

FINAL

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, February 19, 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, George Sykes, Douglas Whittlesey, Devin Wilkie, and Karen Zook

MEMBERS ABSENT:

STAFF PRESENT: Deputy City Manager David Brooks, Public Works Director Jay Cairelli, Recreation, Arts & Parks Director Paul Coats, Director of Planning & Development Director Nathan Reichert, Deputy Director Planning & Development Tim Corwin, DPW Administrative Services Manager Kelly Crate, GIS Coordinator Mark Goodwin, Finance Director Vicki Lee, Deputy Finance Director Alesia Williams, Planning Administrative Assistant Crystal Taplin

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

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

- Deputy City Manager David Brooks announced the meeting criteria for the public.
- Councilor Whittlesey attended remotely due to an illness in the family.
- Councilor Zook attended remotely because she was ill.
- Mayor McNamara noted that since there was a lot of people in attendance at this meeting waiting to give testimony regarding New Business Item 10.E, Discussion of Proposed Resolution Objecting to Freezing of Federal Grant Programs, this item would be moved before Item 8.A in the Public Hearing Section. While this is not a Public Hearing item, the Council does want to hear from the public.

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

4. OPEN TO PUBLIC: NO ONE FROM THE PUBLIC CAME FORTH.

5. RECOGNITIONS: NONE

6. ACCEPTANCE OF MINUTES: February 5, 2025 (Regular Meeting)

Amendments: Page 17, Line 2: Change “he has” to “the Council”

Councilor Wilkie MOVED to approve the February 5, 2025 minutes as amended and presented in the February 19, 2023 City Council agenda packet.

Seconded by Councilor Liot Hill.

Roll Call Vote:

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

None voted Nay.

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

7. APPOINTMENTS:

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

Councilor Wilkie MOVED to Nominate Rupert Burtan as an Alternate Member to the Zoning Board of Adjustment. Term: 2/2025-2/2028

Roll Call Vote:

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

None voted Nay.

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

NOTE: NEW Business: Item 10 E. Discussion of Proposed Resolution Objecting to Freezing of Federal Grant Programs was taken out of order (see notation above). The remainder of the Council discussions are listed in the order as discussed by the Council.

LAST ITEM OF NEW BUSINESS:

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

Included in the agenda packet: **(All supportive documents and information can be found on pages 123-126, Council agenda packet)**

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

Ms. Kathleen Corrigan, (Lebanon, NH resident) reviewed the proposed Resolution and read from her document describing the consequences of the pause on Federal Grants for the City and how this pause could be devastating to the City and its residents.

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.

The City of Lebanon's 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.

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.

While this was not a public hearing, Mayor McNamara opened the discussion to the public and the following came forth to give their brief testimonies. He also requested a show of hands from the public/online audience who supported this proposed Resolution as stated above. No one in the audience or online objected.

Ms. Sherry Boschert (Ward-2): She added that this is not business as usual these days and she has never seen anything as egregiously unconstitutional as this (freezing of Federal Grant Funds). She supported the Resolution.

Ms. Julia Neily (Ward-2): She spoke about her reasons for supporting the proposed Resolution. She has a daughter with special needs and hated the thought of funds being frozen for her and hated the fact

that the freezing of Federal Funding would have an impact on the City Budget that the Council worked so hard to create.

Council/Staff Comments:

Councilor Wilkie spoke about his reservations about the City of Lebanon speaking about this in isolation and how he felt we are not going to make much difference. He had concerns about what the State of NH and the Federal Government may be doing to target communities such as ours. This proposed Resolution is not meant to be spoken into the void, it is not meant to be spoken from one party, it is meant to be the start of a conversation and felt it would be more powerful if numerous communities were involved.

Councilor Liot Hill spoke about the impact on Lebanon, which could be very significant with the pause on Federal Funds. Uncertainty is one of the biggest issues, noting that clearly there is much more that could happen. She thought that bringing the potential implications forward with other communities was a good idea and wondered if the Council should take some time to communicate with the NH Municipal Association and other communities to see if they would be interested in working with us on this. The Council should be thoughtful about the unintended consequences (i.e., there has been a lot of attention in Lebanon because we became a sanctuary city) and she would not want to unintentionally put another target on the residents of Lebanon. It is also important to document what the potential impacts could be. She supported the concept of this Resolution but was uncertain if this needed to be adopted immediately or take another approach.

