



**LEBANON CITY COUNCIL
FEBRUARY 19, 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: 766 051 31#). If you have trouble accessing this meeting, please [email David Brooks](#).

- 1. Call to Order**
The February 19, 2025 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 item is taken up by the Council and will be allowed to speak on the subject for not more than three minutes. (Note: Speakers are asked to state their name, ward of residence, and to use the microphone provided.)
- 4. Open to the Public**
- 5. Recognitions: None**
- 6. Approval of Minutes**
 - A. February 5, 2025
- 7. Appointments**
 - A. Zoning Board of Adjustment, Rupert Burtan (Alternate Member)
- 8. 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.
- **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; and all properties currently zoned IND-L located to the east of Route 120 between Heater Road and I-89 Exit 18, excluding Tax Map/Lots 78-41, 78-42, and 78-43. The City Council may also consider rezoning to GC-1 all properties currently zoned IND-L located to the west of Etna Road. (Zoning Map Amendment)
 - **Amendment #5** – To amend the GC-1 and CB District Tables of Uses to allow “industrial planned unit development” and “planned business park” by Conditional Use Permit. (Zoning Ordinance Sections 305A, 306 and 508.2)
 - **Amendment #6** – To amend the Commercial PUD and Industrial PUD regulations relative to tract size and calculating permitted residential dwelling unit density, and to amend the Planned Business Park regulations relative to allowed uses and calculating permitted residential dwelling unit density. (Zoning Ordinance Sections 501.4, 508.2, and 508.4)
 - **Amendment #7** – To ADD Section 614 (“Recovery Houses”) and to amend the IND-L, GC, CB, LD, R-O, MC, and MC-2 Districts to allow “recovery house” by Special Exception. (Zoning Ordinance Sections 303.2, 305.2, 306.2, 307.2, 311.2, 315.2, 315A.2, and Appendix A, and ADD Section 614)
 - **Amendment #8** – To create a “Medical Center Two (MC-2)” zoning district. (ADD Zoning Ordinance Section 315A)
 - **Amendment #9** – To rezone the property located at 31 Romano Circle (Tax Map/Lot 101-20) from R-2 to R-O. (Zoning Map Amendment)
 - **Amendment #10** – To allow stairs and stairwells to project up to 2 ft. into minimum required yards. (Zoning Ordinance Section 201)
 - **Amendment #11** – To clarify procedures for requesting a waiver of impact fees from the Planning Board. (Zoning Ordinance Section 213)
 - **Amendment #12** – To amend the requirements for shared driveways and to allow off-site utility improvements by Conditional Use Permit. (Zoning Ordinance Section 215)
 - **Amendment #13** – To allow density bonuses for multi-family developments in the R-1 and R-2 Districts that provide for workforce

housing, are energy efficient, and/or incorporate renewable energy systems. (Zoning Ordinance Section 507)

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

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

9. Old Business: None

10. New Business

- A. Review and Discussion of Disability-Friendly City Resolution Proposed by DEI Commission
- B. Request for Disbursement of Recreation Impact Fees for Civic Park Playground Project
- C. Discussion and Set Public Hearing for March 19, 2025: Supplemental Appropriation of \$2,310,000 for Identification and Replacement of Lead and Galvanized Water Service Lines; Authorization for City Manager to Apply for Drinking Water State Revolving Fund Loan; Designation of City Manager as Authorized Representative of the City

- D. General Discussion RE: Strategic Plan Direction
- E. Discussion of Proposed Resolution Objecting to Freezing of Federal Grant Programs
- 11. City Manager Report**
- 12. Council Representatives to Other Bodies Report: None**
- 13. Future Agenda Items: None**
- 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: Library Board of Trustees
Position: Alternate Member
Applicant: S. Milnes
City Councilor: G. Sykes/ D. Whittlesey
Assigned Date: 1/30/2025 & 2/11/2025

Board/Committee: Library Board of Trustees
Position: Alternate Member
Applicant: A. Ali
City Councilor: C.Simon
Assigned Date: 2/3/2025

Proposed Future Agenda Items: Dates may be tentative, and this list is not considered all-inclusive.
February 27, 2025
Community Conversation with Councilors Sykes, Simon, and Zook – 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
A. Vote to Make Public Previously Sealed Non-Public Minutes of the City Council

March 19, 2025
Public Hearing Item:
A. Public hearing for the purpose of receiving public input and taking action on a supplemental Appropriation of \$2,310,000 for Identification and Replacement of Lead and Galvanized Water Service Lines; Authorization for City Manager to Apply for Drinking Water State Revolving Fund Loan; Designation of City Manager as Authorized Representative of the City

**Agenda
Lebanon City Council
February 19, 2025**

6. Acceptance Of Minutes:

Minutes To Be Accepted

- February 5, 2025

MOVED, to approve the minutes as presented in the February 19, 2025 agenda packet.

DRAFT

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, February 5, 2025, 7:00 p.m.
Council Chambers**

Remote Via Microsoft Teams: LebanonNH.gov/Live

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

MEMBERS ABSENT: George Sykes

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks, Chief Innovation & AI Officer Melanie McDonough, Deputy Tax Collector Diane Mulholland, Director of Planning & Development Nathan Reichert, Planning Administrative Assistant Crystal Taplin, Deputy Finance Director Alesia Williams, Lebanon Fire Chief Jim Wheatley and Deputy Fire Chief Jeff Libbey

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

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

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

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

4. OPEN TO PUBLIC:

- Ms. Kathleen Corrigan (Ward-1) came forth to request that the City Council act to protect the interests of Lebanon residents by passing a Resolution redressing the Trump Administration's attempted impoundment of Federal Funds and was concerned where we would find the money to make up for Federal Funds that support critical services and functions in our City, which had been appropriated to us by Congress.

Mayor McNamara noted the Council could certainly bring this up at a future meeting for discussion.

5. RECOGNITIONS:

- **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

1 quick thinking by assisting the individuals in safely escaping from the roof, ensuring their safety and
2 well-being; and

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

6
7 **NOW, THEREFORE BE IT RESOLVED**, that the Lebanon City Council, on behalf of the City of
8 Lebanon, extends its deepest gratitude to these Lebanon Police Officers for their selfless actions and
9 formally recognizes and honors them for their dedication and valor during this emergency.

10
11 Dated this 5th day of February 2025.
12

13
14

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

15 Lebanon Police Sergeant Logan Scelza, Corporal Dean Bullock, Officer Matthew Kaufman, Officer
16 Stephan Nix and Officer Kevin Champney were all present to receive their honors from the Council.
17

18 **6. ACCEPTANCE OF MINUTES:** January 22, 2025 (Regular Meeting)

19 Amendments: Page 7, Line 3: Change “Committee” to “Commission”; Page 7, Line 4: Change “should
20 be” to “should include: Page 10, Line 36: Change “last” to “few”; Page 22, Line 35; remove “withing
21 and Add: including those withing Starr Hill; Page 9 Line 35; Change “Frank” to “Fran”; Page 11, Lines
22 35: fill blank in with 9 years & line 42 fill the blank with 18 years.

23
24 *Councilor Wilkie MOVED to approve the January 22, 2025 minutes as amended and presented in the*
25 *February 5, 2025 City Council agenda packet.*

26 *Seconded by Councilor Liot Hill.*

27
28 **The Vote on the Motion was approved by members present (8-0).*
29

30 Deputy City Manager David Brooks made a statement noting that after the January 8, 2025 minutes were
31 approved, an issue was discovered with the motion relative to kicking off the Research Laboratory zoning
32 amendment, noting the Lebanon Downtown District was left out and Assistant Mayor Below was
33 recused.

34
35 The MOTION should have read as follows (changes highlighted in red).
36

37 *Councilor Liot Hill MOVED, that the Lebanon City Council, in accordance with the City of Lebanon*
38 *Zoning Ordinance, Article X, Section 1000.3, Amendment Procedures, hereby submits the proposed*
39 *zoning amendment to add “Research Laboratory” as a Permitted Use in the Central Business District*
40 *(CBD), the Lebanon Downtown District, GC, and GC1, to the Planning Board, Zoning Board of*
41 *Adjustment, and Conservation Commission for their review and comment. The City Council hereby*
42 *sets the following tentative review schedule:*
43

- 44 1. *Legal Review – by January 24, 2025*
45 2. *Zoning Board of Adjustment – February 3, 2025*

3. *Conservation Commission – February 13, 2025*
4. *Planning Board – February 24, 2025*
5. *City Council Work Session Review – March 5, 2025*
6. *City Council Public Hearing – March 19, 2025*

Seconded by Councilor Simon.

**The Vote on the Motion was approved (6-0, ~~Abstained-1~~ Recused-1 (Assistant Mayor Below))*

Since the Council had already approved the January 8, 2025 minutes, by discussing and presenting these (changes) tonight the changes will show up in tonight's minutes. No further action is needed by the Council.

7. APPOINTMENTS:

- Arts & Culture Commission, Claire Geno (Reappointment Arts Organization Representative)
Councilor Wilkie MOVED to Nominate Claire Geno for Reappointment as an Arts Organization Representative to the Arts & Culture Commission. Term: 2/2025-2/2026

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

- Arts & Culture Commission, Nicholas Gaffney (Reappointment Ward 3 Citizen Representative)
Councilor Wilkie MOVED to Nominate Nicholas Gaffney for Reappointment as a Ward 3 Citizen Representative to the Arts & Culture Commission. Term: 2/2025-2/2028

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

- Planning Board, Kathie Romano (Reappointment Alternate Member)
Councilor Simon MOVED to Nominate Kathie Romano for Reappointment as an Alternate Member to the Planning Board. Term: 2/2025-2/2028

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

8. PUBLIC HEARING ITEMS:

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

Included in the agenda packet: **(All supportive documents and detailed information, including maps, can be found on pages 41-52, Council agenda packet)**

1. November 15, 2024 letter from Advanced Geomatics & Design requesting the discontinuation of portions of Little Heater Road and Edward.

2. December 18, 2024 letter from Jay Cairelli, Director of Public Works

3. NH RSA Chapter 231 Transportation; Sections 231:43 – 231:52 (Discontinuance of Class IV, V and VI Highways)

Deputy City Manager David Brooks reviewed the history and summarized the background for the discontinuation of Little Heater Road. The applicant is requesting the discontinuation of these roads in order to collapse those properties into a single larger parcel that would be suitable for redevelopment. There was one easement created in 2021/2022 for a turnaround at the end of what was left of Edwards Street. If the Council entertains the request tonight and approves it, that (easement) would be unnecessary/obsolete and is mentioned in the Motion asking the City Manager to remove that easement.

1 **BACKGROUND**

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

7 Edwards Properties has purchased the last parcel on Edwards Street (M/L 78-55) and proposes to merge it
8 with the surrounding property, which it already owns, to create a single large parcel of land suitable for
9 redevelopment. The applicant has indicated that easements would be provided for the City to continue to
10 access and maintain existing water and sewer utilities within the discontinued rights-of-way. Should the
11 requested roadway discontinuances be approved, existing easements from Edwards Properties to the City
12 for a “T” turnaround on Edwards Street would become obsolete and could be released by the City.

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

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

18 Mr. Dan Nash, PE of Advanced Geomatics & Design, on behalf of Edwards Properties, LLC was present
19 to answer questions from the Council and public.

20
21 **Mayor McNamara opened the Public Hearing. Hearing no comments from the public, the Public**
22 **Hearing was closed.**

23
24 **Council/Staff Comments:**

25 In response to Councilor Liot Hill’s request to display the map (page 45, Council agenda packet) of the
26 project, Mr. Nash explained the area in question.

27
28 **ACTION:**

29 *Councilor Liot Hill MOVED, that the Lebanon City Council hereby discontinues completely, and in their*
30 *entirety, portions of Little Heater Road and Edwards Street in Lebanon, as described and depicted in*
31 *materials dated November 15, 2024, received from Daniel A. Nash, PE, on behalf of Edwards Properties,*
32 *LLC, as presented in the February 5, 2025 City Council Agenda Packet.*

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

38 *BE IT FURTHER MOVED, that the Hammerhead Easement at the terminus of Edwards Street, which*
39 *was conveyed by Edwards Properties, LLC to the City of Lebanon by an Easement Deed recorded at the*
40 *Grafton County Registry of Deeds on August 17, 2023, at Book 4820, page 223, shall be deemed obsolete*
41 *upon completion of the roadway discontinuances referenced above; and the City Council hereby*
42 *authorizes the City Manager to execute appropriate documents to terminate and release the Edwards*

1 *Street Hammerhead Easement upon satisfactory completion of the tasks outlined in the December 18,*
2 *2024 letter from the Director of Public Works.*

3 *Seconded by Assistant Mayor Below.*

4 **The Vote on the Motion was approved (8-0)*
5

6 **9. OLD BUSINESS – NONE**
7

8 **10. NEW BUSINESS**

9 **A. Presentation and Discussion of Potential S.A.F.E.R Grant**

10
11 Included in the agenda packet: **(All supportive documents and detailed information, including the**
12 **entire presentation, can be found on pages 53-78, Council agenda packet)**

- 13 1. January 23, 2025 Memorandum from Fire Chief Jim Wheatley to City Manager Shaun
14 Mulholland Re: SAFER Grant Guidance
15 2. Lebanon Fire Department Presentation on Staffing for Adequate Fire and Emergency
16 Response (S.A.F.E.R.) Program
17

18 Lebanon Fire Chief Wheatley and Deputy Fire Chief Libbey were present and reviewed the history and
19 background behind the S.A.F.E.R Grant. Chief Wheatley noted that through the budget season this year
20 and the assistance of Alice Peck Day, the LFD were able to add 4 positions, which will be starting the
21 first part of March 2025. He also wanted to clarify that there is often a misconception that the Lebanon
22 Fire Department is the Fire Department. We are more than just the Fire Department. We are the Fire/EMS
23 Department. We are the same people who respond to a vehicle accident to extricate trapped people and
24 transport them in one of our ambulances. We also respond to: people falling through the ice; people who
25 get stranded in the rapids on the river; carbon monoxide calls; respond to water pipe breaks in
26 homes/businesses; respond to crash/alerts at the airport; we do emergency planning for natural disasters
27 such as floods, hurricanes, tornadoes; we are responsible for hazard mitigation plans. We are the same
28 people who respond to all these emergencies along with all first responders. We do not just drive around
29 in fire trucks or ambulances. We were also awarded the EMS Unit Citation for the best EMS Service in
30 the early 2000's, and we still have a very strong reputation for being one of the best EMS/Fire
31 Departments in the State of New Hampshire. We are an all-hazards organization.
32

33 Chief Wheatley noted that when he presented the S.A.F.E.R Grant last year (2024), prior to that he had
34 presented a memo as part of the 2024 budget preparations stating he wanted to get to 8 personnel on a
35 shift. Knowing that that was not going to be feasible with the burden of the tax situation in Lebanon, we
36 came up with an alternative plan to try and seek the S.A.F.E.R Grant for 8 positions. He was notified in
37 December 2024 that we made the funding pool but ran out of money. To him, the need is there but they
38 are not able to obtain the funding. The Council had to make some very difficult decisions. He is looking
39 for guidance from the City Council as to whether or not to apply again for the S.A.F.E.R Grant and spoke
40 about how no one knows what is going on with the Grants at the Federal Government level. He is a realist
41 and understands what the budget will look like in the future and that it will be very difficult to add
42 positions in the Lebanon City budget moving forward and a lot of tough decisions will have to be made,
43 but as a Fire Chief he has to tell what is happening in the community so the Council can make the best
44 informed decisions.
45

46 **BACKGROUND**

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

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

10 Highlights from the S.A.F.E.R presentation are presented below.
11
12

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.

MASSCHUSETTS 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)

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.

