



**LEBANON CITY COUNCIL
FEBRUARY 5, 2025 - 7:00 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: 784 452 272#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

1. Call to Order

The February 5, 2025 Lebanon City Council meeting is hereby called to order.

2. Pledge of Allegiance

3. Public Forum Announcement by the Mayor

Any member of the public who desires to speak on any item may do so when the Council takes up the item 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.)

4. Open to the Public

5. Recognitions

- A. Resolution Honoring Lebanon Police Officers Involved in the Rescue of Citizens During the Dairy Twirl Fire

6. Approval of Minutes

- A. January 22, 2025

7. Appointments

- A.
- Arts & Culture Commission, Claire Geno (Reappointment Arts Organization Representative)
 - Arts & Culture Commission, Nicholas Gaffney (Reappointment Ward 3 Citizen Representative)
 - Planning Board, Kathie Romano (Reappointment Alternate Member)

8. Public Hearing Items

- A. Request by Edwards Properties, LLC to discontinue portions of Little Heater Road and Edwards Street, Lebanon.
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.
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
- 9. Old Business: None**
- 10. New Business**
 - A. Presentation and Discussion of Proposed S.A.F.E.R Grant
 - B. Review and Discussion of Potential Expansion of Colburn Park National Register Historic District Boundary
- 11. City Manager Report**
 - A. Westboro Yard Acquisition Status Report
- 12. Council Representatives to Other Bodies Report: None**
- 13. Future Agenda Items: See below.**
- 14. Non-Public Session: None**
- 15. Adjournment**

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

Future Board/Committee/Commission Appointments

Board/Committee: Library Board of Trustees

Position: Alternate Member

Applicant: A. Misra

City Councilor: C.Simon

Assigned Date: 1/21/2025

Board/Committee: Zoning Board of Adjustment

Position: Alternate Member

Applicant: R. Burtan

City Councilor: D. Wilkie

Assigned Date: 1/22/2025

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

February 19, 2025

Public Hearing Items

- A. 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)

New Business:

- A. Review and Discussion of Disability-Friendly City Ordinance Proposed by DEI Commission
- B. General Discussion RE: Strategic Plan Direction

February 27, 2025

Community Conversation with Councilors – 6:30pm

March 5, 2025

Old Business:

- A. Presentation of Food Truck Task Force Recommendations

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



RESOLUTION HONORING

Lebanon Police Officers Involved in the Rescue of Citizens During the Dairy Twirl Fire

WHEREAS, on the night of January 10, 2025, a fire broke out at 39 Mechanic Street, Lebanon, a property housing the Dairy Twirl ice cream shop, Montshire Towing and Recovery offices, and upstairs apartments; and

WHEREAS, the fire necessitated the evacuation of three apartment residents who were stranded on the roof and in immediate danger due to heavy fire conditions; and

WHEREAS, Lebanon Police Sergeant Logan Scelza, Corporal Dean Bullock, Officer Matthew Kaufman, Officer Stephan Nix and Officer Kevin Champney, demonstrated exceptional bravery and quick thinking by assisting the individuals in safely escaping from the roof, ensuring their safety and well-being; and

WHEREAS, the swift and selfless actions of these officers exemplified the highest standards of public service and commitment to community safety, earning the gratitude and respect of the Lebanon community.

NOW, THEREFORE BE IT RESOLVED, that the Lebanon City Council, on behalf of the City of Lebanon, extends its deepest gratitude to these Lebanon Police Officers for their selfless actions and formally recognizes and honors them for their dedication and valor during this emergency.

Dated this 5th day of February 2025.

Timothy J. McNamara, Mayor
on behalf of the Lebanon City Council

**Agenda
Lebanon City Council
February 5, 2025**

6. Acceptance Of Minutes:

Minutes To Be Accepted

- January 22, 2025

MOVED, to approve the minutes as presented in the February 5, 2025 agenda packet.

DRAFT

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, January 22, 2025, 6:00 p.m.
Council Chambers**

Remote Via Microsoft Teams: LebanonNH.gov/Live

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

MEMBERS ABSENT: NONE

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks, Director of Planning & Zoning Nate Reichert, Deputy Director of Planning & Zoning Tim Corwin, City Grant Writer Rebecca Owens

1. CALL TO ORDER: Mayor McNamara called the meeting to order at 6:00 p.m.

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

3. BOARDS AND COMMITTEE REPORTS (4th Quarter 2024)

Mayor McNamara noted that the Council received three written reports were from EDC (Economic Development Committee), the Tree Board and LEAC (Lebanon Energy Advisory Committee).

Sarah Riley, Chair of the Conservation Commission, explained that the Commission reviewed one wetland permit application for DES and for the Lebanon Zoning Board to impact 6,437 sf permanently and 799 sf temporarily at 424 Mt Support Road. The Commission also spent considerable time reviewing and preparing comments on the Northern Lebanon Community Plan. The Chair and Vice Chair drafted a letter to the Planning Board regarding the Densmore Brickyard project. Three members attended the annual meeting of the New Hampshire Association of Conservation Commissions in Pembroke, NH. The Commission hosted an invasive buckthorn pull with Sustainable Lebanon and many neighbors. The Commission also reviewed and provided comment on some of the proposed zoning amendments that are up for discussion this evening.

Assistant Mayor Below joined the meeting at 6:05pm.

Nicole Ford Burley, Heritage Commission, explained that the Commission had one request for a Certificate of Approval to add an antenna and associated infrastructure to the rear of City Hall. This was approved. The tunnel artwork commissioned by the Heritage Commission and the Arts and Culture Commission was completed this fall. The Commission dedicated a great deal of time to the Brickyard development and ultimately provided the Planning Board with a condition of approval recommendation to preserve two of the kilns and provide public access to at least the exterior of the kilns. This condition was included in the project approval and the developer agreed to produce interpretive educational materials about the Brickyard's history. The Commission drafted text for four potential historical signs along the rail trail. The Commission also discussed the proposed boundary increase of the National Register Historic District and will be making a presentation to City Council at the February 5th meeting.

Councilor Simon explained that the West Lebanon Revitalization Committee met last month and heard a presentation from the Mayor regarding proposed vernacular changes to the Central Business District. The Committee feels very strongly about this change and about seeing the success of River Park as a link in the revitalization of West Lebanon.

Councilor Wilkie explained that the Diversity, Equity, and Inclusion Committee has continued to work on the equity and environmental justice plans, both of which should be items for consideration for the City's strategic plan, and both of which the Committee hopes to have completed this summer. The Committee has also reviewed a Disability Friendly City Resolution which will come before the Council next month. It has also been discussing an affirming spaces project which City Staff is undertaking.

Councilor Wilkie stated that the Arts & Culture Commission partnered with Recreation, Arts, and Parks on a number of events, including December's Tis the Season Event. The Commission continues to review projects to continue expanding public art in the City in 2025.

Colin Smith, Pedestrian and Bicyclist Advisory Committee, stated that the Committee has provided input on projects before the Planning Board. The Committee is considering non-infrastructure recommendations from the Walk Bike Ride Lebanon plan and is working to revise and update the Complete Streets Policy. The Committee is working on inputs to the Transportation Enhancement Grant for a sidewalk on Mechanic Street.

Assistant Mayor Below stated that the Food Truck Task Force is nearing the end of its work and will be making recommendations to the City Council. The first includes updates to the Vending Ordinance, along with some new alternative locations in Downtown. Updates are also proposed to the Zoning Ordinance.

Andrew Faunce, Planning Board, explained that the Board is at full strength in its membership currently. The Board had two major public hearings over the last quarter, for Brickyard One Nominee Trust and XYZ Dairy. Regarding the Brickyard One Nominee Trust project, multiple public hearings resulted in modifications to the scope to that project, notably adding three bedroom townhomes to a project that was originally only mid-rise apartment buildings. Regarding XYZ Dairy/River Park, the Planning Board found that the applicant had not offered testimony sufficient to support a two year extension request. Separately, the Board offered partial approval for the applicant's appeal of a related administrative decision. A subsequent ruling by the New Hampshire Superior Court on the separate and upstream action by City Staff to revoke the building permit, effectively restored the building permit and granted the applicant a one year extension. The Board will be holding a limited public hearing at the applicant's request on this matter at its February meeting. The Board also heard a site plan approval for the Lebanon Housing Authority to support the construction of an office adjacent to its existing garage facility. The Board participated in a discussion by the West Lebanon and Hanover Greenway Trail. It also discussed potential improvements for the site plan review regulations, Articles 4-5 and 7.

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

5. OPEN TO PUBLIC:

Joan Townsend, Ward 2, explained that there are many people skiing at Storrs Hill Ski Area. She lives on Storrs Hill Road, which is not Storrs Hill Ski Area. The road is already not great and is currently averaging approximately 15-20 cars for the Ski Area. She suggested signs to be placed or potentially a change in name.

Councilor Liot Hill commended the Fire and Police Departments for their work at the Dairy Twirl Fire.

Councilor Wilkie stated that an annual point in time count is being conducted on behalf of the US Department of Housing and Urban Development. This is designated as happening in late January as an

1 effort to try to understand how many people are living out of doors, unsheltered or unhoused. He will
2 update the Council on the numbers.

3
4 **6. RECOGNITIONS: NONE**

5
6 **7. ACCEPTANCE OF MINUTES:** January 8, 2025 (Regular Meeting)
7 Amendments:

8
9 *Councilor Heistad MOVED to approve the January 8, 2025, minutes as amended and presented in*
10 *the January 22, 2025, City Council agenda packet.*
11 *Seconded by Councilor Whittlesey.*

12
13 **AMENDMENTS:**

14 *Page 11, Line 35: Change “Councilor Simon” to Councilor Whittlesey*

15
16 **The Vote on the Motion was approved (7-0-1 with Councilor Zook abstaining)*

17
18 **8. APPOINTMENTS:**

- 19 • Conservation Commission, Travis Talbert (Alternate Member)

20 *Mayor McNamara MOVED to nominate Travis Talbert as an Alternate Member of the Conservation*
21 *Commission. Term: 1/2025-1/2028*

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

- 23
24 • Board of Cemetery Trustees, David Muzzy (Reappointment Regular Member)

25 *Mayor McNamara MOVED to Nominate David Muzzy for Reappointment as a Regular Member of the*
26 *Board of Cemetery Trustees. Term: 1/2025-1/2028*

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

28
29 **9. PUBLIC HEARING ITEMS:**

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

34 **Resolution: R-2025-2**

35 Included in the agenda packet: **(All supportive documents and information can be found on pages 40-**
36 **66, Council agenda packet)**

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

42
43 Deputy City Manager Brooks reviewed the background on this item. He noted that the Downtown
44 Lebanon TIF Advisory Board met to review this project and voted to recommend the requested nine
45 years. Jennifer Caine, 10 Spencer Studios, LLC, then made a presentation.

46
47 *Councilor Sykes entered the meeting at 6:48PM.*
48

1 Deputy City Manager Brooks explained that the base program for 79-E allows the Council discretion to
2 grant up to five years. The Council has to determine that the application is for a qualifying structure, that
3 it will be a substantial rehabilitation, and that it will provide one or more public benefits. For properties
4 that are listed on or eligible for listing on the National Register of Historic Places, the Council, at its
5 discretion, can grant up to four additional years. The requirement is that the renovations must be done in
6 compliance and conformance with the US Secretary of Interior Standards for historic renovation/historic
7 rehabilitation. Part of the TIF Board's recommendation was that the additional four years of the historic
8 designation be followed up by the Heritage Commission to make sure that the historic value is
9 maintained.

10 **BACKGROUND**

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

17
18 10 Spencer Studios, LLC, owner of the building at 10 Spencer Street, Lebanon, is applying for tax relief
19 under the program, as they are converting the structure from an industrial use (a former rug cleaning
20 business) to an art studio use.

21
22 The City Manager's Office received the application from 10 Spencer Studios, LLC on November 19, 2024.
23 Following an initial review, the applicant was advised of the changes to Council Policy CC-105, and was
24 asked to submit revised and additional information, which were received on December 3, 2024.

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

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

32 **Mayor McNamara opened the Public Hearing.**

33 Frank Casale, Ward 2, stated that he believes this should qualify for 79-E. He asked what the property
34 will be worth, and subsequent taxes will be post renovation. Deputy City Manager Brooks explained that
35 the property is currently valued, building and land together, at \$527,000. The current taxes are
36 approximately \$13,852, and the City's portion of that is \$5,091. The Assessor reviewed the building plans
37 and estimated that, post-construction, the building value would increase to \$690,000 leading to a total
38 increased property value of \$954,000. The approximately \$426,000 change represents an additional
39 \$11,218 in taxes, of which the City's portion would be \$4,125. As this property is located in a TIF
40 District, the excess increment is counted for separately by the City and that money gets reinvested within
41 the District. If the value of the building is frozen through a 79-E agreement, the building value will not
42 increase during the period of tax relief. The land could still increase in value leading to some continued
43 appreciation of the property.
44
45
46

1 Mr. Casale asked if this will be a non-profit organization. Ms. Caine explained that one rental tenant
2 space could be allocated toward a non-profit for emerging artists. The ownership structure of the building
3 will remain the same.

4
5 Joan Townsend, Ward 2, agreed that this is a good project for 79-E. She asked the Council to consider
6 only a four year request, as she does not believe this property qualifies as a historic site.

7
8 Cindy Casale, Ward 2, asked how the funding is reinvested into the TIF District. City Manager
9 Mulholland explained that the tax increment has to be reinvested within the TIF District itself. Councilor
10 Liot Hill noted that this has recently come in the form of sidewalks and other infrastructure projects.

11
12 **Hearing no further comments from the public, the Public Hearing was closed.**

13
14 **Council/Staff Comments:**

15
16 Councilor Liot Hill asked about the historic nature of the property. Ms. Caine stated that she believes the
17 property is historic and could be eligible but is not currently listed on the Historic Register. Deputy City
18 Manager Brooks stated that the property does not require Heritage Commission review, as it is not within
19 the Historic District. Councilor Wilkie noted that the Commission is considering widening the existing
20 District boundary, but this property has not been discussed by the Commission in that context. Councilor
21 Liot Hill noted that there are not many other properties in the area that date back 100 years. Her
22 inclination is that this is a historically important building.

23
24 Mayor McNamara stated that he does not think of this as a historic building. He is not inclined to grant
25 the nine years.

26
27 Councilor Sykes stated that he likely will not vote, as he is on the AVA Gallery Board of Directors. He
28 believes the relief requested is appropriate and agreed that the designation be followed up on by the
29 Heritage Commission.

30
31 Councilor Whittlesey stated that he is leaning toward granting the full amount of relief requested, as this
32 will preserve an important type of architectural design. Also, nine years may be required for the financial
33 aspect of the project.

34
35 Councilor Wilkie explained that the narrative and intangible aspects of the space are significant. This
36 appears to be one of the last remaining buildings that speaks to the working class history of the City. He
37 sees arguments for this building being considered historic. Without the nine years requested, the project
38 may not be able to move forward, further burdening taxpayers without having the future revenue.

39
40 Assistant Mayor Below stated that the financials submitted speak to the need for the requested relief. This
41 is a nice gateway building to the area that harkens back to its historic era. He suggested a compromise of
42 a total of 6-7 years, though there is a case for the full nine years. To renovate this building at today's cost
43 may lead the owners to investing more than the property is worth on the market. Ms. Caine agreed that
44 the amount being sought in rent does not support the amount that will be invested. The intention is not to
45 make money off this project, but to work in the building and bring vibrance to the area.

46
47 Councilor Sykes noted that the building has been vacant for several years and this should be considered.
48

1 Mayor McNamara asked if the renovation estimates provided include a historically accurate renovation.
2 Ms. Caine stated that, if granted the full relief, she would like to work closely with the Heritage
3 Commission and do a lot of research on the historic guidelines.
4

5 Councilor Heistad stated that the building is a small symbol of the type of industry that used to occur in
6 this area. He supports the full relief requested.
7

8 **ACTION:**

9 *Councilor Wilkie MOVED the following:*
10

11 ***BE IT HEREBY RESOLVED by the Lebanon City Council, after a duly-noticed public hearing, that:***
12

13 ***WHEREAS, the City Council has determined that the application of 10 Spencer Studios, LLC***
14 ***(hereinafter the “Applicant”) for property assessment tax relief under the City’s 79-E Program is***
15 ***complete enough to commence consideration, and***
16

17 ***WHEREAS, the City Council has determined that the Applicant’s property, 10 Spencer Street, Tax Map***
18 ***92, Lot 33 (hereinafter the “Property”), is situated in the Downtown Lebanon 79-E District as adopted***
19 ***by the City and, therefore, meets the 79-E Program requirement as a Qualifying Structure, and***
20

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

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

- 28 ***1. Enhancement of the economic vitality of Downtown Lebanon, and***
- 29 ***2. Enhancement or improvement of a culturally or historically important structure, and***
- 30 ***3. Promotion of the preservation and reuse of existing building stock, and***
- 31 ***4. Promotion of the development of municipal centers, providing for efficiency, safety, and a***
32 ***greater sense of community consistent with RSA 9-B.***
33

34 ***NOW THEREFORE, pursuant to the provisions of the Community Revitalization Tax Relief Incentive***
35 ***(NH RSA 79-E) Program, as adopted by the City, the City Council hereby grants to the Applicant __ years***
36 ***of property assessment tax relief for the Property to commence upon completion of Project, with the***
37 ***following conditions:***
38

- 39 ***1. The Applicant shall grant to the City of Lebanon a Declaration of Covenant to be recorded in the***
40 ***Grafton County Registry of Deeds ensuring that the Project shall be maintained and used in a manner***
41 ***that furthers the Public Benefit(s) set forth above for which this property tax relief is granted. The***
42 ***term of the Declaration of Covenant shall be effective for __ years, which is twice the duration of the***
43 ***approved tax relief period as permitted under RSA 79-E:8, II.***
44
- 45 ***2. The Applicant shall obtain and maintain property and casualty insurance, as well as flood insurance,***
46 ***if appropriate, for the term of the Declaration of Covenant set forth above to ensure proper restoration***
47 ***or replacement of the Project and Property. Such insurance shall, effective as of the date on which***
48 ***the Project is completed, name the City of Lebanon as an additional insured by endorsement and the***

1 *City shall be provided with certificates of insurance annually. Further, the applicant shall agree to*
2 *have the City made a Loss Payee of the proceeds of any property or casualty insurance coverage,*
3 *subject to the rights of any current or future mortgagee of the Property and any structures thereon,*
4 *for the purpose of ensuring proper and timely restoration or demolition of the Property, including*
5 *any damaged structures thereon. The Applicant shall agree to commence any restoration or*
6 *demolition of such structures within one year following the date of any occurrence or incident for*
7 *which an insurance claim is or could be made; otherwise, the Applicant shall be subject to the*
8 *termination provisions set forth in RSA 79-E:9, I.*
9

10 **3. The Applicant shall obtain a Building Permit for the Project and commence construction no later**
11 **than one year from the date of this Resolution, unless otherwise extended by the City Council in**
12 **writing. The Project, as approved, shall be completed on or before March 31, 2026, unless**
13 **otherwise extended by the City Council in writing.**
14

15 **4. The applicant shall coordinate with the City of Lebanon Heritage Commission to ensure the**
16 **historic aspects of the project are maintained adequately.**
17

18 **Seconded by Councilor Liot Hill.**

19 ***The Vote on the Motion was approved (6-2-1, with Councilor Simon and Mayor McNamara against,**
20 **and with Councilor Sykes abstaining)**
21

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

- 32 1. A public hearing on a proposed CDBG application for up to \$500,000 in CDBG Public
33 Facilities funds to be sub-granted to Families Flourish Northeast; and to authorize the City
34 Manager to sign, submit, and execute any documents which may be necessary to effectuate
35 the CDBG Application and contract; and
- 36 2. A public hearing on a proposed Recovery Housing Program (RHP) grant application for up
37 to \$1,000,000 to be sub-granted to Families Flourish Northeast; and to authorize the City
38 Manager to sign, submit, and execute any documents which may be necessary to effectuate
39 the RHP Application and contract; and
- 40 3. A public hearing to adopt the City of Lebanon Anti-Displacement and Relocation
41 Assistance Plan for Families Flourish Northeast
42

43 Included in the agenda packet: **(All supportive documents and information can be found on pages 67-**
44 **75 Council agenda packet)**

- 45 1. Project Description – Families Flourish Northeast – Upper Valley Facility
- 46 2. City of Lebanon Residential Anti-Displacement and Relocation Assistance Plan for Families
47 Flourish Northeast
48

1 Deputy City Manager Brooks reviewed the background for this item. Rebecca Owens, City Grant Writer,
2 noted that a handout is available describing the project. Courtney Tanner, Families Flourish Northeast,
3 then presented on this item. The proposal is to build a 12 bed residential program for pregnant and
4 parenting women to be located at 424 Mt Support Road. This is a good location for the program as it is
5 positioned close to the Medical Center. There will be children in residence at the location with their
6 mothers. The intention is to have an age limit for children of 12 years old, though most will be much
7 younger. The facility will be staffed 24/7. For those receiving treatment, there are strict policies and
8 procedures for receiving treatment. If rules are broken and security is an issue, discharge may be
9 appropriate.

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
14 includes all non-entitlement municipalities and counties. Grant funding is available annually to
15 communities or counties on a competitive basis in each of the four categories of housing, public facilities,
16 economic development, and emergency activities that directly benefit low- and moderate-income persons.
17 Additional funds are available for planning grants. The Recovery Housing Program (RHP) is a pilot
18 program for special needs housing, to which municipalities and non-profits may apply for grant funds.

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

26
27 A request to submit applications for CDBG and RHP funds was approved by the City Council in May 2023,
28 however, the applications were later withdrawn due to the intended site becoming unavailable. The proposal
29 includes funds from both CDBG and RHP, which are both administered by CDFA and carry similar
30 program criteria to CDBG and a separate application.

31 32 **Mayor McNamara opened the Public Hearing regarding the proposed CDBG application for up to** 33 **\$500,000:**

34
35 Mr. Casale asked if this is a one-time grant. Deputy City Manager Brooks explained that this is a one-
36 time grant request that would not be reapplied for each year.

37
38 Lori Key, Ward 3, asked what the City is obligating itself to do as part of this grant. City Manager
39 Mulholland explained that the City is the fiscal agent for the funds and is obligated to make sure the
40 project follows the rules as part of the law. Councilor Liot Hill explained that this project would have to
41 go through the Planning Board process and would not otherwise be approved through the Council. Ms.
42 Key asked about the downstream impact to taxpayers and the City regarding this nonprofit. Councilor
43 Liot Hill stated that the Planning Board's process will consider this. Ms. Tanner explained that Mary
44 Hitchcock Memorial Hospital will continue to own the building and Families Flourish is planning to enter
45 into a long term lease of 30+ years for the building. 424 Mt Support Road is not contemplated in the
46 Dartmouth Hitchcock pilot. This is a tax generating parcel of land right now and it will remain that way in
47 this forthcoming agreement.
48

1 David Duncan, Vice President of Facilities for Dartmouth Health, explained that this is a piece of
2 property that Mary Hitchcock owns and pays full taxes on. DH will sign a 30 year lease with Families
3 Flourish and continue to maintain paying full taxes for the property. Ms. Tanner explained that the land is
4 currently generating a small amount of tax revenue for the City of Lebanon. This tax revenue will stay the
5 same as the land will not transfer to Families Flourish. Once constructed, Families Flourish will be a
6 charitable organization that will have the opportunity to go through an exemption process. The exemption
7 status would be determined by the City Assessor, or a pilot could be negotiated with Families Flourish.
8 Mayor McNamara stated that there is some uncertainty on this item, but the taxes on the underlying
9 property will continue to be paid. City Manager Mulholland noted that this is also located within a
10 Special Assessment District.

11
12 Mr. Casale asked why the Board is discussing authorizing the grant to be applied for prior to any
13 discussion regarding the potential impacts of this project. Mayor McNamara stated that most projects that
14 depend on some amount of grant funding will not move forward with developing plans and associated
15 costs without knowing that they have full funding. Ms. Tanner explained that the project will cost
16 approximately \$9M to construct the right building. Of the \$9M, other federal funds have already been
17 secured. If the window to apply for these funds is missed, they cannot be applied for again until July,
18 which would be too late for the project timeline. Ms. Tanner explained that the project has secured
19 approximately \$3.5M in federal and state grants alone to date. There is significant bipartisan support for
20 this project. Mr. Casale stated that City services are already stretched to the limit. An impact study for this
21 project would be useful. He stated that he does not believe Council should be ready to move forward with
22 the grant.

23
24 Mayor McNamara asked about potential need for Police/Fire/EMS services at similar entities. Ms. Tanner
25 stated that she has previously seen a reduction of emergency response need due to the fact that the
26 building will be staffed 24/7. This will be a supportive environment that can act as a prevention for
27 emergency response.

28
29 Lynne Goodwin, Human Services Director, stated she is attending this meeting to be supportive of the
30 Zoning amendment for recovery houses. She does not understand how CDFA funds for recovery housing
31 programs can apply to a residential treatment program. Ms. Tanner stated that the rules on recovery
32 housing have been broadened as there have been very few applicants that have sought funds for recovery
33 housing. For all three applications that the Council is considering tonight, these projects have to be
34 shovel ready. The project can only apply for up to \$1M in recovery housing. Ms. Goodwin noted that
35 recovery housing, in terms of the Zoning amendment, is very different than treatment housing.

36
37 Councilor Whittlesey explained that the social cost impact of investing in substance abuse treatment is
38 widely studied. Every dollar invested in substance abuse treatment yields a multiple of that in reduced
39 costs to social services like law enforcement, and other criminal justice items, as well as an overall
40 reduction in the cost of the healthcare system.

41
42 Rachel Townsend, Ward 2, asked who will be paying for the children that live at this center to attend the
43 City's school system. It is likely this will fall on the taxpayer. Ms. Tanner explained that Families
44 Flourish could be eligible for a nonprofit exemption in the future. The group is working on an internal
45 analysis that will help drill down to what the age disparities will likely be for the program. Most children
46 will likely be under five years old. This can be discussed as part of a proposed pilot or exemption process.

47
48 Ms. Rachel Townsend stated that it appears this proposal will invite people from outside of the City with
49 this issue into the City. She asked where people that may be removed from the program will be sent to, or

1 if they will likely remain in Lebanon and add to the homeless population. Ms. Tanner explained that
2 Families Flourish will have a large referral base from Dartmouth Health's Moms and Recovery Program
3 and will also be receiving referrals from across the State. There are certain times where women have to
4 leave their geographic area because it is in their best interest for their health. People may discharge back
5 into this community in a healthy way or may go back to where they were living previously. Ms.
6 Townsend stated that there is no way to guarantee that these people will not be an extended burden on the
7 City of Lebanon. The City cannot afford this project.

8
9 Councilor Whittlesey stated that there are a fair number of addiction treatment centers in New Hampshire,
10 and they are all located in the southeast. There are many local residents struggling to recover. There is a
11 huge demand for these services in the Upper Valley area. There is not a women and children's center in
12 this area. The research shows that this type of treatment center provides better outcomes overall.

13
14 Ms. Key stated that Lebanon is the only academic medical center in the State that costs the taxpayers
15 more money than the pilot provides. It would be nice to have some assurance that the costs of hosting this
16 nonprofit entity will not trickle down and come out of the pockets of the residential taxpayers. There are
17 existing people in the City who cannot afford to remain in their homes and this needs to be part of the
18 conversation.