Mayor McNamara noted he had some of the same reservations as Councilor Liot Hill. He looked at this in two ways: 1) The personal part and 2) The City Council part. Personally, he was 100% in agreement with this (Resolution) and was appalled at what has been happening so far. He was also fearful of what could happen going forward. There is power in numbers and his preference would be to take the concept (Resolution) to the other 12 mayors in the state where we could all potentially document what we think the impact(s) would be on our municipalities. Beyond that, potentially bringing the Resolution to the NHMA could bring in some of the other non-cities, particularly towns. He felt that would be a more powerful statement than just the City of Lebanon sending this along alone. We have now entered a “culture of retribution” against sanctuary cities and does not want to put another target on Lebanon’s back by having Lebanon standing alone. He supported this Resolution but suggested taking this back to the other 12 cities in the State to see if we can get some support from them.

Councilor Sykes spoke about his thoughts on what the City of Lebanon should/should not do, noting that by being Lebanon’s State Representative, he has witnessed other State Representatives empowered to do bad things. We should not be bringing a butter knife to a knife fight and felt it was time to take strong actions and speak up loud and clear. If we are by ourselves when we do this, so be it, but it is important for someone to take the first step. We must be voices to be heard and not assume someone else will take care of this. He concurred with Mayor McNamara’s suggestions but suggested the organizers (of this Resolution) think about reaching out to other towns on their own as well. There is nothing to be gained in waiting.

At Councilor Wilkie’s request, Deputy City Manager Brooks highlighted some of the impacts on the City as a result of the freezing of Federal Grants. (**NOTE:** The list below is not an exhaustive list.) He also noted that it is specifically part of the City’s Strategic Plan to advocate for and seek Federal/State Funding to reduce the impact of property taxes and user fees, so we (City Staff) actively look for and seek Federal/State Funds. We have been quite successful as a community and in the 2023 Financial Audit it

documents just shy of \$2 Million worth of expenditures associated with Federal Awards in that one fiscal year. From 2022 to 2024 it is estimated we have facilitated/secured federal funds for about \$7.4 Million. Some of the projects impacted by the freezing of Federal Grant Funds that are in danger of losing funding are:

- Landfill Gas-to-Energy tax credits: \$1 to \$3 Million in tax credits. That is money already spent on this project that we could recoup if this moves forward.
- Fire Department Solar Installation Project: \$107K initially budgeted. When we got the grant, we took that money out of the project to save money and now stand to potentially lose it.
- The City was a subrecipient of the State's application for the National Electric Vehicle infrastructure. We do not have a specific dollar amount but stand to lose 1-2 charging stations at a cost of \$500K to \$1 Million.
- The USDA Tree Grant.
- The FEMA Hazard Mitigation Grant: \$85K (uncertain if we will get this now)
- FAA Grants: 90% Funded by the Federal Government and 5% funded by the State. We have well over \$12M in active grants with the FAA.
- Other projects: \$350K waiting to be submitted.
- Child Care Center: Congressional Directed Grants from Congresswoman Custer totaling \$1.6M. If this isn't completed soon it is uncertain if these funds will be available.
- Dry Bridge Project(s): Approaching \$20M (60%-80% could be associated with Federal Funds, which would be over \$16M. Assistant Mayor Below note this is the bridge that connects Main Street to Route 12A, and that bridge is at risk of having to be closed because it is in such bad condition.
- Mechanic Street Sidewalks Project: \$290K Awarded.
- Clean Water: State Revolving Fund loans, which are Federal Funds passed through the States and has a 100% loan forgiveness.
- Mascoma Watershed Plan: \$100K
- CDBG (Community Development Block Grant Funds).
- Housing Recovery Grants.
- Safe Streets and Roads: All Grants.
- CMAC Grants: \$2.4M to extend the Rail Trail.
- Riverside (Skate) Park.
- Main Street Project: \$2.3M in HUD Funds
- Trues Brooks Bridge: Mobile Grant Funds at 100% reconstruction and 100% for Trues Brook Road.
- Human & Social Services: While we do not get direct Federal Funds for these, Food Stamps and Meals on Wheels are Federally Funded. It is almost inevitable people will need to apply to the City for additional general assistance.
- LISTEN: They do not direct Federal Funding, but they are likely to have increases in demand for services

Deputy City Manager Brooks will share a more completed list with the Council and will also post a comprehensive list to the City's Website by February 20, 2025.

Assistant Mayor Below supported this Resolution and hoped this would get done before he steps down from the Council. It would be good to quickly mobilize other Mayors. He would be willing to put this off for a couple of weeks but with a commitment.

The Council continued their discussions regarding: Having some commitments/communications with other State Mayors before vote; how putting together and having a list of the impacts from other Mayors would be a powerful message; how working with other cities/towns is not exclusive to passing this Resolution; concerns about how this (Resolution) could potentially create a bigger target for Lebanon, but this target is already there; how this (Resolution) stands for everything we have done in the City over the last 5 + years (i.e., The Lebanon Welcoming Ordinance); how it is more important than ever to take a stand; how the freezing of Federal Grant is clearly impacting the City and our ability to make critical infrastructure investments; how the freezing of Federal Grants could impact the property tax rates in the City; how the Council could compromise on a more comfortable solution by passing this Resolution and adding to the motion support from other cities/towns in NH; reaching out to the NHMA to get a group together quickly; holding off on forwarding this Resolutions to our United States Congressional delegation (i.e., 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) until after the second Council meeting in March; how it is often the most powerful voice who speaks first; how what is happening now is not right and how it is an honor speaking up about what we believe; how looking at the power within ourselves can make a difference in this world.