SERVICE DEMANDS

Between 2007 and 2024

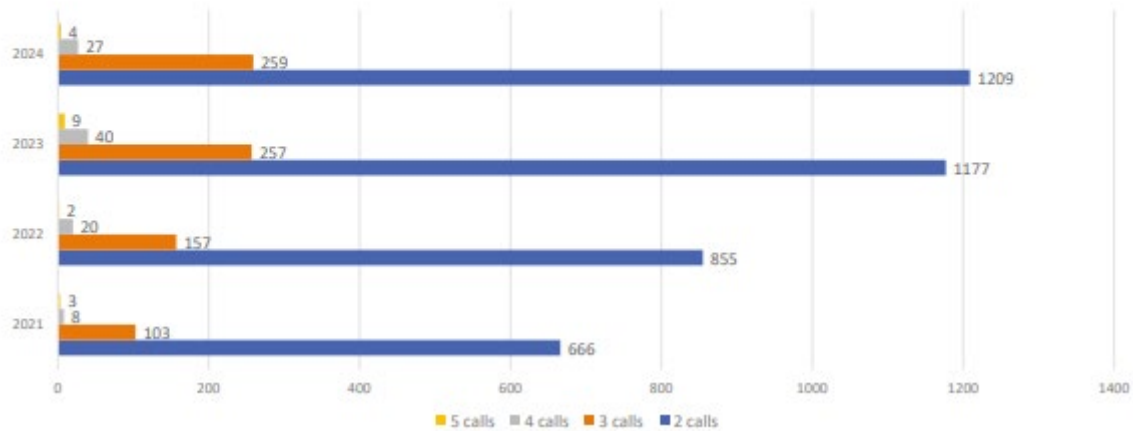
- 61% increase in call volume
- Staffing increased by 4% (1 Position)

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

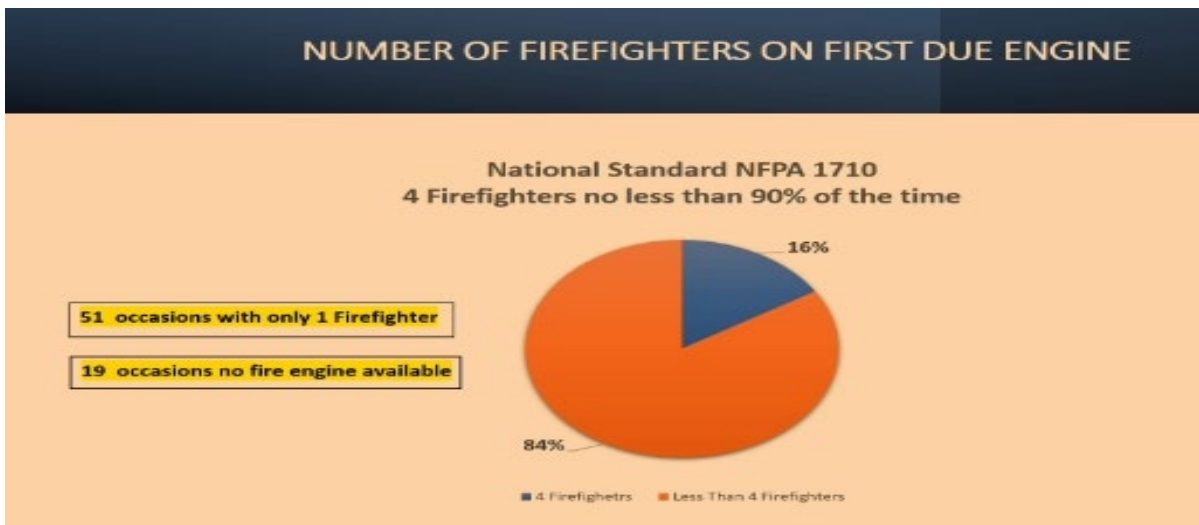
Call Volume Trend



SIMULTANEOUS CALL BREAK DOWN



NUMBER OF FIREFIGHTERS ON FIRST DUE ENGINE



This is the GOLD Standard, but Lebanon is unable to achieve this standard. These occurrences are going to continue to grow.

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)

6 Minute Bench Mark





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.

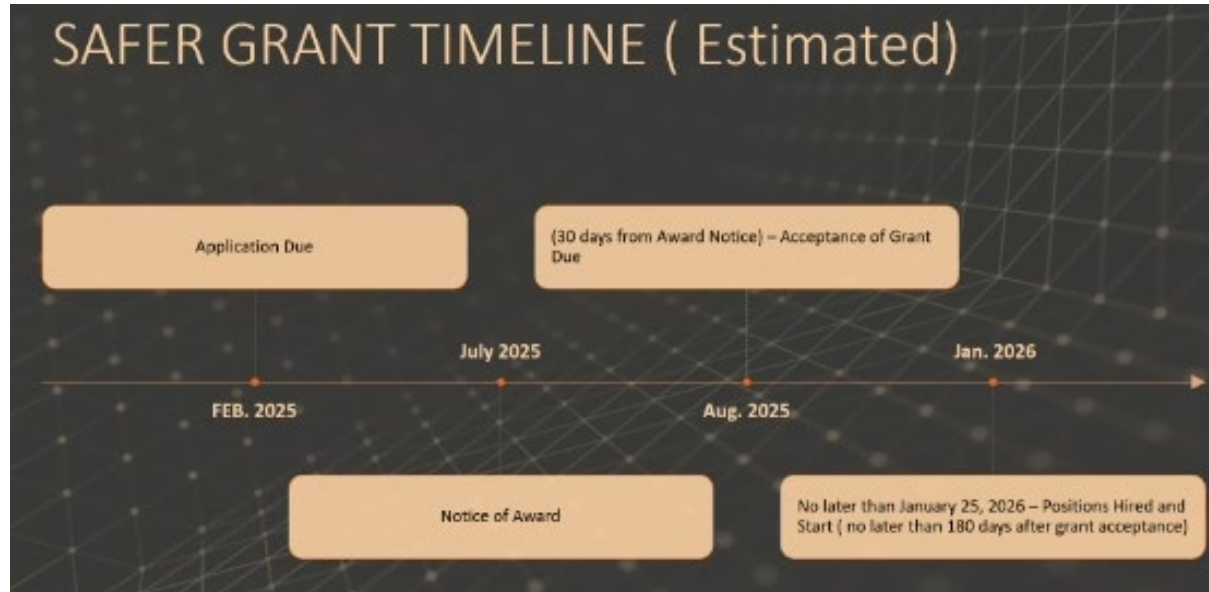
Why aren't we requesting 4 more per shift as indicated by the MMA Study

- Even though Data support this. Its not fiscally reasonable to expect to achieve this recommendation in the short term given the tremendous finical 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

Grant Covers three years. At end of grant City has the option to retain the Firefighter (FF). However, for the 3 years, the City has the obligation to keep the FF or will need to repay grant funds back to the Federal Government.



Chief Wheatley noted that FEMA hosts this grant. The important thing is that the date we get the notice of award that he has 30 days to come back to the Council and the Council needs to accept the grant. All you would be doing tonight is to say yes or no to apply (for the grant) and if an award is granted, he will come back to the Council to accept or reject the award. Within 180 days he would have to get those employees onboard (if the Council accepts the grant).

Council/Staff Discussions:

In response to Councilor Heistad's question regarding getting staff in place within the timeframe, Chief Wheatley stated his reason why it would be very achievable is because we are not struggling to get candidates.

Mayor McNamara noted this is the 2nd/3rd time the Council has reviewed this presentation, and was very sympathetic to the position the department is in. He understood the call volume is tremendous but also understands that at the expiration of this grant (if we get it) the City's costs would go up another \$660K/year in the budget because, at a practical point, we are not going to lay those 4-5 firefighters off. The last budget season they got 4 firefighters but the flip side of this is that we eliminated 3 positions in other City departments and the next budget season is going to be equally tough because there are no easy choices. He was struggling with where we would go from there and was uncertain if the City would be in a better position (financially) at the end of three years. Adding an additional \$600K + annually makes him think about where else we are going to lay people off in order to keep these new positions. He knows the Fire Department needs the additional personnel but was uncertain if it is feasible for the City to do at this time, even with the S.A.F.E.R Grant.

Councilor Liot Hill spoke about the Dairy Twirl fire last week and the shortage of firefighters able to respond to this fire due to three medical calls happening at the same time. Chief Wheatley noted there were actually 2 active ambulance medical calls and a propane odor at DHMC. Hanover covered another medical call at the same time. Then there was a fire alarm that came in requiring a response and Deputy Chief Libbey responded in their regular staff vehicle.

1 Councilor Liot Hill noted it was not unthinkable that another call could also have come in at the same
2 time. This is a real safety issue for the people of Lebanon and felt it concerning and important for people
3 to understand that there were literally no more ambulances available and there was no one to get on a
4 truck and leave the Fire Station. She understood the point Mayor McNamara made but in light of the
5 current public safety situation in Lebanon she thought it was important to at least put in the application for
6 the S.A.F.E.R Grant. It does not bind us in accepting the grant but does give us some options, and the
7 public will have a chance to weigh in. It would be prudent for the Council to move forward with the
8 S.A.F.E.R Grant by at least putting in the application.

9
10 Councilor Wilkie was inclined to agree with Councilor Liot Hill but understood Mayor McNamara's
11 concern about the budget. However, he felt there is a very real likelihood that the cost of not taking care
12 of our First Responders could have greater consequences (in the future) and further explained his
13 reasoning. He sees the need for 12 more firefighters but agreed the City could not afford 12. Submitting
14 this application for 4 more firefighters may be as close as we could come to a compromise. While all the
15 requests the Council has received are important this one is starker. If we choose not to move forward
16 with this grant, we would be choosing to do so on the public's behalf (without their input). If we do move
17 forward with the application, the public has 6-months to tell us what they think. He further spoke about
18 his reasons why the Council should start the S.A.F.E.R Grant process.

19
20 Councilor Simon shared an incident noting that he was one of those people who showed up at a building
21 fire (when he was a firefighter) by himself. It is an incredible gut check when you have to turn to a
22 member of the public and say, "Can you go knock on the doors of the occupied structures on either side
23 of this (fire) to make sure that people know." This person was probably a few years his senior, but he was
24 the only one who stepped up to give me a hand to start evacuating people. The need is there, and we know
25 we are getting crushed financially. We know it is going to be a tough several years for the budget and
26 further explained his reasonings why he hoped the Council would support the S.A.F.E.R Grant.

27
28 Councilor Heistad noted that Lebanon prides itself as being a place where people can come and age in
29 place, but it does not come for free. He has had classmates move because they can no longer afford to live
30 here. This is a major problem Lebanon is going to have to live with because it will not get any better. Are
31 we going to try and help people stay in their homes and age in place?

32
33 **Mr. James Simms (Ward 2):** He spoke about how he thought Chief Wheatley should come to the
34 Council and explain how much overtime we could save, which could possibly be budget neutral. He also
35 spoke about how other areas in the Fire Department/EMS could cut costs and compared Lebanon's Fire
36 Department/EMS with Portsmouth, NH. He felt there were other areas where they could tighten their belt.
37 Chief Wheatley, after addressing Mr. Simms' comments, stated he will look into the overtime, the
38 supplies budget, and education and training, and repeat offender false alarms.

39
40 Assistant Mayor Below suggested considering two (2) firefighters this year and two (2) firefighters next
41 year and explained his reasoning. He spoke about the crest in Debt Service in a few years for Capital
42 Projects and felt that in a couple of years out we may see some significant retirements. He felt the need is
43 there and could support four (4) firefighters but two (2) might be a more certain thing in terms of being
44 able to smooth out (the budget) when funding stops.

45
46 Mayor McNamara reiterated his concern about the \$600K+ being added to the budget when funding from
47 S.A.F.E.R Grant runs out in three years. He did not mind the idea of 2 (firefighters).

Councilor Whittlesey noted he has heard from constituents who have told him they are leaving because they can no longer afford the taxes. We have to be very careful because the City cannot absorb \$600K and further explained his reasoning noting this will mean cuts if we are going to level the budget. What is going to go: the pool? Recreation Programs? Cuts to the Library or other essential services? This is the position we will be in at the \$600K. He reiterated his concern again but stated he could consider two (2) firefighters but was hesitant to do more given the fact the City cut 3 positions this year and felt something more drastic would have to be done 3 years from now.

In response to Councilor Wilkie's question about not being able to apply for another S.A.F.E.R Grant if we already have one (i.e., request 2 this year and 2 next year) Chief Wheatley stated that was the previous terms but now we can apply for 2 this year and can definitely apply for 2 in the following year as well.

The Council continued their discussions regarding the uncertainty of what will happen in the future; how the Council can maximize options; how it makes sense to submit this grant for 4 firefighters given the gravity of the public safety conditions; the importance of engaging the public in the final decision; keeping people in the City who can age in place and not leave due to unaffordability of taxes; and, applying for only 2 firefighters this year.

ACTION:

Councilor Liot Hill MOVED, that the Lebanon City Council directs the City Manager to submit a S.A.F.E.R. grant application for four (4) full time firefighter positions. If the grant is awarded, it is understood that the four (4) 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 four (4) positions after the 36-month period.

Seconded by Councilor Wilkie.

****The Vote on the Motion was approved (5-3).***

Voting Yea: Assistant Mayor Below and Councilors Liot Hill, Simon, Wilkie, and Zook.

Voting Nay: Councilor Heistad, Mayor McNamara and Councilor Whittlesey

Absent from Vote: Councilor Sykes.

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

Assistant Mayor Below recused himself from this discussion and vote because he owns one of the properties that would be moved into the Historic District Boundary.

Included in the agenda packet: **(NOTE: Please refer to the extensive supportive documents and detailed information, which can be found on pages 79-118, Council agenda packet)**

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

Nicole Ford Burley (Chair, Heritage Commission & City Historian), Brandy Loughlin and Megan Rupnik (NH Division Historical Resources), and Max Smith (Vice Chair, Heritage Commission) were present to review and support the Potential Expansion of the Colburn Park National Register Historic District Boundary.

Chair Ford Burley gave a presentation about Lebanon's only National Registered Historic District, Colburn Park, in the interest of gaining the Council's approval to submit an update for the district to increase its boundary in the National Register of Historic places. She spoke about the background.

Ms. Brandy Loughlin (Preservation Planning & Development Coordinator, NH Division of Historical Resources), spoke about what it means to be listed in the National Register and reviewed what changes would be made under the update. (For complete details, please refer to the page numbers listed above, especially **her memo listed on pages 85-86, Council agenda packet.**)

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.

One of the reasons why the Heritage Commission would like to update the National Registers Historic District is to include the building and structure that were not eligible 40 years ago which are now recognized as historically significant and are important parts of the Colburn Park District.