19
20 Ms. Joan Townsend stated that the City is in a poor fiscal state. While this program would benefit 12
21 women who are struggling, it is hard to balance this against existing taxpayers who are already struggling.
22 There are too many unanswered questions at this time. The City may be better able to accommodate this
23 in five years.

24
25 Jay Simms, Ward 2, stated that the proposed pilot discussion for this project is important. The City needs
26 to consider how residents can support their property taxes into the future. He asked about a feasibility
27 study for the project. He expressed concern regarding an existing staffing problem at DH. This project
28 could also add to the City's daycare problem. The Council should be able to see information as to if this
29 project is financially viable. Ms. Tanner stated that this project has been vetted by a number of different
30 federal agencies, State government offices, and is currently working with a financial institution to secure
31 a loan. The program will contemplate support for moms and their babies. There will be a daycare need
32 which will be contemplated during program development. There will also be community information
33 sessions.

34
35 Samantha Townsend, Ward 2, asked how this program will work alongside Moms in Recovery. Ms.
36 Tanner stated that a referral would come from a treating organization that may not be able to support the
37 person. Care would then transfer. Ms. Samatha Townsend asked what type of staffing will be available
38 24/7. Ms. Tanner stated that there will be a certified recovery support staff that are supported by licensed
39 social workers and nurses. There will be a pipeline for those working within the organization to advance
40 their careers. Ms. Samantha Townsend asked about the ratio between staff and patients. Ms. Tanner stated
41 that, during the treatment day the ratio is pretty high in terms of staff, and there will be at least three
42 people on overnight.

43
44 **Hearing no further comments from the public, Mayor McNamara closed the first Public Hearing.**

45
46 **Mayor McNamara opened the Public Hearing regarding a proposed Recovery Housing Program**
47 **(RHP) grant application for up to \$1,000,000 to be sub-granted to Families Flourish Northeast:**
48

1 Mayor McNamara explained that the Council must hold separate public hearings for the requested
2 \$500,000 and the \$1M as they come from different sources. This will be in one concurrent application.
3

4 Barbara Hirai, Ward 1, asked about Staff time being used to apply for the grant and why taxpayers are
5 paying a Grant Writer to write grants for a private organization. Ms. Owens explained that the CDBG and
6 RFP grants both include grant writing and administration costs as part of their budgets. Each grant is
7 eligible for up to \$30,000 for grant administration for each grant and up to \$1,000 for grant writing, on
8 top of what goes to Families Flourish Northeast for construction and design costs.
9

10 **Hearing no further comments from the public, Mayor McNamara closed the second Public**
11 **Hearing.**
12

13 **Mayor McNamara opened the Public Hearing regarding adopting the City of Lebanon Anti-**
14 **Displacement and Relocation Assistance Plan for Families Flourish Northeast:**
15

16 Deputy City Manager Brooks explained that this is part of a requirement of the Uniform Relocation Act,
17 which requires that any displaced household or business in a project using any federal funds must be
18 found comparable housing in a comparable neighborhood at a comparable price. Under the Uniform
19 Relocation Act section of the application, the City will certify that the residential anti displacement and
20 relocation assistance plan is in place. In the event that it is discovered that the specific project does
21 displace persons or households, the implementation plan must be submitted to CDFA prior to obligating
22 or expending funds. He noted an error on page 72 of the packet, the first page of the residential anti
23 displacement and relocation assistance plan document. The second sentence of the first paragraph, should
24 say that Families Flourish, Northeast will not include displacement of existing businesses. This is a vacant
25 property, so there will be no displacement, and this correction will be made.
26

27 **Hearing no further comments from the public, Mayor McNamara closed the third Public Hearing.**
28

29 Council/Staff Comments:
30

31 Councilor Wilkie explained that he is aware of the concern regarding an impact to the City's emergency
32 services by adding people to the community that are not paying a share of taxes. However, as he has
33 heard from City firefighters, when a program has its own services as is proposed, the amount that is saved
34 tends to exceed the amount that is spent. There are existing people in this community that need these
35 services. He is confident that this will not be a blank check for a huge increase on the tax burden but
36 instead will avoid increasing the burden on City services. If the City refuses to support the grants, the
37 organization will be left to find funds on its own. The City is not necessarily committing itself to a
38 liability by approving the submittal of these grants, if the project does not move forward.
39

40 Assistant Mayor Below noted that these two funding sources have to be applied for by municipalities or
41 the County. There is solid evidence that the cost to society, including to taxpayers, for people with
42 substance use disorders that go untreated is much higher than the cost to help people into recovery using
43 clinically proven programs. The proposed program looks to be a state-of-the-art treatment program
44 particularly targeting women with children or those expecting children. There is a generational cost for
45 this situation. The value goes beyond this specific community, but the problems are in this community.
46 For better for worse, the City hosts a major Regional Medical Center. There is a chance that there will be
47 some incremental costs but there is a compelling need. The City should take advantage of the significant
48 funding opportunities available.
49

1 Councilor Heistad stated that Lebanon has a need, and it should be addressed. The responsibility is to the
2 people here at home.

3
4 Councilor Sykes stated that he is in favor of supporting the grant requests. He explained that those with
5 options for appropriate care then do not need to receive additional ambulance or police services. This is
6 the right thing to do from a fiscal and moral standpoint. The people that need these services are in this
7 community.

8
9 Councilor Zook asked about the types of impact studies and other items that would occur during the
10 Planning Board process for this type of project. Nate Reichert, Director of Planning & Development,
11 explained that the Zoning Board recently saw this application and reviewed the use and wetlands impacts.
12 Typically, a project of this magnitude would not require a traffic study. At the Planning Board level, there
13 would be input received from City Departments. This project could trigger impact fees and/or building
14 permit fees.

15
16 **ACTION:**

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

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

24
25 *For the remainder of 2025, there will be approximately \$1.3 million dollars available for housing and*
26 *\$1.3 million for public facilities projects. Approximately \$1.3 million will be available for economic*
27 *development, \$500,000 for emergency grants, and \$600,000 for planning grants. Economic*
28 *development, emergency and planning grant applications are submitted on a rolling basis until the*
29 *funds are used up. The City of Lebanon is eligible for up to \$750,000 per year for housing*
30 *applications, \$500,000 for public facilities, up to \$500,000 per year for economic development*
31 *projects, as well as up to \$500,000 per year in emergency funds. Planning grants are available for up*
32 *to \$25,000 per year for traditional planning grants and \$100,000 for transformational planning*
33 *grants.*

34
35 *The Community Development Finance Authority (CDFA) has identified that there is critical need for*
36 *recovery housing in New Hampshire and that Recovery Housing Program funds aim to help alleviate*
37 *the significant shortage of this type of housing across the state. CDFA has approximately \$3.6 million*
38 *in Recovery Housing Program (RHP) funds available on a rolling basis. The City of Lebanon is*
39 *eligible to apply for up to \$1,000,000.*

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

42 **PUBLIC HEARING B.1:**

43 *Councilor Liot Hill MOVED, that the Lebanon City Council hereby approves the submittal of a*
44 *Community Development Block Grant (CDBG) application for up to \$500,000 in CDBG Public*
45 *Facilities funds to be sub-granted to Families Flourish Northeast; and authorizes the City Manager*

1 to sign, submit, and execute any documents which may be necessary to effectuate the CDBG
2 Application and contract, as described in the January 22, 2025 City Council Agenda Packet.
3 Seconded by Councilor Wilkie.
4

5 **Discussion:**

6 Councilor Liot Hill stated that the need for this program is well documented. The cost effectiveness of
7 this type of clinical program is also well documented. This site seems to be particularly appropriate
8 given the proximity to the Medical Center, as well as access to public transportation, a grocery store,
9 and pedestrian facilities. The limited costs to the City for the grant writing and grant administration
10 will be covered in the CDBG grant.
11

12 **The Vote on the Motion was approved (8-1, with Councilor Simon against)*
13

14 **PUBLIC HEARING B.2:**

15 Councilor Liot Hill MOVED, that the Lebanon City Council hereby approves the submittal of a Recovery
16 Housing Program (RHP) grant application for up to \$1,000,000 to be sub-granted to Families Flourish
17 Northeast; and authorizes the City Manager to sign, submit, and execute any documents which may be
18 necessary to effectuate the RHP Application and contract, as described in the January 22, 2025 City
19 Council Agenda Packet.
20

21 Seconded by Councilor Wilkie.
22

22 **Discussion:**

23 Councilor Wilkie stated that there are costs to inaction. Not allowing the necessary services could lead
24 to a greater burden on the City's emergency services. This is a net positive for all.
25

26 Councilor Liot Hill explained that, in the state of New Hampshire, cities and towns are the entities
27 responsible for providing for people who are in need. The way that Lebanon has provided those
28 services is partially through direct services and funds and partially through working in public/private
29 partnerships with nonprofits in the area that help to provide for the neediest people in the community
30 in a very cost effective and humane way.
31

32 **The Vote on the Motion was approved (8-1, with Councilor Simon against)*
33

34 **PUBLIC HEARING B.3:**

35 Councilor Liot Hill MOVED, that the Lebanon City Council hereby adopts the City of Lebanon
36 Residential Anti-Displacement and Relocation Assistance Plan for Families Flourish Northeast, as
37 presented in the January 22, 2025, City Council Agenda Packet, with the following modifications:

- 38 • Second sentence of the first paragraph shall read, "Families Flourish Northeast will not
39 include displacement of one or more existing businesses."
- 40 • Last sentence of the first paragraph shall read, "Families Flourish will develop and submit a
41 relocation plan, if necessary."
- 42 • The Certification of Compliance shall read, "If City of Lebanon anticipates displacement or
43 relocation activities will be necessitated by this project, the City certifies that it will comply with
44 the Uniform Relocation Act in Section 104D of the Housing and Community Development Act
45 of 1974, as amended.

46 Seconded by Councilor Wilkie.
47

48 **The Vote on the Motion was approved unanimously (9-0)*

1 **CITY OF LEBANON**

2 **RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN**
3 **FAMILIES FLOURISH NORTHEAST**

4 Every effort will be made to minimize temporary or permanent displacement of persons due to a CDBG
5 project and a Recovery Housing project undertaken by the municipality. THE FAMILIES FLOURISH
6 NORTHEAST WILL NOT INCLUDE DISPLACEMENT of existing businesses. Families Flourish
7 will develop and submit a Relocation Plan if necessary.
8

9 However, in the event of displacement as a result of a federally funded award, the CITY OF LEBANON
10 will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of
11 1970, as amended, to any household, regardless of income which is involuntarily and permanently
12 displaced.

13 If the property is acquired, but will not be used for low/moderate income housing under 104(d) of the
14 Housing and Community Development Act of 1974, as amended, the displacement and relocation plan
15 shall provide that before obligating and spending funds that will directly result in such demolition or
16 conversion the municipality will make public and submit to CDFA the following information:
17

- 18 a. Comparable replacement housing in the community within three (3) years of the
19 commencement date of the demolition or rehabilitation;
- 20 b. A description of the proposed activity;
- 21
- 22 c. The general location on a map and appropriate number of dwelling units by number of
23 bedrooms that will be demolished or converted to a use other than as low and moderate income
24 dwelling units as a direct result of the assisted activity;
- 25 d. A time schedule for the commencement and completion date of the demolition or conversion;
- 26
- 27 e. The general location on a map and appropriate number of dwelling units by number of
28 bedrooms that will be provided as replacement dwelling units;
- 29
- 30 f. The source of funding and a time schedule for the provision of replacement dwelling units;
- 31 g. The basis for concluding that each replacement dwelling unit will remain a low and moderate
32 income dwelling unit for at least ten (10) years from the date of initial occupancy;
- 33
- 34 h. Relocation benefits for all low or moderate income persons shall be provided, including
35 reimbursement for moving expenses, security deposits, credit checks, temporary housing, and
36 other related expenses and either:
 - 37 1. Sufficient compensation to ensure that, at least for five (5) years after being relocated, any
38 displaced low/moderate income household shall not bear a ratio of shelter costs to income
39 that exceeds thirty (30) percent, or;
 - 40
 - 41 2. If elected by a family, a lump-sum payment equal to the capitalized value of the
42 compensation available under subparagraph 1. above to permit the household to secure
43 participation in a housing cooperative or mutual housing association, or a Section 8
44 certificate of voucher for rental assistance provided through New Hampshire Housing
45 Finance Authority.
46

- 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

If the 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: January 22, 2025

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**)

Included in the agenda packet: *(All supportive documents, zoning maps and detailed information/changes can be found on pages 76-98, Council agenda packet)*

1. January 9, 2025 Memorandum from Planning & Development Department Staff RE: 2024- 2025 Proposed Zoning Amendments for Ballot

Information available but not included in this section:

1. January 8, 2025 City Council Agenda Packet

Nate Reichert, Director of Planning & Development reviewed the background on this item.

The Council discussed the proposed options for Section 411.10. A straw poll found a majority of the Councilor in favor of Option A.

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

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

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.

Mayor McNamara opened the Public Hearing.

Sarah Riley, Ward 2, spoke in favor of creating additional housing in the City’s two Downtowns, but expressed concerns regarding the currently proposed maps in Amendment 1, as many parcels that are in the proposed overlay district are located in flood zones, wetlands, wetland buffers, or border natural areas. The Conservation Commission advised that parcels bordering natural areas be excluded from these overlay districts. That suggestion does not seem to have been incorporated into the maps. The overlay maps also include some parcels that are not developable, such as subdivision open space.

1 Barbara Hirai, Ward 1, asked about energy efficiency included in the cottages shown in the proposed
2 options. Mr. Reichert stated that the 2018 NH Energy Code would have to be adopted for these structures.

3
4 Ms. Riley expressed concern regarding Amendment 3. She stated that she believes it would be a mistake
5 to rezone all of the APD lands to the new Medical Center 2 Zone. She suggested instead rezoning the
6 current footprint of the APD Campus but exclude the remaining forest lands. This was the
7 recommendation of the Conservation Commission.

8
9 Ms. Hirai stated that the land on Starr Hill needs to be protected in some way.

10
11 Julie Puttgen, Ward 2, agreed with the previous comments regarding Amendment 3 and protecting the
12 land of Starr Hill.

13
14 **Hearing no further comments from the public, the Public Hearing was closed.**

15
16 **Council/Staff Comments:**

17
18 Councilor Liot Hill asked to review the recommendations from the Planning Board, Zoning Board, and
19 ConsCom. Regarding the pattern zoning proposal, would preempt wetlands, buffers, or shoreland
20 protections. Mr. Reichert stated that any of those underlying requirements will still have to be
21 met. Councilor Liot Hill asked if the goal of the Pattern Zoning Overlay District is to increase density
22 where development already exists within the City by relaxing some of the dimensional requirements, in
23 exchange for compliance with particular pre-approved zoning. Mr. Reichert agreed.

24
25 Councilor Liot Hill expressed interest in protecting the sensitive areas of the Starr Hill property but noted
26 that it is important to understand that the area is not currently protected. The only parts of this property
27 that are protected are the ones currently protected through permanent easements. Even though APD has
28 chosen not to develop the properties that they own, they are allowed to. There is no guarantee that they
29 will not develop them. Mr. Reichert stated that this could be a discussion for the ConsCom to have further
30 for the good of conservation purposes.

31
32 ***Councilor Heistad MOVED to extend the meeting to 11:00PM. Seconded by Councilor Wilkie.***
33 ****The Vote on the NOMINATION was approved (9-0)***

34
35 Councilor Wilkie asked about the justification for rezoning all four areas within Starr Hill instead of just
36 the first two. Mr. Reichert explained that the shoulder properties could have elements of development that
37 may cross the boundary lines.

38
39 Councilor Sykes stated that he would like to see a concerted effort to speak to APD as a policy matter.
40 This is an important, sensitive area for many. City Manager Mulholland stated that the property owners
41 requested this change. They should be commenting at this public hearing as to why they want the change,
42 but they have not been heard from.

43
44 Councilor Heistad stated that the area is a gem within part of the City. The area should be negotiated to be
45 maintained in this manner.

46
47 Assistant Mayor Below suggested excluding the two northern parcels from the rezoning and instead
48 extending the northern line of the southern parcel to cut out an area of steep slopes. Mr. Reichert stated
49 that this would be a possibility.

1
2 **ACTION:**

3
4 *Assistant Councilor Below MOVED, that the Lebanon City Council hereby requests that the City Clerk*
5 *place Amendments #1-3, as listed above, onto the March 11, 2025, Municipal Ballot for consideration*
6 *by Lebanon voters, with the modification to Amendment #3: To exclude Lot 76-6 and Lot 76-7 and*
7 *exclude the portion of Parcel 76-4 that is north of a straight line extension of the southerly boundary*
8 *of Lot 76-6 with Lot 76-4 from the zoning change, as depicted on the sketch that was presented to the*
9 *Council.*

10 *Seconded by Councilor Liot Hill.*

11
12 **The Vote on the Motion was approved (9-0)*

13
14 **D. Proposed Amendments to the Zoning Ordinance for Council Adoption** – Public hearing for
15 the purpose of receiving public input and taking action on proposed zoning amendments for
16 adoption by the City Council, as follows:

17 Included in the agenda packet: **(All supportive documents, Zoning maps and detailed information can**
18 **be found on pages 99-164, Council agenda packet)**

- 19 1. January 9, 2025, Memorandum from Planning & Development Department Staff RE:
20 2024- 2025 Proposed Zoning Amendments for Council Approval

21
22 Information available but not included in this section:

- 23 1. January 8, 2025, City Council Agenda Packet

24
25 Due to the late hour, the Council discussed moving this agenda item to the next meeting, while noting a
26 number of members of the public present to speak to the item. The Council asked for public comment on
27 the item, while noting that the Public Hearing would be moved to the February 19, 2025, meeting.

28
29 Ms. Riley expressed concerns regarding proposed Amendments #4 and #21. She presented the Council
30 with a statement regarding these concerns.

31
32 The Council moved this Public Hearing February 19, 2025.

33
34 **10. OLD BUSINESS**

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

36
37 Included in the agenda packet: **(All supportive documents and information can be found on pages**
38 **165-166, Council agenda packet)**

- 39 1. EDC Member Roster

40
41 Mayor McNamara reviewed this item.

42
43 **BACKGROUND**

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

46
47 According to §31-46, Establishment; Membership; Qualifications, the City Council shall annually ...
48 appoint a Chairperson and a Vice-Chairperson from the nine members of the Economic Development
49 Commission to serve the following calendar year.

1
2 **Council/Staff Comments: NONE**

3
4 **ACTION:**

5
6 *Mayor McNamara MOVED, to nominate Dan Nash as Chair of the Economic Development Commission for calendar year 2025.*

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

9
10 *Mayor McNamara MOVED, to nominate Andy Key as Vice-Chair of the Economic Development Commission for calendar year 2025.*

11
12 **The Vote on the Motion was approved (9-0)*

13
14 **11. NEW BUSINESS**

- 15 **A.** Request from Salt hill Pub for an Exemption (per §14-5) of City Code Chapter 14,
16 Alcoholic Beverages, to permit the serving of alcoholic beverages on City property

17
18 Included in the agenda packet: **(All supportive documents and information can be found on pages**
19 **166-169, Council agenda packet)**

- 20 1. January 8, 2025, Letter from Josh Tuohy, Salt hill Pub

21
22 Mayor McNamara reviewed this item.

23
24 **BACKGROUND**

25 Salt hill Pub is requesting renewal of their exemption to serve alcohol in their outdoor seating areas, to
26 include those expanded areas approved since 2020. Please see the attached letter from Josh Tuohy.

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

29 City Code Chapter 14, Alcoholic Beverages, §14-5, Exemption, states that, “Any person, publicly
30 recognized organization, organized group, family group or business may be exempted from the provisions
31 of this article for a short period of time not exceeding 12 hours, upon first obtaining permission from the
32 City Manager after consultation with and approval by the Chief of Police. For a period of time exceeding
33 12 hours but not exceeding one year, permission must first be obtained from the Lebanon City Council and
34 reviewed on an annual basis.” Whereas the current request is for the alcohol exemption/permit to cover
35 the entire year period from January through December, Council approval is required pursuant to §14-5
36 above.

37
38 **Council/Staff Comments: NONE**

39
40 **ACTION:**

41 *Councilor Whittlesey MOVED, that the Lebanon City Council hereby grants an exemption to Salt hill*
42 *Pub pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to serve alcoholic beverages on*
43 *the Lebanon Pedestrian Mall and the parking area on West Park Street as shown on the map included*
44 *in the January 22, 2025, City Council Agenda Packet. The exemption shall be valid beginning January*
45 *23, 2025, and shall expire on December 31, 2025.*

46 *Seconded by Councilor Liot Hill.*

1 **The Vote on the Motion was approved (9-0)*

- 2
3 **B.** Request from Three Tomatoes for an Exemption (per §14-5) of City Code Chapter 14,
4 Alcoholic Beverages, to permit the serving of alcoholic beverages on City property
5

6 Included in the agenda packet: **(All supportive documents and information can be found on pages**
7 **170-172, Council agenda packet)**

- 8 1. January 2, 2025, Letter from Louise Clark, Co-owner of Three Tomatoes
9 2. Location Map of Outdoor Seating Areas for Three Tomatoes Trattoria and Salt hill Pub
10

11 Mayor McNamara reviewed this item.
12

13 *Assistant Mayor Below recused himself from this item.*
14

15 **BACKGROUND**

16 Three Tomatoes is requesting renewal of their exemption to serve alcohol in their awning area on the
17 Pedestrian Mall and the expanded seating area on Court Street approved since 2020. Please see the attached
18 letter from Louise Clark.
19

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

22 City Code Chapter 14, Alcoholic Beverages, §14-5, Exemption, states that, “Any person, publicly
23 recognized organization, organized group, family group or business may be exempted from the provisions
24 of this article for a short period of time not exceeding 12 hours, upon first obtaining permission from the
25 City Manager after consultation with and approval by the Chief of Police. For a period of time exceeding
26 12 hours but not exceeding one year, permission must first be obtained from the Lebanon City Council and
27 reviewed on an annual basis.” Whereas the current request is for the alcohol exemption/permit to cover
28 the entire year period from January through December, Council approval is required pursuant to §14-5
29 above.
30

31 **ACTION:**

32 *Councilor Wilkie MOVED, that the Lebanon City Council hereby grants an exemption to Three*
33 *Tomatoes pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to serve alcoholic beverages*
34 *on the Lebanon Pedestrian Mall and the closed portion of Court Street as shown on the map included in*
35 *the January 22, 2025, City Council Agenda Packet. The exemption shall be valid beginning January*
36 *23, 2025, and shall expire on December 31, 2025.*

37 *Seconded by Councilor Whittlesey.*
38

39 **Discussion:**

40 Councilor Simon stated that the Council may want to direct staff to review different fee structure in
41 order for the City to start to generate revenue.
42

43 **The Vote on the Motion was approved (8-0, 1 recusal)*
44

- 45 **C.** Release of Collected Public School Impact Fees (3rd and 4th Quarter 2024)
46

47 Included in the agenda packet: **(All supportive documents and information can be found on pages**
48 **173-177, Council agenda packet)**

- 1 1. Impact Fee Report as of 12/31/2024
2 2. November 22, 2021, Memorandum of Understanding between the City of Lebanon and
3 the Lebanon School District, SAU#88
4

5 City Manager Mulholland reviewed this item.
6

7 **BACKGROUND**

8 A Memorandum of Understanding (MOU) was developed in 2010 between the City and the School District
9 for the quarterly transfer of collected Public School Impact Fees to the Lebanon School District for
10 application toward the payment of debt on the (then) new middle school.

11 On October 12, 2021, the Planning Board authorized a broader use of Public School Impact Fees to include
12 construction, renovation, improvement, or expansion of K-12 school buildings and related building systems,
13 equipment, and furnishings. A revised MOU was developed and signed between the parties on November
14 22, 2021.

15 To date \$994,148.33 of collected impact fees has been disbursed to the Lebanon School District.
16

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				

17 This request is for the City Council to authorize the disbursement of \$46,642.06 in collected Public School
18 Impact Fees (through 12/31/2024) to the Lebanon School District.
19

20 **Council/Staff Comments: NONE**
21

22 **ACTION:**

23 *Councilor Liot Hill MOVED, that in accordance with Section 213.10 (Administration of Impact Fees)*
24 *of the Lebanon Zoning Ordinance, and the November 22, 2021 Memorandum of Understanding between*
25 *the City of Lebanon and the Lebanon School District, SAU 88, the City Council hereby authorizes the*
26 *disbursement of \$46,642.06 in collected Public School Impact Fees to the Lebanon School District to be*
27 *applied toward the construction, renovation, improvement or expansion of K-12 school buildings and*
28 *related building systems, equipment, and furnishings.*
29 *Seconded by Councilor Wilkie.*

30
31 **The Vote on the Motion was approved (9-0)*
32

33 *Councilor Heistad MOVED to extend the meeting time to 11:15PM.*
34 *Seconded by Councilor Wilkie.*

35 **The Vote on the Motion was approved (9-0)*
36
37

D. Request for Zoning Map Amendment: Hatch Property – 24 Labombard Road, Tax Map 51,

1 Lot 12, Lebanon

2
3 Included in the agenda packet: **(All supportive documents and information can be found on pages**
4 **178-180, Council agenda packet)**

- 5 1. January 9, 2025, letter from Margaret Hatch
6 2. Draft Northern Lebanon Zoning Amendment map

7
8 Mr. Reichert reviewed this item.
9

10 **BACKGROUND**

11 On January 9, 2025, Margaret Hatch requested a zoning map amendment for her property located at 24
12 Labombard Road, Tax Map 51, Lot 12, Lebanon, NH. The property is currently split zoned between Light
13 Industrial (IND-L) along the road frontage and Rural Lands Three (RL-3) to the rear of the parcel.

14 During the recent Route 120 / Northern Lebanon Community Plan (NLCP) study, the Hatch property was
15 not considered for potential zoning changes under the mistaken impression that the property was completely
16 subject to conservation restrictions. However, Ms. Hatch has clarified that a 3-acre portion of the +/-50-
17 acre parcel is not subject to any development restrictions, and the owner would like to have the property
18 frontage rezoned to General Commercial One (GC-1) as is proposed for other surrounding properties.
19 Attached is a draft map from the Planning & Development Department depicting the existing and proposed
20 zoning for the property.

21 Since the Hatch property was not reviewed for zoning changes as part of the annual package of amendments,
22 it was determined that the amendment request must be resubmitted to the land use boards and legal counsel
23 for review and comment back to the City Council. The Planning & Development Department has outlined
24 a tentative review schedule for the proposed amendment.
25

26 **Council/Staff Comments: NONE**

27
28 **ACTION:**

29 *Assistant Mayor Below MOVED, that the Lebanon City Council, in accordance with the City of*
30 *Lebanon Zoning Ordinance, Article X, Section 1000.3, Amendment Procedures, submits the proposed*
31 *Zoning Map amendment as described in the January 9, 2025, letter from Margaret Hatch to the*
32 *Planning Board and Conservation Commission for their review and comment. The City Council hereby*
33 *sets the following tentative review schedule:*

34 *Legal Review – by February 6, 2025*
35 *Conservation Commission – February 13, 2025*
36 *Planning Board – February 24, 2025*
37 *City Council Work Session Review – March 5, 2025*
38 *City Council Public Hearing – March 19, 2025*
39

40 *Seconded by Councilor Whittlesey.*

41
42 **The Vote on the Motion was approved (9-0)*
43

- 44 **E.** Preparation of Concise Explanations stating the City Council's position on the Zoning
45 Amendments to appear on the March 2025 Municipal Ballot
46

Included in the agenda packet: **(All supportive documents and information can be found on pages 181-184, Council agenda packet)**

1. Memorandum from Planning & Development Department dated January 9, 2025, RE: 2024- 2025 Proposed Zoning Amendments: Ballot Statements

Deputy City Manager Brooks reviewed this item.

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)**

Council/Staff Comments:

Councilor Wilkie suggested that the language on the fourth line of Amendment #2 be amended to read that, “the purpose of this amendment is to institute reasonable regulations for the establishment of *certified recovery houses*.” It was noted that this would require a change to Amendment #3 as well. Assistant Mayor Below suggested amending the language to state that, “this will include the rezoning of Tax Lot 90-59 and the majority of Lot 76-4.”

ACTION:

*Assistant Mayor Below MOVED to approve for printing on the ballot the language as presented in the Council packet, with the modifications as discussed.
Seconded by Councilor Whittlesey.*

Discussion:

1 Councilor Simon asked, with regard to the R1/R2/R3 changes, how to make it clear to voters that
2 voting no on this Amendment may actually make it easier for someone else to build a non-certified
3 recovery house in those areas.

4
5 The Council agreed to amend the language of the second sentence of Amendment #2 to read: The
6 purpose of this Amendment is to prevent the citing of unregulated recovery houses within the City
7 and to institute reasonable regulations for the establishment of certified recovery houses in
8 accordance with RSA 153:10D, and to protect the health, safety, and welfare of the residents of
9 such facilities, and of the citizens of Lebanon.

10
11 **The Vote on the Motion was approved (9-0)*

12
13 F. Discussion and Authorization for the City Manager to Transfer Funds from Departments
14 within the General Fund to the Legal Services Budget

15 **Resolution: R-2025-3**

16 Included in the agenda packet: [\(All supportive documents and information can be found on pages](#)
17 [185-187, Council agenda packet\)](#)

18
19 1. Draft Resolution Authorizing the Transfer of Appropriations

20
21 City Manager Mulholland reviewed this item.

22
23 **BACKGROUND**

24 The City Council appropriates a budget on an annual basis. The FY2025 Budget was approved and
25 appropriated on December 18, 2024. The Council may authorize the City Manager to transfer funds from
26 one department to another within the City's General Fund pursuant to the provisions in City Charter
27 §C419:45, Transfer of Appropriations.

28
29 During budget discussions, the City Council elected to cut \$50,000 from the Legal Services budget,
30 which is a component of the City Manager's budget. However, numerous issues and actions of
31 governance require legal counsel involvement, either based on statutory or charter requirements, or based
32 on the City's existing codes, ordinances, and regulations. It is already apparent that many issues and
33 actions that are already underway will require legal review and counsel, which will quickly expend the
34 Legal Services budget as appropriated.

35
36 For example, City Code Chapter 115 (Ordinances, Enactment of) requires the City Manager to obtain
37 and submit a written legal opinion as to the authority and validity of proposed ordinance changes. The
38 Food Truck Task Force, which was formed by the Council last summer, will be bringing forward
39 recommended changes to City Code 179 (Vendors), which will require a legal review. Other annual
40 changes to the City Code will require similar legal reviews.

41
42 Other projects or issues that are expected to require legal services include:

- 43 • Review and legal opinion of proposed zoning amendments as required by Section 1000.3 of the
44 City's Zoning Ordinance, including amendments relative to "research laboratories", map amendments,
45 and zoning recommendations derived from the Council-initiated Food Truck Task Force, as well as the
46 typical annual slate of amendments.
- 47 • Review and legal guidance to address the latest proposal from the NH Department of Transportation
48 and the NH Attorney General's Office regarding the proposed Purchase and Sale Agreement for portions
49 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.

Council/Staff Comments: NONE

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.

ACTION:

Councilor Liot Hill 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

1 *Fund Appropriations to the Legal Services budget from other departments within the General Fund, as*
2 *presented in the January 22, 2025 City Council Agenda Packet, to ensure that required legal services*
3 *and counsel can be obtained and provided in a timely fashion for the City and its ongoing operations*
4 *Seconded by Councilor Whittlesey.*
5

6 **The Vote on the Motion was approved (9-0)*
7

8 **12. City Manager Report:**

9 City Manager Mulholland updated the Council on the following:

- 10 • Roundtable for the Upper Valley was productive
- 11 • Comcast franchise agreement is up for renewal
- 12 • Mascoma River hydro dam relicensing and lease agreement are upcoming
- 13 • Strategic Plan Community Engagement sessions on the 28th at 9am, 30th at 6:30pm, and February
- 14 6th at 6:30pm
- 15 • AI pilot transcription testing is ongoing
- 16 • Car fire behind Town Fair Tire this morning highlighted that the shelter is full, and people need a
- 17 safe, warm place to go to
- 18

19 **13. COUNCIL REPRESENTATIVES TO OTHER BODIES:**
20

21 Councilor Sykes noted that Representative Stavis has introduced a bill that tries to model the program for
22 Barrows Street in a statewide effort. This seems to have bipartisan support.
23

24 **14. FUTURE AGENDA ITEMS:**
25

26 **15. NON-PUBLIC SESSION: NONE**
27

28 **16. ADJOURNMENT:**

29 *Councilor Heistad MOVED for adjournment.*
30 *Seconded by Councilor Wilkie.*
31

32 **The Vote on the MOTION was unanimously approved (9-0)*
33

34 **The meeting was adjourned at 11:12 PM.**
35

36 Respectfully submitted,
37 Kristan Patenaude
38 Recording Secretary

**Agenda
Lebanon City Council
February 5, 2025**

7. Appointments:

Appointments

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

- Arts & Culture Commission, Claire Geno (Reappointment Arts Organization Representative)
- Arts & Culture Commission, Nicholas Gaffney (Reappointment Ward 3 Citizen Representative)
- Planning Board, Kathie Romano (Reappointment Alternate Member)

Included in this Section:

1. Memo from City Clerk/Tax Collector Diane Mulholland dated February 5, 2025



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

MEMORANDUM

DATE: February 5, 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.

Arts and Culture Commission

- **Claire Geno** – Reappointment as an Arts Organization Representative for a one-year term.
Term: 2/2025-2/2026
- **Nicholas Gaffney** – Reappointment as Ward 3 Citizen Representative for a three-year term.
Term: 2/2025-2/2028

Planning Board

- **Kathie Romano** – Reappointment as an alternate Member for a three-year term.
Term: 2/2025-2/2028

From: [Kara Tracy](#)
To: [Kara Tracy](#)
Subject: FW: [EXTERNAL] Online Form Submission #11316 for Board Member Application
Date: Thursday, January 23, 2025 8:01:24 AM

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

Board Member Application

Application Process

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

Basic Requirements

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

(Section Break)

First Name	Claire
------------	--------

Last Name	Geno
-----------	------

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

City	
------	--

NH	
----	--

State	
Zip Code	██████
Is this your mailing address?	Yes
Home Phone Number	██████████
Work Number	<i>Field not completed.</i>
Email Address	clairedavisgeno@gmail.com
How long have you resided in Lebanon?	~4 years
(Section Break)	
Is this an application for re-appointment?	This application is for re-appointment.
For which board, committee, or commission are you applying?	Arts and Culture Commission
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I am passionate about the arts and the value art brings to individuals and communities. As a newly permanent resident of Lebanon, I'm excited to get involved and give back in my hometown.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I've been a passionate artist my entire life. I studied art and design in undergrad, and continue to practice in a variety of mediums. Additionally, my husband and I recently became permanent residents of Lebanon, and I'm eager to give back in my community. I have experience serving on boards of nonprofit organizations, am currently the outreach coordinator for AVA Gallery in Lebanon, and am involved in the UVAA and other local arts organizations working to advance the arts in the upper valley. I'm thrilled that Lebanon has an Arts and Culture committee, and would be excited to be part of a group that is working to promote arts and cultural activities in all areas of our city.

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.](#)

From: [Kara Tracy](#)
To: [Kara Tracy](#)
Subject: FW: [EXTERNAL] Online Form Submission #11312 for Board Member Application
Date: Wednesday, January 22, 2025 12:40:27 PM

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

Board Member Application

Application Process

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

Basic Requirements

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

(Section Break)

First Name	Kathie
------------	--------

Last Name	Romano
-----------	--------

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

City	
------	--

NH	
----	--

State	
Zip Code	██████
Is this your mailing address?	Yes
Home Phone Number	██████████
Work Number	<i>Field not completed.</i>
Email Address	kathieromano@gmail.com
How long have you resided in Lebanon?	10 years
(Section Break)	
Is this an application for re-appointment?	This application is for re-appointment.
For which board, committee, or commission are you applying?	Planning Board
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I am interested in continuing to serve on a board which considers development in the City of Lebanon. Being retired I have time to continue to devote to this work.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	My 25 years as a licensed Real Estate broker including many years involved with builders and buyers of new construction made me familiar with plot plans, contracts and various aspects of building. My current @6yrs on this Board provide institutional knowledge of recent practices and applications within Lebanon.
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.](#)

From: [Kara Tracy](#)
To: [Kara Tracy](#)
Subject: FW: [EXTERNAL] Online Form Submission #11333 for Board Member Application
Date: Tuesday, January 28, 2025 10:24:13 AM

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

Board Member Application

Application Process

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

Basic Requirements

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

(Section Break)

First Name	Nick
------------	------

Last Name	Gaffney
-----------	---------

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

City	
------	--

	NH
--	----

State	
Zip Code	
Is this your mailing address?	Yes
Home Phone Number	
Work Number	Field not completed.
Email Address	nick@ngaffney.net
How long have you resided in Lebanon?	16 years
(Section Break)	
Is this an application for re-appointment?	This application is for re-appointment.
For which board, committee, or commission are you applying?	Arts and Culture Commission
Other Committee	Field not completed.
Why would you like to serve?	I've served successfully on the committee for over 3 years and would like to continue to serve
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	As an artist and employee of AVA Gallery and Art Center, I'm invested and committed to arts and culture in Lebanon.
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.](#)

Agenda

Lebanon City Council

February 5, 2025

8. Public Hearing Items:

8.A – Discontinuance of Roadways: Little Heater Road and Edwards Street, Lebanon

A public hearing for the purpose of receiving public input and taking action on a request by Edwards Properties, LLC to discontinue completely, and in their entirety, portions of Little Heater Road and Edwards Street, 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.

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 25, 2025 in accordance with City Code and State Law.

Background

On November 15, 2024, the City received a request from Dan Nash, PE of Advanced Geomatics & Design, on behalf of Edwards Properties, LLC, to discontinue portions of Edwards Street and Little Heater Road in Lebanon. The requested discontinuances would apply to Little Heater Road extending south and west of its intersection with Pershing Street and to the remainder of Edwards Street, which were not previously discontinued by action of the City Council in November 2021.

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.

Written notice of the public hearing and the potential discontinuances was provided to the owners of properties abutting the roadways proposed for discontinuance as required by NH RSA 231:43, II.

Action:

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

MOVED, that the Lebanon City Council hereby discontinues completely, and in their entirety, portions of Little Heater Road and Edwards Street in Lebanon, as described and

depicted in materials dated November 15, 2024, received from Daniel A. Nash, PE, on behalf of Edwards Properties, LLC, as presented in the February 5, 2025 City Council Agenda Packet.

BE IT FURTHER MOVED, that such discontinuances are conditional upon, and shall not take effect unless and until Edwards Properties, LLC performs all tasks outlined in the December 18, 2024 letter from the Director of Public Works to the City Manager, including but not limited to the preparation of survey plans and easement documents, which shall be prepared to the satisfaction of the Director of Public Works and the City's attorney.

BE IT FURTHER MOVED, that the Hammerhead Easement at the terminus of Edwards Street, which was conveyed by Edwards Properties, LLC to the City of Lebanon by an Easement Deed recorded at the Grafton County Registry of Deeds on August 17, 2023, at Book 4820, page 223, shall be deemed obsolete upon completion of the roadway discontinuances referenced above; and the City Council hereby authorizes the City Manager to execute appropriate documents to terminate and release the Edwards Street Hammerhead Easement upon satisfactory completion of the tasks outlined in the December 18, 2024 letter from the Director of Public Works.

Included in this Section:

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)
4. Notice of Public Hearing as Published in the January 25, 2025 edition of the *Valley News*



15 November 2024

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

Re: Request for Road Discontinuances
Portions of Edwards Street and Little Heater Road

Dear Mayor McNamara and Councilors:

On behalf of Edwards Properties, this letter is being written to request discontinuances of portions of 2 city streets. Edwards Properties has purchased the last property on Edwards Street (Lot 78-55) area with the thought of combining it into one large parcel (Lot 78-56). As you may be aware, this area was an old neighborhood, cut up by the interstate construction in the 60's. The lots were primarily residential and were in an IND-L zone, a non-conforming use. In addition, most of the lots were sub-standard for industrial zoning, the minimum lot size being 2.0Ac.

As shown on the attached plan, the Edwards Street discontinuance requested is a segment of Edwards Street that passes between parcels owned by Edwards Properties. On Little Heater Road, we propose discontinuance up to Pershing Street. This will split the ROW between landowners. We propose discontinuing the Edwards Street TEE turn-around, which will be no longer needed for public access to Lot 78-55. We propose to provide needed easements for city utilities that are under the sections of road to be discontinued.

We hereby request your favorable consideration of this discontinuance request.

Sincerely,

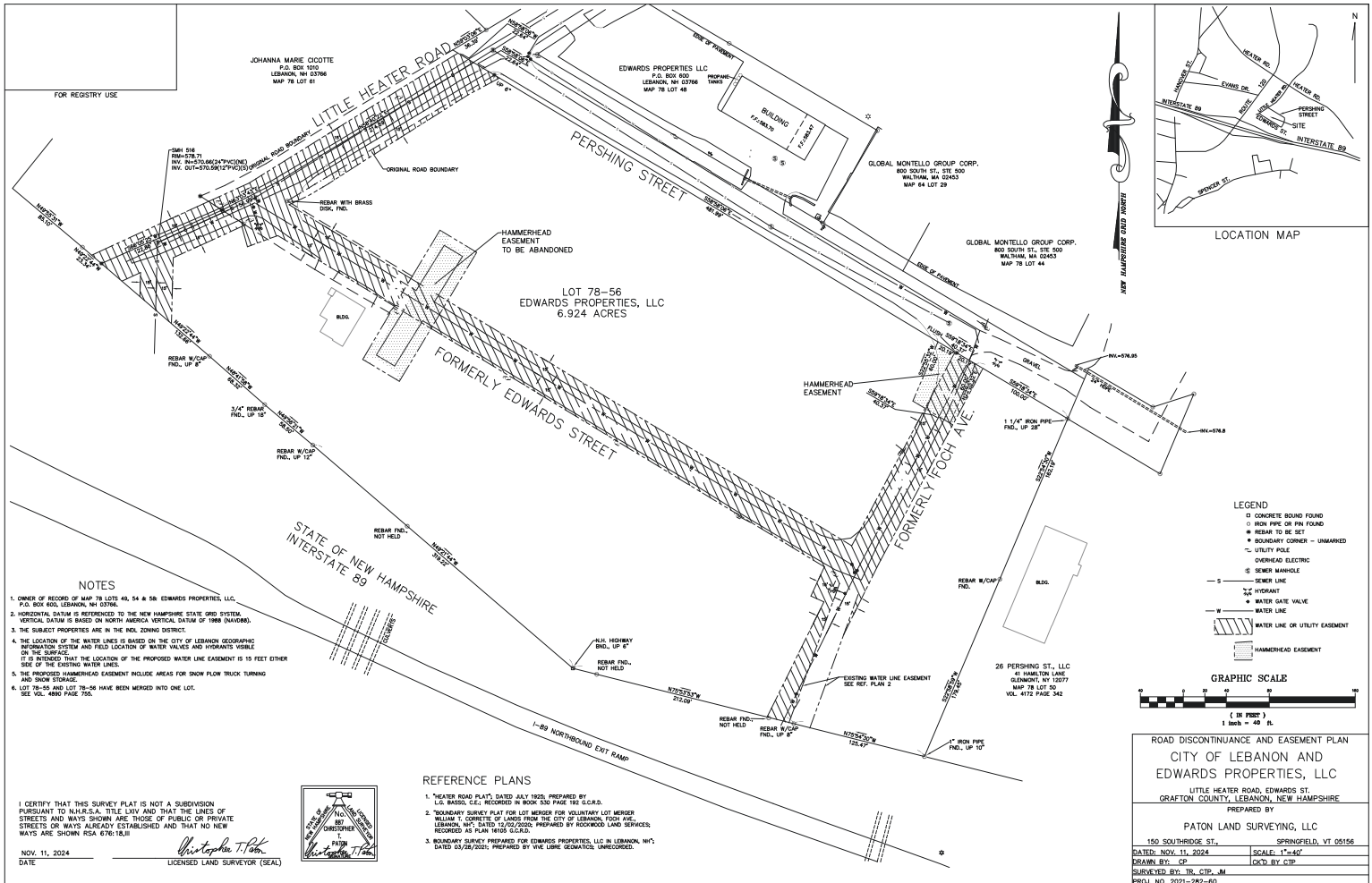
Daniel A. Nash, PE
Principal

Attachments:

- Easement Plan/Plat for recording
- Exhibit A, Edwards Properties

CC: J. Cicotte, Edwards Properties

M:\2020_projeccts\20-010\survey\discontinuance\letter_col_15Nov2024.doc





**CITY OF LEBANON
DEPARTMENT OF PUBLIC WORKS
193 DARTMOUTH COLLEGE HIGHWAY
LEBANON, NH 03766**

MEMO

Date: December 18, 2024

TO: Shaun Mulholland, City Manager

FROM: Jay Cairelli, Director of Public Works

CC: Brian Vincent, City Engineer
David Brooks, Deputy City Manager

RE: Request to discontinue portions of portion of Edwards Street and Little Heater Road

This memo is to provide comments on the letter request dated 11/15/2024 from Advanced Geometrics and Design for the discontinuance of portions of Edwards Street and Little Heater Road. The following is pertinent:

1. It is recommended that the established turnaround at the ends of Pershing Street remain in place for City vehicles (to accommodate fire trucks and plow trucks). Detailed stamped surveyor licensed plans for this turnaround should be provided to the City, for the record, and they shall be tied into state plane coordinate system and NAVD 1988. The survey plan should include easement area for the city vehicle turnaround and for snow storage at the ends of the turnaround off the road right-of-way.
2. It is recommended that detailed plans and written descriptions be provided for 30 ft wide permanent water and sewer utility access and maintenance easements along the centerline of the existing water and sewer pipes, within the area of the proposed street discontinuance. The survey plans shall include the existing water gate valve locations and sewer manhole information with inverts and submitted in accordance with the City GIS format. The easement language shall also include areas and descriptions for City fire hydrants.
3. It is recommended that a certification be provided that all services to discontinued properties at the watermain and sewer main have been discontinued in accordance with City standards.

4. It is recommended that the property owner be responsible for the removal of all utility poles on these discontinued street sections. The City will contact Liberty Utilities to coordinate the removal of the two street lights on Little Heater Road, and also to confirm ownership.

END

Discontinuance of Class IV, V and VI Highways

Section 231:43

231:43 Power to Discontinue. –

I. Any class IV, V or VI highway, or any portion thereof, in a town may be discontinued by vote of a town; provided, however, that:

(a) Any highway to public waters, or portion of such highway, laid out by a commission appointed by the governor and council, shall not be discontinued except with the consent of the governor and council.

(b) Any class V highway established to provide a property owner or property owners with highway access to their property because of a taking under RSA 230:14 shall not be discontinued except by written consent by such property owner or property owners.

II. The selectmen shall give written notice by verified mail, as defined in RSA 21:53, to all owners of property abutting such highway, at least 14 days prior to the vote of the town. In the case of a petitioned warrant article calling for discontinuance of a class VI highway, the petitioners shall bear the cost of notice.

III. No owner of land shall, without the owner's written consent, be deprived of access over such highway, at such owner's own risk.

Source. RS 54:1. CS 58:1. GS 65:1. GL 71:1. PS 72:1. 1903, 14:1. 1925, 19:1. PL 79:1. 1931, 12:1; 121:1. RL 95:1. 1943, 68:1. 1945, 188:1, part 9:1. 1949, 13:1. RSA 238:1. 1981, 87:1. 1991, 36:1. 1995, 77:3, eff. June 8, 1995. 2014, 41:1, eff. July 26, 2014. 2019, 242:3, eff. Oct. 10, 2019.

Section 231:44

231:44 Notice Required. – When any class IV, V or VI highway, which joins a highway in another town, has been discontinued by vote of the town, the selectmen of the town wherein the highway has been so discontinued shall notify the selectmen of said adjoining town, by registered mail, of the fact of said discontinuance. Said notification shall be made within 15 days after the action of discontinuance has been taken.

Source. RSA 238:1-a. 1955, 107:1. 1981, 87:1, eff. April 20, 1981.

Section 231:45

231:45 Subject to Gates and Bars. – Any class IV, V or VI highway, or any portion thereof, may be discontinued as an open highway and made subject to gates and bars, by vote of the town. Such a discontinued highway shall not have the status of a publicly approved street.

Source. RS 54:1. CS 58:1. GS 65:1. GL 71:1. PS 72:1. 1903, 14:1. 1925, 19:1. PL 79:1. 1931, 12:1. RL 95:1. 1945, 188:1, part 9:2. RSA 238:2. 1969, 332:1. 1981, 87:1, eff. April 20, 1981.

Section 231:45-a

231:45-a Discontinuance of Highways Subject to Legislative Body Approval. –

- I. No class IV or V highway shall be discontinued or discontinued subject to gates and bars without the vote of the local legislative body as required by RSA 231:43 or RSA 231:45.
- II. No vote or other action of the governing body shall be effective to reclassify a class IV or V highway as a class VI highway, except for the failure to maintain and repair that highway in suitable condition for travel thereon for 5 or more successive years as provided by RSA 229:5, VII.
- III. Any municipality which neglects to maintain and repair a class IV or V highway, without the vote of the legislative body, shall be subject to proceedings under RSA 231:90 or RSA 231:82 at any time prior to the lapse of the 5-year period under RSA 229:5, VII.

Source. 1990, 97:1. 1991, 124:1, eff. July 19, 1991.

Section 231:46

231:46 Authority to Reserve Existing Utility Easements. – When any class IV, V or VI highway, or any portion thereof, has been discontinued, any existing sewer, drain, water pipe or other utility easements or any permits or licenses previously established pursuant to RSA 231:159-182 shall be presumed to be reserved and shall remain in effect as an encumbrance upon the underlying land for so long as they remain in active use, unless such easements, permits or licenses are expressly included in the vote to discontinue the highway, or are subsequently discontinued by vote of the city or town.

Source. RSA 238:2-a. 1977, 22:1. 1981, 87:1. 1992, 59:2, eff. June 12, 1992.

Section 231:47

231:47 Consent of Court. – Towns may not discontinue or discontinue as an open highway and make subject to gates and bars any highway concerning which proceedings are pending in court against the town for neglect or refusal to lay out, make or repair such highway, without the consent of the court.

Source. RS 54:2. CS 58:2. GS 65:2. GL 71:2. PS 72:2. PL 79:2. RL 95:2. 1945, 188:1, part 9:3. RSA 238:3. 1981, 87:1, eff. April 20, 1981.

Section 231:48

231:48 Appeal From Discontinuance; Damages. – Any person or other town aggrieved by the vote of a town to discontinue any highway, or discontinue any highway as an open highway and made subject to gates and bars, may appeal therefrom to the superior court for the county in which such highway is situate by petition within 6 months after the town has voted such discontinuance and not thereafter. Whenever any such petition is filed in the superior court the clerk shall issue a summons, with a copy of the petition, to be served by the date specified by the court on the summons, and the petitioner shall cause a certified copy of the same to be given to or left at the places of abode of one of the selectmen and the town clerk of each town in which the highway proposed to be discontinued is located, and give notice to the owners of land

abutting on such highway in the same manner as required of selectmen in laying out highways, by the service date specified on the summons, and such other notice as the court shall order. Any person or town so notified may become a party to the proceedings by entering an appearance in such proceedings with the clerk of the superior court; and no person or town so notified shall after being so notified institute any additional appeal from the vote to discontinue such highway. Except as above provided, like proceedings shall be had on such petition as in the case of appeals in the laying out of class IV, V and VI highways, and if the county commissioners report for such discontinuance they shall assess the damages sustained by any person within the town in which the highway has been discontinued.

Source. GS 65:3. GL 71:3. PS 72:3. 1903, 14:2. PL 79:3. RL 95:3. 1945, 188:1, part 9:4. RSA 238:4. 1981, 87:1, eff. April 20, 1981. 2014, 204:10, eff. July 11, 2014.

Section 231:49

231:49 Petition for Assessment of Damages. — Any person who sustains damages by the discontinuance of a highway, or by the discontinuance as an open highway and made subject to gates and bars, by vote of the town, and from which no appeal has been taken, may petition for the assessment of damages to the superior court in the county in which the highway is situate within 6 months after the town has voted such discontinuance, and not thereafter, and like proceedings shall be had as in the case of appeals in the laying out of class IV, V and VI highways.

Source. RS 54:3. CS 58:3. GS 65:4. GL 71:4. PS 72:4. 1903, 14:3. PL 79:4. RL 95:4. 1975, 188:1, part 9:5. RSA 238:5. 1981, 87:1, eff. April 20, 1981.

Section 231:50

231:50 Towns Not Liable After Discontinuance. — Towns shall be relieved of all obligation to maintain, and all liability for damages incurred in the use of, discontinued highways or highways discontinued as open highways and made subject to gates and bars.

Source. RS 54:1. CS 58:1. GS 65:1. GL 71:1. PS 72:1. 1903, 14:1. 1925, 19:1. PL 79:1. 1931, 12:1. RL 95:1. 1945, 188:1, part 9:6. RSA 238:6. 1981, 87:1, eff. April 20, 1981.

Section 231:51

231:51 Dedicated Ways. — Any street, lane or alley within this state which has been dedicated to public use by being drawn or shown upon a plan of lands platted by the owner, and the sale of lots in accordance with such plan, may be released and discharged from all public servitude by vote of the governing body of a city or town if such street, lane, or alley has not been opened, built, or used for public travel within 20 years from such dedication.

Source. 1913, 121:1. PL 79:5. RL 95:5. 1945, 188:1, part 9:7. RSA 238:7. 1981, 87:1. 1989, 131:1, eff. July 16, 1989.

Section 231:52

231:52 Release by Town. – The mayor and aldermen of a city or the selectmen of a town may release and discharge any way dedicated as aforesaid from all public servitude at any time after such dedication, upon petition by any interested party and notice and hearing thereon, whenever in their opinion such way will not be needed for the accommodation of public travel. All proceedings shall be conducted in the manner provided for the laying out of highways, and any interested party may appeal to the superior court from the decision, as in the case of petitions for laying out highways.

Source. 1913, 121:2. PL 79:6. RL 95:6. 1945, 188:1, part 9:8. RSA 238:8. 1981, 87:1, eff. April 20, 1981.



LEBANON CITY COUNCIL NOTICE OF PUBLIC HEARING

Wednesday, February 5, 2025 - 7:00pm
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE

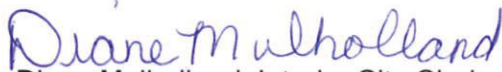
The Lebanon City Council will hold a public hearing on February 5, 2025, beginning at 7:00pm for the following:

- 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.

The February 5, 2025 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning January 31, 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 capabilities.

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 25, 2025.


Diane Mulholland, Interim City Clerk

Agenda

Lebanon City Council

February 5, 2025

10. New Business:

10.A – Presentation and Discussion of Potential S.A.F.E.R. Grant Application

Background

In October 2023, the City Council authorized the Lebanon Fire Department to seek a S.A.F.E.R. (Staffing for Adequate Fire and Emergency Response) Program Grant for eight (8) additional firefighters to address staffing needs for the department. Fire Chief Jim Wheatley was informed in December 2024 that the City's grant application scored high enough to be added to the funding pool, but available funds had already been exhausted prior to the City being awarded. Subsequently, the City Council added funding for four (4) additional firefighters through the 2025 City Budget review and adoption process.

The next application round of the S.A.F.E.R. Grant Program opens in February 2025, and the City administration seeks guidance on whether to pursue grant funding in the upcoming round, and if so, for how many firefighters.

Action

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council directs the City Manager to submit a S.A.F.E.R. grant application for ___ full time firefighter positions. If the grant is awarded, it is understood that the ___ positions funded through the S.A.F.E.R. Program will be maintained for the performance period of 36 months, and no staffing reductions can occur within the Fire Department during the grant performance period. The City would be responsible for fully funding the ___ positions after the 36-month period.

Included In This Section:

1. January 23, 2025 Memorandum from Fire Chief Jim Wheatley to City Manager Shaun Mulholland Re: SAFER Grant Guidance
2. Lebanon Fire Department Presentation on Staffing for Adequate Fire and Emergency Response (S.A.F.E.R.) Program



OFFICE OF THE FIRE CHIEF
MEMO
25-04

To: Shaun Mulholland, City Manager

From: Jim Wheatley, Fire Chief

Date: January 23, 2025

Re: SAFER GRANT GUDIENGE

As your Fire Chief, I want to express my gratitude for your continued support of the Lebanon Fire Department. It is my responsibility to keep you informed about our status and the challenges we face as we strive to serve our growing community.

In 2023, I presented a staffing needs analysis for the 2024 budget consideration. In the memo dated June 14, 2023 and submitted as part of the annual budget documents I proposed increasing staffing by 7 full-time equivalents (FTEs) to bring our individual shift staffing to 8 on duty firefighters. In this proposal I outlined two potential options for achieving this:

1. **Utilizing a SAFER Grant** to fund the positions.
2. **A phased approach**, adding 4 FTEs in the 2024 budget and 1 FTE per year thereafter. This plan would have required reallocating our critical training officer position to a permanent shift assignment.

In October 2023, recognizing the financial burden this would place on taxpayers, I sought approval to pursue a SAFER Grant in 2024 for 4 additional FTEs. This approach aimed to maintain our training officer position while transitioning to a safer and more effective deployment model.

The foundation for my request included the following key points:

- A 2007 report by the Massachusetts Municipal Association, commissioned by city administration, recommended adding 4 FTEs immediately and 16 FTEs over the long term to address overtime use and resource deployment challenges.
- A comparison of our current response capabilities to NFPA 1710 standards, which highlight recommended response times and staffing levels for fire suppression and EMS

emergencies. Currently, our department falls significantly short in meeting these standards.

- Data showing increasing call volume and simultaneous calls, which limit or exhaust on-duty resources for additional emergencies.
- An analysis comparing our staffing and call volume to other fire departments in New Hampshire that provide equivalent services.

Following that presentation, I was given approval to seek the SAFER grant for 8 additional FTE's which would achieve our original request of 8 on duty staff and maintain our critical training officer position. Unfortunately, we were not successful in obtaining that grant. I was advised in December of 2024 that we made it through the entire grant evaluation process and scored high enough to be added to the funding pool. Unfortunately, funding was exhausted prior to us being awarded. This demonstrates our need was justified and recognized. I want to stress the point that the plan as presented in 2023 remains the same as today and is still below NFPA 1710 Standards and significantly below the recommendations of a city commissioned study in 2007. This plan however in my assessment, is the most fiscally responsible manner of ensuring we can provide the service to residents and taxpayers of Lebanon expect.

As we continue to assess the growing demands on public safety and all first responders in the City of Lebanon, a long-term plan to address additional staffing will be necessary to maintain the high standards of safety and service our residents expect. However, we are mindful of the financial pressures already placed on taxpayers, particularly with the investments made in 2024 for additional staffing and the construction of a new fire station.

In the 2025 operating budget, we were able to add 4 new FTEs through a partnership between the City's general fund and Alice Peck Day Hospital. However, identifying a clear path forward to fund the remaining 4 FTEs through the City's general fund does not appear feasible in the next several years.

The **SAFER Grant program**, which reopens in February 2025, offers a potential opportunity to fund these positions. If successfully obtained, this grant would cover 100% of salaries and benefits for the new FTEs for three years from the date of hire. The city would remain responsible for associated equipment and training costs. The following are the projected costs to the city if we obtain the SAFER Grant for 4 additional FTE's.

- **2026** : \$57,980 (Total Cost without SAFER \$629,551)
- **2027** \$ 42,673 (Total Cost without SAFER \$633,564)
- **2028** \$ 18,478 (Total Cost without SAFER \$644,829)

In sum the city would be responsible for \$119,131 over three years and the Federal Government share would total \$ 1,907,944.

This situation presents a challenging balance between ensuring community safety and exercising fiscal responsibility. To navigate this, I want to ensure transparency and seek your guidance on how we can address these needs together. The City of Lebanon and its Taxpayers are at an unfair disadvantage when comparing its public safety demands against the tax base. Public Safety is going to continue to see an increase in demand as this community continues to grow and thrive. I feel the SAFER grant might be an opportunity which would help us better meet the demands placed upon LFD and allow the opportunity for investments in other critical city departments and infrastructure through the general fund. I'm seeking your guidance on if this opportunity is one that you feel the city should attempt at this time.

I want to be transparent about the obligations of the city if we chose to pursue this opportunity.

- If awarded the city will then need to officially accept the grant award within 90 days of the notice of award.
- If the city accepts the award the new employees must be hired within 180 days of award acceptance.
- For the duration of the grant (36 months from hire date) there are stipulations as outlined below about total staffing maintenance levels.

Once awarded, grant recipients under the Hiring of Firefighters Activity must submit a pre-SAFER roster listing all paid operational/firefighting personnel (including budgeted but vacant positions) positions, in support of NFPA 1710 or NFPA 1720, as of the date the application was submitted. The paid operational/firefighting positions budgeted (filled and vacant positions) at the time of the application submission will be combined with the number of awarded SAFER Grant Program-funded positions to establish the required staffing maintenance level. Once the staffing maintenance level is established, grant recipients must agree to maintain this number of filled and vacant operational positions throughout the entire period of performance and take active and timely steps to fill any operational or SAFER Grant Program-funded vacancies. Grant recipients who are unable to fill pre-SAFER (filled and vacant positions) firefighting positions (due to documented economic hardship) that are vacated through attrition (e.g., resignation, retirement) may petition FEMA for a waiver of the staffing maintenance level requirement. An approved staffing maintenance level waiver allows a grant recipient to decrease and re-establish the agreed-upon staffing maintenance level by the number of positions that a grant recipient is unable to fill. To qualify for this waiver, the economic hardship must affect the entire public safety sector in a grant recipient's jurisdiction, not solely the fire department. Waivers will not be granted for SAFER-funded positions. Grant recipients who fail to maintain SAFER-funded positions risk losing federal funding awarded under this grant.

- At the end of the 36-month period the city has no obligation to retain the grant funded positions. They may choose to reduce the LFD staffing or maintain any number of the positions at their own expense.

We remain committed to making thoughtful, informed decisions that prioritize both safety and fiscal responsibility. We have engaged in a long-term planning process through the Lebanon Strategic Plan to help address the discussion points highlighted in this memo.

Thank you for your continued partnership in keeping Lebanon safe and thriving.

STAFFING FOR ADEQUATE FIRE
AND EMERGENCY RESPONSE
(SAFER)

LEBANON FIRE DEPARTMENT



Staffing For Adequate Fire and Emergency Response (SAFER)

Purpose

- Provide fire departments with additional staffing to better meet:
 - ✓ Service Demands
 - ✓ National Response Standards

Program Funding

- 100% Salary and Benefits for (36 months)



MEASURING SERVICE DELIVERY

Availability—The degree to which the resources are ready and available to respond.

Capability—The abilities of deployed resources to manage an incident.

Operational Effectiveness—A product of availability and capability. It is the outcome achieved by the deployed resources or the ability to match resources deployed to the risks to which they are responding.

MASSCHUETTESS MUNICIPAL ASSOCIATION STUDY STATEMENTS AND RECOMMENDATIONS FROM 2008

“The City’s road network and dispersed population make it difficult for the Fire Department to achieve response benchmarks. However, the Department has made progress toward meeting these benchmarks”.

“The fire department should add 4 additional firefighters”(2008)

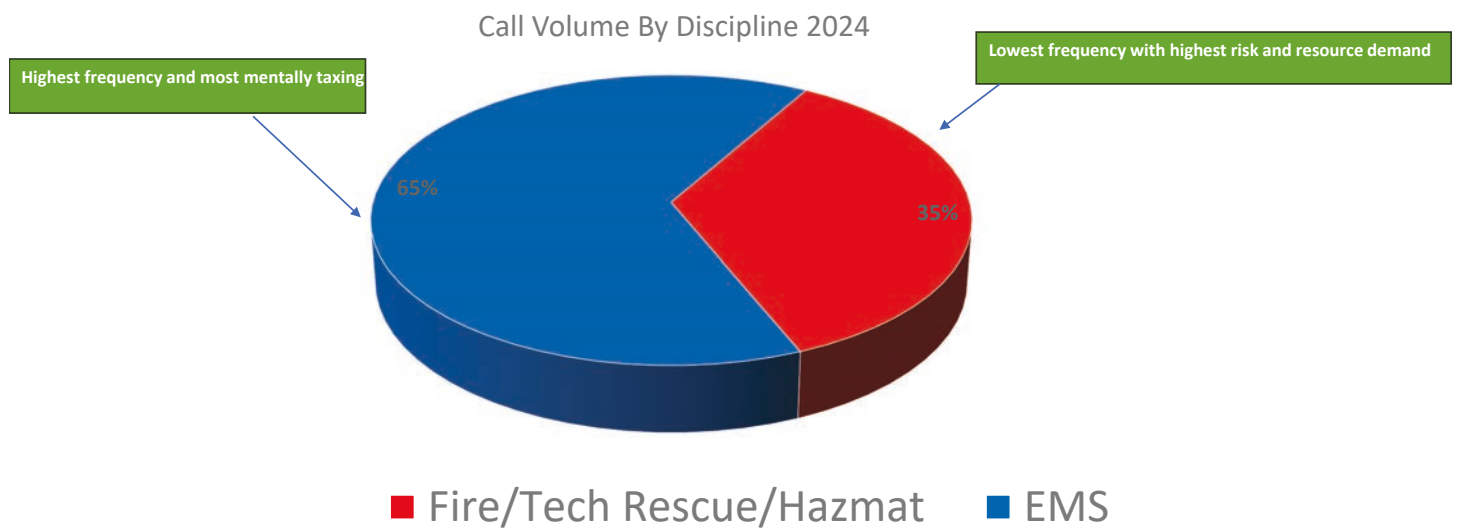
“The fire department should, in long-term add 4 additional firefighters per shift” (2008)

MASSCHUETTESS MUNICIPAL ASSOCIATION STUDY STATEMENTS AND RECOMMENDATIONS FROM 2008

The Fire Department should continue to maintain EMS at the Advanced Life Support Level. The Fire Department should continue to deploy ambulances from both Station 1 and Station 2

The Fire Department should formalize the current practice of having an incident commander available at a structure fire or other significant emergency response.

CALL VOLUME BY DISCIPLINE

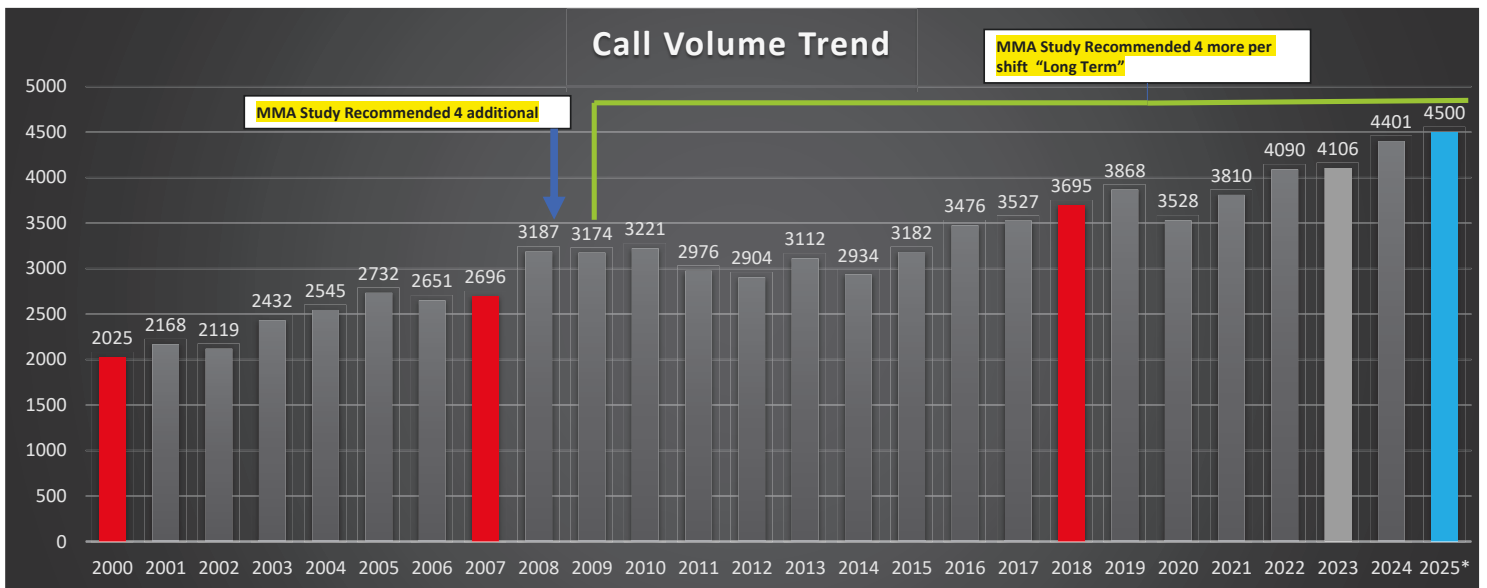


SERVICE DEMANDS

Between 2007 and 2024

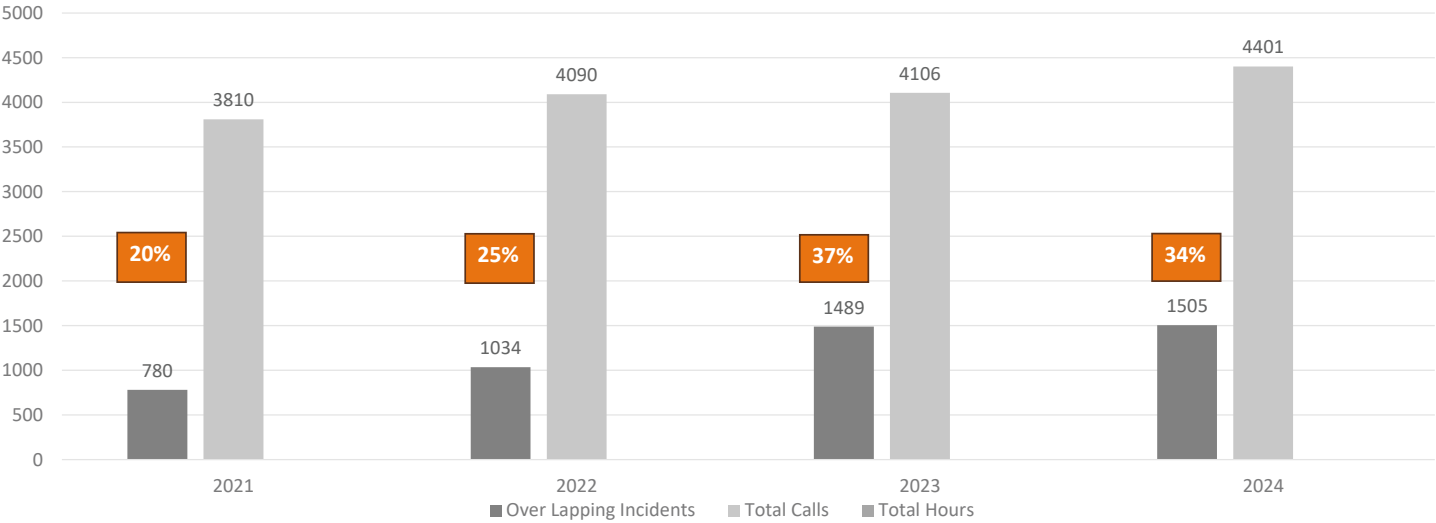
- 61% increase in call volume
- Staffing increased by 4% (1 Position)

****4 New positions are being added in 2025****

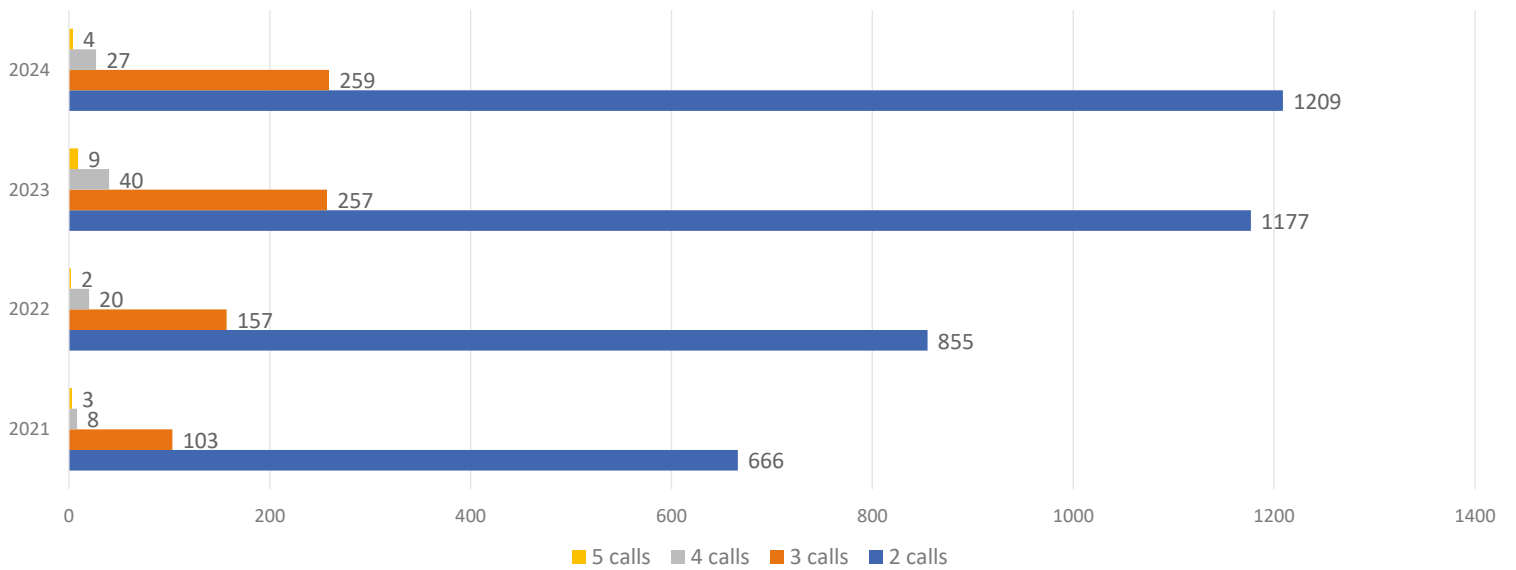


Call Volume

SIMULTANEOUS INCIDENTS



SIMULTANEOUS CALL BREAK DOWN

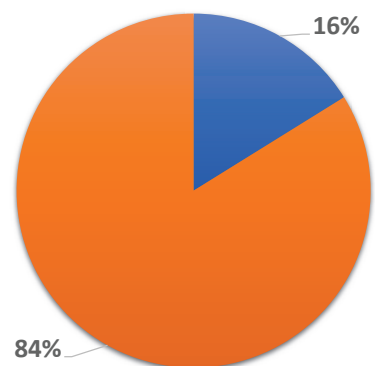


NUMBER OF FIREFIGHTERS ON FIRST DUE ENGINE

National Standard NFPA 1710
4 Firefighters no less than 90% of the time

51 occasions with only 1 Firefighter

19 occasions no fire engine available

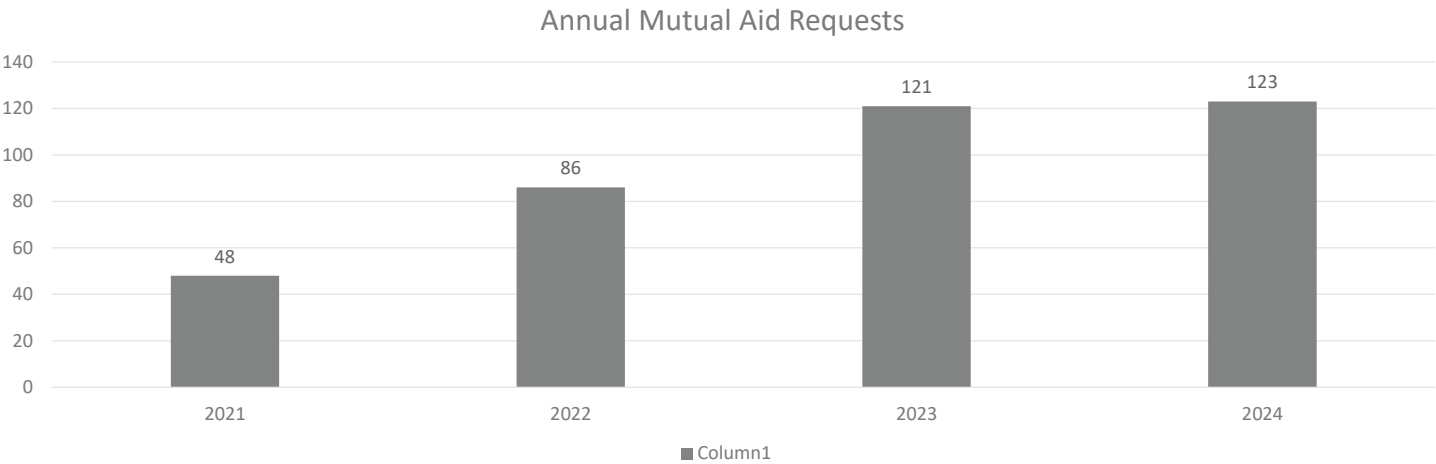


■ 4 Firefighetrs ■ Less Than 4 Firefighters

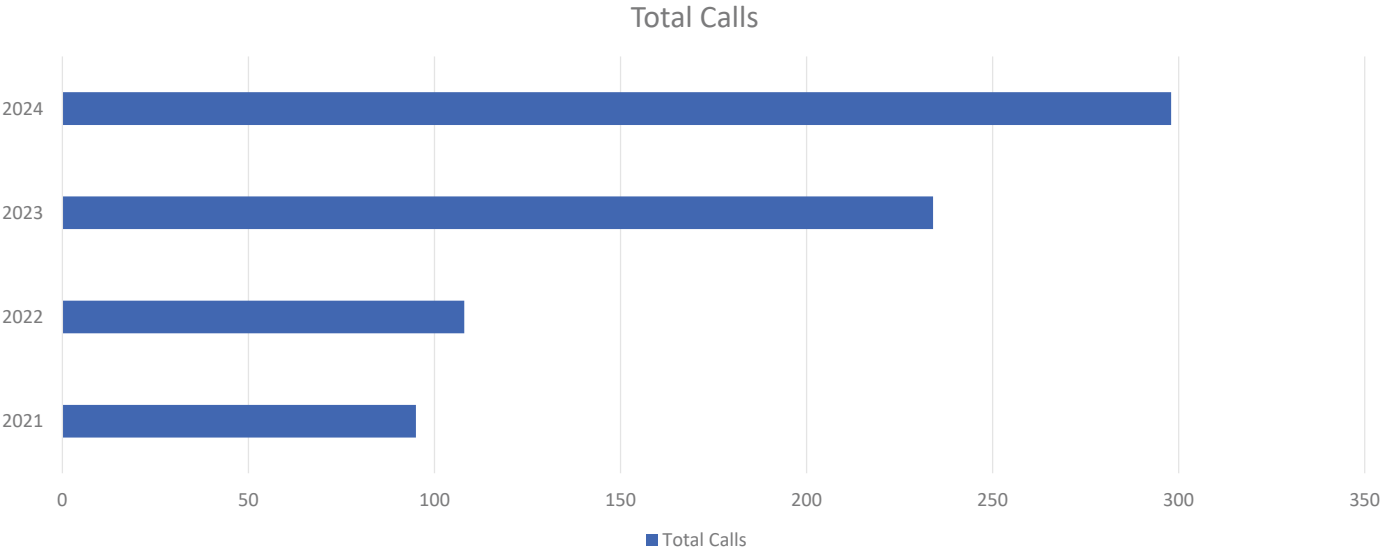
By the numbers 2024

DEPARTMENT	ANNUAL CALL VOLUME	POPULATION	TOTAL READY STAFF	CALLS PER MEMBER	SQUARE MILES	# OF STAFFED FIRE STATIONS
Hooksett	2625	13,776	28	93	37	2
Hartford VT	2641	10,367	24	110	45	2
Merrimack NH	3600	25,599	36	100	32	2
Hampton NH	3630	15,546	40	90	14	2
Bedford NH	3848	23,332	44	87	33	3
Hudson NH	4065	24467	44	92	29	3
Laconia NH	4342	17, 025	40	108	26	2
Lebanon NH	4401	15,342	25*	176	41	2
Londonderry NH	4600	25,826	48	95	42	3
Derry NH	5308	34,000	60	88	42.1	4
Portsmouth NH	6758	21,440	60	112	15.6	3

MUTUAL AID REQUESTS



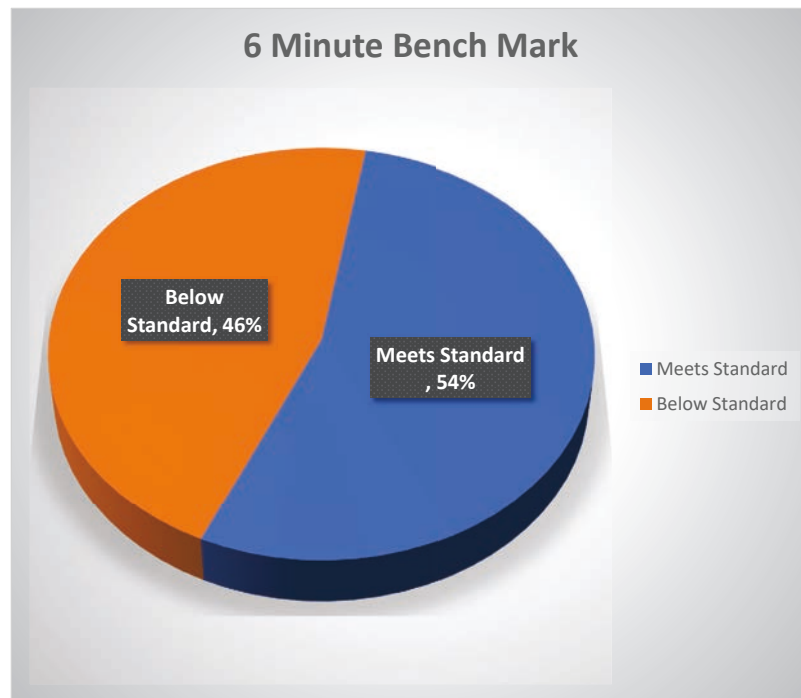
FIRE PREVENTION STAFF EMERGENCY CALL RESPONSES



EMS RESPONSE CRITERIA (Response Times)

EMS RESPONSE CRITERIA (NFPA 1710)

- Ambulance arrival in than 6 minutes from the time of initial call not less than 90% of the time.
- Call processing = 60 Seconds (1 Minute)
- Turn out time = 60 Seconds (1 Minute)
- Travel time = 240 Seconds (4 Minutes)

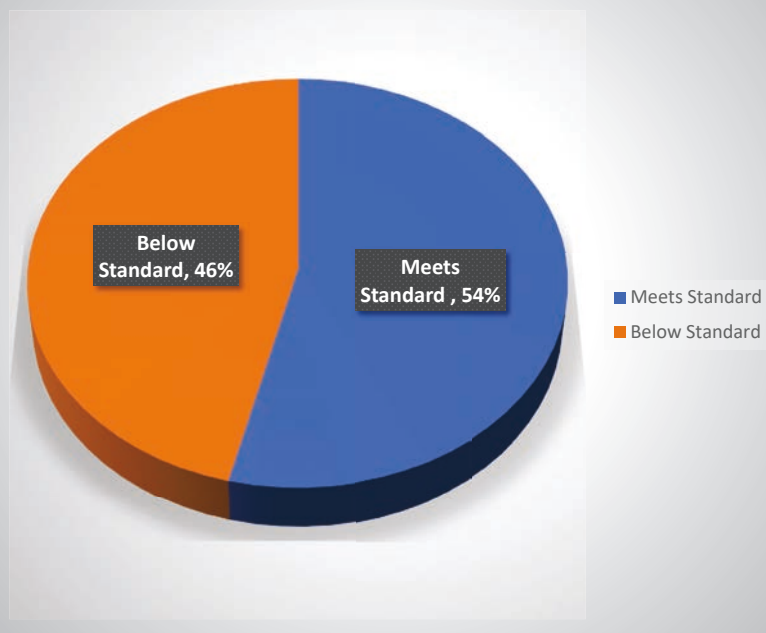


FIRE ENGINE RESPONSE CRITERIA (Response Times)

FIRE ENGINE RESPONSE CRITERIA (NFPA 1710)

- Fire engine arrival with 4 firefighters in less than 6 minutes from the time of initial call not less than 90% of the time.
- Call processing = 60 Seconds (1 Minute)
- Turn out time = 60 Seconds (1 Minute)
- Travel time = 240 Seconds (4 Minutes)

6 Minute Bench Mark



HOW WE TRY TO RELIEVE THE TAXPAYER COST



2024 Operating Budget

\$ 5,278,300 offset by \$1,836,140 in revenue
35% of the operating budget is offset by revenue



2024 Revenue

Alarm Monitoring Fees \$ 83,900.00
EMS \$ 1,409,595.00
Fire Prevention/Plans Review \$ 29,145.00
Mobile Integrated Health \$ 313,500

LOST REVENUE BECAUSE OF RESOURCE GAPS

MUTUAL
AID \$16,000

THE CONSIDERATION

What does 4 new positions do for the City of Lebanon.

- Allows us to cover 3 ambulance calls which happens approximately 300 times per year and still have 2 members available to cover a fire engine.
- Increases community and responder safety.

Why aren't we requesting 4 more per shift as indicated by the MMA Study

- Even though Data support this. Its not fiscally reasonable to expect to achieve this recommendation in the short term given the tremendous financial strains our taxpayers are experiencing. Long term staffing plans are outlined in Lebanon Strategic Plan.

3 YEAR COST COMPARISON FOR THE CITY OF LEBANON (4 Fulltime Positions)

ANNUAL BUDGET CYCLE	COL COST WITHOUT SAFER GRANT	COL COST WITH SAFER GRANT
2026 Operating Budget	\$ 629,511.00	\$ 57,980.00
2027 Operating Budget	\$ 633,564.00	\$ 42,673.00
2028 Operating Budget (12 Months)	\$ 644,829.00	\$ 18,478.00
TOTAL over Grant Duration (36 Months)	\$ 1,907,904.00	\$ 119,131.00

SAFER GRANT TIMELINE (Estimated)



**Agenda
Lebanon City Council
February 5, 2025**

10. New Business:

**10.B – Review and Discussion of Potential Expansion of
Colburn Park National Register Historic District Boundary**

Background

Last fall, Councilor Wilkie submitted a City Council Agenda Request Form on behalf of the Lebanon Heritage Commission to discuss the potential expansion of the Colburn Park National Register Historic District Boundary Line.

In recent years, the Heritage Commission has received multiple Certified Local Government (CLG) grants to survey and update the National Register Historic District, which was established in 1986. Having completed the grant-funded studies, the Heritage Commission requests the City Council's support and approval to submit a National Register of Historic Places Boundary Expansion Application to the NH Department of Natural and Cultural Resources and the National Park Service.

Action

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council hereby endorses the boundary expansion of the Colburn Park National Register Historic District, and supports the submission of the nomination to the National Register of Historic Places.

Included In This Section:

1. Agenda Request Form from Councilor Wilkie received October 7, 2024
2. January 23, 2025 Memorandum from Planning & Development Department Staff RE: 2025 Application to DNR to Expand the National Register District in Lebanon, including:
 - a. January 22, 2025 letter from NH Division of Historical Resources
 - b. Draft National Register of Historic Places Registration Form

LEBANON CITY COUNCIL
AGENDA REQUEST FORM

1. Councilor Name: Devin Wilkie

2. Preferred Date of Council Meeting to Consider Item: 10/16, 11/6, or 12/4

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

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

End of 2024 — to be able to submit the nomination

4. Name of agenda topic item:

National Historic District Boundary Line Expansion

5. Reason for topic item:

The Lebanon Heritage Commission has been involved for at least three years in the discussion of expanding the boundary line of the Colburn Park National Historic District. After contracts with multiple consultants, the Commission is prepared to submit the expansion request form and is seeking City Council approval. This does not, as far as the Commission is aware, increase any regulatory burden on those properties in the district (aside from surface coal mining).

6. Specific questions related to topic item:

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

Moved, that the Lebanon City Council hereby endorses the boundary expansion of the Colburn Park National Historic District and supports the submission of the nomination to the National Register of Historic Places.

8. Supporting documentation requested re: topic item:

Proposed boundary expansion map (boundary marked in red)
Boundary increase application

9. Other:

Per <https://www.nps.gov/subjects/nationalregister/faqs.htm>
"Under Federal Law, the listing of a property in the National Register places no restrictions on what a non-federal owner may do with their property up to and including destruction, unless the property is involved in a project that receives Federal assistance, usually funding or licensing/permitting."



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Honorable Mayor and City Council

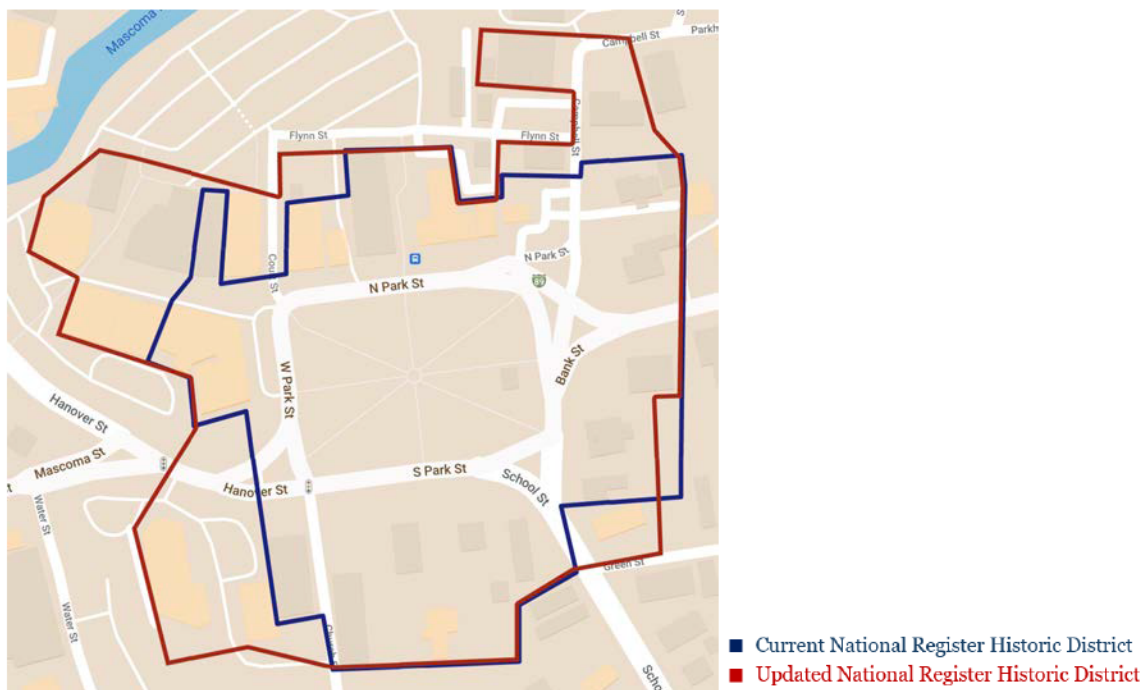
FROM: Planning and Development Department Staff

RE: 2025 Applicant to DNR to Expand the National Register District in Lebanon

DATE: January 23, 2025

Tonight, the City's Heritage Commission is requesting Council's approval to submit the National Register of Historic Places Boundary Expansion Application to the New Hampshire Department of Natural Resources and the National Park Service. This application has been in the making for more than 4 years and thousands of dollars in CLG Grant money has been spent. Council granting approval to submit the application is the last leg of this marathon of a project.

Figure 1: Proposed Expansion

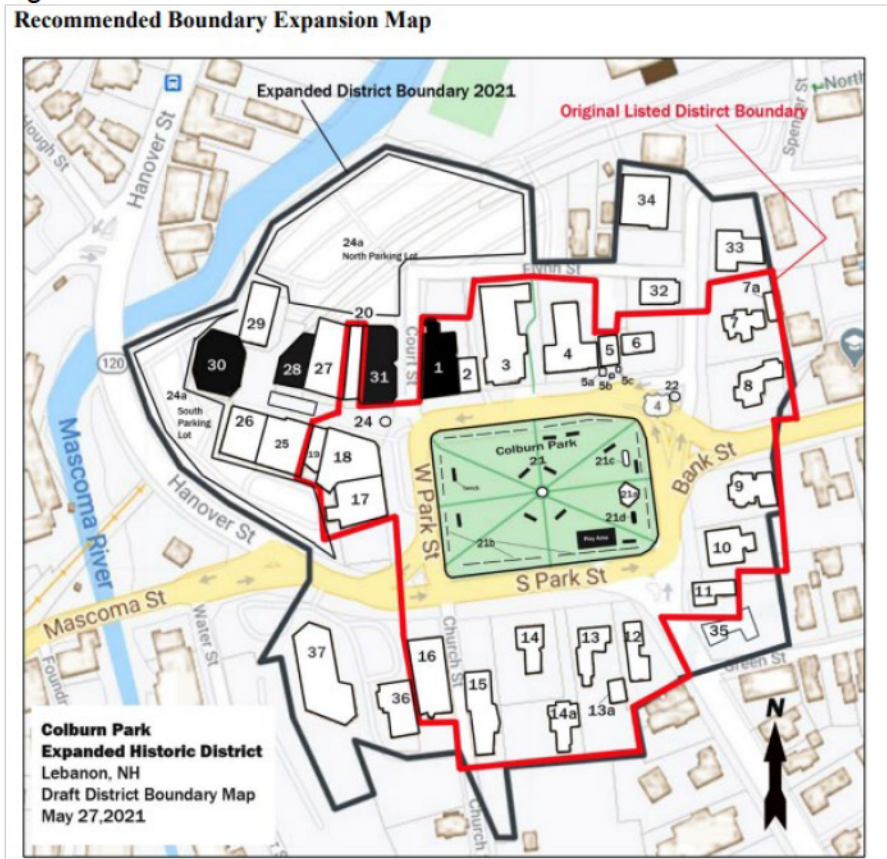


History of the Project:

The Colburn Park National Register Historic District was established in 1986. It was created with the inclusion of 23 structures and Colburn Park. In 2020 the City of Lebanon was awarded a Certified Local Government grant in the sum of \$16,000 for the survey and update of the City's Colburn Park National Register Historic District. The outcome of this CLG Grant project was an

updated survey of the properties in and around the existing National Register Historic District and a report that recommended the expansion to include more contributing properties (Shown in Figure 2). The properties in black in figure two represent non-contributing structures. At the time, these structures were not old enough to be considered. Most properties need to be at least 50 years old to qualify. This work was conducted by the consultant, Lyssa Papazian.

Figure 2:



In 2022, the City of Lebanon was awarded a second CLG Grant in the amount of \$22,950.00, with the purpose of 1) hosting historic preservation training and 1) hiring a qualified professional "to update and prepare a National Register of Historic Places nomination for the Colburn Park Historic District". After conversations with City Staff and the consulting firm, Hartgen Associates Inc., a new proposed district boundary was created (Figure 1) that removed City owned parcels that were included in the 2020 proposal (Figure 2).

What is the National Register of History Places:

In summary the National Register of Historic Places is an official list of the Nation's Historic Places worthy of preservation ([National Register of Historic Places \(U.S. National Park Service\)](#)). There is no additional regulation on these properties once they are listed. The owner is free to do whatever they wish to their property without additional rules or oversight. The owner is eligible for tax credits and incentives if they wish to rehabilitate their historic property. It could be complementary to the State 79-E tax incentive program ([RSA 79-E: Community Revitalization Tax Incentive — New Hampshire Preservation Alliance](#)). These tax programs help revitalize Historic Downtowns and make them places people want to spend their time and often, money.

At the Council meeting, City Historian, Nicole Ford-Burley, and Staff from the NH Department of Natural & Cultural Resources, Brandee Laughlin & Megan Rupnik, will be available to answer any questions you have about the National Register Historic District program.

Attachments:

1. Letter from NH DNCR Staff
2. US Dept of the Interior: National Park Service Application for National Register of Historic Places



State of New Hampshire
DEPARTMENT OF NATURAL & CULTURAL RESOURCES
DIVISION OF HISTORICAL RESOURCES

172 Pembroke Road Concord, New Hampshire 03301
Phone: 603-271-3483 Fax: 603-271-3433
TDD Access: Relay NH 1-800-735-2964
nhdhr.dncr.nh.gov



January 22, 2025

Lebanon City Council
City Hall
51 N Park Street
Lebanon, NH 03766

RE: Colburn Park National Register Historic District Expansion

Dear Councilors:

The New Hampshire Division of Historical Resources (DHR) has been pleased to work with the City of Lebanon on several grant projects and federal Section 106 reviews over the years and has always been impressed with your commitment to innovative planning and historic preservation. I am writing to you today to provide additional context regarding the National Register of Historic Places program and expansion of the NR-listed Colburn Park Historic District.

DHR's mission is to preserve and celebrate New Hampshire's irreplaceable historic resources through programs and services that provide education, stewardship, and protection. As a foundation for solid decision-making through project planning, the DHR assists the National Park Service implement the National Register of Historic Places program, the Federal government's official list of historic properties worthy of preservation. The National Register is one of the most utilized historic preservation programs in New Hampshire and throughout the country, providing recognition and assisting in preserving our nation's heritage.

Listing in the National Register does not place any limitations on properties by the state or federal government. Public visitation rights are not required of property owners and restrictive covenants are not attached to the properties. If a property is listed in the National Register, owners may do anything with the property that they wish, including alteration or demolition. The misconception often arises when a historic preservation ordinance is enacted through the development of a locally regulated historic district and certain restrictions are implemented and enforced through the Historic District/Heritage Commission. Many commissions regulate paint colors, deny demolition, or regulate alterations that are not in keeping with historic preservation best practices. These local districts can follow the boundaries of a National Register district; however, it is not the National Register status that dictates these restrictions, it is the local ordinance.

Federally licensed, permitted, or funded projects often trigger review under Section 106 of the National Historic Preservation Act. Review and Compliance is a large part of the DHR's regulatory responsibilities, and we work with federal agencies, towns/cities and concerned citizens on over 1250 projects annually. Section 106 defines historic properties as those listed in or "eligible for listing" in the National Register. The DHR determined that the Colburn Park Historic District Expansion is eligible for listing in the National Register of Historic Places on September 22, 2021, and therefore, the expanded historic district already is considered an historic property for purposes of Section 106 review. Formally listing the district to the National Register does not change how the district and/or individual contributing properties within the district are reviewed at the state or federal level.

Lebanon is one of only 30 municipalities in New Hampshire that have been approved by the DHR and the National Park Service as Certified Local Governments. The Certified Local Government (CLG) program is designed to provide an opportunity for local governments to become more directly involved in identifying, evaluating, protecting, promoting and enhancing the educational and economic value of local properties of historic, architectural and archaeological significance. DHR allocates 10% of our federal dollars as matching grants to this select group of communities. Lebanon has utilized this grant opportunity to fund several projects over the years including the 2012/2013 Crafts Avenue Neighborhood historic district area form (\$12,500), 2015 Modified City-Wide Area Form/Neighborhood Survey (\$26,251), 2017 Mill Site Survey (\$21,700), 2020 Colburn Park Historic District survey and update (\$16,000) and the 2022 Colburn Park Expanded National Register nomination form update (\$22,950).

The Colburn Park National Register Historic District expansion is the culmination of many years of work for City staff, DHR staff, Lebanon Heritage Commission and other preservation professionals. After significant research and consultation, the survey, update, and nomination to the National Register was completed in the Fall of 2024. At that time, the DHR noticed all property owners of the pending State Historical Resources Council meeting, at which the expansion would be voted on to be sent to the National Park Service for finalization. Prior to that meeting, however, staff of the City of Lebanon reached out to request that the application be delayed, as concerns were expressed about the expansion and its ramifications to future development in the district. As noted above, there are no additional ramifications to the district as a result of formally listing it to the National Register of Historic Places. Because it has already been determined eligible for listing by the DHR, any project that requires Section 106 review initiated by the City or other governmental agency, non-profit organization, or private developer will already be reviewed by the DHR in light of the significance of the expanded district. If adverse effects are identified through the consultation process, our office works with the federal agency, city and community to develop meaningful measures to resolve the adverse effects which could include avoidance, minimization, or mitigation. The Section 106 process does not stop a project but affords an opportunity for interested parties to come together and provide local input on federal undertakings.

Finalizing the expansion of the Colburn Park National Register Historic District will provide additional benefits, including recognition of Lebanon's historic importance, making properties within the district eligible for tax credits through the Federal Historic Preservation Tax Incentives Program, and providing additional grant opportunities through state and federal grant programs such as Low Income tax credits through the NH Housing Finance Authority, grants through the Land and Community Heritage Investment Program, and various grants from the New Hampshire Preservation Alliance to name a few.

Please take these considerations into account as you discuss the benefits of listing the expanded Colburn Park Historic District to the National Register. We consider the City of Lebanon an important partner in the CLG program and are working to close out the 2022 grant awarded to the City by finalizing the federal process as soon as we hear from you. Please feel free to contact me via email at brandee.r.loughlin@dncr.nh.gov if you have any questions.

Sincerely,



Brandee Loughlin
Preservation Planning & Development Coordinator
New Hampshire Division of Historical Resources

United States Department of the Interior
National Park Service**National Register of Historic Places Registration Form**

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form*. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions.

1. Name of PropertyHistoric name: Colburn Park Historic District (Boundary Increase)

Other names/site number: _____

Name of related multiple property listing: _____

N/A

(Enter "N/A" if property is not part of a multiple property listing)

2. LocationStreet & number: Part of Campbell Street, Court Street, Part of Hanover Street /Lebanon Mall, Part of Mascoma Street, Part of School Street, West Park StreetCity or town: Lebanon State: New Hampshire County: GraftonNot For Publication: ☐ Vicinity: ☐**3. State/Federal Agency Certification**

As the designated authority under the National Historic Preservation Act, as amended,

I hereby certify that this nomination ___ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property ___ meets ___ does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

___ national ___ statewide **X** local

Applicable National Register Criteria:

X A ___ B **X** C ___ D_____
Signature of certifying official/Title:**Date**_____
State or Federal agency/bureau or Tribal Government

In my opinion, the property meets does not meet the National Register criteria.

Signature of commenting official:**Date**_____
**Title :
or Tribal Government****State or Federal agency/bureau**

Colburn Park Historic District (Boundary Increase)

Name of Property

Grafton, New Hampshire

County and State

4. National Park Service Certification

I hereby certify that this property is:

 entered in the National Register

 determined eligible for the National Register

 determined not eligible for the National Register

 removed from the National Register

 other (explain:) _____

Signature of the Keeper

Date of Action

5. Classification

Ownership of Property

(Check as many boxes as apply.)

Private:

☒

Public – Local

☒

Public – State

☐

Public – Federal

☐

Category of Property

(Check only **one** box.)

Building(s)

☐

District

☒

Site

☐

Structure

☐

Object

☐

Colburn Park Historic District (Boundary Increase)
Name of Property

Grafton, New Hampshire
County and State

Number of Resources within Property: ORIGINAL BOUNDARY

(Do not include previously listed resources in the count)

Contributing	Noncontributing	
_____	_____	buildings
_____	_____	sites
_____	_____	structures
_____	_____	objects
_____	_____	Total

Number of Resources within Property: BOUNDARY INCREASE

(Do not include previously listed resources in the count)

Contributing	Noncontributing	
<u>10</u>	<u>3</u>	buildings
<u>1</u>	_____	sites
_____	_____	structures
_____	_____	objects
<u>11</u>	<u>3</u>	Total

Number of contributing resources previously listed in the National Register 0

6. Function or Use

Historic Functions

(Enter categories from instructions.)

DOMESTIC/single-dwelling

COMMERCE/TRADE/business

COMMERCE/TRADE/department store

Current Functions

(Enter categories from instructions.)

DOMESTIC/Multiple-dwelling

DOMESTIC/institutional housing

COMMERCE/TRADE/business

Colburn Park Historic District (Boundary Increase)

Name of Property

Grafton, New Hampshire
County and State

COMMERCE/TRADE/professional

COMMERCE/TRADE/restaurant

COMMERCE/TRADE/specialty store

SOCIAL/civic

EDUCATION/school

HEALTH CARE/clinic

LANDSCAPE/plaza

7. Description

Architectural Classification

(Enter categories from instructions.)

MID-nineteenth-century/Greek Revival

RENAISSANCE/Italianate

LATE 19TH AND twentieth-century REVIVALS/Classical Revival

LATE 19TH AND twentieth-century REVIVALS/Colonial Revival

MODERN MOVEMENT/Moderne/Mid-Century Moderne

MODERN MOVEMENT/Moderne/ Late Streamlined Moderne

MODERN MOVEMENT/Brutalism

MODERN MOVEMENT/Post-Modern

Materials: (enter categories from instructions.)

Principal exterior materials of the property: brick, stone, wood, concrete, glass

Narrative Description

(Describe the historic and current physical appearance and condition of the property. Describe contributing and noncontributing resources if applicable. Begin with a **summary paragraph** that briefly describes the general characteristics of the property, such as its location, type, style, method of construction, setting, size, and significant features. Indicate whether the property has historic integrity.)

Summary Paragraph

The Colburn Park Historic District (Boundary Increase) is located in downtown Lebanon, NH, centered around Colburn Park. The purpose of this district expansion is to encompass properties with the same characteristics and development history as the contributing properties in the original Colburn Park Historic District and its Additional Documentation (2024). The Colburn Park Historic District was listed on the National Register of Historic Places in 1986 for its significance in the related areas of architecture and community planning. Comprised of a high concentration of architecturally significant structures designed by both local and metropolitan

Colburn Park Historic District (Boundary Increase)

Grafton, New Hampshire

Name of Property

County and State

architects as well as unknown builders, the district, containing 22 acres, forms a panorama of architectural styles from the 19th and 20th centuries. Unifying the diversity of these structures is their common siting around Colburn Park, a fine variation of the New England common, dating to the late 18th century and impacting the development of the downtown to the present day while acting as a showcase for the structures surrounding it. The Colburn Park Historic District (Boundary Increase) is an expansion of this original district to includes fifteen resources — thirteen buildings (of which three are noncontributing, two due to age, and one due to alterations), and one contributing site. The Colburn Park Historic District (Boundary Increase) includes examples of post-modernism and other Contemporary commercial designs. Dating from ca.1865 to 1971, the buildings in the boundary increase complete the downtown area surrounding Colburn Park on all four sides. In addition, the BI includes building fronting the Lebanon Mall, which represent the continued evolution of Lebanon's commercial area.

Narrative Description

The city's downtown core is arranged around the historic town green, Colburn Park. Located roughly in the center of Lebanon, the town center serves as a hub of major roads leading in and out of the city. The Mascoma River flows through the downtown and forms a corridor where industry, light manufacturing, and services continue in the historic mills. The commercial retail core includes a 1970 pedestrian mall as well as the landscaped Colburn Park, surrounded by commercial, institutional, and converted residential properties.

The original Colburn Park Historic District nomination (1986) included a total of twenty-seven resources, of which twenty-two were considered contributing. The count included nineteen contributing buildings, one contributing site, and two contributing objects. Since the 1986 nomination, one of the listed fountains (#23) was removed. The 2024 Additional Documentation updated the Period of Significance resulting in several changes to the district. The original period of significance was listed on the form as 1790 to 1937. The updated period of significance is 1790 to 1974.

Below are descriptions for the 14 resources included in the Colburn Park Historic District (Boundary Increase). In 2021, the City of Lebanon received a Certified Local Government Grant to re-survey and evaluate the Colburn Park Historic District as a first step in updating the original National Register nomination and proposing a Boundary Increase to the district. The descriptions below are from *the Colburn Park Historic District Updated Report*, prepared by Lyssa Papazani in 2021, and have been updated to reflect any changes since the 2021 survey.

The buildings are numbered #24 through #37, continuing from where the original Colburn Park Historic District ended, and are referenced by such on Map...

Colburn Park Historic District (Boundary Increase)

Name of Property

Grafton, New Hampshire
County and State

#24. Lebanon Mall 1970/2000s, contributing site (Photo #1)

Created in 1970, this is a designed pedestrian mall consisting of a wide, paved, and landscaped walkway flanked by rows of commercial and institutional buildings. Landscape features include planters with trees, benches, and a fountain. At the west end, the mall transitions into a pedestrian bridge, extending over a tunnel constructed to contain former railroad tracks, which continues under the Mascoma River and the 1969 re-routed Route 120 bridge.

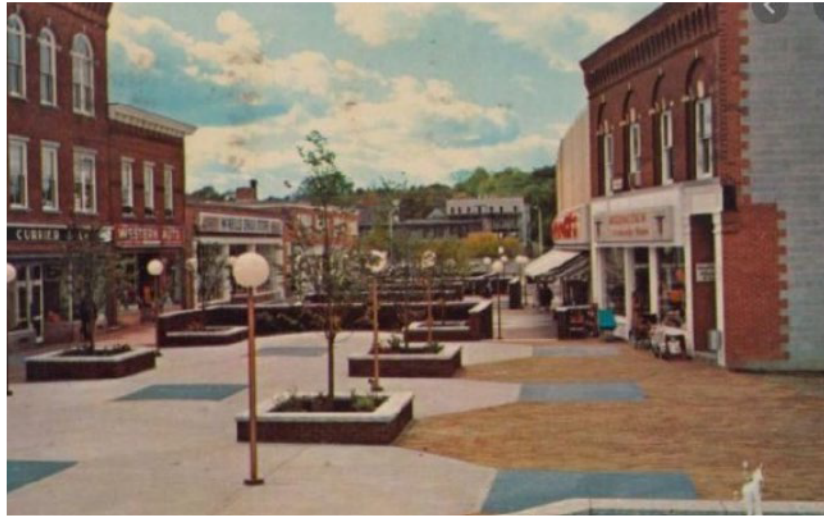


Figure 1. A ca.1970 view of the completed mall (LHS).

The paving of the mall varies in color and pattern, with gray and red concrete predominating, except for a section of lighter gray concrete near the Pavilion Building at the west end. A plaza extension extends to the south at the west end. At the eastern entrance, a fountain and a sign kiosk match the classical revival style of a wooden sign at the western entrance. There is a ca.2020 metal bike rack in the shape of Lebanon's zip code "03766".

The fountain at the eastern entrance features an octagonal, granite-topped brick base containing a modern granite fountain with bronze statuettes of dolphins and turtles adorning its rim. Planters of various sizes are scattered throughout the mall, with some containing trees and others featuring seating areas and sculptures. Lampposts line both sides of the pedestrian pathways, replacing the original globe-topped lamp posts.

While there has been changes to the landscaping and built features since 1970, the overall theme space has been retained. Original materials have been reused or matched, though the mall now features more open spaces without the original walled enclosures. The style of new features leans toward Colonial Revival rather than the previous modern style. Sculptures and a new fountain have been added, while the original-colored brick paving has been replaced with cement paving in creative patterns. Some original elements, like small square planters and granite borders, remain, though not as tall as before. Towards the western end, a large, raised planter bed using granite and brick materials has replaced the original walled-in garden and bench area (Papazian, 2021, p.97).

The original fountain, a simple octagonal basin with granite-topped low brick walls and five jets, was transformed into a planter by 1988. In 2015, the Lebanon Fountain Committee restored a fountain feature to the mall within the old perimeter wall.

Colburn Park Historic District (Boundary Increase)
Name of Property

Grafton, New Hampshire
County and State

25. 20-22 Hanover Street, 1968-69, contributing building (Photo #1)

This Colonial Revival style one-story brick store building has a main (north) façade and a second façade set back from the front in a one-story wing. The building abuts the Pulsifier Block on the east and 24 Hanover Street (#26) on the west. Almost its entire main façade is a symmetrical storefront of two large multi-paned store windows around a canted-side recessed central entry.

The store windows are slightly recessed within a heavy, molded frame painted white. This frame also frames the recessed entry. The store windows and trim are raised on a short base of brick with a painted sill. A large brick parapet above the storefronts was the location for the original store sign – “McNeill’s Drug Store”. It is empty now and simply brick. The entry originally had a double-leaved French door and the canted sides and transom above the door are multi-light windows. Now the double doors are modern glazed doors with white frames. The character of the building has been preserved, although its windows and doors have been replaced. The modern windows are still multi-paned but have heavier mullion dividers and the doors are more contemporary in style.

The recessed wing houses a different, smaller store. Its façade has a similar, though smaller, white-framed multi-light store window that takes up most of the façade and a deeply recessed side door. In the west-facing bit of wall that projects beyond the wing, there is a former short store window that is now infilled with a painted panel. The wing openings are framed in soldier brick, unlike the main faced windows.

On the rear elevation that faces the parking lot, this building has a two-story brick wall with brick piers on either end and one at the demising wall between the larger and smaller store spaces. The upper level is windowless and corresponds to the mall entry level. On the ground level there are two modernist cantilevered metal-clad canopies matching the two store spaces. The larger space on the east has two half-glazed aluminum doors and two small, high windows. The smaller space has two picture windows and a half-glazed aluminum door. One of the picture window openings has been infilled with a smaller set of three windows.

Originally part of the pedestrian mall design by Gordon R. Ingram of the firm of Gordon Ingram & Charles Gray, the building housed McNeill’s Drug Store, the first store to re-open after the 1964 fire destroyed its original location. Despite the replacement of windows and doors, the character of the building has been preserved.

26. 24 Hanover Street, 1968-69, contributing building (Photo #1)

This is a two-story, brick Colonial Revival-style commercial block. It is situated at the northwestern end of the Lebanon Pedestrian Mall. The symmetrical street-facing (north) elevation features a series of wood-framed multi-light storefront windows with Colonial Revival-style moldings and bases on the first story. The central main entrance leads to the upper story and consists of a double-leaved glazed door with glass sidelights and a canvas awning. Flanking the

Colburn Park Historic District (Boundary Increase)

Grafton, New Hampshire

Name of Property

County and State

entrance are four (or two double-store) spaces, each with a centered and recessed entryway framed in wood pilasters and lintel panels with molded wood bases. The second story has eight eight-over-eight double-hung sash, flanked by shutters and arranged in pairs with a regular fenestration pattern. Overall, minimal changes appear to have been made to the front elevation.

Facing the parking lot, the two-story west elevation is on the northern end and the three-stories on the south elevation. On the west elevation, the first story has five six-over-nine double-hung sash, while the second story has ten six-over-six double-hung sash. A large metal exhaust fan duct extends from the center of the first story to the roof. The molded cornice of the front façade extends around this elevation as well.

The three-story rear (south) elevation faces the parking lot and features paneled and wood-framed store windows matching those on the front (mall-level) elevation. There are two stores with recessed entries and a third recessed entry that leads to the building's vertical circulation. A stair is indicated by a windowed, two-story bay that is just east of center with fixed ten and six-light windows. The store on the western end (Jujitsu, currently) has two display windows flanking its entry and these are undivided sheet glass. The other store on the eastern end (Nutrition on the Green, currently) has modern applied muntins in its double display window to the east side of its entry. The upper two stories have regular fenestration in seven bays around the stair bay with six-over-nine light sash windows on the second story and six-over six light sash windows on the third story.

27. Woolworth Building, 15 Hanover Street, 1946/1964/1997/2010s, contributing building (Photo #1)

The Woolworth building is iconic in both massing and design of the former department store. It has a simple, Late Streamlined Moderne look executed in a windowless, blond brick with simple vertical recessed decorative lines every few feet over a glazed, ground-level storefront. The current façade was constructed in two sections, the first half on the west in 1946 when it was first built, and the second half on the east – matching the first in 1964 when Woolworth's expanded the building into the neighboring lot. It was altered in 1997 with a Post-Modern style update to the former storefronts. The ground level now has a modern, fully glazed wall across the entire front with an asymmetrical recessed entry. The glass curtain wall and glass door are framed in dark bronzed or anodized aluminum. Above the glazed ground-floor level is a sign band framed in raised brick that extends across the entire façade.

Woolworths went out of business in 1997 and the building was subsequently used by Lebanon College until 2014. When the large plastic Woolworth sign was removed, the original brick framing of the sign band was revealed and the Lebanon College Sign was set within it. The current River Valley Community College sign is similarly set within the original brick framing of the sign band.

On the rear (north) brick elevation facing the north parking lot the building has 2 ½ stories. The mall-level is accessed on the second story of this elevation by a concrete and metal stair,

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platform and ramp (that appears to be shared with the neighboring Hildreth Hardware Building (# 20). The red brick elevation is unadorned and has a flat roof with a thin metal coping. On the second story there is a centered recessed entrance with a small, four-light windows on one side and a pair of them on the other. The ground story under the second-floor deck/platform has a few windows and a door.

28. 31 Hanover Street, ca.1965/1988/ non-contributing building due to alterations (Photo #1)

This is a two-story, brick commercial Post-Modern style building. The mall-facing (south) elevation has a small mini-mansard metal cornice and modern window openings. The second story features an upper metal balcony on one side with sliding glass doors leading onto it from the second floor.

This site originally housed Tom's Toggery, which had a Colonial Revival design with a multi-paned three-section display window trimmed in white-painted molding and frames. After a 1988 renovation, the building underwent significant changes. The large storefront display window was removed, and the footprint and height were altered.

29. Lewis Hardware Block, 39 Hanover Street, ca. 1966/1970/2019, contributing building (Photo #2)

This is a two-story brick mid-century modern-style commercial block. The second story fronts on the pedestrian mall, giving the appearance of a one-story storefront. The rear (north) elevation has a full exposed first story. The south elevation of the second story serves as the primary entry and showcases an original glass and aluminum full-width storefront. The storefront has a nearly full-height wall of glass and aluminum display windows over a short brick base. A centered glass and aluminum double-leaved door provides access, and a flat metal sign band extends over the entire storefront.

The side and rear elevations of the building are primarily brick, with brick piers delineating bays and minimal ornamentation. Some small windows and doorways have been added. The east side where the main entrance to the school is, has two glass and aluminum doors and four small windows and one larger fixed window. The (north) rear elevation has one glass and aluminum door. The west elevation appears to have had a doorway and a large display window on the first floor that are both presently boarded, two fixed windows on the ground story, and one window towards the rear end of the upper story.

Originally housing Lewis Brothers Hardware store, which was destroyed in the 1964 fire, this building was rebuilt shortly after the fire with the anticipation that the mall would cover the tunnel beneath. It was later converted into two stores, housing the Shoetarium and a clothing store. The current owner, Ledyard Charter School, renovated the building in 2019. The upper story houses the middle school, while the lower story houses the lower grades. Adjacent to the building are the former railroad tracks and tunnel, which are being restored and will re-open as a pedestrian path.

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30. Pavilion Building, 45 Hanover Street, 1986, non-contributing building due to age (Photo #1)

This brick and glass octagon-shaped commercial building was built at the end of the mall in 1986 in the post-Modernist style. Its unusual design includes a flat roof over the main octagonal block, with a metal pyramidal roof rising from the center as well as a dramatic monumental brick arch over the doorway from the parking lot on the rear (west) elevation. It has two brick chimneys that are probably used by the HVAC. The east façade fronting on the mall features a fully glazed glass and aluminum elevation using smoked glass and a slightly recessed double door entry. Each side is unique. Some have paired fixed windows, or large panels of brick or a combination using smoked and frosted glass. When it is fifty years old in 2036, it should be re-evaluated for eligibility.

31. Court Street, 1988, non-contributing building due to age

This three-story, brick building continues the visual vocabulary of brick commercial blocks with a recessed storefront but uses modern fenestration on the upper floors. It sits on the corner of Court Street and the mall, so it has public elevations on two sides. The three-bay, main front façade on the south opens to the mall with a commercial storefront, while the five-bay, east elevation running along Court Street has its own modern recessed main entrance that accesses the rest of the office spaces. Under a large cloth awning the centered recessed store entrance on the front facade is glazed with canted glass sides and a transom above the glass doors. This is flanked by large multi-light windows framed in white (either painted or integral to a non-wood material). The upper floors have a long, very plain fixed glass window with dark glazing in the center and the two side bays each have smaller fixed-glass windows. There are very small accent windows flanking these side bay windows. A pattern of simple raised brick decoration over each bay appears at the top of the façade. The corners (both the very visible southeast corner and the northeast corner) are clipped and the entire three-story canted sides are mirrored glass curtain wall. The east elevation has a three-story tall recess in the central bay with canted curtain wall sides of mirrored glass. At the first-story level a glazed entrance projects out to be flush to the brick walls of the elevation. This entrance bay is flanked by matching blocks each one having flat plate-glass store windows. The upper floors each have two long fixed-glass windows and are accented by very small fixed-light windows similar to those of the south elevation.

Historically, the site was vacant after the demolition of the earlier nineteenth-century Worthen-Lincoln-Harrison Block in 1969. The present building, known as 1 Court Street, was constructed in 1986, marking the last site to be developed within the urban renewal plan area. The previous building on the site was a four-story wooden commercial block in the Italianate style, which was damaged by fire in 1933 and later reduced to a streamlined two-story structure. It was eventually demolished as part of the urban renewal project that led to the creation of the mall and the re-routing of streets.

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32. Emerson Block, 2 Campbell Street, 1918/1977, contributing building (Photo #4)

This is a two-story brick, flat-roofed Colonial Revival-style commercial block. It has a rectangular footprint with a projecting storefront addition on the front elevation. A short brick parapet adorned by a delicate denticulated brick frieze extends along the top of the wall. Another frieze, consisting of two robust courses of bricks, separates the first and second stories.

The front (south) elevation has seven second-story window bays and a projecting storefront addition on the ground floor. The storefront addition has a deep mansard-style roof and features stuccoed walls above a brick base. The windows on the second story of the front elevation have simple flat brick lintels and stone sills, while those on the side elevations have splayed brick lintels and stone sills. The original second-story window openings have been partially infilled, suggesting dropped ceilings within.

The south and north side elevations mirror each other, with similar window changes and infills. The north side elevation features a doorway in the last (westernmost) first-story bay, protected by a gabled canopy and accessed via a few steps.

33. Carter Community Building, 1 Campbell Street, 1917, contributing building (Photo #4)

This two-story, five by two bay, brick building has a hipped roof, end chimneys, and many features of the Classical Revival style. The front (west) façade has a central, slightly projecting entrance bay capped by a pedimented gable and fronted by a prostyle portico in stone. The denticulated cornice of the building extends continuously across the pavilion and also ornaments the raking cornices of the pedimented gable. The entrance portico, up three granite steps from the sidewalk, has two Tuscan columns in front and flat, engaged pilasters flanking the doorway. A wrought iron-railed balcony tops the classical entablature of the portico, the front of which features a single triglyph (complete with guttae below) centered over each column. Two simple iron handrails lead up the steps to the recessed entry with double-leaved half-glazed doors under a transom of three, four-light windows.

The upper story has tall, arch-topped multi-light windows in each bay made up of a fixed semi-circular fanlight over a fixed, twelve-light window over a pair of four-light awnings. These windows appear to be replacements but resemble the original multi-light windows from c. 1919 photographs. Each of the upper windows is framed by a recessed, arched brick surround accented by contrasting stone imposts and keystones and with a stone sill. Below each window is a flat stone panel. The building has a stone frieze between stories just below these stone panels. The first story has a stone water table over a brick foundation. The first story windows have flat, jack arches with contrasting keystones and contain a six-light smaller upper sash and a much larger lower one-light sash. The fenestration is regular with five bays across the front and two on each side. The main block is 34 ½' by 66 ½'. The rear of the building has a two-story, 37' by 46', brick, gable gymnasium ell with tall multi-light windows on each side. A one-story, brick, gabled addition wraps around the northeast corner of the ell.

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The Carter Community Building Association (CCBA) operates the facility, which was founded in 1917 by Mr. and Mrs. William S. Carter, to provide young people of Lebanon with a healthful and uplifting club life. The building was completed in 1917 and was initially used by the Red Cross during World War I. It officially opened as a community center in 1919.

The architect of the building was Curtis W. Bixby of Boston, and the builder was Edgar H. Hunter of Hanover. The location was chosen for its convenience to the train station, park, and downtown amenities, making it a vital community resource for all Lebanon residents.

34. A & P Store/10 Campbell Street, 1960/1978/1994, contributing building (Photo #3 and #4)

This one-story, brick-fronted concrete block building has an oversized hipped roof broken in front by a gabled wall dormer and capped with a small cupola. Its former storefront display window bays are delineated by splayed lintels and infilled by shingled wall sections in which are now mounted residential sized multi-light windows and one doorway. There is a large one-story, flat-roofed, rear wing. The southern side elevation of the main block is blond and the wing has five, regularly spaced six-over-six light sash, double hung windows. The northern side elevation has a double-leaved door topped by a semi-circular transom under a shed roof canopy on the main block. This is where the supermarket entry doors were originally located. The wing on this side has two infilled former doorways and two entry doors, one of which is on a loading platform. The rear (south) elevation has three small, modern windows and one infilled window opening.

The structure is built in a modern, trademark style that was intended to create brand recognition by the distinctive massing and decorative features. In this case the long one-story building with a large and low hipped roof topped by a cupola was a trademark style used by the A & P chain to identify its stores. Originally, it also had a light railing on the roof around the cupola and along the ridge. The original signage was a large "A & P" in an iconic scripted font in the center gable flanked by "Food Stores" and "Founded 1859" at the top of the front wall. Below the lettering were three striped, cloth awnings sheltering the plate glass display windows that extended across the entire façade.

After the closure of the store, the building was renovated in 1978 to house the Upper Valley Senior Citizens Center. In 1994, the windows were replaced.

35. J. Goodhue House, 3 School Street, ca. 1865, contributing building (Photo #5)

The Italianate-style house features a four-over-four plan, cross-gabled roof with front pedimented wall dormer over the eaves side entrance and trim with corner pilasters, bracketed cornice and bracketed window lintels. Many of the windows still have two-over-two light sash on the first story while the second story has smaller, one-over-one light sash. The house has a two-story front porch around the entrance bay and a two-story bay window on the south elevation. These features have Italianate details.

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The porch has a hipped roof on the second floor supported on arcaded posts. The arches between them spring from slender posts with capitals and have keystones. The corner posts extend to the roof as pilasters and there is a frieze band. The current square, molded posts and spindle balustrade does not appear to be original. The second-story balcony is supported on oversized scrolled brackets resting on half-pilasters fronting cheek walls that frame the recessed entry. An airlock has been created with double-leaved glazed doors and wall panels but was likely a recessed entrance originally. Over the hipped roof of the porch is a small square window in the gable. The siding is asbestos shingle, and the roof is clad in fiberglass shingles. There is a brick ridge chimney.

On the south side elevation, a three-sided (half-hexagonal footprint) bay window on the first story is topped by another, slightly smaller thee-sided bay window on the second-story. These appear to have been built at different times. They both have tall, original two-over-two light sash windows. The first-story bay window has a plain, frieze under a molded cornice, while the upper one has a denticulated cornice. A modern stone cladding surrounds the base of the lower bay window. The window trim of the main block, the same on both floors, is flat except for an angled lintel supported by pairs of brackets at each end. The north elevation has regular fenestration in both bays.

Projecting from the rear (east) elevation is a two-story gable-roofed ell that connects the main block to a formerly detached barn/carriage shed. The ell features a one-story enclosed porch across the first story and has five windows on the second story. The clapboarded gable-roofed barn has one large bay doorway and a small loft window above the gable front.

A cape house was built on the site by 1815, which was moved to another location in 1864. The current house was likely built shortly after by John Goodhue, who then sold it in 1868. The property changed hands several times and was eventually willed to the Baptist Society for use as a parsonage. By 1975, it was owned by Mr. and Mrs. Russell Cantlin and had undergone various renovations, including the addition of asbestos shingle siding.

36. IGA (former garage), 2 Mascoma Street, ca. 1920/ca.1963/ca.1990s, contributing building (Photo #6)

This is a one-story brick building with a flat-topped brick parapet. The three-bay front (north) elevation features raised brick frames for geometric sign panels on the top, while three raised brick lintels mark the original bays. The central bay now contains a modern glass and metal double-leaved door under an arched cloth canopy, while the side bays each have a single-pane picture window protected by cloth canopies. A concrete ramp and metal handrail provide access to the front doors.

Along the west elevation, there is a shed addition in two parts. The first part is clad in textured concrete panels, while the extension of this addition is a glassed-in porch with wood stairs accessing it. The brick building extends long into the rear, with several former large openings now blocked in. A stepped parapet tops the rear (south) elevation, and its brick facade is still exposed, though painted.

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The building originally functioned as a garage, with a 50-car capacity, electric lights, hot air heating, cement floor, and 8" walls with 12" pilasters. It first appeared on the 1924 Sanborn map and was later noted to have steel girders in a 1949 update. In the 1960s, it was converted into an IGA market. The IGA storefront featured bold vertical stripes of alternating colors and the circular IGA logo sign. In the 1980s, the building served as a state liquor store before being converted into a restaurant in the 2000s.

37. Butson's Market, 2 Mascoma Street, 1971, contributing building (Photo #7)

This is a two-story Mid-Century-Modern/Brutalist style structure. The building is situated on a hill, with the one-story upper entrance to the grocery store located in the southeast corner. It features rough-surfaced dark brown concrete cladding panels with a fine grid pattern. The panels are framed by contrasting white vertical trim, defining roughly 12' sections. This entrance is under a flat-roofed canopy extending the white framing, with a white-painted metal post at the corner. There are windows on the two recessed walls under the canopy, but no other windows on the east elevation.

The two-story north elevation has a walk-out basement level under a recessed corner entry framed by concrete beams on the east side and a glass entry on the west side. An upper floor bay on the end features floor-to-ceiling glass. The end elevation has a slightly prow-shaped appearance due to the irregular footprint of the building, which includes non-right angles. The lower story of the west elevation features a series of loading docks and bays.

This building was originally an IGA grocery store and then was occupied by Butson's Market in the 1980s, followed by the Lebanon Village Market until 2018. It has also housed other businesses, including Black Moon Games, Baan Muay Thai Academy, a laundromat, and a salon.

The Colburn Park Historic District (Boundary Increase) retains integrity of location, setting, feeling, and association as well as, to some degree, materials and workmanship. With the enactment of a local design review district, the contributing buildings display an excellent state of preservation. Although the district includes altered properties, these were altered when the district was originally listed in 1986. Since 1986, the few non-contributing properties in the original district are now within the extended period of significance and most are contributing, increasing the integrity of the original district (Papazian, 2021b, p. 66).

The Colburn Park Historic District Expansion retains very good integrity. It has been protected by a local design review district. Although it includes altered properties, these were altered when the district was originally listed in 1986. Since 1986, the few non-contributing properties in the original district are now within the extended period of significance and most are contributing, increasing the integrity of the original district. The district expansion includes three adjacent properties on Campbell Street that are contributing, despite some c.1980-1990s alterations, as well as the entire Lebanon Pedestrian Mall which includes contributing sites, objects, and four buildings plus only three listed as non-contributing due to age or alteration but which constitute

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parts of the mall as a whole. Several examples within the district extension of 1980s post-Modernist style design and alterations could be reevaluated when they become fifty years old.

8. Statement of Significance

Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- ☒ A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
- ☐ B. Property is associated with the lives of persons significant in our past.
- ☒ C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- ☐ D. Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations

(Mark "x" in all the boxes that apply.)

- ☐ A. Owned by a religious institution or used for religious purposes
- ☐ B. Removed from its original location
- ☐ C. A birthplace or grave
- ☐ D. A cemetery
- ☐ E. A reconstructed building, object, or structure
- ☐

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F. A commemorative property

☐

G. Less than 50 years old or achieving significance within the past 50 years

Areas of Significance

(Enter categories from instructions.)

Community Development and Planning

Architecture

Period of Significance

1792 to 1974

Significant Dates

Significant Person

(Complete only if Criterion B is marked above.)

Cultural Affiliation

Architect/Builder

Bixby, Curtis (1867-1923)

Hunter, Edgar H.

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Ingram, Gordon R. (1911-1972)

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Statement of Significance Summary Paragraph (Provide a summary paragraph that includes level of significance, applicable criteria, justification for the period of significance, and any applicable criteria considerations.)

The Colburn Park Historic District is the civic and commercial center of downtown Lebanon and features a variety of building types and styles dating from the city's founding in the late 18th century to its urbanization in the 20th century all centered around Colburn Park, a fine variation of the New England common. Listed in the National Register in 1986, it is recognized under Criteria A and C in the areas of community planning and development and architecture with an expanded period of significance from 1792 to 1974 (Amendment, 2024). The Colburn Park Historic District (Boundary Increase) expands the 1986 Colburn Park Historic District (and 2024 Amendment) to include 13 buildings and 1 site located on all four corners of the original district. These mostly one and two-story commercial buildings are similar in material, massing, scale, and function to the other commercial buildings making up the original Colburn Park Historic District. The Boundary Increase incorporates properties that were mostly a result of Lebanon's urban renewal efforts following a devastating fire in 1964, including the revitalization of the downtown commercial area with the development of the Lebanon Pedestrian Mall. Like the 1986 historic district, the Boundary Increase is also part of community planning achieved by a balance of public and private decisions, and, architecturally, the buildings are also a mix of architectural styles from the 19th and 20 centuries.

Narrative Statement of Significance (Provide at least **one** paragraph for each area of significance.)

Architecture:

The assemblage of buildings in the Colburn Park Historic District (Boundary Increase) represents a cross-section of 19th and 20th-century American architectural styles. They are unified by varying adaptations of classical detailing, materials, and principles and are similar in character to the buildings in the original district. There are a few exceptions in which modernist designs contrast with the more classically inspired surrounding buildings. Each building embodies distinctive characteristics of its period and, in some cases, also of a period of "updating." Three different architects/firms are each represented by designs in the district.

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Community Planning:

The extended boundaries and period of significance enhance the importance of Colburn Park as representing a New England town common that has evolved with time. The Colburn Park Historic District (Boundary Increase) includes the 1970 Pedestrian Mall (#24), which involved the re-routing of major streets. Many of the changes are the result of an urban renewal effort representing an important mid-twentieth-century community planning trend. The visual radius of the park includes some properties that lay outside the original boundary but are now being included, such as the ca. 1865 J. Goodhue House (#35) and the 1918 brick Emerson Block (#32). Two Campbell Street additions are historically related to the town center/downtown theme: the 1917 Classical Revival style Carter Community Center Building (#33), which provided recreational opportunities for citizens, and the ca. 1960 former A & P market (#34), now a senior center, that had been one of the grocery stores supporting the downtown center.

After the devastating 1964 fire, the former Hanover Street shopping district was transformed in 1968-70 into the Pedestrian Mall. This transformation was part of the HUD-sponsored urban renewal program, a popular concept of the time in efforts to revitalize failing downtowns. The deliberate, planned mall development is an extension of the Colburn Park downtown and leads directly from the park's northwest corner where Hanover Street once led traffic out of town. The re-routing of these routes and the carefully landscaped pedestrian space created between lines of new, architecturally related commercial blocks. Fronting both sides of the mall, is a variety of commercial buildings as well as two educational facilities. They include 15 Hanover Street (#27), 20-22 Hanover Street (#25), 24 Hanover Street (#26), 31 Hanover Street (#28), 39 Hanover Street (#29) and 45 Hanover Street (#30). The former Woolworth store at 15 Hanover Street pre-dates the closing of Hanover Street and its subsequent conversion of the major arterial road into a pedestrian space, the remaining were built as part of the urban renewal efforts. The intent of these designs is a hallmark of the urban renewal programs designed to improve the economic vitality of America's downtowns. Taking advantage of the 1970 changes in the circulation around Colburn Park, a second supermarket built in 1971 (#37) and an adjacent former garage, repurposed as an IGA market in the 1960s and now a restaurant (#36), both at the southwest corner of the park, are being added to the district.

Lebanon Historic Context

Note: The information presented below was prepared by Lyssa Papazian in the 2021 *Report for Colburn Park Historic District updated Project* and intended to be used in Colburn Park Historic District (Boundary Increase) nomination and amend the 1986 Colburn Park Historic District nomination. The historic context begins in 1900 to reflect the extension of the period of significance for this Boundary Increase and the amended original Historic District. Lebanon's history leading up to 1900 can be found in the 1986 nomination. Map references for resources in both districts are provided in parentheses.

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Early Twentieth Century Period 1900 – 1945

New industries began to emerge in the first half of the 20th century in some of the older in-town shops like the invention of the split-ball bearing and the miniature precision ball bearing in Mascoma Street shops and other technically advanced innovations. These would eventually become the spark for Lebanon's post-mill era economic future, but that largely developed outside the central village area. In the early 20th century, the prosperity of Lebanon Center, along with the philanthropy of some of its wealthy citizens, resulted in new civic buildings such as the 1909 Lebanon Public Library (#9), the 1917 Carter Community Center (#33), a new City Hall in 1924 (#3), and the 1937 Post Office (#10). New commercial buildings were added in this period as well including the 1903 Hildreth's Hardware Building (#20), the 1911 Hotel Rogers (#4), the 1918 Emerson Block (#32), a c. 1920 garage (#36), the 1925 Richards Block (#2), and the 1946 Woolworths Building (#27).

Post-World War II Period 1945-1970s

In the period after World War II, there were major shifts in Lebanon's economy, which in turn created shifts in its communities and ways of life. While some of these shifts were occurring nationwide, some were specific to Lebanon. Politically, Lebanon transitioned in 1958 from a town to a city with a Mayor and City Council form of government. Hanover Street was the core downtown shopping area. During the 1950s, several more district properties were built including the 1950 Mascoma Savings Bank (#1), the 1952 Gulf service station (#6), the 1954 Fire Station by Hudson and Ingram (#16), and the 1960 A & P store (#34).

Economically, the textile industry which had anchored the town and especially the downtown area around the mills, was in decline. Woolen goods had competition from synthetics and textiles made overseas. In 1953, the Mascoma Mills closed and by 1962, the remaining woolen mills, Lebanon Woolen Mill and Lebandale (Carroll, 1994) had closed as well. This represented a loss of many jobs in the center of Lebanon. At the time the textile industry was still the town's largest employment sector though there were others. Lebanon's population was becoming more diversified with increasing numbers of residents working for the federal, state or local government – especially in schools and at the VA Hospital in White River Junction, as well as in the growing technical and precision products sector. As small tech and precision manufacturing companies that started in the downtown area expanded, they looked to the outskirts for room to grow. Also increasing numbers of residents were commuting to workplaces located outside Lebanon – such as in the growing Mary Hitchcock Hospital in Hanover and the Goodyear Plant in Windsor, VT. In 1964, another factor to impact the city was the ending of passenger rail service and the razing a year later of the central Lebanon depot.

The post-WWII shift to the personal automobile as the main mode of transportation impacted where people lived and in what types of homes, where they worked, and where they shopped. In 1948, the Flanders and Patch Ford Dealership moved out of downtown to Route 4, an area of farmland, that had the promise of future commercial growth, however faint at that time. The dealership would have to wait two decades for the Interstate Interchange to open nearby, truly

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spurring the promised growth. But in 1952 Bridgeman's Furniture joined the dealership by re-locating there to a new Mid-Century Modern style showroom and in 1958, Split Ball Bearing built its new International Style headquarters and plant there. Route 4 between West Lebanon and Lebanon center was nicknamed "Miracle Mile" in the late 1950s as a promotional gimmick suggesting it was the "next big thing"(Carroll, 1994).

Plans for the new interstate highway were underway in the mid-1960s and it was completed through town by 1968. By the time Interchange 19 near Route 4 and Interchange 20 at Route 12A in West Lebanon opened in 1969, the new shopping centers in those areas had been drawing retail business out of the downtown for several years.

Housing in Lebanon, partly fueled by new tech industries and nearby growing employment opportunities, was booming. In the center of town, the residential neighborhoods which started close to Colburn Park in the 18th century and continued to expand through the 19th century were largely built out before WWII – these areas include Young Street Hill, the Plain, and the Church Street neighborhoods. Instead, in-fill housing in existing neighborhoods further from downtown and new developments were being built in the late 1940s through the 1960s, such as the Estabrook Circle development in West Lebanon and the Hillcrest Acres development in the early 1960s (Carroll, 1994). By 1964, the remaining empty lots of the early 20th century development in West Lebanon's Crafts Avenue neighborhood had filled up with suburban-style ranch homes with single-car garages.

Shifts in where people lived and worked and the competition from new shopping centers on Miracle Mile and West Lebanon, led to a period of decline for downtown businesses, especially retail stores in Lebanon Center. By the time the second catastrophic fire hit the downtown center in 1964, the businesses of Hanover Street had been under pressure for some time and the economic picture there was mixed. According to a 2014 series in the *Valley News*, "There were no industrial parks and Lebanon in 1964 was hardly a booming retail center, either. Residents who wanted to do serious shopping usually made the trip down to Claremont, which had a thriving downtown" (Carroll, 2014).

A few businesses, relocated to new retail locations outside the downtown, but some reinvested in their downtown location—like McNeill's Drugstore which had relocated to a new store across Hanover Street and Woolworth's which nearly doubled the size of its Hanover Street store (#27) just months before the fire. In 1964, Hanover Street was still a significant shopping area for the city. According to town historian, Roger Carroll, the downtown stores there included Currier & Co., the News Spot, McNeill's Drugstore, Woolworth's, Lander's Restaurant, Mike's Restaurant and the Lamplighter Restaurant. There was also Tom's Toggery, Lewis Brothers Hardware, The Custom Shop, Fletcher paint, Lora's beauty shop, the Modern Records store, a Sherwin-Williams store, Hirsch's Army-Navy store, and Courtemanche's barber shop (Carroll, 2014).

On June 19 of 1964 a devastating downtown fire, caused by arson, started in an old blacksmith shop on Mill Street, behind the shopping district. With many wooden buildings, some empty, some in disrepair, in the industrial part of the downtown, the fire spread quickly. The buildings of Hanover Street and adjacent areas, most having been built after the previous downtown fire of

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1888, were wooden and the fire spread further, helped by strong winds. After it was finally put out, two people had died in the fire, while twenty buildings were destroyed that had contained twenty businesses and the homes of about 100 people (Carroll, 2014). Most but not all of the Hanover Street commercial blocks and stores were burned and all of the buildings around Mill Street were also lost. On Hanover Street the fire was stopped by the firewalls of two brick commercial blocks: Woolworth's (#27) on the north side of the street and the Pulsifer Block (#19) on the south.

The devastation in the aftermath of the fire gave sharp focus to the decisions downtown businesses had already been grappling with. Some opted to rebuild and remain downtown, like McNeill's Drugstore which re-opened in one of the few remaining storefronts the Monday after the fire. Others that re-opened in the Hanover Street vicinity included Lewis Brothers Hardware (#29), Currier & Co., Woolworths, and Tom's Toggery (#28). Some ended up leaving downtown, like Lander's Restaurant which moved to Route 120, and a few of the Mill Street businesses which moved to Mechanic Street. Some went out of business altogether, like the Lamplighter restaurant, the Custom Shop, and several from Mill Street (Carroll, 2014). The city government responded to this crisis in the downtown core through a bold urban planning effort that drew on and was facilitated by federal programs and funding that had not been available after the previous downtown fire of 1887.

Urban Renewal

The timing of the 1964 fire coincided with the era of Urban Renewal, programs that funneled federal dollars into economically struggling urban centers throughout the country. The primary goal of the Urban Renewal programs was to address urban decay and downtown disinvestment caused by the increasing suburbanization that followed WWII. The objectives of the programs were the clearance of "blight" and "slums," upgrading infrastructure and housing, and building downtown amenities to attract private investment and revitalize downtown commerce. The main tools included urban planning, taking over large urban areas through eminent domain, and usually demolition or less commonly rehabilitation of older properties, transportation improvement projects, and construction of new downtown buildings, spaces, recreation facilities, parks and residential neighborhoods. Many of the larger Urban Renewal projects have received most of the attention in histories written about the program (e.g., stadiums, high-rise affordable housing developments, and convention centers), but the majority of Urban Renewal funding went to cities with less than 50,000 people (Amos, 2019). Many projects included roads and bridges, the creation of parks, recreational facilities like ice skating rinks, and the landscaping of urban centers meant to attract people to downtowns. As a large federal source of funding, Urban Renewal programs were to have a substantial impact on the character of the American urban landscape because of the types of projects and designs they specifically favored.

In order to access the planning and implementation money available through the federal Housing and Urban Development agency, Lebanon created the Lebanon Housing Authority, which oversaw the rebuilding of downtown. A popular urban planning idea of the 1960s was the

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pedestrianization of downtown centers, particularly the creation of pedestrian shopping malls to compete with the new suburban shopping centers.

The first American pedestrian mall is considered to be a four-block stretch of Kalamazoo, Michigan, built in 1959 and designed by Austrian-born Victor Gruen, the same planner and architect who had designed America's first indoor suburban shopping mall in 1955 – Southdale Mall in Edina, Minnesota (Mennel, 2004). The idea of the pedestrianization of downtown centers started in Europe after WWII as a way of addressing the rebuilding of bombed and war-torn cities. When the automobile gained momentum in Europe, many of its city centers had narrow, twisting, and often ancient streets that could not easily accommodate modern vehicular traffic. Making these areas pedestrian shopping centers was a way of addressing that and rebuilding at the same time (Matuke, Samantha; Stephan Schmidt & Wenzheng Li, 2020).

In America, the idea was picked up to address the very different problem of business and economic vitality leaving urban centers for the suburbs. When Gruen first proposed a downtown pedestrian mall in 1956, it was for Fort Worth, Texas, and it included considerable new infrastructure of new highways and parking garages to facilitate access with cars. This was never built because of the cost. The one in Kalamazoo was built much more cheaply without the new transportation infrastructure (Matuke, Samantha; Stephan Schmidt & Wenzheng Li, 2020). While in retrospect to people recently studying the pedestrian mall phenomenon, this lack of sufficient transportation infrastructure seemed a fatal flaw, to many planners and city officials around the country, the ease and relatively low cost of simply closing off streets to traffic made the pedestrian mall a very popular answer to get people to come back to downtowns. The Kalamazoo example received a great deal of positive press and excitement which fueled the popularity of the pedestrian mall through the 1970s (Amos, 2019). Depending on how they are counted, between 140 strictly pedestrian malls to about 200 pedestrianization projects were built in America between 1959 and 1985. Because of the simplicity and low cost of the idea, many of these were built without the use of Urban Renewal funds and so the supporting transportation infrastructure was often not included. By the 2000s, over two-thirds of these projects were considered failures and were subsequently removed (Matuke, Samantha; Stephan Schmidt & Wenzheng Li, 2020).

Lebanon's pedestrian mall is considered one of the most successful models that have survived. But it was certainly controversial when proposed after the fire. The political back and forth between proponents of the mall and those who wanted to rebuild Hanover Street meant that the final construction of the new re-routed streets, the new railroad tunnel, and the mall over it, as well as all the new buildings, took close to six years to complete. The opening was finally celebrated in 1970.

In the period since 1970, downtown Lebanon has had ups and downs economically but is still anchored by the pedestrian mall and a growing concentration of civic and social institutions using adaptive reuse of historic buildings around its core historic park. Many of the original commercial buildings on the mall have also been adaptively re-used for education and medical support services.

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Architecture

Several architectural styles have been added to the diverse collection with the increase in boundaries. On the southern edge are the utilitarian former garage (#36) and the 1971 Mid-Century-Modern/Brutalist style supermarket (#37), which exemplify the once utilitarian region of downtown around the mills, and the modern era brought in by the Urban Renewal project, respectively. The western edge of the district expansion is entirely commercial. It includes the older, traditional, multi-use business and commercial blocks as well as the mid-century commercial development of the pedestrian mall. The new architectural styles include mid-twentieth-century modernism of the buildings on the mall (#24). These include the former Woolworths (#27) and the Mid-Century-Modern Lewis Hardware block (#29). The mall also features Colonial Revival-style commercial blocks (#25 and #26). The northern edge of the district is a combination of commercial, institutional, and residential. The 19th and early twentieth-century styles of the North Park Street buildings in the original district are continued in the district expansion with the Classical Revival Emerson Block (#32) and Carter Community Buildings (#33), and to these styles is added the mid-twentieth-century Colonial Revival commercial structure represented by the former A & P (#34). The eastern edge of the district expansion is much the same as it was originally, with one additional ca.1850 J. Goodhue House (#35), a hybrid of Greek Revival & Italianate styles. The other added resources include three from the early twentieth-century – a 1917 Classical Revival style civic building (#33); a ca.1918 mixed-use brick commercial block with restrained Colonial Revival details (#32); and a ca. 1920 brick former garage with vernacular detailing (#36). The boundary increase has two resources that, while presently non-contributing due to age, represent the post-modernism of the 1980s (#30 and #31) and a third (#28) that was completely renovated in this style. Post-Modernism also characterizes changes to the Emerson Block (#32) in its front addition, but not to the extent that the original style and form cannot be discerned.

Notable architects involved in the district expansion include Curtis W. Bixby (Carter Community Building), Edgar H. Hunter (Emerson Block), and Gordon Ingram (BLDG 25 and 26 LOOK UP), each contributing to the district's architectural diversity and historical significance.

Curtis W. Bixby (1867-1923) designed the Carter Community Building (#33). He was born in Hopkinton, Massachusetts, in 1867 and relocated to Watertown, Massachusetts, in 1884. After completing his public schooling, he pursued architecture under the guidance of his uncle, Stanford Phipps. He also collaborated with Boston architect John A. Fox, known for designing several buildings in Lebanon, New Hampshire. Bixby's partnership with Fox led to the design of various notable structures, including the new State Hospital at Danvers, buildings at Tewksbury, and the State Hospital at East Gardner, as mentioned in his obituary in the Boston Globe. Later, he joined forces with Clarence P. Hoyt, and together they designed the new Coolidge Building and Victory Field in Watertown, Massachusetts. Among Bixby's other works are the Watertown Fire Station (1912), the Howe Stacks addition to Dartmouth College Library in Hanover, New Hampshire (1914), the Carter Community Building (1916), the Tewksbury Congregational Church in Tewksbury, Massachusetts (1921-1922), and the Massachusetts School for the Feeble-Minded in Waverly, Massachusetts (1922). These structures typically exhibit Colonial or

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Classical Revival styles, characterized by stone-trimmed brick construction. Bixby played an active role in the government and institutions of Watertown, Massachusetts, leaving behind a legacy of architectural contributions to the region.

Edgar H. Hunter was the builder of the Carter Community Building (#33) and the builder and architect of the Emerson Block (#32). Hunter was born in Somerville, Massachusetts, in 1877 and was a prominent builder and engineer working out of Hanover, New Hampshire. He graduated from Dartmouth College in 1901 and later completed his studies at Thayer School of Engineering in 1902.

After graduation, Hunter served as the Superintendent of Buildings and Grounds at Dartmouth College until 1912. During his tenure, notable campus structures such as the Gymnasium were constructed under his administration. Subsequently, he ventured into private practice, where he engaged in building and, on occasion, designing numerous residential and non-residential buildings in the Lebanon/Hanover area. Hunter's notable projects include his role as He was actively involved in various civic and professional organizations, such as the District Rotary for Vermont and New Hampshire.

Later in his career, Hunter transitioned to the public sector, assuming key roles in state governance. He served as a Captain in the Quartermaster Corps during World War I and held significant positions such as chair of the New Hampshire Public Service Commission. Additionally, he served in the state legislature, chaired committees, and held various governmental positions, including director of the Civil Works Administration and state engineer of Public Works. Locally, he contributed to Hanover's governance, serving as town moderator and on several advisory boards.

Gordon R. Ingram (1911-1972) collaborated with Archer Hudson in the design of Lebanon Fire Station (#16). Ingram then designed Lebanon Pedestrian Mall and its associated buildings (#24, #25, and #26). Ingram was born in Hanover, New Hampshire. He received his education at Dartmouth College and later pursued studies at the Harvard University School of Architecture. His academic background laid a solid foundation for his future career in architecture. Ingram began his professional journey by working for architectural firms in Hanover, including Wells & Hudson and Wells, Hudson & Granger. His early experiences provided him with valuable insights and skills in architectural practice.

In 1942, Gordon R. Ingram formed a partnership with Archer Hudson, establishing the architectural firm Hudson & Ingram. Together, they embarked on numerous architectural projects, leaving a mark on the built environment of their region.

After Archer Hudson's retirement in 1958, Gordon R. Ingram continued his architectural pursuits by joining Charles Gray in a new firm, Ingram and Gray. Throughout his career, Ingram demonstrated a commitment to architectural excellence and made significant contributions to the field through his designs and collaborations.

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From the Collection of the Lebanon Historical Society, courtesy of the research of Nicole Burley Ford:

1864 newspaper clipping regarding 3 School Street.

Report on 3 School St in the 1974 Historical Society Annual Report, written by Robert Leavitt and Ethel Millen

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Files and clippings related to the Infantryman statue at the Soldier's Memorial Building
Files related to the construction of the pedestrian mall
Newspaper clippings regarding the Carter Community Building

Maps:

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Previous documentation on file (NPS):

- ☐ preliminary determination of individual listing (36 CFR 67) has been requested
☒ previously listed in the National Register
☐ previously determined eligible by the National Register
☐ designated a National Historic Landmark
☐ recorded by Historic American Buildings Survey # _____
☐ recorded by Historic American Engineering Record # _____
☐ recorded by Historic American Landscape Survey # _____

Primary location of additional data:

- ☒ State Historic Preservation Office
☐ Other State agency
☒ Federal agency
☐ Local government
☐ University
☐ Other

Name of repository: _____

Historic Resources Survey Number (if assigned): _____

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10. Geographical Data

Acreage of Property 22 acres

Use either the UTM system or latitude/longitude coordinates

Latitude/Longitude Coordinates

Datum if other than WGS84: _____
(enter coordinates to 6 decimal places)

- | | |
|----------------------------|--------------------------|
| 1. Latitude: 43°38'35.12"N | Longitude: 72°15'15.37"W |
| 2. Latitude: 43°38'36.65"N | Longitude: 72°15'12.84"W |
| 3. Latitude: 43°38'38.82"N | Longitude: 72°15'3.52"W |
| 4. Latitude: 43°38'37.94"N | Longitude: 72°14'59.66"W |
| 5. Latitude: 43°38'29.99"N | Longitude: 72°14'59.38"W |
| 6. Latitude: 43°38'27.33"N | Longitude: 72°15'11.15"W |

Or

UTM References

Datum (indicated on USGS map):

☐ D 1927 or ☐ NAD 1983

- | | | |
|----------|-----------|-----------|
| 1. Zone: | Easting: | Northing: |
| 2. Zone: | Easting: | Northing: |
| 3. Zone: | Easting: | Northing: |
| 4. Zone: | Easting : | Northing: |

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Verbal Boundary Description (Describe the boundaries of the property.)

See Attached Map

Boundary Justification (Explain why the boundaries were selected.)

The 1986 district was drawn to include those buildings fronting Colburn Park, which were eligible for listing in the National Register of Historic Places at the time, as well as two structures facing the Pedestrian Mall (formerly Hanover Street), which were also part of the nineteenth-century commercial district. The boundaries of the district expansion include adjacent commercial and institutional properties that are now within the extended period of significance and related to the significance of the district. They relate through a proximity to the Colburn Park downtown center. Surrounding residential neighborhoods are not included here because the focus of the significance of the Colburn Park Historic District is the park as a town/city common and the downtown it anchors as the economic, social, and institutional center of the city.

11. Form Prepared By

name/title: Brian Knight, Architectural Historian
organization: Hartgen Archeological Associates
street & number: 1744 Washington Ave Ext,
city or town: Rensselaer, state: NY zip code: 12144
e-mail: bknight@hartgen.com
telephone: (518) 283-0534
date: March 18, 2024

Additional Documentation

Submit the following items with the completed form:

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- **Maps:** A **USGS map** or equivalent (7.5 or 15 minute series) indicating the property's location.
- **Sketch map** for historic districts and properties having large acreage or numerous resources. Key all photographs to this map.
- **Additional items:** (Check with the SHPO, TPO, or FPO for any additional items.)

Photographs

Submit clear and descriptive photographs. The size of each image must be 1600x1200 pixels (minimum), 3000x2000 preferred, at 300 ppi (pixels per inch) or larger. Key all photographs to the sketch map. Each photograph must be numbered and that number must correspond to the photograph number on the photo log. For simplicity, the name of the photographer, photo date, etc. may be listed once on the photograph log and doesn't need to be labeled on every photograph.

Photo Log

Name of Property: Colburn Park Historic District (Boundary Increase)

City or Vicinity: Lebanon

County: Grafton County

State: New Hampshire

Photographer: Brian Knight

Date Photographed: January 31, 2024

Description of Photograph(s) and number, include description of view indicating direction of camera:

Photo 1 of 7 (NH_Grafton County_Colburn Park_BI_001). View of #24, #25, #26, #27, #28 and #30 looking west.

Photo 2 of 7 (NH_Grafton County_Colburn Park_BI_002). View of #29 looking northwest.

Photo 3 of 7 (NH_Grafton County_Colburn Park_BI_003). View of #34 looking northwest.

Photo 4 of 7 (NH_Grafton County_Colburn Park_BI_004). View of #32, #33 and #34, looking north.

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Photo 5 of 7 (NH_Grafton County_Colburn Park_BI_005). View of #35 looking northeast.

Photo 6 of 7 (NH_Grafton County_Colburn Park_BI_006). View of #36 looking southeast.

Photo 7 of 7 (NH_Grafton County_Colburn Park_BI_007). View of #37 looking south.

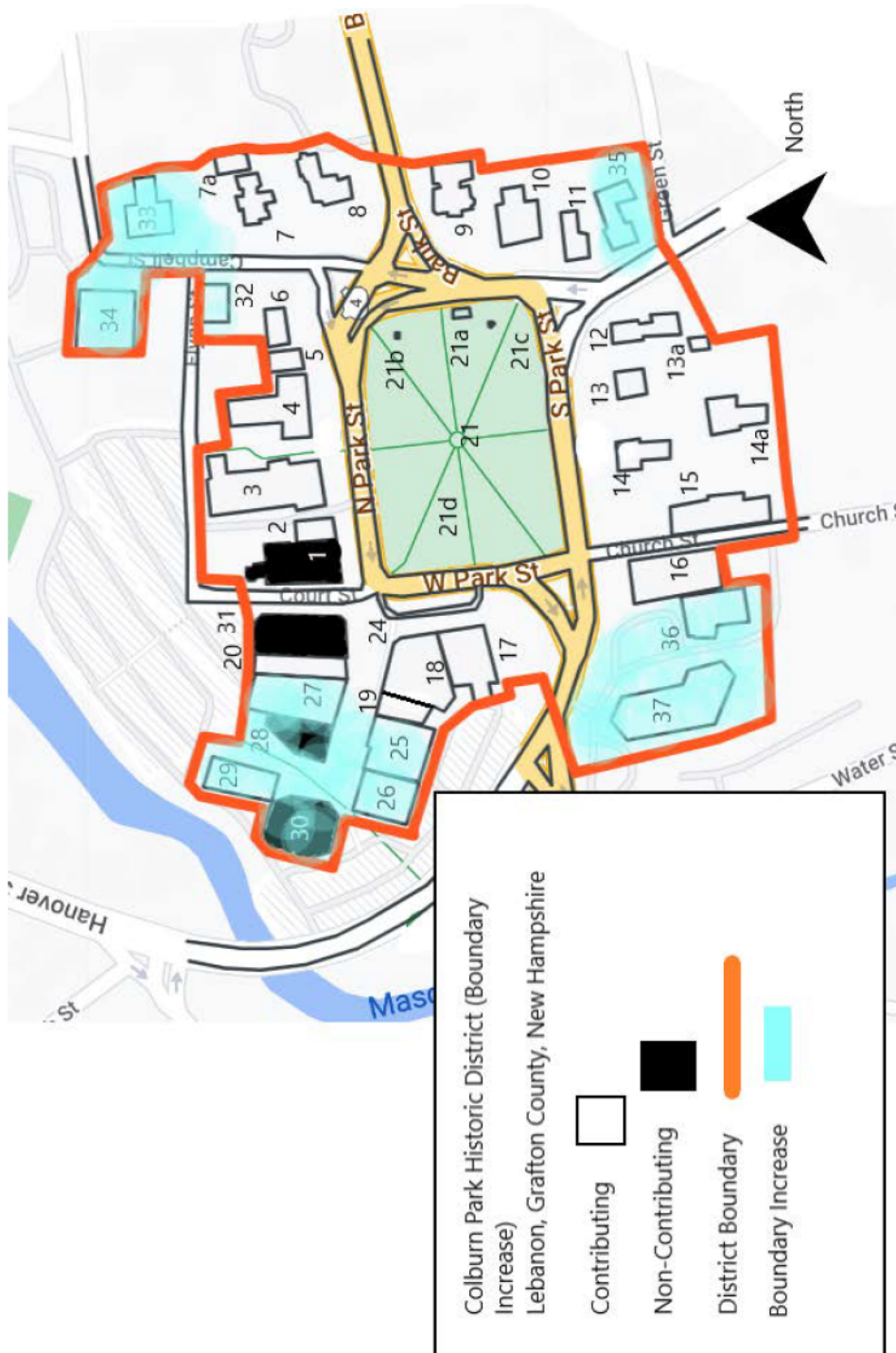
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District Map



**Agenda
Lebanon City Council
February 5, 2025**

11. City Manager Reports:

11.A – WESTBORO YARD ACQUISITION STATUS REPORT

Background

The City began discussions with the NH Department of Transportation as early as 1999 to acquire or lease portions of the Westboro Rail Yard. The discussions have gone back and forth relative to leasing or acquiring the property. The latest discussion over the last several years have focused on the DOT preference for the City acquiring the property. A purchase and sales agreement has been under negotiation for the last two years.

The City's preference was for a long-term lease agreement for an agreed upon portion of the property. The City has been clear all along that it had no intention of taking on the liability of the environmental contamination of the property which is well documented through various studies. There is a ground water management permit issued for the site by the NH Department of Environmental Services. The lease would allow the City use of the property to construct and operate recreational facilities such as an athletic field, parking area and riverwalk.

Former DOT Commissioner Victoria Sheehan and present Commissioner William Cass requested the City acquire the property instead of leasing it. DOT felt this would be a cleaner process and would not require the management of a lease agreement by DOT. The City stated it would be interested in an acquisition instead of a lease only under the condition that DOT maintain the environmental contamination liability issues as if it were the owner of the property. With that mutual understanding the City began a Phase I & II environmental assessment at its cost of the area to be acquired by the City. Legal counsel for the City has worked with the Attorney General's Office regarding contract language that would be agreeable to the City and the State. There have been numerous meetings with DOT and City officials to address concerns with different proposed versions of the agreement.

Deputy City Manager David Brooks and I participated in a virtual meeting with State officials on January 29th. The latest proposed language articulated by the State in Section 21F of the agreement does not take responsibility for the environmental contamination on the site after the acquisition. This is a change in the State's position relative to the City acquiring the property. Assistant Attorney General Robert Pearce stated that the State could not maintain liability for the environmental contamination after the transfer of the property to the City. However, the State would maintain responsibility for the ground water management permit responsibilities. He stated the State does not have an appropriation to comply with a potential EPA ordered environmental remediation or cleanup of the property. I countered with stating the State presently owns the property and if such an EPA administrative or court order were to be issued the State would need to comply whether it has an existing appropriation or not.

Assistant DOT Commissioner Andre Briere (retired USAF Colonel) stated that he has worked on superfund sites on military installations. He stated it was very unlikely the EPA would issue an administrative order to mitigate or clean up this site. He reiterated the State's position that a lease agreement with the City is not an option for DOT.

Despite the assertions of ADOTC Andre Briere I would recommend to the City Council that it not agree to the acquisition as proposed by the State. The risks associated with the potential of an

EPA order to mitigate or clean up the site at some time in the future and the potential significant costs in doing so far out way the value of the passive recreational uses the City would derive from the property.

I find the States position unfortunate for the following reasons.

1. The State leases portions of the property to the railroad and other private entities without the requirement that those entities having any responsibility for the pre-existing environmental contamination on the site and yet it will not lease other portions of the railyard to one of its political subdivisions, the City of Lebanon.
2. There is nothing in State law that would prohibit the State from entering into an acquisition of the property with the City while maintaining the environmental contamination liability it presently assumes.
3. The City would make improvements to the property that would make it an asset in the middle of our downtown West Lebanon community instead of its present abandoned state. The State has allowed persons to camp on the property and dispose of human waste and trash on the site with little to no management of the property.
4. The City has agreed to assume half of the cost of the proposed new access road from South Main St. by the Rt 12A bridge. This access road would allow trucks and other vehicles to access the remaining portion of the property owned by the State that will continue to be leased to third parties. This would mitigate trucks from traveling onto Main St. and negotiating the constrained turn from Railroad Ave. onto Main St. The diversion of truck traffic from the Main St. area will reduce traffic congestion and provide a more efficient route to I-89 via. South Main St.
5. Overall this is an unfortunate lost opportunity for the State to partner with the City to make positive improvements to this area that benefit both the State and the City.

Action

The following motion is offered for City Council consideration:

For City Council consideration, no further action is required.

Included In This Section:

1. 2025-01-13 NHDOT DRAFT Redlined PSA Westboro Yard.
2. 2024-10-02 Railyard Diagram 1
3. 2024-10-02 Railyard Diagram 2
4. 2024-10-02 Railyard Diagram 3

PURCHASE AND SALE AGREEMENT

This PURCHASE AND SALE AGREEMENT made as of this ___ day of _____, 2024, by and between the STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION (“Seller”), and the CITY OF LEBANON, a New Hampshire municipal corporation with an address of 51 North Park Street, City of Lebanon, County of Grafton, New Hampshire 03766 (“Buyer”).

1. The following terms shall have the meanings specified wherever used in this Agreement:

A. AGREEMENT: This Purchase and Sale Agreement between Seller and Buyer regarding the subject Premises is hereinafter referred to as the “Agreement”.

B. SELLER:

State of New Hampshire Department of Transportation
[address,
Attention:]

C. BUYER:

City of Lebanon, New Hampshire
51 N. Park Street
Lebanon, NH 03766
Attention: Shaun Mulholland, City Manager

D. PREMISES: [insert legal description and survey as Exhibit A] Premises to be conveyed shall also include an easement from Seller to Buyer as described in Paragraph 8 herein.

E. PURCHASE PRICE: [TBD]

F. DEPOSIT: Waived

G. CLOSING DATE: A mutually convenient date for the Closing to occur, selected by Buyer and Seller to occur no later than [] days after the Effective Date of this Agreement.

H. EFFECTIVE DATE: The date the Governor and Executive Council of the State of New Hampshire approve this Agreement.

I. CLOSING: The conveyance of fee title and interest in and to the Premises by Seller to Buyer pursuant to this Agreement.

2. **CONDITIONAL NATURE.** Notwithstanding any provision of this Agreement to the contrary, pursuant to RSA 4:40, this Agreement is subject to the approval of the Governor and Executive council of the State of New Hampshire. This Agreement shall become effective on the date the Governor and Executive Council approve this

Agreement. All obligations of the parties hereunder are contingent upon the availability and appropriation of funds, and in no event shall either party be liable for any payment hereunder in excess of such available appropriated funds. In the event of a reduction or termination of the appropriated funds, Buyer shall have the right to terminate this Agreement immediately upon giving Seller notice of such termination. Neither party shall be required to transfer funds from any other account in the event that the funds appropriated for this Agreement are reduced or unavailable. Buyer represents and warrants that as of the Effective Date, Buyer will have sufficient funds appropriated to pay the Purchase Price in full.

3. **PURCHASE AND SALE.** In consideration of the mutual covenants and promises contained in this Agreement, and other good and valuable consideration received by each party, Seller hereby agrees to sell and Buyer agrees to purchase the Premises, upon the terms and conditions hereinafter set forth. The payment by Buyer of the Purchase Price shall be the only and the complete payment to Seller for the Premises. Buyer shall have no liability to Seller other than the Purchase Price and adjustments that are expressly provided in Paragraph 11, if any. Subject to Paragraph 4 herein, in no event shall Seller be required to accept less than the Purchase Price as consideration for the conveyance of the Premises.
4. **ENVIRONMENTAL ASSESSMENT AND REVIEW.** Buyer, at its expense, shall (a) assemble and provide to Seller all existing Environmental Site Assessment (“ESA”) Phase I information with respect to the Premises within 120 days following the Effective Date, (b) have performed a new ESA Phase I and an ESA Phase II upon the Premises and provide to Seller the results within 120 days following the Effective Date. The parties acknowledge that the Purchase Price may be adjusted based upon the results of such ESA results in a writing signed by both parties. If the Closing does not occur within 180 days following the Effective Date, Buyer will have the Phase I report updated and will provide the updated Phase I report to Seller promptly upon its completion; provided, however, that in the event the Closing does not occur within such 180-day period due solely to the act or omission of Seller in violation of applicable law or this Agreement, Seller, rather than Buyer, will be responsible for having the Phase I report updated and will provide the updated Phase I report to Seller promptly upon its completion.
5. **SURVEY.** Buyer, at its expense, shall have a survey of the Premises prepared which includes (a) a delineation of the boundaries of the Premises sufficient for the preparation of the Deed, also including the Easement described in Paragraph 8, and (b) the boundaries of the Easements to be conveyed to Seller as described in Paragraph 7 (the “Survey”). The Survey shall be stamped by a New Hampshire-licensed surveyor and shall be delivered to Seller within 120 days following the Effective Date.
6. **APPRAISAL.** Seller shall, at its expense, have the Premises appraised based upon the condition of the Premises, the results of the environmental review provided for in Paragraph 4, and the Deed Restrictions provided for in Paragraph 10. The parties agree that the Purchase Price may be adjusted in a writing signed by both parties based upon the results of such appraisal.

7. **EASEMENTS FROM BUYER TO SELLER.** As a condition of the sale, Buyer shall grant to Seller in the Deed the following easements on the Premises, which shall be delineated on the Survey:
- A. [access easement across areas 3 and 4 from South Main Street to the remaining lands of Seller]
 - B. [Maintenance easement for RR bridge over the Connecticut River]
8. **EASEMENT FROM SELLER TO BUYER.** The Deed to Buyer shall include the conveyance of an easement, the metes and bounds of which shall be delineated on the Survey. Said easement shall provide for access beneath the existing railroad bridge, which bridge and the area beneath will remain owned by Seller. The purpose of the easement will be to permit Buyer to construct, operate, maintain, repair and replace a multi-use path under the railroad bridge, to maintain the approaches thereto and the sections of trail on either side of the multi-use path, and to permit travel through the area by the general public and Buyer. Buyer's easement rights will include opening the trails and multi-use path to the general public for bicycle and pedestrian traffic, and Buyer's right to pass and repass through the area on foot, by bicycle, and with Buyer-owned maintenance vehicles.
9. **TITLE.** The Premises shall be conveyed by a deed running to Buyer in a form substantially identical to that annexed hereto and marked "Exhibit B" (the "Deed"). The Deed shall convey good and marketable title by Quitclaim Deed to Buyer of all of Seller's right, title and interest in the Premises, subject to the following: (a) such agreements, leases, licenses, easements, restrictions and encumbrances, if any, as may appear of record, or otherwise; (b) easements for access and maintenance of the existing railroad bridge as set forth in Paragraph 7 herein and included in the Deed, (c) Deed Restrictions as described in Paragraph 10 herein; and (d) the provisions, conditions and covenants set forth in the Deed, hereby incorporated by reference, and to be accepted by Buyer by executing the Deed at closing.
10. **DEED RESTRICTIONS.** The Deed shall include the following restrictions on future use which shall bind Buyer and run with the land:
- A. The Premises shall be used in perpetuity for noncommercial outdoor recreational purposes and open space only. Uses may include walking, bicycling, picnicking, use of ball fields, open space, and similar low-intensity uses.
 - B. No structures shall be constructed, placed or introduced on the Premises, except for structures and improvements which are (i) necessary for permitted recreational and open space uses which may include but are not limited to parking areas, trails, boardwalks, pedestrian bridges, ball fields and associated equipment, seating areas, landscaping, and signage, (ii) lighting and electrical equipment and service as is reasonably necessary to serve the recreational uses and for safety, and (iii)

roofed shelters or other open-sided structures to be used in conjunction with permitted recreational and open space uses, subject to the limitations of Paragraph 10(C).

- C. No removal or disturbance of gravel, sand, or topsoil, no excavation, and no change in topography of the Premises shall occur, except to the extent that such activities involve the addition of fill and other material to create, construct, place or maintain such structures or improvements as are provided for in Paragraph 10(B).
- D. Notwithstanding Paragraph 10(C), such digging may occur on the Premises as is necessary to place fence posts for fencing to be installed to provide a barrier between the Premises and existing railroad activities on adjacent land. Seller shall, at its expense, install or cause to be installed fencing between [insert description with reference to Exhibit A] within [] days after the Closing. Buyer shall, at its expense, install or cause to be installed fencing along [insert description with reference to Exhibit A]. All such fencing shall be installed on the Premises (not on Seller's remaining land), shall be approximately six feet high, and shall be constructed of chain link fencing, sufficiently sturdy to support additional netting or screening above the chain link as may be appropriate for future recreational activities on the Premises. Upon installation, all fencing installed by both parties under this paragraph shall become the property of Buyer, which shall thenceforth bear sole responsibility for the maintenance of the same. Seller shall permit Buyer's agents to access Seller's adjoining property as necessary for maintenance, repair, and replacement of such fencing.
11. **FEES, COSTS, AND TRANSFER TAXES.** Buyer agrees to pay all recording fees. Buyer agrees to pay the costs of the environmental site assessment provided for in Paragraph 4 and the Survey provided for in Paragraph 5. Each party shall pay its own internal costs for review of the environmental studies, document preparation and document review. The requirements of RSA 78-B, including taxes, deed stamps and a Declaration of Consideration, do not apply to this transaction.
12. **CLOSING.** The Deed shall be delivered and the Purchase Price shall be delivered or wired on the Closing Date, unless the parties otherwise agree beforehand in writing. [INSERT Seller's wiring instructions]
13. **POSSESSION.** Seller shall deliver possession of the Premises to Buyer on the Closing Date, subject only to the provisions of Paragraphs 7, 9, 10 and 14 hereof, the Premises then being in the same condition as they now are, reasonable wear and tear excepted.
14. **EXISTING AGREEMENTS.** Prior to the Closing Date, Seller shall provide Buyer with a copy of any existing leases, crossing agreements, encroachments, covenants, easements, or any other encumbrance affecting the Premises ("Existing Agreements") to be assumed by Buyer. If Seller is aware of any Existing Agreements affecting the Premises, but does not have copies of such Existing Agreements, Seller shall provide Buyer with a written

description of each Existing Agreement Prior to the Closing Date. The written description shall include the terms and affected location of the Existing Agreement, and, if known, the contact information of individuals or entities having an interest in the Existing Agreement. Buyer shall accept the Premises “as is where is” subject to all encumbrances known by Buyer as of the Effective Date and subject to the provisions of Paragraph 21 herein.

15. **ACCEPTANCE OF DEED.** Buyer’s acceptance of the Deed shall be deemed to be a full performance and discharge of every agreement or obligation of Seller herein contained, except for such as are, by the terms hereof, to be performed after the delivery of the Deed.
16. **BROKER.** The parties represent and warrant to each other that neither has dealt with any broker in respect to this transaction or the Premises.
17. **DEPOSIT.** Waived.
18. **WARRANTIES.** Buyer acknowledges that Buyer has not been induced to enter into this Agreement, and the transaction contemplated herein, in reliance upon any warranties or representations of any party not set forth herein. This paragraph shall survive delivery of the Deed.
19. **BUYER’S DEFAULT.** Any one or more of the following acts or omissions by Buyer shall constitute an event of default hereunder: (a) failure to deliver the Purchase Price to Seller on the Closing Date; and/or (b) failure to perform any covenant, term or condition of this Agreement. Upon the occurrence of any event of default, Seller may take any one or more or all of the following actions: (a) refuse to submit this Agreement to the Governor and Executive Council for approval; (b) terminate this Agreement; and/or (c) treat the Agreement as breached and pursue any of its remedies at law or in equity or both. No failure by Seller to enforce any provision hereof after any event of default shall be deemed a waiver of its rights with regard to that event of default, or any subsequent event of default. No express failure to enforce any event of default shall be deemed a waiver of the right of Seller to enforce each and all of the provisions hereof upon any further or other event of default on the part of Buyer.
20. **SELLER’S DEFAULT.** Any one or more of the following acts or omissions by Seller shall constitute an event of default hereunder: (a) failure to deliver the executed Deed or to convey title to the Premises after the payment of the Purchase Price; and/or (b) failure to perform any covenant, term or condition of this Agreement. Upon the occurrence of any event of default, Buyer may take any one or more or all of the following actions: (a) terminate this Agreement; and/or (b) treat the Agreement as breached and pursue any of its remedies at law or in equity or both. No failure by Buyer to enforce any provision hereof after any event of default shall be deemed a waiver of its rights with regard to that event of default, or any subsequent event of default. No express failure to enforce any event of default shall be deemed a waiver of the right of Buyer to enforce each and all of the provisions hereof upon any further or other event of default on the part of Seller.

21. HAZARDOUS MATERIALS.

- A. Definitions. For purposes of this Agreement, the following terms shall be defined as follows:

“Regulated Substances” means any hazardous substance, hazardous material, hazardous waste or oil, petroleum fraction, petroleum product or petroleum byproduct as those terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. § 6901 et seq. (“CERCLA”), the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., the Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq., the Oil Pollution Control Act of 1990, 33 U.S.C. § 2701 et seq., or under New Hampshire law, including but not limited to Hazardous Waste Clean-up Fund, RSA 147-B, Hazardous Waste Management, RSA 147-A, and Oil Spillage in Public Waters, RSA 146-A, and any regulations adopted pursuant to those laws.

“Environmental Laws” shall mean all applicable federal, state, or local laws, statutes, regulations, rules, codes, injunctions, ordinances, judicial or administrative decrees or decisions and rules of common law, now existing with respect to (a) pollution or protection of the environment or natural resources, (b) any Release or threatened Release of, or any exposure of any person or property to, any Hazardous Materials, and (c) the generation, manufacture, processing, distribution, use, treatment, storage, transport or handling of any Hazardous Materials. Without limiting the generality of the foregoing, the term shall encompass each of the following statutes, and regulations, orders, decrees, permits, licenses and deed restrictions now promulgated thereunder,: (i) the Comprehensive Environmental Response, Compensation and Liability Act (codified in scattered sections of 26 U.S.C., 33 U.S.C, 42 U.S.C, and 42 U.S.C § 9601 et seq.) (“CERCLA”); (ii) the Resource Conservation and Recovery Act (42 U.S.C. § 6901 et seq.) (“RCRA”); (iii) the Hazardous Materials Transportation Act (49 U.S.C. § 1801 et seq.) (“HMT”); (iv) the Toxic Substances Control Act (15 U.S.C. § 2061 et seq.) (“TSCA”); (v) the Clean Water Act (33 U.S.C. § 1251 et seq.) (“CWA”); (vi) the Clean Air Act (42 U.S.C. § 7401 et seq.); (vii) the Safe Drinking Water Act (21 U.S.C. § 349, 42 U.S.C. § 201 and § 3001 et seq.); (viii) the National Environmental Policy Act (42 U.S.C. § 4321 et seq.); (ix) the Superfund Amendments and Reauthorization Act of 1986 (codified in scattered sections of 10 U.S.C., 29 U.S.C., 33 U.S.C., and 42 U.S.C.); (x) Title III of the Superfund Amendment and Reauthorization Act (40 U.S.C. § 1101 et seq.); (xi) the Uranium Mill Tailings Radiation Control Act (42 U.S.C. § 7901 et seq.); (xii) the Occupational Safety and Health Act (29 U.S.C. § 655 et seq.); (xiii) the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. § 136 et seq.); (xiv) the Noise Control Act (42 U.S.C. § 4901 et seq.); (xv) the Emergency Planning and Community Right to Know Act (42 U.S.C. § 11001 et seq.); EPA Federal Regulations currently promulgated under any of the foregoing federal statutes, including but not necessarily limited to those codified in 40 C.F.R. Parts 260-265 and Parts 122-124; (xvi) New Hampshire RSA Chapters 146-A, 146-C, 147, 147-A and 147-B; and (xvii) any

federal, state, or local regulations, rules or orders now listed or promulgated under or pursuant to any of the foregoing or otherwise by any department, agency or other administrative, regulatory or judicial body.

“Hazardous Materials” means each and every element, compound, chemical mixture, product, solid, liquid, byproduct, contaminant, pollutant, material, waste or other substance which is hazardous, toxic, corrosive, carcinogenic, or otherwise dangerous to human, plant or animal life or to the environment or which is defined or identified as such under any Environmental Laws, including but not limited to materials defined as (a) “hazardous waste” under RCRA, (b) “hazardous substances” under CERCLA, (c) “pollutants” under the CWA, (d) “toxic substances” or “chemical substance or mixture” under the TSCA, (e) “hazardous materials” under the HMT, and (f) any other substance or material currently regulated by Environmental Laws. For purposes of this Agreement, the term “Hazardous Material” also includes any building materials composed of asbestos, urea-formaldehyde or lead which are incorporated into such materials, and any oil or petroleum products and creosote treated railroad ties.

“Release” means any spilling, leaking, pumping, pouring, emitting, discharging, injecting, escaping, leaching, dumping or disposing (including the abandonment or discarding of barrels, containers and other receptacles) of any Regulated Substance or Hazardous Materials.

- B. Buyer will review the environmental site assessments performed pursuant to Paragraph 4, and acknowledges that Buyer is entering into this Agreement voluntarily upon Buyer’s judgments and does not rely upon any representation or warranty, either express or implied, of Seller. Buyer warrants and covenants that, except as otherwise expressly stated in this Agreement, Buyer shall purchase the Premises in its “as is, where is” condition as of the Closing, with all its faults, subject to ordinary wear and tear, and environmental conditions, without right to reach Seller as means of recourse. Seller has made no representations or warranties, either express or implied, as to the Premises or any improvements located thereon, if any. Without limiting the generality of the foregoing, all representations and warranties of merchantability and fitness for a particular purpose are expressly disclaimed. Buyer agrees that it shall have no right to claim or assert any defense, counterclaim or offset to any obligation it owes Seller because of any real or purported problem or defect which exists or may arise with respect to the physical or environmental condition of the Premises and all improvements thereon except as otherwise set forth herein.
- C. As of the Effective Date, the parties are not aware of any Hazardous Materials or Regulated Substances on the Premises for which remediation has been requested under Environmental Laws. A Summary of Ongoing Investigations document, dated November 7, 2023, has been provided to Buyer by Seller summarizing ongoing investigations relative to the Westboro Rail site, pending requests for investigation, and a listing of reference documents that form the basis of the stakeholders’ understanding of environmental conditions at the property.

D. -On July 15, 2024, Seller received from the New Hampshire Department of Environmental Services (NHDES) a response letter to the Report on Confirmatory Groundwater Sampling, dated December 8, 2023, prepared by Stantec Consulting Services concerning the site (the “Response Letter”). The Response Letter was submitted to Seller via email on which Buyer was copied. The Response Letter acknowledges that the source of arsenic in groundwater is not known and requests that nine (9) wells be used to provide samples for arsenic as part of the next routine Permit monitoring round (scheduled for October 2024) and based on the results of such sampling, recommendation be made for which wells should be included in the existing Permit to be sampled and analyzed for arsenic, if appropriate. Seller shall continue to be included in routine Permit monitoring if and to the extent necessary.

~~D.~~E. By the Closing Date, the parties will have determined through the environmental site assessments performed pursuant to Paragraph 4 and the appraisal performed pursuant to Paragraph 6 the type, nature and extent of known Hazardous Materials and/or Regulated Substances present on the Premises (the “Existing Materials and Substances”). The findings of the environmental site assessments and the appraisal will be incorporated into the Deed. Seller warrants and covenants that as of the date it has executed this Agreement, Seller does not possess or have knowledge of the actual or suspected presence of any Hazardous Materials and/or Regulated Substances on the Premises other than the Existing Materials and Substances already identified, or of any past or present violations of Environmental Laws involving the Premises.

~~E.~~F. Notwithstanding anything to the contrary in this this Agreement, from and after the Closing, if Buyer’s actions or omissions regarding the Premises, which may include change in use of the Premises by or at request of Buyer, create the need for remediation or removal of any Hazardous Materials and/or Existing Materials and Substances from the Premises, Buyer will assume responsibility and liability therefor and will not seek contribution from Seller for the same. Buyer shall not seek contribution from Seller for remediation or removal of Hazardous Materials or Regulated Substances which are first brought, placed, Released, or otherwise come to be present on the Premises on or after the Closing, except to the extent any such Release is caused by Seller. From and after the Closing, notwithstanding the provisions of Paragraph 21(B), Seller shall bear the cost or expense for the removal or remediation of any Hazardous Materials and/or Existing Materials and Substances in accordance with Environmental Laws to the extent Seller ~~would be liable if it were the property owner~~ caused the Release of such Hazardous Materials and/or Existing Materials and Substances on the Premises or Seller otherwise is liable for such removal or remediation under Environmental laws, and so long as such requirement for remediation or removal under any Environmental Laws is not the result of any action or omission of Buyer, which may include change in use of the Premises by or at request of Buyer. Nothing herein shall be construed to limit Seller’s liability under Environmental Laws.

~~F.~~G. From and after the Closing Date, if Buyer discovers Hazardous Materials and/or Regulated Substances on the Premises which are determined to have existed on the Premises as of the Closing Date but which were not identified in environmental site assessments or as Existing Materials and Substances, Buyer shall immediately notify Seller and Seller shall in good faith assist Buyer in discovering the source of any such materials or substances. Such later-discovered materials Hazardous Materials and substances/or Regulated Substances shall be deemed to be Existing Materials and Substances under this Agreement. To the extent any remediation or removal of any such materials or substances is required under Environmental Laws, the responsibility for any such remediation or removal shall be governed by the terms and conditions in this Paragraph 21, subject to applicable Environmental Laws.

~~G.~~H. Seller shall continue to have full and sole responsibility for managing and complying with the existing Groundwater Management Permit DES #199210036-L-001 (attached hereto as Exhibit B), or any future extension thereof, which applies to the Premises and other contiguous land to be retained by Seller. Buyer shall cooperate as reasonably necessary for Seller to carry out such responsibilities, including but not limited to allowing Seller to enter the Premises to collect samples.

~~H.~~I. The Buyer and Seller intend Sections A, B, C, D, E and F of this Paragraph 21 to be covenants running with the land. The Buyer agrees to insert provisions similar to and having the same effect as those set forth in this Paragraph 21 in any deed, lease or other instrument conveying or creating any interest in all or part of the Premises.

~~I.~~J. Buyer and Seller agree and acknowledge that all of the terms and conditions contained in this Paragraph 21 shall survive the delivery of the deed at Closing.

22. **NOTICES.** Any notice of other communication in connection with this Agreement shall be deemed given when received (or upon attempted delivery if delivery is not accepted). Such notices shall be in writing and delivered by hand or sent either (a) by registered or certified mail (return receipt requested) with the US Postal Service, or (b) by Federal Express or other similar overnight mail carrier furnishing evidence of receipt to the sender, at the address set forth in Paragraph 1 of this Agreement. Either party may change the address at which notices are to be received by notice given as set forth above.

23. **AUTHORITY OF SIGNATORY.** If either party executes this Agreement by agent or representative, such agent or representative hereby warrants and represents to the other party that they are authorized to execute, acknowledge and deliver this Agreement on behalf of such party and to thereby bind such party to the same. This warranty shall survive the delivery of the Deed.

24. **ASSIGNMENT.** Buyer may not assign this Agreement, or any interest herein without the prior written consent of Seller.

25. **SEVERABILITY.** If any term of this Agreement or the application thereof to any person or circumstance shall at any time or to any extent be deemed invalid or

unenforceable, the remainder of this Agreement and the application of such term to person or circumstances other than those as to which it is held invalid or unenforceable shall not be affected.

26. **NO WAIVER.** No delay or omission on the part of Seller in exercising its rights under this Agreement shall constitute a waiver of such right or any other right under this Agreement. No waiver of any such right on one occasion shall be construed as a waiver of it on any other occasion.
27. **APPLICABLE LAW.** This Agreement shall be governed by and construed in accordance with the laws of the State of New Hampshire.
28. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement between Seller and Buyer relating to the subject matter hereof, supersedes all prior oral or written offers, negotiations, agreements, understandings and courses of dealing between the parties relating to the subject matter hereof and is subject to no understandings, conditions, or representations other than those expressly stated herein. This Agreement may only be amended by a writing which states that it modifies or amends this Agreement and which is signed by both parties and approved by the Governor and the Executive Council (if applicable).
29. **SECTION HEADINGS.** The section headings contained in this Agreement are for reference and convenience only and in no way define or limit the scope and contents of this Agreement or in any way affect its provisions.
30. **MISCELLANEOUS.** This Agreement shall take effect as a sealed instrument and be binding upon and inure to the benefit of the parties and their respective successors, heirs, administrators and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in two counterparts, effective as of the Effective Date noted in Paragraph 1.

[SIGNATURE BLOCKS]

EXHIBIT A

LEGAL DESCRIPTION OF PREMISES and SURVEY

To be inserted

EXHIBIT B

GROUNDWATER MANAGEMENT PERMIT

To be inserted