ACTION:

Councilor Wilkie 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.

BE IT FURTHER MOVED, that the Lebanon City Council shall seek additional support for this Resolution from the mayors of New Hampshire cities and from New Hampshire towns as appropriate, in attempt to build as broad a coalition as possible prior to forwarding the resolution to the named representatives no later than March 21, 2025.

Seconded by Councilor Liot Hill.

Councilor Liot noted that in her role as the Executive Councilor for District 2 representing 81 cities/towns, she had heard from our State Commissioners and the Directors of our State Agencies that there is a lot of uncertainty right now and learned that one (1) in three (3) State dollars are Federal Funds. The impact on our locally communities and State and individuals is really significant. She appreciated all the work and thought that went into this motion.

Roll Call Vote:

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

None voted Nay.

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

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

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.

Included in the agenda packet: **(NOTE: All supportive documents, including maps and detailed information, can be found on pages 32-100, Council agenda packet):**

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. 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

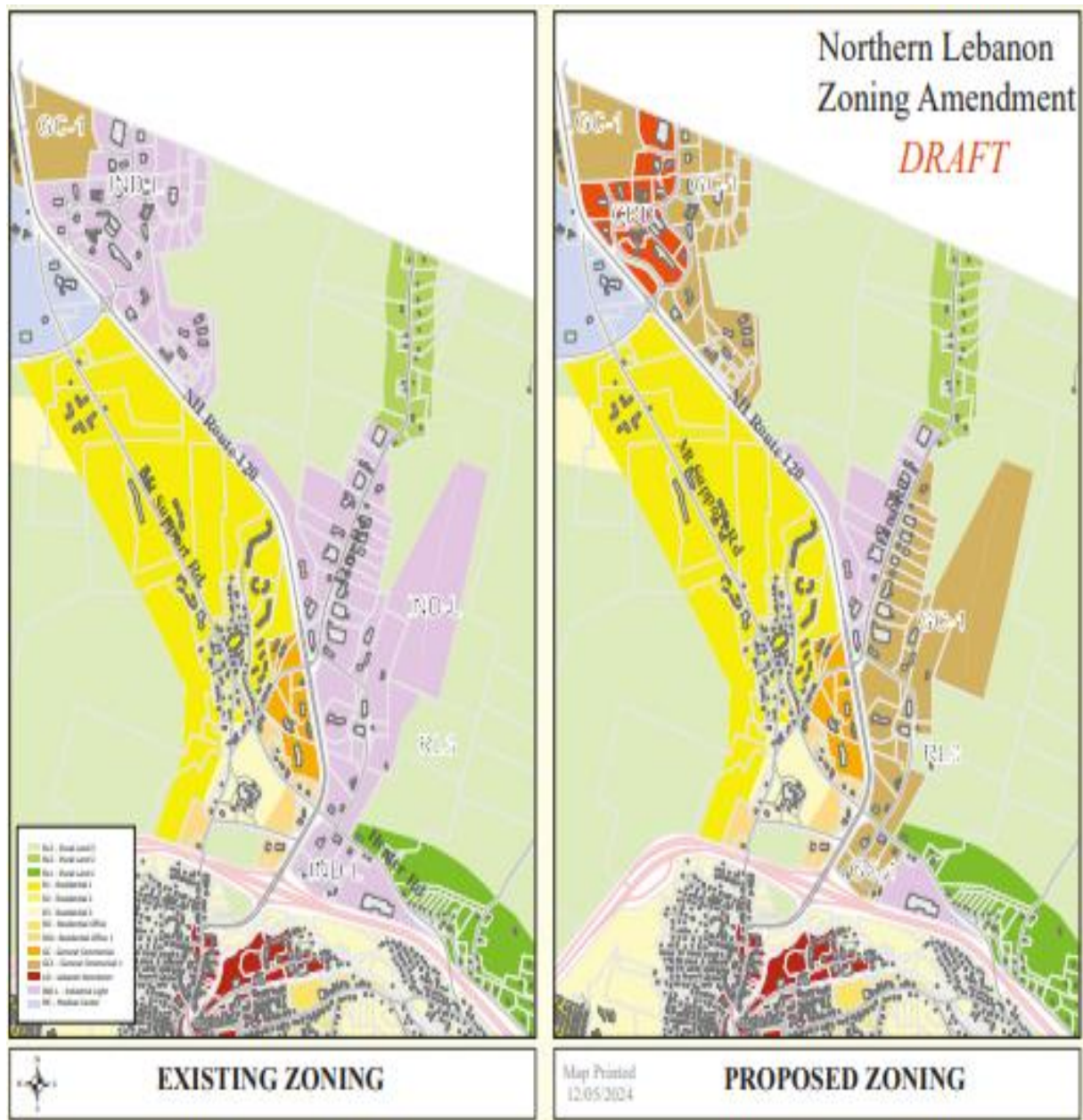
Director of Planning & Development Director Nathan Reichert and Deputy Director Planning & Development Tim Corwin reviewed the background, the existing zoning and proposed draft zoning maps, the permitted uses and uses by conditional use permits and the policy language for the CB (Central Business District(s); LD (Lebanon Downtown), GC (General Commercial); RO (Residential Office); MC (Medical Center); Medical Center Two); IND-L (Industrial Light) and allowing a “recovery house” by Special Exception in the R-1, R-2 areas, and the new R-3 areas of the City. He noted that the Conservation Commission did make additional comments on the proposed zoning in time for this meeting. There are two amendments of the 21 that have what he considered to have any controversy. Those amendments are #4 and #21. He discussed the legacy of the Route 120 Study and how we can build more of a neighborhood base within the northern Lebanon area.

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 in 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.

Mayor McNamara requested that the Council discuss all but Amendment #4s and #21 to get a general consensus from the Council and then we can spend more time on #4 and #21. Councilor Wilkie was concerned about the legal opinion on Amendment #20. It was decided the Council would review Amendments #7 through #19.



305A General Commercial One District

305A.2 Table of Uses.

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

Section 306 Central Business District

306.2 Table of Uses

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> 1. Dwelling Unit(s) above first floor 2. Multi-family dwelling (see section 305A.4) 3. Senior Housing Complex <u>Commercial/Non-Residential</u> 4. Amusement (indoor) 5. Community Center 6. Drycleaning Pickup Station 7. Financial Institution 8. Group Daycare Facility 9. Funeral Home 10. Health Club 11. Hotel 12. House of Worship 13. Laundromat 14. Library 15. Local Government Use 16. Membership Club 17. Motel 18. Museum 19. Office 20. Personal Service	<u>Commercial/Non-Residential</u> 1. Craftsman's Shop 2. Drive Through Facility 3. Educational Facility, college/university <u>Uses by Conditional Use Permit</u> (See section 302.4) <u>Commercial/Non-Residential</u> 1. Essential Service 2. Other uses per Section 306.4 3. Parking Facility 4. Publishing/Printing 5. Recreational Facility, indoor 6. Recreational Facility, outdoor <u>Planned Developments</u> 7. Commercial <u>or Industrial</u> PUD per Section 501 7.8. <u>Planned Business Park</u>

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:

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

Section 305: General Commercial District – GC

305.2 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 305.5) <u>Commercial/Non-Residential</u> 3. Amusements (indoor) 4. Car wash 5. Community center 6. Drive-in restaurant, refreshment stand 7. Drive-through facility 8. Drycleaning pick-up station 9. Financial institution 10. Funeral home 11. Group day care facility per Section 604 12. Health club 13. Hotel 14. House of worship 15. Laundromat 16. Local government use 17. Membership club 18. Motel 19. Movie theater 20. Office 21. Personal service 22. Publishing/printing 23. Radio or TV studio 24. Recreational facility, indoor 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	<u>Commercial/Non-Residential</u> 1. Alternative treatment center per Section 613 2. Bus terminal 3. Educational facility, college/university 4. Essential service 5. Truck terminal 6. Recovery Houses <u>Uses by Conditional Use Permit</u> (see Section 302.4) <u>Commercial/Non-Residential</u> 1. Care and treatment of animals 2. Contractor's yard 3. Craftsman's shop 4. Plumbing, electrical or carpentry shop 5. Produce stand 6. Recreational facility, outdoor 7. Warehouse 8. Wholesale sales <u>Planned Developments</u> 9. Commercial PUD per Section 501

Section 306: Central Business District – CB

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 306.5) 3. <i>Senior housing complex</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> 4. <i>Recovery Houses</i>
<u>Commercial/Non-Residential</u> 4. <i>Amusements (indoor)</i> 5. <i>Community center</i> 6. Drycleaning pick-up station 7. <i>Financial institution</i> 8. <i>Group day care facility</i> per Section 604 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> 21. Radio or TV studio 22. <i>Renewable energy system</i> per Section 612 23. <i>Restaurant, sandwich shop</i> 24. <i>Retail store</i> 25. <i>Social service center</i> 26. Theater, concert hall, movie theater	<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 PUD per Section 501

Section 307: Lebanon Downtown – LD

307.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
	1. <i>Recovery Houses</i>
	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
<u>Residential</u> 1. <i>Multi-family dwelling</i> (see Section 307.5) 2. <i>Dwelling unit(s)</i> above or below the street level story	<u>Commercial/Non-Residential</u> 1. <i>Craftsman's shop, art studio</i> 2. Dry cleaning pick up station 3. <i>Educational facility, college/university</i> 4. <i>Essential service</i> 5. Laundromat 6. Other uses per Section 307.4 7. <i>Parking facility</i> 8. Publishing/printing 9. <i>Recreational facility, indoor</i> 10. <i>Recreational facility, outdoor</i>
<u>Commercial/Non-Residential</u> 3. <i>Amusements (indoor)</i> 4. <i>Community center</i> 5. <i>Financial institution</i> 6. <i>Group day care facility</i> per Section 604 7. <i>Health club</i> 8. <i>Hotel</i> 9. House of worship 10. Library 11. <i>Local government use</i> 12. <i>Membership club</i> 13. Museum 14. <i>Office</i> 15. <i>Personal service</i> 16. Radio or TV studio 17. <i>Renewable energy system</i> per Section 612 18. <i>Restaurant, sandwich shop</i> 19. <i>Retail store</i> 20. <i>Senior housing complex</i> 21. <i>Social service center</i> 22. Theater, concert hall, movie theater	

Section 311: Residential-Office District – R-O

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

Section 315: Medical Center District – MC

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> 1. Essential service 2. Group day care facility per Section 604 3. Health club 4. Hospice 5. Medical center complex per Section 506 6. Medical office building 7. Medical research facility 8. Renewable energy system per Section 612 9. Retail product pickup	<u>Commercial/Non-Residential</u> 1. Drive-through facility 2. Financial institution 3. Inpatient rehabilitation facility 4. Motel 5. Hotel 6. Office 7. Parking facility 8. Personal service 9. Restaurant 10. Retail store <u>Planned Developments</u> 11. Commercial PUD per Section 501

The proposed zoning amendments that can be adopted by the City Council include the following: (NOTE: the amendments discussed by the City Council at this meeting are highlighted in yellow and the amendments to be pulled and discussed at a future meeting are highlighted in red.)

- **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).** ***This is an amendment that Director Reichert stated they wished to withdraw, and Deputy Director Corwin explained the reasons why.***
- **Amendment #11** – To clarify procedures for requesting a waiver of impact fees from the Planning Board. **(Zoning Ordinance Section 213)- Technical clean up.**
- **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) – Result of legislation put into State Law.**
- **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) Result of legislation put into State Law.

- **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**) **Result of legislation put into State Law.**
- **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**)

Before the Public Hearing, the Council decided to splitting the Public Hearing into two segments:

- The Amendments to be voted on at this meeting, and
- The Amendments that needed more in-depth discussions.

Deputy City Manager Brooks requested that the Council hold the public hearings tonight for all amendments, even if they choose not to make a decision on those.

Mayor McNamara opened the Public Hearing for Amendments #7, #8, #9, #11, #12, #13, #14, #15, #16, #17, #18 and #19.

Mr. Jay Simms (Ward-2): He spoke about his concerns about the financial impact to the City and gave his examples, noting that the City’s property taxes are not keeping up with the growth when we make major changes like this. He questioned what the impact would be on property taxes. He also spoke about the uncertainty (with the Federal Government) and felt the City should be tightening their belt because we cannot afford another 12% increase in property taxes. Director Reichert explained that the concept is to allow the Zoning Ordinance to get out of the way of further development in the community and to further developing our tax base. The Housing Task Force is in the final stages of authorizing a financial analysis, from the City’s perspective. Director Reichert further answered Mr. Simms’ questions about tax-exempt property. Mayor McNamara noted that taxes (property) are not related to zoning: Zoning pertains to the “use” of properties and gave examples.

Mr. Paul Roberts (Ward-2): He spoke about his concerns about the impact fees on the amendment changes and felt that there should be no waivers on impact fees. Deputy Director Corwin stated that the Statute requires the Planning Board to adopt and administer Impact Fee rates. The Council is responsible for adoption of the Zoning Ordinance, where the impact fees live. There are very few exemptions/waivers and explained his reasoning and gave examples. (NOTE: Complete discussion can be heard on the City’s Website located under the February 19, 2025 City Council meeting.)

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

Council/Staff Comments: NONE

ACTION:

Councilor Liot Hill MOVED, that the Lebanon City Council hereby approves zoning amendments #7, #8, #9, #11, #12, #13, #14, #15, #16, #17, #18 and #19 as presented in the February 19, 2025 City Council Agenda Packet.