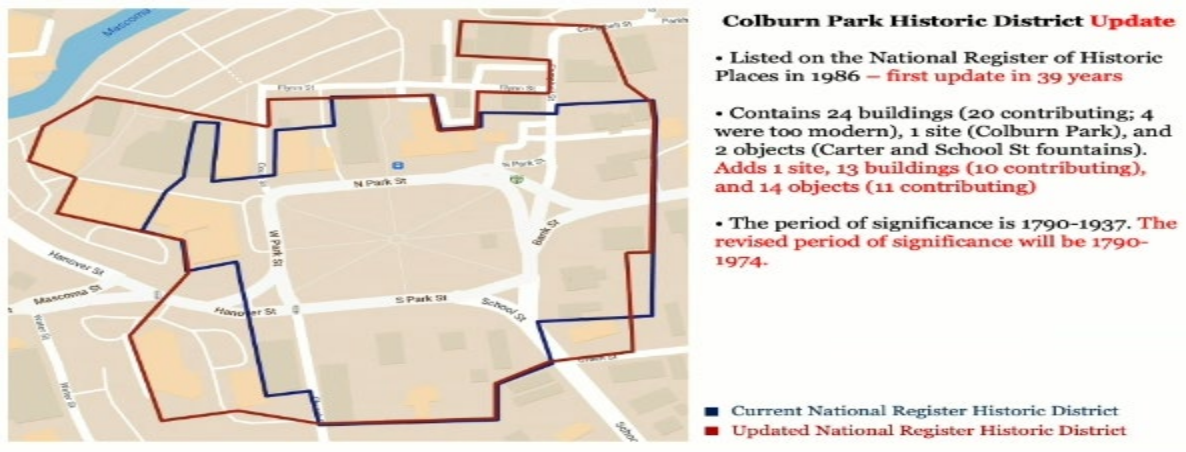


Figure 2:
Recommended Boundary Expansion Map



Original Listed District Boundary- **RED**
Expanded Boundary Expansion – **BLACK**



Colburn Park Historic District (National Register) vs Lebanon Historic District (local zoning)

- Though they cover similar areas, the Lebanon Historic District (LHD) covers a larger area than the current National Register district.
- The LHD is a zoning district and carries regulatory authority.
- The updated National Register district will cover the entire LHD, as well as 6 additional buildings.
- Currently, 5 buildings are part of the LHD but *not* part of the National Register district.

- Current National Register Historic District
- Updated National Register Historic District
- Lebanon Historic District (LHD, zoning)

<u>Current Colburn Park Historic District</u>		<u>2025 District Additions</u>	
• Mascoma Savings Bank (non-contributing)	• Kendrick-Wood House, 8 South Park St	• Lebanon Mall	
• Richards Block	• Kendrick-Wood Carriage House/Barn	• 20-22 Hanover St (McNeill's)	
• Lebanon City Hall	• First Congregational Church	• 24 Hanover St	
• Rogers House	• Lebanon Fire Station (non-contributing)	• Woolworth Building, 15 Hanover St	Structures Made Contributing:
• Soldiers Memorial Building	• National Bank Building	• 31 Hanover St (non-contributing)	LaCoss/Gulf Station
• LaCoss/Gulf Station (non-contributing)	• Whipple Block	• Lewis Hardware Block, 39 Hanover St	U.S. Post Office
• Frank C. Churchill House	• Pulsifer Building	• Pavilion Building, 45 Hanover St (non-contributing)	Information Booth/Bandstand
• Churchill Carriage House/Barn	• Hildreth's Hardware	• Court Street (non-contributing)	Defined Objects:
• Carter Homestead	• Colburn Park	• Emerson Block, 2 Campbell St	The Infantryman statue
• Lebanon Public Library	• Information Booth/Bandstand (non-contributing)	• Carter Community Building	Stacked Cannonballs sculpture
• U.S. Post Office (non-contributing)	• Carter Fountain	• A & P Store, 10 Campbell St	Shells sculpture
• Village House, 1 School St	• School Street Fountain	• J. Goodhue House, 3 School St	Colburn Park border fence
• Willis House, 2 South Park St		• IGA, 2 Mascoma St	WWI Veterans Memorial
• Wood House, 4 South Park St		• Butson's Market, 2 Mascoma St	All Wars Veterans Memorial
• Wood Carriage House/Barn			

Council/Staff Discussions:

In response to Mayor McNamara's question regarding costs to the City for this expansion, Chair Ford Burley said there are no additional costs to the City.

Mayor McNamara also questioned if a landowner, who is not looking for any special grant funding because they have this historic building but wants to do a renovation, does this expansion make their construction/permitting process any more complicated than it is today? Chair Ford Burley stated it does not. The only qualifiers are if they are applying for any federal funding, permitting, or licensing (i.e., HUD funding could trigger a review). They also discussed the benefits of having a building listed in the National Historical Registry (i.e., tax credits, etc.).

Mayor McNamara noted that if this does not impose any additional development hurdles, but it potentially streamlines the process for someone to get potential grants from the Federal Government for redevelopment, then he felt the benefits outweigh the costs.

Councilor Liot Hill spoke about her reasons why she supports this request noting it will protect/preserve properties in Lebanon.

Councilor Wilkie also spoke about his reasons why there is a need to have written historical documents(s) for Lebanon.

1 **Mr. Clifton Below (Ward-3):** Speaking as a member of the public, he stated he is also the managing
2 general partner of 1 Court Street Associates that owns 1 Court Street. He made a couple of factual
3 corrections for the record: 1) Court Street should be listed as 1 Court Street. 2) The upper windows in the
4 description of this are not fixed, they “do” open.

5
6 **ACTION:**

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

10
11 ***Seconded by Councilor Simon.***

12 ****The Vote on the Motion was approved (7-0-1). Assistant Mayor Below was recused.***

13
14 **Assistant Mayor Below was un-recused after the vote was taken and returned to the Council as a**
15 **regular member.**

16
17 **11. City Manager Report:**

18
19 **A. WESTBORO YARD ACQUISITION STATUS REPORT**
20

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.

21
22
23 **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.

City Manager Mulholland updated the Council on the Status of the Westboro Yard Acquisition noting that the City has been going through this for over a 27-year period, and maybe further back than that, and briefly summarized the negotiation history going back 2 two years. At that time, Deputy Commissioner William Cass and Commissioner Sheehan suggested that the City not pursue the issue of leasing the property and instead consider buying the property. The City's position then was that we did not want to acquire it because we did not want the environmental liability that is well known at the site.

Commissioner Sheehan's position was that if the State agreed to maintain that environmental liability for the things that were on the property, would the City reconsider? She came back to the Council with her proposal and the Council told her to consider discussions along that vein.

Mayor McNamara stated the rationale at that time was for a sale vs. a long-term lease because it gave the City of Lebanon more flexibility with regard to using the property. If we leased it and then decided we wanted to do something different with it in the future it would be a very difficult process.

City Manager Mulholland noted that the City spent time and money to work on a Purchase & Sales Agreement which was provided to the State, and we went back and forth numerous times making changes to this document to meet the requirements they were looking for. Now, we have a new Assistant Attorney General who was assigned this matter and the position of the NHDOT just changed their position and are not going to take on the environmental issues for this site. The City Manager's position was that this was not acceptable and felt this matter was over with. The City is not interested in moving forward at this point, but that he would bring it before the Council for their review and decision.

Council Comments:

Councilor Liot Hill discussed how frustrating this situation is and spoke about her work on the Westboro Yard Committee twenty (20) years ago. That property is not going anywhere and we have heard from the residents of West Lebanon that they would like the Council to do something with it. While she understood the City Manager's frustration and wanting to walk away, she requested the Council put this

1 on a pause for now, noting we have a new Governor and a new Executive Councilor noting this provides
2 some opportunities to reframe the conversation. She consulted with the NH Executive Councilor Kenney
3 who, a few years back, did convene a meeting with Mayor McNamara, the NHDOT and DES which
4 helped getting some permission to take down the buildings that were on the property. Having another
5 meeting like this could possibly help with breaking this stalemate and asked the Council to give her a
6 chance to try and facilitate something to find a way through this, understanding that we need to protect
7 the taxpayers of Lebanon from taking on any undue liability for the environmental contamination, that is
8 clearly not our fault and further explained her reasoning.

9
10 Mayor McNamara supported Councilor Liot Hill's request, and he would like to see this go before the
11 State's Executive Council and Governor Ayotte, but he does not want to go another 2-3 years and end up
12 in the same place. The bottom line is that the City is not going to accept the environmental liabilities. He
13 suggested that we simplify this and do a 100-year lease since the City has no particular need to own the
14 property, especially if it is going to be used as an open space for recreation and further discussed his
15 reasonings.

16
17 The Council continued discussion regarding the cost of the access road, which the City is responsible for
18 paying half of (City responsible for more than 50% (roughly \$800K of that \$1.7M cost); their support for
19 Councilor Liot Hill's request; what would happen if the City said no, do not move forward with the plans
20 to finish the road; the purpose of the (access) road is to allow people to use it to get to the park and allow
21 the State access so they are not going through our West Lebanon Downtown; whether or not the access
22 road would stop the bridge project and if it does not, the City would then have that \$800K to use for other
23 projects; having a discussion regarding putting a pause on the purchase of Westboro Yard; why have a
24 road if the City will not be acquiring the property; how the downside of not having the access road is that
25 the City will be losing their ability to do anything with that property (.i.e., we cannot clean it up, we
26 cannot use it, etc.); the importance of getting the bridge out to bid, which needs to be done soon; how
27 building the bridge now could be done, but it would be done solely at the City's expense; is it worth
28 \$800K for the City to have some control over the Westboro Yard site, which is a question that needs to be
29 answered very soon; and, does the bridge design become more simplified and therefore less expensive
30 without the access road or does the access road actually limit the flexibility and design of the bridge
31 itself? (Answer from City Manager is no.)

32
33 Councilor Liot Hill reiterated again that she does not want to make a decision tonight and explained the
34 capital costs the City has already spent on this property. She suggested putting this on the Council's
35 agenda and communicating with the NHDOT to let them know we do not want to pay for an (access) road
36 to nowhere and we do not want to be responsible for any environmental issues.

37
38 After further discussions regarding the access road and its costs, the Council decided not to consider the
39 Purchase & Sales Agreement (included on **pages 121-135**, Council agenda packet) until further
40 discussions can take place.

41
42 **ACTION: NO ACTION TAKEN BY THE COUNCIL.**

43
44 **City Manager Mulholland continued his updates to the Council as follows:**

- 45 • Main Street Reconstruction Project (\$1.9M shortfall and project will need to be phased)
- 46 • Federal Grant Status: Tree Advisory Board; DPW; Energy-Related Grants (Solar; Fire Stations)
- 47 and Airport (\$30M, unclear). Grants on hold due to uncertainty/guidance/standards from the
- 48 Federal Government.
- 49 • Passive devices will be used to deter bird messes (will not harm/kill birds).

1 **12. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE**

2
3 **13. FUTURE AGENDA ITEMS: February 19, 2025: Continue discussions regarding Westboro**
4 **Yard.**

5
6 **14. NON-PUBLIC SESSION: NONE**

7
8 **15. ADJOURNMENT:**

9
10 *Councilor Whittlesey MOVED for adjournment.*
11 *Seconded by Councilor Heistad.*

12
13 **The Vote on the MOTION was unanimously approved (8-0)*

14
15 **The meeting was adjourned at 9:22 PM.**

16
17 Respectfully submitted,
18 Dona E. Gibson
19 Recording Secretary

**Agenda
Lebanon City Council
February 19, 2025**

7. Appointments:

Appointments

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

- Zoning Board of Adjustment, Rupert Burtan (Alternate Member)

Included in this Section:

1. Memo from City Clerk/Tax Collector Jaseya Ewing dated February 19, 2025



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

MEMORANDUM

DATE: February 19, 2025
TO: The Honorable Mayor & City Council
FROM: Jaseya Ewing, City Clerk & Tax Collector
RE: **Appointments Proposed for Council Discussion/Action:**

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

Note: nominations do not need to be seconded.

Zoning Board

- **Rupert Burtan** – Appointment as an alternate member for a three-year term.

Term: 2/2025-2/2028

Interviewed By: Devin Wilkie

From: [Kara Tracy](#)
To: [Kara Tracy](#)
Subject: FW: [EXTERNAL] Online Form Submission #11309 for Board Member Application
Date: Wednesday, January 22, 2025 12:21:06 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	Rupert
------------	--------

Last Name	Burtan
-----------	--------

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

City	
------	--

State	█
Zip Code	█
Is this your mailing address?	Yes
Home Phone Number	█
Work Number	█
Email Address	rburtan@gmail.com
How long have you resided in Lebanon?	4 months
(Section Break)	
Is this an application for re-appointment?	This application is not for re-appointment.
For which board, committee, or commission are you applying?	Zoning Board of Adjustment
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	My wife and I recently moved to Lebanon and we absolutely love it here. The community is vibrant and full of wonderful residents and business owners. I want to serve the community and support its stakeholders.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I have worked in facilities management for over 30 years. Much of that time I worked as a third party service provider responsible for meeting contract obligations. I have owned property for most of my adult life and have benefitted from good public servants.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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

Councilor Interview Report Form

Councilor Name: Devin R. Wilkie

Date of Interview: 30 Jan 2025

Applicant Name: Rupert Burtan

Board(s) to Which Applied: Zoning Board of Adjustment

 Regular Seat

 X Alternate Seat

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

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

Recommend Appointment: X Yes No

 Regular Seat

 X Alternate Seat

General Comments: Rupert is a recent addition to the community, already connected to existing Zoning Board members, and enthusiastic about contributing and learning more about municipal voluntarism. I am happy to recommend his appointment.

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

Standard Questions for All Applicants:

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

Provide a forum for answers to zoning questions; apply municipal ordinance when uncertainties arise.

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

Aware of time commitment, and confident he can meet it as well as anything needed.

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

Facilities management, experience engaging with zoning boards and application of ordinances.

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

Yes

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

No

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

Situations where details about easements, grandfathered elements, etc. may not be clear and will need to be interpreted faithfully.

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

Continue to adjudicate fairly and equitably

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

Continue to adjudicate fairly and equitably

Specific Questions for Applicants to Land-Use Boards:

Zoning Board of Adjustment:

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

Yes for work, not personally

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

Generally, yes – has followed the guidance on what to build and how. Particularly aware of the importance of understanding and following details e.g. lighting and signage, among other points.

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

Yes

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

Yes

Agenda

Lebanon City Council

February 19, 2025

8. Public Hearing Items:

8.A – Proposed Amendments to the Zoning Ordinance for City Council Adoption

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

The Council originally scheduled this public hearing at its January 8, 2025 regular meeting. On January 22, 2025, this public hearing was rescheduled to February 19, 2025. The public hearing was properly re-noticed in the *Valley News* on February 8, 2025 in accordance with City Code and State Law.

Background

On October 23, 2024, the City Council was presented with a number of proposed amendments to the Lebanon Zoning Ordinance. The Council took action to accept the amendments for consideration and forwarded them for review and comment by the Planning Board, Conservation Commission, and Zoning Board of Adjustment. Legal review was also obtained, and all boards completed their review. A follow-up presentation was held with the Council on January 8, 2025.

On January 22, 2025, the City Council held a public hearing on three proposed amendments that required placement on the municipal ballot for voter consideration in March 2025. A second public hearing on zoning amendments within the City Council's purview for adoption was postponed to tonight's meeting.

The proposed zoning amendments that can be adopted by the City Council include the following:

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; and all properties currently zoned IND-L located to the east of Route 120 between Heater Road and I-89 Exit 18, excluding Tax Map/Lots 78-41, 78-42, and 78-43. The City Council may also consider rezoning to GC-1 all properties currently zoned IND-L located to the west of Etna Road. **(Zoning Map Amendment)**

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

Amendment #6 – To amend the Commercial PUD and Industrial PUD regulations relative to tract size and calculating permitted residential dwelling unit density, and to amend the

Planned Business Park regulations relative to allowed uses and calculating permitted residential dwelling unit density. **(Zoning Ordinance Sections 501.4, 508.2, and 508.4)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Action:

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

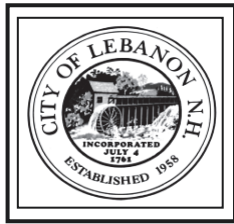
MOVED, that the Lebanon City Council hereby approves zoning amendments #4 through #21 as presented in the February 19, 2025 City Council Agenda Packet.

Included in this Section:

1. January 9, 2025 Memorandum from Planning & Development Department Staff RE: 2024-2025 Proposed Zoning Amendments for Council Approval, including the addition of draft minutes from the January 27, 2025 Conservation Commission meeting
2. Notice of Public Hearing as published in the February 8, 2025 edition of the *Valley News*

Information available but not included in this section:

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



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Planning and Development Department Staff

RE: 2024-2025 Proposed Zoning Amendments for Council Approval

DATE: January 9, 2025

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

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

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

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

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

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

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

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

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

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)**

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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)**

Recommendation

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

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

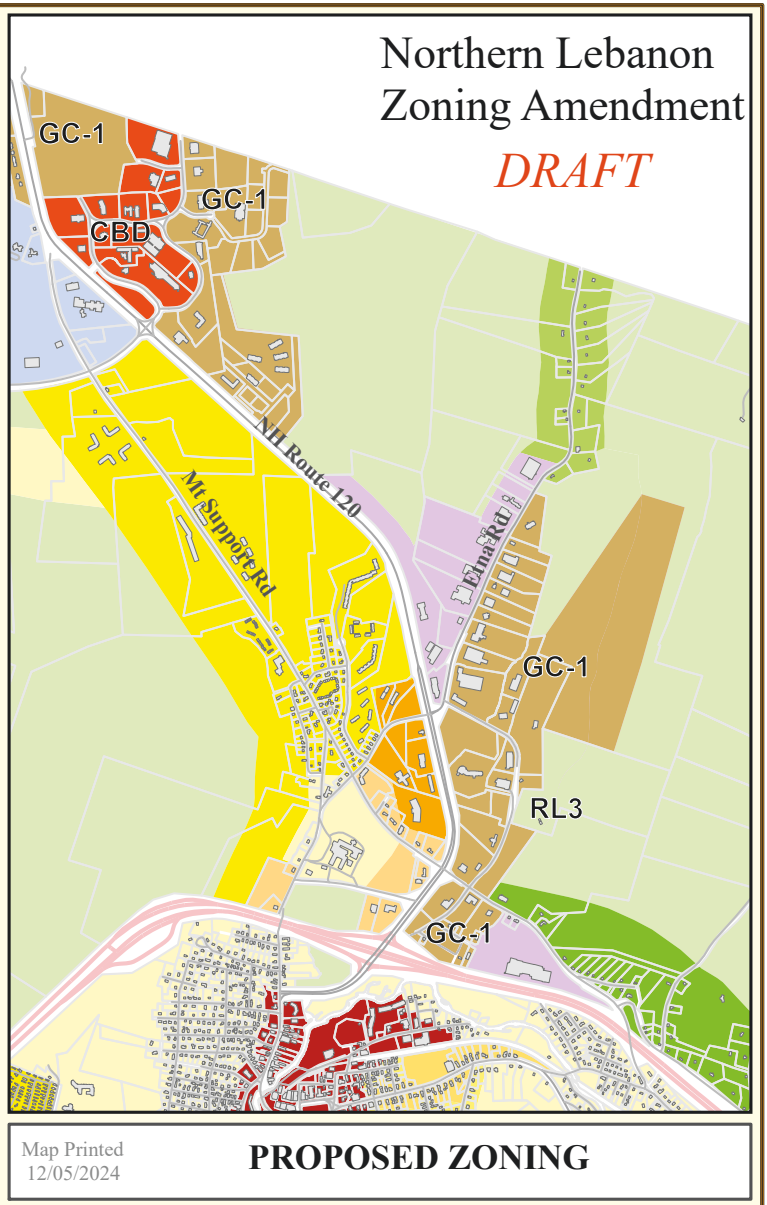
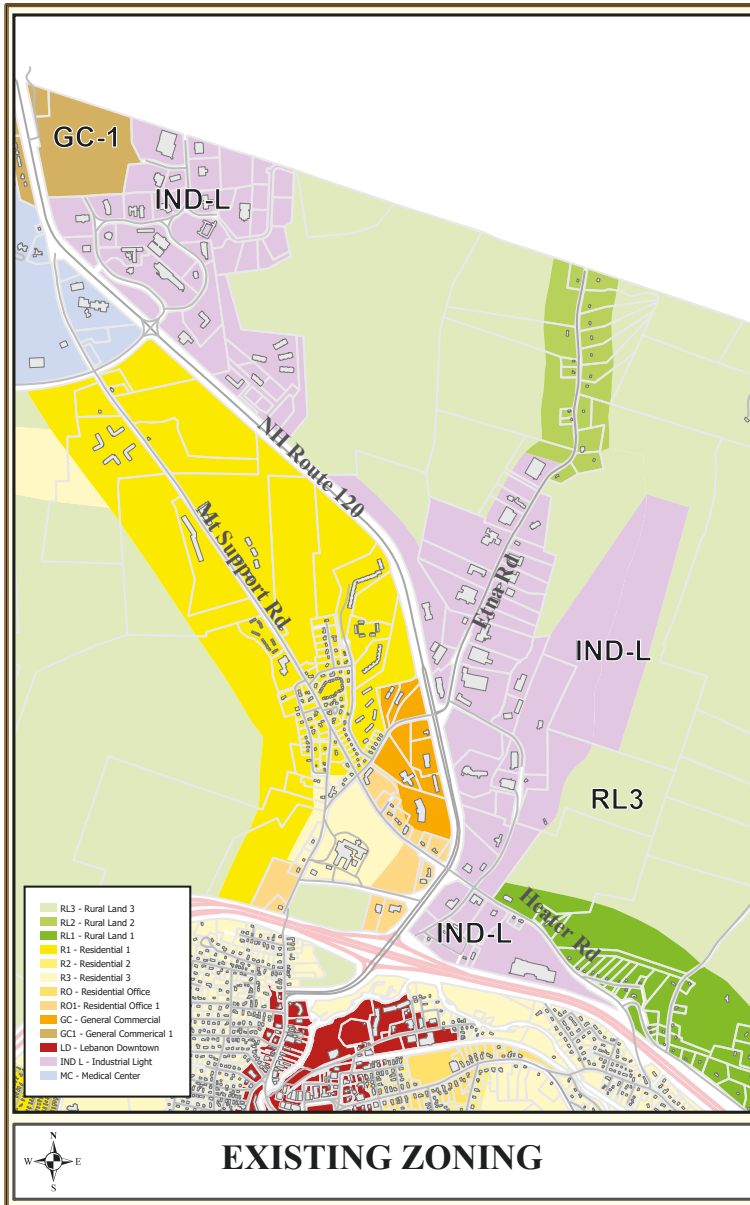
Article X, 1000.4 Action Upon Proposed Zoning Amendments.

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

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

Attachments

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



305A General Commercial One District

305A.2 Table of Uses.

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

Section 306 Central Business District

306.2 Table of Uses

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

SECTION 508 PLANNED BUSINESS PARKS.

[...]

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

508.4 Sectors, Allowed Uses.

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

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

[...]

SECTION 501 PLANNED UNIT DEVELOPMENT (PUD).

[...]

501.4 Commercial or Industrial Planned Unit Developments.

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

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

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

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

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

ATTACHMENTS: Recovery House

Recovery House Definition, Use Code Additions, and Text:

Proposed Definition for Appendix A:

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

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

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

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

Proposed Article III Table of Use Amendments for voter approval:

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

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

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

Section 614 Recovery Houses.

614.1 Purpose.

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

614.2 Certification Required.

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

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

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

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

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

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

614.3 Special Exception Application Requirements.

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

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

614.4 Special Exception Criteria.

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

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

Use Tables for Recovery Houses Council Items:

Section 303: Light Industrial District – IND-L

303.2 Table of Uses.

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

305.2 Table of Uses.

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

306.2 Table of Uses.

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

307.2 Table of Uses.

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

311.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> 1. One-family dwelling 2. Two-family dwelling 3. Multi-family dwelling (4 dwelling units or less) per Section 601 4. Accessory dwelling unit (ADU) per Section 610 <u>Commercial/Non-Residential</u> 5. Community center 6. Conversion of a dwelling to office use per Section 601 7. Group day care facility per Section 604 8. Home business per Section 600 9. House of worship 10. Personal service 11. Renewable energy system per Section 612 <u>Planned Developments</u> 12. PURD per Section 501	<u>Residential</u> 1. Multi-family dwelling (5 dwelling units or more) per Section 601 2. Senior housing complex <u>Commercial/Non-Residential</u> 3. Cemetery 4. Educational facility, college/university 5. Educational facility, primary/secondary 6. Essential service 7. Funeral home 8. Group residence 9. Health club 10. Hospice 11. Library or museum conversion per Section 601 12. Lodging house 13. Public safety facility 14. Recreational facility, indoor 15. Recreational facility, outdoor 16. Theater, concert hall, movie theater conversion per Section 601 17. Tourist home (or bed and breakfast facility) 18. Recovery Houses <u>Uses by Conditional Use Permit</u> (see Section 302.4) <u>Residential</u> 1. Cottage development per Section 509

315.2 Table of Uses.

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

December 30, 2024

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

RE: Proposed Zoning Amendment – Recovery Houses

Mr. Reichert:

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

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

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

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

Sincerely,



Matthew C. Decker

ATTACHMENTS:
Medical Center

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

315A.1 Purpose.

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

315A.2 Permitted Uses.

MC-2 DISTRICT

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

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

MC-2 DISTRICT

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

315A.4 Special Height Restriction.

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

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

315A.5 Dwelling Unit Density.

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

December 30, 2024

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

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

Mr. Reichert:

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

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

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

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

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

December 30, 2024

Page 2

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

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

Sincerely,



Matthew C. Decker

Romano Circle Zoning Amendment

R2 - Residential 2

RO - Residential Office

GC - General Commercial

IND RA - Industrial Rail Access

DRAFT

Map Printed 12/05/2024



DRAFT MISCELLANEOUS MINOR AMENDMENTS TO
THE CITY OF LEBANON ZONING ORDINANCE

[...]

ARTICLE II GENERAL PROVISIONS

[...]

SECTION 201 YARD REQUIREMENTS.

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

[...]

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

SECTION 213 IMPACT FEES.

[...]

213.8 Waivers.

[...]

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

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

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

[...]

SECTION 215 LOCATION OF ACCESSORY USE.

215.1 General.

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

215.2 Exceptions.

Notwithstanding Section 215.1:

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

[...]

ARTICLE V SUBDIVISIONS AND PLANNED DEVELOPMENTS

[...]

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

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

507.1 Increased Density Bonuses.

Maximum Amount of Bonus Available

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

507.2 Criteria for Award of Bonus.

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

[...]

SECTION 509 COTTAGE DEVELOPMENTS.

[...]

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

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

[...]

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

[...]

ARTICLE VI ADDITIONAL STANDARDS FOR SPECIFIC USES

[...]

SECTION 604 GROUP DAY CARE FACILITIES.

[...]

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

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

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

[...]

SECTION 607 PARKING.

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

[...]

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

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

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

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

[...]

607.8 Electric Vehicles.

[...]

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

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

[...]

SECTION 608 SIGNS.

[...]

608.2 General Provisions.

[...]

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

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

[...]

608.3 Prohibited Signs.

The following are prohibited:

[...]

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

[...]

608.4 Non-Residential Uses.

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

[...]

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

a. Sign Area and Height Regulations.

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

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

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

[...]

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

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

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

[...]

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

[...]

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

[...]

ARTICLE VIII BOARD OF ADJUSTMENT

[...]

SECTION 801 POWERS AND DUTIES.

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

801.1 Administrative Appeals.

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

[...]

802.5 Rehearings and Appeals.

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

[...]

APPENDIX A DEFINITIONS

[...]

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

[...]

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

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

[...]

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

[...]

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

December 30, 2024

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

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

Mr. Reichert:

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

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

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

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

Sincerely,



Matthew C. Decker



27 September 2024

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

Re: Request for Zoning Change

Dear Mayor and Councilors:

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

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

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

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

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

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

Sincerely,

Daniel A. Nash, PE
Principal



City Council
Request for Zoning Changes
27Sep2024

Attachments:

-92 Riverside Drive

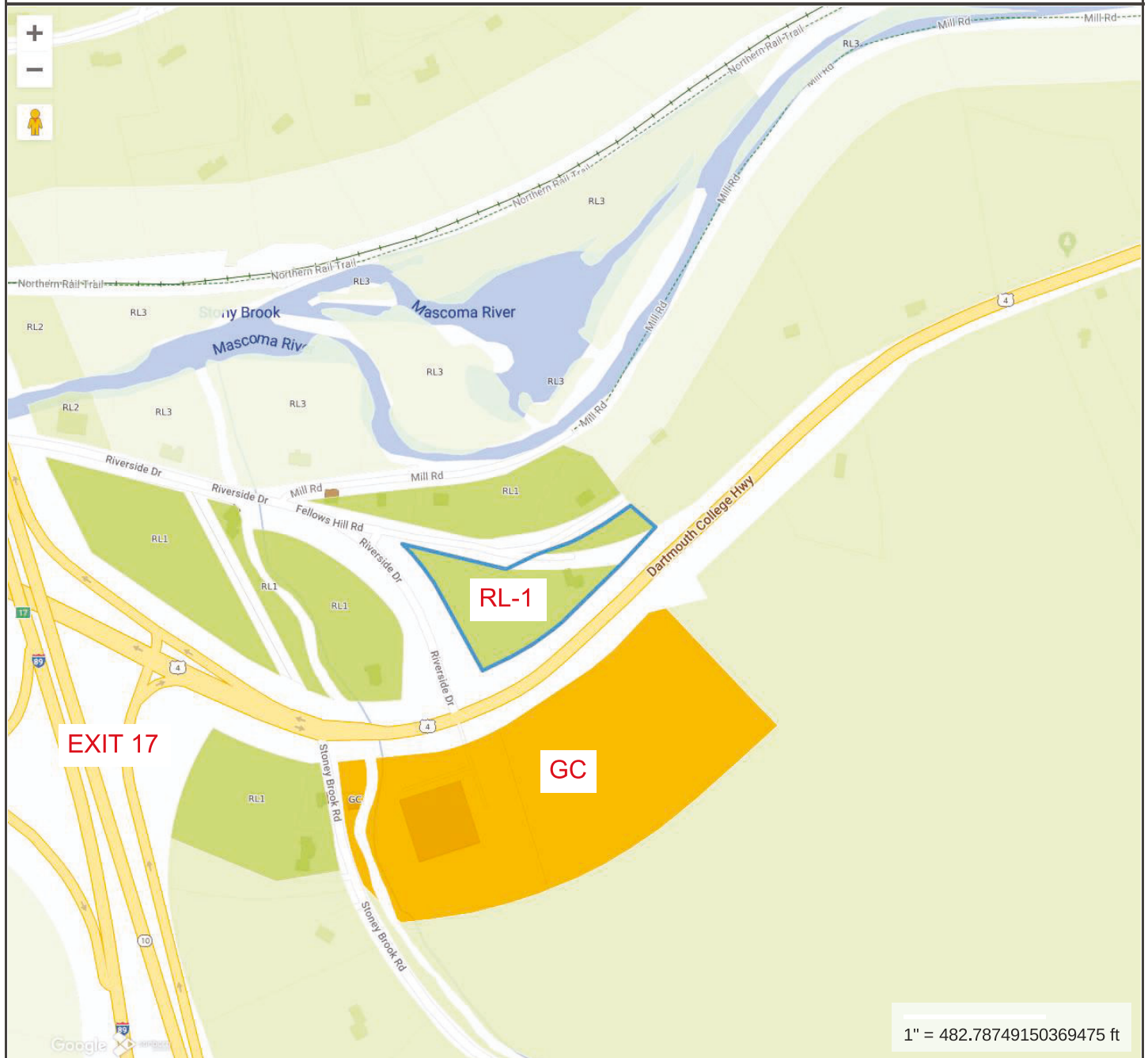
-GC

-Site Plan, Oakes Storage

CC: Robert Oakes

M:\2020_projects\20-001\zoning\zone_change_sep24\letter_col_27Sep2024.docx

92 RIVERSIDE DRIVE



Property Information

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



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

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

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

Map Theme Legends

Zoning District

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

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

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

305.2 Table of Uses.

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

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

305.3 Table of Area, Dimension and Coverage.

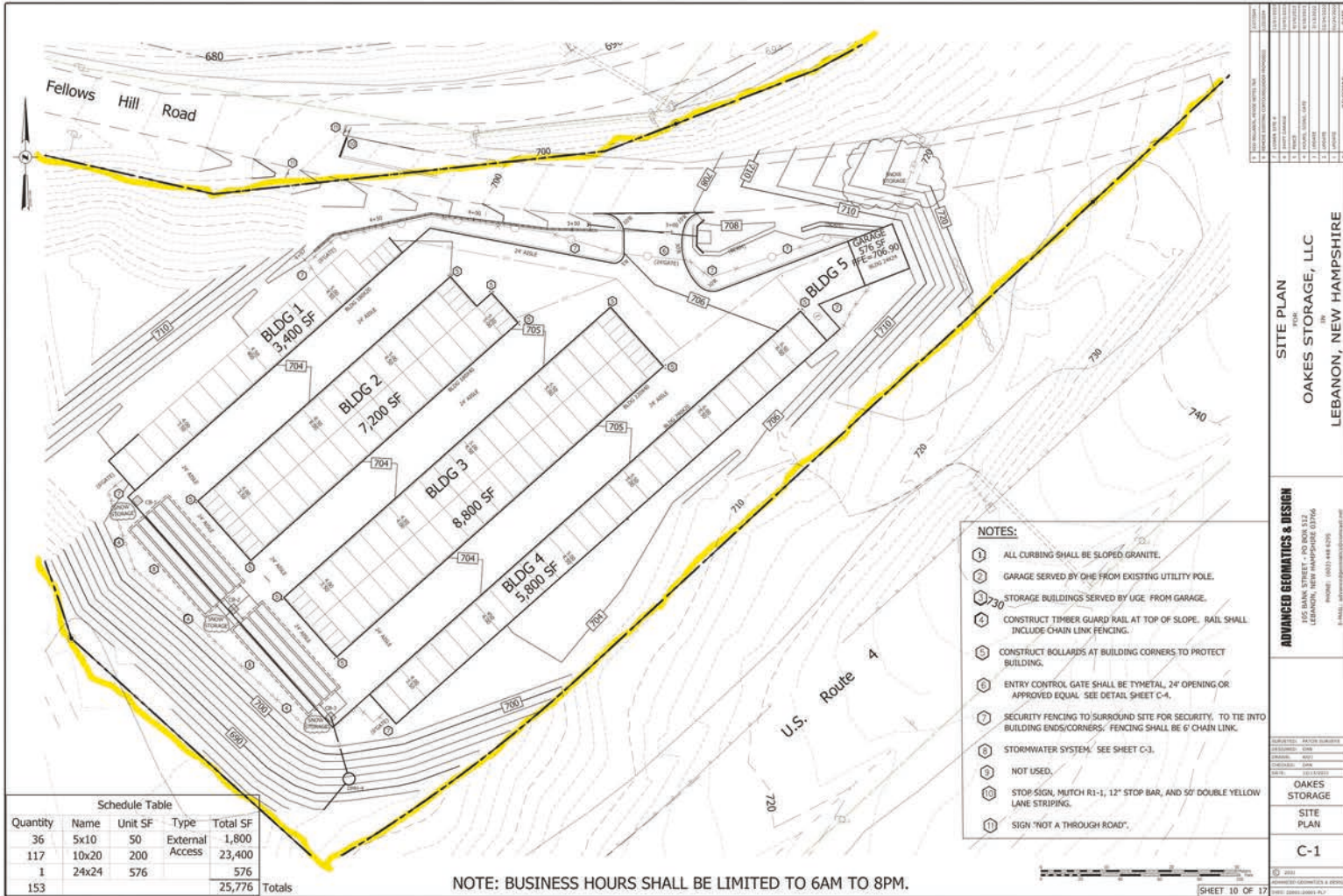
Minimum Lot Requirements					Maximum Limitations	
Area	Frontage	Front Yard	Side Yard	Rear Yard	Building Coverage	Height
50,000 square feet	150'	40'	20'	20'	30%	45' See Section 305.4

305.4 Special Height Restriction.

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

305.5 Dwelling Unit Density.

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



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

(92 Riverside Drive)

27 September 2024

Members of the Lebanon City Council,

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

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

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

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

[illegible]

December 30, 2024

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

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

Mr. Reichert:

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

The proposed map amendments are:

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

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

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

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

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

A. 92 Riverside Drive (Lot 111-16)

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

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

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

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

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

B. 31 Romano Circle (Lot 101-20)

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

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

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

C. Northern Lebanon Route 120 Corridor Rezoning

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

December 30, 2024
Page 4

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

Sincerely,

A handwritten signature in blue ink that reads "Matthew C. Decker". The signature is written in a cursive style with a large, stylized 'M' and 'D'.

Matthew C. Decker



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon City Council

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

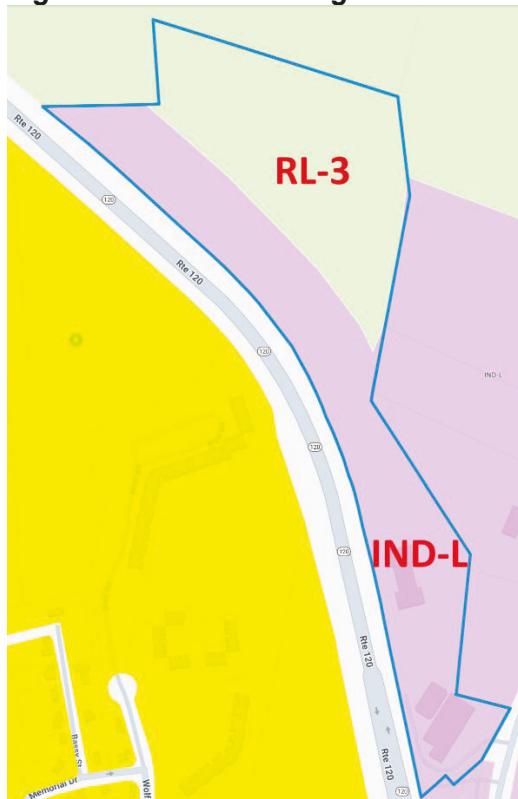
FROM: Planning and Development Department Staff

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

DATE: December 30, 2024

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

Figure 1. Current Zoning of 67 Etna Road



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

SECTION 204 LOTS IN TWO ZONING DISTRICTS.

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

ATTACHMENTS

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



30 October 2024

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

Re: Request for Zoning Change

Dear Mayor and Councilors:

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

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

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

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

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

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

Sincerely,

Daniel A. Nash, PE
Principal



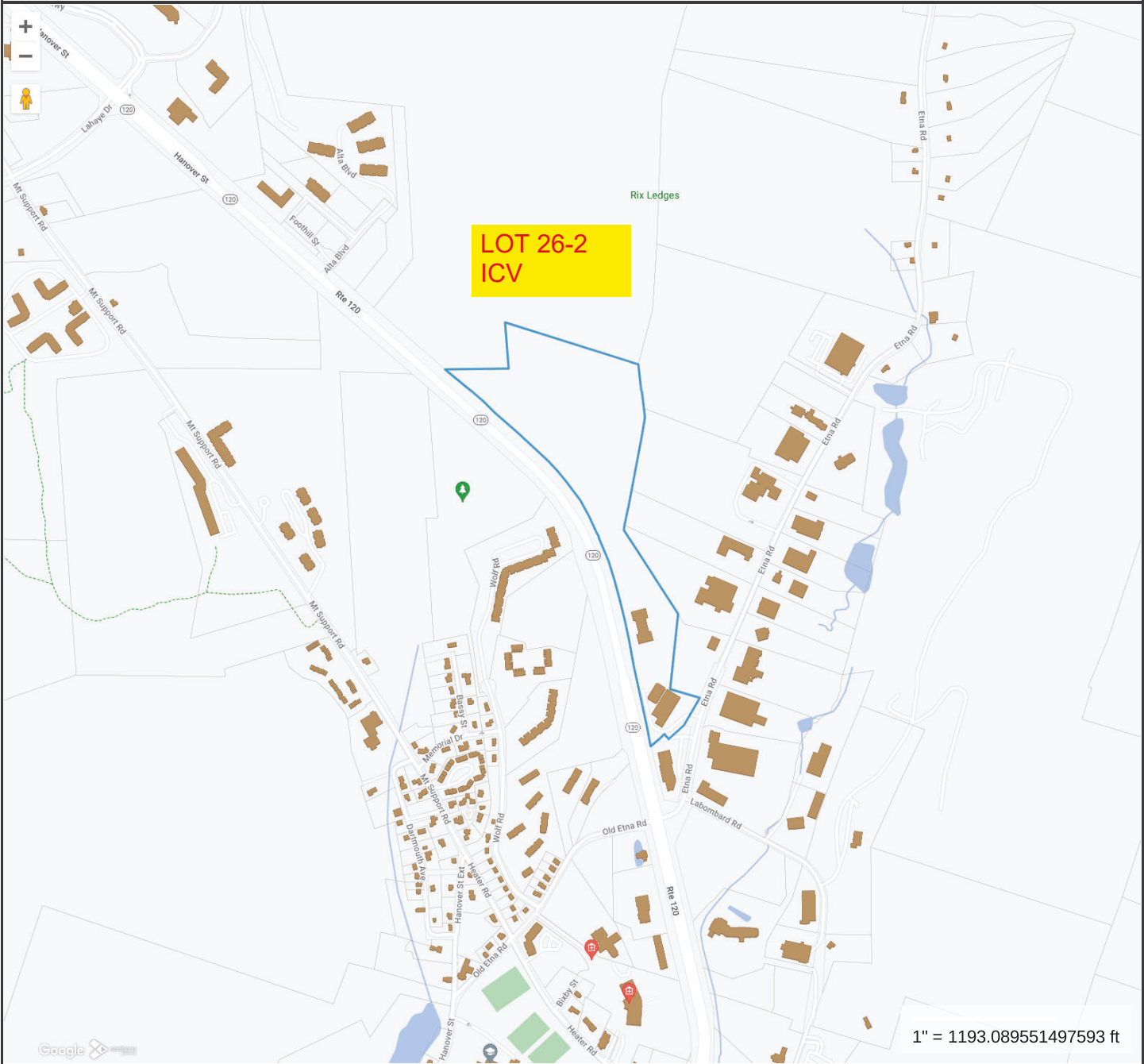
City Council
Request for Zoning Change
30Oct2024

Attachments:

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

CC: Robert Sprayregen, ICV

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Property Information

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



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

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

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

The Pattern Zones Study includes three primary areas of focus:

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

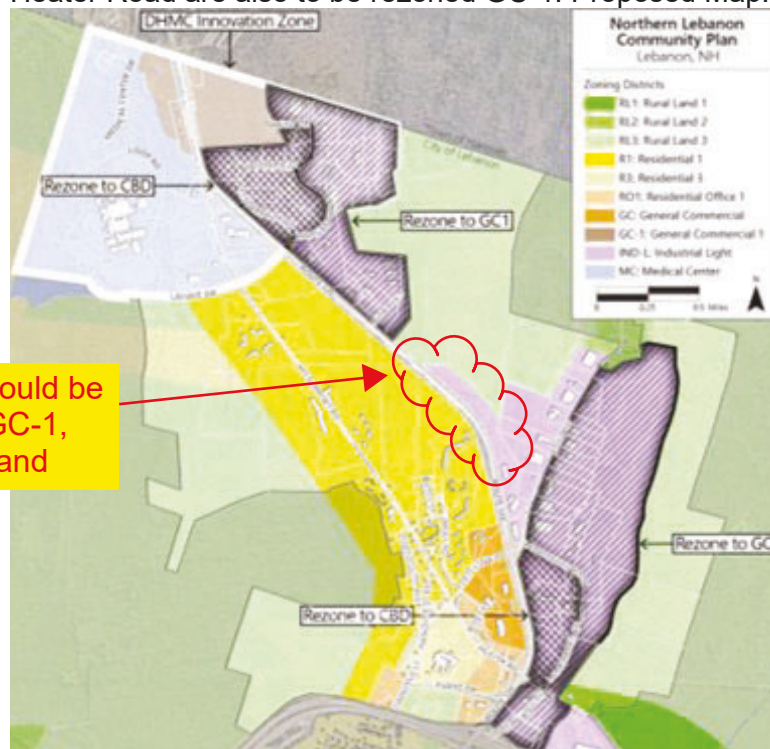
B. 120 – North Lebanon Study

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

1. Zoning Map changes.

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

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



Petition for Zoning Change to LD zone

(Mechanic Street)

21 October 2024

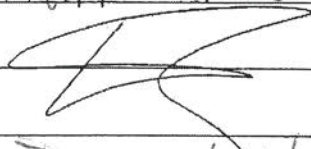
Members of the Lebanon City Council,

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

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

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

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

Name of Resident	Signature of Resident	Address and Phone	Date Signed
Daynel Parri's	Daynel Parri's	200 Maccoma St 603-898-6543	10/30
Jennifer Labrie	Jennifer Labrie	8 Forster Street 603-252-5149	10/30
Brenna Labrie	Brenna Labrie	603-790-3165	10/30
	Robert Oakes	603-443-0492	10/30
Daniel Nash	Daniel Nash	603-448-6023	30 Oct 24



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon City Council

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

FROM: Planning and Development Department Staff

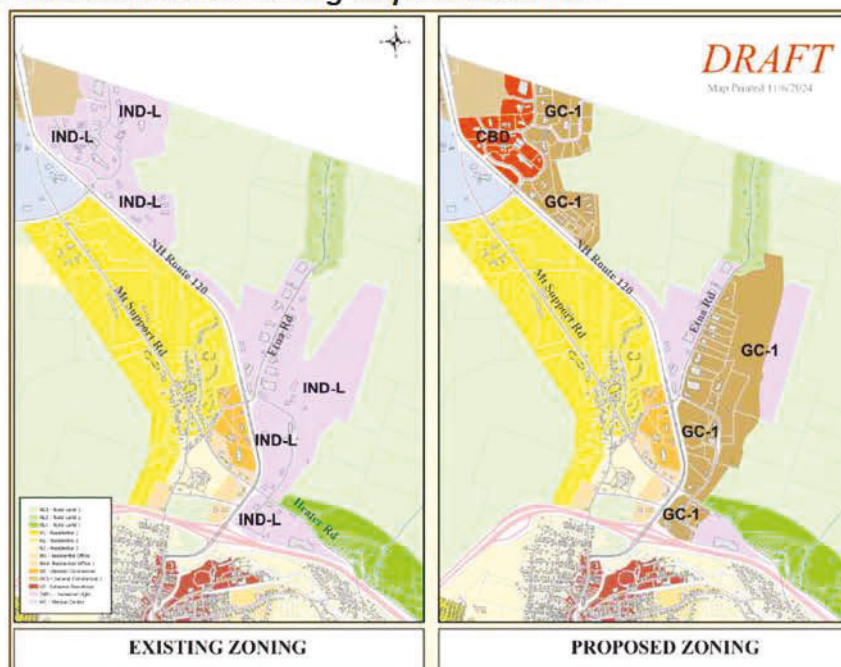
RE: Request by ICV of NH, LLC, to Rezone Tax Map 26, Lot 2 from IND-L to GC-1

DATE: November 13, 2024

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

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

Figure 1. NLCP-Recommended Zoning Map Amendments



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

RECOMMENDATION:

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

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

=====

Supporting Materials:

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

November 25, 2024

Via E-mail Only

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

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

Mr. Reichert:

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

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

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

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

November 25, 2024

Page 2

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

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

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

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

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

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

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

Sincerely,

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

Matthew C. Decker

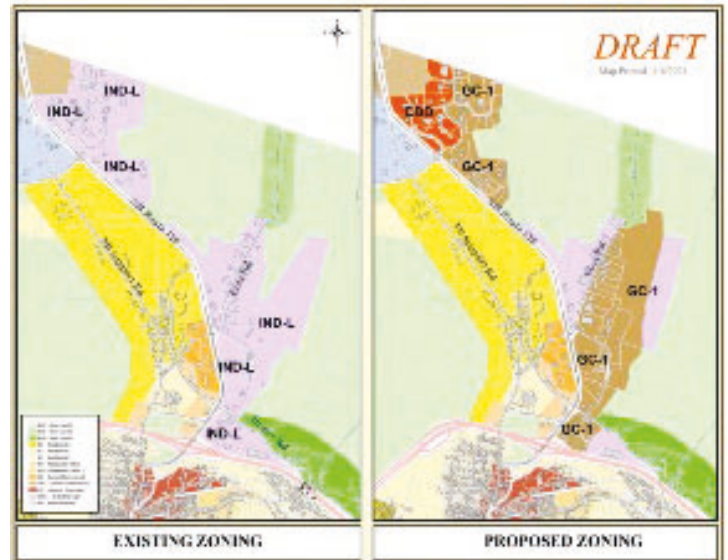
D. Review of Request for Zoning Map Amendment: ICV of NH, LLC - 67 Etna Road, Tax Map 26, Lot 2

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

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

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

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



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

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

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

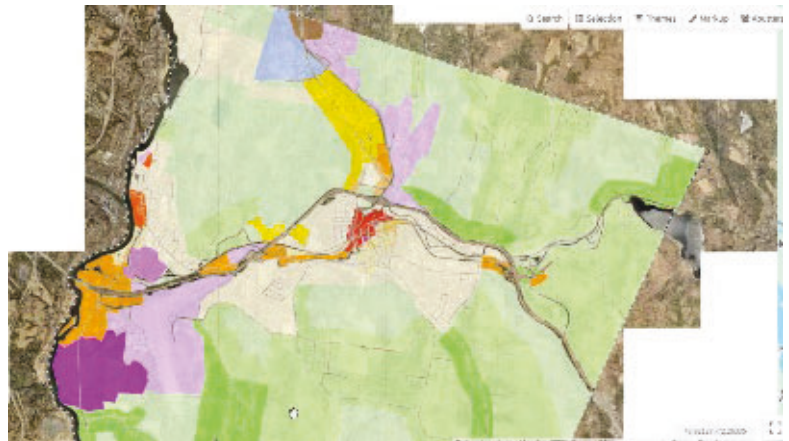
- Bus terminal
- Care and treatment of animals
- Car wash
- Contractor's yard
- Educational facility or vocational school
- Health club
- Industrial PG
- Local government usage

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

IND-L is light purple

GC is orange

GC-1 is brown



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

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

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

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

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

Roll Call Vote:

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

Voting Against – None

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

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

Roll Call Vote:

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

Voting Against – None

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

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

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

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

A. MINOR SITE PLAN COMMITTEE

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

Conceptual Review

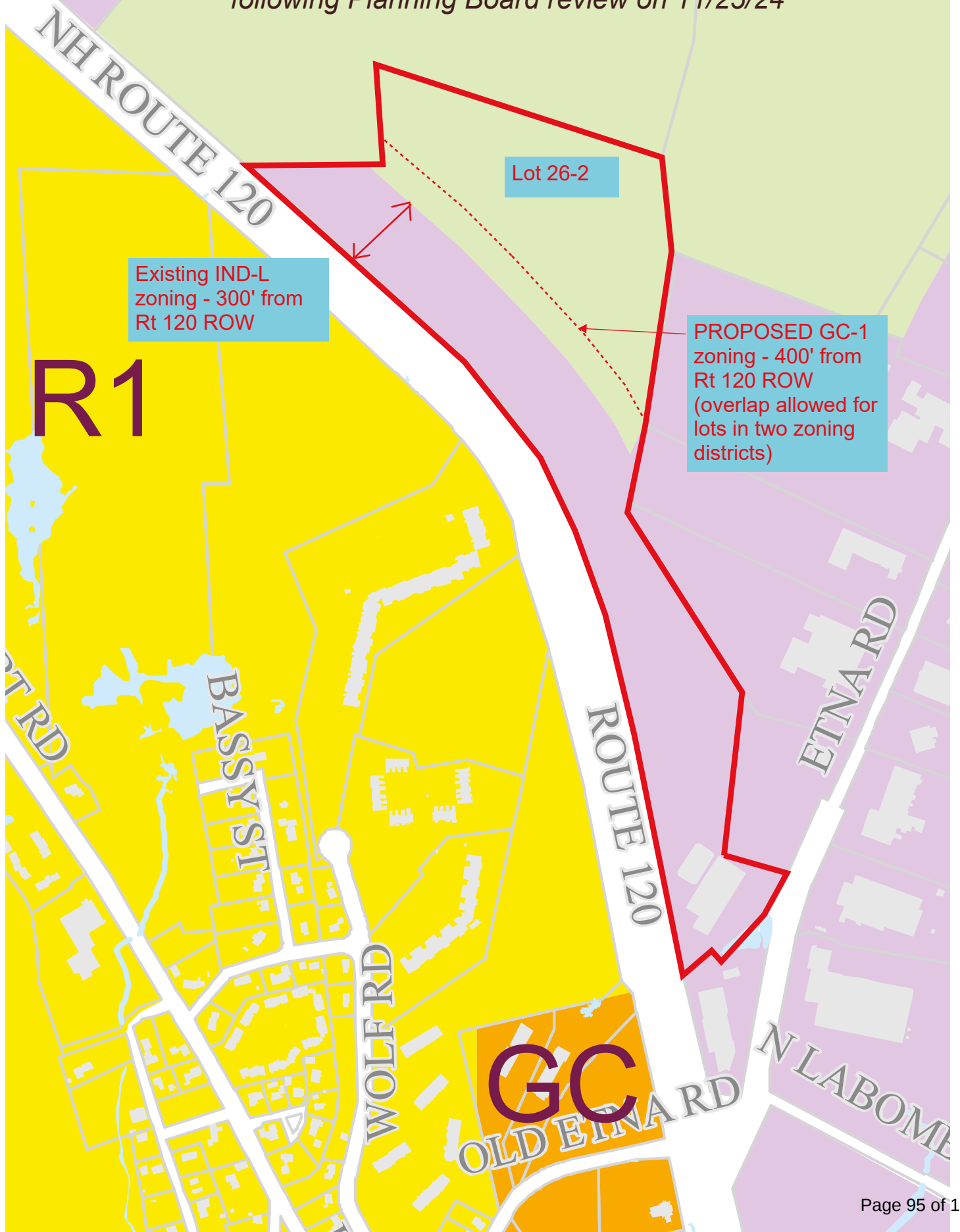
The group discussed the effectiveness of conceptual review and whether the conceptual review period should be conducted earlier in the project review timeline. They also discussed whether the conceptual review period should be lengthened (so the actual approval process can possibly be shortened). Mr.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

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

Zoning Amendment Sketch

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

following Planning Board review on 11/25/24



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

2
3 **B. Review of Request for Zoning Map Amendment: ICV of NH, LLC – 67 Etna**
4 **Road, Tax Map 26, Lot 2**

5
6 Dan Nash presented his zoning amendment proposal.

7
8 Chair Riley explained that the Commission previously discussed how changes to a zone may
9 affect abutting zones. There is a nature preserve to the north of this proposed area. She suggested
10 that the Commission not recommend this item due to the increased intensity of abuse in the
11 adjacent natural area. Some Commissioners noted that there was not enough time to thoroughly
12 review this proposal in order to comment on it. The Commission agreed to defer comment on
13 this item.

14
15 *Ms. Hirai MOVED to make recommendations 1, 2, 3, and 4 to the City Council.*

16 *Seconded by Ms. Almy.*

17
18 * *The Vote on the MOTION was approved (6-0-0)*

19 **C. Status Update & Review - 2024 Con Com Goals – The Commission did not address**
20 *this item at this time.*

21
22 **6. COMMITTEE REPORTS – The Commission did not address this item at this time.**

23 **A. Biodiversity Group (Invasives)**

24 **B. Stewardship**

25 **- Ranger**

26 **- Trail Coordinator**

27 **- Monitors and Stewards**

28 **C. Wild about Lebanon**

29 **D. Amphibian Crossings**

30 **E. LUCT/Current Use**

31 **F. Other Subcommittees**

32
33 **7. OTHER BUSINESS – The Commission did not address this item at this time.**

34 **A. FYIs**

35 **B. Follow Up**

36 **C. Workshops and Educational Opportunities**

37
38 **8. FUTURE AGENDA ITEMS: – The Commission did not address this item at this time.**

39
40 **9. ADJOURNMENT:**

41 *The meeting ended at 9:30pm.*

42 Respectfully submitted,

43 Kristan Patenaude

44 Recording Secretary

1 Mr. Johnson reminded them that these are currently unprotected areas, and that there is a need for APD to
2 grow, and that APD needs a wider range of buildings. Also, there is and will continue to be a need for
3 housing in Lebanon.

4
5 Chair Riley is trying to encourage a placeholder on this land belonging to APD. Their campus includes
6 this land and trails on their land. Mr. Johnson confirmed that the term campus is broad and does include
7 these undeveloped areas at APD.

8
9 The Conservation Commission agreed to the following statement for the ballot:

10 The Lebanon Conservation Commission has determined that the proposed zoning amendment #3 has
11 some conservation implications. However, the Conservation Commission recommends the adoption of
12 the amendment.

13
14 ***Mr. Johnson MOVED to approve the above recommendation for their concise statement.***
15 ***Seconded by Mr. Oidtmann***

16
17 ****The vote on the MOTION was approved unanimously***
18

19 **C. Proposed Zoning Amendment Concise Statement for City Ballot: Pattern Zone Overlay District**
20

21 This discussion was about Amendment #1, and the recent changes that were requested by Councilor
22 Below to add specific parcels. This will change (reduce) the lot sizes and setbacks on several properties
23 and will result in more density in new housing (infill); this will also increase the impervious surfaces, and
24 impact stormwater runoff and reduce the wildlife areas.

25
26 Chair Riley does not think that the Council has got to consider the input provided by the Conservation
27 Commission, which recommended the removal of parcels that abut conservation land) both City owned
28 and others; those changes were not made.

29
30 Mr. James thinks this can have implications for conservation but thinks overall this is good for Lebanon.

31
32 The Con Com agreed on this concise wording: The Conservation Commission recommends the adoption
33 of Zoning Amendment #1. The Commission has determined that the Amendment promotes efficient land
34 use.

35
36 ***Mr. Oidtmann MOVED to approve the above amendment #1.***
37 ***Seconded by Mr. Johnson***

38
39 ****The vote on the MOTION was approved (5-0-1) - Ms. Harai abstained.***
40

41 **D. Review and Comment to the City Council on proposed Zoning Ordinance Amendments**
42 *Continued from December 12, 2024*
43

44 Mr. Reichert referenced Amendment #4 and said that you can take things away, but you cannot add to
45 what is being rezoned. He explained some moving pieces (changes) relevant to Amendment #4, that have
46 happened since January 6th such as "Nash 2" (ICV) which was a second request from Dan Nash, the
47 Planning Board in its discussions talked about rezoning, and the third piece was the Hatch property which
48 they learned that there are 3 acres that are not conserved and therefore could be developed. Ms. Hatch has
49 asked for a rezone request, and this is part of the changes. The Volvo dealership asked for rezoning to

1 GC1 and to change the use schedule. The Council asked to do nothing until they process the Hatch
2 request, which will result in more RL3.

3
4 City Council gave clear direction to Zoning to *not undo what they have already done with regards to the*
5 *Volve dealership and allow them to continue their conditional use; keep the zoning the same (IDL)*
6

7 The Hatch property will be discussed at the February Conservation Commission meeting and the request
8 is to be RL-3.

9
10 Chair Riley remains concerned that the Council will be voting on things that the Conservation
11 Commission has not had the opportunity to discuss yet. Some of this information they are seeing for the
12 first time today. Mr. Reichert stated that this is why he is meeting with them, to get the Conservation
13 Commission's feedback.

14
15 Mr. James said watershed is a major concern as he reviews these numerous changes made overnight from
16 IND -L to GC1 and changes at the heart of Centerra, Ricks Ledges and along 120. The Conservation
17 Commission has not been able to think through all of the impact that this will have on watershed, and all
18 of the other natural features of the area with no protections and Chair Riley stated that this is dangerous.
19 The North Lebanon Plan provided some counterbalancing of the preservation of the land. What exactly
20 does it mean to go from IND-L to GC1. Mr. James said the proposed zoning does not make sense and
21 presents the possibility of major flooding for the residents in these areas, particularly the arrows
22 Southwest and Southeast of the yellow map near Etna Road.

23
24 Mr. Reichert said that the considerations for these zoning changes are first, how do you allow more
25 housing in these areas, secondly to have an area that could develop into a more traditional downtown and
26 third, a firm recognition that they need wildlife protections including safe crossings. There is a
27 contradiction of topography in this area. The Conservation Commission recommends that the Council not
28 approve the Nash proposal, rather promote the 2017 Lebanon Wildlife Corridor Planning. This was
29 unanimous. Leave the car dealership as industrial light. The changes on the East side of Etna road are
30 concerning, including the wetland protections and the steep slopes there. The Northern Lebanon
31 Community Plan recommended expanding the steep slopes protections to all lands, and this proposal is
32 completely without them. Con Com will ask for the City Council to take some of these amendments off
33 the table with the Western piece of Etna Rd. being the biggest concern.

34
35 Chair Riley said that there are consequences that they do not understand, and she doubts the Council fully
36 understands, and this cannot be addressed in just one meeting.

37
38 The Nash project (Amendment #21 ICV) has not gotten legal support or support from others to date. It is
39 spot zoning and goes against everything the Zoning Board has been working on the past several years.

40
41 The Conservation Commission recommends that the City Council **not approve Proposed**
42 **Amendment #21.**

43
44 **The Northern Lebanon Community Plan (NLCP) called for expanding the width and**
45 **breadth of protected lands for wildlife corridors in the area by expanding land protection**
46 **and creating a Wildlife Corridor Passage Overlay District. Proposed Amendment #21 does**
47 **the opposite. It would have you rezone 67-69 Etna Rd (M/L 26-2) from IND-L and RL-3 to GC-**
48 **1, a move in the wrong direction.**

49
50 This is an area of significant natural resources, including steep slope and surface- and
51 groundwater, and Proposed Amendment #21 would have an adverse effect on the wildlife

1 corridor that runs through the area and impact the abutting Nicole S. Cormen Memorial Nature
2 Preserve at Rix Ledges. In fact, the zoning change that should be before you is the same one
3 proposed by staff back in 2017, which would turn that strip of IND-L into RL-3. we hope that you
4 will look to the Master Plan Future Land Use Map, which represents much hard work and public
5 feedback, when making your decision on Amendment #21.
6
7

8 Amendment #20 will be addressed during their February 13th, 2025 meeting. They will work on their
9 comment in advance of this meeting.
10

11 For Amendment #4 Conservation Commission's statement is that they have no comment on this.
12 The Conservation Commission was in agreement on this unanimously, though there was no **MOTION* or
13 vote per se.
14

15 E. Discussion and Endorsement Re: Zoning Amendments Ballot Statement

16

17 Due to time constraints, the other amendments were not discussed to any extent.
18

19 Ms. Harai ask to have Amendment #4 along with the map broken down for them. Mr. Goodwin will
20 provide this to the Conservation Commission in advance of their next meeting.
21

22 3. ADJOURNMENT

23

24 *Mr. Erling Heistad MOVED to adjourn the meeting*
25 *Seconded by Ms. Barbara Harai*
26

27 **The Vote on the MOTION was approved unanimously*
28

29 **The meeting was adjourned at 8:50 PM by Chair Riley.*
30

31 Respectfully submitted,
32 Cinda Mersel
33 Recording Secretary
34
35
36
37



**LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARING
Wednesday, February 19, 2025 - 7:00pm
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
[LebanonNH.gov/LIVE](https://lebanonnh.gov/LIVE)**

The Lebanon City Council will hold a public hearing on February 19, 2025, beginning at 7:00pm for the following:

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 Etta Road, and east and west of Labombard Road, excluding Tax Map/Lot 51-12; 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 Etta 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 305.A, 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 Etta Road (M/L 26-2) from IND-L and RL-3 to GC-1. (**Zoning Map Amendment**)

The February 19, 2025 City Council agenda packet and documents pertaining to the above-described public hearing will be available on the City's website beginning February 14, 2025: [LebanonNH.gov/Agendas](https://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](https://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, February 08, 2025.

Jaseya Ewing

Jaseya Ewing, City Clerk

**Agenda
Lebanon City Council
February 19, 2025**

10. New Business:

**10.A – Review and Discussion of Disability-Friendly City Resolution
Proposed by DEI Commission**

Background

The Diversity, Equity and Inclusion (DEI) Commission has recently been working with the Special Needs Support Center (SNSC) to review and develop policies and recommendations around disability advocacy. SNSC has been developing a program to work with businesses, organizations, non-profits, and municipalities to become certified as Disability-Friendly. SNSC envisions that a Disability-Friendly certification could be marketed within the region and could be used to support grant applications to fund services and the implementation of accessibility recommendations and requirements.

At its January meeting, DEI reviewed the language of a draft resolution and voted to forward the resolution to the City Council for consideration.

Action

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council hereby adopts the Resolution on Lebanon as a Disability Friendly City, as presented in the February 19, 2025 City Council agenda packet.

Included In This Section:

1. Resolution on Lebanon as a Disability Friendly City as recommended by the DEI Commission
2. October 30, 2024 letter from Special Needs Support Center to the Lebanon DEI Commission

Resolution on Lebanon as a Disability Friendly City

WHEREAS, the Lebanon City Council recognizes that, for the City of Lebanon to truly thrive, every community member must be able to fully and meaningfully participate in every aspect of public life, from civic to economic to recreational, and

WHEREAS, the Lebanon City Council recognizes that proactively working to remove barriers to that full and meaningful participation for disabled members of the community is of vital importance to achieving that goal,

NOW, THEREFORE, BE IT RESOLVED THAT, the Lebanon City Council commits to pursue the following preliminary disability inclusion actions, which will take the City of Lebanon beyond the minimum legal ADA requirements:

Section 1: The Lebanon City Council encourages local businesses and organizations to become Certified Disability-Friendly to create a community of belonging for all; and

Section 2: The Lebanon City Council encourages City departments and staff, as well as volunteer boards and commissions, to adopt best practices that will help the City to serve as a model for disability inclusion in the business sector; and

Section 3: The Lebanon City Council encourages City departments and staff, as well as volunteer boards and commissions, to strive for inclusive and accessible spaces and events. This may include such actions as:

- Creating accommodations relative to public signage and event notifications,
- Including accommodations language on invitations and registrations for events hosted and sponsored by the City, and
- Requesting accommodations language be used on invitations and registrations for events the City co-sponsors or has representatives speak at; and

Section 4: The Lebanon City Council commits the City to conducting internal checks and creating improvement plans that will be implemented over time to ensure accessibility and disability inclusion in:

- Employment practices, encompassing but not limited to accommodations,
- Talent recruitment and retention policies,
- Facilities, promoting universal design whenever possible, and
- Websites, promoting accessibility whenever possible.

Dated this ____ day of _____, 20__ at Lebanon, New Hampshire.



October 30, 2024

Dear Lebanon DEI Commission,

The Special Needs Support Center has been serving the Upper Valley since 1979. While we have always provided advocacy support for individuals with disabilities, we have recently redefined advocacy to be broader in scope, including working with businesses, organizations, nonprofits and municipalities to become Certified as Disability-Friendly.

I write today to offer our support with Lebanon DEI initiatives around disability. This support could also result in being declared a Disability-Friendly city, which could be marketed to draw more people to Lebanon. SNSC is not charging for the support offered. SNSC is willing to collaborate with Lebanon to write grants that could both fund our support/services and Lebanon's implementation of recommendations. Below I reference a number of possible goals for the town Equity Plan and the support we could provide to fulfill those goals. We are willing to collaborate on any and all goals listed (and others as well!)

Goal 1: Provide contractors and homeowners with information about how to make residences more accessible to people with disabilities.

- SNSC can create a draft of this information, pulled from reputable sources for the Planning, Zoning, and Codes Department to send to contractors and homeowners.

Goal 2: Implement universal design so the downtown is accessible and can accommodate everybody.

- SNSC can provide an audit of the downtown area with recommendations to become accessible for all

Goal 3: Identify opportunities to renovate or create public gathering spaces in the downtown, including requiring accessible public spaces in new developments and major renovations.

- SNSC can provide an audit of all current and proposed public spaces with recommendations to become accessible for all

Goal 4: Audit and inventory disability-friendly establishments and restrooms.

- SNSC can partner with the Planning, Zoning and Codes Department to audit public establishments and restrooms to be Disability-Friendly; this audit would be a piece of the process for the establishment to become Certified as Disability-Friendly. Those organizations passing the audit would be listed on our public website as Disability-Friendly.
- SNSC offers the free Disability-Friendly Certification process, which includes: walk-throughs of physical and digital spaces by lived-expertise consultants, resulting in a list of recommendations; Staff training of all employees in Disability Awareness, which can address either working with customers with disabilities or employing individuals with disabilities; and the signing of a pledge in which the organization commits to becoming more inclusive.



Goal 5: Develop a branding campaign that highlights Lebanon as an Accessible City.

- SNSC can partner with the Town Manager to brand Lebanon as an Accessible City.

Goal 6: Promote diversity, equity, and inclusion in the Town's provision of services.

- SNSC already trains Emergency Responders in Lebanon on Disability Awareness and De-escalation Processes; SNSC offers a similar training to the Emergency Management Team.

Goal 7: Consistent with the Americans with Disabilities Act of 1990 (ADA), address the shortage of accessible public restrooms; continue to implement ADA compliant streetscape and sidewalks; and modify municipally- owned outdoor gathering spaces and furnishings to be ADA-accommodating

- SNSC offers a sidewalk, public restrooms, and outdoor spaces/furnishings audit resulting in a list of recommendations for the town to consider.

Goal 8: Ensure that the community's diversity is reflected in its recreational offerings.

- SNSC offers collaboration with the Parks and Recreation Department on creating recreational offerings that are accessible to multiple disabilities.

Goal 9: Develop a comprehensive recreational facility plan that assesses accessibility and safety (e.g., sidewalk presence/maintenance, crosswalks, lighting, provision of shaded spaces, etc.).

- SNSC offers free consulting services to ensure accessibility and inclusion in the facility plan.

Goal 10: Increase diversity amongst the Town's officials, employees, and volunteers by setting diversity targets, followed by practical initiatives that include outreach to prospective candidates, enhancing hiring or volunteer pools, and encouraging sponsorship or mentorship opportunities.

- SNSC offers training to the Human Resources Department on disability awareness and HR practices that best ensure accessibility for those with disabilities.

Goal 11: Support inclusion within the Town's labor force by offering unconscious-bias training, providing on-going related reminders and tips and celebrating diversity through visible actions.

- SNSC offers free Disability Awareness Training to all town employees, board members, and volunteers.
- Harvard's [Implicit Bias Tests](#) (IATs) find that "76 percent of respondents showed an implicit preference for people without disabilities, compared to nine percent for people with disabilities. Even test takers with disabilities showed a preference for people without disabilities."

Goal 12: Develop an inclusive meeting guide and share it with the Town's board and commissions to increase participation by and to better accommodate diverse voices.

- SNSC offers to develop an inclusive meeting guide based on Harvard's example and share it with the appropriate offices.



Goal 13: Adopt procurement practices that encourage qualified diverse business enterprises to become part of the Town's supply chain and prioritize local business enterprises.

- SNSC asks the Town Manager to consider organizations that become Certified as Disability-Friendly to be included on a list of prioritized local businesses for the town's supply chain.

Our Expertise:

We are a disability-run organization, with the executive director and some staff members having developmental disabilities, with other disabilities represented by other staff members. Our board has seats reserved for our clients, including two current board members with developmental disabilities.

We received funding in 2023 from the Endowment for Health to put together a panel of experts to come up with the recommendations and training for the Disability-Friendly Certification.

Our Executive Director is uniquely qualified to lead this work. We have been in existence since 1979 and have a history of national and federal organizations recognizing us as the experts to create and implement training sessions for communities to work with and for individuals with disabilities, such as AARP, Christopher Reeve Foundation, and the Endowment for Health. We are affiliated currently with the Endowment for the Arts federal funding to build the capacity of VT/NH arts agencies to serve and employ individuals with disabilities. We also have a grant from the NH Children's Foundation to specifically consult with NH Parks and Recs Departments in favor of Universally Designed Playspaces. We are most qualified to take on this project because we are experts in both the creation of training materials and we are people with disabilities. We are not usurping the voices of the disabled but are instead some of the voices to be heard.

Dr. Kendra LaRoche, Ed.D. is a leader in the education world with over 20 years' experience, the most recent as the assistant principal in charge of special education and behavior at Manchester Elementary/Middle School. Kendra was a first-generation college student who worked her way up to masters' degrees from both Harvard University and Middlebury College, as well as a doctoral degree from SNHU. This experience fueled her lifelong passion of working with historically marginalized populations. As a Rowland Fellow in 2011, she addressed equity, the "elephant in the room issue" and radically changed the culture and climate of Burr and Burton Academy in Vermont. Since that point, she has worked with schools and districts to focus their thinking on issues through data-driven decision making. While others also work with data, her strong emotional intelligence and commitment to spotlighting local culture gives her work a lasting change. Her doctoral dissertation used the positive deviance research approach, giving voices to individuals to define their own success and gave space for the resulting successful findings to be implemented at the local level.



Carmen Lachle is an Autism Specialist, certified by IBCCES. She has longevity at the Special Needs Support Center, and is SNSC's Director of Community Outreach. Carmen, in conjunction with the expert assistance of Speech and Language Pathologists (SLP), Special Educators, (SPED) and Board Certified Behavior Analysts (BCBA), developed and implemented the training of community businesses and organizations. She is the lead trainer for both the AARP and NEA grant-funded programs.

Emma Woloshin is a Special Educator with five years of experience at SNSC and is our Programs Director. Emma assists with the Disability-Friendly Certification process doing walkthroughs of organizations, supplying recommendations, and training employees.

I look forward to presenting a proposed collaboration with you at the November 19th meeting. In the meantime, you can contact me at kendra@snsc-uv.org if you have any requests of what I bring to the meeting.

Sincerely,

Dr. Kendra LaRoche
Executive Director
Special Needs Support Center

Agenda

Lebanon City Council

February 19, 2025

10. New Business:

10.B – Request for Disbursement of Recreation Impact Fees for Civic Park Playground Project

Background

On March 6, 2024, the City Council approved a supplemental appropriation in the amount of \$270,000 for a new capital project for the construction and installation of playground improvements at Civic Park in West Lebanon. The Council's approval included the disbursement of up to \$135,000 of collected Recreation Impact Fees, with the remaining project costs to be raised from grants and donations. Following the Council's action, the Civic Plays Task Force began a capital campaign in support of the project and has secured an additional \$105,620 in grants and donations from 39 sources.

In an effort to take advantage of 2024 pricing, the City placed an order for the playground elements last Fall and expects to take delivery in April 2025. The "community build" installation event is planned for late April. The remainder of the project costs must be in hand prior to conducting the installation event in order for the project to be completed and opened as planned.

As a result, the Recreation, Arts & Parks Department is requesting the disbursement of an additional \$30,000 of collected Recreation Impact Fees to complete the project funding and to ensure the timely completion of the playground installation upon delivery of the equipment this Spring.

Action

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

RESOLVED, by the City of Lebanon, that funds, in an amount not to exceed \$30,000 (Thirty Thousand Dollars), be disbursed from the Recreation Impact Fees Fund to the Civic Park Playground Improvements Capital Project for the purpose of financing the remaining costs of acquisition and installation of the playground improvements at Civic Park.

This Resolution shall be effective upon passage.

Included In This Section:

1. February 3, 2025 Memo from Recreation, Arts & Parks Director Paul Coats

To: Honorable Mayor and City Council
Cc: David Brooks
From: Paul Coats
Date: February 3, 2025
Re: Civic Park Playground, Recreation Impact Fees

INTRODUCTION:

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

BACKGROUND:

Civic Park Playground was presented to the City Council on March 6, 2024 when \$135,000 was allocated to the project from the Recreation Impact Fee Account. At that time the Civic Plays Taskforce began a Capital Campaign and secured an additional \$105,620 from 39 sources.

One of the taskforce's primary goals is to make this playground as inclusive as possible, welcoming for children ages 2 – 12 with a broad range of differing abilities. To that end, a poured-in-place (PIP) surfacing is included in the design, the first of its kind for the Lebanon area. The total project cost with surfacing and a "community build" installation will be \$270,000.

In an effort to take advantage of 2024 pricing, the City placed an order on the playground elements in the Fall of 2024, and we expect to take delivery in April 2025. The community build installation day will be in late April. The remainder of the project costs must be in hand prior to conducting the installation day so that we can open the park complete with PIP playground surfacing.

RECOMMENDATION/RATIONALE:

The Recreation Impact Fee Account has a current balance of \$453,500 with \$180,000 earmarked for upcoming CIP projects (Westboro and Mascoma River Greenway). \$135,000 was allocated from the Recreation Impact Fee Account on March 6, 2024, which has already been deducted from the current balance. **We propose allocating an additional \$30,000 from the Impact Fee Account to the Civic Plays project.** This will close the capital campaign and allow us to complete the installation of the new playground in Spring 2025.

Agenda

Lebanon City Council

February 19, 2025

10. New Business:

10.C – Discussion and Set Public Hearing for March 19, 2025: Supplemental Appropriation for \$2,310,000 for Identification and Replacement of Lead and Galvanized Water Service Lines; Authorization for City Manager to Apply for a New Hampshire Drinking Water State Revolving Fund Loan up to \$2,310,000; Designation of City Manager as Authorized Representative of the City

Background

On October 16, 2024, the Environmental Protection Agency (EPA) adopted changes to the Lead and Copper Rule. These changes included:

1. New Action Level for Lead of 10 parts per billion (PPB), effective in 2027. The current Action Level is 15 PPB.
2. Beginning in 2027, water systems **must replace 10% of lead and galvanized service lines each year for 10 years**, ending in 2037.

In order to comply with the new rule and proactively begin replacement, DPW has been working with the NH Department of Environmental Services (NHDES) to submit a Drinking Water State Revolving Fund (DWSRF) loan application to begin this process. The current loan forgiveness percentage is 71% of the money borrowed. NHDES has stated that the percentage of loan forgiveness will decrease with each future round of loan applications. As a result, DPW is requesting the appropriation of funds to allow the DWSRF loan application to be completed.

The amount being requested for the DWSRF loan is \$2.31 million, of which approximately \$1.64 million will be forgiven by the State through disbursement requests as the work is being completed. The total amount that will not be eligible for reimbursement will be approximately \$670,000.

Action

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, March 19, 2025, beginning at 7:00pm in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action to appropriate \$2,310,000 for identification and replacement of lead and galvanized water service lines; to authorize the City Manager to apply for a New Hampshire Drinking Water State Revolving Fund Loan up to \$2,310,000, which will include up to 71% loan forgiveness; and to designate the City Manager as the authorized representative of the City.

Included in this Section:

1. DPW Presentation of Request for Authority to Borrow Funds through DWSRF LSLR Loan Program

Request for Authority to Borrow Funds DWSRF LSLR Loan



Purpose of the Presentation

- Request authorization to borrow \$2.31 million through the Drinking Water State Revolving Fund (DWSRF).
- Funding will be used to comply with EPA Lead and Copper Rule Revisions (LCRR) by replacing lead and galvanized water service lines.



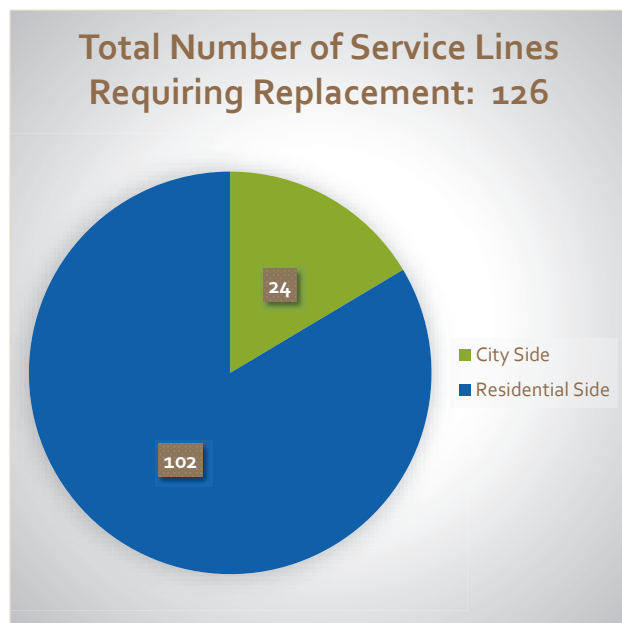
A Critical Need

- New EPA Lead and Copper Rule (LCRR): New Action Level of 10 ppb effective 2027.
- Requires replacement of all lead and galvanized service lines on both City and residential sides.
- Beginning in 2027, cities must replace 10% of lead service lines each year for 10 years, ending in 2037.
- For this loan, the project must be completed within 5 years.
- Annual Notices: If residents decline replacement, the City must send yearly notifications warning of potential lead exposure.

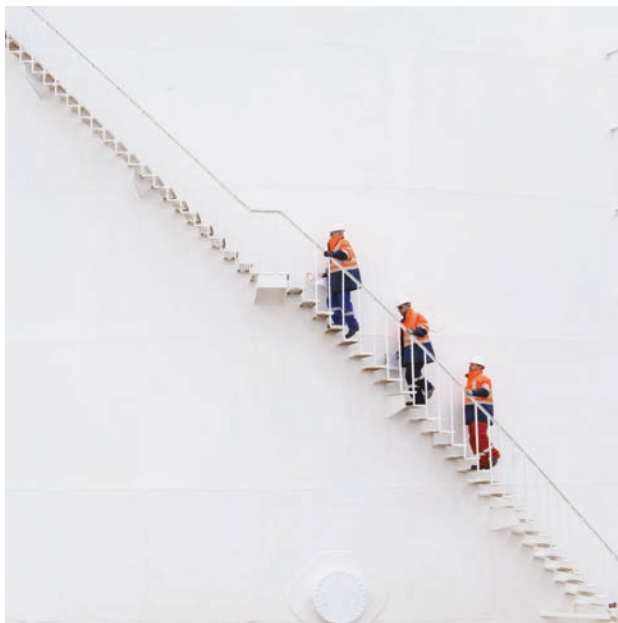


Project Scope and Costs

- Loan Amount Requested:
 - \$1,800,000 – Construction Costs
 - \$360,000 – Construction Contingency
 - \$150,000 – Engineering/Planning Costs
- Estimated Cost per Full Service Line Replacement: \$15,000 total
 - \$7,500 City responsibility
 - \$7,500 Resident responsibility



Breakdown of Work to be Completed



- Step 1
 - Potholing
 - Identify 554 city-side service materials at curb stops.
- Step 2
 - Inspections
 - Identify remaining service lines inside residential buildings.
- Step 3
 - Replacement
 - Replace 126 known galvanized service lines.

Financial Details – DWSRF Loan Forgiveness



Loan Terms

- 71% Principal Forgiveness for this loan.
- Low-interest rate of 3.072% for 20 years.
- Loan forgiveness percentage is expected to decrease each year.
- Future loans are not guaranteed.
- City's Financial Responsibility
 - The remaining balance will be repaid by the City over 20 years.

Why We Need City Council Approval

- **Compliance**
 - Ensures regulatory compliance with EPA and NHDES requirements.
- **Health and Safety**
 - Reduces the risk of lead exposure in drinking water.
- **Financial Advantage**
 - 71% loan forgiveness and low-interest rates minimize the financial burden.



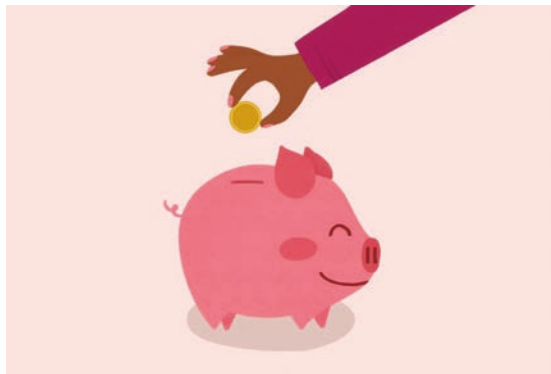
Moving the Project Forward: Next Steps



- Step 1 – Council Authorization
 - Borrow \$2.31 million through DWSRF
- Step 2 – Complete LSL Inventory
 - Submit to NHDES
- Step 3 – Construction
 - Begin construction and coordinate replacement efforts with residents.
- Step 4 – City Council Updates
 - Provide updates to City Council throughout duration of the project.

Recommendation

We respectfully request that the City Council grant us authority to borrow \$2.31 million through the DWSRF for lead service line replacements.



Agenda

Lebanon City Council

February 19, 2025

10. New Business:

10.D – Discussion regarding Strategic Plan Direction

Background

On May 8, 2024, the City Council adopted the current Lebanon Strategic Plan covering the three-year period from 2025-2028. The Plan details the Council's goals and priorities and complements the City's long-range Master Plan by concentrating on operational aspects of city governance and specific objectives and actions beyond the Master Plan's scope. The Strategic Plan also informs the City's budgeting process by ensuring that financial resources are allocated in alignment with City's strategic objectives.

Each year, the Strategic Plan is developed and updated with input from numerous local residents, property owners, businesses, non-profits, organizations, elected officials, and City staff. This collaborative approach ensures the Plan reflects the community's needs and goals.

In preparation for updating the Strategic Plan for the next three-year period from 2026-2029, the City has held multiple public engagement and listening sessions over the last few weeks. A business stakeholder meeting was held on January 28th in coordination with the Upper Valley Business Alliance. Subsequently, public input meetings were held on January 30th and February 6th. Other questions and comments have been received through contact forms on the City's website. A summary of the comments and feedback received to date about the Strategic Plan is enclosed with the agenda materials.

Similar to past years, administration and department staff will review proposed Strategic Plan updates and changes with the City Council during work sessions scheduled for April 22nd and 24th. Opportunities for additional public input will be provided during the Council's regular meeting of May 7th. Then the Council will be asked to make final revisions and adopt the 2026-2029 Strategic Plan during a special meeting on May 14, 2025.

At this time, the City administration is seeking direction from the City Council relative to the comments and feedback received thus far and any other guidance that can be provided to inform the ongoing review and update process by department staff and boards and committees.

Action

No formal action is required by Council; this item is for discussion purposes only.

Included In This Section:

1. Strategic Plan Summary, Public Engagement Sessions, January/February 2025

Information available but not included in this section:

2. [Lebanon Strategic Plan, 2025-2028](#)

**Strategic Plan Summary
Public Engagement Sessions
City of Lebanon, NH – January/February 2025**

Financial Stability & Taxes

What We Heard:

- Concerns about rising property taxes and their long-term impact on affordability, particularly for elderly residents and young families.
- Calls for financial impact statements (fiscal notes) on major spending decisions to improve transparency.
- A proposal to cap tax rate increases at 75% of the annual Consumer Price Index (CPI) for New Hampshire.
- Requests for a clearer breakdown of how debt service impacts the tax rate and suggestions for placing a moratorium on capital purchases unless funded through grants.
- Suggestions to explore alternative revenue sources, including corporate contributions and increased fees for non-resident services.
- Calls for research into economic diversification to reduce reliance on property taxes.

Options for Next Steps:

- Require financial impact statements (fiscal notes) for cost-impacting decisions.
- Develop a structured fundraising initiative to supplement city revenues through a 501c3 entity.
- Implement a tax rate cap policy tied to CPI to ensure predictability in tax increases.
- Conduct a comprehensive review of city fees and potential adjustments.
- Provide transparency on debt service and capital expenditure impacts.

Public Safety & Staffing

What We Heard:

- Concern over the affordability of adding four new firefighter positions and their long-term tax implications.
- A call for additional full-time fire personnel to bring Lebanon in line with similarly sized New Hampshire cities.
- A suggestion to launch a volunteer firefighter recruitment campaign targeting veterans and high school students.

Options for Next Steps:

- Conduct a long-term staffing needs assessment for public safety.
- Outline a sustainable funding plan for new firefighter positions.
- Implement a recruitment effort to increase volunteer firefighter participation.

Infrastructure & Transportation

What We Heard:

- Concerns over prioritizing non-essential infrastructure projects, such as roundabouts, over road maintenance.
- A request to reconsider the Slayton Hill roundabout in favor of road repairs.
- Discussions on the financial sustainability of public transit and potential fare systems.

Options for Next Steps:

- Reevaluate the prioritization of roundabouts versus road maintenance.
- Conduct a cost-benefit analysis of transit system expansions and fares.

Housing & Economic Development

What We Heard:

- Concerns over the affordability of high-density apartment developments and the lack of single-family housing options.
- Questions about the city's alignment with state and federal housing initiatives.
- Requests for businesses to contribute more fairly to local infrastructure costs.
- Suggestions for incentivizing employer-supported workforce housing.

Options for Next Steps:

- Review zoning guidelines to encourage a diverse housing mix.
- Consider workforce housing partnerships.
- Engage in discussions with businesses about tax fairness and financial contributions.

Public Health & Community Services

What We Heard:

- Questions about why city funds are allocated to public health initiatives when major hospitals operate locally.
- Calls for better coordination between city health services and regional healthcare providers.

Options for Next Steps:

Strategic Plan Summary
Public Engagement Sessions
City of Lebanon, NH – January/February 2025

- Ensure public health funding aligns with clear community needs.
- Improve collaboration with local healthcare institutions.

Community Engagement & Government Transparency

What We Heard:

- Some residents feel underrepresented in city decision-making and want expanded outreach.
- Suggestions to implement a “Resident-First” policy in city planning.

Options for Next Steps:

- Expand engagement efforts to ensure diverse participation.
- Incorporate a Resident-First policy to guide decision-making.

**Agenda
Lebanon City Council
February 19, 2025**

10. New Business:

**10.E – Discussion of Proposed Resolution Objecting to Freezing
of Federal Grant Programs**

Background

On February 12, 2025, Councilor Hill and Council Wilkie jointly submitted an Agenda Request Form asking the Council to discuss and consider adopting a resolution proposed by Lebanon resident Kathleen Corrigan concerning the freezing of funds for federal grant programs.

Action

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council hereby adopts the Resolution objecting to the freezing of federal grant programs to states and municipalities and to agencies and organizations that support Lebanon residents, as presented in the February 19, 2025 City Council agenda packet.

Included In This Section:

1. Proposed Resolution objecting to the freezing of Federal Grant Program
2. Agenda Request Form from Councilor Hill and Councilor Wilkie, received February 12, 2025

City of Lebanon Resolution strongly objecting to the freezing of federal grant programs to states and municipalities and to agencies and organizations that support Lebanon residents.

WHEREAS the City Council of Lebanon (henceforth referred to as “the Council”) recognizes the importance of Federal funds in support of services and functions critical for the well-being of the residents of Lebanon.

WHEREAS the Council is aware that increasing demands on the City Budget and the resulting necessity of substantial property tax increases in recent years makes the availability of Federal funds even more critical for the City.

WHEREAS the Council shares the concerns of Lebanon residents about the potential loss of funding supporting important services and projects, including approximately \$60 million in grant funds that would be owed to the City for various projects and programs.

WHEREAS the Council shares the concerns of Lebanon residents as to how the loss of funding to local organizations, institutions and individuals could place even greater demand on the City’s resources and adversely affect its ability to serve its residents.

WHEREAS the Council recognizes that the residents of Lebanon expect that tax dollars they paid to the federal government, and which were appropriated by Congress back to the State of New Hampshire, the City of Lebanon, and local agencies and organizations will, in fact, be disbursed according to the law and the agreements the City entered into with the federal government.

WHEREAS the Council has an important duty to protect the interests of Lebanon’s residents and to amplify their voices as they seek to hold their government to the commitments made to the City of Lebanon and its residents.

NOW, THEREFORE, BE IT RESOLVED that the Council strongly objects to the President’s attempted freeze and impoundment of funds appropriated by Congress to be disbursed to the people of the United States, including the residents of Lebanon, New Hampshire.

BE IT FURTHER RESOLVED that the Council calls on the members of its United States Congressional delegation to do everything in their power to protect the interests of the residents of Lebanon and to demand that the President honor the agreements and commitments the government has made to the City and its residents.

The Council will forward a copy of this resolution to our United States Congressional delegation, namely Representatives Maggie Goodlander and Chris Pappas, Senators Jeanne Shaheen, and Maggie Hassan, and to our New Hampshire State Legislative delegation, Representatives Thomas Cormen, Susan W. Almy, Laurel Stavis, and George Sykes, and State Senator Suzanne Prentiss.

BE IT FURTHER RESOLVED that the Council calls on our Governor, Kelly Ayotte, our Attorney General, John Formella, and our Executive Councilors Karen Liot Hill, Joseph D. Kenney, John Stephen, Janet Stevens, and David K. Wheeler to do everything in their power to protect the interests of the residents of Lebanon, by urging the President and his Administration to follow the law and honor their commitments.

LEBANON CITY COUNCIL

AGENDA REQUEST FORM

Karen Liot Hill & Devin Wilkie

1. Councilor Name: _____

February 19, 2025

2. Preferred Date of Council Meeting to Consider Item: _____

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:

As soon as possible

4. Name of agenda topic item:

City of Lebanon Resolution Objecting to Freezing of Federal Grant Programs

5. Reason for topic item:

On January 27, 2025, the President's administration issued a memo indicating a "pause" on federal grants, which created a high degree of uncertainty. The issue is being argued in the Courts, and states, cities, towns, and organizations are awaiting further guidance from the federal government. The consequences of a pause on federal grants could be devastating for the City of Lebanon. At the February 5, 2025 City Council meeting, Lebanon resident Kathleen Corrigan requested that the Council consider adopting a resolution about this matter.

6. Specific questions related to topic item:

How could the City of Lebanon be affected by a "pause" on federal funds?

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

The Council is asked to discuss and consider adopting a resolution proposed by Lebanon Resident Kathleen Corrigan.

8. Supporting documentation requested re: topic item:

9. Other: