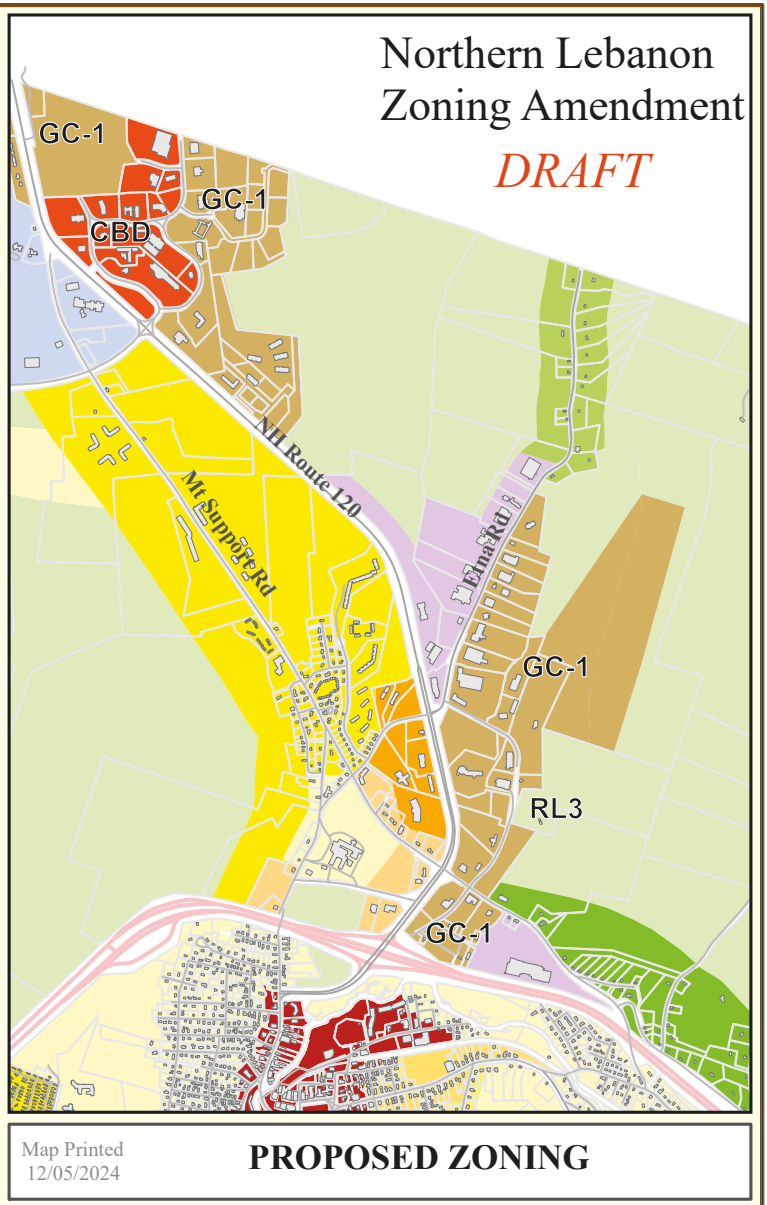
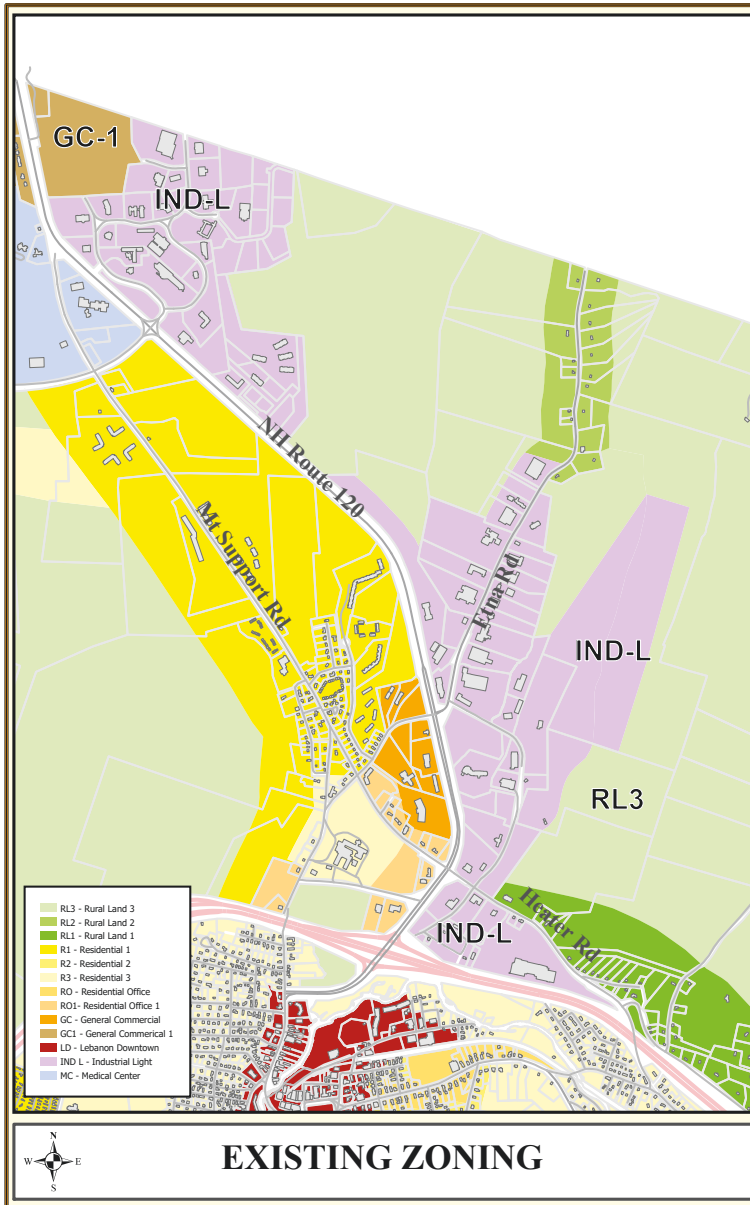
Article X, 1000.4 Action Upon Proposed Zoning Amendments.

Any proposed zoning amendment shall be acted upon and adopted or rejected as follows:

B. Action by the Council: The Council shall act on any proposed Zoning amendment not requiring a referendum vote in which case adoption of the Zoning Amendment shall require a majority vote of five members of the City Council: or alternatively, the Council may decide that such an amendment shall be submitted to the voters at the annual City election, even though such a referendum is not required.

Attachments

1. Map showing North 120 Study Rezoning Amendment
2. Amended General Commercial - 1 Use Table – Section 305A.
3. Amended Central Business District Use Table - Section 306
4. Amended Section 508.2 “General Requirement” and Section 508.4 “Sectors, Allowed Uses”
5. Amended Section 501.4(C) “PUD Tract Size”
6. Definition of “Recovery Houses” and New Section 614: Recovery Houses Text
7. Recovery Houses Use Tables
8. Recovery Houses Legal Option Letter
9. New Section 315A: Text Medical Center 2 District
10. Medical Center 2 Legal Opinion Letter
11. Map showing Lot 101-20 Rezoning Amendment (Romano Circle)
12. Combined Staff Technical Amendments for Items #10-19
13. Technical Amendments Legal Opinion Letter
14. Application for rezoning of 92 Riverside Drive - Owner Initiated Map Amendments
15. 92 Riverside Drive, North 120, and Romano Circle – Legal Option Letter
16. Application for rezoning of 67-69 Etna Road and Maps - Owner Initiated Map Amendments



305A General Commercial One District

305A.2 Table of Uses.

<u>Permitted Uses</u>	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
<u>Residential</u> 1. Multi-family dwelling (see Section 305A.4) <u>Commercial/Non-Residential</u> 2. Dwelling unit(s) above first floor 3. Essential service 4. Financial institution 5. Group day care facility per Section 604 6. Office 7. Personal service 8. Renewable energy system per Section 612 9. Bus Terminal 10. Health Club 11. Local Government Use 12. Outdoor Storage 13. Plumbing, electrical or carpentry shop 14. Publishing or Printing 15. Trucking Terminal 16. Warehouse 17. Equipment & Machinery Sales & Service 18. Outdoor Storage (less than 70%)	<u>Commercial/Non-Residential</u> 1. Alternative treatment center per Section 613 2. Drycleaning pick-up station 3. Educational facility, college/university 4. Inpatient rehabilitation facility 5. Light industry 6. Research laboratory 7. Restaurant , sandwich shop 8. Retail store 9. Outdoor storage (more than 70%) 10. Car Wash 11. Vehicular Sales <u>Planned Developments</u> 1. Commercial PUD per Section 501 2. Manufactured Housing PURD per Section 504 3. Cottage Development 4. Industrial PUD per Section 501 5. Planned Business Park per Section 508 <u>Special Exception</u> (see Section 801.3) 1. Care and Treatment of Animals

Section 306 Central Business District

306.2 Table of Uses

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> 1. Dwelling Unit(s) above first floor 2. Multi-family dwelling (see section 305A.4) 3. Senior Housing Complex <u>Commercial/Non-Residential</u> 4. Amusement (indoor) 5. Community Center 6. Drycleaning Pickup Station 7. Financial Institution 8. Group Daycare Facility 9. Funeral Home 10. Health Club 11. Hotel 12. House of Worship 13. Laundromat 14. Library 15. Local Government Use 16. Membership Club 17. Motel 18. Museum 19. Office 20. Personal Service	<u>Commercial/Non-Residential</u> 1. Craftsman's Shop 2. Drive Through Facility 3. Educational Facility, college/university <u>Uses by Conditional Use Permit</u> (See section 302.4) <u>Commercial/Non-Residential</u> 1. Essential Service 2. Other uses per Section 306.4 3. Parking Facility 4. Publishing/Printing 5. Recreational Facility, indoor 6. Recreational Facility, outdoor <u>Planned Developments</u> 7. Commercial <u>or Industrial</u> PUD per Section 501 7-8. <u>Planned Business Park</u>

SECTION 508 PLANNED BUSINESS PARKS.

[...]

508.2 General Requirement. A **planned business park** is **allowed** as a Conditional Use in the Light Industrial District, General Commercial One District, Central Business District and the Industrial Rail Access District.

508.4 Sectors, Allowed Uses.

- A. The **planned business park** shall be shown on an approved Subdivision Plan and Use Allocation Plan. The Subdivision Plan and Use Allocation Plan approved by the Planning Board shall designate the allocation of the Industrial/ Office, Commercial and Residential Uses within the Park.
- B. No more than 20% of the net land area not planned for open space, roads, or utilities shall be used for the Commercial Sector.
- C. Unless limited by the Planning Board at the time of subdivision approval, the following uses shall be permitted.
 - 1. The following uses shall be permitted by right for any **planned business park** Industrial/Office Sector: **light industry; warehouse;** trucking terminal; publishing/printing; plumbing, electrical or carpentry shop; research laboratory; local government use; **essential service;** outdoor storage per Section 303.4 (less than 20%); **group day care facility** per Section 604; general business offices, research facilities, medical office buildings; **health clubs,** Educational Facility, College/University; Educational Facility, Vocational School; any use allowed in the Central Business (CB) District; and **accessory uses** to a permitted use. Retail showrooms per Sections 303.5 and 303A.5 shall be allowed by **conditional use** permit.
 - 2. The following uses shall be permitted by right for any **planned business park** Commercial Sector: **retail store(s)** up to a cumulative maximum of 20,000 sq. ft. of **gross floor area; personal service;** bank, branch bank; **restaurant,** sandwich shop/deli; refreshment stand; **office; motel; hotel;** movie theater; **membership club; amusements (indoor);** printing (i.e. retail copy store); radio or TV studio; **group day care facility** per Section 604; local government use; ~~and health clubs;~~ any use allowed in the Central Business (CB) District.
- D. **Dwelling units** in **one-family, two-family** and **multi-family dwellings** or appropriate mixes thereof at the discretion of the Planning Board, shall be provided for in all **planned business parks.** The maximum number of **dwelling units** allowed pursuant to this section shall be based on a minimum of 15% and a maximum of 25% of the net land area of the park not planned for open space, roads, or utilities and calculated at a density of 13 **dwelling units** per acre. Such **dwelling units** may be clustered together and/or distributed within the Park at the

discretion of the Planning Board. For **planned business parks** in the GC-1 and CB District or portions thereof, the density of residential uses allowed pursuant to this section shall be determined by the Planning Board pursuant to Sections 305A.4 and 306.5, respectively.

[...]

SECTION 501 PLANNED UNIT DEVELOPMENT (PUD).

[...]

501.4 Commercial or Industrial Planned Unit Developments.

C. Tract Size: All Commercial or Industrial PUDs shall have a minimum tract size of 10 acres.

<u>District</u>	<u>Minium Tract Size</u>
<u>Industrial</u>	<u>10 acres</u>
<u>CB</u>	<u>10 Acres</u>
<u>GC</u>	<u>10 Acres</u>
<u>GC-1</u>	<u>10 Acres</u>

D. Uses Allowed in a Commercial or Industrial PUD. Any non-residential use permitted or allowed by ***special exception*** or ***conditional use*** in the IND-L, CB, GC, or GC-1 Districts is allowed in a Commercial PUD. Such uses allowed by ***special exception*** or ***conditional use*** shall be considered permitted uses when included as part of a proposed Commercial PUD and shall not require separate ***special exception*** or ***conditional use*** approval.

Any non-residential use permitted or allowed by ***special exception*** or ***conditional use*** permit in the IND-L and IND-RA Districts is allowed in an Industrial PUD. Such uses allowed by ***special exception*** or ***conditional use*** shall be considered permitted uses when included as part of a proposed Industrial PUD and shall not require separate ***special exception*** or ***conditional use*** approval. Additionally, no more than 25 percent of the ***gross floor area*** in an Industrial PUD may be allocated to ***hotels, restaurants, personal services*** and retail sales necessary to serve the needs of the other businesses in the PUD (or of their employees).

Dwelling units in ***one-family, two-family*** and ***multi-family dwellings*** or appropriate mixes thereof may be allowed in Commercial or Industrial PUDs, at the discretion of the Planning Board, provided that the Board determines that such residential uses are compatible within the proposed PUD. For PUDs or portions thereof in the IND-L or IND-RA Districts, tThe density of residential uses allowed pursuant to this section shall be determined based on a maximum of 25% of the net land area of the PUD not planned for open space, roads, or utilities and calculated at a density of 13 ***dwelling units*** per acre. For PUDs or portions thereof located in the GC, GC-1, or CB Districts, the density of residential uses allowed pursuant to this section shall be determined by the Planning Board pursuant to Sections 305.5, 305A.4, and 306.5, respectively. Where allowed, such ***dwelling units*** may be clustered together and/or distributed within the Commercial or Industrial PUD in ***mixed use buildings*** at the discretion of the Planning Board.

ATTACHMENTS: Recovery House

Recovery House Definition, Use Code Additions, and Text:

Proposed Definition for Appendix A:

Recovery House: As defined in RSA 153:10-d, II, as the same may be amended: A residence that provides a safe, healthy, family-like, substance free living environment that supports individuals in recovery from addiction and is centered on peer support and a connection to services that promote long-term recovery; provided that “recovery housing” shall not include a halfway house or any other facility requiring a license pursuant to RSA 151.

Proposed Article III Table of Use Amendments for City Council approval:

Allow "recovery house" by Special Exception per Section 614 in the following zoning districts:

- CB - Central Business
- LD - Lebanon Downtown
- GC - General Commercial
- RO- Residential Office
- MC- Medical Center
- MC2- Medical Center Two
- IND-L- Industrial Light

Proposed Article III Table of Use Amendments for voter approval:

Allow "recovery house" by Special Exception per Section 614 in the following zoning districts:

- R-1- Residential One
- R-2- Residential Two
- R-3- Residential Three

Proposed amendment to Article VI of the Zoning Ordinance - new Section 614:

Section 614 Recovery Houses.

614.1 Purpose.

The purpose of this section is to institute reasonable regulations for the establishment of recovery houses in accordance with RSA 153:10-d Exemption for Recovery Houses and to protect the health, safety, and welfare of the patrons of such operations, and of the citizens of Lebanon, and to prevent the deleterious siting of recovery houses within the City.

614.2 Certification Required.

To establish and operate a recovery house, the following standards shall be met:

A. The recovery house shall be certified and maintain certification by the ~~New Hampshire Coalition of Recovery Residences~~ New Hampshire Partnership of Recovery Residences (NHPRR) at all times while in operation. Documentation of this certification and recertification shall be provided immediately to the Zoning Official, Fire Chief, Police Chief, and the City Clerk.

1. A letter from the New Hampshire Partnership of Recovery Residences (NHPRR) confirming the recovery house certification process has commenced shall accompany all City permit applications for the establishment of a new recovery house.

2. Upon final New Hampshire Partnership of Recovery Residences (NHPRR) certification of a new recovery house the certification shall immediately be communicated to the Zoning Official,

Fire Chief, Police Chief and City Clerk. The recovery house may not begin operation under any City approval until certification has been received and transmitted to the City as required by this section.

- B. A 24-hour emergency contact person with contact information and the approved building occupant load shall be posted in the common area of the building, so it is readily visible to residents and emergency responders. A 24-hour emergency contact person with contact information shall be provided, kept updated and remain on file with the Police Chief and Fire Chief.

614.3 Special Exception Application Requirements.

An application for a Special Exception shall include the following documentation:

- A. A location map demonstrating adherence to the 1320 ft. (1/4 mile) bus stop radius requirement set forth in Section 614.3.
- B. A site plan and floor plan demonstrating adherence to the requirements of RSA 153:10-d Exemption for Recovery Houses.
- C. A letter from the **New Hampshire Partnership of Recovery Residences (NHPRR)** confirming the recovery house certification process has begun.
- D. A proposed site plan depicting the following:
 - 1. A garbage management plan with locations of exterior garbage receptacles and compliance with the applicable criteria set forth in Section 614.3. If a garbage dumpster is being used, the plan shall demonstrate compliance with the applicable location and screening requirements as set forth in the Site Plan Review Regulations.
 - 2. A proposed smoking compliance plan that meets the standards of 153:10-d Exemption for Recovery Houses and the applicable criteria set forth in Section 614.4.
 - 3. A parking plan sufficient to demonstrate that the recovery house has sufficient parking to meet the needs of its residents.

614.4 Special Exception Criteria.

In addition to the general Special Exception criteria set forth in Section 801.3 and the certification requirements set forth in Section 614.2, an applicant for a Special Exception shall demonstrate compliance with the following criteria:

- A. The recovery house will be operated in a manner harmonious to the neighborhood and shall maintain a residential home appearance from the street view.
- B. The recovery house shall have walkable and bikeable access to and be located within $\frac{1}{4}$ mile (1320 ft.) of a bus stop.
- C. Smoking areas are not permitted in the front yard of a recovery house.
- D. A designated smoking area shall meet applicable setback for the zoning district and if abutting a residential use screening shall be provided.
- E. All garbage receptacles shall be stored in a location on the side or rear of the house.

Use Tables for Recovery Houses Council Items:

Section 303: Light Industrial District – IND-L

303.2 Table of Uses.

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

305.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> Dwelling unit(s) above first floor Multi-family dwelling (see Section 305.5)	<u>Commercial/Non-Residential</u> Alternative treatment center per Section 613 Bus terminal Educational facility, college/university Essential service Truck terminal Recovery Houses
<u>Commercial/Non-Residential</u> Amusements (indoor) - Car wash Community center Drive-in restaurant, refreshment stand Drive-through facility - Drycleaning pick-up station Financial institution - Funeral home Group day care facility per Section 604 Health club Hotel - House of worship - Laundromat Local government use Membership club Motel - Movie theater Office Personal service - Publishing/printing - Radio or TV studio Recreational facility, indoor Renewable energy system per Section 612 Restaurant, sandwich shop Retail product pickup Retail store Service station Vehicular repair Vehicular sales	<u>Uses by Conditional Use Permit</u> (see Section 302.4) <u>Commercial/Non-Residential</u> Care and treatment of animals Contractor's yard Craftsman's shop - Plumbing, electrical or carpentry shop Produce stand Recreational facility, outdoor Warehouse - Wholesale sales <u>Planned Developments</u> - Commercial PUD per Section 501

306.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> 1. Dwelling unit(s) above first floor 2. Multi-family dwelling (see Section 306.5) 3. Senior housing complex	<u>Commercial/Non-Residential</u> 1. Craftsman’s shop 2. Drive-through facility 3. Educational facility, college/university 4. Recovery Houses
<u>Commercial/Non-Residential</u> 4. Amusements (indoor) 5. Community center 6. Drycleaning pick-up station 7. Financial institution 8. Group day care facility per Section 604 9. Funeral home 10. Health club 11. Hotel 12. House of worship 13. Laundromat 14. Library 15. Local government use 16. Membership club 17. Motel 18. Museum 19. Office 20. Personal service 21. Radio or TV studio 22. Renewable energy system per Section 612 23. Restaurant, sandwich shop 24. Retail store 25. Social service center 26. Theater, concert hall, movie theater	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
	<u>Commercial/Non-Residential</u> 1. Essential service 2. Other uses per Section 306.4 3. Parking facility 4. Publishing/printing 5. Recreational facility, indoor 6. Recreational facility, outdoor <u>Planned Developments</u> 7. Commercial PUD per Section 501

307.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
	1. Recovery Houses
	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
<u>Residential</u> Multi-family dwelling (see Section 307.5) Dwelling unit(s) above or below the street level story	<u>Commercial/Non-Residential</u> Craftsman's shop, art studio - Dry cleaning pick up station Educational facility, college/university Essential service - Laundromat - Other uses per Section 307.4 Parking facility - Publishing/printing Recreational facility, indoor Recreational facility, outdoor
<u>Commercial/Non-Residential</u> Amusements (indoor) Community center Financial institution Group day care facility per Section 604 Health club Hotel - House of worship - Library Local government use Membership club - Museum Office Personal service - Radio or TV studio Renewable energy system per Section 612 Restaurant, sandwich shop Retail store Senior housing complex Social service center - Theater, concert hall, movie theater	

311.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> One-family dwelling Two-family dwelling Multi-family dwelling (4 dwelling units or less) per Section 601 Accessory dwelling unit (ADU) per Section 610 <u>Commercial/Non-Residential</u> Community center - Conversion of a dwelling to office use per Section 601 Group day care facility per Section 604 Home business per Section 600 - House of worship Personal service Renewable energy system per Section 612 <u>Planned Developments</u> - PURD per Section 501	<u>Residential</u> Multi-family dwelling (5 dwelling units or more) per Section 601 Senior housing complex <u>Commercial/Non-Residential</u> - Cemetery Educational facility, college/university Educational facility, primary/secondary Essential service - Funeral home Group residence Health club Hospice - Library or museum conversion per Section 601 Lodging house Public safety facility Recreational facility, indoor Recreational facility, outdoor - Theater, concert hall, movie theater conversion per Section 601 Tourist home (or bed and breakfast facility) Recovery Houses
	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
	<u>Residential</u> Cottage development per Section 509

315.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
	1. Recovery Houses
	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
<u>Commercial/Non-Residential</u> Essential service Group day care facility per Section 604 Health club Hospice Medical center complex per Section 506 - Medical office building Medical research facility Renewable energy system per Section 612 Retail product pickup	<u>Commercial/Non-Residential</u> Drive-through facility Financial institution Inpatient rehabilitation facility Motel Hotel Office Parking facility Personal service Restaurant Retail store <u>Planned Developments</u> - Commercial PUD per Section 501

December 30, 2024

Nathan Reichert, Director of Planning & Development
City of Lebanon
51 S. Park Street
Lebanon, NH 03766
nathan.reichert@lebanonnh.gov

RE: Proposed Zoning Amendment – Recovery Houses

Mr. Reichert:

In a letter dated November 14, 2024, my colleague Christine Johnston, Esq., provided a preliminary legal opinion concerning proposed amendments to the Lebanon Zoning Ordinance to regulate “Recovery Houses”. Following review and comment upon the proposed amendments by the ZBA, Planning Board, and Conservation Commission, I am now providing a final legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance.

The proposed amendments are as shown in a “Recovery House” document dated as of November 13, 2024, which provides a proposed definition for “Recovery House” for ZO Appendix A, a list of proposed Article III Table of Use amendments to allow recovery houses by Special Exception in various zoning districts, and a new Section 614 setting forth specific regulations for the establishment and operation of recovery houses.

ZO Section 1000.3(B) requires this legal review to cover: (a) whether such amendments are within the authority delegated to the City under State law; (b) whether the form is appropriate; and (c) whether, from an administrative point of view, the amendments can be administered and enforced. My answer to these three questions is “yes”, and I discern no legal or administrative issues of concern with these proposed amendments.

Please do not hesitate to contact me with any questions or concerns about this opinion.

Sincerely,



Matthew C. Decker

ATTACHMENTS:
Medical Center

SECTION 315A MEDICAL CENTER TWO DISTRICT (MC-2).

315A.1 Purpose.

The purpose of the Medical Center Two District is to provide for the provision of inpatient and outpatient health care and other related and complimentary uses, including but not limited to housing for employees and staff.

315A.2 Permitted Uses.

MC-2 DISTRICT

Permitted Uses	Conditional Use Permit (see Section 302.4)
1. Hospital 2. Hospice 3. Medical office 4. Nursing home 5. Senior housing complex 6. Essential service 7. Renewable energy system per Section 612	1. Group day care facility 2. Group residence 3. Parking facility 4. <u>Multi-family dwelling</u>

315A.3 Table of Area, Dimensions and Coverage.

MC-2 DISTRICT

Minimum Lot Requirements					Maximum Limitations	
Lot Area	Lot Frontage	Front Yard	Side Yard	Rear Yard	Height	Building Coverage
30,000 sq.ft.	100'	20'	15'	20'	60' (See Section 31X.4)	40%

315A.4 Special Height Restriction.

On parcels adjacent to residential districts, the height limitation of the adjacent residential district shall apply; provided, however, that on such parcels, building height may be increased above the residential limitation by one (1) foot for each

two (2) feet that the building is set back from the required setback line(s) on sides of the lot adjacent to the residential district, but shall in no case exceed 60 feet.

315A.5 Dwelling Unit Density.

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

December 30, 2024

Nathan Reichert, Director of Planning & Development
City of Lebanon
51 S. Park Street
Lebanon, NH 03766
nathan.reichert@lebanonnh.gov

**RE: Proposed Zoning Amendment –
Creation of Medical Center Two (MC-2) Zoning District
Section 31X and Map Amendment**

Mr. Reichert:

In a letter dated November 13, 2024, my colleague Christine Johnston, Esq., provided a preliminary legal opinion concerning proposed amendments to the Lebanon Zoning Ordinance to create a new Medical Center Two (MC-2) zoning district. Following review and comment upon the proposed amendments by the ZBA, Planning Board, and Conservation Commission, I am now providing a final legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance.

The proposed amendments are as shown in a draft of a “Section 31X – Medical Center Two District (MC-2)” document dated as of November 13, 2024, and in a proposed zoning map amendment which shows four large lots in the vicinity of the Alice Peck Day Hospital which would be re-zoned from R-3 to MC-2. I understand that the proposed amendments would establish a new MC-2 zoning district to facilitate the continued development of the selected lots for inpatient and outpatient health care and other related and complimentary uses, including but not limited to housing for employees.

ZO Section 1000.3(B) requires this legal review to cover: (a) whether such amendments are within the authority delegated to the City under State law; (b) whether the form is appropriate; and (c) whether, from an administrative point of view, the amendments can be administered and enforced. Other than as explained below, my answer to these three questions is “yes”, and I discern no legal or administrative issues of concern with these proposed amendments.

Attorney Johnston’s preliminary letter of November 13 provided a discussion of “spot zoning” and cautioned that zoning map amendments must comply with a “rational basis” level of Due Process analysis to be constitutional, meaning that map amendments must not be arbitrary and they must be in reasonable furtherance of some valid public land use regulatory purpose. I refer you to this prior discussion, which I will not repeat in full here.

The re-zoning of four contiguous lots comprising ~59 acres from R-3 to MC-2, with an apparent purpose of facilitating the continued development of a medical campus that serves the City’s

December 30, 2024

Page 2

needs, does appear to advance the City's comprehensive development plans and serve the public interest. At the time of the public hearing of this proposed amendment, I recommend that the City Council's deliberations should include additional specific discussion of (i) the ways in which this amendment fits into the City's development goals, and (ii) the community planning interest, public interest, and public benefit of this amendment.

Please do not hesitate to contact me with any questions or concerns about this opinion.

Sincerely,



Matthew C. Decker

Romano Circle Zoning Amendment

- R2 - Residential 2
- RO - Residential Office
- GC - General Commercial
- IND RA - Industrial Rail Access

DRAFT

Map Printed 12/05/2024



EXISTING ZONING



PROPOSED ZONING

DRAFT MISCELLANEOUS MINOR AMENDMENTS TO
THE CITY OF LEBANON ZONING ORDINANCE

[...]

ARTICLE II GENERAL PROVISIONS

[...]

SECTION 201 YARD REQUIREMENTS.

Except as otherwise provided herein, no **building** or **structure** other than accessory structures and buildings of 130 sq. ft. or less per Section 201.8 below shall occupy any part of any yard required by ARTICLE III, except that **architectural details** may extend not more than two (2) feet into any required yard and stairs and stairwells may extend not more than six (6) feet into any required yard.

[...]

Section 212 "Nuisance Ordinance" has been tabled pending the completion of a proposed "Nuisance Ordinance" to be placed in City Code.

SECTION 213 IMPACT FEES.

[...]

213.8 Waivers.

[...]

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

1. An assessed property may apply to the Planning Board for a full or partial waiver of impact fee assessments imposed by this Ordinance on the basis of other contributions toward public capital facilities. The amount of such a waiver shall not exceed the value of land, facilities construction, or other contributions for public capital facilities. The value of on-site and off-site improvements which are required by the Planning Board as a result of subdivision or site plan review, and which would have to be completed by the developer, regardless of the impact fee provisions, shall not be considered eligible for waiver under this Ordinance. The value of contributions or improvements shall be credited only toward facilities of like kind, and may not be credited to other categories of impact fee assessment. All costs incurred by the City for the review of a proposed waiver, including consultant and counsel fees, shall be paid by the applicant.
2. The Planning Board may waive an impact fee, in whole or in part where, in the opinion of the Board, [in consultation with the Board's legal counsel](#), such fee would, due to interference with constitutionally-vested rights, pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of this Ordinance.

[A waiver request made pursuant to this subsection shall require a public hearing before the Planning Board but shall not require notice to abutters. Notice of the public hearing shall be posted in at least two \(2\) public places and shall be published in a newspaper of general circulation in Lebanon not less than ten \(10\) nor more than thirty \(30\) days before the date of the meeting at which the request will be considered.](#)

[...]

SECTION 215 LOCATION OF ACCESSORY USE.

215.1 General.

[An **accessory use** shall be permitted only upon the same **lot** where its respective primary use lawfully exists. In the case of lots in two or more zoning districts, an **accessory use** shall be permitted only on that portion of the **lot** where its respective primary use is permitted.](#)

215.2 Exceptions.

Notwithstanding Section 215.1:

- A. ~~An **accessory use** shall be permitted only upon the same **lot** where its respective primary use lawfully exists, except that (i) a **driveway** may cross over an adjacent **lot** provided that the use the **driveway** serves is a permitted use on the **lot** over which the **driveway** crosses, and provided the affected property owners jointly apply for a zoning permit. In the case of a driveway providing sole access to the lot, the zoning permit application shall include a copy of an easement securing the perpetual right to utilize the driveway and identifying maintenance responsibilities. and (ii) a~~
- B. A common **driveway** serving not more than two adjacent **lots** is also permissible provided that the use(s) the common **driveway** serves is (are) permitted use(s) on the **lot(s)** over which the common **driveway** crosses, and provided the affected property owners jointly apply for a zoning permit, the application for which shall include a copy of an easement securing the perpetual right to utilize the driveway and identifying maintenance responsibilities. In the case of lots in two or more zoning districts, an **accessory use** shall be permitted only on that portion of the **lot** where its respective primary use is permitted.
- C. Utility improvements including but not limited to stormwater management facilities located on an abutting lot may be approved by **conditional use permit** provided that, in addition to the findings required by Section 302.4.D, the Planning Board finds that (a) a lot line adjustment between the two properties is impractical and (b) such arrangements are formalized in a draft legal instrument acceptable to an attorney representing the City and submitted with the Conditional Use Permit application for approval by the Planning Board. The execution of such instrument as approved by the City shall be a condition on any approval under this section.

[...]

ARTICLE V SUBDIVISIONS AND PLANNED DEVELOPMENTS

[...]

SECTION 507 **DENSITY BONUSES** ~~FOR CERTAIN PLANNED DEVELOPMENT.~~

PURD's, PRecs, ~~and manufactured housing parks~~ **PURDs**, and multi-family developments in the R-1 District and R-2 District may receive an increased density bonus pursuant to Table 507.1 and the provisions of this section.

507.1 Increased Density Bonuses.

Maximum Amount of Bonus Available

Type of Development	For Use of Technique	For Workforce Housing	For Energy Efficient Design	For Renewable Energy Systems
PURD or PRec	12%	10%	10%	10%
Manufactured housing PURD	12%	----	10%	10%
<u>Multi-family development in the R-1 and R-2</u>	<u>----</u>	<u>10%</u>	<u>10%</u>	<u>10%</u>

507.2 Criteria for Award of Bonus.

The Planning Board may allow a gross density of development greater than allowed under Article III of this Ordinance for PURDs, PRecs, **manufactured housing PURDs**, ~~or and~~ multi-family developments in the R-1 District and R-2 District ~~PRec's~~ up to a maximum bonus allowed by Table 507.1. The Planning Board may approve a density bonus for any one or more of the categories identified in Section 507.1. Density bonuses granted pursuant to this section shall be cumulative. The following guidelines shall be used in determining whether a bonus shall be awarded.

[...]

SECTION 509 COTTAGE DEVELOPMENTS.

[...]

509.6 Design Standards. The following design standards are intended to define design parameters to create a small community of cottages oriented around open space and to achieve compatibility with adjacent uses.

- A. Individual Cottage Spaces. ~~For each detached cottage, the~~ The site plan approved by the Planning Board shall delineate a regularly-shaped building site for each ~~detached cottage~~ of no less than 1,500 sq. ft. Each such building site shall be usable and may not include wetlands and/or steep slopes.

[...]

- I. Site Plan Review. Cottage developments shall demonstrate compliance with all applicable design requirements of the Site Plan Review Regulations. Consequently, applicants are required to apply for Site Plan Review contemporaneously with applying for a Conditional Use Permit.

[...]

ARTICLE VI ADDITIONAL STANDARDS FOR SPECIFIC USES

[...]

SECTION 604 GROUP DAY CARE FACILITIES.

[...]

604.3 ~~Family Day~~Home-Based Care Home.

Home-based care (*family day care home* and *family group day care home*) ~~The care in the home of six (6) or fewer children (inclusive of children under 6 years old who live in the home)~~ is allowed as an accessory use to any primary residential use permitted in any residential use district as long as all requirements for such programs adopted in rules of the New Hampshire Department of Health and Human Services (He-C 4002) are met, and no zoning permit is required, provided that persons living off the premises are not employed. If persons living off the premises are employed, such child care is a home business subject to the requirements of Section 600 (home business permits).

The care in the home of more than six (6) children (inclusive of any children under 6 years old who live in the home) is a **group day care facility** under this Ordinance.

[...]

SECTION 607 PARKING.

607.1 ~~Table of~~ Minimum Off-Street Parking Requirements.

[...]

D. For residential uses as defined in RSA 676:16-a, I, an alternative parking solution as that term is defined in RSA 676:16-a, I, may be authorized by the Planning Board notwithstanding the requirements of the Table of Minimum Off-Street Parking Requirements pursuant to RSA 676:16-a ("On-Site Parking Requirements).

TABLE OF MINIMUM OFF-STREET PARKING REQUIREMENTS
(Rounded down to the nearest whole - See Section 607.2)

<u>TYPE OF USE</u>	<u>UNITS OF MEASUREMENT</u>	<u>PARKING SPACES PER UNIT (I.E. RATIO)</u>
RESIDENTIAL		
<i>Dwelling, One-family/Two-family</i> detached and attached	<i>Dwelling units</i>	2.0
<i>Dwelling</i> , Studio Apartment	<i>Dwelling units</i>	1.0

<u>TYPE OF USE</u>	<u>UNITS OF MEASUREMENT</u>	<u>PARKING SPACES PER UNIT (I.E. RATIO)</u>
<i>Dwelling</i> , Apartment, One-bedroom and up	<i>Dwelling units</i>	1.5
Senior Housing	<i>Dwelling units</i>	1.0
<i>Group residence</i>	Residents	0.33
<i>Lodging house</i>	Rental units	2.0 base + 1.0/bed
<u><i>Cottage development</i></u>	<u><i>Cottage</i></u>	<u>1.0</u>

[...]

607.8 Electric Vehicles.

[...]

C. EV Infrastructure Requirements / Off-Street EV Parking Requirements. ***EVSE-installed spaces, EV-ready spaces, and EV-capable spaces*** shall be provided as follows:

1. One- and Two-Family Dwellings. All new ***one-*** and ***two-family dwellings*** shall provide at least one (1) ***EV-ready*** space per ***dwelling unit***.
2. Multi-Family Dwellings. Parking for ***multi-family dwellings and senior housing complexes*** shall include a minimum of 65% of EVSE-installed, EV-ready, and EV-capable spaces as follows:
 - a. ***EVSE-installed spaces*** for a minimum of 5% of proposed ***off-street parking spaces***.
 - b. ***EV-ready spaces*** for a minimum of 20% of proposed ***off-street parking spaces***.
 - c. ***EV-capable spaces*** for a minimum of ~~65~~40% of proposed ***off-street parking spaces***.
3. Non-Residential Uses. Parking for uses requiring or proposing to provide 30 or more ***off-street parking spaces*** shall include a minimum of 50% of EVSE-installed, EV-ready, and EV-capable spaces as follows:
 - a. ***EVSE-installed spaces*** for a minimum of 2% of proposed ***off-street parking spaces***, with a minimum of two ***EVSE-installed spaces***.
 - b. ***EV-ready spaces*** for a minimum of 10% of proposed ***off-street parking spaces***.
 - c. ***EV-capable spaces*** for a minimum of ~~50~~38% of proposed ***off-street parking spaces***.

[...]

SECTION 608 SIGNS.

[...]

608.2 General Provisions.

[...]

- C. Enforcement. Any **sign** displayed or erected which is not authorized by this Section and/or is not in compliance with all applicable regulations set forth herein shall be removed, and shall be subject to all available enforcement options pursuant to NH RSA Chapter 676.

In the course of investigating a brightness or luminance complaint, the Planning and Development Department may request a certification of the brightness or luminance by an independent contractor. If the investigation and certification indicate that the sign exceeds any applicable brightness or luminance levels specified in Section 608, the owner of the sign shall turn off the sign within twenty-four (24) hours of a request to do so by the City, and the sign shall remain off until the brightness or luminance of the sign is brought into compliance.

[...]

608.3 Prohibited Signs.

The following are prohibited:

[...]

- C. **Non-static signs**, except **digital signs** as may permitted according to Section 608.2.H.3 and Section 608.4.A.7 ("Freestanding Digital Signs").

[...]

608.4 Non-Residential Uses.

- A. Non-Residential Uses in Commercial and Industrial Districts. Signage for non-residential uses in the **commercial** and **industrial districts** shall be subject to the following requirements:

[...]

4. Freestanding Signs. A **lot** in the **commercial** and **industrial districts** may display one **freestanding sign** subject to the following regulations:

a. Sign Area and Height Regulations.

- i. **Freestanding signs** must comply with the dimensions set forth in the following table:

	Zoning District					
<u>Maximum</u>	<u>GC & GC-1</u>	<u>CB</u>	<u>LD</u>	<u>IND-L</u>	<u>IND-RA</u>	<u>IND-H</u>
height	25 ft.	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.
sign area	64 sq. ft.	32 sq. ft.	24 sq. ft.	64 sq. ft.	64 sq. ft.	64 sq. ft.

- ii. Strip Plazas and Multi-Tenant Buildings. A **freestanding sign** for a property improved with a **strip plaza** or **multi-tenant building** may exceed the maximum **sign area** set forth in Section 608.4.A.4.a.i by up to 50 percent, except in the CB and LD Districts.
- iii. Height. For purposes of measuring the height of a **freestanding sign**, height shall mean the vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the **sign** structure.
- iv. The size of a **freestanding sign** may exceed the maximum **sign area** set forth in Section 608.4.A.4.a.i by up to 15 percent in order to accommodate numerals identifying the property address or building address, or for a **freestanding sign** on a property improved with a **strip plaza** or **multi-tenant building**, by up to 15 percent in addition to the increase in **sign area** allowed per Section 608.4.A.a.ii.

[...]

e. Freestanding Digital Signs. **Freestanding signs** may incorporate a **digital sign** subject to the following:

- i. **Freestanding digital signs** are only allowed in the General Commercial (GC) on properties with frontage on the following streets:
 - Mechanic Street
 - Miracle Mile
 - Plainfield Road
 - South Main Street
- ii. No more than one (1) display per hour shall be allowed.
- iii. Displays shall contain static messages only.
- iv. **Freestanding digital signs** shall be programmed to automatically freeze in a single display in the event of a malfunction or computer/system error.
- v. The Planning and Development Department shall be provided with an on-call contact person and phone number for each **freestanding digital sign**. The contact person must have the ability and authority to make immediate modifications to the displays and lighting levels should the need arise.

- vi. The **digital sign** portion of a **freestanding digital sign** may be no larger than 50% of the **sign area** of the **freestanding digital sign**.
- vii. No **freestanding digital sign** may be located within one hundred (100) feet of a residential dwelling.
- viii. **Freestanding digital signs** shall operate with no more than 0.3 foot candles at the property line.
- ix. If a **freestanding digital sign** is located in the line of sight of a residential dwelling, such sign shall not operate at brightness levels of more than one-tenth (0.1) foot candles above ambient light levels (at measurement conditions) as measured to the nearest property line of the residential dwelling from the electronic sign.

[...]

6. Illumination. **Signs** may have either **external illumination** or **internal illumination**, subject to the following:

[...]

- d. Maximum Luminance. ~~Luminance~~ An illuminated sign shall ~~measure~~ operate with no more than 0.3 fc ~~above ambient light conditions~~ at the property line.

[...]

ARTICLE VIII BOARD OF ADJUSTMENT

[...]

SECTION 801 POWERS AND DUTIES.

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

801.1 Administrative Appeals.

As set forth in RSA 676:5, I, appeals to the Board concerning any matter within the Board's powers as set forth in RSA 674:33 may be ~~made~~ taken by the applicant, an abutter as defined by RSA 672:3, ~~any person aggrieved~~ or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. In exercising this power, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

[...]

802.5 Rehearings and Appeals.

As provided by NH RSA 677:2, as amended, within 30 days after any order or decision of the Board, any party to the action or proceeding or any ~~abutter as defined by RSA 672:3~~ ~~person directly affected by it~~ may apply for a rehearing.

[...]

APPENDIX A DEFINITIONS

[...]

ABUTTER: This term shall have the meaning as set forth in RSA 672:3, as amended. ~~Abutter means the owner of record of a lot located in New Hampshire and which adjoins or is within two hundred (200) feet (including across the street or waterway) of the subject lot. In the case of an abutting lot being under a condominium or other collective form of ownership, the term "ABUTTER" means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII. Additionally, the individual owners of condominium units which are located on a parcel within two hundred (200) feet of the subject lot shall be notified only by first class mail.~~ ~~any person whose property is located in New Hampshire and adjoins or is directly across the street or streams from the land under construction.~~

[...]

FAMILY DAY CARE HOME: This term shall have the meaning as set forth in RSA 170-E:2, IV(a), as amended

FAMILY GROUP DAY CARE HOME: This term shall have the meaning as set forth in RSA 170-E:2, IV(b), as amended

[...]

SIGN, DIGITAL: A *non-static sign* or portion of a *sign* that changes appearance by any electronic process or remote control.

[...]

SIGN, FREESTANDING DIGITAL: A *freestanding sign* that incorporates a *digital sign*.

December 30, 2024

Nathan Reichert, Director of Planning & Development
City of Lebanon
51 S. Park Street
Lebanon, NH 03766
nathan.reichert@lebanonnh.gov

**RE: Proposed Zoning Amendment
Staff Technical Amendments**

Mr. Reichert:

In a letter dated November 14, 2024, my colleague Christine Johnston, Esq., provided a preliminary legal opinion concerning miscellaneous minor amendments (staff technical amendments) to the Lebanon Zoning Ordinance. Following review and comment upon the proposed amendments by the ZBA, Planning Board, and Conservation Commission, I am now providing a final legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance.

The proposed amendments are those listed in the “Draft Miscellaneous Minor Amendments to the City of Lebanon Zoning Ordinance” redline document with a last revised date of November 11, 2024.

ZO Section 1000.3(B) requires this legal review to cover: (a) whether such amendments are within the authority delegated to the City under State law; (b) whether the form is appropriate; and (c) whether, from an administrative point of view, the amendments can be administered and enforced. My answer to these three questions is “yes”, and I discern no legal or administrative issues of concern with these proposed amendments.

Please do not hesitate to contact me with any questions or concerns about this opinion.

Sincerely,



Matthew C. Decker



27 September 2024

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

Re: Request for Zoning Change

Dear Mayor and Councilors:

On behalf of Oakes Storage, LLC and Oakes Real Estate SPE, LLC, this letter is being written to request a zoning change to be part of the city's annual zoning review.

Request #1. Rezone parcel 111-16 on Riverside Drive to GC (see attached "92 Riverside Drive").

Parcel 111-16 is a self storage facility. The existing operation maxes out the usable property. As can be seen on the site plan, the parcel is an odd shape and has been fully developed for storage. There is little risk of this change promoting a project that has harmful impacts, as it is essentially fully developed. The need is to change the use of this land to a use allowed as a "Conditional Use". The current RL-1 zoning places an unnecessary burden on the landowner to obtain either a zoning special exception or a variance to make any changes to the property. This property will be a responsible, quiet, and productive business for the city. The property will generate roughly \$30,000 of tax revenue each year.

The two parcels across the street are zoned GC. Making this change fits with those properties.

Establishing this proper zoning to this parcel would be just, appropriate, and not cause the potential for harmful impacts from development.

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

Sincerely,

Daniel A. Nash, PE
Principal



City Council
Request for Zoning Changes
27Sep2024

Attachments:

-92 Riverside Drive

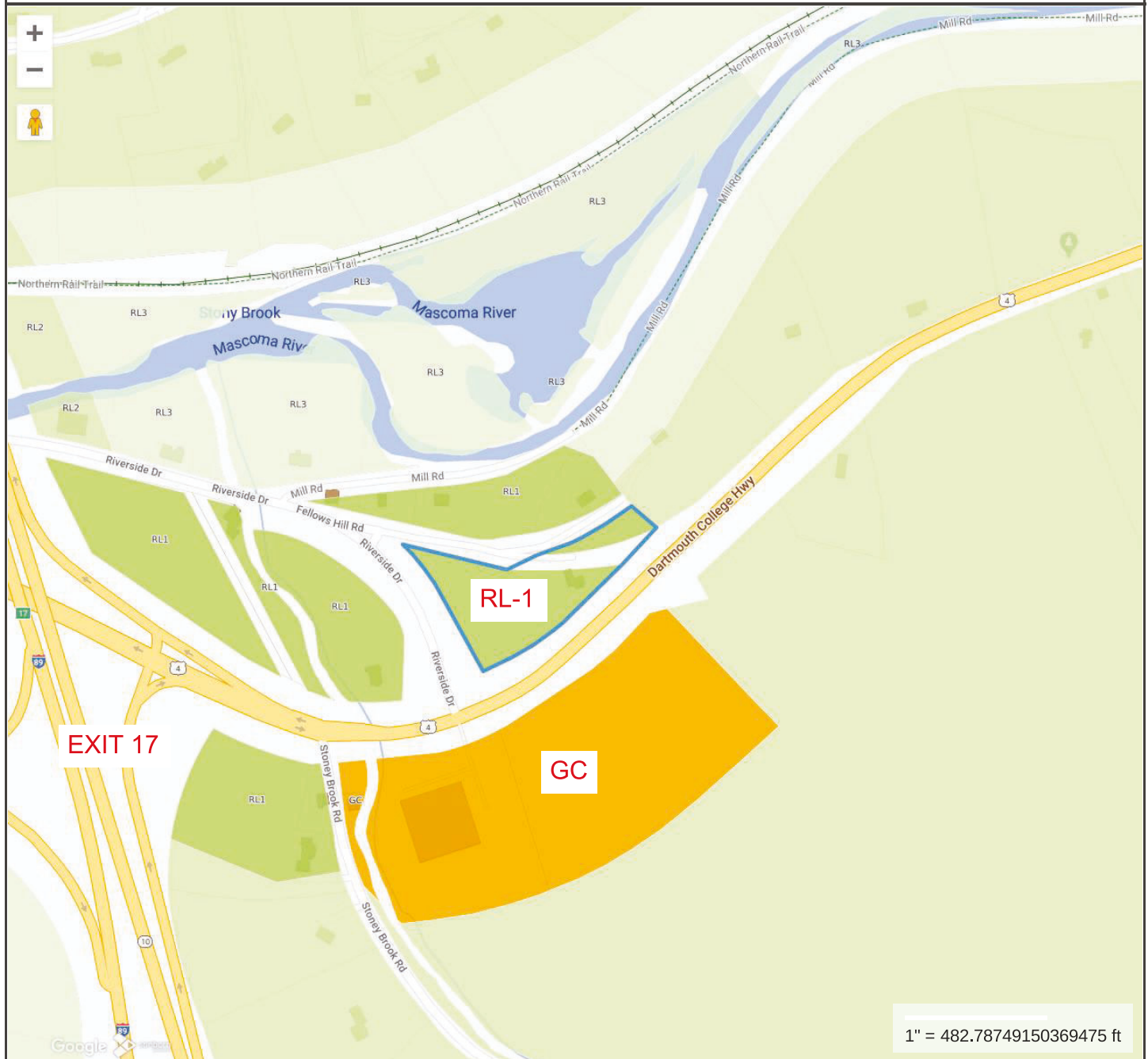
-GC

-Site Plan, Oakes Storage

CC: Robert Oakes

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92 RIVERSIDE DRIVE



Property Information

Property ID 111-16
Location 92 RIVERSIDE DR
Owner OAKES STORAGE LLC +



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

Geometry updated 07/15/2024
Data updated 11/18/2018

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

Map Theme Legends

Zoning District

- RL3 - RURAL LAND 3
- RL2 - RURAL LAND 2
- RL1 - RURAL LAND 1
- R1 - RESIDENTIAL 1
- R2 - RESIDENTIAL 2
- R3 - RESIDENTIAL 3
- RO - RESIDENTIAL OFFICE
- RO1 - RESIDENTIAL OFFICE 1
- GC- GENERAL COMMERCIAL
- GC-1 - GENERAL COMMERCIAL 1
- CB - CENTRAL BUSINESS
- IND-L - INDUSTRIAL LIGHT
- IND-RA - INDUSTRIAL RAIL ACCESS
- IND-H - INDUSTRIAL HEAVY
- MC - MEDICAL CENTER
- PB - PROFESSIONAL BUSINESS
- LD - LEBANON DOWNTOWN

SECTION 305 GENERAL COMMERCIAL DISTRICT (GC).305.1 Purpose.

The purpose of the GC District is to provide ample land with good highway access for the location of commercial development serving the regional and local markets.

305.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> Dwelling unit(s) above first floor Multi-family dwelling (see Section 305.5)	<u>Commercial/Non-Residential</u> Alternative treatment center per Section 613 Bus terminal Educational facility, college/university Essential service Truck terminal
<u>Commercial/Non-Residential</u> Amusements (indoor) - Car wash Community center Drive-in restaurant, refreshment stand Drive-through facility - Drycleaning pick-up station Financial institution - Funeral home Group day care facility per Section 604 Health club Hotel - House of worship - Laundromat Local government use Membership club Motel - Movie theater Office Personal service - Publishing/printing - Radio or TV studio Recreational facility, indoor	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
	<u>Commercial/Non-Residential</u> Care and treatment of animals Contractor's yard Craftsman's shop - Plumbing, electrical or carpentry shop Produce stand Recreational facility, outdoor Warehouse - Wholesale sales
	<u>Planned Developments</u> Commercial PUD per Section 501

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

305.3 Table of Area, Dimension and Coverage.

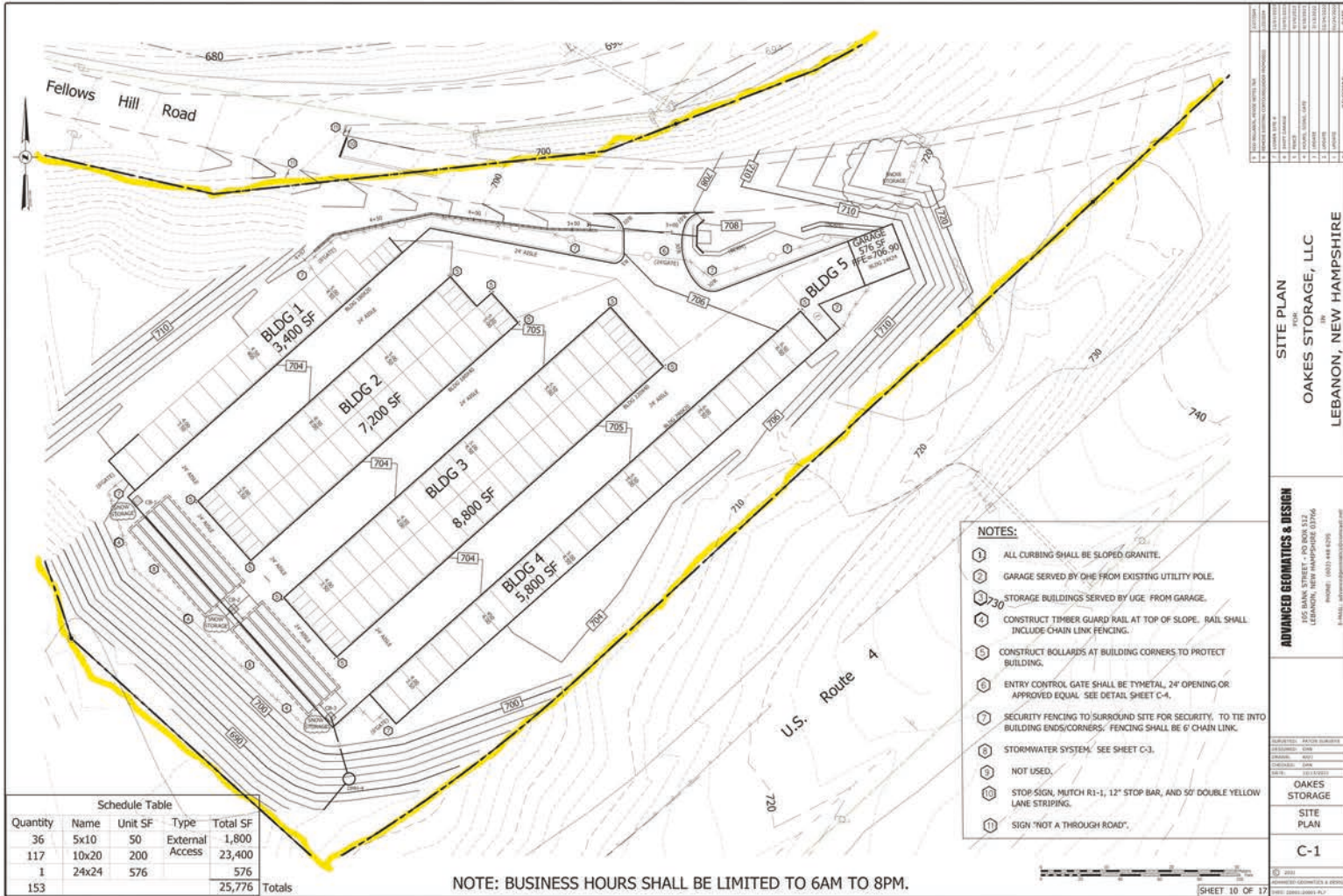
Minimum Lot Requirements					Maximum Limitations	
Area	Frontage	Front Yard	Side Yard	Rear Yard	Building Coverage	Height
50,000 square feet	150'	40'	20'	20'	30%	45' See Section 305.4

305.4 Special Height Restriction.

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

305.5 Dwelling Unit Density.

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



Petition for Zoning Change to Lot 111-16, vicinity Exit 17

(92 Riverside Drive)

27 September 2024

Members of the Lebanon City Council,

As voters of the City of Lebanon, we petition you to make changes to the zoning ordinance.

-Our request is under the provisions of the Zoning Ordinance, Section 1002.2.C..

-Our requests are outlined in AGD letter to the City Council dated 27Sep24

We, the voters, call on the City of Lebanon to make these changes to establish fair and just zoning for this property.

[illegible]

December 30, 2024

Nathan Reichert, Director of Planning & Development
City of Lebanon
51 S. Park Street
Lebanon, NH 03766
nathan.reichert@lebanonnh.gov

**RE: Proposed Zoning Amendment –
Various Map Amendments**

Mr. Reichert:

In a letter dated November 14, 2024, my colleague Christine Johnston, Esq., provided a preliminary legal opinion concerning three proposed amendments to the City’s zoning map. Following review and comment upon the proposed amendments by the ZBA, Planning Board, and Conservation Commission, I am now providing a final legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance.

The proposed map amendments are:

1. Re-zone 92 Riverside Drive (Lot 111-16) from RL-1 to GC.
2. Re-zone 31 Romano Circle (Lot 101-20) from R-2 to R-O.
3. Re-zone a number of lots along the northern NH Route 120 corridor from IND-L to CBD and GC-1.
 - a. Note: In connection the re-zoning of lots along the NH Route 120 corridor, various textual amendments to the ZO are also proposed, including changes to the CBD and GC-1 tables of uses, to prevent existing lot uses from becoming non-conforming as a result of zoning district change.

ZO Section 1000.3(B) requires this legal review to cover: (a) whether such amendments are within the authority delegated to the City under State law; (b) whether the form is appropriate; and (c) whether, from an administrative point of view, the amendments can be administered and enforced. Other than as explained below, my answer to these three questions is “yes”, and I discern no legal or administrative issues of concern with these proposed amendments.

All zoning map amendments should be analyzed to determine whether they would constitute “spot zoning,” which is not a permissible exercise of the power to divide land into different zoning districts. It is, of course, within the City’s legal authority to amend its zoning map. Planning goals, the division of the City into zoning districts, and the uses to be permitted within each district are policy matters within the purview of the City. However, zoning map amendments must comply with the “rational basis” level of Due Process analysis to be constitutional. This means map amendments must not be arbitrary and they must be in reasonable furtherance of some valid public land use regulatory purpose.

Spot zoning is not determined automatically by the size of the land being rezoned or the number of parcels affected. An area is spot zoned when it is singled out for treatment different from that of similar surrounding land which cannot be justified on the basis of health, safety, morals or general welfare of the community, and which is not in accordance with a comprehensive plan. E.g., Miller v. Town of Tilton, 139 N.H. 429, 432 (1995). The mere fact that an area is small, or that it is rezoned at the request of a single owner, or that it is of greater benefit to that owner than to others, would not necessarily make it spot zoning so long as there is a public need or a compelling public reason for the change. Id.

In considering whether rezoning constitutes spot zoning, courts may consider whether the change is made in response to some public need. See Shadlick v. Concord, 108 N.H. 319 (1967) (zoning change was made in response to growing need for multi-family housing which already existed in proximity to the rezoned area, and thus was part of a comprehensive plan rather than spot zoning). Also relevant is whether there are sufficient opportunities for the targeted use elsewhere in the community, particularly if those other areas aren't being used. See Bosse v. Portsmouth, 107 N.H. 523 (1967) (rezoning of one parcel for industrial use when it was surrounded by residential uses was spot zoning because many other areas in the city were available for industrial use but weren't being used that way). The common thread in the case law is that a court will consider whether there is a reason or combination of reasons for the change that is in the public interest and consistent with the community's development goals.

A. 92 Riverside Drive (Lot 111-16)

This proposed map amendment involves one relatively small parcel (2.94 acres) which the owner asks to have changed from RL-1 to GC. There are no GC lots directly abutting this parcel but there appear to be four GC lots across from this lot on the south side of Route 4. The landowner's petition (a September 27, 2024 letter from Advanced Geomatics & Design) does not appear to identify any public good that would result from the change other than tax revenue. Rather, the stated justifications for the amendment seem to be related specifically to the burdens on the business currently operating on this lot and the owner's desire to make "warehouse" a permitted or CUP use for this property (which it is in GC but not in RL-1) to eliminate the need to obtain a variance when making changes to the property.

Benefits which would be specific to the owner are not relevant to the public good/compelling need analysis. It is fine if there are benefits to the owner, but to change the zoning designation of one lot there must also be some public good or need that is consistent with the City's land use goals and comprehensive development plan. The materials I have reviewed do not identify the public benefit to be gained or how this change would be consistent with the City's planning goals.

If the Council wishes to approve this map amendment, it must identify legitimate planning-focused reasons for the change. For example, would it be consistent with the City's planning goals to change this lot to GC so that certain uses can be allowed/encouraged there? Does this line up with the City's anticipated future uses of this area? Are there specific reasons that uses permitted in the RL-1 district don't make sense for this lot anymore? These kinds of questions

should be answered with reference to the future use map, master plan, topography, street configuration, traffic issues, etc.

If the Council is unable to identify a planning or public benefit justification, then this map amendment would likely constitute “spot zoning” and would not be legally proper.

B. 31 Romano Circle (Lot 101-20)

This proposed map amendment involves one parcel (7.88 acres) which is under the jurisdiction of the Lebanon Housing Authority and has been used as a multi-family affordable housing complex for some time. The existing multi-family complex on this lot pre-dates the current R-2 zoning designation (in which it is not a permitted use), which means it is a legally pre-existing nonconforming use. As a result, every change to the property to expand, reconfigure, or alter the multi-family development or its accessory uses require a variance. The proposal is to change this parcel from R-2 to R-O. The lots immediately surrounding this one on the west side of South Main Street are also R-2. Although this is one lot, it would not create an “island” of R-O because there are nine other R-O lots directly across the street.

Because the proposal is to re-zone only one parcel, it raises a concern about spot zoning. Such changes are permissible so long as they meet a public need or serve a comprehensive planning goal. In this case, the reason for the map amendment is to remove barriers to the continued development of affordable housing on this single lot which has been a part of the neighborhood for many years. The City is currently engaged in an across-the-board effort to increase its housing stock at all levels and this proposal (to facilitate the continued provision of moderate income housing) would seem to serve that community goal and fit in with the other proposed zoning changes to encourage housing development.

As a result, this map amendment appears to be permissible and would not constitute spot zoning. However, at the time of the public hearing of this proposed amendment, I recommend that the City Council’s deliberations should include additional specific discussion of (i) the ways in which this amendment fits in the City’s developmental goals, and (ii) the community planning interest, public interest, and public benefit of this amendment.

C. Northern Lebanon Route 120 Corridor Rezoning

This proposal involves a large-scale rezoning of several dozen lots in the Northern Lebanon area around Centerra Business Park, the Altaria developments, and Etna Road, Labombard Road, Heater Road and Little Heater Road from IND-L to CBD and GC-1. It follows a 9-month study undertaken by the City with substantial public engagement to consider the future of this area regarding conservation, zoning, and City services including transportation. Specific recommendations came from this study to rezone this area to maximize development in line with the current and future needs of the neighborhood. Accordingly, the community planning interest, public interest, and public benefit to this map amendment is clear, as it is driven by and in service to a comprehensive planning effort for that area. The public interest is further aided by the complementary textual amendments to the zoning ordinance which prevent the creation of new nonconforming lots.

December 30, 2024
Page 4

Please do not hesitate to contact me with any questions or concerns about this opinion.

Sincerely,

A handwritten signature in blue ink that reads "Matthew C. Decker". The signature is written in a cursive, flowing style.

Matthew C. Decker



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon City Council

CC: Shaun Mulholland, City Manager
David Brooks, Deputy City Manager

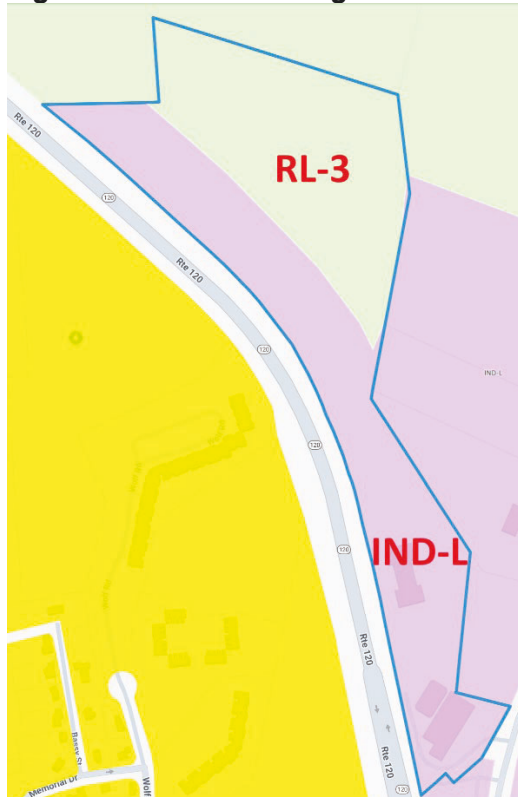
FROM: Planning and Development Department Staff

RE: Request by ICV of NH, LLC, to Rezone Tax Map 26, Lot 2 to GC-1

DATE: December 30, 2024

As set forth in the attached letter dated October 30, 2024, from Dan Nash of Advanced Geomatics & Design (AGD), AGD's client, ICV of NH, LLC (ICV), requests an amendment to the Zoning Map to rezone ICV's property at 67 Etna Road (Tax Map 26, Lot 2) from Industrial Light (IND-L) and Rural Lands Three (RL-3) to General Commercial-One (GC-1). Following the City Council's decision on November 20, 2024 to move the proposal through the process outlined in Section 1000 of the Zoning Ordinance, the amendment has been reviewed by the City's legal counsel, the Planning Board, and the Conservation Commission. The opinion of the City's legal counsel and excerpts of the Planning Board and Conservation Commission draft meeting minutes are attached.

Figure 1. Current Zoning of 67 Etna Road



As reflected in the attached excerpt of the draft November 25, 2024 Planning Board meeting minutes, the Board expressed support for rezoning all of the properties along the west side of Etna Road from IND-L to GC-1 (as opposed to rezoning only the subject property). Also, recognizing that 67 Etna Road is currently split-zoned IND-L and RL-3, the Board discussed rezoning only that portion of the property currently zoned IND-L to GC-1 and retaining the existing RL-3 zoning for the remainder of the property. In response, AGD suggested that if only the IND-L portion of the property were to be rezoned that the proposed GC-1 zoning extend 100 ft. into what is currently the RL-3 District portion of the property (as illustrated in the attached Zoning Amendment Sketch submitted by AGD following the Planning Board's discussion). It is staff's understanding that AGD's proposal to extend the requested GC-1 zoning into the RL-3 portion of the property is based on AGD's interpretation of the Section 204 of the Zoning Ordinance which provides as follows:

SECTION 204 LOTS IN TWO ZONING DISTRICTS.

Where a district boundary line divides a ***lot of record*** at the time such district boundary line is established, the regulations for either district of such ***lot*** may extend up to thirty feet (one hundred feet in rural lands districts) into the other district, provided the ***lot*** has ***frontage*** on a street in the district which is being extended, and provided that the ***lot*** has not been altered by subdivision, merger, or lot line adjustment subsequent to the establishment of the district boundary.

ATTACHMENTS

- Rezoning request letter dated October 30, 2024 from Dan Nash, of Advanced Geomatics, on behalf of ICV of NH, LLC, including attachments (5 pages)
- Planning Staff memo to the City Council dated November 12, 2024 (2 pages)
- Legal opinion from Matthew Decker, Esq., dated November 25, 2024 (2 pages)
- Excerpt of draft Planning Board meeting minutes from November 25, 2024 (3 pages)
- Zoning Amendment Sketch, submitted by Advanced Geomatics & Design on November 25, 2024 (1 page)
- Excerpt of draft Conservation Commission meeting minutes from December 12, 2024 (1 page)



30 October 2024

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

Re: Request for Zoning Change

Dear Mayor and Councilors:

On behalf of ICV of NH, LLC, this letter is being written to request a zoning change to be part of the city's annual zoning review.

Request #1. Rezone parcel 26-2 on Etna Road to GC-1 (see attached "Lot 26-2").

Parcel 26-2 is a large, mixed use industrial parcel. It currently has an office building and an a multi-family building on it. The parcel is unsuitable for typical industrial building as it is steep and boulder. The land could support one or two more multi-family structures, if re-zoned.

This parcel is in between the other parcels being considered for change to GC-1. It has the same characteristics as those parcels and could provide similar benefit to the city. Making this change fits with those properties. I believe this parcel was overlooked in the study process and should be included for consideration for a zone change.

Establishing this proper zoning to this parcel would be just, appropriate, and not cause the potential for harmful impacts from development.

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

Sincerely,

Daniel A. Nash, PE
Principal



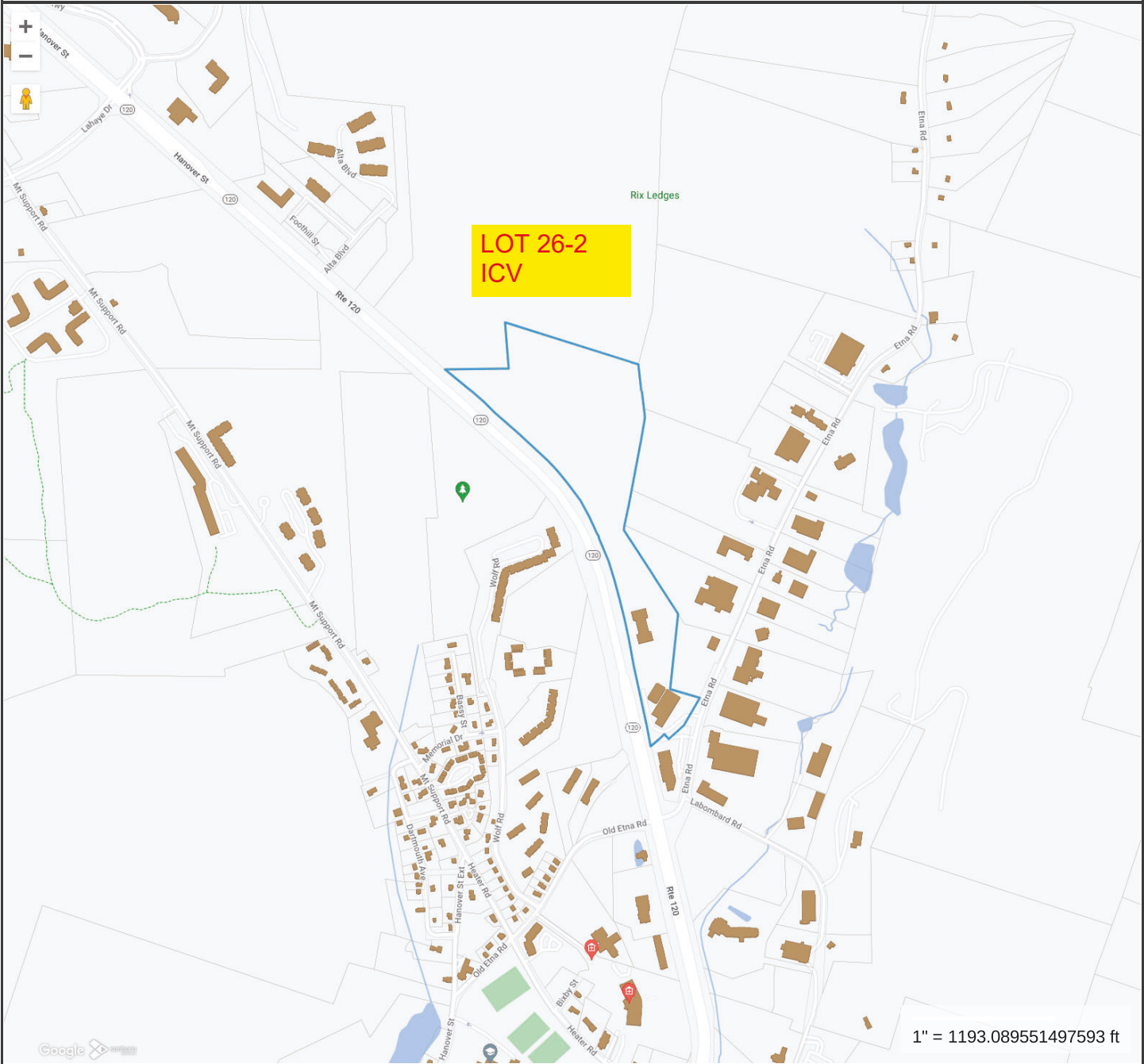
City Council
Request for Zoning Change
30Oct2024

Attachments:

- Lot 26-2
- North Lebanon zone change map
- signed petition

CC: Robert Sprayregen, ICV

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Property Information

Property ID 26-2
Location 67 ETNA RD
Owner ICV HOLDINGS OF NH LLC



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

Geometry updated 07/15/2024
Data updated 11/18/2018

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

The Pattern Zones Study includes three primary areas of focus:

1. Creation of a Pattern Zones Overlay District to promote infill housing development within the study area.
2. A Preapproved Architecturally Designed Pattern Book, consisting of 15-25 house designs that can be accessed free of charge to those seeking to build a new house in the study area. The Pattern Book will be contracted for three years with Pattern Zones Co. and will be accessible online. The final stages of its approval are currently under development.
3. A sensitivity analysis, provided at the City Council meeting in September, analyzed housing market trends, zoning codes and the current neighborhood configuration to match housing opportunity with regulatory structure. The Zoning recommendations are based upon the sensitivity analysis.

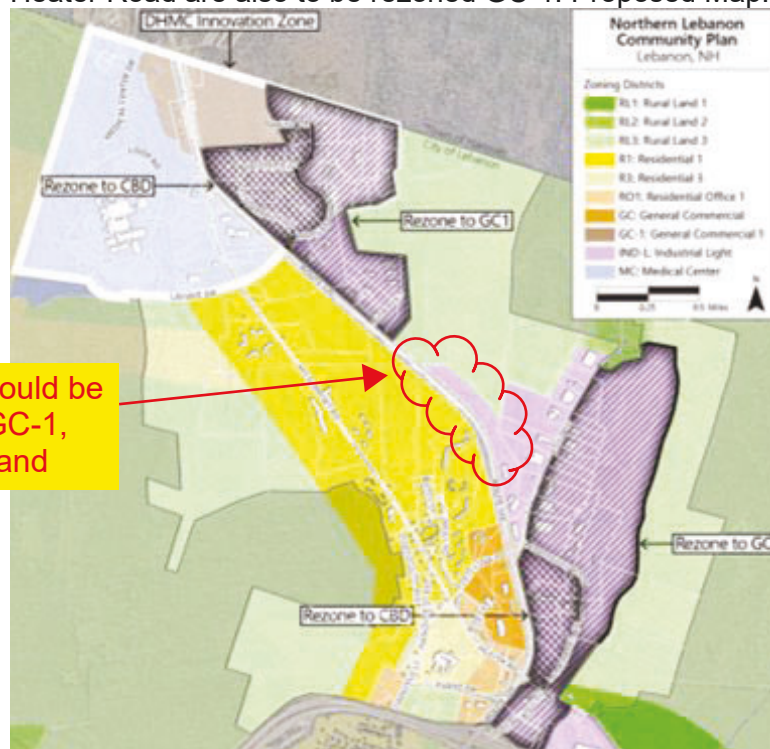
B. 120 – North Lebanon Study

The 120 North Lebanon Study was initiated in January 2024 and concluded with a presentation to City Council in September 2024. The study included substantial public engagement with the people that live and work in the Northern Lebanon neighborhood. The study makes a series of recommendations within three categories: Conservation, Zoning, and City amenities including transportation improvements. Specific recommendations include the creation of a wildlife crossing and land use-based protections for the crossing, and the re-zoning of the area to maximize development in line with the current and future needs of the neighborhood.

1. Zoning Map changes.

- a. The changes proposed within the study area are to rezone the areas around Centerra business park to Central Business District (CBD).
- b. The Altaria developments and surrounding areas are to be rezoned as General Commercial One (GC-1).
- c. The areas along Etna Road, Labombard Road, Heater Road and Little Heater Road are also to be rezoned GC-1. Proposed Map:

ICV land that should be considered for GC-1, as other IND-L land



Petition for Zoning Change to LD zone

(Mechanic Street)

21 October 2024

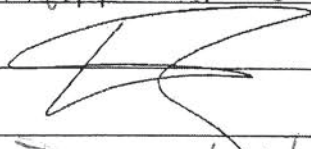
Members of the Lebanon City Council,

As voters of the City of Lebanon, we petition you to make changes to the zoning ordinance.

-Our request is under the provisions of the Zoning Ordinance, Section 1002.2.C..

-Our requests are outlined in AGD letter to the City Council dated 21Oct24

We, the voters, call on the City of Lebanon to make these changes to establish fair and just zoning for this property.

Name of Resident	Signature of Resident	Address and Phone	Date Signed
Daynel Parri's	Daynel Parri's	200 Maccoma St 603-378-6543	10/30
Jennifer Labrie	Jennifer Labrie	8 Forster Street 603-252-5149	10/30
Brenna Labrie	Brenna Labrie	603-790-3165	10/30
	Robert Oakes	603-443-0492	10/30
Daniel Nash	Daniel Nash	603-448-6023	30 Oct 24



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon City Council

CC: Shaun Mulholland, City Manager
David Brooks, Deputy City Manager

FROM: Planning and Development Department Staff

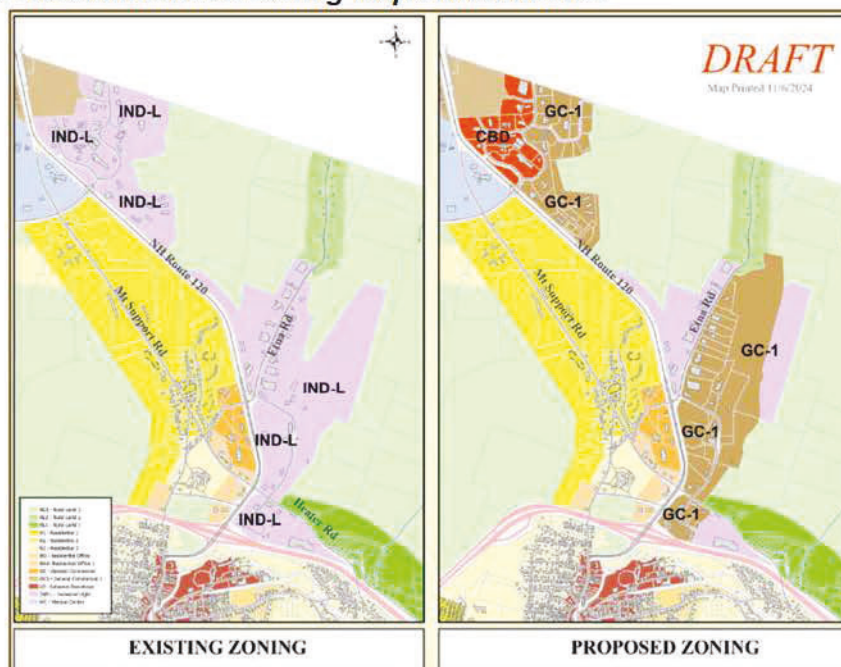
RE: Request by ICV of NH, LLC, to Rezone Tax Map 26, Lot 2 from IND-L to GC-1

DATE: November 13, 2024

On October 30, 2024, the City received a request from Dan Nash, of Advanced Geomatics and Design, on behalf of ICV of NH, LLC, pursuant to Section 1000.2.C of the Zoning Ordinance, to rezone 67 Etna Road (Tax Map 26, Lot 2) from Industrial Light (IND-L) to General Commercial-One (GC-1). ICV of NH, LLC's proposed zoning map amendment is set forth in the attached letter dated October 30, 2024, from Dan Nash, PE. Regarding the recently finalized "Northern Lebanon Community Plan" ("NLCP"), Mr. Nash's letter states that the subject parcel "was overlooked in the study process and should be included for consideration for a zone change."

The subject property was included within the study area for the NLCP which extended from I-89 Exit 18 to the Hanover town line along Route 120, Etna Road, and Mount Support Road. The NLCP does not include any rezoning recommendations relative to 67 Etna Road. By contrast, several other NLCP-recommended zoning map amendments are currently under review by the City's land use board following a "kick off" by the City Council in October. Those map amendments, as depicted in Figure 1, will return to the City Council for a public hearing in January.

Figure 1. NLCP-Recommended Zoning Map Amendments



NLCP Strategy 1 calls for the protection of the existing conservation areas, wildlife corridors, steep slopes and ecosystems, all of which are prominent features of the subject parcel, as well as the other parcels within the study area located between Route 120 and Etna Road and south of the Altaria development. Additional study is underway on how best to implement the recommendations of the NLCP including but not limited to locating and creating a wildlife corridor overlay district, conservation area buffers, and/or expansion of the steep slopes district. Given the prevalence of the sensitive natural features on the subject property and the NLCP's recommendation to explore further regulatory protections for these areas and features, no change in the underlying zoning for the property was proposed in the study.

RECOMMENDATION:

Should the City Council elect to proceed with consideration of the proposed zoning map amendment, the Planning and Development Department recommends that the Council establish a tentative schedule for review, as is required pursuant to Section 1000.3.A of the Zoning Ordinance. Staff offers the following tentative schedule for review and comment, which will allow this proposal to proceed on the same timeline as the zoning amendments that the Council "kicked off" in October:

City Council decision to proceed:	November 20, 2024
Legal review:	by November 25, 2024
Planning Board:	November 25, 2024
Conservation Commission:	December 12, 2024
City Council setting public hearing:	January 8, 2025
City Council public hearing:	January 22, 2025

=====

Supporting Materials:

- October 30, 2024 rezoning request letter from Dan Nash, of Advanced Geomatics, on behalf of ICV of NH, LLC, including attachments

November 25, 2024

Via E-mail Only

Nathan Reichert
Director of Planning & Development
City of Lebanon
51 S. Park Street
Lebanon, NH 03766

**RE: Proposed Zoning Amendment – Map Amendment
for 67-69 Etna Road, Tax map 26, Lot 2**

Mr. Reichert:

My firm (by Attorney Christine Johnston) previously provided a legal opinion letter dated as of November 14, 2024 concerning certain proposed zoning map amendments, including the Northern Lebanon Rezoning proposal. I am now providing you a preliminary legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance (“ZO”) concerning a follow-on map amendment proposal in relation to the Northern Lebanon Rezoning proposal – that 67-69 Etna Road, a/k/a Tax Map 26, Lot 2 (“Lot 26-2”), be rezoned from IND-L to GC-1.

I have reviewed the following documents/information in connection with this opinion:

- October 30, 2024 Letter from Advanced Geomatics & Design (“AGD”), Daniel A. Nash, PE, Principal, requesting to rezone parcel 26-2 on Etna Road from IND-L to GC-1, with the following attachments:
 - City of Lebanon GIS Map of Lot 26-2
 - Extract from October 23, 2024 “Staff Memorandum – Proposed Zoning Amendments”, Page 3 of 15, with annotations showing Lot 26-2 in relation to other proposed North Lebanon/Route 120 Corridor zoning map amendments
 - A citizen petition pursuant to ZO Section 1000.2(C) bearing the signatures of five purported Lebanon residents and requesting a change to the zoning ordinance¹

¹ Note: ZO Section 1000.2(C) provides that zoning amendments may be proposed “[b]y petition of any number of voters”. It is not abundantly clear from the face of the petition attached to AGD’s letter that it is intended to refer to the re-zoning of Lot 26-2. The heading of the petition refers to a “Zoning Change to LD Zone (Mechanic Street)” and references a letter to the City Council dated October 21, 2024 as the source of the requested zoning change. AGD’s cover letter by itself cannot be deemed the voter petition required by ZO Section 1000.2(C), because the letter is written “[o]n behalf of ICV of NH, LLC”, the owner of Lot 26-2, a corporation that is not a “voter” of Lebanon. To the extent there is doubt whether the proposed zoning amendment has been sufficiently petitioned, I note that the petition signatures are dated October 30, 2024 (the same date as AGD’s cover letter), the author of AGD’s letter, Mr. Nash, is also a signatory of the petition, and Mr. Nash may be presumed to be a voter of Lebanon. His attachment of the petition bearing his signature to his cover letter proposing the zoning amendment to Lot 26-2 supports a conclusion that Mr. Nash is the required “voter” who is petitioning this amendment.

November 25, 2024

Page 2

- November 13, 2024 Staff Memo to City Council re: ICV of NH, LLC Proposed Zoning Map Amendment
- November 20, 2024 Lebanon City Council Agenda Packet, Item 10.B
- November 20, 2024 Video of Lebanon City Council Meeting concerning Agenda Item 10.B

The ZO requires this legal review to address: (a) whether such amendments are within the authority delegated to the City under State law; (b) whether the form is appropriate; and (c) whether, from an administrative point of view, the amendments can be administered and enforced.

My answer to the three questions in Section 1000.3.B(2) is “yes” and I discern no legal or administrative issues of concern with AGD’s request.

AGD’s proposal is that Lot 26-9 should also be rezoned from IND-L to GC-1, to the extent that other IND-L zoned lots to the north and south along the east side of Route 120 are also under consideration for re-zoning from IND-L to GC-1 under the Northern Lebanon Rezoning proposal.

The Northern Lebanon Rezoning proposal involves a large-scale rezoning of several dozen lots in the Northern Lebanon area around Centerra Business Park, the Altaria developments, and Etna Road, Labombard Road, Heater Road and Little Heater Road. Specific recommendations came from a Northern Lebanon Community Plan study (“NLCP”) to rezone this area to maximize development in line with the current and future needs of the neighborhood. Per the November 20 Staff Memo, I understand that Lot 26-2 was not included in the NLCP’s recommendations for re-zoning due to the prevalence of sensitive natural features on the lot and NLCP’s recommendation to explore further regulatory protection for the lot’s natural features. However, this does not mean that the City would not have the general authority to include this lot in the Northern Lebanon Rezoning plan, if it so chose.

With respect to the issue of spot zoning, I respectfully refer you to the full discussion provided by Attorney Johnston in her November 14 opinion letter. I see no spot zoning issue with AGD’s proposal, as it is requesting that Lot 26-2 be re-zoned along with other nearby lots and, as Mr. Nash asserted to the City Council, a public need for the change may be found (*e.g.* Mr. Nash explained that the rezoning of Lot 26-2 from IND-L to GC-1 would enable additional housing units to be developed on the lot, and Lebanon is in great need of additional housing).

Please do not hesitate to contact me about any aspect of this opinion.

Sincerely,

A handwritten signature in blue ink that reads "Matthew C. Decker". The signature is fluid and cursive, with the first name "Matthew" being more prominent than the last name "Decker".

Matthew C. Decker

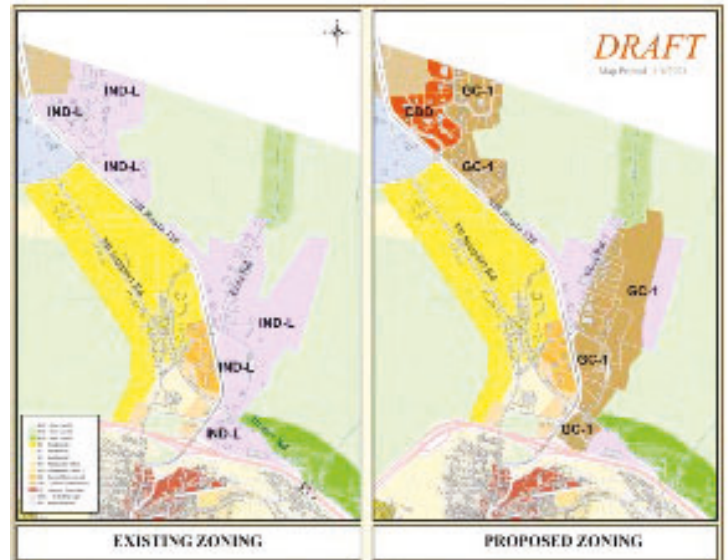
D. Review of Request for Zoning Map Amendment: ICV of NH, LLC - 67 Etna Road, Tax Map 26, Lot 2

Mr. Dan Nash was present on behalf of the applicant making the zoning amendment. Mr. Jay Campion also participated in the discussion.

Mr. Nash said the owner of the property has built a building with 75 units and was interested in building more buildings with residential units, but it has been limited by the regulations of an Industrial PUD that requires 25% of the calculated density (13 units per acre). He said the owner is asking that the percentage be increased or for the area to be rezoned GC1, like other areas in the vicinity and on the other side of Route 120.

The group discussed the concerns of the Conservation Commission about the wetlands and the wildlife corridor in that area. Ms. Romano noted that a wildlife crossing bridge or culvert has been planned to help wildlife cross Route 120. She said they would not want to change zoning that may negate the possibility of building that wildlife crossing. The group also discussed how the area includes residential, IND-L, and GC1 zones, and how expanding the GC1 zones would affect the general characteristics of the area. Chair Faunce noted that currently there is not a lot of property that is zoned IND-L in this area.

Mr. Corwin explained the density formula in relation to PUDs in Industrial-zoned districts. He explained that, if the rezoning proposed for the Centerra Planned Business Park and the Alteria PUD is approved, it calls into question how those developments can take advantage of the rezoning (based on their respective Planning Board approval conditions/requirements). He said the City wants to make sure that the approvals can be amended if the property owners want it. He said the Planning Board needs to be allowed to permit unlimited residential density, because without that there is no benefit to rezoning.



Dwelling units in one-family, two-family and multi-family dwellings or appropriate mixes thereof may be allowed in Commercial or Industrial PUDs, at the discretion of the Planning Board, provided that the Board determines that such residential uses are compatible within the proposed PUD. For PUDs or portions thereof in the IND-L or IND-RA Districts, the density of residential uses allowed pursuant to this section shall be determined based on a maximum of 25% of the net land area of the PUD not planned for open space, roads, or utilities and calculated at a density of 13 dwelling units per acre. For PUDs or portions thereof located in the GC, GC-1, or CB Districts, the density of residential uses allowed pursuant to this section shall be determined by the Planning Board pursuant to Sections 305.5, 305A.4, and 306.5, respectively. Where allowed, such dwelling units may be clustered together and/or distributed within the Commercial or Industrial PUD in mixed use buildings at the discretion of the Planning Board.

The group discussed at length the pros and cons of applying the same zoning that is on one side of Route 120 to an area that is on the other side of the road, versus changing all of the area to zone GC1.

Mr. Kennelly noted the uses that would no longer be allowed if the whole area was zoned GC1:

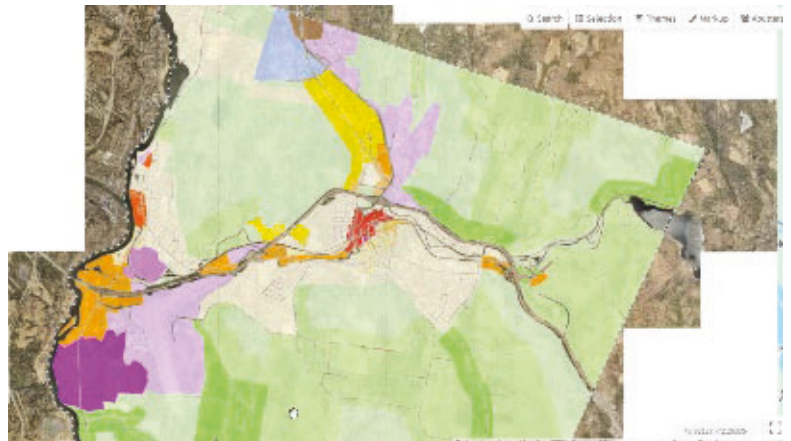
- Bus terminal
- Care and treatment of animals
- Car wash
- Contractor's yard
- Educational facility or vocational school
- Health club
- Industrial PG
- Local government usage

The group reviewed the current zone map and discussed the allowable uses for each (see image at right):

IND-L is light purple

GC is orange

GC-1 is brown



Mr. Kennelly noted the following uses are allowed in IND-L and/or GC and not in GC-1

- Funeral home
- Health club
- Hotel
- House of Worship
- Laundromat
- Membership clubs
- Motel
- Movie theater
- Local government usage
- Retail product pickup
- Retail showroom
- Vehicular sales
- Warehouse
- Publishing & printing

The group discussed the differences between the GC and GC-1 zones.

A MOTION was made by Andrew Faunce that the Lebanon Planning Board endorses the conversion of the remaining set of parcels and the study area on the west side of Route 120, currently zoned IND-L, to GC-1, subject to analysis by the City Council and their agents as to

the remaining sufficiency of IND-L in the City and remedies to any nonconforming uses. The Motion was seconded by Jeremy Rutter.

Roll Call Vote:

Voting For – Ms. Romano, Ms. Appleton, Mr. Kennelly, Mr. Faunce, Mr. Rutter, Mr. Stacy, Mr. Ceglarski

Voting Against – None

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

A MOTION was made by Andrew Faunce that the Lebanon Planning Board proposes that the area south of Heater Road and east of Route 120, currently proposed to be rezoned GC-1, to retain the zoning as IND-L. The Motion was seconded by Eric Stacy.

Roll Call Vote:

Voting For – Ms. Romano, Ms. Appleton, Mr. Kennelly, Mr. Faunce, Mr. Rutter, Mr. Stacy, Mr. Ceglarski

Voting Against – None

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

Mr. Campion suggested that an updated map be created that shows the proposed rezoning to prevent confusion.

B. Review of Proposed Amendments to Site Plan Review Regulations re: Minor Site Plan Committee and Conceptual Review

Mr. Corwin said this amendment is to establish the Planning Director as the Chair of the Minor Site Plan Committee and to add the Chief Building Official as a member. He said he would take the role of Staff for the committee.

A. MINOR SITE PLAN COMMITTEE

1. **Establishment.** A Minor Site Plan Committee is established in accordance with RSA 674:43, III, and the resolution passed by the City Council on September 1, 2021, for the purpose of reviewing minor site plan applications per Section 3.1.C.
2. **Membership.** The Minor Site Plan Committee consists of the Director of Planning and Development, the Chief Building Official, the Director of Public Works, the Fire Chief, and the Police Chief ~~Planning and Development Department's Senior Planner and Associate Planner, and a representative from each of the following City departments: Fire, Police, and Public Works.~~ The Director of Planning and Development ~~Senior Planner~~ shall serve as chair and may use ~~his or her~~ their reasonable discretion in coordinating the activity of the ~~Committee~~ in an efficient and effective manner. The Deputy Director of Planning and Development or designee shall serve as staff for the Committee. ~~The Director of Planning and Development~~ members of the Committee may, at ~~his or her~~ their discretion, appoint a substitute representative from their respective departments to the Committee ~~for the~~

Conceptual Review

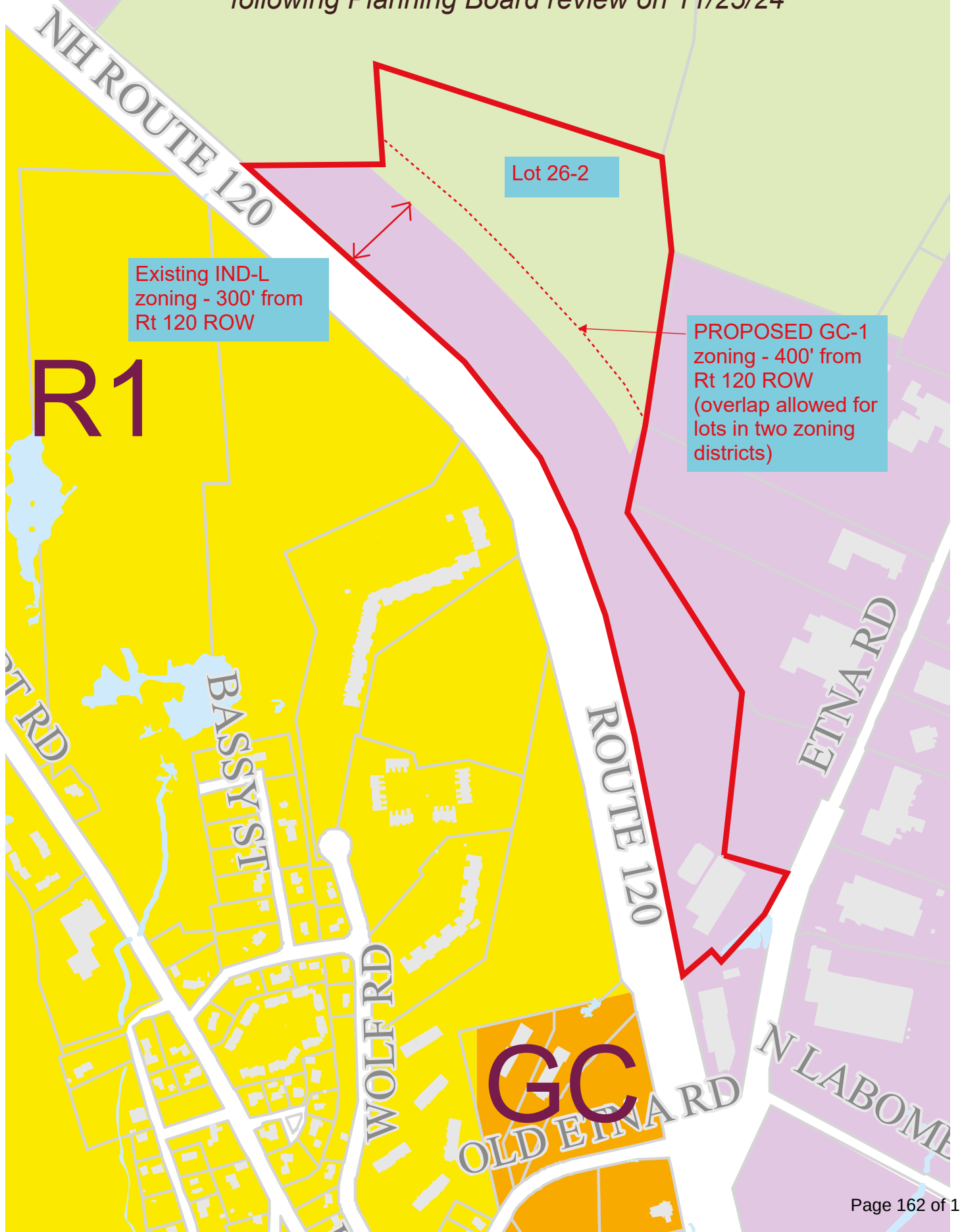
The group discussed the effectiveness of conceptual review and whether the conceptual review period should be conducted earlier in the project review timeline. They also discussed whether the conceptual review period should be lengthened (so the actual approval process can possibly be shortened). Mr. Corwin suggested the conceptual review period might be a good time to inform applicants what parts of their developments might undergo peer review.

Mr. Rutter asked if, during the conceptual review period, a cut-off point be enforced for applicants

Zoning Amendment Sketch

submitted by Advanced Geomatics & Design on 11/26/24

following Planning Board review on 11/25/24



1
2
3 ** The Vote on the MOTION was approved (5-0-1, with Mr. Oidtmann abstaining)*

4 **B. Review of Request for Zoning Map Amendment: ICV of NH, LLC – 67 Etna**
5 **Road, Tax Map 26, Lot 2**

6 Dan Nash presented his zoning amendment proposal.

7
8 Chair Riley explained that the Commission previously discussed how changes to a zone may
9 affect abutting zones. There is a nature preserve to the north of this proposed area. She suggested
10 that the Commission not recommend this item due to the increased intensity of abuse in the
11 adjacent natural area. Some Commissioners noted that there was not enough time to thoroughly
12 review this proposal in order to comment on it. The Commission agreed to defer comment on
13 this item.

14
15 *Ms. Hirai MOVED to make recommendations 1, 2, 3, and 4 to the City Council.*

16 *Seconded by Ms. Almy.*
17

18 ** The Vote on the MOTION was approved (6-0-0)*

19 **C. Status Update & Review - 2024 Con Com Goals – The Commission did not address**
20 *this item at this time.*

21
22 **6. COMMITTEE REPORTS – The Commission did not address this item at this time.**

23 **A. Biodiversity Group (Invasives)**

24 **B. Stewardship**

25 **- Ranger**

26 **- Trail Coordinator**

27 **- Monitors and Stewards**

28 **C. Wild about Lebanon**

29 **D. Amphibian Crossings**

30 **E. LUCT/Current Use**

31 **F. Other Subcommittees**
32

33 **7. OTHER BUSINESS – The Commission did not address this item at this time.**

34 **A. FYIs**

35 **B. Follow Up**

36 **C. Workshops and Educational Opportunities**
37

38 **8. FUTURE AGENDA ITEMS: – The Commission did not address this item at this time.**
39

40 **9. ADJOURNMENT:**

41 *The meeting ended at 9:30pm.*

42 Respectfully submitted,

43 Kristan Patenaude

44 Recording Secretary

January 13, 2025



LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARING
Wednesday, January 22, 2025 - 6:00pm
Council Chambers, City Hall or REMOTE VIA
VIRTUAL PLATFORM LebanonNH.gov/LIVE

The Lebanon City Council will hold public hearings on January 22, 2025, beginning at 6:00pm for the following:

A. Community Revitalization Tax Relief Application – A public hearing for the purpose of receiving public input and taking action on a Community Revitalization Tax Relief Application (per NH RSA 79-E) by 10 Spencer Studios, LLC for property located at 10 Spencer Street, Lebanon.

B. Public Facilities CDBG and Recovery Housing Program Applications for Families Flourish Northeast – Public hearings for the purpose of receiving public input and taking action on Community Development Block Grant (CDBG) and Recovery Housing Program (RHP) grant applications proposed by the City of Lebanon to the NH Community Development Finance Authority (CDFFA). Counties and communities can apply for CDBG grants up to \$500,000 annually on a competitive basis for housing, public facilities, economic development, and for emergency activities that directly benefit low- and moderate-income persons. Up to \$25,000 is available for planning grants. The Recovery Housing Program (RHP) is a pilot program for special needs housing, which municipalities and non-profits may apply to for up to \$1,000,000. Public hearings are as follows:

1. A public hearing for the purpose of receiving public input and taking action on a proposed CDBG application for up to \$500,000 in CDBG Public Facilities funds to be sub-granted to Families Flourish Northeast, and to authorize the City Manager to sign, submit, and execute any documents which may be necessary to effectuate the CDBG Application and contract; and
2. A public hearing for the purpose of receiving public input and taking action on a proposed Recovery Housing Program (RHP) grant application for up to \$1,000,000 to be sub-granted to Families Flourish Northeast, and to authorize the City Manager to sign, submit, and execute any documents which may be necessary to effectuate the RHP Application and contract; and
3. A public hearing for the purpose of receiving public input and taking action to adopt the City of Lebanon Anti Displacement and Relocation Assistance Plan for Families Flourish Northeast.

C. Proposed Amendments to the Zoning Ordinance for 2025 Municipal Ballot – Public hearing for the purpose of receiving public input and taking action to place proposed zoning amendments on the 2025 Municipal Ballot, as follows:

- **Amendment #1** – To create the Pattern Zones Overlay District and regulations to create additional housing that fit the character of the existing neighborhoods in Downtown Lebanon and Downtown West Lebanon, to establish and preserve the characteristics of the historical downtown areas of Lebanon and West Lebanon, and to increase density and housing choices in the district (Add Zoning Ordinance Section 411 and Zoning Map Amendment)
- **Amendment #2** – To amend the R-1, R-2, and R-3 District Tables of Uses to allow “recovery house” by Special Exception (Zoning Ordinance Sections 308.2, 309.2, and 310.2)
- **Amendment #3** – To rezone Tax Map/Lots 90-99, 76-4, 76-6, and 76-7 from R-3 to a new MC-2 District (Zoning Map Amendment)

D. Proposed Amendments to the Zoning Ordinance for Council Adoption – Public hearing for the purpose of receiving public input and taking action on proposed zoning amendments for adoption by the City Council, as follows:

- **Amendment #4** – To rezone the properties within the Centers Planned Business Park from IND-1 to CB, except for Tax Map/Lots 10-11-1300, 10-11-1301, 10-11-1302, 10-11-3100, 10-11-3200, 10-11-3400, 10-11-3600, and 10-11-3800, which are proposed to be rezoned from IND-1 to GC-1; to rezone the 47-15-72 acre Altaria Planned Unit Development from IND-1 to GC-1; to rezone the 47-50-1 acre former Altaria Planned Business Park from IND-1 to GC-1, and to rezone to GC-1 all properties currently zoned IND-1 located to the east of Etna Road, and east and west of Labombard Road, excluding Tax Map/Lot 51-12, which is proposed to be rezoned entirely RL-3, and all properties currently zoned IND-1 located to the east of Route 120 between Heater Road and I-89 Exit 18, excluding Tax Map/Lots 78-41, 78-42, and 78-43. The City Council may also consider rezoning to GC-1 all properties currently zoned IND-1 located to the west of Etna Road (Zoning Map Amendment)

- **Amendment #5** – To amend the GC-1 and CB District Tables of Uses to allow “industrial planned unit development” and “planned business park” by Conditional Use Permit (Zoning Ordinance Sections 305A, 306 and 508.2)
- **Amendment #6** – To amend the Commercial PUD and Industrial PUD regulations relative to tract size and calculating permitted residential dwelling unit density, and to amend the Planned Business Park regulations relative to allowed uses and calculating permitted residential dwelling unit density (Zoning Ordinance Sections 501.4, 508.2, and 508.4)
- **Amendment #7** – To ADD Section 614 (“Recovery Houses”) and to amend the IND-1, GC, CB, LD, R-O, MC, and MC-2 Districts to allow “recovery house” by Special Exception (Zoning Ordinance Sections 303.2, 305.2, 306.2, 307.2, 311.2, 315.2, 315A.2, and Appendix A, and ADD Section 614)
- **Amendment #8** – To create a “Medical Center Two (MC-2)” zoning district (ADD Zoning Ordinance Section 315A)
- **Amendment #9** – To rezone the property located at 31 Romano Circle (Tax Map/Lot 101-20) from R-2 to R-O (Zoning Map Amendment)
- **Amendment #10** – To allow stairs and stairwells to project up to 2 ft. into minimum required yards (Zoning Ordinance Section 201)
- **Amendment #11** – To clarify procedures for requesting a waiver of impact fees from the Planning Board (Zoning Ordinance Section 213)
- **Amendment #12** – To amend the requirements for shared driveways and to allow off-site utility improvements by Conditional Use Permit (Zoning Ordinance Section 215)
- **Amendment #13** – To allow density bonuses for multi-family developments in the R-1 and R-2 Districts that provide for workforce housing, are energy efficient, and/or incorporate renewable energy systems (Zoning Ordinance Section 507)
- **Amendment #14** – To amend the cottage development regulations by clarifying the minimum building size and off-street parking requirements (Zoning Ordinance Section 509 and the Table of Minimum Off-Street Parking Requirements)
- **Amendment #15** – To clarify that family day care homes and family group day care homes are allowed as an accessory use in any primary residential use (Zoning Ordinance Section 604 and Appendix A)
- **Amendment #16** – To permit the Planning Board to authorize alternative parking solutions for residential uses as required by state statute (Zoning Ordinance Section 607.1)
- **Amendment #17** – To clarify the minimum percentage of EVSE installed, EV ready, and EV-capable parking spaces for multi-family dwelling and non-residential uses (Zoning Ordinance Section 607.8)
- **Amendment #18** – To amend the sign regulations to allow freestanding digital signs on certain streets within the GC District with related changes to the sign illumination standards and the sign enforcement provisions (Zoning Ordinance Sections 608.2, 608.3, 608.4, and Appendix A)
- **Amendment #19** – To clarify who has standing to appeal an administrative decision to the Zoning Board of Adjustment and who has standing to request a rehearing, and to clarify that the term “abutter” shall have the same meaning as provided by state statute (Zoning Ordinance Sections 801.1, 802.5 and Appendix A)
- **Amendment #20** – To rezone the property located at 92 Riverside Drive (M/L 111-16) from RL-1 to GC (Zoning Map Amendment)
- **Amendment #21** – To rezone the property located at 67-69 Etna Road (M/L 26-2) from IND-1 and RL-1 to GC-1 (Zoning Map Amendment)

The January 22, 2025 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning January 17, 2025: LebanonNH.gov/Agendas

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

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, January 11, 2025.


Diane Mulholland, Interim City Clerk

**Agenda
Lebanon City Council
January 22, 2025**

10. Old Business:

**10.A – Appointment of 2025 Chair and Vice Chair
for the Economic Development Commission (EDC)**

Background

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

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

Action

The following motion is offered for City Council consideration:

MOVED, that _____ be appointed as Chair of the Economic Development Commission for calendar year 2025.

BE IT FURTHER MOVED, that _____ be appointed as Vice-Chair of the Economic Development Commission for calendar year 2025.

Included in this Section:

1. EDC Member Roster

**City of Lebanon
Economic Development Council - EDC**

City Council Representatives

Councilor Karen Liot Hill

Vice Chair (2024)

Email karen.liothill@lebanonnh.gov

Councilor Doug Whittlesey

Email doug.whittlesey@lebanonnh.gov

Representatives

David Newlove (2/23-2/25)

Chair (2024)

10 Westview Lane

Lebanon, NH 03766

Ph 603-448-5326

Work 603-646-2278

Email david.j.newlove@dartmouth.edu

Chip Brown (4/24-4/26)

44 S Main Street, #10

Hanover, NH 03755

Ph 603-652-1499

Email chip@brownncr.com

Dan Nash (2/23-2/25)

387 Poverty Lane

Lebanon, NH 03766

Ph 603-448-6295

Cell 802-356-4928

Email advancedgeomatrics@comast.net

Andrew Key (4/24-4/26)

255 Dartmouth College Highway

Lebanon, NH 03766

Ph 603-448-3060

Email andydana.key@gmail.com

Dean Cashman (3/24-3/26)

93 Buckingham Place

Lebanon, NH 03766

Email dean.cashman@mascomabank.com

Benjamin Carter (10/24-10/26)

88 Mechanic St. Apt #1

Lebanon, NH 03766

Ph 239-234-8779

Email benjamin.carter@dartmouth.edu

Vacant (Citizen Representative)

**Tracy Hutchins, Non-Voting Member Upper
Valley Business Alliance**

2 S. Park Street

Lebanon, NH 03766

Ph 603-448-1203

Email tracy@uppervalleybusinessalliance.com

Shaun Mulholland, City Manager

City of Lebanon

51 North Park Street

Lebanon, NH 03766

603-448-4220

Support Staff

David Brooks, Deputy City Manager

Beth Beraldi, Public Relations Coordinator

Agenda

Lebanon City Council

January 22, 2025

11. New Business:

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

Background

Salt hill Pub is requesting renewal of their exemption to serve alcohol in their outdoor seating areas, to include those expanded areas approved since 2020. Please see the attached letter from Josh Tuohy.

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

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

Action

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

MOVED, that the Lebanon City Council hereby grants an exemption to Salt hill Pub pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to serve alcoholic beverages on the Lebanon Pedestrian Mall and the parking area on West Park Street as shown on the map included in the January 22, 2025 City Council Agenda Packet. The exemption shall be valid beginning January 23, 2025 and shall expire on December 31, 2025.

Included In This Section:

1. January 8, 2025 Letter from Josh Tuohy, Salt hill Pub
2. Location Map of Outdoor Seating Areas for Three Tomatoes Trattoria and Salt hill Pub

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

January 8, 2025

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

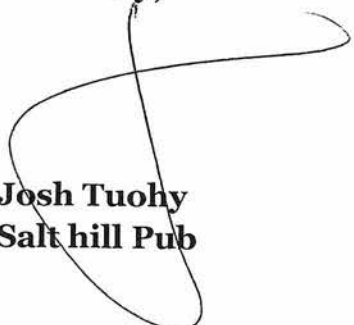
To whom it may concern,

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

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

Sincerely,

**Josh Tuohy
Salt hill Pub**

A large, stylized handwritten signature in black ink, appearing to read 'Josh Tuohy', is written over the printed name and extends upwards towards the word 'Sincerely'.



Three Tomatoes
Trattoria

Three Tomatoes
Trattoria

Salt hill Pub

Outdoor Seating Areas for
Three Tomatoes & Salt hill Pub

Salt hill Pub

Agenda

Lebanon City Council

January 22, 2025

11. New Business:

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

Background

Three Tomatoes is requesting renewal of their exemption to serve alcohol in their awning area on the Pedestrian Mall and the expanded seating area on Court Street approved since 2020. Please see the attached letter from Louise Clark.

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

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

Action

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

MOVED, that the Lebanon City Council hereby grants an exemption to Three Tomatoes pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to serve alcoholic beverages on the Lebanon Pedestrian Mall and the closed portion of Court Street as shown on the map included in the January 22, 2025 City Council Agenda Packet. The exemption shall be valid beginning January 23, 2025 and shall expire on December 31, 2025.

Included In This Section:

1. January 2, 2025 Letter from Louise Clark, Co-owner of Three Tomatoes
2. Location Map of Outdoor Seating Areas for Three Tomatoes Trattoria and Salt hill Pub



January 2, 2025

City Manager's Office

City of Lebanon, NH 03766

To Whom it may concern:

Three Tomatoes Trattoria is requesting approval to renew its permit to serve alcoholic beverages in the designated outdoor areas.

Thank you,

A handwritten signature in cursive script, appearing to read "Louise Clark".

Louise Clark

Co-owner of Three Tomatoes



Three Tomatoes
Trattoria

Three Tomatoes
Trattoria

Salt hill Pub

Outdoor Seating Areas for
Three Tomatoes & Salt hill Pub

Salt hill Pub

Agenda

Lebanon City Council

January 22, 2025

11. New Business:

11.C – Release of Collected Public School Impact Fees (3rd and 4th Quarter of 2024)

Background

A Memorandum of Understanding (MOU) was developed in 2010 between the City and the School District for the quarterly transfer of collected Public School Impact Fees to the Lebanon School District for application toward the payment of debt on the (then) new middle school.

On October 12, 2021, the Planning Board authorized a broader use of Public School Impact Fees to include construction, renovation, improvement, or expansion of K-12 school buildings and related building systems, equipment, and furnishings. A revised MOU was developed and signed between the parties on November 22, 2021.

To date \$994,148.33 of collected impact fees has been disbursed to the Lebanon School District.

7/17/2013	\$83,690.78	11/6/2013	\$14,651.99	5/21/2014	\$19,407.00
8/6/2014	\$2,122.75	2/18/2015	\$723.00	5/20/2015	\$2,819.00
7/15/2015	\$1,627.50	11/4/2015	\$936.00	3/2/2016	\$3,156.00
5/18/2016	\$864.00	5/17/2017	\$5,230.00	12/6/2017	\$6,140.75
2/7/2018	\$41,262.70	9/5/2018	\$12,564.45	2/6/2019	\$1,833.10
8/7/2019	\$8,822.20	4/15/2020	\$40,432.02	7/15/2020	\$123,709.65
12/2/2020	\$57,567.42	1/21/2021	\$102,409.40	8/4/2021	\$12,695.86
1/19/2022	\$9,035.45	4/20/2022	\$3,216.15	10/19/2022	\$261,738.35
2/1/2023	\$2,185.00	4/19/2023	\$3,824.44	9/6/2023	\$3,142.57
11/15/2023	\$9,740.60	2/27/2024	\$6,341.26	5/15/2024	\$11,899.60
9/4/2024	\$140,359.34				

This request is for the City Council to authorize the disbursement of \$46,642.06 in collected Public School Impact Fees (through 12/31/2024) to the Lebanon School District.

Action

The Council is requested to take action on the following motion:

MOVED, that in accordance with Section 213.10 (Administration of Impact Fees) of the Lebanon Zoning Ordinance, and the November 22, 2021 Memorandum of Understanding between the City of Lebanon and the Lebanon School District, SAU 88, the City Council hereby authorizes the disbursement of \$46,642.06 in collected Public School Impact Fees to the Lebanon School District to be applied toward the construction, renovation, improvement or expansion of K-12 school buildings and related building systems, equipment, and furnishings.

Included in this Section:

1. Impact Fee Report as of 12/31/2024
2. November 22, 2021, Memorandum of Understanding between the City of Lebanon and the Lebanon School District, SAU#88

PUBLIC SCHOOL IMPACT FEES

	PAID BY/LOCATION	MAP/LOT/PLOT	School
	January-June Interest 2024		\$ 1,670.16
7/25/2024	Rock Ridge LLC	74/3/186	\$ 4,054.00
9/4/2024	Upper Valley Utopia	105/32	\$ 2,465.00
9/4/2024	Upper Valley Utopia	105/32	\$ 1,290.50
10/23/2024	Lisa Green	91/100	\$ 510.40
12/19/2024	Brady Sullivan	108/02	\$ 2,268.00
12/19/2024	Brady Sullivan	108/02	\$ 2,268.00
12/19/2024	Brady Sullivan	108/02	\$ 2,268.00
12/19/2024	Brady Sullivan	108/02	\$ 2,296.00
12/19/2024	Brady Sullivan	108/02	\$ 2,296.00
12/19/2024	Brady Sullivan	108/02	\$ 2,296.00
12/19/2024	Brady Sullivan	108/02	\$ 2,296.00
12/19/2024	Brady Sullivan	108/02	\$ 2,296.00
12/19/2024	Brady Sullivan	108/02/162	\$ 2,296.00
12/19/2024	Brady Sullivan	108/02	\$ 2,296.00
12/19/2024	Brady Sullivan	108/02/164	\$ 2,296.00
12/19/2024	Brady Sullivan	108/02	\$ 2,296.00
12/19/2024	Brady Sullivan	108/02	\$ 2,296.00
12/19/2024	Brady Sullivan	108/02	\$ 2,296.00
12/19/2024	Brady Sullivan	108/02	\$ 2,296.00
12/19/2024	Brady Sullivan	108/02	\$ 2,296.00
		Balance 12/19/2024 (missing interest for second half of year)	\$ 46,642.06

<https://lebnhgov.sharepoint.com/sites/FinanceDepartment/Shared Documents/Finance Shared/IMPACT FEES/2011-2024 IMPACT FEES-including interest allocation>

MEMORANDUM OF UNDERSTANDING
between
THE CITY OF LEBANON
and
THE LEBANON SCHOOL DISTRICT, SAU 88

WHEREAS, New Hampshire RSA 674:21,V authorizes municipalities to adopt impact fees to offset municipal costs occasioned by new residential and non-residential development, and

WHEREAS, New Hampshire RSA 674:21,V requires that a municipality have enacted a Capital Improvement Program pursuant to RSA 674:5-7 before adopting impact fees, and

WHEREAS, the City of Lebanon annually reviews and adopts a Capital Improvement Program, and

WHEREAS, the Lebanon City Council duly amended Section 213 of its Zoning Ordinance, adopting impact fees and authorizing the Lebanon Planning Board to assess impact fees on new development in proportion to its demand on the public capital facilities of the City of Lebanon and the Lebanon School District, and

WHEREAS, the Lebanon Planning Board commissioned Bruce C. Mayberry, working as BCM Planning LLC, to provide a foundation document justifying the basis for the assessment of impact fees and to provide a schedule of fees, and

WHEREAS, the Lebanon Planning Board on October 12, 2021 duly adopted a report entitled “City of Lebanon Impact Fee Update 2021, Basis for School, Recreation, Police and Fire Department Impact Fees”, dated August 30, 2021 and prepared by BCM Planning LLC (copy attached) and City of Lebanon Impact Fee Schedule 2021 (copy attached), and

WHEREAS, the Impact Fee Schedule 2021 assigns fees for School Facilities, Recreation Facilities, Police Department Facilities, and Fire Department Equipment and Apparatus, and

WHEREAS, through the adoption of the Impact Fee Schedule 2021, the Lebanon Planning Board authorized the use of impact fees collected for School Facilities to be applied toward the construction, renovation, improvement or expansion of K-12 school buildings and related building systems, equipment, and furnishings;

NOW THEREFORE, the City of Lebanon and Lebanon School District, parties to this Memorandum of Understanding, agree as follows:

1. The City of Lebanon shall collect and manage all impact fees pursuant to Section 213 of the Lebanon Zoning Ordinance and in accordance with the report entitled “City of Lebanon Impact Fee Update 2021, Basis for School, Recreation, Police and Fire Department Impact Fees”, dated August 30, 2021 and the City of Lebanon Impact Fee Schedule 2021, which

may be amended from time-to-time.

2. The City of Lebanon shall maintain all monies received as impact fees in separate accounts, each dollar identified by contributor, date received, and fund (School Facilities, Recreation Facilities, Police Department Facilities, and Fire Department Equipment and Apparatus).
3. The City of Lebanon shall transfer, once each quarter of the calendar year, all monies in the School Facilities Fund to the Lebanon School District.
4. The Lebanon School District shall apply all monies received from the School Facilities Fund toward the construction, renovation, improvement, or expansion of K-12 school buildings and related building systems, equipment, and furnishings.
5. The Lebanon School District shall provide an annual report to the City of Lebanon accounting for the use of such monies from the School Facilities Fund.
6. This Memorandum of Understanding shall supersede the prior Memorandum of Understanding between the parties executed on September 21, 2010 by Interim City Manager Leonard W. Jarvi on behalf of the City of Lebanon and executed on September 30, 2010 by Superintendent Gail E. Paludi on behalf of the Lebanon School District, SAU 88.

APPROVED BY:

City of Lebanon

DocuSigned by:
 11/22/2021
AE8C225904D9436...
Date

Lebanon City Manager

Title

Lebanon School District, SAU 88

DocuSigned by:
 11/22/2021
5D702A0EC4B6489...
Date

Superintendent, SAU #88

Title

Agenda

Lebanon City Council

January 22, 2025

11. New Business:

11.D – Request for Zoning Map Amendment – Hatch Property, 24 Labombard Road, Tax Map 51, Lot 12, Lebanon, NH

Background

On January 9, 2025, Margaret Hatch requested a zoning map amendment for her property located at 24 Labombard Road, Tax Map 51, Lot 12, Lebanon, NH. The property is currently split zoned between Light Industrial (IND-L) along the road frontage and Rural Lands Three (RL-3) to the rear of the parcel.

During the recent Route 120 / Northern Lebanon Community Plan (NLCP) study, the Hatch property was not considered for potential zoning changes under the mistaken impression that the property was completely subject to conservation restrictions. However, Ms. Hatch has clarified that a 3-acre portion of the +/-50-acre parcel is not subject to any development restrictions, and the owner would like to have the property frontage rezoned to General Commercial One (GC-1) as is proposed for other surrounding properties. Attached is a draft map from the Planning & Development Department depicting the existing and proposed zoning for the property.

Since the Hatch property was not reviewed for zoning changes as part of the annual package of amendments, it was determined that the amendment request must be resubmitted to the land use boards and legal counsel for review and comment back to the City Council. The Planning & Development Department has outlined a tentative review schedule for the proposed amendment.

Action

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

MOVED, that the Lebanon City Council, in accordance with the City of Lebanon Zoning Ordinance, Article X, Section 1000.3, Amendment Procedures, submits the proposed Zoning Map amendment as described in the January 9, 2025 letter from Margaret Hatch, to the Planning Board and Conservation Commission for their review and comment. The City Council hereby sets the following tentative review schedule:

Legal Review – by February 6, 2025

Conservation Commission – February 13, 2025

Planning Board – February 24, 2025

City Council Work Session Review – March 5, 2025

City Council Public Hearing – March 19, 2025

Included In This Section:

1. January 9, 2025 letter from Margaret Hatch
2. Draft Northern Lebanon Zoning Amendment map

My husband was a lifetime resident and we built our home at 24 Labombard Road in 1977 when area was farming/residential. Tax map 51-12. approx.10yrs later was changed to Light Industrial/commercial and we were grandfathered in as residential in LID zone which we submit a form each year to maintain this status .Our property is 50.6 acres which consists of 47.1 in Conservation Easement with UVLT and a 3 acre regulation building lot. Now there is a proposal to again to change zoning to General Commercial. Also, learned my property had been down sized to Residential zone.

This letter is to inform you I did not request this change. Rather, my wish is to be included in the initial rezoning effort that would have changed my property to General Commercial. If this cannot be done with existing proposal then I would like to request that the total 3 acres lying outside the conservation easement be Rezoned to General commercial consistent with original proposal.

In either case I wish the right to be residential in a Commercial zone to be contiguous as long as I maintain this property. I do not want the developable part of the property to be excluded from other appropriate use.

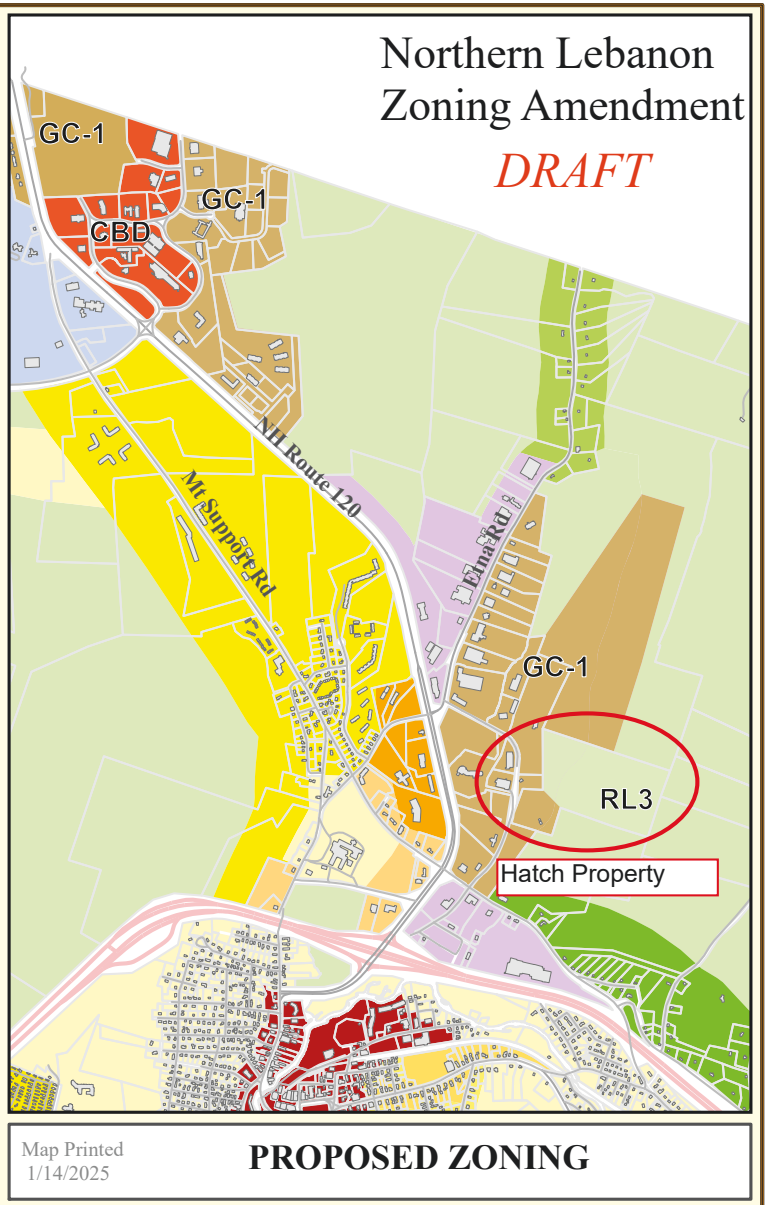
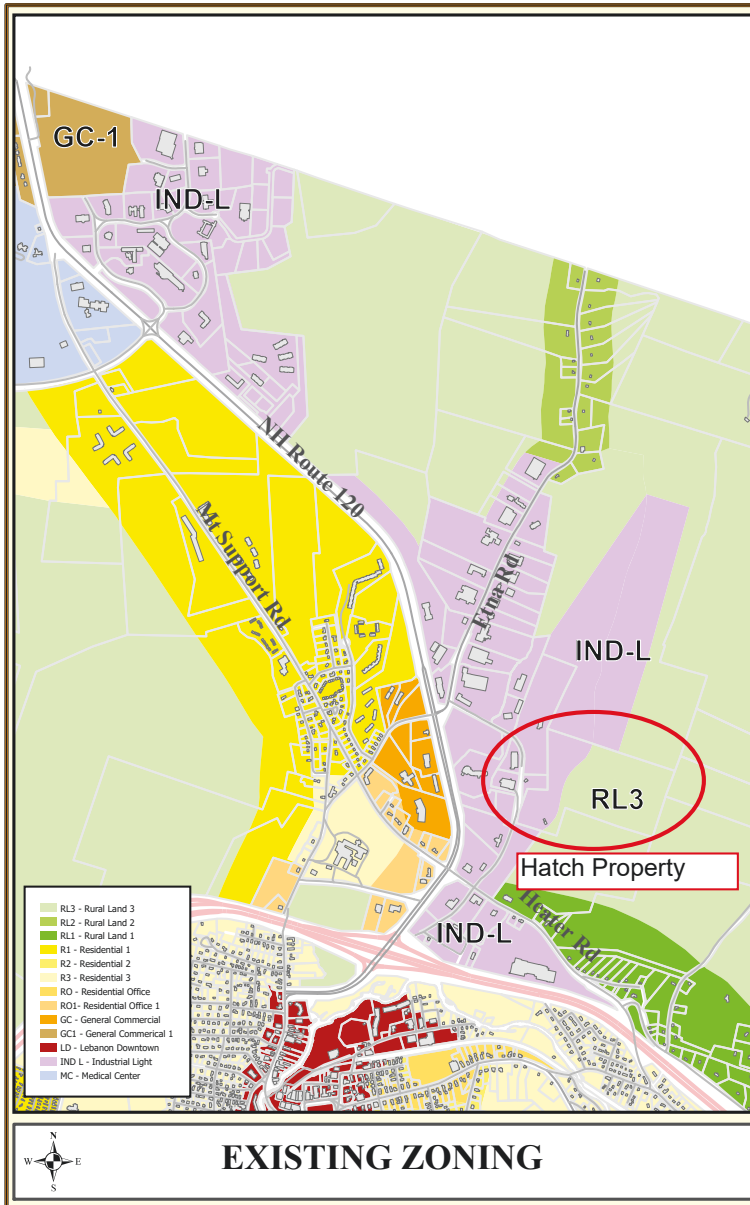
I believe my request is reasonable and appropriate for the location. It is also consistent with the surrounding properties and their intended rezoning.

Please submit my request to appropriate officials and planning staff. Thank you for your consideration.

Sincerely,

Margaret Hatch

Margaret Hatch
1/7/25



Northern Lebanon Zoning Amendment *DRAFT*

Map Printed
1/14/2025

Agenda

Lebanon City Council

January 22, 2025

11. New Business:

11.E – Preparation of Concise Explanations Stating the City Council’s Position on Zoning Amendments to Appear on the March 2025 Municipal Ballot

Background

In accordance with Section 1000.4(C)(2) of the Zoning Ordinance, the City Council, Planning Board, and Conservation Commission must prepare and include on the ballot a brief and concise explanation of their positions on zoning amendments being presented for voter consideration.

To assist this process, the Planning and Development Department has prepared draft concise statements for the Council’s consideration. The Council is free to modify or completely rewrite the draft statements in any way it sees fit.

The Planning Board will review and adopt its concise statements at its regular meeting on January 27, 2025. The Conservation Commission will review and adopt its concise statements at a special meeting on January 27, 2025.

As a reminder, proposed zoning amendments for consideration on the March 11, 2025 election are as follows:

Amendment #1 – To create the Pattern Zones Overlay District and regulations to create additional housing that fits the character of the existing neighborhoods in Downtown Lebanon and Downtown West Lebanon; to establish and preserve the characteristics of the historical downtown areas of Lebanon and West Lebanon; and to increase density and housing choices in the district (**Add Zoning Ordinance Section 411 and Zoning Map Amendment**)

Amendment #2 – To amend the R-1, R-2, and R-3 District Tables of Uses to allow “recovery house” by Special Exception (**Zoning Ordinance Sections 308.2, 309.2, and 310.2**)

Amendment #3 – To rezone Tax Maps/Lots 90-59, 76-4, 76-6, and 76-7 from R-3 to a new MC-2 District (**Zoning Map Amendment**)

Please see the attached memo from the Planning & Development Department for more information.

Action

In formation of the Council’s Concise Explanations, the following is offered for consideration:

Amendment #1 (Pattern Zones Overlay District):

The Lebanon City Council approves of and endorses the creation of a Pattern Zone Overlay District that will allow for greater density of residential units that fit the character of existing neighborhoods in the areas served by City sewer and water as shown in the

Study Area Map. This Overlay District will reduce lot size and setback requirements, and allow one- and two-family homes by right, and multi-family structures up to 4 units by Special Exception. Provisions are proposed to maintain tree cover, the proper placement of garbage and fuel containers, and snow storage to maintain the positive attributes of the study area.

Amendment #2 (Recovery Housing):

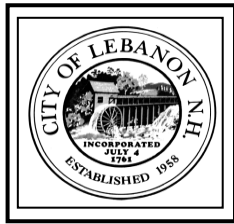
The Lebanon City Council approves of and endorses the amendment of the Use Tables in the Residential One (R-1), Residential Two (R-2), and Residential Three (R-3) Districts to allow "Recovery Houses" as a use by Special Exception. The purpose of this amendment is to institute reasonable regulations for the establishment of Recovery Houses in accordance with RSA 153:10-d and to protect the health, safety, and welfare of the patrons of such operations, and of the citizens of Lebanon, and to prevent the deleterious siting of recovery houses within the City.

Amendment #3 (Application of Medical Center Two (MC-2) District):

The Lebanon City Council approves of and endorses the rezoning of the Alice Peck Day Hospital campus from Residential Three (R-3) District to Medical Center Two (MC-2) District. This will include the rezonings of Tax Lots 90-59, 76-4, 76-6, and 76-7. The purpose of this amendment is to provide the property owner with enhanced flexibility for continued hospital operations, including the opportunity to provided needed staff housing.

Included In This Section:

1. Memorandum from Planning & Development Department dated January 9, 2025 RE: 2024-2025 Proposed Zoning Amendments: Ballot Statements



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Planning and Development Department Staff

RE: 2024-2025 Proposed Zoning Amendments: Ballot Statements

DATE: January 9, 2025

Background

In accordance with Section 1000.4(C)(2) of the Zoning Ordinance, the City Council, Planning Board, and Conservation Commission must prepare and include on the ballot a brief and concise explanation of their positions on zoning amendments being presented for voter consideration.

To assist this process, the Planning and Development Department has prepared draft concise statements for the Council's consideration. The Council is free to modify or completely rewrite the draft statements in any way it sees fit.

The Planning Board will review and adopt its concise statements at its regular meeting on January 27, 2025. The Conservation Commission will review and adopt its concise statements at a special meeting on January 27, 2025.

Action

In formation of the Council's Concise Explanations, the following is offered for consideration:

Amendment #1: Zoning Ordinance and Zoning Map Amendments

Are you in favor of the adoption of Amendment #1 as proposed by the City of Lebanon City Council for the City of Lebanon Zoning Ordinance as follows:

The Lebanon City Council approves and endorses the creation of a Pattern Zone Overlay District that will allow for greater density of residential units that fit the character of existing neighborhoods in the areas served by City Sewer and Water as shown in the Study Area Map. This Overlay District will reduce lot size and setback requirements, and allow one- and two-family homes by right, and multi-family structures up to 4 units by Special Exception. Provisions are proposed to maintain tree cover, the proper placement of garbage and fuel containers, and snow storage to maintain the positive attributes of the study area.

Amendment #2: Zoning Ordinance Amendment

Are you in favor of the adoption of Amendment #2 as proposed by the City of Lebanon City Council for the City of Lebanon Zoning Ordinance as follows:

The Lebanon City Council approves and endorses the amendment of the Use Tables in the Residential One (R-1), Residential Two (R-2), and Residential Three (R-3) Districts to allow "Recovery Houses" as a use by Special Exception. The purpose of this amendment is to institute reasonable regulations for the establishment of Recovery Houses in accordance with RSA 153:10-d and to protect the health, safety, and welfare of the patrons of such operations, and of the citizens of Lebanon, and to prevent the deleterious siting of recovery houses within the City.

Amendment #3: Zoning Map Amendment

Are you in favor of the adoption of Amendment #3 as proposed by the City of Lebanon City Council for the City of Lebanon Zoning Ordinance as follows:

The Lebanon City Council approves and endorses the rezoning of the Alice Peck Day Hospital campus from Residential Three (R-3) District to Medical Center Two (MC-2) District. This will include the rezonings of Tax Lots 90-59, 76-4, 76-6, and 76-7. The purpose of this amendment is to allow the property owner to include enhanced flexibility for hospital operations, including the opportunity to provide needed staff housing.

Agenda

Lebanon City Council

January 22, 2025

11. New Business:

11.F – Discussion and Authorization for the City Manager to Transfer Funds from Departments within the General Fund to the Legal Services Budget

Background

The City Council appropriates a budget on an annual basis. The FY2025 Budget was approved and appropriated on December 18, 2024. The Council may authorize the City Manager to transfer funds from one department to another within the City's General Fund pursuant to the provisions in City Charter §C419:45, Transfer of Appropriations.

During budget discussions, the City Council elected to cut \$50,000 from the Legal Services budget, which is a component of the City Manager's budget. However, numerous issues and actions of governance require legal counsel involvement, either based on statutory or charter requirements, or based on the City's existing codes, ordinances, and regulations. It is already apparent that many issues and actions that are already underway will require legal review and counsel, which will quickly expend the Legal Services budget as appropriated.

For example, City Code Chapter 115 (Ordinances, Enactment of) requires the City Manager to obtain and submit a written legal opinion as to the authority and validity of proposed ordinance changes. The Food Truck Task Force, which was formed by the Council last summer, will be bringing forward recommended changes to City Code 179 (Vendors), which will require a legal review. Other annual changes to the City Code will require similar legal reviews.

Other projects or issues that are expected to require legal services include:

- Review and legal opinion of proposed zoning amendments as required by Section 1000.3 of the City's Zoning Ordinance, including amendments relative to "research laboratories", map amendments, and zoning recommendations derived from the Council-initiated Food Truck Task Force, as well as the typical annual slate of amendments.
- Review and legal guidance to address the latest proposal from the NH Department of Transportation and the NH Attorney General's Office regarding the proposed Purchase and Sale Agreement for portions of the Westboro Yard in West Lebanon.
- Preparation of deeds associated with the acquisition of land from the Grafton County Senior Citizens Council property in order to address and resolve property boundary and title issues in the downtown parking lots.
- Ongoing legal services associated with pursuing the RSA 155-B (Hazardous and Dilapidated Buildings) actions in relation to property at 375 North Main Street.
- Preparation of Owners Association documents, Covenants & Restrictions, and deeds associated with the development and sale of housing units on Barrows Street.
- Preparation and legal review of proposed ballot questions for the March 11, 2025 ballot including proposed charter amendments and zoning amendments required to be placed before voters.

The City Manager recommends that the Council grant authorization to transfer funds from other departments within the General Fund to the Legal Services budget, as needed during the year,

to ensure that required legal reviews and actions can be obtained and provided in a timely fashion for the City and its ongoing operations. The City Manager intends to make budget rescissions, as needed, to ensure the overall budget does not exceed the total appropriations in the City's General Fund Budget for Fiscal Year 2025.

Action

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council, pursuant to City Charter §C419:45, hereby approves the Resolution Authorizing the City Manager to Transfer Fiscal Year 2025 General Fund Appropriations to the Legal Services budget from other departments within the General Fund, as presented in the January 22, 2025 City Council Agenda Packet, to ensure that required legal services and counsel can be obtained and provided in a timely fashion for the City and its ongoing operations.

Included In This Section:

1. Draft Resolution Authorizing the Transfer of Appropriations



CITY of LEBANON, NH

51 North Park Street

Lebanon, NH 03766

www.LebanonNH.gov

Resolution – Lebanon City Council

Title: Authorization for the City Manager to Transfer FY2025 General Fund Appropriations

BE IT HEREBY RESOLVED by the Lebanon City Council, that:

WHEREAS, the City Council appropriates funds in December of each year for the ensuing fiscal year, and City Charter §C419:45, Transfer of Appropriations, provides that the Council may authorize the City Manager to transfer any unencumbered appropriation or a portion thereof from one department to another; and

WHEREAS, numerous issues and actions of governance require legal counsel involvement, either based on statutory or charter requirements, or based on the City's existing codes, ordinances, and regulations; and

WHEREAS, the costs associated with obtaining and providing legal services will exceed the appropriations set forth within the 2025 Budget.

NOW, THEREFORE, the Lebanon City Council hereby authorizes the City Manager to transfer unencumbered appropriations in the 2025 General Fund Budget to the Legal Services budget from other departments within the General Fund, as needed during the fiscal year, and that the City Manager shall make appropriate budget rescissions, as needed, to ensure the overall budget does not exceed the total appropriations in the City's General Fund Budget for Fiscal Year 2025.

BE IT FURTHER RESOLVED that this resolution be written upon the minutes of the Lebanon City Council meeting on January 22, 2025.