Seconded by Councilor Whittlesey.

Councilor Liot Hill spoke to her motion by explaining the history of zoning updates and the reasons for doing incremental zoning updates.

Roll Call Vote:

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

None voted Nay.

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

Staff Discussion and Public Hearing on Amendments #4, #5, #6, #20 & #21.

The Council started with Amendments #4, #5, & #6.

Director Reichert spoke about a study and the initial recommendations from the consultant to help the City to allow more residential development under various constraints within the Zoning Ordinance, which culminated in Amendments #4, #5, & #6. Amendments #4, #5, & #6 are amendments that harmonize the current use with the proposed use change(s). We want to make conforming uses and explained his reasoning and gave examples. There is a large environmental piece that was recommended by the consultant and Staff felt that we were not capable of putting together the environmental piece for the overlay to create a wildlife crossing that bisects the Route 120 neighborhood. We had a long conversation with the Conservation Commission and requested that Conservation Commission Chair Riley articulate those. The question is: Do we want to move forward with the map changes right now and wait for the map overlay to come as it is developed by the Conservation Commission/Planning Board, or do we want to wait until the environmental overlay is written? He felt the Conservation Commission would want to delay the whole package until it can be put together.

At the request of Mayor McNamara, Director Reichert gave an overview of the Map changes (i.e., the front part of Centerra changing to CBD and Altaria into GC-1). The recommendation on the CBD side is to allow for more density and more creation of a city center of the northern Lebanon area. For the CBD area it would bring a mixed use development into play, specifically relative to residential housing, noting that right now the area is limited to 25% residential. It also allows for a new building to be developed and allows for 2nd, 3rd, & 4th floors to be redeveloped into residential units. If we leave the current use of this area to stay in place, we cannot add more housing.

Director Reichert and Mayor McNamara had discussions regarding the east area of Etna Road and the east side of Route 120, which is proposed to go from IND-L to GC-1. (i.e., south-side of Etna Road change to GC-1) that would allow a hotel to become a long term rental property. Ind-L does not allow housing at all.



For Amendentments #5 & #6, we wanted to make sure those uses for existing businesses were present within the CG-1 District.

Director Reichert also spoke about a couple of other “use code” changes in the future. These were not added to the Council agenda packet for tonight because they were not noticed. One is for a hotel (new or existing) and a request from Mrs. Hatch to clean up her 3 acre property line.



Mayor McNamara opened the Public Hearing on Amendments #4, #5 & #6 (Route 120 area) and the following came forth to give testimony:

Sarah Riley (Conservation Commission Chair): She spoke about the Conservation Commission’s comments and concerns regarding the proposed amendments, with a focus on Amendment #4 and read a quote from Chapter 5 of the Master Plan, which deals with the protection of the environment, retainment

of Lebanon's open spaces, and rural character. The Conservation Commission recommended not advancing all of the zoning changes prescribed in amendment #4 at this time until some of the environmental protections are implemented. They did make an exception for a CBD in the heart of Centerra. They also suggested a more cautious/staged approach to rezoning. She spoke about the changes to the IND-L area to increase residential use and the impact this would have on natural resources, wildlife habitats and wetlands, which are intricately located within this area. The northern Lebanon Community Plan suggested numerous ways to increase protections for the wetland flood plains, steep slopes, the ridge lines and the wildlife habitat. It would be a mistake to move forward so quickly with so much rezoning in the Route 120, Labombard, Etna Road area without the balancing environmental protections. The Conservation Commission requests a pause to this amendment until protections can be implemented. The Conservation Commission could support moving forward with the CBD change. Timing to complete the environmental overlay is uncertain.

Councilor Heistad spoke about the conservation of water noting that the wells the City is proposing to put in West Lebanon starts at the vernal pool at the top of the ridge line and feeds down into the aquifer, which feeds down into the Mascoma River. By not having a protection plan in place, we are not protecting the potential water usage, which we as a City are going to be needing.

- **Mr. Richard Ford Burley (Ward-3).** He spoke about his reasons why it was important for these amendments to move forward with expediency, noting we need more people to live in a place where services are being delivered. The CBD and GC-1 zonings are a great way to do this.
- **Mr. Chip Brown (Etna, NH):** He spoke about his reasons why he felt the City needs changes along the Route 120 corridor. He spoke about his concerns about changing some Centerra parcels from IND-L to GC-1. It is very difficult to find good industrial property for people to develop.
- **Mr. Dan Nash (Ward-1):** He spoke about his reasons why the Council should move ahead with the adoption of Amendment #4, noting that the GC-1 adds value by increasing our grand list and our taxable revenue without affecting the people who already live here. He also spoke about the history of the IND-L areas in the Centerra area. The environmental concerns in this area have already been considered and explained his reasoning.
- **Ms. Barbara Hirai (Ward-1):** She spoke about her reasons why she did not support moving these amendments forward. She suggested the Council accept the change for the Centerra parcels from IND-L to CBD but should not accept the Centerra parcels for IND-L to GC-2 and the parcels south of Etna Road from IND-L to GC-1 until the environmental portions can be considered.
- **Mr. Bruce James (Ward-3 & Vice Chair of the Conservation Commission):** He spoke about co-technical details (soil composition; steep slope runoff; wetlands; etc.) which has to do with the purple wedge of the IND-L between Route 120 and Etna Road and part of the east of Etna Road. The Conservation Commission gave considerable weight and discussion to that zone and further explained his reasonings. (See the geographic map below, which Mr. James explained).



- **Mr. Jay Campion:** He spoke about his reasons why he felt rezoning should happen and pointed out that the Conservation Commission and members of the population have been involved with the North Lebanon environmental discussions since last February to voice their opinion. Nothing that is being suggested for rezoning alters the protections that we already have for wetland areas and steep slopes since these are already in our Ordinance and are applied as part of a Site Plan Review. He felt holding up the zoning change for what is already addressed in a Site Plan Review was not appropriate.

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

Roll Call Vote:

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

None voted Nay.

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

The Public Hearing Continued:

- **Dr. John McIntyre (Nonresident):** He spoke about his reasons for supporting the industrial areas in Lebanon, NH. While he understands the housing problem in Lebanon, you do not destroy the industrial engine to create more housing and further explained his reasons, noting the City should increase the density in residential areas to create more housing.
- **Ms. Chris Haidari (Ward-3):** She spoke about her reasons for not supporting this amendment, which would increase housing. We should look at the big picture and look at what else Lebanon is losing when we redevelop.
- **Ms. Ashley Callahan (Ward-not given):** She represents Centerra Park and spoke about their reasons for taking more time to review the zoning changes for this area.
- **Mr. Andrew Faunce (Resident & Vice Chair of the Planning Board):** He spoke about natural resources and his reasons for the need to take more time before passing this amendment to look more carefully at the Centerra parcel and the Etna Road areas until such a time that the Conservation Commission's study can be completed.
- **Ms. Darla Bruno (Ward-3):** She agreed with Chair Riley and Bruce James and spoke about her reasons for treading lightly with this amendment, especially noting the wetlands and keeping in mind that the City is projected to get 30% more precipitation due to climate change. Our wetlands are our flood protection.

Hearing no further comments from the public, the Public Hearing on Amendments #4, #5 & #6 (Route 120 area) was closed.

Council/Staff Discussions:

Mayor McNamara noted there was a lot of public interest in this area and there was a lot of potentially conflicting opinions on Planned Use & natural resources. He felt the Centerra CBD area is basic, and the Council could pull out the IND-L to GC-1 area changes now to give more time for the Conservation Commission's input and to answer some of the other land use questions that came up in these areas. Related to Amendment #4, he felt Amendments #5 & #6 are okay.

Councilor Liot Hill noted that the Conservation Commission agreed with the CBD portion of Centerra and agreed moving forward with that but holding off on approving the Centerra and South of Etna Road GC-1 areas.

In response to Mayor McNamara's question about whether or not Amendments #5 & #6 should be pulled from a vote tonight, Deputy Director Corwin said the Council could move forward with amendment #5 and postpone approval of amendment #6 and explained the language/code references that should be used in the motion.

For clarity, Mayor McNamara stated that what the Council should do is:

- Amendment #4: Vote to rezone the properties within Centerra from IND-L to CBD, except for Centerra parcel from IND-L to GC-1 and south of Etna Road from IND-L to GC-1.
- Amendment #5: Amend the GC-1 and CBD District uses to allow IND/PUD by Planned Conditional Use Permit. Deputy Director Corwin stated that what should be done is to amend the CBD table of Use to allow Planned Business by a Conditional Use Permit (Section 306 as well as 508.2).
- Amendment #6: Deputy Director Corwin stated that the Council would want to move forward with this one to amend the Planned Business Park Regulations to allowed uses in calculating Permitted Residential Dwelling Unit Density (Sections 508.2 and 508.4).

Deputy Director Corwin noted the Council would be moving Amendments #5 & #6 forward as they relate to the Central Businesses and the Business Park Regulations.

ACTION:

Councilor Liot Hill MOVED, that the Lebanon City Council hereby passes the following amendments:

- **Rezone properties within the Centerra Planned Business Park from IND-L to CBD (Central Business District) except tax map lots #10-11-1200, 10-11-1300; 10-11-1302; 10-11-3100; 10-11-3200; 10-11-3400; 10-11-3600 and 10-11-3800.**
- **Amendment #5: To amend the Central Business District (CBD) table of uses to allow IND-L table of uses to allow a Planned Business Park by Conditional Use. (Sections 306 & 508.2).**
- **Amendment #6: To amend the Planned Business Park Regulations relative to allowed uses and calculated Permitted Residential Unit Density pursuant to Zoning Ordinance Sections 508.2 & 508.4.**

Seconded Councilor Sykes.

Roll Call Vote:

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

None voted Nay.

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

Amendments #20 & #21 Discussions:

After the Council discussed whether or not to discuss these amendments tonight, Director Reichert suggested the Council pick up the remaining balance of this entire process and move it forward in a continuance. If we are to bring the elements in Amendment #4 that did not pass tonight, these have to go back through the entire process of vetting through all the Boards. He felt we should continue this discussion at the next meeting on March 5, 2025 and hold a Public Hearing on March 19, 2025.

Councilor Liot Hill MOVED to continue the balance of Amendments #4, #5 & #6, as well as Amendments #20 & #21, until the Council's March 19, 2025 meeting.

Seconded by Councilor Simon

Roll Call Vote:

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

None voted Nay.

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

9. OLD BUSINESS: NONE

10. NEW BUSINESS

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

Included in the agenda packet: **(All supportive documents and information can be found on pages 101-106, Council agenda packet)**

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

Mr. Richard Ford Burley (Secretary of the DEI Commission) reviewed the background and history of the Resolution noting that by passing this Resolution would cost the City no money, add nothing to the budget, and would likely aid the City in bringing in grant funds.

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.

Jo-Anne Unruh noted she has been on the Board of the Special Needs Support Center of the Upper Valley for the last 15 years and was very much impressed with the work that Dr. Kendra LaRoche has done with Lebanon and spoke about her reasons for supporting the Resolution.

Council/Staff Comments: NONE

ACTION:

Councilor Wilkie 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
Seconded by Councilor Liot Hill.

Roll Call Vote:

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

None voted Nay.

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

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 **19th** day of **February, 2025** at Lebanon, New Hampshire.

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

Included in the agenda packet: **(All supportive documents and information can be found on pages 107-108, Council agenda packet)**

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

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.

Council/Staff Comments: NONE

ACTION:

Assistant Mayor Below MOVED the following:

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

Seconded by Councilor Simon.

Roll Call Vote:

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

None voted Nay.

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

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

Included in the agenda packet: [**\(All supportive documents and information can be found on pages 109-118, Council agenda packet\)**](#)

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

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.

The highlights of the presentation can be found on **pages 110-118**, Council agenda packet.

Council/Staff Comments: NONE

ACTION:

Councilor Liot Hill 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.

Seconded by Councilor Wilkie.

Roll Call Vote:

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

None voted Nay.

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

D. Discussion RE: Strategic Plan Direction – NOT DISCUSSED AT THIS MEETING. WILL BE PLACED ON A FUTURE AGENDA

Included in the agenda packet: **(All supportive documents and information can be found on pages 119-122, Council agenda packet)**

1. Strategic Plan Summary, Public Engagement Sessions, January/February 2025
2. Information available but not included in this section:
Lebanon Strategic Plan, 2025-2028

11. City Manager Report:

Mayor McNamara informed the Council about a meeting that he and Councilor Liot Hill will be attending on Feb. 20, 2025, with the NH DOT to discuss the rail yard. Based on the discussions the Council had at previous meetings with the City Manager and his post-interactions with State on this and wanted to get the Council’s input on the following:

1. We (the Council) will not accept any liability for environmental conditions at that site, other than those we would create moving forward.
2. He suggested starting out with a long-term (i.e., 100 year) lease instead of purchasing the property.

In preparation for this meeting, Councilor Liot Hill noted that one staffer in the NH DOT said that the NH DOT does not have the staff resources to manage long-term recreational leases. Assistant Mayor Below questioned this stance by the NH DOT and noted they have been taking care of the long-term railroad leases. Councilor Liot also spoke about the negotiations the City with the State back in 2007.

***Council Heistad MOVED to extend the meeting to 10:35PM
Seconded by Councilor Sykes.***

Roll Call Vote:

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

None voted Nay.

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

12. COUNCIL REPRESENTATIVES TO OTHER BODIES:

- Councilor Sykes reviewed the following State Legislative: Right-to-Work was defeated; Environmental bills HB 332 & HB 422.

13. FUTURE AGENDA ITEMS:

- A. Discussion RE: Strategic Plan Direction** – Not discussed on February 19, 2024. will be placed on future agenda

14. NON-PUBLIC SESSION: NONE

15. ADJOURNMENT:

Councilor Wilkie MOVED for adjournment.

Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

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

The meeting was adjourned at 10:34 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary