



**LEBANON CITY COUNCIL  
MARCH 19, 2025 - 6:00 PM  
COUNCIL CHAMBERS, CITY HALL OR  
REMOTE VIA VIRTUAL PLATFORM  
LEBANONNH.GOV/LIVE**

To participate in this meeting, please [join live via Microsoft Teams](#) or call 929-229-5356 (access code: 435 927 250#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

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**1. Call to Order**

The March 19, 2025 Lebanon City Council Meeting is hereby called to order.

**2. Pledge of Allegiance**

**3. Public Forum Announcement by the Mayor**

Any member of the public who desires to speak on any item may do so when the 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**

- A. Proclamation - World Down Syndrome Day
- B. Resolution Honoring Clifton Below
- C. Resolution Honoring Karen Liot Hill

**6. Approval of Minutes**

- A. March 5, 2025

**7. Appointments**

- A. Pedestrian & Bicycle Advisory Committee, Nelson Rooker (Regular Member)

**8. Public Hearing Items**

A. Proposed Amendments to the Lebanon Zoning Ordinance

A public hearing for the purpose of receiving public input and taking action to amend the Lebanon Zoning Ordinance to define “Research Laboratory”, and add it as a Permitted Use in the Central Business (CB), Lebanon Downtown (LD), General Commercial (GC), and General Commercial One (GC-1) zoning districts.

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



B. Proposed Amendments to the Lebanon Zoning Ordinance – Continued Public Hearing

A continued public hearing for the purpose of receiving public input and taking action to amend the Zoning Ordinance to:

- Amendment #4 –To rezone the following properties within the Centerra Planned Business Park from IND-L to GC-1: 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; 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 District Tables of Uses to allow “industrial planned unit development” and “planned business park” by Conditional Use Permit. (Zoning Ordinance Sections 305A 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. (Zoning Ordinance Sections 501.4)
- Amendment #10 – To allow stairs and stairwells to project up to 6 ft. into minimum required yards. (Zoning Ordinance Section 201)
- 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)
- Hatch Map Amendment – to rezone portions of the Hatch Property, 24 Labombard Road, Tax Map 51, Lot 12, from Light Industrial (IND-L) to General Commercial One (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:

C. Supplemental Appropriation of \$2,310,000 for EPA-mandated Identification and Replacement of Lead and Galvanized Water Service Lines - **Resolution: R-2025-5**

Authorization for City Manager to Apply for Drinking Water State Revolving Loan Fund; Designation of City Manager as Authorized Agent of the City - A public hearing for the purpose of receiving public input and taking action to appropriate \$2,310,000 for EPA-mandated 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; and to designate the City Manager as the authorized representative of the City.

- 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**

- A. Discussion of Draft Resolution Objecting to Freezing of Federal Grant Programs
- B. Discuss the Salary Range for the City Manager Position

**10. New Business**

- A. Ordinance #2025-02, To Amend City Code Chapter 168, Vehicles & Traffic, Section 168-9, One-Way Streets  
Discussion and Set Public Hearing for April 16, 2025: Ordinance #2025-02, To Amend City Code Chapter 168, Vehicles & Traffic, Section 168-9, One-Way Streets, to Remove One-way Designation of East End of Memorial Drive
  - B. Ordinance #2025-03, To Amend City Code Chapter 168, Vehicles & Traffic, Section 168-9, One-Way Streets  
Discussion and Set Public Hearing for April 16, 2025: Ordinance #2025-03, To Amend City Code Chapter 168, Vehicles & Traffic, Section 168-9, One-Way Streets, to Remove One-way Designation of North End of Church Street
  - C. Ordinance #2025-04, To Amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees  
Discussion and Set Public Hearing for April 2, 2025: Ordinance #2025-04, To Amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, Section 68-15, Enumeration of Fees, Paragraph 68-15.B(10), Town of Enfield Sewer Rental Rate
  - D. Discussion of Potential Zoning Amendments
    - 1. To Add “Hotel” as a Permitted Use in the General Commercial One (GC-1) District
    - 2. To Add “Care and Treatment of Animals” as a Use Allowed by Conditional Use Permit in the Residential Office One (RO-1) District
  - E. Council Discussion with NHDOT Commissioner William J. Cass and NHDOT Deputy Commissioner Andre J. Briere (By prior arrangement by the City Council, this discussion item will commence at 6:00pm)
- 11. City Manager Report**
- A. Update on Senate Bill 297 (as amended)
- 12. Council Representatives to Other Bodies Report: None**
- 13. Future Agenda Items: Included at the bottom of this agenda**
- 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](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.

Future Board/Committee/Commission Appointments  
Board/Committee: Library Board of Trustees  
Position: Alternate Member  
Applicant: A. Ali  
City Councilor: C.Simon

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

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Assigned Date: 2/3/2025

Board/Committee: West Lebanon Revitalization Advisory Committee  
Position: Regular Member  
Applicant: S. Roberts  
City Councilor: C.Below  
Assigned Date: 3/6/2025

Proposed Future Agenda Items: Dates may be tentative, and this list is not considered all-inclusive.  
March 26, 2025 – Organizational Meeting

April 2, 2025 – 6:00pm start

Public Hearing Items:

A. Ordinance #2025-01: To delete and repeal City Code Chapter 179, Vendors, and to replace it with a new City Code Chapter 179, to be entitled Vendors

B. Ordinance #2025-04: To amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, Section 68-15, Enumeration of Fees, Paragraph 68-15.B(10), Town of Enfield Sewer Rental Rate

New Business:

A. Presentation of DPW Accreditation Process

B. Presentation & Discussion of Proposed Amendment to City Council Rules: §A191-8, Order of Business – Take out any of the agenda items at the bottom (#12-13)? Adoption of Council Rules if no changes proposed

C. Presentation & Discussion of Proposed Revisions to City Council Policy CC-108 Ethics Policy to create a combined policy to include City employees presently covered by ADM-108 Ethics Policy.

D. Discussion and Set Public Hearing for May 7, 2025: to Adopt New City Code Chapter 85(?), Housing Standards, Minimum

E. Request from Devon Blanchard of DB Lights for a Monument in Colburn Park

April 16, 2025

Public Hearing Items:

A. Ordinance #2025-02, To Amend City Code Chapter 168, Vehicles & Traffic, Section 168-9, One-Way Streets, to Remove One-way Designation of East End of Memorial Drive

B. Ordinance #2025-03, To Amend City Code Chapter 168, Vehicles & Traffic, Section 168-9, One-Way Streets, to Remove One-way Designation of North End of Church Street

New Business:

A. Release of Collected Public School Impact Fees (1st Quarter 2025)

B. Storrs Hill Facility Planning Advisory Group Presentation



## PROCLAMATION

### World Down Syndrome Day

**WHEREAS**, Down Syndrome is a naturally occurring chromosomal arrangement that has always been a part of the human condition, affecting people of all racial, gender, and socioeconomic backgrounds; and

**WHEREAS**, individuals with Down Syndrome contribute to our communities in countless ways, bringing joy, diversity, and a unique perspective that enriches our society; and

**WHEREAS**, World Down Syndrome Day is observed annually on March 21st (3/21) to symbolize the triplication of the 21st chromosome, which causes Down Syndrome; and

**WHEREAS**, this day is dedicated to raising public awareness, advocating for the rights and inclusion of people with Down Syndrome, and celebrating their accomplishments and potential; and

**WHEREAS**, the City of Lebanon is committed to fostering an inclusive community where all individuals, regardless of ability, are valued and empowered to reach their full potential; and

**WHEREAS**, community organizations such as the New Hampshire Down Syndrome Association work tirelessly to support individuals with Down Syndrome and their families, advocating for education, employment, and opportunities for full participation in society.

**NOW, THEREFORE BE IT RESOLVED**, that the Lebanon City Council, on behalf of the City of Lebanon, do hereby proclaim March 21, 2025, as World Down Syndrome Day in the City of Lebanon and encourage all residents to join in recognizing and celebrating the abilities, achievements, and contributions of individuals with Down Syndrome.

Dated this 19<sup>th</sup> day of March 2025.

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



## Resolution

### Honoring Clifton Below

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**WHEREAS**, Clifton Below has served on the Lebanon City Council since 2015, representing Ward 3; and

**WHEREAS**, he has held the position of Assistant Mayor since 2019, providing steadfast leadership and dedication to the community; and

**WHEREAS**, during his tenure, Assistant Mayor Below has been an active member of the Governance Committee and the Lebanon Energy Advisory Committee, contributing significantly to the city's governance and energy initiatives; and

**WHEREAS**, he is the principal author of the Community Power Law (NH RSA 53-E, 2019) and co-author of the nation's first Electric Utility Restructuring Act (NH RSA 374-F, 1996), demonstrating his commitment to innovative energy solutions; and

**WHEREAS**, Assistant Mayor Below's extensive public service includes roles as a State Representative (1992-1998), State Senator (1998-2004), and Public Utilities Commissioner (2005-2012), reflecting his dedication to public service at multiple levels; and

**WHEREAS**, his knowledge, attention to detail, and commitment to public service have enabled him to make thoughtful and principled decisions that have benefited all residents of the City of Lebanon; and

**WHEREAS**, the Lebanon City Council appreciates the time, effort, knowledge, and commitment provided to the community by Assistant Mayor Below during his time on the Lebanon City Council.

**NOW THEREFORE BE IT RESOLVED**, that the Lebanon City Council, on behalf of the City of Lebanon, extends its sincere appreciation to Clifton Below for his dedicated service and contributions to the community.

Dated this 19<sup>th</sup> day of March 2025 at Lebanon, New Hampshire.

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Timothy J. McNamara, Mayor  
On Behalf of the Lebanon City Council



## Resolution

### Honoring Karen Liot Hill

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**WHEREAS**, Karen Liot Hill has served on the Lebanon City Council since 2005, making her the longest-serving councilor in the city's history; and

**WHEREAS**, she held the position of Mayor from 2008 to 2009, demonstrating exceptional leadership and dedication to the community; and

**WHEREAS**, during her tenure, Councilor Liot Hill has been an active member of several committees, including the Economic Development Commission, Governance Committee, Joint School District/City Council Task Force, and the Diversity, Equity & Inclusion Commission, contributing significantly to the city's development and inclusivity initiatives; and

**WHEREAS**, she has also served as Grafton County Treasurer since 2016, overseeing fiscal matters and ensuring the financial well-being of the county; and

**WHEREAS**, Councilor Liot Hill's commitment to sustainability, social justice, economic vitality, affordable housing, transparency, and inclusiveness has been evident throughout her nearly two decades of public service; and

**WHEREAS**, her knowledge, attention to detail, and dedication to public service have enabled her to make thoughtful and principled decisions that have benefited all residents of the City of Lebanon; and

**WHEREAS**, the Lebanon City Council appreciates the time, effort, knowledge, and commitment provided to the community by Councilor Liot Hill during her time on the Lebanon City Council.

**NOW THEREFORE BE IT RESOLVED**, that the Lebanon City Council, on behalf of the City of Lebanon, extends its sincere appreciation to Karen Liot Hill for her dedicated service and contributions to the community.

Dated this 19<sup>th</sup> day of March 2025 at Lebanon, New Hampshire.

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Timothy J. McNamara, Mayor  
On Behalf of the Lebanon City Council

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

**6. Acceptance Of Minutes:**

**Minutes To Be Accepted**

- March 5, 2025

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



DRAFT

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

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

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

**MEMBERS ABSENT:**

**STAFF PRESENT:** City Manager Shaun Mulholland, Deputy City Manager David Brooks, Deputy City Manager of Special Projects Paula Maville, Director Public Works Jay Cairelli, DPW Administrative Services Kelly Crate, Finance Director Vicki Lee, Director of Planning & Development Director Nathan Reichert, Chief Innovation & AI Officer Melanie McDonough, City Engineer Brian Vincent, Deputy Finance Director Alesia Williams, Planning Administrative Assistant Crystal Taplin

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**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.

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

**4. OPEN TO PUBLIC:**

Councilor Wilkie spoke about the Point-In-Time count for the City of Lebanon, which is an annual count coordinated by the Federal Department of Housing & Urban Development to try and estimate how many people are living unhoused in the country. On January 22, 2025, a number of volunteers went out to try and calculate how many Lebanon residents were without housing. The data collected is as follows:

- 58 individuals, representing 38 different households were unhoused in lower Grafton County, NH.
- 19 (of the 58) were staying in emergency shelters
- 22 (of the 58) were in a place not intended for human habitation, which included cars, tents, campers or sleeping outdoors.
- 46 of the people counted were living in Lebanon or West Lebanon and at least 16 of them were homeless for the first time. 7 were under the age of 18 and 9 were over the age of 54.

This is only a brief snapshot of local residents and many of them were housed in Lebanon prior to becoming homeless. There was a community discussion about the Zoning Amendment # 2 on the ballot next week pertaining to recovery housing. He is happy to discuss this further if anyone has any questions.

**5. RECOGNITIONS:**

- **RESOLUTION IN HONOR AND APPRECIATION OF WINSTON “WIN” SPENCER**

**WHEREAS,** Winston Spencer has faithfully served the City of Lebanon as an Electrical Inspector since

1 March of 2009, and

2 **WHEREAS**, Win has played an integral role in ensuring the safety and well-being of the residents,  
3 businesses, and infrastructure of the City of Lebanon by meticulously enforcing electrical codes,  
4 performing thorough inspections, and upholding the highest standards of electrical safety; and  
5

6 **WHEREAS**, throughout his tenure, he has been instrumental in modernizing inspection procedures,  
7 adapting to new technologies, and providing critical guidance to contractors, homeowners, and city  
8 officials; and  
9

10 **WHEREAS**, his contributions have not only ensured the integrity and safety of electrical installations but  
11 have also played a key role in preventing electrical hazards, fires, and other safety risks, thereby protecting  
12 lives and property within the city; and  
13

14 **WHEREAS**, Win has been a valued colleague and mentor, leaving a lasting impact on the Planning and  
15 Development Department and setting a welcome tone for City welfare and future inspectors that will  
16 endure beyond his retirement; and

17 **NOW, THEREFORE, BE IT RESOLVED**, that the Lebanon City Council, on behalf of Lebanon's  
18 residents, employees, visitors, and civil servants, extend their sincere appreciation to Winston Spencer in  
19 honor of his exemplary service to Lebanon and wish him a long and joyful retirement.  
20

21 **BE IT FURTHER RESOLVED**, that this resolution be written upon the minutes of the Lebanon City  
22 Council meeting.

23 Dated this 5th day of March 2025 in Lebanon, New Hampshire.

24  
25 \_\_\_\_\_  
26 Timothy J. McNamara, Mayor  
on behalf of the Lebanon City Council

27 Mr. Spencer was present to accept his resolution of honor and came forth to give thanks to all those who  
28 supported him throughout his career.  
29

30 **6. ACCEPTANCE OF MINUTES:** February 19, 2025  
31

32 ***Councilor Heistad MOVED to approve the February 19, 2025 minutes as written and presented in***  
33 ***the March 5, 2025 City Council agenda packet.***

34 ***Seconded by Councilor Whittelsey.***  
35

36 ***\*The Vote on the Motion was approved (8-0). Councilor Liot Hill was not present at the time this***  
37 ***vote was taken.***  
38

39 **7. APPOINTMENTS:**

40 • Mascoma River Local Advisory Committee, Sarah Riley (Nomination as New Member)  
41 ***Assistant Mayor Below MOVED to Nominate Sarah Riley as a new member of the Mascoma River Local***  
42 ***Advisory Committee. (Application included in agenda packet.)***

43 ***\*The Vote on the Nomination was approved (8-0). Councilor Liot Hill was not present at the time this***  
44 ***vote was taken.***  
45

1       • Library Board of Trustees, Samantha Milnes (Alternate Member)  
2 *Councilor Whittlesey MOVED to Nominate Samantha Milnes as an Alternate Member to the Library*  
3 *Board of Trustees. Term: 3/2025-3/2026*  
4 *\*The Vote on the Nomination was approved (8-0). Councilor Liot Hill was not present at the time this*  
5 *vote was taken.*

6  
7       • Economic Development Commission, Dan Nash (Reappointment)  
8 *Mayor McNamara MOVED to Nominate Dan Nash for Reappointment to the*  
9 *Economic Development Commission. Term: 3/2025-3/2027*  
10 *\*The Vote on the Nomination was approved (8-0). Councilor Liot Hill was not present at the time this*  
11 *vote was taken.*

12  
13       • Arts & Culture Commission, Lucas Mendelsohn (Regular Member)  
14 *Councilor Wilkie MOVED to Nominate Lucas Mendelsohn as a Regular Member of the Arts & Culture*  
15 *Commission. Term: 3/2025-3/2026*  
16 *\*The Vote on the Nomination was approved (8-0). Councilor Liot Hill was not present at the time this*  
17 *vote was taken.*

## 18 19 **8. PUBLIC HEARING ITEMS: NONE**

20 **IMPORTANT EMERGENCY ISSUE:** City Manager Mulholland and Mayor McNamara spoke about  
21 an emergency issue that came up today regarding the Dry Bridge located at the intersection of South Main  
22 Street/Seminary Hill in West Lebanon and the Route 12A bridge, noting they had an urgent meeting  
23 today with the engineers, who are the design engineers for the reconstruction of the bridge. Unfortunately,  
24 the findings show the bridge has deteriorated to the point where it has become a safety issue. **Due to the**  
25 **safety issues, this bridge will be closed to all traffic starting tomorrow, March 6, 2025, at 9:00AM.**  
26 It is uncertain at this time how long it will take to complete temporary emergency repairs, but they hoped  
27 it would only be 1-2 months. This closure depends on how soon the City can find a contractor to do the  
28 repairs and the procurement of steel that would be required for the repairs. A contingency plan is being  
29 worked on to re-route traffic. City Manager Mulholland noted he will not be putting people's lives at risk  
30 and will be moving forward with this project as soon as possible regardless of the cost due to the public  
31 safety issue. He also noted he will find funds in the City's budget and will not be asking the Council for  
32 funds in the supplemental appropriations.

33  
34 Mayor McNamara noted that the bridge engineers told them he recommended that the dry bridge can be  
35 used safely somewhere between 2-4 years, which should get us up to and through the reconstruction (of  
36 the bridge) if there are no further delays on the permanent bridge.

37  
38 If anyone needs additional information, please contact the City Manager's Office or visit the City's  
39 website for status updates.

## 40 41 **9. OLD BUSINESS:**

### 42 **A. Discussion RE: Strategic Plan Direction**

43  
44 Included in the agenda packet: **(All supportive documents and information can be found on pages 47-**  
45 **50, Council agenda packet).**

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

47  
48 City Manager Mulholland reviewed the background and the public's feedback/comments as listed below.

## 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 reviewed the 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 was seeking directions from the City Council relating 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.

## 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:**

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

## Community Engagement & Government Transparency What We

### 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.

### Council/Staff Comments:

Councilor Whittelsey spoke about his reasons why he felt the Strategic Plan objectives should be prioritized and focused on the critical piece of financial stability/efficiency/greater transparency.

Mayor McNamara noted that this time around financial stability and efficiency is the most important to him and most everything else needs to revolve around that for now. There will be a lot of discussions on how we ask city departments to approach budgeting for the upcoming year. He suggested that very early on in the budgeting process, we should be setting our goals on what the processes will be and what the departments (budgets) will be capped at. He also suggested adding fiscal notes for decisions that impact these processes.

City Manager Mulholland will be drafting a new City Budget Policy (#110) for the upcoming budget season.

Mayor McNamara would like to see corporate citizens make contributions to funds for a specific project that would hopefully help to defer some of the costs.

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

## 10. NEW BUSINESS

- A.** Presentation of Report and Recommendations by the Food Truck Task Force; Discussion and Set Public Hearing for April 2, 2025: Ordinance #2025-01 to Amend City Code Chapter 179, Vendors; and Request for Amendments to Zoning Ordinance to Allow Food Truck Vendors on Private Properties in Lebanon

Included in the agenda packet: **(All supportive documents and information, including the Ordinance #2025-01 in its entirety, can be found on pages 51-69, Council agenda packet)**

1. Food Truck Task Force Final Report and Recommendations (including proposed amendments to City Code Chapter 179, proposed amendments to the Zoning Ordinance, and a summary of public comment)
2. February 24, 2025 Memo from Planning & Development Department RE: Proposed Zoning Ordinance Amendment, New Section 614 – Mobile Food Service

Ms. Paula Maville (Deputy City Manager of Special Projects) and Ms. Victoria Smith (Member of the Food Truck Task Force) came forth to give a presentation and reviewed the background, history and the findings of the FFTF. Their presentation is included below, after the background.

### BACKGROUND

The Food Truck Task Force (FTTF) was established by the City Council at its July 17, 2024, meeting

1 with an aim to foster economic growth and community vibrancy while ensuring public safety and  
2 accessibility.

3  
4 The FTTF was charged with evaluating and addressing the practical and regulatory challenges  
5 associated with the operation of food trucks within the City of Lebanon, and more specifically to:

- 6 1. Review current City Code Chapter 179 and relevant zoning regulations to identify conflicts  
7 and limitations impacting food truck operations. Provide recommendations for changes to  
8 facilitate the safe and efficient operation of food trucks city-wide.
- 9 2. Develop a comprehensive, sustainable strategy for permitting and managing food trucks on  
10 public property in downtown Lebanon and West Lebanon. This strategy should consider  
11 various aspects such as traffic and pedestrian safety, public health, parking, and fire safety.
- 12 3. Conduct public outreach to gather feedback from residents, local businesses, and other  
13 stakeholders to ensure community needs and concerns are addressed.
- 14 4. Submit a detailed report of findings, recommendations, and proposed code and zoning  
15 changes to the City Council by February 15, 2025.

16  
17 The FTTF began meeting in October 2024, held a public input session on January 7, 2025, and  
18 concluded its business in February.

19 Review and consideration of existing challenges and future opportunities by the FTTF resulted in the  
20 attached proposed amendments to City Code Chapter 179, Vendors, and the Zoning Ordinance.

21  
22 Should the Council decide to move forward with the recommendations as proposed, a possible timeline  
23 for action is as follows:

24 April 2 – Return to the Council to present final drafts of amendments to both regulations; request  
25 a public hearing be set for April 16 on the ordinance to amend Chapter 179, and request that  
26 amendments to the Zoning Ordinance be forwarded to relevant land use boards for review and  
27 comment (review schedule to be determined).

28  
29 April 16 – Hold a public hearing and take action to amend Chapter 179.

30  
31 May/June – Receive input from land use boards; hold a public hearing and take action to amend  
32 the Zoning Ordinance.

33  
34 Legal review is required before action can proceed on either regulation so at this time, Council was  
35 requested to authorize a legal review so administration can move forward with the process.  
36

Food Truck Task  
Force Report &  
Recommendations

Presented to City Council  
March 5, 2025

FTTF MEMBERS:  
Victoria Smith, Chair  
Falguni Mehta, Vice-Chair  
Benjamin Van Vliet, Member  
Clifton Below, Council Representative  
Paula Maville, Staff Support

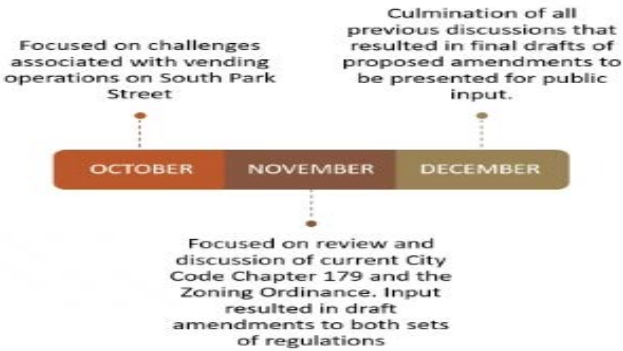
Background



|         |                                                                                                                |
|---------|----------------------------------------------------------------------------------------------------------------|
| Review  | Review City Code Chapter 179 & Zoning Regulations to identify conflicts and limitations.                       |
| Develop | Develop a Strategy for permitting & managing food trucks on public property in Downtown Lebanon & West Lebanon |
| Conduct | Conduct public outreach                                                                                        |
| Submit  | Submit a detailed report of findings, recommendations, and proposed code and zoning changes                    |

Charge of  
the Task  
Force

MEETINGS



- Loss of parking
- Pedestrian safety
- Traffic flow issues
- Lack of electricity & infrastructure
- Vendor accountability

Identified  
Challenges





January 7  
Public  
Input  
Session

Summary  
of  
Concerns

Chapter 179  
Overview

Adopted: 1990 as  
Ordinance #62

Amended over time  
for administration &  
vendor needs

Proposed  
Solutions —  
Parking &  
Safety

**SOUTH PARK STREET:** Limit to 2  
spaces

**CAMPBELL STREET:** Add 2 spaces

**LOWER PARKING LOT:** Add 2 spaces

**SAFETY MEASURES:** Barriers  
required for pedestrians; Service  
Windows facing adjacent sidewalks

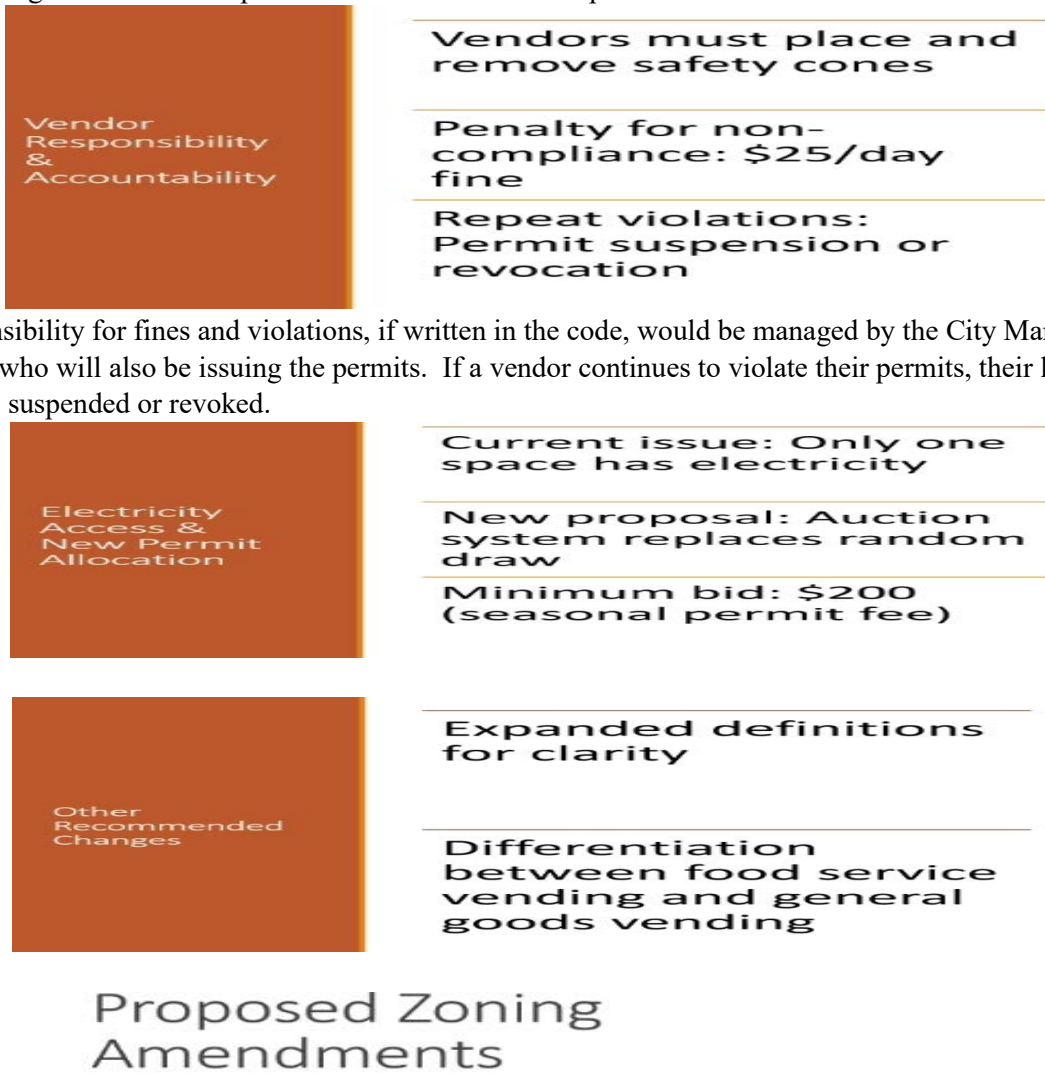
## PROPOSED VENDING AREAS DOWNTOWN LEBANON

AREA 1 - SOUTH PARK  
AREA 2 - CAMPBELL STREET  
AREA 3 - TAYLOR STREET LOT



Ms. Victoria Smith noted these vendor parking spaces are only interim suggestions and are not long-term solutions. We cannot continue to have cars/trucks on the south side of the park because it is just too dangerous. A lot of input was received from people who have had near catastrophes and/or accidents. Long-term solutions are needed that provides electricity, a place where we can add port-a-potties, tables, etc.

Assistant Mayor Below noted the FTTF spent a lot of time talking about where this could work and be safer but still be visible and viable for the potential vendors. We do see possible solutions to occur within the Zoning Ordinance and spoke about the areas that had possibilities.



PERMITTING VENDING IN  
MULTIPLE NON-RESIDENTIAL  
ZONING DISTRICTS



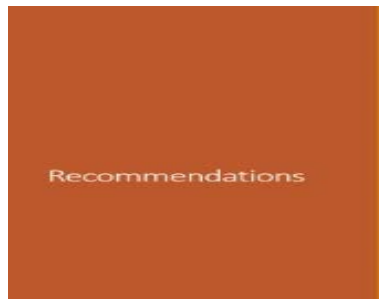
ADDING DEFINITIONS  
ALIGNED WITH CHAPTER  
179



NEW SECTION 614: MOBILE  
FOOD SERVICE

Please note: New Section 614 should be Section 615: Mobile Food Service.

Ms. Maville noted that what has been presented has NOT been reviewed legally, so they are asking this be part of the motion. If this is approved, as proposed, then Mobile Food Service Vending would be permitted in the CBD (Central Business District), the Lebanon Downtown District, General Commercial, GENERAL COMMERCIAL-1 (GC-1), Light Industrial, and the Medical Center ZONING DISTRICTS. Those districts include areas such as Downtown Lebanon, Downtown West Lebanon, Route 12A, the Miracle Mile, the Airport Business Park, Etna Road, Centerra, and the DHMC campus.



**CURRENT:**

Move forward with the process to amend City Code Chapter 179 and the Zoning Ordinance with amendments as proposed

**FUTURE:**

Work to create a destination area for food service vendors where electricity, portable restrooms, and seating areas are provided.

Designate parking spaces on Main Street, West Lebanon once Main Street improvements are completed.

The FTTF has worked to address all components of the charge that was set forth by the City Council. The proposed amendments were thoughtfully crafted and provides due consideration to the existing challenges and concerns expressed by the public. While the proposed amendments may not fully address all the concerns and challenges, they provide, and should be considered, as an interim solution.

Assistant Mayor Below noted that the framework is provided so we can instill locations in West Lebanon. The issue around grey water, proper inspections, and some of the accountability issues discussed last June are incorporated into this, with further requirements. While the framework is more durable, it is the locations that can evolve.

Ms. Maville reiterated that there will be a centralized permitting process in the City Manager's Office for all food vending in the City. Anyone who wants to vend on private property, in order to get a Zoning Permit, is first going to have a Vending License through the City Manager's Office. This has not been done in the past.

**Council/Staff Comments:**

Mayor McNamara summarized what the Council would be doing as follows:

1. Set the Public Hearing for April 2, 2025 on the proposed Ordinance.
2. Put in motion the zoning amendments that will be required and authorize the legal review, which would set the Public Hearing for May 7, 2025.

Councilor Wilkie suggested that more input from the public be taken during the summer months when looking for more permanent solutions. He spoke about his concerns regarding walking between the Rail Trail and the Greenway.

**ACTION:**

*Assistant Mayor Below MOVED, that the Lebanon City Council hereby requests that proposed amendments to City Code Chapter 179, Vendors, and the Lebanon Zoning Ordinance as presented in the March 5, 2025, City Council Agenda Packet be forwarded for required legal review; and*

*BE IT FURTHER MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, April 2, 2025, beginning at 6:00pm, in Council Chamber, City Hall, and Remote via the*

1 *City's Virtual Platform, for the purpose of receiving public input and taking action on proposed*  
2 *Ordinance #2025-01 to delete and repeal City Code Chapter 179, Vendors, and replace it with a new*  
3 *City Code Chapter 179, to be entitled Vendors, as presented in the March 5, 2025 City Council Agenda*  
4 *Packet; and*

5 *BE IT FURTHER MOVED, that the Lebanon City Council, in accordance with the City of Lebanon*  
6 *Zoning Ordinance, Article X, Section 1000.3, Amendment Procedures, hereby submits the proposed*  
7 *zoning amendments concerning Mobile Food Service Vending, as presented in the March 5, 2025 City*  
8 *Council Agenda Packet, to the Planning Board, Zoning Board of Adjustment, and Conservation*  
9 *Commission for their review and comment. The City Council hereby sets the following tentative review*  
10 *schedule:*

|    |                                             |                          |
|----|---------------------------------------------|--------------------------|
| 11 | <i>City Council decision to proceed:</i>    | <i>March 5, 2025</i>     |
| 12 | <i>Legal review:</i>                        | <i>by March 31, 2025</i> |
| 13 | <i>Zoning Board of Adjustment:</i>          | <i>April 7, 2025</i>     |
| 14 | <i>Conservation Commission:</i>             | <i>April 10, 2025</i>    |
| 15 | <i>Planning Board:</i>                      | <i>April 28, 2025</i>    |
| 16 | <i>City Council setting public hearing:</i> | <i>May 7, 2025</i>       |
| 17 | <i>City Council public hearing:</i>         | <i>May 21, 2025</i>      |

18  
19 *Seconded by Councilor Wilkie.*

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

21  
22 **Mayor McNamara noted that Councilor Liot Hill arrived at approximately 8:12PM.**

- 23  
24 **B.** Discussion and Set Public Hearing for March 19, 2025: Proposed Amendments to the  
25 Lebanon Zoning Ordinance as follows:  
26 1) to define "Research Laboratory" and to add it as a Permitted Use in the Central  
27 Business (CB), Lebanon Downtown (LD), General Commercial (GC), and General  
28 Commercial One (GC-1) zoning districts;  
29 2) to rezone portions of the Hatch Property, 24 Labombard Road, Tax Map 51, Lot 12,  
30 from Light Industrial (IND-L) to General Commercial One (GC-1); and  
31 3) to amend Zoning Ordinance Section 201 to allow stairs and stairwells to project up to six  
32 (6) feet into minimum required yards.

33  
34 Included in the agenda packet: **(All supportive documents and detailed information, including Tables**  
35 **of Uses, legal opinions memos, maps, etc., can be found on pages 70-96, Council agenda packet)**

- 36 1. February 24, 2025 Memo from Planning & Development Department RE: Proposed  
37 Zoning Amendments: Research Laboratory  
38 2. February 24, 2025 Memo from Planning & Development Department RE: Proposed  
39 Zoning Amendments: Hatch Map Amendment  
40 3. February 24, 2025 Memo from Planning & Development Department RE: Proposed  
41 Zoning Ordinance Amendment: Section 201 (Amendment #10)  
42

43 Mr. Nathan Reichert (Director of Planning & Development Director) noted that the Council is just setting  
44 the Public Hearing and reviewed the background behind these three (3) amendments. The Research  
45 Laboratory amendment was well received by all of the Boards & Commission, but there was one  
46 important recommendation offered by the Planning Board, which was to raise the level of scrutiny in the  
47 permit from being "by rights" to being "by Conditional Use Permit." The Hatch property amendment is  
48 clear that everybody is supportive of the concept and would be subject to greater rezoning of the (Route)





1 **Council/Staff Comments:**

2  
3 In response to Councilor Wilkie's question, Director Reichert noted he received a letter from Ms. Hatch  
4 that stated she had 3 acres out of her 50-acre lot that were not in conservation and wanted to have this  
5 acreage consistent with the zoning of the neighborhood.  
6

7 **ACTION:**

8 ***Councilor Wilkie MOVED, that the Lebanon City Council hereby schedules a public hearing for***  
9 ***Wednesday, March 19, 2025, beginning at 7:00pm, in Council Chambers, City Hall, and Remote via***  
10 ***the City's Virtual Platform, for the purpose of receiving public input and taking action on amendments***  
11 ***to the Lebanon Zoning Ordinance as follows:***

- 12 ***1. To define "Research Laboratory", and to add it as a Permitted Use in the Central Business***  
13 ***(CB), Lebanon Downtown (LD), General Commercial (GC), and General Commercial One***  
14 ***(GC-1) zoning districts; and***  
15 ***2. To rezone portions of the Hatch property, 24 Labombard Road, Tax Map 51, Lot 12, from Light***  
16 ***Industrial (IND-L) to General Commercial One (GC-1); and***  
17 ***3. To amend Zoning Ordinance Section 201 to allow stairs and stairwells to project up to six (6)***  
18 ***feet into minimum required yards.***  
19

20 ***Seconded by Councilor Simon.***

21 ***\*The Vote on the Motion was approved (9-0).***  
22

23 **C. Presentation and Discussion about West Lebanon Main Street Revitalization Project**  
24

25 Included in the agenda packet: **(All supportive documents and information can be found on pages 97-**  
26 **99, Council agenda packet)**

- 27 1. Phasing Plan for West Lebanon Main Street Improvements Project, dated February 11, 2025.  
28 2. Main Street West Lebanon Budget Spreadsheet for Phase 1.  
29

30 City Engineer Rod Finlay gave an update to the Council and reviewed the background and the status of  
31 the project/the proposed phasing plan and costs involved. He confirmed with HUD that the grant is still  
32 available (\$2.329M) and it can also be spent even if we phase the project. He asked the consultant to put a  
33 phase line on the plan that the City could afford to build based on the current appropriated dollar amount  
34 by the City Council. Mr. Finley presented and explained the Phasing Plan Map for West Lebanon Main  
35 Street Improvements Project, dated February 11, 2025 as provided in the agenda packet.  
36

37 **BACKGROUND**

38 In June 2022, the City Council received a presentation about the proposed West Lebanon Main Street  
39 Revitalization project from the Planning & Development Department and the City's engineering  
40 consultant, VHB. Subsequently, the City was awarded \$2.3 million in Congressionally Directed  
41 Community Project Funding through Congresswoman Kuster's office, and the City Council appropriated  
42 additional capital funding as part of the 2023 City budget to cover the balance of the estimated project  
43 cost.  
44

45 Since 2023, the Department of Public Works has been coordinating with the engineering consulting firm  
46 and overseeing the preliminary and final design phases of the project. During that time period,  
47 construction costs in the region and nationwide have increased dramatically.  
48

Due to a substantial increase in the Engineer's Opinion of Probable Cost (EOPC) for the Main Street Revitalization project, the construction of the project is now proposed to be split into two phases. Phase One includes the majority of Main Street, which can be completed with the current appropriated funds. Phase 2 would include the Bridge Street Roundabout and the intersection approaches.

The attached Phasing Plan shows the proposed Phase 1/Phase 2 limits of work. The attached Project Budget includes design and permitting costs for the entire project as well as the Phase 1 construction costs. The current EOPC for Phase 2 construction is \$3,220,000.00, including contingencies and construction engineering costs.

CIP

| MAIN STREET WEST LEBANON<br>Monday, February 10, 2025 |                        |
|-------------------------------------------------------|------------------------|
| Contractor                                            | TBD                    |
| Preliminary Design (VHB)*                             | \$ 326,200.00          |
| Drainage Evaluation (DG)*                             | \$ 13,400.00           |
| Drainage Design (DG)*                                 | \$ 26,500.00           |
| Waiver Valuations (Betsy Bosiak)*                     | \$ 11,500.00           |
| Final Design (VHB)*                                   | \$ 159,948.00          |
| Construction**                                        | \$ 2,905,000.00        |
| Construction Administration (VHB)**                   | \$ 28,483.00           |
| Construction RPR (JTC)**                              | \$ 200,000.00          |
| ROW**                                                 | \$ 10,000.00           |
| Construction Contingency 10%**                        | \$ 290,500.00          |
|                                                       | \$ -                   |
| <b>TOTAL</b>                                          | <b>\$ 3,971,531.00</b> |

Appropriation \$4,096,000 (Balance from previous CIP \$450,000 + 2023 CIP \$3,646,000 = \$4,096,000) Under budget (projected) \$124,469.

\* Completed for full project, Phases 1 & 2

\*\*Phase 1 only

#### Council/Staff Comments:

In response to Mayor McNamara's question, Mr. Finley stated that Phase I of the project can be done separately from Phase II but there would be a transition at the Phase Line back to the signal intersection and that can remain as is. There are River Park conditions as it relates to that intersection and a couple of other conditions related to River Park in future phases that include upgrades and a contribution by the City, which are being made to the Bridge St. intersection - those can move forward, too. If the roundabout is built, those conditions would need to be revisited. Phase II would need a contribution from the City in the amount of \$27K and does make a reference to the geometric changes to the intersection, which could involve the roundabout.

The Total cost of Phase I including all expenditures to date related to the design for both phases is approximately \$4M. This amount can be applied to Phase I and HUD would have no problem with this if the City did not do Phase II. HUD stated the funds can be used for street infrastructure, but they do not pay for drainage work or water/ sewer work.

Mayor McNamara noted the City has +/- \$550K invested in this project to date. Our total contribution from the City is +/- \$6M. The Phase II costs would be another +/-3.15M, which includes the roundabout.

The Council discussed the deterioration on Main Street (West Lebanon); the overall goal to revitalize Downtown West Lebanon; how the costs are increasing and the City is getting less (for it's money); continuing with just Phase I; infrastructure improvements (reclaiming & repaving of Main St), which Mr.

1 Finley thought was a waste of money due to silt deposits and explained how the repaving should be done;  
2 the work involved with curbs; roads; bump outs; crosswalks; decorative lights on east side of Main St.  
3 only, upsizing the (water/sewer) pipe from Tracy St. to Maple St. with a new structure that diverts water  
4 in two directions, etc.); the staging of the bus stop in front of Kilton Library; and, moving forward with  
5 the project in a phased approach, starting with just Phase I.

6  
7 **ACTION: No formal action was required by Council; this item was for discussion purposes only.**  
8

9 **11. City Manager Report:**

10 City Manager Mulholland updated the Council on the following:

- 11 • City Hall front door replacement
- 12 • Exit lighting at the Opera House
- 13 • Route 12A Bridge, as discussed earlier
- 14 • Health Insurance
- 15 • Fire Station Project
- 16 • 375 North Main St. demolition timeline
- 17 • HealthTrust Insurance
- 18 • **Westboro Yard Discussion:**

19 Mayor McNamara and Councilor Liot Hill met with the NH DOT Commissioner and Vice Commissioner  
20 on February 20, 2025 to discuss Westboro Yard moving forward.

- 21 1. Lease vs. purchase: They are not willing to reconsider a lease.
- 22 2. Long-term environmental liability, particularly for any chemicals that are not regulated that may  
23 be found at the site in the future. While they indicated they might be willing to consider some  
24 minor changes, they are not willing to make any major concessions.
- 25 3. Dry Bridge Project/access road construction – could cost \$1.8-\$2M. The City's portion on \$2M  
26 would be \$800K. For \$1.8M the City's portion would be +/- \$600K. Mayor McNamara, given  
27 the costs, questioned whether or not the City should acquire this property and explained his  
28 reasons. We do not want to delay the replacement of the dry bridge any longer than is necessary,  
29 which adds another complexity to the project. He was very sensitive to the fact that the Council  
30 has been discussing this for over 20 years and all that has been done (to date) is having a lot of  
31 discussions with the State and having a building torn down. Is it worth a minimum of \$600K for  
32 us to have access to a property (Westboro Yard) that will only be utilized as playing fields? He  
33 felt it was not worth it, particularly given the financial environment.

34  
35 Councilor Liot Hill was somewhat encouraged that we could move forward and explained her reasoning.  
36 She thought that the State DOT Commissioner and the Deputy Commissioner should come to meet with  
37 the Council at their next meeting (March 19, 2025, starting at 6:00PM) to answer the Council's questions.  
38

39 The Council held discussions regarding: the City's cost share for this project; why the City cannot afford  
40 the costs of the access road; mistrust of the State to follow through with agreements; concerns over PFAS  
41 chemicals and what the liability might be to the City in the future; how there is already a looming issue  
42 with PFAS in the City's landfill; how the City will need to work with the State in the future regarding  
43 PFAS; reasons for having a TIF District in West Lebanon; reasons why the City should not take on  
44 environmental liabilities at Westboro Yard; having the City take on the expense of over \$1M for a couple  
45 of playing fields when other alternatives could be considered; and, how Westboro Yard is prohibitively  
46 expensive, especially if the funds are being pulled out of the (City's) General Fund, which is not an  
47 appropriate use (of Funds).  
48



1 City Manger Mulholland noted that the final design has been submitted, and the City should have  
2 received an answer in February (2025). We have never gotten this far (from the State) in 27 years for the  
3 (dry) bridge replacement project. A decision needs to be made about whether or not to put the (access)  
4 road in because this needs to go out for a bid. He also suggested having someone from the State AG's  
5 Department attend the March 19<sup>th</sup> Council meeting and further explained his reasons.  
6

7 **12. COUNCIL REPRESENTATIVES TO OTHER BODIES:**  
8

9 **13. FUTURE AGENDA ITEMS:**  
10

11 **14. NON-PUBLIC SESSION:**

- 12 **A.** RSA 91-A:3, II(a) – “The dismissal, promotion, or compensation of any public employee or  
13 the disciplining of such employee, or the investigation of any charges against him or her...”  
14

15 *Councilor Whittlesey MOVED to go into 1<sup>st</sup> Non-Public Session for purpose of discussing – “The*  
16 *dismissal, promotion, or compensation of any public employee or the disciplining of such employee,*  
17 *or the investigation of any charges against him or her...”*

18 *Seconded by Councilor Liot Hill.*  
19

20 **Roll Call Vote:**

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

23 *None voted Nay.*  
24

25 *\*The Vote on the Motion was approved (9-0).*  
26

27 **The Council went into 1st Non-Public Sessions A at 9:01PM.**  
28

29 *Councilor Whittlesey MOVED to come out of 1<sup>st</sup> Non-Public Session A.*

30 *Seconded by Councilor Simon.*  
31

32 **Roll Call Vote:**

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

35 *None voted Nay.*

36 *Absent from vote:*  
37

38 *\*The Vote on the Motion was approved (9-0).*  
39

40 **1<sup>st</sup> Non-Public Session A ended at 9:23 PM**  
41

- 42 **B.** RSA 91-A:3, II(d) – “Consideration of the acquisition, sale, or lease of real or personal  
43 property which, if discussed in public, would likely benefit a party or parties whose  
44

45 *Councilor Whittlesey MOVED to go into 2nd Non-Public Session B for purpose of discussing –*  
46 *“Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in*  
47 *public, would likely benefit a party or parties whose.)*

48 *Seconded by Councilor Simon.*

1  
2 **Roll Call Vote:**

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

5 *None voted Nay.*

6 *Absent from vote:*

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

9  
10 **The Council went into 2nd Non-Public Sessions B at 9:24 PM.**

11  
12 *Councilor Wilkie MOVED to come out of 2<sup>nd</sup> Non-Public Session B.*  
13 *Seconded by Councilor Whittlesey.*

14  
15 **Roll Call Vote:**

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

18 *None voted Nay.*

19 *Absent from vote:*

20  
21 *\*The Vote on the Motion was approved (9-0).*

22  
23 **2<sup>nd</sup> Non-Public Session B ended at 9:42 PM**

24  
25 **C.** RSA 91-A:3, II(c) – “Consideration of the acquisition, sale, or lease of real or personal  
26 property which, if discussed in public, would likely benefit a party or parties whose

27  
28 *Councilor Whittlesey MOVED to go into 3<sup>rd</sup> Non-Public Session C for purpose of discussing –*  
29 *“Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in*  
30 *public, would likely benefit a party or parties whose*  
31 *Seconded by Councilor Wilkie.*

32  
33 **Roll Call Vote:**

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

36 *None voted Nay.*

37 *Absent from vote:*

38  
39 *\*The Vote on the Motion was approved (9-0)*

40  
41 **The Council went into 3<sup>rd</sup> Non-Public Sessions C at 9:43 PM.**

42  
43 *Councilor Whittlesey MOVED to come out of 3rd Non-Public Session C.*  
44 *Seconded by Councilor Wilkie.*

45  
46 **Roll Call Vote:**

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

3 *None voted Nay.*

4 *Absent from vote:*

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

8 **3<sup>rd</sup> Non-Public Session C ended at 10:06 PM**

10 **THE COUNCIL WAS BACK IN PUBLIC SESSION.**

12 **15. ADJOURNMENT:**

14 *Councilor Whittlesey MOVED for adjournment.*

15 *Seconded by Councilor Simon.*

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

19 **The meeting was adjourned at 10:06 PM.**

21 Respectfully submitted,

22 Dona E. Gibson

23 Recording Secretary

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

**7. Appointments:**

**Appointments**

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

- Pedestrian & Bicycle Advisory Committee, Nelson Rooker (Regular Member)

Included in this Section:

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



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

---

## MEMORANDUM

**DATE:** March 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.*

### **Pedestrian and Bicycle Advisory Committee**

- **Nelson Rooker** – Appointment as a regular member for a three-year term.

Term: 3/2025-3/2028

**Recommended By: Catheryn Hembree**

**From:** [cityclerk](#)  
**To:** [Kara Tracy](#)  
**Subject:** FW: [EXTERNAL] Online Form Submission #11492 for Board Member Application  
**Date:** Thursday, March 6, 2025 12:45:52 PM

---

---

**From:** noreply@civicplus.com <noreply@civicplus.com>  
**Sent:** Thursday, March 6, 2025 12:42 PM  
**To:** cityclerk <cityclerk@lebanonnh.gov>; webmaster <webmaster@lebcity.com>  
**Subject:** [EXTERNAL] Online Form Submission #11492 for Board Member Application

**[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](mailto: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 Nelson

---

|                                                                                                                 |                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| Last Name                                                                                                       | Rooker                                                                                                                       |
| Physical Address                                                                                                | [REDACTED]                                                                                                                   |
| City                                                                                                            | Lebanon                                                                                                                      |
| State                                                                                                           | NH                                                                                                                           |
| Zip Code                                                                                                        | [REDACTED]                                                                                                                   |
| Is this your mailing address?                                                                                   | Yes                                                                                                                          |
| Home Phone Number                                                                                               | [REDACTED]                                                                                                                   |
| Work Number                                                                                                     | <i>Field not completed.</i>                                                                                                  |
| Email Address                                                                                                   | [REDACTED]                                                                                                                   |
| How long have you resided in Lebanon?                                                                           | 5 years                                                                                                                      |
| (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?                                                     | Pedestrian and Bicycle Advisory Committee                                                                                    |
| Other Committee                                                                                                 | <i>Field not completed.</i>                                                                                                  |
| Why would you like to serve?                                                                                    | I am currently an alternate on ped/bike. There is a vacancy that I'd like to fill.                                           |
| State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee. | I'm currently on the committee but mostly because I love and care deeply about all things pedestrian and bicycle in Lebanon. |

I hereby certify that I meet the basic requirements for applying to



## Certification

a Lebanon board / committee.

---

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## **Agenda**

### **Lebanon City Council**

### **March 19, 2025**

## **8. Public Hearing Items:**

### **8.A – Proposed Amendment to the Zoning Ordinance: Research Laboratory**

A public hearing for the purpose of receiving public input and taking action to amend the Lebanon Zoning Ordinance to define “Research Laboratory”, and to add it as a Permitted Use in the Central Business (CB), Lebanon Downtown (LD), General Commercial (GC), and General Commercial One (GC-1) zoning districts.

The City Council scheduled this public hearing at its March 5, 2025 regular meeting. The public hearing was properly noticed in the *Valley News* on March 8, 2025 in accordance with City Code and State Law.

### **Background**

On January 8, 2025, the City Council initiated the zoning amendment review process to propose adding “Research Laboratory” as a Permitted Use in the Central Business (CB), Lebanon Downtown (LD), and General Commercial (GC) zoning districts. The Council also proposed to change “Research Laboratory” from a use allowed by Conditional Use Permit to a Permitted Use in the General Commercial One (GC-1) district, and to provide a definition for the term for inclusion in Appendix A of the Zoning Ordinance.

The review of the proposed amendment by legal counsel and the land use boards is complete and is summarized in the attached Planning Department memorandum.

### **Action:**

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

***MOVED, that the Lebanon City Council hereby approves an amendment to the Lebanon Zoning Ordinance to define “Research Laboratory”, and to add it as a Permitted Use within the Central Business (CB), Lebanon Downtown (LD), General Commercial (GC), and General Commercial One (GC-1) zoning districts, as presented in the March 19, 2025 City Council Agenda Packet.***

Included in this Section:

1. February 24, 2025 Memo from Planning & Development Department RE: Proposed Zoning Amendments: Research Laboratory
2. Notice of Public Hearing as Published in the March 8, 2025 edition of the Valley News



## CITY OF LEBANON ~ PLANNING & DEVELOPMENT

### MEMORANDUM

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**TO:** Lebanon Honorable Mayor and City Council

**FROM:** Planning and Development Department Staff

**RE:** Proposed Zoning Amendments: Research Laboratory

**DATE:** February 24, 2025

---

A request has been made to add the use, "Research Laboratory" to the use tables of the General Commercial, General Commercial One, Central Business District, and the Lebanon Downtown Districts. Also, the definition for "Research Laboratory" will be added to Appendix A "Definitions" of the Zoning Ordinance. The definitions of "Light Industry" and "Medical Research Facility" are already included in the Zoning Ordinance and are included in the attachment section of this packet for reference. The "Research Laboratory" use is already allowed by a Conditional Use Permit (CUP) in the GC-1 District. This amendment would allow it to be permitted by right.

During their January 08, 2025, meeting, the City Council moved that the proposed Zoning Amendment be reviewed by the Zoning Board of Adjustment, Conservation Commission and Planning Board before returning to City Council for public hearing and decision.

Legal review was conducted by City Attorney, Matt Decker, and his opinion letter is included in this packet.

#### Schedule:

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

#### Comments From Other Boards:

Zoning Board of Adjustment reviewed the amendment Monday, February 3<sup>rd</sup> and had minimal comment. They understand the proposed change.

Conservation Commission reviewed the amendment Thursday, February 13<sup>th</sup> and had the following motion: **Ernst Oitman moved that the Conservation Commission has no objection to adding the use and formalizing the definition. Don Lacey (2<sup>nd</sup>). The vote was unanimous.**

The Planning Board reviewed the Amendments at their meeting on Monday, February 24, 2025. Those comments were not included in the staff memo but staff will report on them during the City Council meeting.

Items Included:

1. Proposed Use Tables: Sections 305, 305A, 306, and 307
2. Proposed Definitions: Appendix A "Definitions"
3. Memo to City Council from January 08, 2025 Meeting
4. Memo to Planning Staff: Zoning Amendment Request
5. Legal Opinion Letter
6. Minutes from Zoning Board of Adjustment

# SECTION 305 GENERAL COMMERCIAL DISTRICT (GC).

## 305.2 Table of Uses.

| <u>Permitted Uses</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <u>Special Exception Uses</u><br>(see Section 801.3)                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Residential</u> <ol style="list-style-type: none"> <li><b>Dwelling unit(s)</b> above first floor</li> <li><b>Multi-family dwelling</b> (see Section 305.5)</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li><b>Alternative treatment center</b> per Section 613</li> <li><b>Bus terminal</b></li> <li><b>Educational facility, college/university</b></li> <li><b>Essential service</b></li> <li><b>Truck terminal</b></li> </ol>                                                                              |
| <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li><b>Amusements (indoor)</b></li> <li>Car wash</li> <li><b>Community center</b></li> <li><b>Drive-in restaurant, refreshment stand</b></li> <li><b>Drive-through facility</b></li> <li>Drycleaning pick-up station</li> <li><b>Financial institution</b></li> <li>Funeral home</li> <li><b>Group day care facility</b> per Section 604</li> <li><b>Health club</b></li> <li><b>Hotel</b></li> <li>House of worship</li> <li>Laundromat</li> <li><b>Local government use</b></li> <li><b>Membership club</b></li> <li><b>Motel</b></li> <li>Movie theater</li> <li><b>Office</b></li> <li><b>Personal service</b></li> <li>Publishing/printing</li> <li>Radio or TV studio</li> <li><b>Recreational facility, indoor</b></li> <li><b>Renewable energy system</b> per Section 612</li> <li><b>Restaurant</b>, sandwich shop</li> <li><b>Retail product pickup</b></li> <li><b>Retail store</b></li> <li><b>Service station</b></li> <li><b>Vehicular repair</b></li> <li><b>Vehicular sales</b></li> <li><b>Research Laboratory</b></li> </ol> | <u>Uses by Conditional Use Permit</u><br>(see Section 302.4)                                                                                                                                                                                                                                                                                                                |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li><b>Care and treatment of animals</b></li> <li><b>Contractor's yard</b></li> <li><b>Craftsman's shop</b></li> <li>Plumbing, electrical or carpentry shop</li> <li><b>Produce stand</b></li> <li><b>Recreational facility, outdoor</b></li> <li><b>Warehouse</b></li> <li>Wholesale sales</li> </ol> |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <u>Planned Developments</u> <ol style="list-style-type: none"> <li>Commercial PUD per Section 501</li> </ol>                                                                                                                                                                                                                                                                |

## SECTION 305A GENERAL COMMERCIAL ONE DISTRICT (GC-1).

### 305A.2 Table of Uses.

| <u>Permitted Uses</u>                                                                                                                                                                                                                                                                                                                                                                                                          | <u>Uses by <b>Conditional Use</b> Permit</u><br>(see Section 302.4)                                                                                                                                                                                                                                                                                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Residential</u><br>1. <b>Multi-family dwelling</b> (see Section 305A.4)<br><u>Commercial/Non-Residential</u><br>2. <b>Dwelling unit(s)</b> above first floor<br>3. <b>Essential service</b><br>4. <b>Financial institution</b><br>5. <b>Group day care facility</b> per Section 604<br>6. <b>Office</b><br>7. <b>Personal service</b><br>8. <b>Renewable energy system</b> per Section 612<br>9. <b>Research Laboratory</b> | <u>Commercial/Non-Residential</u><br>1. <b>Alternative treatment center</b> per Section 613<br>2. Drycleaning pick-up station<br>3. <b>Educational facility, college/university</b><br>4. <b>Inpatient rehabilitation facility</b><br>5. <b>Light industry</b><br>6. <del>Research laboratory</del><br>7. <b>Restaurant</b> , sandwich shop<br>8. <b>Retail store</b><br><u>Planned Developments</u><br>1. Commercial PUD per Section 501<br>2. <b>Manufactured Housing PURD</b> per Section 504 |

## SECTION 306 CENTRAL BUSINESS DISTRICT (CB).

### 306.2 Table of Uses.

| <u>Permitted Uses</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <u><b>Special Exception Uses</b></u><br>(see Section 801.3)                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Residential</u> <ol style="list-style-type: none"> <li>1. <b>Dwelling unit(s)</b> above first floor</li> <li>2. <b>Multi-family dwelling</b> (see Section 306.5)</li> <li>3. <b>Senior housing complex</b></li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li>1. <b>Craftsman's shop</b></li> <li>2. <b>Drive-through facility</b></li> <li>3. <b>Educational facility, college/university</b></li> </ol>                                                                                                                                                                                                                            |
| <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li>4. <b>Amusements (indoor)</b></li> <li>5. <b>Community center</b></li> <li>6. Drycleaning pick-up station</li> <li>7. <b>Financial institution</b></li> <li>8. <b>Group day care facility</b> per Section 604</li> <li>9. Funeral home</li> <li>10. <b>Health club</b></li> <li>11. <b>Hotel</b></li> <li>12. House of worship</li> <li>13. Laundromat</li> <li>14. Library</li> <li>15. <b>Local government use</b></li> <li>16. <b>Membership club</b></li> <li>17. <b>Motel</b></li> <li>18. Museum</li> <li>19. <b>Office</b></li> <li>20. <b>Personal service</b></li> <li>21. Radio or TV studio</li> <li>22. <b>Renewable energy system</b> per Section 612</li> <li>23. <b>Restaurant</b>, sandwich shop</li> <li>24. <b>Retail store</b></li> <li>25. <b>Social service center</b></li> <li>26. Theater, concert hall, movie theater</li> <li>27. <b>Research Laboratory</b></li> </ol> | <u>Uses by <b>Conditional Use Permit</b></u><br>(see Section 302.4)                                                                                                                                                                                                                                                                                                                                                                             |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li>1. <b>Essential service</b></li> <li>2. Other uses per Section 306.4</li> <li>3. <b>Parking facility</b></li> <li>4. Publishing/printing</li> <li>5. <b>Recreational facility, indoor</b></li> <li>6. <b>Recreational facility, outdoor</b></li> </ol> <u>Planned Developments</u> <ol style="list-style-type: none"> <li>7. Commercial PUD per Section 501</li> </ol> |



## SECTION 307      LEBANON DOWNTOWN DISTRICT (LD).

### 307.2 Table of Uses.

| <u>Permitted Uses</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <u>Uses by <b>Conditional Use</b> Permit<br/>(see Section 302.4)</u>                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Residential</u> <ol style="list-style-type: none"> <li>1. <b>Multi-family dwelling</b> (see Section 307.5)</li> <li>2. <b>Dwelling unit(s)</b> above or below the <b>street level story</b></li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li>1. <b>Craftsman's shop</b>, art studio</li> <li>2. Dry cleaning pick up station</li> <li>3. <b>Educational facility, college/university</b></li> <li>4. <b>Essential service</b></li> <li>5. Laundromat</li> <li>6. Other uses per Section 307.4</li> <li>7. <b>Parking facility</b></li> <li>8. Publishing/printing</li> <li>9. <b>Recreational facility, indoor</b></li> <li>10. <b>Recreational facility, outdoor</b></li> </ol> |
| <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li>3. <b>Amusements (indoor)</b></li> <li>4. <b>Community center</b></li> <li>5. <b>Financial institution</b></li> <li>6. <b>Group day care facility</b> per Section 604</li> <li>7. <b>Health club</b></li> <li>8. <b>Hotel</b></li> <li>9. House of worship</li> <li>10. Library</li> <li>11. <b>Local government use</b></li> <li>12. <b>Membership club</b></li> <li>13. Museum</li> <li>14. <b>Office</b></li> <li>15. <b>Personal service</b></li> <li>16. Radio or TV studio</li> <li>17. <b>Renewable energy system</b> per Section 612</li> <li>18. <b>Restaurant</b>, sandwich shop</li> <li>19. <b>Retail store</b></li> <li>20. <b>Senior housing complex</b></li> <li>21. <b>Social service center</b></li> <li>22. Theater, concert hall, movie theater</li> <li>23. <b>Research Laboratory</b></li> </ol> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |



Proposed Definitions for Appendix A:

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

Already included in Appendix A:

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

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

# **Agenda**

## **Lebanon City Council**

### **January 08, 2025**

#### **10. New Business:**

##### **10.H – Discussion of Potential Zoning Amendment to Add “Research Laboratory” as a Permitted Use in the Central Business District (CBD)**

#### **Background**

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

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

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

#### **Action**

If the Council decides to move the proposed zoning amendment forward for review, the following motion is offered for consideration:

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

***Legal Review – by January 24, 2025***

***Zoning Board of Adjustment – February 3, 2025***

***Conservation Commission – February 13, 2025***

***Planning Board – February 24, 2025***

***City Council Work Session Review – March 5, 2025***

***City Council Public Hearing – March 19, 2025***

Included In This Section:

1. Memorandum from Planning and Development Department, dated December 30, 2024, regarding the request to amend Section 306.2 of the Zoning Ordinance to add "Research Laboratory" as a Permitted Use in the Central Business (CB) District



## 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 to Amend Section 306.2 of the Zoning Ordinance to Add “Research Laboratory” as a Permitted Use in the Central Business (CB) District

**DATE:** December 30, 2024

---

The Mayor has requested that the City Council take action to amend Section 306.2 of the Zoning Ordinance to add “research laboratory” as a Permitted Use in the Central Business (CB) District. The request has been made pursuant to Section 1000.2.A of the Zoning Ordinance which provides that amendments to the Zoning Ordinance may be proposed “[f]rom the City Council at any time.”

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

### **RECOMMENDATIONS**

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

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

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



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

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

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

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

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

## **SCHEDULE**

Should the City Council elect to proceed with consideration of the proposed zoning 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:

|                                      |                            |
|--------------------------------------|----------------------------|
| City Council decision to proceed:    | <b>January 8, 2025</b>     |
| Legal review:                        | <b>by January 24, 2025</b> |
| Zoning Board of Adjustment:          | <b>February 3, 2025</b>    |
| Conservation Commission:             | <b>February 13, 2025</b>   |
| Planning Board:                      | <b>February 24, 2025</b>   |
| City Council setting public hearing: | <b>March 5, 2025</b>       |
| City Council public hearing:         | <b>March 19, 2025</b>      |

# **TITLE LXIV PLANNING AND ZONING**

## **CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS**

### **Zoning**

#### **Section 674:17**

##### **674:17 Purposes of Zoning Ordinances. –**

I. Every zoning ordinance shall be adopted in accordance with the requirements of RSA 674:18. Zoning ordinances shall be designed:

- (a) To lessen congestion in the streets;
- (b) To secure safety from fires, panic and other dangers;
- (c) To promote health and the general welfare;
- (d) To provide adequate light and air;
- (e) To prevent the overcrowding of land;
- (f) To avoid undue concentration of population;
- (g) To facilitate the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks, child day care;
- (h) To assure proper use of natural resources and other public requirements;
- (i) To encourage the preservation of agricultural lands and buildings and the agricultural operations described in RSA 21:34-a supporting the agricultural lands and buildings; and
- (j) To encourage the installation and use of solar, wind, or other renewable energy systems and protect access to energy sources by the regulation of orientation of streets, lots, and buildings; establishment of maximum building height, minimum set back requirements, and limitations on type, height, and placement of vegetation; and encouragement of the use of solar skyspace easements under RSA 477. Zoning ordinances may establish buffer zones or additional districts which overlap existing districts and may further regulate the planting and trimming of vegetation on public and private property to protect access to renewable energy systems.

II. Every zoning ordinance shall be made with reasonable consideration to, among other things, the character of the area involved and its peculiar suitability for particular uses, as well as with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality.

III. Except as provided in RSA 424:5 or RSA 422-B or in any other provision of Title XXXIX, no city, town, or county in which there are located unincorporated towns or unorganized places shall adopt a zoning ordinance or regulation with respect to antennas used exclusively in the amateur radio service that fails to conform to the limited federal preemption entitled Amateur Radio Preemption, 101 FCC 2nd 952 (1985) issued by the Federal Communications Commission.

IV. If a municipality allows an increased density, reduced lot size, expedited approval, or other dimensional or procedural incentive under this section for the development of housing for older persons, as defined and regulated pursuant to RSA 354-A:15, VIII, it may allow the same incentive for the development of workforce housing as defined in RSA 674:58, IV. Beginning July 1, 2023, incentives established for housing for older persons shall be deemed applicable to workforce housing development.

**Source.** 1983, 447:1. 1989, 42:2. 1995, 176:2. 2000, 279:2. 2002, 73:2. 2011, 85:2, eff. July 15, 2011. 2022, 272:72, eff. Aug. 23, 2022.

February 5, 2025

Nathan Reichert, Director of Planning & Development  
City of Lebanon  
51 S. Park Street  
Lebanon, NH 03766  
[nathan.reichert@lebanonnh.gov](mailto:nathan.reichert@lebanonnh.gov)

**RE: Proposed Zoning Amendment –  
Add “Research Laboratory” as Permitted Use in CBD, LD, GC & GC-1**

Mr. Reichert:

This is a preliminary legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance concerning a proposed amendment to the City’s zoning ordinance. I understand the City Council has approved a motion to begin the process of adding “Research Laboratory” as a Permitted Use in the Central Business (CB), Lebanon Downtown (LD), General Commercial (GC) and General Commercial 1 (GC-1) zoning districts.

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

- City Council Agenda Item 10.H from the January 8, 2025 City Council meeting;
- A December 30, 2024 Staff Memo to the Lebanon City Council;
- A set of amended Tables of Uses for the GC, GC-1, LB and CB zoning districts; and
- A draft definition for the use “Research Laboratory”.

The Ordinance requires this legal review to cover: (a) whether such amendment is 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 amendment can be administered and enforced.

My answer to the three questions in Section 1000.2.B(2) is “yes” and, with the exception of my comment below, I discern no legal or administrative issues of concern with this proposed amendment.

The December 30, 2024 Staff Memo correctly notes that a zoning regulation cannot be adopted in support of, or for the exclusive benefit of, any individual property. Accordingly, in considering whether to allow research laboratories (which are not places of public accommodation) in the City’s Central Business, Downtown, and General Commercial zoning districts directly alongside the commercial/non-residential uses in these districts (which are mostly places of public accommodation), the City boards and commissions reviewing this proposed amendment should consider whether and how this proposed amendment would promote the health and general welfare of the City, as set forth in RSA 674:17, I (c). I recommend that the public bodies reviewing this proposed amendment should more clearly



February 5, 2025

Page 2

document how the public interest and benefit to the general welfare of the City is served by allowing the expansion of research laboratories into downtown commercial areas, where research laboratories may not have previously been considered for inclusion of the Tables of Uses for the CB, LD, GC and GC-1 zoning districts.

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

Sincerely,



Matthew C. Decker

**B. Central Business District Zoning Amendment Request Review and Comment**

In the court proceeding with the River Park building permit, the proposed use of the building they are intending to build, a research laboratory, does not fit within the Central Business Zoning District. The City Council is being asked for consideration of this amendment. Staff ask if this is an appropriate use and what the proposed use means. Research is already a core competency of use within the community. It is important to be clear and to be able to understand what pure research is, what does research and development mean, and what does manufacture related to research mean in the overall definition. There are detailed nuances of uses that are available and to be used in different districts. The Zoning Board needs to determine if they can fully understand, and rule based on what uses are permissible in what locations. It would impact the main downtown area of West Lebanon, and there is a proposal that the Central Business District would impact Centerra and other areas within the community. Staff will be looking at the definitions in the Planners dictionary, what is used in other communities, and how these questions are answered.

This definition is proposed to be placed in three different districts. The Zoning Administrator has the discretion to determine if it fits. The only time the Board would see this is if there was an appeal of the Zoning Administrator's decision.

**~~5. STAFF COMMENTS~~**

There has been discussion of a new member joining the Zoning Board. There will likely be a recommendation in February.

**6. ADJOURNMENT**

*Mr. McDonough MOVED to adjourn the meeting at 8:14 PM.*

*Seconded by Mr. Morris.*

*\*The Vote on the Motion was (4-0).*

Respectfully submitted,

~~Linda Billings, Recording Secretary~~

~~The Conservation Commission recommends approval of the proposed rezone of the property at 24 Labombard Road from RL-3 to GC-1, assuming the adjacent properties are similarly rezoned.~~

It was noted that this matter does not go before the voters.

***Mr. Donald Lacey MOVED to approve the above statement***

***Seconded by Mr. Ernst Oidtmann***

~~***\*The MOTION was approved unanimously***~~

**C. Review & Comment Proposed Zoning Amendment: Research Laboratory (Research Lab added to Table of Uses)**

Mr. Reichert explained the background of the need for this zoning amendment. It is necessary to create a definition for research laboratory (currently not defined) in addition to the use change, to include commercial or general commercial one district and central business district

Mr. Reichert proposed the following definition for Research laboratory: "A facility for scientific research development analysis and testing in various technologies intensive fields of science including but not limited to biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coating, fibers, fabrics, films, heat transfer and electronics".

Mr. Reichert said this change will also send a positive message that Lebanon is welcoming of such types of uses within our community. This has been a major economic driver in our community for the last two decades and can continue to be in the future. The definition can always be changed in the future.

Vice Chair James said that the description of research labs is clear and that there are environmental safeguards built in, such as OSHA, so in terms of emission of pollutants, especially from a lab, it should be fine, as long as these regulations are enforced.

Mr. Oidtmann inquired whether this is a generally accepted definition with the State of New Hampshire or elsewhere in the country? Mr. Reichert explained that while there was no definition within New Hampshire they went to the Planner's Dictionary (access via the Planners' Association) and used a template/hybrid wording from other communities, that seems to fit well.

The Conservation Commission has no objection to adding the use and formalizing the definition.

***Mr. Ernst Oidtmann moved to approve the above statement***

***Seconded by Mr. Don Lacey.***

***\*The vote on the MOTION was approved unanimously***

~~**B. Review & Comment to the City Council on proposed Zoning Ordinance Amendments:**~~

~~Continued from December 12, 2024 and January 27, 2025 (60 minutes)~~

~~**Amendment #4:** The Conservation Commission recommends approval of the Centerra parcels proposed to change from Ind L to CBD. Additionally, the ConCom recommends they work with the Planning Department and other stakeholders such as the Town of Hanover and the Upper Valley Land Trust, to~~

~~A MOTION was made by Andrew Faunce to extend the meeting to 10.15pm. The MOTION was seconded by Kellen Appleton.~~

**Roll Call Vote:**

**Voting For –Ms. Romano, Ms. Zook, Dr. Rutter, Mr. Faunce, Mr. Kennelly, and Ms. Appleton**

**Voting Against – None**

**\*The MOTION was approved (6-0).**

## **5. STUDY ITEMS**

### **A. Review & Comment on Proposed Zoning Map Amendment: Rezone 24 Labombard Rd (Tax Map 51, Lot 12) from IND-L/RL-3 to GC-1/RL-3**

Mr. Reichert explained that, during the Route 120 Study, a surrounding area had been rezoned from INDL to GC-1 to broaden development opportunities. He said resident Margaret Hatch's property, located at 24 Labombard Rd, had been determined erroneously to be fully on Conservation easement and had been not included in the rezoned area. He said three acres of that property are developable and the resident is asking that the rezoned GC-1 area be extended to include her property so that she can sell the developable portion.

~~A MOTION was made by Andrew Faunce that the Lebanon Planning Board recommend that the Lebanon City Council, in accordance with the City of Lebanon Zoning Ordinance, Article 10, Section 1000.3, approves the proposed Zoning Map Amendments as described in the January 9, 2025 letter from Margaret Hatch to the Planning Board. The MOTION was seconded by Jeremy Rutter.~~

**Roll Call Vote:**

**Voting For –Ms. Romano, Dr. Rutter, Mr. Faunce, Mr. Kennelly, and Ms. Appleton**

**Voting Against – None**

~~\*The MOTION was approved (5-0, with Ms. Zook abstaining from the vote)~~

### **B. Review & Comment on Proposed Zoning Ordinance Amendment: Adding Research Laboratory to CB District Table of Uses (Section 306.2)**

Mr. Reichert said Mayor Tim MacNamara has requested (on behalf of XYZ Dairy) that the "Research Laboratory" be added to the Table of Uses for the CBD zoning district. He said it was discovered during testimony in Superior Court, as XYZ Dairy described the nature of the building that they are proposing to build, that the use code that they had chosen to put into their zoning request was deficient for them to be able to build the building they planned to build. He said Mayor MacNamara has asked Staff to offer a Use Code change and a definition of Research Laboratory. He said this new definition can be added to the Use Codes of not only CBD zoning district but also several other districts.



1 He said XYZ Dairy has not attended any public hearings concerning this subject matter, which  
2 he said was put forth because Staff identified a potential problem with XYZ's project and took  
3 action to solve it.

4  
5 The group discussed whether to make "Research Laboratory" a permitted use or make it a  
6 Conditional Use. Mr. Reichert defined *medical research facility* as "a medically related research  
7 laboratory, which may, as a subsidiary function engage in manufacture of products within the  
8 following standard industrial classifications: biological products, medicinal chemicals,  
9 pharmaceutical preparations, optical instruments and lenses, and surgical and medical  
10 instruments." He said, currently, the only district in which a medical research facility is  
11 permitted is an MC1 district, which is at Dartmouth Medical Center. Ms. Romano noted perhaps,  
12 because this is a such a new definition that the Planning Board has not had before, keeping it as a  
13 Conditional Use, not knowing what that might involve, is probably a good idea.

14  
15 ***A MOTION was made by Andrew Faunce that the Lebanon Planning Board recommend that***  
16 ***the Lebanon City Council approve the addition of "Research Laboratory" as a Conditional***  
17 ***Use for GB, LD, GC, and GC-1 Zone Districts as presented in the February 24, 2025 Planning***  
18 ***Board meeting agenda materials. The MOTION was seconded by Jeremy Rutter.***

19  
20 ***Roll Call Vote:***

21 ***Voting For – Ms. Romano, Dr. Rutter, Mr. Faunce, Mr. Kennelly, and Ms. Appleton***

22 ***Voting Against – None***

23  
24 ***\*The MOTION was approved (5-0, with Ms. Zook abstaining from the vote)***

25  
26 **~~7. ADJOURNMENT~~**

27  
28 ***A MOTION was made by Kellen Appleton to adjourn the meeting at 10:14pm. The MOTION***  
29 ***was seconded by Jeremy Rutter.***

30  
31 ***Roll Call Vote:***

32 ***Voting For – Ms. Romano, Ms. Zook, Dr. Rutter, Mr. Faunce, Mr. Kennelly, and Ms.***  
33 ***Appleton***

34 ***Voting Against – None***

35  
36 ***\*The MOTION was approved (6-0).***

37  
38 The meeting was adjourned at 10:14pm.

39  
40 Respectfully submitted,

41 Paula Roux

42 ~~Recording Secretary~~

March 10, 2025



**LEBANON CITY COUNCIL  
NOTICE OF PUBLIC HEARINGS  
Wednesday, March 19, 2025 - 7:00pm  
Council Chambers, City Hall or  
REMOTE VIA VIRTUAL PLATFORM  
LebanonNH.gov/LIVE**

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

- A. Proposed Amendments to the Lebanon Zoning Ordinance** – A public hearing for the purpose of receiving public input and taking action to amend the Zoning Ordinance to add “Research Laboratory” as a Permitted Use in the Central Business (CB), Lebanon Downtown (LD), General Commercial (GC), and General Commercial One (GC-1) zoning districts.
- B. Proposed Amendments to the Lebanon Zoning Ordinance** – A continued public hearing for the purpose of receiving public input and taking action to amend the Zoning Ordinance to:
- **Amendment #4** – To rezone the following properties within the Centerra Planned Business Park from IND-L to GC-1: 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; 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 District Tables of Uses to allow “industrial planned unit development” and “planned business park” by Conditional Use Permit. **(Zoning Ordinance Sections 305A 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. **(Zoning Ordinance Sections 501.4)**
  - **Amendment #10** – To allow stairs and stairwells to project up to 6 ft. into minimum required yards. **(Zoning Ordinance Section 201)**
  - **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)**
  - **Hatch Map Amendment** – to rezone portions of the Hatch Property, 24 Labombard Road, Tax Map 51, Lot 12, from Light Industrial (IND-L) to General Commercial One (GC-1). **(Zoning Map Amendment)**
- C. Supplemental Appropriation of \$2,310,000 for EPA-mandated Identification and Replacement of Lead and Galvanized Water Service Lines; Authorization for City Manager to Apply for Drinking Water State Revolving Loan Fund; Designation of City Manager as Authorized Agent of the City** – A public hearing for the purpose of receiving public input and taking action to appropriate \$2,310,000 for EPA-mandated 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; and to designate the City Manager as the authorized representative of the City.

The March 19, 2025 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning March 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, March 8, 2025.

Jaseya Ewing, City Clerk

# **Agenda**

## **Lebanon City Council**

### **March 19, 2025**

## **8. Public Hearing Items:**

### **8.B – Proposed Amendments to the Lebanon Zoning Ordinance**

A public hearing for the purpose of receiving public input and taking action on amendments to the Lebanon Zoning Ordinance to rezone portions of the Hatch property, 24 Labombard Road, Tax Map 51, Lot 12, from Light Industrial (IND-L) to the General Commercial One (GC-1) zoning district; and to amend Zoning Ordinance Section 201 to allow stairs and stairwells to project up to six (6) feet into minimum required yards (advertised as Amendment #10 of the staff-initiated amendments).

The City Council scheduled this public hearing at its March 5, 2025 regular meeting. The public hearing was properly noticed in the *Valley News* on March 8, 2025 in accordance with City Code and State Law.

This public hearing also includes several proposed amendments to the zoning ordinance that were continued from a public hearing that commenced on February 19, 2025, including a petitioned request to amend the zoning of 92 Riverside Drive, Tax Map 111, Lot 16, from Rural Lands One (RL-1) to General Commercial (GC).

### **Background**

On October 23, 2024, the City Council was presented with a number of staff-initiated and petitioned 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 the boards completed their review. Separately, in January 2025, the City Council “kicked-off” a citizen request from Margaret Hatch to rezone her property to match the proposed rezoning of surrounding properties.

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. A second public hearing for zoning amendments within the City Council’s purview for adoption was postponed and rescheduled for February 19, 2025.

Following the February 19th public hearing, the City Council took action to adopt a subset of the proposed staff-initiated amendments, including Amendments #7-9 and #11-19 as presented in the Council meeting agenda packet. Also, on February 19th, the City Council discussed and took action on portions of Amendments #4-6 to rezone certain lots within the Centerra Business Park from Light Industrial (IND-L) to Central Business (CB); to amend the Table of Uses for the CB District to include Planned Business Parks as uses allowed by Conditional Use Permit (Sections 306 and 508.2); and to amend the Planned Business Park regulations relative to allowed uses and permitted residential unit density (Sections 508.2 and 508.4).

The remaining zoning amendments that were not addressed on February 19th, including portions of Amendments #4-6 and #20-21, were continued to March 19th. As a reminder, proposed



Amendment #10 was re-noticed and re-scheduled, along with the Hatch map request, for a public hearing also on March 19th.

However, since February 19th, a question has been raised as to whether the City properly complied with notice requirements outlined in RSA 675:7, I-a. The Planning & Development Department believes it applied the statute correctly but has nevertheless reached out to the New Hampshire Municipal Association's Legal Advisory Service for clarification on the interpretation of the statute.

As a result, out of an abundance of caution while waiting for legal guidance on the issue, the Planning & Development Department now requests that the City Council continue the remaining zoning amendments related to the North Lebanon Community Plan (including #4-6, #21, and the Hatch map amendment) for approximately three months. The Department also plans to pause the implementation and administration of the zoning changes approved on February 19th with respect to certain lots within the Centerra Business Park. During the three-month pause, and regardless of the legal guidance received relative to the statute, the Planning & Development Department intends to notify all owners in the Route 120 corridor whose properties might be impacted by the proposed amendments in order to further discuss and explain the purpose, origin, and the potential impacts of the amendments.

The requested pause will also provide time for the Planning Board and Conservation Commission to work jointly with Department staff on language for a proposed "North Lebanon Environmental Overlay", which is another recommendation of the North Lebanon Community Plan. The Planning & Development Director has already initiated a working group with the Chair and Vice Chair of the Planning Board and Conservation Commission to draft proposed language and map(s) associated with this effort. The draft language and map(s) would be brought back to the City Council for review and to kick-off the amendment review process with a timeline that would allow the Environmental Overlay proposal to catch up with the remaining Route 120 corridor amendments for a comprehensive public hearing during the Summer.

In light of the above information, the Planning & Development Department requests that the City Council hold the scheduled public hearing and address the zoning amendments that are ready for consideration, including the following:

- **Amendment #10** – To allow stairs and stairwells to project up to 6 ft. into minimum required yards. (**Zoning Ordinance Section 201**)
- **Amendment #20** – To rezone the property located at 92 Riverside Drive (M/L 111-16) from RL-1 to GC. (**Zoning Map Amendment**)

The Planning & Development Department requests that the remaining amendments associated with the Route 120 corridor and the North Lebanon Community Plan be continued to June 18, 2025.

### **Action:**

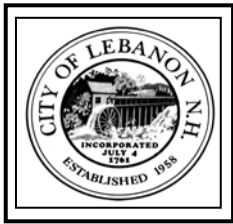
*If the Council decides to move forward with the amendments that are ready for consideration, the following motions are offered:*

***MOVED, that the Lebanon City Council hereby (approves/denies) zoning amendment #10 as presented in the March 19, 2025 City Council Agenda Packet.***

***BE IT FURTHER MOVED, that the Lebanon City Council hereby (approves/denies) zoning amendment #20 as presented in the March 19, 2025 City Council Agenda Packet.***

Included in this Section:

1. Memorandum from Planning & Development Department Staff RE: Proposed Zoning Ordinance Amendment – Section 201 (Amendment #10), dated February 24, 2025
2. Memorandum from Planning & Development Department Staff RE: Request to Rezone 92 Riverside Drive (Tax Map 111, Lot 16) from RL-1 to GC; Amendment #20 – by Petition per Section 1000.2.C of the Zoning Ordinance, dated March 11, 2025
3. Notice of Public Hearing as Published in the March 8, 2025 edition of the *Valley News*



## 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:** Proposed Zoning Ordinance Amendment – Section 201 (Amendment #10)

**DATE:** February 24, 2025

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On February 19, 2025, the City Council held a public hearing relative to certain proposed amendments to the Zoning Ordinance, identified in the public hearing notice prepared for the February 19<sup>th</sup> hearing as Amendments #4 through #21. Amendment #10 proposed to amend Section 201 (“Yard Requirements”) to permit stairs and stairwells to project up to 6 ft. into any minimum required setback from a property line. A redline of Section 201 with the proposed amendment is found on page 2 of this memo.

Based on a prior version of Amendment #10, the February 19<sup>th</sup> public hearing notice mistakenly described the amendment as allowing stairs and stairwells to project up to 2 ft. into a required setback (2 ft. was staff’s original proposal but was changed to 6 ft. by the Council at the October 2024 zoning amendments “kick off” discussion). Consequently, because of the incorrect description in the hearing notice, the Council declined to take action on Amendment #10 at the February 19<sup>th</sup> hearing. Rather, a new public hearing for the proposed amendment to Section 201 will need to be scheduled and a new public hearing notice prepared and published with the correct description.

A legal opinion prepared by the City’s legal counsel pursuant to Section 1000.3.B.2 of the Zoning Ordinance and the minutes of the Planning Board, Conservation Commission, and Zoning Board of Adjustment meeting at which Amendment #10 was discussed were previously provided in the agenda packets for the January 22, 2025, and February 19, 2025, City Council meetings.

### **RECOMMENDATION**

Staff recommends that the City Council schedule a public hearing on Amendment #10 for the Council’s meeting on March 19, 2025.

Following the public hearing, the amendment to Section 201 may be adopted by the City Council per Section 1000.4.B of the Zoning Ordinance.

=====

#### Supporting Materials:

1. Draft Amendment to Section 201 of the Zoning Ordinance (Amendment #10) – *see page 2 of this memo*

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.

[...]



## 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 to Rezone 92 Riverside Drive (Tax Map 111, Lot 16) from RL-1 to GC  
*Amendment #20 – by Petition per Section 1000.2.C of the Zoning Ordinance*

**DATE:** March 11, 2025

---

A petition to rezone 92 Riverside Drive (Tax Map 111, Lot 16) from Rural Lands One (RL-1) to General Commercial (GC) was submitted by Dan Nash of Advanced Geomatics & Design, representing property owners Oakes Storage, LLC and Oakes Real Estate SPE, LLC. See attached letter from Mr. Nash dated September 27, 2024. At its meeting on October 23, 2024, the City Council agreed to move the request through the zoning amendment review process outlined in Section 1000 of the Zoning Ordinance including review by the City's legal counsel, the Planning Board, and the Conservation Commission.

A public hearing on the proposed amendment was scheduled for February 19, 2025, but was postponed by the Council to a public hearing to be held on March 19, 2025. The petitioned amendment was identified as "Amendment #20" in the notice for the February 19<sup>th</sup> hearing and again in the notice for the March 19<sup>th</sup> hearing.

As set forth in the attached letter from Matthew Decker, Esq., dated December 30, 2024, the City's legal counsel advises that if "the Council wishes to approve this map amendment, it must identify legitimate planning-focused reasons for the change," and further states that "[i]f 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."

#### Land Use Board Comment

- *Planning Board:* The Planning Board expressed opposition to this request (see page 4 of the attached 11/25/24 Planning Board meeting minutes).
- *Conservation Commission:* The Conservation Commission was provided a copy of the requested amendment in advance of the Commission's December 12, 2024 meeting, but the amendment was not specifically discussed by the Commission at that time. Consequently, Planning & Development Department staff have requested that the Commission give consideration to this amendment at their upcoming meeting on March 13, 2025. Staff will provide the Council with any such Conservation Commission comments or recommendations on the requested amendment at the March 19, 2025 public hearing.

**STAFF MEMORANDUM**

Oakes Storage, LLC and Oakes Real Estate SPE, LLC  
92 Riverside Drive (Tax Map 111, Lot 16)  
Proposed Zoning Map Amendment  
March 19, 2025 City Council Mtg  
Page 2 of 2

---

**RECOMMENDATION**

The proposed amendment does not automatically trigger a ballot referendum pursuant to Section 1000.4.A and the City Council may act on the request in accordance with 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.

However, should the Council wish to approve the request, staff recommends that the Council first identify a planning or public benefit justification for the proposed rezoning in order to avoid an impermissible spot zoning, as suggested by the City's legal counsel.

**ATTACHMENTS**

- Rezoning request letter dated September 27, 2024 from Dan Nash, of Advanced Geomatics, on behalf of Oakes Storage, LLC and Oakes Real Estate SPE, LLC, including attachments (8 pages total)
- Legal opinion from Matthew Decker, Esq., dated December 30, 2024 (4 pages)
- Excerpt of Planning Board meeting minutes from November 25, 2024 (1 page)



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.

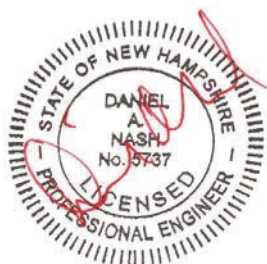
The two parcels across the street are zoned GC. Making this change fits with those properties.

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

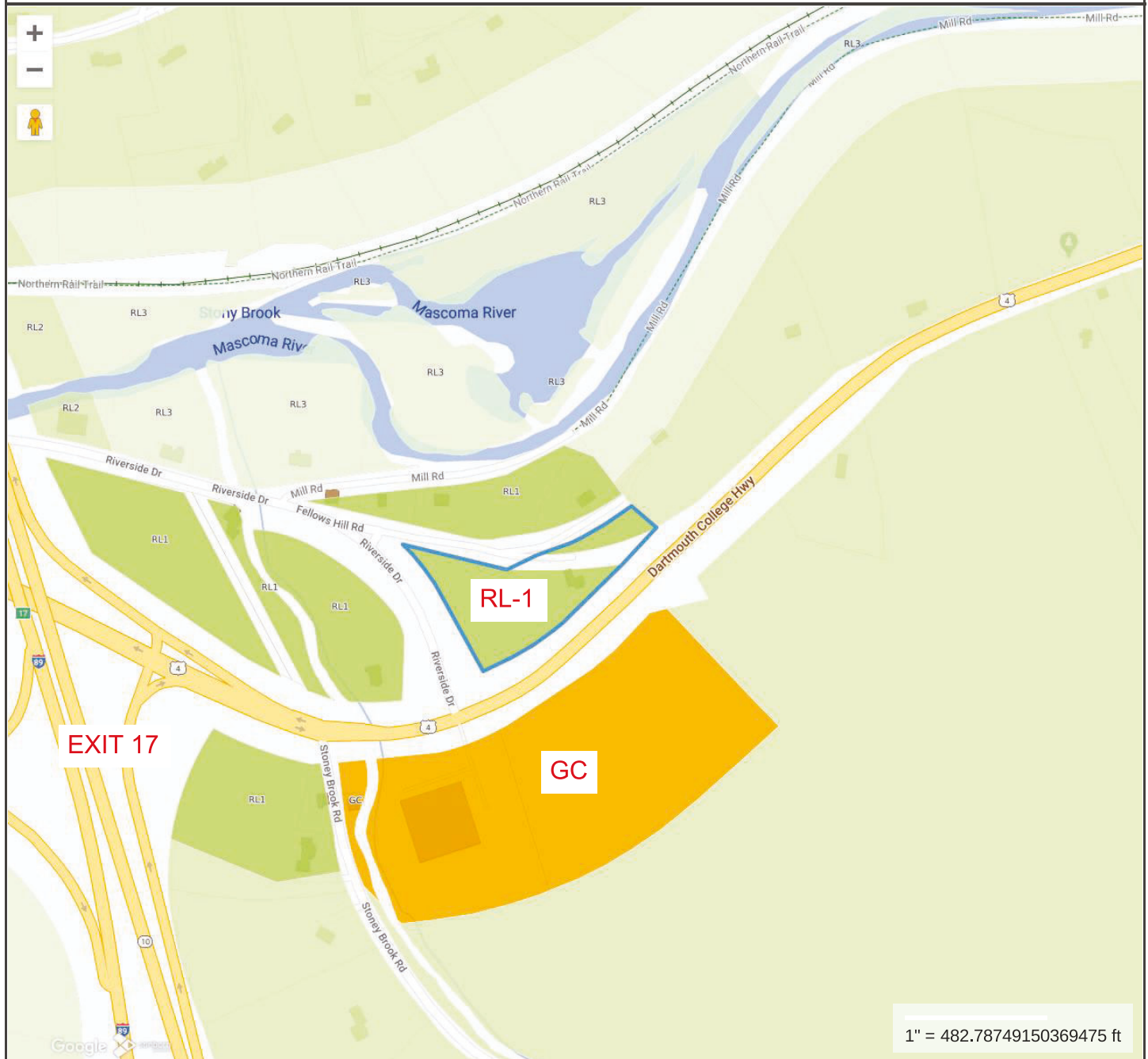
-GC

-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><b>Special Exception Uses</b></u><br>(see Section 801.3)                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Residential</u> <ol style="list-style-type: none"> <li><b>Dwelling unit(s)</b> above first floor</li> <li><b>Multi-family dwelling</b> (see Section 305.5)</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li><b>Alternative treatment center</b> per Section 613</li> <li><b>Bus terminal</b></li> <li><b>Educational facility, college/university</b></li> <li><b>Essential service</b></li> <li><b>Truck terminal</b></li> </ol>                                                                                                                                                                                           |
| <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li><b>Amusements (indoor)</b></li> <li>Car wash</li> <li><b>Community center</b></li> <li><b>Drive-in restaurant, refreshment stand</b></li> <li><b>Drive-through facility</b></li> <li>Drycleaning pick-up station</li> <li><b>Financial institution</b></li> <li>Funeral home</li> <li><b>Group day care facility</b> per Section 604</li> <li><b>Health club</b></li> <li><b>Hotel</b></li> <li>House of worship</li> <li>Laundromat</li> <li><b>Local government use</b></li> <li><b>Membership club</b></li> <li><b>Motel</b></li> <li>Movie theater</li> <li><b>Office</b></li> <li><b>Personal service</b></li> <li>Publishing/printing</li> <li>Radio or TV studio</li> <li><b>Recreational facility, indoor</b></li> </ol> | <u>Uses by <b>Conditional Use Permit</b></u><br>(see Section 302.4)                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li><b>Care and treatment of animals</b></li> <li><b>Contractor's yard</b></li> <li><b>Craftsman's shop</b></li> <li>Plumbing, electrical or carpentry shop</li> <li><b>Produce stand</b></li> <li><b>Recreational facility, outdoor</b></li> <li><b>Warehouse</b></li> <li>Wholesale sales</li> </ol> <u>Planned Developments</u> <ol style="list-style-type: none"> <li>Commercial PUD per Section 501</li> </ol> |

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

305.3 Table of Area, Dimension and Coverage.

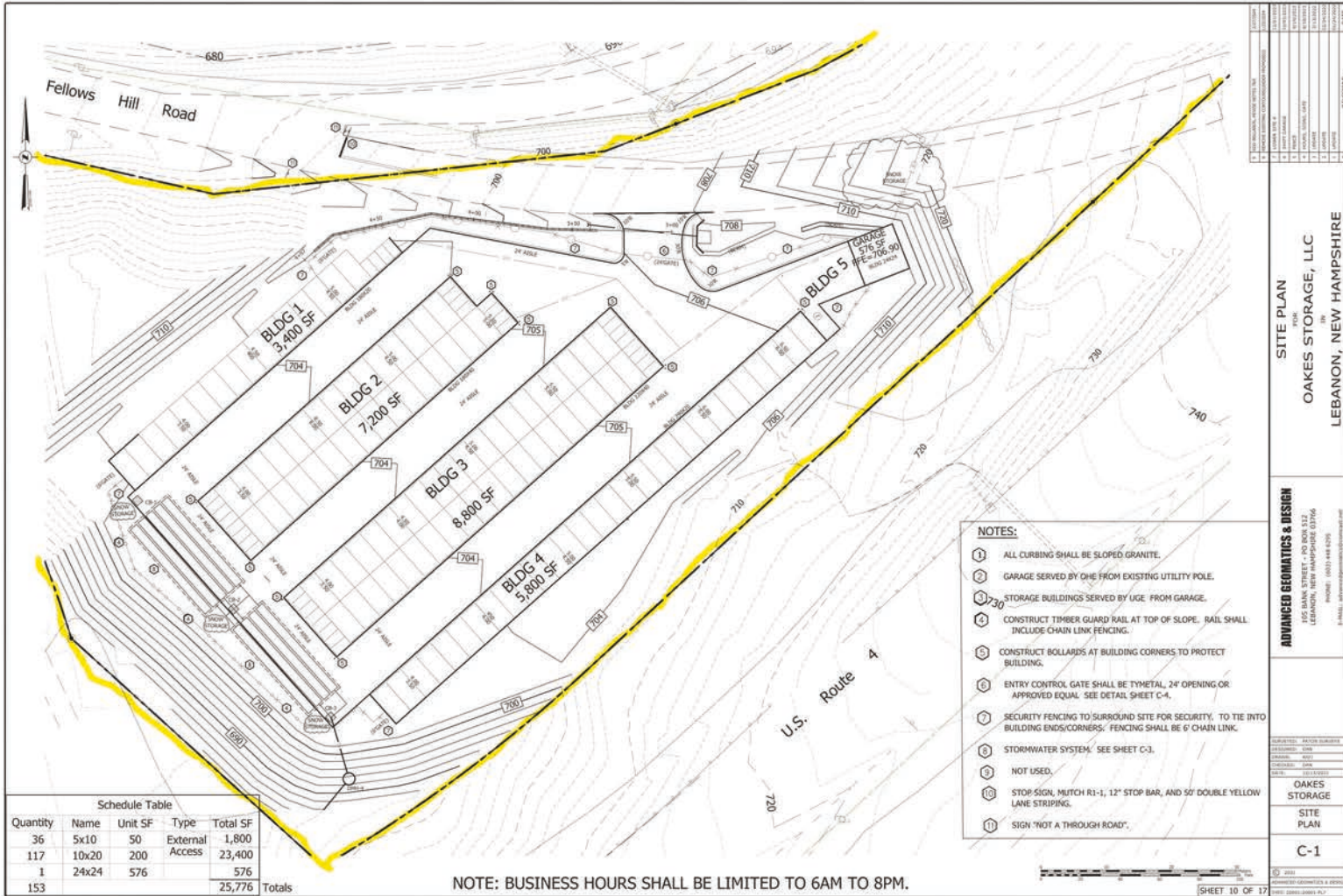
| Minimum <b>Lot</b> Requirements |                 |            |           |           | Maximum Limitations |                          |
|---------------------------------|-----------------|------------|-----------|-----------|---------------------|--------------------------|
| Area                            | <b>Frontage</b> | Front Yard | Side Yard | Rear Yard | Building Coverage   | Height                   |
| 50,000 square feet              | 150'            | 40'        | 20'       | 20'       | 30%                 | 45'<br>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](mailto: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

## Lebanon Housing Authority Romano Circle

Mr. Reichert suggested the Romano Circle property, which is owned by the Lebanon Housing Authority, be rezoned to RO so a variance is not required each time a change needs to be made. He said the LHA would like to build an office space on the property and rezoning to RO will mean that the project will not require a variance.

## Map Change: Re-Zone Lebanon Housing Authority

### • Re-zone Lebanon Housing Authority's 31 Romano Cir. Complex from R-2 to RO

- The current use that has been in place since 1975
- The current use is legal non-conforming
- As legal non-conforming the use cannot be easily changed to adapt to the changing times. Additional apartments, office space, the conversion of office space to apartments or even a maintenance facility requires a Variance.



## Oakes Storage Request

Mr. Dan Nash (Advanced Geomatics & Design) was present on behalf of the party requesting the amendment.

## Private Map Change Request

### • Oakes Storage

- 111-16 92 Riverside Drive Rezone from RL-1 to GC with a CUP for Self Storage.
- Zoning Board approved a Use Variance and several additional dimensional variances thereby allowing the Self-Storage Use.
- Request by AGD - Dan Nash representing Oakes Storage.

Mr. Nash said three variances have been required to finish the work on the property, which, he said, indicates the RL-1 zone is not appropriate for this business. He suggested rezoning the area to GC would be a better fit. The group discussed the attorney's suggestion that spot zoning could solve this particular issue as opposed to rezoning the whole area.

The group discussed how there has been some discussion in this neighborhood, which is near an Interstate exit, over the years because the Zoning Board has allowed additional uses in the area, which seem to have made it less residential. The group discussed how the area still utilizes septic systems and is not connected to the City's sewer system, which is a constraint on development in the neighborhood.

**A MOTION was made by Andrew Faunce that the Lebanon Planning Board recommends against satisfying and addressing this particular request when the area as a whole is being put forth as a request for rezoning. The Motion was seconded by Patrick Kennelly.**

## 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).**

[at 8:01pm, Mr. Reichert left the meeting, He noted that Christine Johnston is going to be unavailable for a time and Attorney Matt Isham will be providing legal opinions during that time.]

Chair Faunce said Agenda Item 2D would be discussed next, which is out of the order of the agenda.



March 10, 2025



**LEBANON CITY COUNCIL  
NOTICE OF PUBLIC HEARINGS  
Wednesday, March 19, 2025 - 7:00pm  
Council Chambers, City Hall or  
REMOTE VIA VIRTUAL PLATFORM  
LebanonNH.gov/LIVE**

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

- A. Proposed Amendments to the Lebanon Zoning Ordinance** – A public hearing for the purpose of receiving public input and taking action to amend the Zoning Ordinance to add “Research Laboratory” as a Permitted Use in the Central Business (CB), Lebanon Downtown (LD), General Commercial (GC), and General Commercial One (GC-1) zoning districts.
- B. Proposed Amendments to the Lebanon Zoning Ordinance** – A continued public hearing for the purpose of receiving public input and taking action to amend the Zoning Ordinance to:
- **Amendment #4** – To rezone the following properties within the Centerra Planned Business Park from IND-L to GC-1: 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; 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 District Tables of Uses to allow “industrial planned unit development” and “planned business park” by Conditional Use Permit. **(Zoning Ordinance Sections 305A and 308.2)**
  - **Amendment #6** – To amend the Commercial PUD and Industrial PUD regulations relative to tract size and calculating permitted residential dwelling unit density. **(Zoning Ordinance Sections 501.4)**
  - **Amendment #10** – To allow stairs and stairwells to project up to 6 ft. into minimum required yards. **(Zoning Ordinance Section 201)**
  - **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)**
  - **Hatch Map Amendment** – to rezone portions of the Hatch Property, 24 Labombard Road, Tax Map 51, Lot 12, from Light Industrial (IND-L) to General Commercial One (GC-1). **(Zoning Map Amendment)**
- C. Supplemental Appropriation of \$2,310,000 for EPA-mandated Identification and Replacement of Lead and Galvanized Water Service Lines; Authorization for City Manager to Apply for Drinking Water State Revolving Loan Fund; Designation of City Manager as Authorized Agent of the City** - A public hearing for the purpose of receiving public input and taking action to appropriate \$2,310,000 for EPA-mandated 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; and to designate the City Manager as the authorized representative of the City.

The March 19, 2025 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning March 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, March 8, 2025.

Jaseya Ewing, City Clerk

# Agenda

## Lebanon City Council

### March 19, 2025

#### 8. Public Hearing Items:

##### **8.C – Supplemental Appropriation of \$2,310,000 for EPA-mandated Identification and Replacement of Lead and Galvanized Water Service Lines; Authorization for City Manager to Apply for Drinking Water State Revolving Fund Loan up to \$2,310,000; Designation of City Manager as Authorized Agent of the City**

A public hearing for the purpose of receiving public input and taking action to appropriate \$2,310,000 for EPA-mandated 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.

The City Council scheduled this public hearing at its February 19, 2025 regular meeting. The public hearing was properly noticed in the *Valley News* on March 8, 2025 and March 12, 2025 in accordance with City Code and State Law.

#### 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:

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

**RESOLVED, by the City of Lebanon, that funds in the amount of \$2,310,000 (Two Million Three Hundred Ten Thousand Dollars) be appropriated for expenditure in the Capital**



***Improvements Fund for a new Lead and Galvanized Water Service Line Replacement Project.***

***WHEREAS, the City of Lebanon, after thorough consideration of the nature of water pollution problems, hereby determines that the completion of certain work, described as identification and replacement of lead and galvanized water service lines - \$2,310,000, is desirable and in the public interest and, to that end, it is desired to apply for assistance from the Drinking Water State Revolving Fund for up to \$2,310,000; and***

***WHEREAS, the City of Lebanon, has examined and duly considered the provisions of New Hampshire Code of Administrative Rules Chapter Env-Dw 1100, which relates to loans from the Drinking Water State Revolving Fund, and deems it to be in the public interest to file a loan application and to authorize other actions in connection therewith.***

***NOW THEREFORE BE IT RESOLVED, by the City of Lebanon City Council, that: 1) The City Manager is hereby authorized on behalf of the City to file an application for a loan to be made in accordance with New Hampshire Code of Administrative Rules Chapters Env-Dw 1100; 2) That if such loan be made, the City agrees to repay the loan as stipulated in the loan agreement; 3) That the City Manager is hereby authorized to furnish such information and to take such other action as may be necessary to enable the City to qualify for the loan; 4) That the City Manager is hereby designated as the authorized representative of the City for the purpose of furnishing such information, data, and documents pertaining to the City for a loan as may be required, and otherwise to act as the authorized representative of the City in connection with this application; 5) That certified copies of this resolution be included as part of the application to be submitted for a loan; 6) That if such loan be made, the City agrees to make provisions for assuming proper and efficient operation and maintenance of the water service lines after completion of the identification and replacement thereof.***

***This resolution shall be effective upon passage.***

Included in this Section:

1. DPW Presentation of Request for Authority to Borrow Funds through DWSRF LSLR Loan Program
2. Notice of Public Hearing as Published in the March 8, 2025 and March 12, 2025 Editions of the Valley News

## 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.



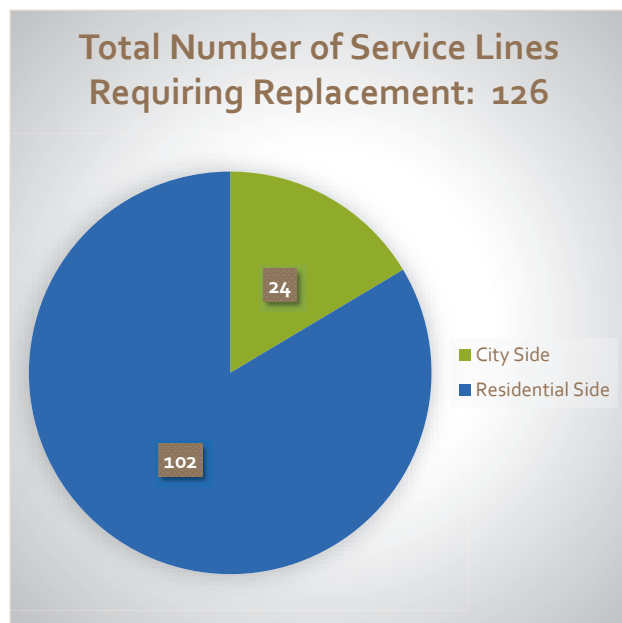
## A Critical Need

- 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.

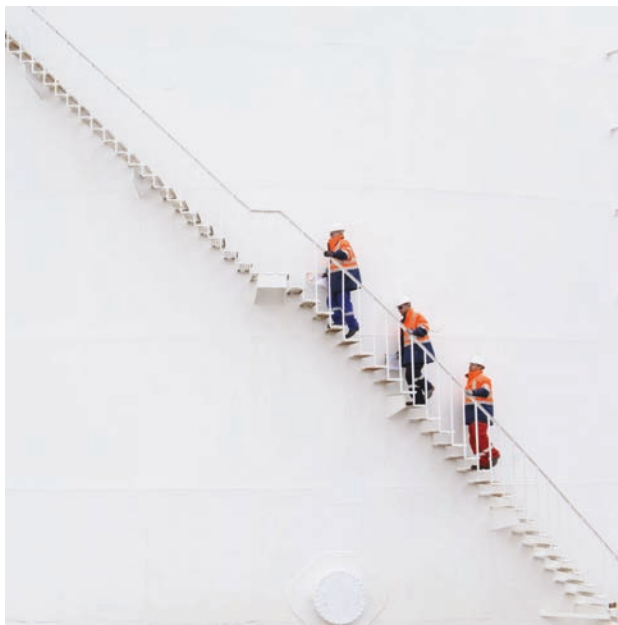


## Project Scope and Costs

- 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.



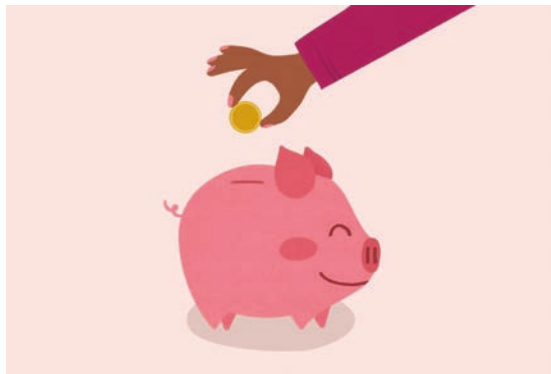
## Moving the Project Forward: Next Steps



- 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.





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  - **Amendment #10** – To allow stairs and stairwells to project up to 6 ft. into minimum required yards. (**Zoning Ordinance Section 201**)
  - **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**)
  - **Hatch Map Amendment** – to rezone portions of the Hatch Property, 24 Labombard Road, Tax Map 51, Lot 12, from Light Industrial (IND-L) to General Commercial One (GC-1). (**Zoning Map Amendment**)
- C. Supplemental Appropriation of \$2,310,000 for EPA-mandated Identification and Replacement of Lead and Galvanized Water Service Lines; Authorization for City Manager to Apply for Drinking Water State Revolving Loan Fund; Designation of City Manager as Authorized Agent of the City** - A public hearing for the purpose of receiving public input and taking action to appropriate \$2,310,000 for EPA-mandated 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; and to designate the City Manager as the authorized representative of the City.

The March 19, 2025 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning March 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, March 8, 2025.

Jaseya Ewing, City Clerk





**LEBANON CITY COUNCIL  
NOTICE OF PUBLIC HEARINGS  
Wednesday, March 19, 2025 - 7:00pm  
Council Chambers, City Hall or  
REMOTE VIA VIRTUAL PLATFORM  
LebanonNH.gov/LIVE**

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

- A. Proposed Amendments to the Lebanon Zoning Ordinance** – A public hearing for the purpose of receiving public input and taking action to amend the Zoning Ordinance to add "Research Laboratory" as a Permitted Use in the Central Business (CB), Lebanon Downtown (LD), General Commercial (GC), and General Commercial One (GC-1) zoning districts.
- B. Proposed Amendments to the Lebanon Zoning Ordinance** – A continued public hearing for the purpose of receiving public input and taking action to amend the Zoning Ordinance to:
- **Amendment #4** – To rezone the following properties within the Centerra Planned Business Park from IND-L to GC-1: 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; 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 District Tables of Uses to allow "industrial planned unit development" and "planned business park" by Conditional Use Permit. (**Zoning Ordinance Sections 305A and 308.2**)
  - **Amendment #6** – To amend the Commercial PUD and Industrial PUD regulations relative to tract size and calculating permitted residential dwelling unit density. (**Zoning Ordinance Sections 501.4**)
  - **Amendment #10** – To allow stairs and stairwells to project up to 6 ft. into minimum required yards. (**Zoning Ordinance Section 201**)
  - **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 20-2) from IND-L and RL-3 to GC-1. (**Zoning Map Amendment**)
  - **Hatch Map Amendment** – to rezone portions of the Hatch Property, 24 Labombard Road, Tax Map 51, Lot 12, from Light Industrial (IND-L) to General Commercial One (GC-1). (**Zoning Map Amendment**)
- C. Supplemental Appropriation of \$2,310,000 for EPA-mandated Identification and Replacement of Lead and Galvanized Water Service Lines; Authorization for City Manager to Apply for Drinking Water State Revolving Loan Fund; Designation of City Manager as Authorized Agent of the City** - A public hearing for the purpose of receiving public input and taking action to appropriate \$2,310,000 for EPA-mandated 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; and to designate the City Manager as the authorized representative of the City.

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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 Wednesday, March 12, 2025.

*Jaseya Ewing*

Jaseya Ewing, City Clerk

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

**9. Old Business:**

**9.A – Discussion of Draft Resolution Objecting to  
Freezing of Federal Grant Programs**

**Background**

On February 19, 2025, the City Council approved the following motion to provisionally adopt a proposed resolution objecting to the freezing of federal grant program:

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

In accordance with the approved motion, since February 19th, members of the City Council and community have contacted other municipalities and organizations seeking support for the original resolution or comparable language. The Council agreed to discuss the results of efforts to garner additional support before deciding whether to make any further modifications to the resolution and prior to forwarding a final version to the City's Congressional delegation and other state and local representatives.

Please note that the enclosed version of the resolution includes two minor edits requested by the resident sponsor, Kathleen Corrigan.

**Action**

*Recommended action will be determined based on the City Council's discussion of this agenda item.*

**Included in this Section:**

1. Draft Resolution Objecting to the Freezing of Federal Grant Program, adopted on February 19, 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. **Copies of this resolution will be forwarded to the above-named officials.**

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

**10. New Business:**

**10.A – Discussion and Set Public Hearing for April 16, 2025:  
Ordinance #2025-02 to Amend City Code Chapter 168, Vehicles & Traffic,  
§168-9, One-way streets, to Remove the One-Way Designation of the  
East End of Memorial Drive, Lebanon**

**Background**

On February 23, 2025, Assistant Mayor Below submitted an Agenda Request to discuss removing the one-way designation of the east end of Memorial Drive, between Bassy Street and Wolf Road in Lebanon. Following receipt of the Agenda Request, the Public Safety Committee was asked to review the proposal and comment on any public safety concerns that were identified.

The existing one-way designation of a portion of Memorial Drive dates to a City Council action in July 1987. However, the one-way designation of Memorial Drive was most recently discussed by the Council during a public hearing on January 21, 2009. Enclosed with this packet are the supporting materials from the 2009 discussion, which includes some background information that led to the original 1987 Council action.

**Action**

The following motion is offered for City Council consideration:

***MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, April 16, 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 on proposed Ordinance #2025-02 to amend City Code Chapter 168, Vehicles and Traffic, §168-9, One-way streets, to remove the one-way designation for the easterly portion of Memorial Drive, between Bassy Street and Wolf Road in Lebanon.***

**Included In This Section:**

1. Agenda Request Form submitted by Assistant Mayor Below, received February 23, 2025
2. Map of Memorial Drive – Wolf Road Area
3. Lebanon Police Department Traffic Accident Reports
4. Agenda packets, a legal opinion, and minutes from the January 21, 2009 City Council meeting
5. February 26, 2025 memorandum from Police Chief Phillip Roberts on behalf of the Public Safety Committee
6. Proposed Ordinance #2025-02

LEBANON CITY COUNCIL  
AGENDA REQUEST FORM

1. Councilor Name: Clifton Below

2. Preferred Date of Council Meeting to Consider Item: 3/5/25 to set public hearing and 3/19 for the public hearing and possible action

***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: No

4. Name of agenda topic item: Ending One-way Designation of East End of Memorial Drive

5. Reason for topic item: Request of Nick Mouzourakis who lives on Bassy Street.

6. Specific questions related to topic item:

- Are there public safety reasons why the eastern end of Memorial Drive should remain one-way or become two-way?
- What is the sentiment of the neighbors and neighborhoods that would be affected, positively or negatively?
- Would reducing the travel distance for residents living off Wolf Road, north of the intersection with Memorial Drive (about 170 residences) who travel north on Mt. Support Road, such as to DHMC, by more than ½ mile per trip by making the whole of Memorial Drive two-way, help to reduce vehicles miles traveled and resulting greenhouse emissions in a measurable way?

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

1. Set a public hearing to consider:
2. Amending the City Code § 168-9, **One-way streets** to delete the listing of Memorial Drive as a one-way street east from Bassy Street towards Wolf Road.

8. Supporting documentation requested re: topic item:

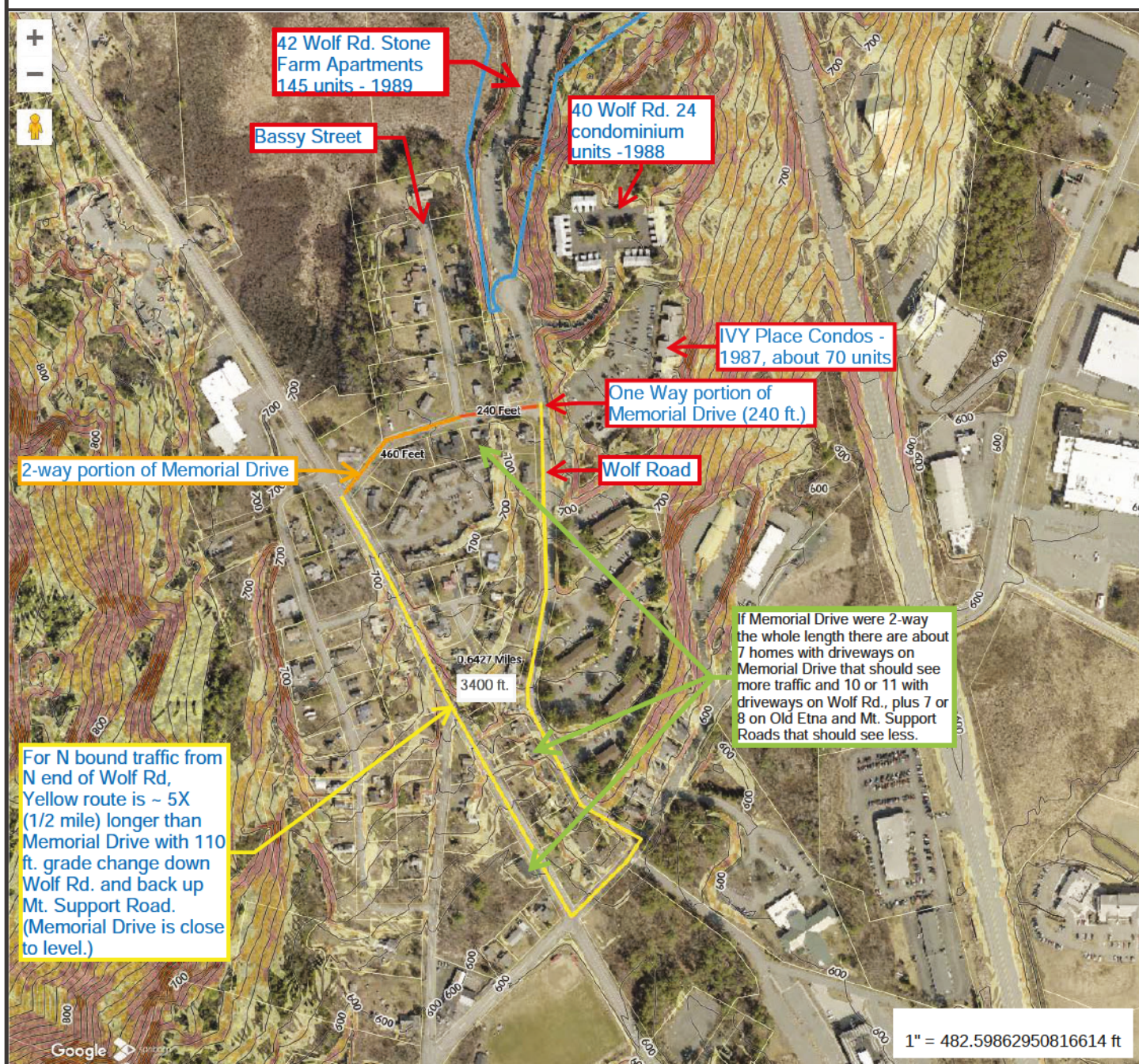
- Minutes of Council Meetings and legal opinion referred to in 10/7/24 email from David Brooks to Tim Corwin, pertaining to the last time this was examined by the City Council on January 21, 2009.
- Traffic Accident History of Memorial Drive and Wolf Road, including the two crashes since 2009. (PDF attached)
- Any vehicle counts that have ever been done in this area.

9. Documentation to include on this topic (include with agenda packet):

- See attached Memorial Drive – Wolf Road Area Map.



## Memorial Drive - Wolf Road area



## Property Information

Property ID 26-1  
 Location 42 WOLF RD  
 Owner BRIARCLIFF WOLF ST ASSOC +

### 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 01/30/2025  
 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

Topography

- MAJOR INDEX CONTOUR
- MINOR CONTOURS
- 15% - 25% SLOPE
- 25% - 35% SLOPE
- 35% - 60% SLOPE
- > 60% SLOPE



For Date: 03/03/2022 - Thursday

| <u>Call Number</u> | <u>Time</u> | <u>Call Reason</u>              | <u>Action</u>         | <u>Priority</u> | <u>Duplicate</u> |
|--------------------|-------------|---------------------------------|-----------------------|-----------------|------------------|
| 22-4795            | 1103        | Phone - MVA Roadway HitRun PAST | Incident Report Taken |                 | 3                |

Call Taker: FM - Asst. Comm. Supervisor Florian Mai  
Call Source: Telephone  
Location/Address: 17 WOLF RD  
Calling Party: SIBUN, BARBARA C  
ID: DB - Corporal Dean Bullock  
Disp-11:14:50 Arvd-11:21:45 Clrd-12:11:11  
NJA - Special Officer Nicholas J Alden  
Arrived By: Corporal Dean Bullock  
Cleared By: Corporal Dean Bullock  
Narrative: 03/03/2022 1105 Asst. Comm. Supervisor Florian Mai  
Modified By: 03/03/2022 1107 Asst. Comm. Supervisor Florian Mai

88 advised the neighbors mailbox was hit at approx 0640 and there are pieces of car all over the lawn. The neighbor is not currently home.

Narrative: 03/03/2022 1211 Corporal Dean Bullock  
Sibun heard a car hit her neighbors mailbox at approximately 0640, but did not see the vehicle. The residents of 17 Wolf Rd were not home, my contact information was left at the residence.

The area was searched for damaged vehicles. None were located.

Under Investigation.

|                      |                 |                                           |                       |
|----------------------|-----------------|-------------------------------------------|-----------------------|
| Refer To Incident:   | 22L-204-OF      |                                           |                       |
| Additional Activity: | 03/08/2022 1203 | Bullock, Dean<br>STONE FARM<br>22L-204-OF | Follow Up 1 Hrs 9 Min |
| Additional Activity: | 03/31/2022 1831 | Bullock, Dean<br>17 WOLF RD<br>22L-204-OF | Follow Up 0 Hrs 6 Min |





Lebanon Police Department  
Incident Report

Page: 1  
10/08/2024

Incident #: 22L-204-OF  
Call #: 22-4795

Date/Time Reported: 03/03/2022 1103  
Report Date/Time: 03/03/2022 1230  
Occurred Between: 03/03/2022 0640-03/03/2022 1103  
Status: Incident Closed  
Reason Closed: At victim's request

Reporting Officer: Corporal Dean Bullock  
Approving Officer: Deputy Chief Alan Lowe

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_



| # | SUSPECT(S) | SEX | RACE | AGE | SSN | PHONE |
|---|------------|-----|------|-----|-----|-------|
| 1 | CHEN, YORK | M   | A    | 28  |     |       |

[CONTACT INFORMATION]

Home Phone (Primary) 646-915-5082

| # | OFFENSE(S)                                                                 | ATTEMPTED | TYPE        | CLASS |
|---|----------------------------------------------------------------------------|-----------|-------------|-------|
|   | LOCATION TYPE: Residence/Home/Apt./Condo<br>17 WOLF RD<br>LEBANON NH 03766 |           |             |       |
|   | Zone: Sector 1                                                             |           |             |       |
| 1 | Conduct After Accident                                                     | N         | Misdemeanor | B     |
|   | 264 25<br>OCCURRED: 03/03/2022 0640                                        | B         |             |       |



Lebanon Police Department  
Incident Report

Page: 2  
10/08/2024

Incident #: 22L-204-OF  
Call #: 22-4795

| # | VICTIM(S)    | SEX | RACE | AGE | SSN       | PHONE |
|---|--------------|-----|------|-----|-----------|-------|
| 1 | SIERPE, EINO | M   | W    | 60  | NOT AVAIL |       |

| # | PERSON(S)        | PERSON TYPE | SEX | RACE | AGE | SSN       | PHONE |
|---|------------------|-------------|-----|------|-----|-----------|-------|
| 1 | SIBUN, BARBARA C | WITNESS     | F   | W    | 59  | NOT AVAIL |       |

| #                                       | VEHICLE(S) | YEAR | MAKE | STYLE | COLOR1 | COLOR2 | REG              | VALUE |
|-----------------------------------------|------------|------|------|-------|--------|--------|------------------|-------|
| 1                                       | ROGUE      | 2020 | NISS | 4H    | GRY    |        |                  |       |
| STATUS: Evidence (Not Nibrs Reportable) |            |      |      |       |        |        | DATE: 04/01/2022 |       |
| OWNER: CHEN, YORK                       |            |      |      |       |        |        |                  |       |

| # | OTHER PROPERTIES    | PROPERTY #      | STATUS                       |
|---|---------------------|-----------------|------------------------------|
| 1 | MAILBOX             |                 | Destroyed/Damaged/Vandalized |
|   | QUANTITY: 1         | VALUE: \$100.00 |                              |
|   | SERIAL #: NOT AVAIL |                 |                              |
|   | DATE: 04/01/2022    |                 |                              |
|   | OWNER: SIERPE, EINO |                 |                              |



Lebanon Police Department  
NARRATIVE FOR OFFICER DEAN BULLOCK

Page: 1

Ref: 22L-204-OF

|                             |                 |
|-----------------------------|-----------------|
| Entered: 03/03/2022 @ 1252  | Entry ID: DB    |
| Modified: 04/01/2022 @ 0015 | Modified ID: DB |
| Approved: 04/05/2022 @ 1120 | Approval ID: AL |

**Date & Time of Incident:** 03/03/2022 0640 **Officer in Charge:** Cpl Alden

\*\*\*\*\*This incident ☐ WAS ☐ WAS NOT recorded by CRUISER CAMERA\*\*\*\*\*  
\*\*\*\*\*This incident ☒ WAS ☐ WAS NOT recorded by BODY WORN CAMERA\*\*\*\*\*

On March 3, 2022 at approximately 11:03 we were dispatched to 17 Wold road for a report of a car that hit a mailbox. The caller was Barbara Sibun, who lives at 15 wolf road, she was calling to report that her neighbors mailbox was hit that morning at about 06:40. Cpl Alden and I met with Sibun, she said she heard a car hit the mailbox, however she was not able to see the car before it drove away.

Sibun said she had pieces of the car and mailbox scattered on her lawn that she had picked up and put in a pile. Sibun said her neighbors had not been home all day, Sibun also did not have any contact information for her neighbor. My contact information was left at 17 Wolf Rd for the residence of the house. Photographs of the damage was taken. We searched the area for any damaged vehicles and provided Sibun with contact information.

The pieces of the vehicle found at 17 wolf rd lead me to believe that it is a gray car with damage done to the front passenger side of the vehicle, most likely an suv, there was also pieces of the light which were located in the yard.

On March 07, 2022 I Spoke with the owner of a Nissan Rogue, with NH registration belonging to York Chen, who had similar damage done on his vehicle to debri that was found. Chen lives up the street from where the incident occurred. I spoke to Chen who admitted that he did hit the mailbox. He said he was running late for work and came back later that day to leave his information on the door. Chen said the road was full of slush from the snow the night before and he just lost control and slid off the road into the mailbox. Chen was informed that next time should this happen, that he should contact the police department if the owners were not home.

Chen did provide his information for the home owner later that day, I spoke with the home owner Eino Sierpe on 4/1/2022 who indicated him and Chen worked out an agreement. Chen paid for the mailbox to get fixed out of pocket and Eino indicated that he was all set and did not need any information for an insurance claim. Due to this I request this case be suspended as it was handled civilly.

**Officer Dean Bullock**



Lebanon Police Department  
Images Associated with 22L-204-OF





Lebanon Police Department  
Images Associated with 22L-204-OF





For Date: 12/05/2016 - Monday

| <u>Call Number</u> | <u>Time</u> | <u>Call Reason</u>        | <u>Action</u>         | <u>Priority</u> | <u>Duplicate</u> |
|--------------------|-------------|---------------------------|-----------------------|-----------------|------------------|
| 16-28181           | 1100        | Phone - MVA Roadway No PI | Accident Report Taken |                 | 2                |

Call Taker: MAF - Specialist Michelle A Hammond  
Call Source: Telephone  
Location/Address: 15 WOLF RD  
Calling Party: SIBUN, BARBARA C  
Involved Party: SIERPE, EINO  
ID: ZAL - Corporal Zachary A Lawrence

Clrd-11:34:28

Cleared By: Corporal Zachary A Lawrence  
Vehicle: GRY 2014 HOND AP CRV SPOR  
Narrative: 12/05/2016 1231 Corporal Zachary A Lawrence  
Modified By: 12/05/2016 1234 Corporal Zachary A Lawrence

U1 Baucher was traveling south on Wolf Rd when her vehicle started sliding off of the road. U1 Baucher slid through two yards before hitting a tree.

No injuries reported by U1 Baucher. Spoke with residents of both properties. Sibun of #15 advised she wanted U1 Baucher to have to fix her yard which only showed upturned dirt. and tree impact.

Vehicle removed by Grizz. Baucher evaluated by LFD due to airbag deployment.

Significant damage sustained to the passenger side.

Refer To Accident: 16L-344-AC



Please Print or Type (Single Space)

TO BE COMPLETED AND FILED WITHIN 15 DAYS

Sheet 1 of 1 Sheets(s)

12

## LOCAL USE

16L-344-AC

STATE OF NEW HAMPSHIRE  
UNIFORM POLICE

## M.V. USE ONLY

No.  
Date Rec'd

13

14

15

16

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Amended Report ☐ Hit and Run ☐ School Bus ☐ Driver Ed. ☐TRAFFIC ACCIDENT REPORT  
DSMV159 (Rev.04/00)Supplemental Report ☐ Motor Carrier Report ☐DATE OF ACCIDENT  
12/05/2016DAY OF WEEK  
MondayTIME  
(Military)OF ACCIDENT  
1100CITY/TOWN  
LEBANON

TOTAL KILLED 0

TOTAL INJURED 0

TOTAL VEHICLES 1

POLICE NOTIFIED  
1100

POLICE ARRIVED

AMBULANCE ARRIVED

DEPARTMENT  
Lebanon

ACCIDENT OCCURRED ON:

800

 MILES N ☐ E ☐  
 FEET S ☒ W ☐  
 AT INTERSECTION WITH
INTERSECTING ROAD, BRIDGE,  
TOWN LINE (not telephone pole, house)POSTED  
SPEED

15 WOLF RD

OLD ENTA RD

ROUTE NO. AND/OR STREET NAME

ROUTE NO. AND/OR STREET NAME

Complete first node for accidents at node, complete both for accidents between nodes.

FIRST NODE

DISTANCE FROM FIRST  
NODE TOWARD SECOND

SECOND NODE

MILE-MARKER  
ON INTERSTATE ONLY

MILE

 MAP 10 ZONE 842 /  
 NODE SUF

800 FEET

 MAP 10 ZONE 857 /  
 NODE SUF

 FEET  
 N ☐ E ☐ S ☐ W ☐

UNIT NO.: 1 INFORMATION

UNIT NO.: INFORMATION

 BICYCLE ☐ SUMMONED ☐ ARRESTED ☐ M.V.R. YES ☐  
 PEDESTRIAN ☐ CHARGE: RECOM ☐

 BICYCLE ☐ SUMMONED ☐ ARRESTED ☐ M.V.R. YES ☐  
 PEDESTRIAN ☐ CHARGE: RECOM ☐

DRIVER LICENSE NO. STATE CLASSIFICATION

DRIVER LICENSE NO. STATE CLASSIFICATION

 DRIVER'S NAME LAST, FIRST, MIDDLE  
 BAUCHER, HALLIE M

DRIVER'S NAME LAST, FIRST, MIDDLE

 D.O.B. SEX RESTRICTIONS / ENDORSEMENTS  
 COMPLIED WITH YES ☐

 D.O.B. SEX RESTRICTIONS / ENDORSEMENTS  
 COMPLIED WITH YES ☐

CURRENT ADDRESS, NUMBER, AND STREET PHONE NO.

CURRENT ADDRESS, NUMBER, AND STREET PHONE NO.

CITY / TOWN STATE ZIP CODE

CITY / TOWN STATE ZIP CODE

PLATE NUMBER PLATE TYPE STATE TRAILER PLATE STATE

PLATE NUMBER PLATE TYPE STATE TRAILER PLATE STATE

 MAKE YEAR COMMERCIAL HAZARDOUS  
 HOND 2014 VEHICLE ACCIDENT MATERIALS ☐

 MAKE YEAR COMMERCIAL HAZARDOUS  
 VEHICLE ACCIDENT MATERIALS ☐

V.I.N.

V.I.N.

 SAME AS DRIVER ☒ OWNER NAME LAST, FIRST MIDDLE

 SAME AS DRIVER ☐ OWNER NAME LAST, FIRST MIDDLE

CURRENT ADDRESS, NUMBER AND STREET PHONE NO.

CURRENT ADDRESS, NUMBER AND STREET PHONE NO.

CITY / TOWN STATE ZIP CODE

CITY / TOWN STATE ZIP CODE

 INSURANCE CO. & POLICY # OR DSMV 385  
 ISSUED ☐

 INSURANCE CO. & POLICY # OR DSMV 385  
 ISSUED ☐

 VEHICLE TOWED ☒ BY: GRIZZAFFI TOWING TO:

 VEHICLE TOWED ☐ BY: TO:

| REF. | 26 | 27 | 28 | 29 | NAME(S) OF OCCUPANTS OR WITNESSES | ADDRESS / PHONE | 30 | 31 | 32 | 33 |
|------|----|----|----|----|-----------------------------------|-----------------|----|----|----|----|
| 1    | 1  | N  | 10 | 28 | HALLIE M BAUCHER                  |                 | 1  | 1  | 8  | F  |
| 2    | o  |    |    | 53 | BARBARA C SIBUN                   |                 |    |    |    | F  |
| 3    | o  |    |    | 55 | EINO SIERPE                       |                 |    |    |    | M  |
| 4    |    |    |    |    |                                   |                 |    |    |    |    |
| 5    |    |    |    |    |                                   |                 |    |    |    |    |
| 6    |    |    |    |    |                                   |                 |    |    |    |    |



UNIT NO: 1

1

INDICATE PROBABLE POINT OF IMPACT

1 | 2 | 3 | 4 | 5 | 6  
  
13 Front 14 Rear 15

1 | 2 | 3 | 4 | 5 | 6  
  
13 Front 14 Rear 15

16. Undercarriage  
17. Rollover  
18. Fire/Explosion  
19. Total

Circle numbers indicating areas damaged.

|                      |                      |                      |                          |
|----------------------|----------------------|----------------------|--------------------------|
| Rear<br>1<br>→ →     | Passing<br>2<br>→ →  | Lt. Turn<br>3<br>→ ↗ | Intersection<br>4<br>→ ↓ |
| Rt. Turn<br>5<br>↘ → | Rt. Turn<br>6<br>↘ → | Head-On<br>7<br>→ ←  | Sideswipe<br>8<br>→ ↗    |

Indicate Vehicle Numbers on Arrows Above

UNIT NO: \_\_\_\_\_

INDICATE PROBABLE POINT OF IMPACT

1 | 2 | 3 | 4 | 5 | 6  
  
13 Front 14 Rear 15

1 | 2 | 3 | 4 | 5 | 6  
  
13 Front 14 Rear 15

16. Undercarriage  
17. Rollover  
18. Fire/Explosion  
19. Total

Circle numbers indicating areas damaged.

### ACCIDENT SKETCH

Indicate North



By Arrow

N/A

### GIST OF ACCIDENT

U1 Baucher was traveling south on Wolf Road when her vehicle started sliding off of the road. U1 Baucher slid through two yards before hitting a tree. Based on the scene, U1 Baucher appeared to be going too fast for the existing road conditions.

No injuries reported by U1 Baucher. I spoke with residents of both properties. Sibun of #15 advised she wanted U1 Baucher to have to fix her yard which there was visible upturned dirt. Sierpe of #17 had several damaged bushes and also some upturned dirt but advised he currently was not pursuing the matter.

Vehicle removed by Grizzaffi's Towing Company. U1 Baucher evaluated by LFD due to airbag deployment.

Significant damage sustained to the passenger side of U1.

|                                                                   |                                                                                               |             |
|-------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-------------|
| SIGNATURE OF INVESTIGATING OFFICER                                | DATE OF REPORT<br><b>12/28/2016</b>                                                           | REVIEWED BY |
| DEPARTMENT / DIVISION / TROOP<br><b>Lebanon Police Department</b> | PHOTOS TAKEN<br>YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> BY: _____ |             |



Lebanon Police Department  
Images Associated with 16L-344-AC





LEBANON CITY COUNCIL  
JANUARY 21, 2009  
5.A. ACTION ON PUBLIC HEARING ITEM

**5.A. ACTION ON PUBLIC HEARING: ORDINANCE # 2009-02 TO:**  
**AMEND CITY CODE §168-9, "ONE WAY STREETS"**  
**TO ELIMINATE MEMORIAL DRIVE FROM THIS SECTION THEREBY ALLOWING**  
**FOR TWO-WAY TRAVEL**

The Council scheduled this public hearing on November 19, 2008, after hearing from residents who live in the vicinity of Wolf Road and Memorial Drive, and for the purpose of receiving public input and taking action on proposed Ordinance #2009-02 to amend City Code §168-9, "One Way Streets" in order to eliminate Memorial Drive from this section, thereby allowing for two-way vehicular travel on the street.

**BACKGROUND:** When development began taking place on Wolf Road (then referred to as Boulder Drive) residents of Memorial Drive expressed concern over the amount of traffic that would be utilizing their street to access Mount Support Road and Route 120. By action on November 8, 1983, the Zoning Board approved the Boulders Development with a condition that the eventual extension of Memorial Drive be constructed as a one-way street with travel only being allowed in an easterly direction (going from Mount Support Road to Boulder Drive). The City Council took action to change Memorial Drive to a one-way street on July 15, 1987.

*If the Council decides, after public input and further review of supporting documentation that it is best to return Memorial Drive to a two-way street, the following motion is offered for Council consideration:*

***MOVED, that the Lebanon City Council hereby adopts Ordinance #2009-02, an Ordinance to amend City Code §168-9, "One Way Streets" in order to eliminate Memorial Drive from this section, thus allowing for two-way vehicular travel on the street.***

Included in this section:

1. Proposed Ordinance #2009-02, as referenced above.
2. Notice of Public Hearing as published in the December 27, 2008 edition of the Valley News.
3. Excerpt of 11/19/08 Minutes – Lebanon City Council.
4. Public Comment as follows:
  - a. 11/20/08 e-mail (with response from Councilor Cormen) from Christopher Kennedy, address not indicated
  - b. 12/8/08 Letter from Jacqueline Atkins, 10 Memorial Drive
  - c. 12/9/08 Letter from David Atkins, 10 Memorial Drive
  - d. 12/12/08 Letter from David Atkins, 10 Memorial Drive
  - e. 12/15/08 Letter from Harry & Madalyn Sprague, 8 Bassy Street
  - f. 12/26/08 Letter from Dick Welch, Regional Manager for Great North Property Management and Lebanon Resident
5. Chronological History of Memorial Drive/Wolf Road Discussions at Zoning Board, Planning Board, and City Council Meetings:
  - a. 11/8/93 Notice of Decision – Lebanon Zoning Board of Adjustment – Approval of a special exception to allow a 132-Unit Planned Unit Development (PUD)
  - b. 12/1/83 Memo from Dan Nash, City Engineer to the Planning Board re: Boulders PUD
  - c. 1/23/84 Notice of Decision – Lebanon Planning Board – Approval of a Major Subdivision for the Boulder’s Project
  - d. 1/23/84 Notice of Decision – Lebanon Planning Board – Site Plan Approval for Boulder’s PUD
  - e. 1/23/04 Excerpt of Minutes – Lebanon Planning Board
  - f. 7/2/87 Memo with attached sketch from Dan Nash, Public Works Director to the Planning & Zoning Boards re: Memorial Drive
  - g. 7/3/87 Letter to Dan Nash (Page 1 only - no subsequent pages found in file) from Enrique Darer, Boulder Properties, Inc.
  - h. 7/11/87 Letter to Dan Nash from Enrique Darer, Boulder Properties, Inc.
  - i. 7/13/87 Excerpt of Minutes – Lebanon Planning Board – Review and Comment to City Council on request to amend Section H of Ordinance #30
  - j. 7/15/87 Minutes – Lebanon City Council Public Hearing to amend Section H of Ordinance #30 establishing a portion of Memorial Drive from Bassy Street to Wolf Road as one-way
  - k. 7/15/87 Excerpt of Minutes – Lebanon City Council – Action on Public Hearing
  - l. 9/11/06 Excerpt of Minutes – Lebanon Planning Board – Public Hearing and Action to approve the application by Bay-Son Properties/DEW Construction Corp. for a medical office complex at Heater Road/Bixby Street, Lebanon
  - m. 10/2/06 Excerpt of Minutes – Lebanon Zoning Board – Public Hearing on Request by Bay-Son Properties/DEW Construction Corp. for a Use Variance to allow access to a commercial development over a residential lot.
  - n. 10/16/06 Excerpt of Minutes – Lebanon Zoning Board – Action to Grant Use Variance as noted above

- Notes:**



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**CITY OF LEBANON**  
**ORDINANCE #2009-02**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 168, VEHICLES AND TRAFFIC, Section 168-9, "One Way Streets" in order to eliminate Memorial Drive from this section, thus allowing for two-way vehicular travel on the street.

Section 1:

Chapter 168, "Vehicles and Traffic", Section 168-9 is hereby amended to remove Memorial Drive, to read as follows:

§ 168-9. One-way Streets.

Except in compliance with law or the directions of a police officer or official traffic control device, no person shall drive a vehicle on the following streets except in the direction indicated:

| <b>Name of Street</b>                                     | <b>Direction of Travel</b> | <b>Limits</b>                                                                                  |
|-----------------------------------------------------------|----------------------------|------------------------------------------------------------------------------------------------|
| Chestnut Street<br>[Added 7-6-2005 by<br>Ord. No. 2005-2] | South                      | Beginning 100 feet north of the intersection of Spring Street and Chestnut Street              |
| Flynn Street                                              |                            | From Campbell Street to the first entrance into the parking lot to the rear of City Hall       |
| Guyer Street<br>[Added 8-2-1995]                          | West                       | From Mascoma Street to Granite Street                                                          |
| Highland Avenue (West Lebanon)                            | West                       | From Prospect Street to North Main Street                                                      |
| Light Street                                              | East                       | Starting at a point 150 feet east of Granite Street to a point 380 feet east of Granite Street |
| Pine Street<br>[Added 11-3-2004 by<br>Ord. No. 2004-3]    | North                      | From the intersection of Spring Street and Pine Street proceeding north a distance of 270 feet |
| West Street (West Lebanon)                                | East                       | From Granite Street to High Street                                                             |
| White Avenue                                              | North                      | Between Dana Street and Highland Avenue                                                        |

Section 2: Effective Date.

The Ordinance shall become effective upon passage.

Section 3: Severability.

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

December 29, 2008



 **LEBANON CITY COUNCIL  
REGULAR MEETING AGENDA**  
**Lebanon Opera House, City Hall**  
**Wednesday, January 7, 2009**  
**7:00pm**

**PUBLIC HEARINGS BEGINNING AT 7:00PM**

**A.** Public hearing for the purpose of receiving public input and taking action on proposed Ordinance 2009-02, an Ordinance to amend the Code of the City of Lebanon, Chapter 168, "Vehicles and Traffic," Section 168-9, "One-Way Streets," in order to eliminate Memorial Drive from this section, thus allowing for two-way vehicular travel on the street. The full text of the amendment is provided in the 1/07/2009 City Council agenda package (available at [www.lebcity.com](http://www.lebcity.com)) and is on file with the City Clerk's Office.

**B.** Public hearing for the purpose of receiving public input and taking action on proposed Ordinance 2009-03, an Ordinance to amend the code of the City of Lebanon, Chapter 68, "Fees," Article III, "Miscellaneous Fees," Section 68-15, "Enumeration of Fees," Paragraph D, "Ambulance Fees" to bring them more in line with industry standards. Fees will also be established for ancillary services. The full text of the amendment is provided in the 1/07/2009 City Council agenda package (available at [www.lebcity.com](http://www.lebcity.com)) and is on file with the City Clerk's Office.

The 1/7/2009 agenda package will be available in City Hall and on the City Web Site beginning 12/30/2008.

*Any person with a disability who wishes to attend this public meeting and needs additional accommodations, please contact the ADA coordinator at City Hall by calling 448-4220 at least 72 hours in advance so that the City can make any necessary arrangements.*

258167

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 December 27, 2008.



**LEBANON CITY COUNCIL  
NOTICE OF PUBLIC HEARING  
Lebanon Opera House, City Hall  
Wednesday, January 21, 2009  
7:00pm**

**DUE TO INCLEMENT WEATHER CONDITIONS AND THE NEED TO  
CANCEL THE JANUARY 7, 2009 CITY COUNCIL MEETING, THE  
FOLLOWING PUBLIC HEARINGS HAVE BEEN RESCHEDULED TO  
JANUARY 21, 2009:**

- A. Public hearing for the purpose of receiving public input and taking action on proposed Ordinance 2009-02, an Ordinance to amend the Code of the City of Lebanon, Chapter 168, "Vehicles and Traffic," Section 168-9, "One-Way Streets," in order to eliminate Memorial Drive from this section, thus allowing for two-way vehicular travel on the street. The full text of the amendment is provided in the 1/07/2009 City Council agenda package (available at [www.lebcity.com](http://www.lebcity.com)) and is on file with the City Clerk's Office.
- B. Public hearing for the purpose of receiving public input and taking action on proposed Ordinance 2009-03, an Ordinance to amend the Code of the City of Lebanon, Chapter 68, "Fees," Article III, "Miscellaneous Fees," Section 68-15, "Enumeration of Fees," Paragraph D, "Ambulance Fees" to bring them more in line with industry standards. Fees will also be established for ancillary services. The full text of the amendment is provided in the 1/07/2009 City Council agenda package (available at [www.lebcity.com](http://www.lebcity.com)) and is on file with the City Clerk's Office.

*Any person with a disability who wishes to attend this public meeting and needs additional accommodations, please contact the ADA coordinator at City Hall by calling 448-4220 at least 72 hours in advance so that the City can make any necessary arrangements.*



1 versus non-emergency transports. Emergency transports account for 70% of all calls, and they  
2 can be collected on, whereas non-emergency transports cannot be collected on. Chief  
3 Christopoulos added that looking at the revenue generated from the ambulance service compared  
4 to the costs for providing those services, the Fire Department is generating a net revenue of  
5 approximately \$65,000 to \$70,000 a year. This is revenue generated for the City, not paid to a  
6 private company. Chief Christopoulos stated when the City did have a private ambulance in the  
7 past, it cost the City \$193,000 just to park the ambulance in the Fire Station; this also gave the City  
8 only one ambulance to respond to calls over the entire community. Currently two ambulances are  
9 provided for the City, sometimes three, depending on the volume.

10  
11 Councilor Cormen reminded everyone that the Council will be reviewing the Fire Department  
12 budget in more detail on December 2, 2008 between 5:30 p.m. and 8:00 p.m.  
13

14 Councilor MacLeod asked for clarification on Appendix 2; she asked for the number of full-time Fire  
15 Department personnel in the City of Lebanon, noting that Lebanon and Claremont have a similar  
16 population and number of square miles. Chief Christopoulos responded that the current number  
17 of full-time uniformed firefighters in the City of Lebanon is 24; the difference between Lebanon and  
18 Claremont is that Claremont does not provide any emergency medical services. Councilor  
19 MacLeod asked for the number of on-call personnel in Lebanon versus Claremont. Chief  
20 Christopoulos answered the number of on-call personnel in Lebanon numbers 15. Another main  
21 difference between Lebanon and Claremont is that Lebanon operates two fire stations, while  
22 Claremont operates one. Councilor MacLeod added another difference between the two  
23 communities is the daytime population, which has an enormous effect on every service that  
24 Lebanon provides.  
25

26 Mayor Hill commended the members of the Fire Department on the excellent job they do for the  
27 City.  
28

29 **B. Memorial Drive Request: Change one-way vehicular travel to two-way**  
30

31 Mark Richins, a resident of Wolf Road, provided a power point presentation to the City Council and  
32 members of the audience relative to this agenda item. Mr. Richins reviewed the safety concerns  
33 of this request relative to having a single exit for the 404 residential unit area of Wolf Road. He  
34 noted that this issue is exacerbated by the condition of Wolf Road, the limited sight distance  
35 available, and the road's steep grade. In presenting this request, Mr. Richins stated the residents  
36 want a safe, alternative exit. He also pointed out several instances where Wolf Road violates the  
37 City's Subdivision Regulations.  
38

39 Councilor Desrosiers noted that additional information has now been presented; the Public Safety  
40 Committee did not have the benefit of that information when they discussed this matter previously.  
41 In addition, the Public Safety Committee had the benefit of some information that has not been  
42 provided to the Council for this discussion.  
43

44 Mayor Hill explained the process of proposing an Ordinance to make a change to the Code of the  
45 City of Lebanon relative to moving forward with this process. She explained to the audience that  
46 no changes can be made by the Council at this meeting, other than to set a public hearing. The  
47 public hearing would allow another opportunity for the public to come out and speak, and later that  
48 evening the Council would make a decision whether or not to make the Ordinance change. The  
49 only decision the Council can make at this meeting is to decide whether or not to schedule the  
50 public hearing. She asked if the Fire Chief or Police Chief wished to weigh in on this matter.  
51

1 Chief Christopoulos stated that from the information he has available over the past ten years, there  
2 have been no documented vehicle accidents at the intersection of Wolf Road and Old Etna Road.  
3 He explained that is not to say there have not been any accidents, simply that there have not been  
4 any to which the Fire Department has physically responded.

5  
6 Chief Alexander noted that when changes such as the one proposed are made to cut-off streets  
7 as is now being requested, there are a host of other issues that are raised because of the  
8 increased usage.

9  
10 Councilor Corman commended Mr. Richens for his work in putting together this presentation. She  
11 added there is background that is important to understand, and gave some history of when the  
12 street was made one-way and the circumstances and reasoning for doing so at that time. She  
13 pointed out that the Council will be balancing the needs of one set of residents against the needs  
14 of another. She added that all of the City's streets are overloaded. She asked that everyone keep  
15 in mind those residents who have been here for a long time. She feels this matter should move  
16 forward.

17  
18 Councilor Wood supported scheduling the public hearing. He wondered if many of the people  
19 present at the meeting were at the Planning Board meeting when the Medical Center was  
20 discussed. He added he is grateful for the number of people who took the time to attend this City  
21 Council meeting; as much as he thinks the problem at hand needs to be solved, it really cannot be  
22 solved because the solution will only create another problem. He encouraged members of the  
23 public to become involved and speak out earlier in the process when these types of issues arise.

24  
25 Mr. Richens stated he and his neighbors received no notification of the Medical Center project  
26 because as those who live in apartments and condominiums, they are not considered abutters.

27  
28 Assistant Mayor Tuttle commended Mr. Richens for an excellent presentation. She stated she is  
29 happy to have the public hearing, but she does respect the comments of the Fire Chief and the  
30 Police Chief indicating there is not an increase in the number of accidents in the area under  
31 discussion, and the request may only create a new problem that needs solving. During the public  
32 hearing, she stated she will be looking for a compelling reason to change Memorial Drive to two-  
33 way traffic, otherwise, she stated she will tentatively be looking to support keeping it one-way. She  
34 added there is always the opportunity to revisit this matter, particularly with the construction of the  
35 medical office building. Assistant Mayor Tuttle assured members of the audience that her mind  
36 can be changed with good information.

37  
38 Councilor Corman noted the intersection could be cut back to allow for better visibility; she added  
39 the City owns a right-of-way along the frontages of properties. Public Works Director Lavalla  
40 disagreed, noting that many of the trees and bushes are outside of the City's right-of-way and,  
41 therefore, outside of the City's control. Mayor Hill asked if this is something that could be  
42 communicated with the property owners to see if they would be amenable to addressing the sight  
43 distance problem in this manner. Public Works Director Lavalla answered this could be done.

44  
45 Councilor Corman noted that agendas for all of the City's board and committee meetings can now  
46 be found on line. She wondered if in large housing developments there could be a central point  
47 designated for postings of announcements of City projects.

48  
49 **Councilor MacLeod made the following motion:**

1 **Moved, by the Lebanon City Council, to direct the City Manager to draft an Ordinance to**  
2 **amend City Code § 168-9. "One-Way Streets" in order to eliminate Memorial Drive from this**  
3 **section, thus allowing for two-way vehicular travel on this street. Further, and in accordance**  
4 **with §115-3, the City Council hereby determines that legal review of a draft ordinance is not**  
5 **necessary as it does not represent a change in substance. A public hearing to amend the**  
6 **City Code shall be scheduled for January 7, 2009.**

7  
8 **Seconded by Councilor Desrosiers.**  
9

10 Mayor Hill asked members of the public who wished to speak to keep their comments to less than  
11 three minutes. She added the Council's custom has been to allow the public to speak when an  
12 issue has been taken up, even if there is a motion on the floor. Several Councilors disagreed with  
13 Mayor Hill's comments. Mayor Hill added there are several other opportunities for members of the  
14 public to provide input before the January 7<sup>th</sup> meeting; they can send an e-mail to the City Council,  
15 submit comments in writing to be provided to the Council as part of the agenda packet, or call City  
16 Hall and ask for their comments to be put into the record.  
17

18 Assistant Mayor Tuttle emphasized that what is on the Council's agenda for this meeting is simply  
19 to schedule a public hearing; she understands comments made by the public should address only  
20 the motion and whether or not they want a public hearing. Their comments should not address the  
21 substance of the motion.  
22

23 Councilor Wood noted the Council has a lot of other business on the meeting's agenda. He added  
24 as grateful as he is for everyone who attended this meeting, the decision will be made on the date  
25 of the public hearing. The Council is deciding at this time whether or not to schedule a public  
26 hearing, and it would be inappropriate to state whether or not the request to change one-way  
27 vehicular traffic to two-way traffic on Memorial Drive is a good idea.  
28

29 Mayor Hill thanked Councilors for their comments. She stated people will be asked to restrict their  
30 comments to the motion, and whether or not they support moving forward with the public hearing.  
31 She added she hopes the public will come to the public hearing to be sure their testimony is put  
32 into the record.  
33

34 David Atkins, a Memorial Drive resident, acknowledged there is a problem with the area, but  
35 opening up Memorial Drive to two-way traffic is not the solution. Mr. Atkins also noted since Reed  
36 Court was developed, he and the other residents of Memorial Drive now have their vision of roads  
37 blocked, they cannot see the sun come up in the morning, and they now have a second story of  
38 a building looking down into their backyards.  
39

40 Councilors had a discussion on whether or not this is the proper time for full public comment, or  
41 just comments relative to whether or not to schedule the public hearing. Mayor Hill indicated she  
42 did not want to disenfranchise residents by not letting everyone speak at this time.  
43

44 Councilor MacLeod explained to the residents that if they speak at this time they will have to speak  
45 again providing the same information at the public hearing on January 7<sup>th</sup>. That is the time when  
46 their comments will go into the public record. Councilor MacLeod stated it was also not her intent  
47 to disenfranchise anyone.  
48

49 Councilor Wood also indicated he took exception to Mayor Hill's comments with regard to  
50 disenfranchising the public. He asked members of the audience to either stay and participate in  
51 the remainder of the meeting, or to come back on the date of the Public Hearing, January 7<sup>th</sup>, when

1 a decision will be made by the Council. He stated he will support the motion to schedule the public  
2 hearing.

3  
4 **There being no further comment, a vote was held and the motion passed unanimously (8 -**  
5 **0).**

6  
7 Terry Grigsby, Ward 3, noted that some members of the audience had to cancel work or come to  
8 the meeting after a full day's work to attend this meeting, only to have the Council disregard them.  
9 She asked the Council to schedule a two hour public hearing so everyone can provide input.

10  
11 Jennifer Pierce commented on snow causing possible traffic issues. Slippery roads are frequently  
12 an issue. She noted the area under discussion is a potentially deadly situation.

13  
14 Molly Atkins stated although she does not live on Memorial Drive currently, she did grow up there.  
15 Recently her parents had to call police because there were people driving on their lawn. She does  
16 not think that changing Memorial Drive to two-way traffic will necessarily correct any of the  
17 problems mentioned.

18  
19 Mark Renault, a resident of Memorial Drive, noted there are only eight houses on their road, and  
20 he does not feel the City should be considering dumping 400 additional vehicles on it. He added  
21 the Council should not need another public hearing to decide this issue; there have been two or  
22 three public hearings in the past, at which time the Council decided to leave Memorial Drive as a  
23 one-way street.

24  
25 Randy DeMartino of Wolf Road raised the point that Memorial Drive is not a one-way street the  
26 entire way. He suggested Councilors drive up in the area to get an appreciation of what it is like  
27 for the residents.

28  
29 Matt LaCroix supported scheduling a public hearing.

30  
31 Ms. Carin spoke about making changes and the effort involved. Simply because a change will take  
32 a lot of effort or raise more issues is not a good reason not to make that change. She feels that  
33 government should not run that way.

34  
35 After a brief break, the Council reconvened.

36  
37 **Motion made by Councilor Cormen to take agenda item 8.C. out of order and address it at**  
38 **this time. Seconded by Councilor Wood. There being no further discussion a vote was held**  
39 **and the motion passed unanimously (8 - 0).**

40  
41 **C. DHMC Outpatient Surgery Center - Municipal Water Extension and Sewer**  
42 **Connection Request**  
43

44 Patrick Buccellato of Pathways Consulting and David Stiger of the Facilities Department at  
45 Dartmouth-Hitchcock Medical Center presented this request to the Council. Mr. Buccellato  
46 provided the Council with a quick review of the request.

47  
48 Councilor Wood asked for comments from Public Works Director Lavalla. He noted that City  
49 Engineer Christina Hall had provided a memo indicating there was sufficient capacity for the  
50 request.  
51



For 1/7 agenda.

Gregg Mandsager  
City Manager

City of Lebanon, NH  
51 North Park St.  
Lebanon, NH 03766  
603-448-4220 Phone  
603-484-9175 Fax  
[gregg.mandsager@lebcity.com](mailto:gregg.mandsager@lebcity.com)  
[www.lebcity.com](http://www.lebcity.com)  
[www.flyleb.com](http://www.flyleb.com)

----- Forwarded Message

**From:** "Nicole S. Cormen" <[nscormen@comcast.net](mailto:nscormen@comcast.net)>

**Date:** Thu, 20 Nov 2008 11:39:38 -0500

**To:** "Christopher P. Kennedy" <[Christopher.P.Kennedy@Hitchcock.ORG](mailto:Christopher.P.Kennedy@Hitchcock.ORG)>

**Cc:** Karen Hill <[karenliothill@gmail.com](mailto:karenliothill@gmail.com)>, Georgia Tuttle <[councilortuttleward1@verizon.net](mailto:councilortuttleward1@verizon.net)>, Cliff Desrosiers <[cliffd5632@msn.com](mailto:cliffd5632@msn.com)>, Terri Dudley <[Terri.Dudley@comcast.net](mailto:Terri.Dudley@comcast.net)>, Stephen Wood <[swood@farnumhillciders.com](mailto:swood@farnumhillciders.com)>, Denise MacLeod <[DENISEMACLEOD@msn.com](mailto:DENISEMACLEOD@msn.com)>, George Sykes <[george.sykes@VALLEY.NET](mailto:george.sykes@VALLEY.NET)>, Bruce Bronner <[bronner.bruce@gmail.com](mailto:bronner.bruce@gmail.com)>, Gregory Mandsager <[Gregg.Mandsager@lebcity.com](mailto:Gregg.Mandsager@lebcity.com)>, ManagerAssistant <[managerassistant@lebcity.com](mailto:managerassistant@lebcity.com)>, James Alexander <[James.Alexander@lebcity.com](mailto:James.Alexander@lebcity.com)>, Chris Christopoulos <[Chris.Christopoulos@lebcity.com](mailto:Chris.Christopoulos@lebcity.com)>, Mike Lavalla <[Mike.Lavalla@lebcity.com](mailto:Mike.Lavalla@lebcity.com)>

**Subject:** Re: Memorial Drive from one-way to two-way.

Thank you for your comment, Mr. Kennedy. I am sharing it with the full Council, as this decision will be made by formal vote of all of us.

I do not know whether you were in the audience last night, but we scheduled the public hearing on this matter for January 7, 2009. Written comments received up to the close of that hearing will be considered, I can assure you.

In the meantime, I also copy City Manager Gregg Mandsager and his assistant, as well as Police Chief Jim Alexander, Fire Chief Chris Christopoulos, and Public Works Director Mike Lavalla. All but the Manager's assistant were in attendance last night, and I am sure noted the concerns expressed by Wolf Road residents.

Last, I would like you to know that I am already familiar with the roads in your neighborhood. Public service work takes me all over our

City, but I appreciate your reminder to refresh my memory.

---

Very truly yours,

Nicole

Nicole S. Cormen  
Councilor-at-Large  
City of Lebanon, New Hampshire  
(603) 448-2442

On Nov 20, 2008, at 10:43 AM, Christopher P. Kennedy wrote:

> Dear Councilor,  
>  
> This letter is related to changing the vehicular traffic pattern at  
> Memorial Drive from one-way to two-way.  
> The prevailing concern is related to safety and this is an issue  
> that shouldn't be affected by personal bias.  
> As a member of the council , I ask that you consider the safety of  
> the majority over the happiness of the minority.  
> If the Council agrees with the request to change the traffic pattern  
> at Memorial Drive, an amendment to § 168-9  
> One-Way Streets is required in order to remove Memorial Drive from  
> the list of streets with only one-way travel allowed.  
> I would also like to urge you to drive down wolf road during a snowy  
> or icy morning and I believe you will quickly  
> agree that memorial drive is a safe alternative.  
>  
>  
> Thank you for attention to this important issue.  
>  
> Sincerely,  
>  
> C.Paul.Kennedy  
> Telecom Billing Coordinator  
> Dartmouth Hitchcock Medical Center  
> Lebanon, NH 03756  
> Phone - 603-650-7766  
> Email - [Christopher.P.Kennedy@Hitchcock.ORG](mailto:Christopher.P.Kennedy@Hitchcock.ORG)  
> \*\*\*\*\*



December 8, 2008

To the Members of the Lebanon City Council:

My name is Jacqueline Atkins and I have lived on 10 Memorial drive for 35 years. I am very much opposed to making Memorial Drive a 2-way street, for many reasons. When we built our house there were only four homes on Memorial Drive and it was a dead end narrow "dog leg" street with no sidewalks. Then came Bassey Street with eight houses and Memorial Drive as its only outlet, with no changes made to the street to accommodate additional traffic. Then came Stone Farms, Wolf Run, Ivy Place, and the Boulders, about 400 units, and several single family homes. Wolf Road was built as the outlet to handle the traffic for these developments. For safety reasons and to reduce traffic, access to Wolf Road was allowed only from west to east on Memorial Drive, and was prohibited from Wolf Road on to Memorial Drive. Some residents of Wolf Road want to allow entrance to Memorial Drive from Wolf Road for their several hundred vehicles, 24/7. They find Wolf Road is slippery and poorly maintained in the winter, and that vision is restricted at the intersection with Old Etna Road. Lebanon is a city of hills and everyone who lives on one learns to cope with adverse winter driving. Wolf Road needs to be repaired, and well maintained in the winter, to make it safe and usable. There are walkers, bicycles, school children, and two school busses that come onto Memorial Drive twice a day. Also, Hanover Street (which becomes Mt. Support Road at the top of the hill just before the turn onto Memorial Drive) is a route for hundreds of vehicles daily to and from Dartmouth Hitchcock Medical Center between 6am and 8am and 3pm and 6pm. You cannot see over the rise of the hill when pulling out of Memorial Drive; there is also traffic exiting Reed Court and Dartmouth Avenue. In the winter snow banks build up and shorten visibility. Traffic in a storm tends to speed up on the snow-covered hill to gain traction at a time when the visibility is at its worst. On snowy days southbound traffic on Mt. Support Road comes to a stop waiting for northbound traffic to make it up the hill. Cars in both directions often end up in the ditch, as has happened to our family. It appears to me that too many housing and office projects are being built in our area without consideration of safety and traffic control. Progress and change are good only when they are thought out for the good and safety of the people and the city. To open our street of less than 0.2 of a mile to hundreds of cars is not keeping within the character and safety of our neighborhood. Please keep Memorial Drive a one-way street.

*Jacqueline Atkins*



December 9, 2008

To: The Lebanon City Council

I attended the city council meeting November 19, 2008. One of the items on the agenda was to address a change to the traffic pattern on Memorial Drive. Several dozen citizens came to the meeting, indicating the strong importance of the issue to the community, and an expectation they would be heard. Some of these busy people rearranged work schedules and hired child care so they could attend and speak.

Mark Richins was allowed the courtesy to give a power point presentation of the issue, from his perspective, followed by a question and answer period with the public and counsilors.

Counsilor Corman graciously recognized that other members of the public expected to be heard, mentioning specifically my name and two of my neighbors.

It was evident from the ensuing disorganized council comments that the agenda issue would take more time than anticipated and a proposal was made to defer further discussion to a January meeting. After protests from the public a few of us were allowed to speak briefly. A date for a hearing in January 2009 was set.

Some of the councilors said that deferral of the issue was necessary because the agenda for the remainder of the evening was long. One of the councilors repeatedly reminded us that "we are volunteers". The implication was that the councilors were enduring a hardship if they were to continue discussion of the Memorial Drive issue.

The attitude of some of the councilors can only be described



as arrogant. Many of the public volunteered time and energy to go the meeting. Was their time any less valuable than the councilors' time?

Had the council opted to continue, the discussion could have been covered adequately in another 30 or 45 minutes. Postponement to a January date will burden the council and interested parties with another meeting. It hardly seems necessary that we are to be called back to a fourth meeting to make what are essentially the same presentations (including the power point presentation?).

I have great respect and gratitude for all the citizens of this beautiful city who volunteer time and expertise to make it a great place to live. I have lived in Lebanon 35 years and I have attended many committee and council meetings. The competence and caring of our volunteers are impressive. City councilors are indeed volunteers but should also remember they are elected. Calls on their time are great. However, they should understand that inconvenience and hard problems are inherent to the job. The arrogance demonstrated November 19 at this meeting was disappointing.



David Atkins

10 Memorial Drive  
Lebanon, N.H.

December 12, 2008



To: Lebanon City Council  
From: David Atkins, 10 Memorial Drive, Lebanon  
Re: Memorial Drive, Bassey Street, Wolf Road

Please refer to our letter dated July 12, 2008. Our comments in that letter are still valid and I will not repeat them here.

I agree that winter street conditions are dangerous on Wolf Road. I don't know the causes. I suspect poor design and poor maintenance both play a part. Both can be corrected.

Entrance from Wolf Road to Memorial Drive is not an acceptable solution. Why?

Aside from creating new safety problems, a quality of life is at stake. Memorial Drive and Bassey Street constitute a quiet residential area. Diligent preservation of this attractive and livable area and like areas in our city is vital if Lebanon is to continue to be a great city to live in.

Mark Richins in an undated letter to "Dear Neighbors" says of the property owners on Memorial Drive and Bassey Street: "their ideal does not embrace the concept of "community" or "for the greater good". The history of these streets indicate otherwise. When Wolf Road and its dwellings were built the Bassey Street homes lost privacy and the enjoyment of undeveloped woodland. The losses to the homes on the south side of Memorial Drive were even greater. The erection of Reed Court obliterated three or four mile views of ridges to the south. The two story buildings block views of the sunrise and, in the winter months shade my house. We totally lost the privacy of our back lawns. Gray squirrels, chipmunks, mourning doves, and the lovely catbirds have disappeared. I had to ask for intervention by the head of the Reed Court Owners Association when Court residents dumped trash on my property. Now there is a proposal to funnel hundreds of cars and commercial vehicles past our property. Have we not already embraced the concept of "community" or "for the greater good"?

In the same letter Mr. Richins speaks of extra expense in time, gas and pollution from driving the current route. The savings of opening an entrance to Memorial Drive amount to 0.6 mile. He also mentions the adverse consequences if DHMC staff who live on Wolf Road were late or unable to get to work because of "the current, unsafe traffic route". Both claims are specious: the savings from opening Memorial Drive are minuscule and it is unlikely that DHMC administrators encounter problems with attendance by Wolf Road residents.

I respectfully recommend that you deny the petitioners' request.

A handwritten signature in cursive script, appearing to read "David Atkins".



TO: Lebanon City Council

From: Harry & Madalyn Sprague  
8 Bassy Street, Lebanon, NH  
448-3707

December 15 2008

Re: Two way traffic on Memorial Drive

I walk up Wolf Road 5 days a week and on November 11, 2008 I was doing my walk. It was real cold that day. It took me 6 minutes to walk from Old Etna Road to Stone Farm entrance. In that time I encountered 5 cars that had frost on there windows that had not attempted to clear them so there vision was obstructed. If they know what the conditions are at the bottom of Wolf Road you would think that they would make sure that there windows are clear for safety reasons.

The speed limit is 30 miles an hour down the hill and a number of them are going well over that. Some of them get to the stop sign and do not stop. Now that Memorial Drive has been paved they will fly through there. Maybe the speed limit on Wolf Road should be lowered as it has been on Mt Support Road (25 Miles per hour or LESS).

Coming out of Stone Farm there is a natural speed bump but some do not slow down for that. Maybe there thought is if I fly over it will not harm my car.

As many of the people that live in the Wolf Road area will only be there for 6 weeks to maybe 4 years then they move on and leave us with a two way street on Memorial Drive. That is unfair to us that have been here a number of years.

Before they moved onto Wolf Road they should have done some research to see what the conditions were and if they didn't like them find another place as there are a number of developments in town.

If the weather is bad and they do not want to drive they can walk to the bottom of Wolf Road and pick up the shuttle bus (free of charge thanks to taxes payers).

If 400 + cars make the trip to DHMC and Dartmouth College they do not seem to be worried about conserving energy. If you put a lower speed limit some will not read the signs as they do not now when they go buzzing through Memorial Drive the wrong way.

This is our suggestion, putting a traffic mirror on the trees across from Wolf Road and then the vision would be better. There should be someway to cut the right hand bank at the end of Wolf Road to make the vision better. Slow down to 15 or 20 miles an hour, down the hill and they would be able to stop when they get to the bottom of the hill. These roundabouts seem to be the big thing now, when and if they put the new development off Heater Road why not one of them to slow the traffic down? Harry Sprague travels that road everyday on his way to work at Great Hollow Road, Hanover, NH and has never had a problem. Just need to SLOW down for the conditions.



# GREAT NORTH

PROPERTY MANAGEMENT, INC.



26 December 2008

**Subject: Ordinance Change, Re: Memorial Drive**

Lebanon City Council  
C/O City Manager  
51 North Park Street  
Lebanon, NH 03766

**Dear Sirs & Madams:**

**First,** I support a change to the Lebanon Ordinance that currently prohibits two way traffic from Wolf Road to Busby Street because I have been informed that a modification to the current ordinance to allow specific times or only two-way during storms, etc is not possible.

**Also,** Please agenda this for your meeting scheduled for 7 January 2009.

**BACKGROUND:** I have managed properties on the Wolf Run Corridor from 1989 through the present date subsequent to my retirement from the U.S. Army. During these nineteen years of working on Wolf Road, I think I probably drive the road more than anyone else with frequent trips to banks, trips to pick up various repair items, etc and have routinely pulled, shoveled and assisted others in the removal of their autos from snow banks. I am always cautious when executing a left turn onto Wolf Road as vehicles skid through the stop sign at the bottom and to those of us who travel it regularly, we wonder when people at the bus stop at the junction of Wolf and Old Etna roads will be either maimed or killed as there are usually tire marks up onto the sidewalk on the Genesis side right where people normally stand while waiting for Advance Transit. In one instance I had to pull a vehicle out of the woods approximately where the new drive is planned for the Techincal Medical Building. In this case she was one of my tenants and both she and her children were very scared.

**OBSERVATIONS:** Since this issue has come forefront, it seems that a more concerted effort is being made to plow the road and actually clear the sidewalk in better manner. It was common in the past for the sidewalk not to be cleared for over a day after a storm and people decided to walk in the already narrow road on their way to the bus stop to avoid wading through deep snow or slipping on icy, gradeed walks. I feel that the increased attention will only be temporary and will revert to the previous level of maintenance once the hearing is concluded. I donot inmtend to slam our roads personnel as they work very hard to ensure safe roads and walks, ~~However; our crews can only remove just so much~~ snow and ice with their numbers and equipment. Traffic in Lebanon has increased dramatically in the past two decades and in my personal opinion, it would be myopic for the city not to change the ordinance and provide a safer traffic ingress/egress and not be tied to promises made many years ago by people who no longer serve the community.



I do not believe that the majority of the hundreds or people who live in the Boulders Condominiums will impact the traffic very much but if the roads are found too dangerous to drive in icy or black ice situations some would then go uphill to use the level Memorial drive to avoid the very dangerous stop at the bottom of Wolf Road. It almost seems ludicrous to preclude the exit where the residents of Wolf Road are already allowed to return to their homes. I also heard in the last meeting that **TAXPAYERS** should receive preference over renters and I would like to highlight that the owners of all those hundred or rentals coupled with the increasing number of owner-occupant pay a significant amount of taxes to the City's coffers.

I have also observed the increase of traffic where I live and where we used to be able to expect to pull out onto Route 120 with a possible car or two wait, we now experience ten to twenty vehicles as a wait due to the job availability in our City or its locale.

I do not have a particular "**Axe to Grind**" but it is my opinion that Lebanon is Playing with fire in this matter and sooner or later someone will be burned....the extent to still be determined.

Please use an open minded approach to the issue and I am sure you will side with the change.

I thank you for this opportunity to provide my assessment and I have seen , literally thousands of people come and go over the years.

Respectfully Sumbitted,



**DICK WELCH**

**Regional Manager**

**Great North Property Management & a Lebanon Resident**

PS: I hope this is not to be late to be considered but the ice storm on the 11th and following larger storm necessitated we direct our energies elsewhere. I dodged a car skidding through the stop sign on the 11th and someone went off the road while destrpying a paperbox and damaging a mailbox directly across from the Boulders. Thank You!

OFFICE OF  
ZONING BOARD OF  
ADJUSTMENT



51 North Park Street  
Lebanon, New Hampshire 03766  
Telephone 603-448-1524

NOTICE OF DECISION

CITY OF LEBANON ZONING BOARD OF ADJUSTMENT, N.H.

The Lebanon Zoning Board of Adjustment hereby gives notice that the request of V.G.M. Group, Inc., for a special exception from the terms of Article II, Section 204.5 and any other relevant sections of the Zoning Ordinance which this may pertain to has been GRANTED after adoption of the following motion on November 8, 1983:

WHEREAS, on September 22, October 27 and November 3, 1983, at duly noticed meetings there appeared V.G.M. Group, Inc., and their representatives, seeking a special exception from the terms of Article II, Section 204.5 to allow a planned unit development (PUD) for residential development, on land owned by John Piane, Jr., located off Old Etna Road, in the R-1 zone, and;

WHEREAS, the Board received the following testimony:

1. The applicant and its representatives presented a proposal to the Board for a 132 unit PUD, on the above described property, as shown on a site plan of the Boulders, prepared by Fleck & Lewis Architects, T & M Surveyors and DCPB Engineers, Inc., which plan was presented to the Board. In part, the following information was received by the Board:
  - A. The 132 units will be divided into 6 buildings with 22 units per building.
  - B. The PUD will encompass 6.55 acres, leaving 10.75 acres of open space.
  - C. The proposed roadway will be built to City specifications and when completed will be dedicated to the City.
  - D. The proposed development will be served by public water and sewer.
  - E. A sidewalk will be provided on one side of the proposed street.
  - F. A recreation area will be provided.
  - G. The buildings will not have sprinklers.
  - H. Drainage will be provided on the site.
  - I. Traffic is not anticipated to have a detrimental affect on the surrounding area.
  - J. School population is not expected to increase significantly.
  - K. The buildings would be constructed at the same time. Construction would not be phased. Construction is anticipated to be completed by the fall of 1985.
  - L. Utilities would be underground.
2. Various department heads addressed the proposal and the following information was presented to the Board:
  - A. Chib Picard, Water Department Supervisor, expressed a desire to have a 12" main serve the developments as opposed to the 10" main proposed.
  - B. Francis Stoddard, Fire Chief requested a 12" water pipe be required to assure adequate fire flow. Chief Stoddard also noted that the proposed building designs exceeded the code with respect to safety.

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- C. Mose Sanville, Highway Department Supervisor, stated that the development would cause no major difficulty for his department.
- D. Dana Arey, Supervisor of the Waste Water Treatment Plant, reported that the sewage treatment plant is more than adequate to handle the added flow from this development.
- E. Neal Wooley, Police Chief, presented figures indicating 8 accidents in the area surrounding the proposed development from 1982 to date.
- F. Dan Nash, City Engineer, presented a memo to the Board which in summary indicated he did not feel the proposed development adversely affected community facilities, character of the area, traffic or pedestrian safety.

3. Testimony was also received from abutters to the proposal. In part, the Board received the following testimony from abutters:

- A. Major concern was expressed with regard to the added traffic on Memorial Drive and at the intersection of Memorial Drive and Mt. Support Road.
- B. Pedestrian safety, especially for small children, was another major concern in the Memorial Drive/Mt. Support Road area.
- C. Whether or not Memorial Drive was adequate to handle additional traffic was a concern expressed.
- D. Traffic concerns at the intersections of Placid Square and Mt. Support Road, Dartmouth Avenue & Mt. Support Road, Hanover Street and Mt. Support Road, Heater Road and Old Etna Road and Route 120 and Mt. Support Road were also expressed.
- F. It was felt by abutters that the traffic projections presented were understated.

4. For more detail on the testimony received, the following maps and communications can be referred to:

- A. Minutes of Zoning Board of Adjustment meetings of September 22, 1983, October 27, 1983 and November 3, 1983.
- B. Petition presented by abutters on October 27, 1983, dated October 24, 1983.
- C. November 3, 1983 memo to the Zoning Board of Adjustment from Dan Nash, City Engineer.
- D. October 28, 1983 accident report from Neal Wooley, Chief of Police.
- E. September 27, 1983 letter from Francis Stoddard, Fire Chief.
- F. September 20, 1983 traffic study prepared by Thomas Adler.
- G. November 3, 1983 memorandum from Thomas Adler.
- H. "The Boulder's" proposal package, which begins with a letter to the Zoning Board of Adjustment, dated August 25, 1983 from Fleck & Lewis Architects and consists of 10 pages.
- I. September 26, 1983 report from the Planning Board.
- J. Site plan of "The Boulder's" prepared by Fleck & Lewis Architects and T & M Surveys/DCPB Engineers, Inc.

WHEREAS, the Lebanon Zoning Board of Adjustment has made the following findings of fact; said findings being based on the testimony received and the conditions to be imposed:

- A: The proposal will not adversely affect the capacity of existing or planned community facilities because community facilities affected by this proposal are adequate or more than adequate to handle proposed increased demands.



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B. The proposal will not adversely affect the character of the neighborhood because the proposal is in keeping with the objectives and characteristics of an R-1 zone.

C. The proposal will not adversely affect the traffic on roads and highways in the immediate vicinity because the roads and highways in the immediate vicinity are designed to accommodate the proposed increase in traffic when taking into consideration the conditions herein imposed.

D. The proposal will not adversely affect the safety of pedestrians in the area because sidewalks proposed in the development will help to insure pedestrian safety.

NOW THEREFORE, be it resolved that the Lebanon Zoning Board of Adjustment hereby grants with conditions the application of V.G.M. Group, Inc., as described above and attaches the following conditions:

1. That the water line serving this development be a 12" line as opposed to a 10" line.
2. That all utilities be underground.
3. That the drainage plan be approved by the City Engineer as adequate to meet the needs of the developer without causing undue hardship to the surrounding neighborhood or the City.
4. That a sidewalk be constructed along one side of Boulder Drive from the intersection of Boulder Drive and Old Etna Road and Boulder Drive and Wolf Run in accordance with city specifications.
5. That the roads be constructed in accordance with City specifications.
6. That utilities be constructed in accordance with City specifications.
7. That construction vehicles enter and exit the proposal via Old Etna Road, and no construction vehicles shall enter or exit the proposal via Memorial Drive.
8. The construction of utilities and roadways be completed and accepted prior to building commencing on the site, or in the alternative, that a performance bond be provided to the City for any unfinished improvements, with the amount sufficiency, term and form of said bond to be determined by the City Engineer and City Attorney and approved by the Zoning Board of Adjustment.
9. That any and all signs conform to the requirements of the Zoning Ordinance.
10. The proposal is expected to be completed by the fall of 1985 and the developer shall make a diligent effort to meet this deadline. Once a building permit has been issued to the developer, a progress report shall be submitted to the Zoning Board of Adjustment at 3 month intervals until the project is complete.
11. Landscaping shall be as shown on the site plan presented.
12. Dumpsters shall be located as shown on the site plan.
13. That the developer receive site plan approval from the Planning Board as well as any other City or State approvals applicable in accordance with receiving a zoning permit.
14. That traffic be regulated as follows:
  - A. That signs be located to direct traffic so as to require all traffic exiting the parking areas in the PUD to make a left hand turn, therefore forcing traffic exiting the PUD to travel down Boulder Drive to the intersection of Old Etna Road and Heater Road.
  - B. That the signs above described be placed within the right-of-way to be deeded to the City when the proposed road is complete, and that they be incorporated in any deed to the City of Boulder Drive.
  - C. That the proposed extension of Memorial Drive be constructed as a one way street with traffic being permitted to travel in a northerly direction



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and not permitted to travel in a southerly direction, ie, traffic along Boulder Drive and Wolf Run shall not be allowed to turn onto Memorial Drive. This extension shall be signed as a one-way street and shall be dedicated as such to the City.

- D. That the Zoning Board of Adjustment forward a letter to both the City Council and the Planning Board, which letter shall address the Boards concerns regarding traffic and the Board's desire to have the signing and one-way traffic pattern set forth in this resolution.
15. That any changes in the proposal as presented will require the applicant to re-submit his plans with these changes to the Zoning Board of Adjustment, and the Zoning Board of Adjustment will determine whether the proposed changes are significant enough to warrant the proposal to be re-submitted to public hearing.
16. Hours of operation to be 7AM to 6PM, Monday thru Saturday No work to be done on Sunday or on the following holidays:
- a. New Years Day
  - b. Memorial Day
  - c. Independence Day
  - d. Labor Day
  - e. Columbus Day
  - f. Thanksgiving Day
  - g. Christmas Day

The vote on the resolution was unanimous in favor (Mr. Robert Elliott, Mr. Howard Stockwell, Mr. Dean Hutchinson and Mrs. Patti Laurie).

The vote on the last condition, which is an amendment #16, was 3 in favor with Mrs. Laurie voting against it.

Mrs. Kathy Schonberger stepped down from the Board at the beginning of the meeting, due to a conflict of interest.

SIGNED: Carmela Hennrich

DATED: 11/8/83

NOTE: Application for rehearing on any questions of the above determination may be taken within 20 days of said determination by the party to to the action of persons affected, thereby, according to NH Revised Statutes Annotated, 1955, Chapter 31:74-76.



## City of Lebanon

### MEMO

TO: Planning Board

DATE: 12/01/83

FROM: Daniel A. Nash, City Engineer *DAN*

SUBJECT: Boulders PUD

#### 1. SITE TOPOGRAPHY.

- A. Grades - Boulder Drive profile shows an 8 percent grade to Station 17+50; the site plan street contours do not match.
- B. Embankments should have 2:1 slopes. Some on the plan appear to be less than that, i.e. end parking area 5B and shoulders in the vicinity of the point of curvature at Station 15+22. If the slopes remain less than 2:1, they should be stabilized.

- 2. DRAINAGE. When the PUD is complete, the area will have an urban character. I believe the drainage should be underground and piped in at least the PUD area. Ditches of 30" minimum depth are just not practical in an urban area. Snow storage areas should be located so as to minimize runoff across the parking lots which may cause icing problems.

- 3. DRIVEWAYS, WIDTHS & PARKING. Driveways and parking area streets should be 25 feet wide. The 20-foot distance between parking spaces perpendicular to traffic flow is not quite sufficient. Parking area design standards should be the same as for Boulder Drive (24" gravel and 3" pavement). Apartments are subject to high turn-over of occupants. This leads to an above normal level of truck traffic (movers). Proper design will prevent premature decay.

- 4. SIDEWALKS. Crosswalks across drives must be striped.

- 5. DIRECTION OF TRAVEL. The developer intends to sign the driveway exits with left turn only signs. This will force PUD occupants to use Boulder Drive as an exit. The Zoning Board of Adjustment has decided to limit the Memorial Drive connection traffic to entrance only. The signs facilitate this.

- 6. DUMPSTER. The Architect has shown the dumpsters landscaped. Accessibility by refuse trucks may be a problem due to restricted operating space.

- 7. UTILITIES. The lines are shown for water and sewer. These lines should be sized to handle anticipated flows from the Dartmouth Avenue and Mt. Support Road areas as detailed in the Master Plan. City facilities are capable of handling this project. To date, I haven't seen any electric or telephone plans. Current regulations require these to be underground. I would suggest line placement in conduit for reliability and security of lines. This will avoid unnecessary

interruption of service and will provide a degree of safety for workers, should a line be hit.

A condition of approval should include requirements that the utility plans be approved by the City Engineer and that as-builts be provided prior to Certificates of Occupancy being issued.

8. LIGHTING. The light plan, as shown, will provide adequate lighting to the parking areas. The lights at each driveway entrance should be behind the right-of-way line, as the City has no intention of maintaining or operating these lights.
9. SETBACK. The side setback for Unit 4 meets the requirements of the regulations, but not the spirit. The developer intends to use the area north and east to fulfill open space requirements. The lot being reserved for H-C use should be cut down by a minimum of 30' (at least back to the zone line). This would allow access for Units 1 & 2 by the steep slope at the end of Unit 4's parking lot.

DAN:lr

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OFFICE OF PLANNING BOARD

51 North Park Street  
Lebanon, New Hampshire 03766  
Telephone  
603-448-1524

NOTICE OF DECISION

V.G.M. GROUP, INC.

Notice is hereby given that the request of V.G.M. Group, Inc., for a major subdivision at the intersection of Mt. Support and Etna Roads, Lebanon, NH, in the R-1 zone, as reviewed by the Board in accordance with the City of Lebanon Subdivision Regulations, on January 23, 1984, has been APPROVED after the following motion was passed by a majority of the members of the Planning Board: 155983

Mr. Edmond moved that the Planning Board approve the major subdivision, for V.G.M. Group, Inc., known as the Boulder's, Project #154283, dated 8/18/83 and last revised 12/29/83, drawn by T & M Surveys Inc., subject to conditions stated in documents entitled 1. Draft Decision and 2. Possible Conditions, which are attached.

The motion was seconded by Mr. Murray.

The vote on the motion was seven in favor, one opposed (Mr. Wikoff). Mr. Brown abstained from voting as he joined the Board after the review of this project started.

1. DRAFT DECISION

1. That parcels #1, #2 and #3A be changed to lots 41, 42 and 43 respectively. Plans for recording should include the entirety of parcel 43.
2. Parcel 41 not be developed until the developer upgrades all of Old Etna Road to the furthest extent of his frontage.
3. The area behind lots 1 through 4 shall be upgraded to prevent ponding.
4. The Boulders shown on lots 1, 13 and 14 shall not be moved, destroyed or defaced as protected by deed covenants.
5. Water Lines:
  - A. The line in Boulder Drive shall be 12" to Wolf Run. The line in Wolf Run will be 8" and connect to the lines in Boulder Drive and Memorial Drive.
  - B. A hydrant will be placed at the end of the 8" line at the end of the cul-de-sac. Other hydrant locations will be submitted on final plans.
  - C. Plans shall be submitted and approved by the City Engineer in writing prior to commencement of any water line construction.
  - D. Corporations, service lines and curb stops will be installed for all lots and each PUD building prior to road paving.
  - E. Four copies of as-builts will be provided prior to any building permits being issued.



6. Sewer Lines:

- A. Sewer Lines shall be sized appropriately to handle flows from the surrounding areas. Projected flows are listed in the Lebanon Facility Plan.
- B. Sewer line plans and construction work will comply with standards established by the Lebanon Waste Water Treatment Facility Superintendent.
- C. "Y"s and capped service laterals for each lot and PUD building will be extended to the edge of the right of way prior to paving.
- D. Plans shall be submitted and approved by the City Engineer and New Hampshire Water Supply and Pollution Control Commission in writing prior to commencement of any sewer line construction.
- E. Four copies of as-builts will be provided prior to any building permit being issued.

7. Storm Drainage:

- A. Storm drainage plans will be acceptable to the City Engineer, the New Hampshire Department of Public Works and Highways and approved by the Planning Board prior to any construction activities including land clearing or grubbing.
- B. Ditches must be deep enough to accommodate the proper size culverts with a minimum of 18" cover.

8. Streets:

- A. Cross sections every 50 feet on roads to be built will be provided.
- B. Boulder Drive cross section shall be as shown in City Engineer's memo dated December 5, 1983, to Station 17+07 without a sidewalk on left and with a sidewalk to 21+54 on right. From designated points to the intersection with Wolf Run, the proposed cross section, without esplanade, with a raised curb and sidewalk, will apply. A sidewalk will be constructed along Old Etna Road to the intersection at Hanover Street with raised curb.
- C. The developer will improve Old Etna Road to Boulder Drive. Proposed cross sections in plans is acceptable.
- D. Lots 26 - 33 shall use Boulder Drive for access. Lot 34 shall use Old Etna Road.
- E. All utility work must be completed before streets are paved, i.e. water, sewer, storm drainage, telephone, electric and cable TV.
- F. No construction related vehicles shall be permitted to use Memorial Dr.

(2) POSSIBLE CONDITIONS

- 1. Bond - to correct any deficiencies in public improvements. Bond to last two years; to make sure improvements hold up.
- 2. Deed to streets and easements for drainage will be provided.
- 3. Temporary vegetation/mulching will be provided to help control erosion.

NOTICE OF DECISION  
V.G.M. GROUP, INC.

4. A written acknowledgement of maintenance of and liability for roads until accepted by the City.
5. All conditions of the Zoning Board of Adjustment approval of the PUD, on 11/8/83, shall be complied with unless expressly changed or waived by the Zoning Board of Adjustment and Planning Board.
6. All performance bonds to be approved by the City Engineer, City Manager, City Attorney and then presented to the Planning Board for approval.
7. Bond to cover costs of re-vegetation and erosion control in the event the project is only partially completed.
8. Mt. Support/Hanover Street intersection will be made one way south, with north bound traffic allowed to the last residence before the intersection. Costs for the intersection improvement will be borne by the developer.
9. Area between lots 24 & 26 will be graded and drained to have usable recreation space per the City Engineer.

SIGNED: \_\_\_\_\_

DATED: \_\_\_\_\_

*Carmela Hennessey*  
*1/23/84*

OFFICE OF PLANNING BOARD



51 North Park Street  
Lebanon, New Hampshire 03766  
Telephone 603-448-1524

NOTICE OF DECISION

V.G.M. GROUP, INC.

Notice is hereby given that the request of V.G.M. Group, Inc., for site plan review of their proposed planned unit development, at the intersection of Mt. Support and Etna Roads, Lebanon, NH, in the R-1 zone, as reviewed by the Board in accordance with the City of Lebanon Site Plan Review Regulations, on January 23, 1984, has been APPROVED after the following motion was passed by a majority of the members of the Planning Board:

Mr. Murray moved that the Planning Board approve the site plan submitted by V.G.M. Group, Inc., dated 11/14/83, last revised 11/28/83, known as the "Boulder's", P.U.D. Site Plan Parcel #2, drawn by Fleck & Lewis Architects, subject to City Engineer, Dan Nash's memo, dated 12/1/83, with the following additional conditions:

1. That the parking lot be paved before a certificate of occupancy is issued.
2. That a bond be secured for erosion control in the event that the project is only partially completed.
3. All bonds be approved by the City Manager, City Engineer and the City Attorney, as well as the Planning Board.
4. Changes to any conditions set by either the Zoning Board of Adjustment or the Planning Board come back to the Planning Board for consideration.

The motion was seconded by Mrs. Schneider.

The vote on the motion was seven in favor, one opposed (Mr. Wikoff). Mr. Brown abstained from voting as he joined the Board after the review of this project started.

SIGNED: Carmela Hennessey

DATED: 1/23/84

14. Written Acknowledgements. Chr. Pease said this refers to a section in the ordinance which speaks of obtaining written acknowledgements for maintenance and liability for the roads until they are accepted by the City.

15. Zoning Board. Chr. Pease said all of the Zoning Board's conditions must be complied with or expressly waived or changed by both Boards. He said the reason for that is in the event that at some point the developer went back to the Zoning Board and wanted to change some condition, the Planning Board would then have an opportunity to see what that change is.

Mr. Nash then asked if he could raise a point, which he said he didn't raise before, the Zoning Board's condition of the one-way street. He said he felt the development was well layed out, planned and they (ZBA) are trying to prevent the plan from working properly. He said their action was taken contrary to a surveyor's recommendations (site distance is good). He said a traffic expert as well as himself also felt that the site distance is adequate there. He said some of the drivers may feel uncomfortable with it because some people exceed the speed limit, but he said that is an enforcement problem. He said he wasn't sure that they should deny people access to that road.

Chr. Pease then said that he understood what Mr. Nash was saying, but unless the Zoning Board changes it, it will still be a condition. Chr. Pease suggested that if the developer could persuade the Zoning Board to change it, they should also come back to the Planning Board so the change could be reviewed by them.

16. Bond. Chr. Pease said this should already be understood, all bonds approved by the City Engineer, City Manager, City Attorney and then by the Planning Board.

17. Bond, revegetation. Chr. Pease said that his is to insure that if the PUD were to begin, and clearing were to take place, and then for some reason the developer decided not to build the PUD this bond would cover the cost of revegetation for the area. Mr. Darer said lots wouldn't be cleared until they are sold. Mr. Nash pointed out that roads could be roughed in and then left abandoned. He said this would cover that problem if it should arise.

18. Intersection Mt. Support/Hanover Street. Chr. Pease said his idea would be to make that a one-way up to the end of Hanover Street, dead end going north on Hanover Street, so you can come down Heater Road from Memorial Drive and turn onto Hanover Street, but to come up Hanover Street you couldn't get from the end of it up to the Heater Road. He said it could be curbed. He said of the possibilities he heard, he felt this was the most reasonable and wouldn't be a major expense. He said it would take away a dangerous intersection and one made potentially more dangerous by the additional traffic on the road.

Mr. Wikoff asked about the idea of making that a right angle. He said he felt that was also a good idea and said he thought there was some general agreement on that. Mr. Goodrich then said his understanding is that the developer would pay for whatever is done.

Mr. Cole then said that not only the angle is bad, but also the slope of the land. He said a "T" intersection is much better, if you can get it there, but he said you would still have the slope to contend with. He said the safest thing would be to make it a one-way down the hill, if it can be controlled.

Chr. Pease said what he suggested wouldn't effect people living there, making it two way up to the intersection, but it would not be a thru street going north. He said by Boisvert Plumbing could be a sign stating not a thru street. He said it would also have to be curbed.

Mr. Brown said then someone who tried to get thru would wind up on a single lane road.



MEMORANDUM

TO: Planning Board  
Zoning Board of Adjustment

FROM: Daniel A. Nash, Public Works Director *DAN*

DATE: July 2, 1987

SUBJECT: Memorial Drive

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In it's November 8, 1983 decision on the Boulders (extract attached), the Zoning Board of Adjustment required the new section of Memorial Drive to be designated one-way in toward Boulders (see sketch). The authority to sign streets one-way rests solely with the City Council. The Council will be holding a public hearing on this matter on July 15, 1987.

The Council has specifically requested an update on the board's positions in light of the fact that two other projects, Wolf Run and Park Place both have been approved without the one-way condition and without the one-way restrictions physically in place.

Your comments in time for the July 15 public hearing would be greatly appreciated.

cc: Alan Edmond, City Manager ✓  
Enrique Darer

Attachments

DAN:md



# BOULDERS PROPERTIES, INC.

9 South Main Street  
P.O. Box 782  
Hanover, NH 03755  
(603) 643-6089

RECEIVED  
JUL 6 1987

CITY OF LEBANON

July 3rd, 1987

Mr. Daniel A. Nash  
Public Works Director  
City of Lebanon  
Lebanon, NH 03766

Dear Dan:

I am in receipt of your memo of July 2nd with reference to the Memorial Drive traffic flow. The issue, as you know, has become a complex one given the following facts:

- 1) In it's November 8, 1983 decision on the Boulders Apartments the ZBA required that Memorial Drive be made one way West to East (the traffic was to flow from Heater Road to Wolf Road).
- 2) With the approval for Park Place (now Ivy Place) on July 28, 1986 the Planning Board made me improve the sight distance on Heater Road from the Memorial Drive intersection, at a cost of over \$ 40,000, so as to make Memorial Drive a two way street.
- 3) I respect the desires of the neighbors in the Memorial Drive/Bassy Street area and would like to help keep their neighborhood as quite as possible.
- 4) We are hoping that the Old Etna Road will be connected to Route 120 latter on this summer. According to what you have told me the State of New Hampshire should approve the plans for the connector during the month of July and the work could be done in August/September. The funds to do this work have been pledged by the abettors.
- 5) The feelings of the people that bought the houses on Wolf Run should be considered.
- 6) People have not moved in into Ivy Place or Wolf Run, therefore they have not became accustomed to using Memorial Drive as a two way street.

# BOULDERS PROPERTIES, INC.

9 South Main Street  
P.O. Box 782  
Hanover, NH 03755  
(603) 643-6089

RECEIVED  
JUL 13 1987

CITY OF LEBANON

July 11th, 1987

Mr. Daniel A. Nash  
Public Works Director  
City of Lebanon  
Lebanon, NH 03766

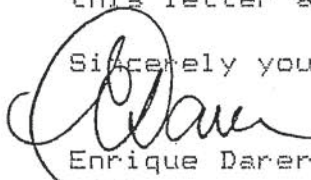
Dear Dan:

As a follow up to my letter of July 3rd, and after speaking to several Wolf Run home owners and some Boulder Apartments' tenants I believe that the fair solution to the Memorial Drive issue is to make it one way as soon as the Old Etna Road/Route 120 connector is open. To do it before would make the people on Wolf Run unhappy.

Also, I noticed that traffic counters were placed on Memorial Drive this week. For your information AT&T has been installing their Fiber Optic Cables and have closed to traffic Heater Road and the Old Etna Road, therefore the traffic on Memorial Drive was unusually heavy. The numbers you will get are not meaningful.

I will be out of town on Wednesday July 15th and will not be able to attend the City Council Meeting. Please make this letter available to them.

Sincerely yours,



Enrique Darer

cc: Alan Edmond, City Manager —





City of Lebanon  
51 North Park Street  
Lebanon, New Hampshire 03766

LEBANON PLANNING BOARD  
Meeting of July 13, 1987

MEMBERS PRESENT: Norman Dobson, Robert Couture, Fred Baker, Feno Truax,  
Treat Arnold, Alex DeFelice

Planning Board Chairman, Norm Dobson, called the regular meeting to order at 7:30 p.m.

Mr. Dobson welcomed Alex DeFelice as a permanent member of the Planning Board. The Council voted on this at their last meeting.

MINUTES

A minor change was made to the minutes of June 22.

MOTION BY FENO TRUAX: Move that the minutes of the meeting of June 22, 1987 be approved as corrected. The motion was seconded by Mr. Baker and passed unanimously 5-0 with Mr. Arnold not voting.

The minutes of June 25 were discussed. On page 2, it was noted that Ms. Schneider stepped down for the Carr annexation and the minutes should state that. A word change was noted on Page 3.

MOTION BY ROBERT COUTURE: Move to approve the minutes of the meeting of June 25, 1987 as amended. The motion was seconded by Mr. Baker and passed unanimously 5-0 with Mr. Arnold not voting.

MEMORIAL DRIVE

This is for a recommendation to City Council on proposed change to Ordinance #30 to read: "4. Memorial Drive. One way from Bassey Street toward Wolf Road."

Mr. Dobson said Memorial Drive runs from the Boulder Development westerly, and when this was originally approved, the Zoning Board made as part of the conditions that that section of Memorial Drive between Bassey Street and Wolf Road be one way. Mr. Nash's memorandum of July 2 states that the Council has specifically requested an update on the Board's positions in light of the fact that two other projects, Wolf Run and Park Place both have been approved without the conditions. Mr. Dobson stated that it would seem to him that once a condition was established, then that is it. They didn't have to do it for each one because it had already been created.

Mr. Baker stated that the plans call for Wolf Road to be connected into Etna Road. Is there any record of what the outcome of that might be? Wolf Road does interconnect with Etna Road. He is talking about the study being done to make a four-way intersection in front of Landers. It might

help everybody if that intersection was established. Mr. Nash drew a plan on the blackboard, and he showed where the interconnection will come in from Route 120 by Landers. Mr. Baker asked if there was a schedule to make the interconnection? Mr. Nash said design should be complete by the middle of September. Then it must go through the State approval process. Mr. Nash stated that he believes that the people who are interested in this have the funds necessary to make sure that the construction is completed.

Mr. Dobson asked Mr. Truax what exactly the Council wanted. Mr. Truax said there was a question in the record if the Planning Board agreed with the Zoning Board. Mr. DeFelice said a question raised was that the Planning Board had okayed other developments up there, and they wanted a reaction if making this a one way street would hinder what is going on.

Mr. DeFelice said he has a concern about coming out of Memorial Drive onto Mt. Support Road. There is not much sight distance. He thinks that intersection might become very dangerous if all development takes place. Mr. Nash stated he feels what is there would be safe for the traffic to exit Memorial Drive. One item of concern is Wolf Road, which has an 8% or 8½% grade. It would be better for the upper units to exit out Memorial Drive to stop at a safe intersection and exit. With icy conditions, they may not be able to stop at Wolf Road.

Mr. Baker asked if there were any plans to connect Wolf Road or Bassey Road any further. Mr. Nash said there is a house at the end of Bassey Street. There is no right of way between the two cul-de-sacs which would allow that to happen. There is a right of way to the left at Bassey Street to allow some development between Bassey Street and Mt. Support Road. There are sufficient wetlands there to prevent any development from occurring.

Mr. Dobson said he interpreted things differently. He assumed the Board wanted this short piece one way to reduce traffic flow through the residential area which would have an adverse effect on that area. He agrees with that and thinks it should be one way. Mr. Arnold and Mr. Truax agreed with that.

Mr. Couture said the approval of the Planning Board is being asked to change the official map. Mr. Nash said there would be no change in the map. Mr. DeFelice said he thought the Council was looking for an endorsement from the Planning Board saying that it was in good planning to have it a one way street, or it should be two way the way it is now.

Mr. Nash said that in all the hearings before the Planning Board, he testified against what the Zoning Board recommended. He feels that was put in there for the benefit of the three or four residents along that road that would have to put up with the traffic by there. Mr. Nash said he doesn't want the 400-500 units that will be built up there to have one means of access, and that is exactly what they are doing. Planning regulations limit the length of dead end streets. It is better planning to split up the access points. One reason the one-way sign has never gone up is that Zoning Board never officially submitted to City Council to have those signs put up. He is against the proposal.

Mr. Baker said it seems logical that it is a better plan to have the entrance to and from at the top end of the project. He would like to know more about the motivation of the thing when it was passed.

Mr. DeFelice said it is possible that the Zoning Board didn't know the future development when they made their condition. Mr. DeFelice said, after driving through there this weekend, he is leaning toward Mr. Nash's view. He feels sorry for the residents because they were promised a one-way street, but all the development that is going on leads him to think it is very unsafe to have only one way out of that.

Mr. Dobson said he might be inclined to agree with Mr. Nash if Memorial Drive were in better shape. But with 100 cars a day, and the S shape, he is unsure. At this moment, he is inclined to agree with the Zoning Board.

Mr. Arnold asked how long was Wolf Rd. to the cul-de-sac. Mr. Nash said perhaps 2,000 ft. to the Boulders. Is it illegal to go beyond 1,200 ft. to a cul-de-sac? Mr. Nash said he thinks there is a stipulation in the subdivision regulations that allows them to go longer but it limits the number of units. In Section 503.1 it says: "The density is equal to or less than one residential unit for each two acres." Mr. Darer started out with a 100 acre parcel and he has 200 units, so he has one unit per each half acre. It is greater than that mentioned so it cannot be increased to 2,000 ft. Mr. Dobson asked if that was in itself justification for making this two way? Mr. Nash said in his initial dealings with the developer, that is why he told him that he why he had to have that access. Mr. Nash said he thinks that is sufficient reason to have a two-way street, but the Planning Board is the one that can waiver the regulations if the needs overwhelm the needs of the regulations. Also, Section 503.2 talks about dead end streets: "No dead end streets shall be designed to serve more than 200 lots". Mr. Dobson said by making a street one-way does not make it a dead end.

Mr. Baker wondered how many people in that area are concerned whether this is a one-way or a two-way. Mr. Truax said people are very vehement about it. There was a petition with 60-70 signatures. The neighbors feel they were promised a one-way street four years ago.

The Council is trying to find out just what the situation is. It has been sat on for four years. Mr. Truax said the Council doesn't know about the 1,200 ft. limit. The Planning Board must advise them on these things. Mr. DeFelice said the problems arise because the decisions made by the Zoning Board and the Planning Board are such that the City Council is not aware of. It was supposed to go before the City Council to get approval. It never did.

Mr. Dobson said the Planning Board is not the one to decide this issue. This is a Council decision. He suggested that the Board respond saying it sees no reason to change the 1983 decision, and didn't consider it necessary to make reference to that when the next two decisions were made. Mr. DeFelice asked if the Planning Board was aware that it was supposed to be a one way street when it gave permission to these other two developments? No one told him. Mr. Dobson said where it fell apart was when Zoning failed to take it by the hand and take it to the Council.

Mr. Arnold asked if the Planning Board feels it necessary to require a second access to the development up there. Is this decision related to that?

Mr. Dobson said the original plans show a road known as Wolf Road, extending considerable distance behind what is shown on the sketch to the cul-de-sac, but not interconnecting with Route 120. Most of this was supposed to be single family residential. This has eroded and now there are condos.

What does the Board want to say to the Council? Mr. DeFelice suggested that a poll be taken.

MOTION BY MR. DEFELICE: Move that Memorial Drive be left as is as a two-way street. The motion was seconded by Mr. Couture. The motion passed 3-2 with Mr. Dobson and Mr. Arnold opposed, and Mr. Truax abstaining.

Mr. DeFelice suggested that the letter to the Council say that the Planning Board does not endorse the change for safety reasons. Mr. Dobson will also point out that there has been considerable development since 1983. Mr. DeFelice said he was not aware that was supposed to be a one way street when he voted on Wolf Run.

#### SUBDIVISION REGULATIONS (WETLANDS)

Mr. Dobson said Councilor Laurie wrote a memo to the Planning Board making reference to Section 203. She recommends a change in which she adds a final sentence. Mr. Dobson read it, but thinks it might be expressed differently. He asked Mr. Nash to rephrase it and say the same thing. His memo to the Planning Board dated July 9 does that, and in a more direct manner. However, Mr. Dobson stated that he has not seen the Ordinance since it was approved. How does the Board vote on something that it has not seen? He suggested that this be tabled.

Mr. Nash said this was passed on June 3. It was 12 pages long with several amendments to the original motion, and was typed and sent to Councilor Laurie for proofreading. It will be distributed to the Board as soon as possible. Mr. Dobson said in any case they would need a public hearing on this. Mr. Nash said this was only for discussion. If the Board wanted to amend, a public hearing would have to be held.

Mr. Nash said the point trying to be made is to have the Planning Board's regulations consistent with the Zoning Board. The Board does not need to know too much about the content of those changes. Councilor Laurie is trying to make sure that there is an item in the Zoning Ordinance that somehow doesn't get overlooked by the Planning Board for review, and that is the new Wetlands provisions.

Mr. Nash said he has made a recommendation that is a little more stringent than what Councilor Laurie recommends. Her recommendation was that "if in the judgment of the Board it required a wetlands special exception..." which would mean that the Board would have to review the project in detail to determine if it required a special exception, and then make the Conservation Commission look at the project. His suggestion was that if they look at the map and it appears it is in a wetlands, then they invoke the Conservation Commission's review. Mr. Nash also asked that the Board just



Memorial Drive

City Council  
7/15/87

## PUBLIC HEARING

A public hearing was held before the Lebanon City Council on Wednesday, July 15, 1987, in Lower City Hall, for the purpose of receiving input relative to amending Section H. of Ordinance #30, the traffic ordinance, by establishing that portion of Memorial Drive from Bassy Street to Wolf Road one-way.

Notices of the hearing were published in the VALLEY NEWS, a newspaper of general circulation in the City of Lebanon, on July 10, and 13, 1987.

The hearing was called to order at 7:22 p.m. by the Mayor. All members of the City Council, the City Manager, the Public Works Director, twenty residents, and representatives of the local news media were present.

Mr. Scott Kablesh, a resident of Wolf Road, wanted to make certain that consideration was given to all the problems associated with making Memorial Drive one-way, leaving Wolf Road as the only access into the area. He noted problems with negotiating Wolf Road during the winter months. He outlined new development in the area as well as those areas that are in various stages of being developed. As the owner of a business located in Hanover, he noted his use of the Memorial Drive access to travel to and from work. He reiterated problems with exiting and entering by way of Wolf Road during the winter months as well as the possibility of accidents occurring, which could result in blocking the only access in and out of the area. In an attempt to reduce the traffic flow, he suggested the possibility of providing an access by way of Bassy Street to the Mt. Support Road or to Route 120 by way of the Old Etna Road. He felt that to provide only one access would be poor planning.

Councilor Brown noted the fact that the area would still be provided with two accesses into the development by way of Memorial Drive and Wolf Road, if Memorial Drive should be closed to two-way traffic.

Mr. Kablesh agreed that that would be the case but to close Memorial Drive to two-way traffic would provide only one access in.

Dr. Mark Quitadamo, a resident of 37 Wolf Road, said that he wasn't certain what the rationale was for making Memorial Drive one-way but he would suspect that it might be related to the traffic volume. He said that he found it hard to understand that there would be less of a negative impact on those homes located on Wolf Road and the number

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of homes planned for in the future than on those three houses located on Memorial Drive. He noted the inconvenience of his having to use the Wolf Road access when having an emergency at the hospital. He said that he could not understand why Memorial Drive should be made one-way, when it would only isolate those in the Boulders apartment complex and Wolf Road from gaining access to Mt. Support Road, which he didn't think was a viable option.

Mayor Truax proceeded to explain how the recommendation to establish Memorial Drive one-way came about: In November of 1983 the ZBA passed a covenant that would establish Memorial Drive one-way, but it was up to the City Engineer to recommend such changes to the City Council, the board solely responsible for making ordinance changes. The Engineer disagreed with the Zoning Board's action and never presented it to Council. Due to the large amount of development that has taken place in that area over the last three years, traffic has become a problem and the matter was brought to the attention of the Council. The Zoning and Planning Boards were asked for their input dealing with the proposed change, and as a result of Planning Board discussion, a memo was provided the Council this evening. (see attached)

Mr. Scott Kablesch said that making Memorial Drive one-way would be beneficial to him because there would be less traffic by his home, but because he was concerned enough about the over-all neighborhood he would prefer to see the area provided with an additional access. He felt that the City would be asking for trouble by providing only one access. He did agree, however, with the idea of providing an additional access by way of Bassy Street.

Ms. Jane Collins, a resident of Bassy Street, spoke in support of making Memorial Drive one-way. She noted her concern for the large number of young children living in that neighborhood.

Mr. James Lacombe, a resident of Bassy Street, said that he recalled one of the conditions of the Boulders Project was that it could not adversely affect the character of the surrounding neighborhood. He said that ten years ago the neighborhood had been a relatively quiet area without parents having to worry about their young children at play. It was his opinion that with the increase in traffic that the project had adversely affected the character of the neighborhood, which didn't include the 20 units currently under construction. He said that he would be in favor of anything that would slow down the traffic and that the idea of making Memorial Drive one-way was a good proposal, one in which he would support.

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Mr. Roger Renault, a resident of Memorial Drive, said that neighbors had fought to get Memorial Drive established as a one-way street and the ZBA had promised that some 3 years ago. He said that was the only thing the neighbors had accomplished after attending a number of board meetings at the time the Boulders project was discussed. He questioned the results of traffic counts taken on Memorial Drive.

Public Works Director Daniel Nash reported that the count was about 1,000 vehicles per day, but due to the way the counters were placed there was no way to accurately determine the number of vehicles going in and the number going out. He said that further counts could be taken if the Council thought that would be necessary.

Mr. Renault noted the narrow width of Memorial Drive as well as problems with vehicles traveling at excessive speeds. He said that the street was substandard as it was, it was narrow, and there were lots of young children in the neighborhood. He reiterated the fact that the Zoning Board had promised the neighbors some three years ago that Memorial Drive would be made one-way.

Mr. Robert Elliott, appearing on behalf of the Zoning Board, reported that at a meeting held last evening the Board unanimously adopted the concept of making Memorial Drive one-way, as originally proposed.

Mrs. Kathy Lacombe, a resident of Bassy Street, said that it was her recollection that during review of the Boulders Project the feeling of residents was that there would be no access through Memorial Drive, until the Fire Department raised concerns about providing a second access for fire apparatus. She said that the idea of putting a chain at the end of the street that would be removed when fire equipment passed through was given a great deal of consideration until the Fire Chief made his feelings known that it would be too much of a hassle to have to remove the chain. She said that it was the neighbors' original understanding that there would be no access by way of Memorial Drive and now they find that it has become almost a major highway.

Mr. David Atkins, a resident of Memorial Drive, noted the poor visibility on Memorial Drive. He was concerned about speeding traffic and the safety aspect of children getting on and off school buses.

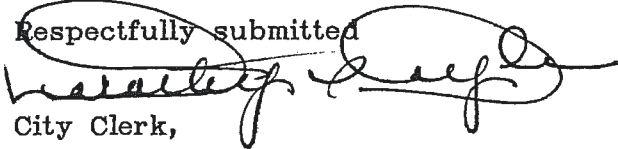
Mr. Alan Lahanick, a resident of Wolf Road, outlined the location of the existing homes in that area. He felt that speeding would be a problem regardless of whether Memorial Drive was open to one or two-way traffic.

July 15, 1987 - Public Hearing RE Traffic Ord. - 4

Dr. Quitadamo felt that this might not be the appropriate time to reflect on the traffic volume. Because there is so much construction going on in that particular area, it was his feeling that construction workers were inflating the rate of traffic at the present time.

There being no further comments or questions, the hearing was closed by the Mayor at 7:40 p.m.

Respectfully submitted



City Clerk,



July 15, 1987

Notices of regular meeting were posted at City Hall, the Lebanon Fire Station, and both City libraries. Notices were delivered to each Councilor by the Lebanon Police Department.

Regular meeting of the Lebanon City Council was called to order in Lower City Hall by Mayor Feno Truax at 7:45 p.m. All councilors were present: Channing Brown, Mark Farnham, Shirley Girouard, Patti Laurie, Frank Mastro, Philip Mans, David Shedd, Karen Wadsworth, and the Mayor.

City Manager Alan Edmond was present representing the City Administration.

Mayor Truax led the Council and those in the audience in the Pledge of Allegiance.

The Public Forum was announced by the Mayor.

AMEND ORD. #2, ZONING MAP, RE BIRCH TERRACE, W.L.

See public hearing held prior to meeting.

Motion of Councilor Laurie, seconded by Councilor Shedd, that the R-2 zone be modified by decreasing the distance the R-2 zone would extend up from the intersection of Elm Street and Seminary Hill from 500 feet to 200 feet, and follow this line to the intersection with the Industrial Zone. This modification will put Birch Terrace back in the R-3 zone and will extend the R-3 zone from the area deleted from the R-2 zone.

(This amendment will accomplish the following: Amend, in part, the R-2 zone in the vicinity of South Main Street, West Lebanon, to follow a line easterly from the Connecticut River to Route 12A, then northerly to the junction of Routes 12 and 4, then easterly along Route 4 to a point 200 feet east of the Elm Street intersection, then southerly along a line parallel and 200 feet from Elm Street to a point in the existing R-3 Industrial Zone boundary, then westerly along said line to Route 12A, then southerly along the B & M Railroad tracks. This will increase the R-3 zone by the area deleted from the R-2 zone.)

Motion voted for and adopted by unanimous vote.

AMEND ORD. #30, TRAFFIC, RE MEMORIAL DRIVE

See public hearing held prior to meeting.

July 15, 1987 - City Council Meeting Minutes - Page 2

Motion of Councilor Laurie, seconded by Councilor Farnham, that Section H. of Ordinance #30, the Traffic Ordinance, be amended by establishing, in an easterly direction, that portion of Memorial Drive from Bassy Street to Wolf Road as a one-way street.

Councilor Laurie supported adopting the proposed change. She made reference to a promise made to the neighbors of Memorial Drive by the Zoning Board some three years ago that the street would be made one-way.

At the request of Councilor Wadsworth, the Mayor attempted to explain the Planning Board's vote, when discussing the matter this past week, recommending to the Council that Memorial Drive remain two-way. (see attached memo dated July 14, 1987 from the Planning Board) As indicated by the Mayor, four board members were in favor of establishing Memorial Drive two-way, two favored it being one-way and one abstained from voting - the Mayor chose to abstain because he would be voting on the matter as a member of the Council.

Mr. Alex DeFelice, a Planning Board member, said that he voted on the Wolf Run subdivision without knowing about promises made to the neighbors and that a majority of the board felt that Wolf Run should have two accesses because of new development in that area, as well as future development already having received the necessary approvals. He said that the problem, again, appeared to be a lack of communication among the various boards. He also noted the turnover in the board membership, which he felt resulted in some members not realizing that this was promised some three years ago. He felt that concerns of board members were that fire and police be provided with two accesses and that residents not have to deal with problems getting in and out of the development during the winter months.

Councilor Mastro supported leaving the street as two-way due to the large amount of development that has been allowed in that area over the last 3 years. He said that he could understand people not wanting to see growth happen in their back yards but that was a fact of life, and the area had been allowed to develop. It was his opinion that an alternate access should be found, possibly by way of Bassy Street, or at least until the connector road is developed. He felt that to provide only one access would be asking for trouble.

The Council discussed at length, if Memorial Drive should be made one-way, whether the traffic should flow in an easterly or westerly direction. The road's width and visibility were also discussed. When discussing the possibility of residents having difficulty negotiating the hill during winter weather conditions, it was noted by

July 15, 1987 - City Council Meeting Minutes - Page 3

the Administration that Wolf Road was built to the required specifications with acceptable grades.

Due to comments raised this evening by area residents, Mayor Truax asked if speed limit signs were posted on new streets to alert neighbors and others that there are state law requirements dealing with speed limits on City streets.

Public Works Director Nash offered to place the new traffic counter on the street that will monitor speeds.

Councilor Brown offered the following amendment, which was seconded by Councilor Mans, that it (establish Memorial Drive a one-way street) take place after completion of the Intersection of the Old Etna Road and Route 120.

It was Councilor Laurie's feeling that as an area develops people are apt to establish certain traffic patterns quickly, and if the Council should vote to establish Memorial Drive one-way, the ordinance change should be put into effect immediately rather than waiting for the new connector road.

Because Public Works Director Daniel Nash opposed the idea of making Memorial Drive one-way from the beginning, he was asked to explain his preference of leaving it two-way. Nash outlined those reasons, which included the some 300 units that have received approval that would warrant having two accesses and to avoid potential problems with traffic tie-ups at the bottom of Wolf Road. Nash also noted improvements made by the developer to improve the site distance, which was done since the Zoning Board originally granted approval of the Boulders Project.

Mrs. Kathy LaCombe, a resident of Memorial Drive, asked if it was the City's intent to do nothing until the connector road is in use.

The Administration agreed, if the amendment should be adopted, to post the necessary signs until such time as the intersection is complete.

Voting results on the amendment were as follows: Four voted for the Amendment. Laurie, Farnham, Shedd, Girouard, and Truax voted against. Amendment defeated.

Voting results on the Motion (to establish Memorial Drive one-way) were as follows: Four voted for the Motion. Brown, Mans, Mastro, Wadsworth, and Truax voted against. Motion defeated.



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After the Mayor announced that Memorial Drive would remain two-way, Councilor Laurie offered a motion to reconsider, which was seconded by Councilor Shedd. The motion was voted for and adopted by unanimous vote.

Voting results on the amendment (to establish Memorial Drive one-way upon completing the Route 120/Old Etna Road intersection) were as follows: Eight voted for the Amendment. Girouard voted against. Amendment declared adopted by the Mayor.

Voting results on the Motion (to establish Memorial Drive one-way in an easterly direction), as amended (upon completion of the Old Etna Road/Route 120 intersection), were as follows: Motion voted for and adopted by unanimous vote.

Mr. Robert Elliott, a Lebanon resident and a member of the Zoning Board, questioned the time frame for completing the connector road intersection. Public Works Director Daniel Nash explained that the design of the intersection was scheduled for completion by September 15th that would be subject to the state's approval, in anticipation of starting construction this fall. He also noted that funds for the project would be provided by private individuals, which would be sought upon receiving state approval of the design.

Mr. Elliott asked if it would be reasonable to expect that the intersection would be completed before winter. He noted the fact that residents of Memorial Drive had been waiting for three years for the street to be made one-way.

Although the Administration would make no guarantees, the Manager did indicate that the project would be given top priority and an effort would be made to move forward the September date for completing the design phase, in an attempt to open up a second access before the end of the year. The Administration also agreed to see that the necessary stop and speed limit signs are posted as soon as possible, as well as having the Police Department patrol the area for speeders.

In response to Mr. Elliott, Councilor Wadsworth said that it should be made clear that the Council had taken action based on information provided by the Administration and no guarantees could be made dealing with the completion date.

Councilor Mans felt that it should also be made clear that private funds were available to connect the Old Etna Road to Route 120 and would not cover the cost of rebuilding Route 120.



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Mr. Roger Renault, a resident of Memorial Drive, felt that the neighbors would be satisfied with action taken by the Council. He did, however, encourage the posting of some signs and enforcement by the Police Department. The Manager reiterated that that would be done.

#### ACCEPTANCE OF MINUTES

Motion of Councilor Brown, seconded by Councilor Mans, that minutes of the June 17, 1987 public hearings be accepted as printed. Motion voted for and adopted by unanimous vote.

Although the July 1st Council meeting minutes were included in the agenda packet but not listed on the agenda for approval, they will be scheduled for approval at the next regular meeting. (Councilors were asked to bring copies of those minutes included in the 7/15 agenda packet to the next meeting.)

#### CIP COMMITTEE PROGRESS REPORT

City Manager Alan Edmond and committee member Karen Wadsworth reported progress made with drafting a recommended Capital Improvements Plan that will be brought to the Council for review at the first meeting in August.

#### 1988 SKI PROGRAM PROPOSALS

Due to some confusion as to what the Recreation Commission and the Recreation Department are recommending to the Council regarding next year's ski program, and the fact that the commission has not discussed Whaleback's proposal, Councilor Mastro, as Council representative to the commission, requested that discussion of establishing the 1988 ski program budget, which would include the Lebanon Outing Club's proposal as well, be delayed until the second meeting in August. This was agreeable to the Council as a whole.

Concerns were raised by several Councilors about approving a proposal for the 1988 ski program without benefit of having the over-all budget in-hand.

Councilor Brown requested that the Administration further research provisions of the Witherell Trust regarding the use of funds by the Lebanon Outing Club because it would appear that funds are to be spent on Storrs Hill, which did not seem to be the case.

**V. PUBLIC HEARINGS**

**OLD BUSINESS**

- A. LOUISE DULAC REVOCABLE TRUST/LOIS HULL/MIN CHA MANS/GFI ACQUISITIONS I, LLC**--Request for a preliminary review of a major subdivision for development of "Slayton Hill Terrace Condominiums," a 318-unit Planned Unit Residential Development consisting of a mix of single-family attached and single-family detached units to be located at Dulac Street and Slayton Hill, Tax Map 105, Lot 48, and Tax Map 120, Lot 3, Lebanon, NH, in the R-3, RL-2 and RL-3 zones. #PB2006-26

**Joan Monroe moved to continue the application of Louise Dulac Revocable Trust/Lois Hull/Min Cha Mans/GFI Acquisitions I, LLC, request for a preliminary review of a major subdivision, #PB2006-26 as described above, to November 13, 2006 at 7:00 p.m. at City Hall. Seconded by Robert Moses. The motion passed 7-0.**

**NEW BUSINESS**

- A. BAY-SON PROPERTIES, INC./DEW CONSTRUCTION CORPORATION**--Request for site plan review to construct two multi-story medical professional buildings totaling 93,000 square feet with associated parking and site improvements at Heater Road and Bixby Street, Tax Map 64, Lots 9, 14 & 18, Lebanon, NH, in the GC and RO-1 zones. #PB2006-29

(Ms. Monroe and Mr. Moses recused themselves from the Board at this time.)

Chet Hagenbarth of Pathways Consulting represented the applicant. Property is in GC zone; Zoning Board granted a variance for access via an RO-1 parcel. Plan is for two buildings connected by an atrium. Two large stormwater detention areas. Five small wetland impacts; special exception received from Zoning Board. Two-way access to Heater Road, secondary access via Bixby. They need City Council approval for water and sewer extension and road improvements. Two-level at-grade access because of the slope. A group of local doctors want to consolidate in one space. A significant amount of tall vegetation will remain undisturbed, providing a visual buffer along access roads. Site will be 49% impervious. They planned four parking spaces over the minimum required; they are not opposed to eliminating those four, which would reduce the wetlands impact by a few hundred feet. Re impact on Genesis facility: no lights will be on overnight, no after-hours deliveries, 15-foot light poles with sharp cut-off fixtures and added vegetation. Lighting meets regulations. No anticipated spill outside property lines. They have added a right-turn lane on Heater Road.

Hours will vary from 7 a.m.-7 p.m. There will not be one uniform exit time. In the worst-case traffic count, if all exit at 5 p.m., the eastbound p.m. peak will add six seconds to wait time at the intersection of Heater Road and Route 120. Employees will likely exit from Bixby to Old Etna Road.

Direct Old Etna Road access would require a variance because it is zoned RO-1. Wallace: Can Bixby be two-way? Hagenbarth: Plan is egress only. If no queuing problem, Bixby will be gated. Wallace: Are they assuming a certain number of patients? Hagenbarth: ITE figures based on square footage, not number of people. Calandrella: Medical facility, not typical office. Hagenbarth: This is better because not all will exit at the same time. Brown: Patients/vehicles per day? Hagenbarth: Don't know. Brown: Number of care providers? Hagenbarth: Around 50 planned, not all will be there every day. Wallace: 50 plus support staff? Hagenbarth: Yes. Wallace: Staff may be there every day. Hagenbarth: Stormwater: Vortech units, two wet detention areas, crossing vegetation. Wallace: Would like to view site.

Brooks: For trip generation, applicant used ITE figures for medical/dental office. Those figures tend to be very accurate. Hagenbarth: Project has been delayed; would prefer not to delay further for site visit. Duffy: Why emergency access gate? Hagenbarth: Request of Fire Department. Brown: With right-turn lane, turning left onto Heater will be difficult from 3:30-6 p.m. Hagenbarth: Bixby right-turn-only is an option.

Waiver requests: Sections 5.1.D, 5.1.H, 5.1.I, 6.5.D.3, 7.3.C, no Board objection to granting waivers.

Vice Chair Brown asked for public comment. Dr. Andrew McKibbin, office at 206 Heater Road: Not opposed, but disagrees with traffic findings. Concerned about right-turn lane in front of his office, requiring crossing three lanes for left from office. Traffic count underestimates the number of people who will exit new offices from 4-6 p.m., when hospital traffic is heaviest. What about high school traffic? Heater Road/Route 120 is a failed intersection and needs improvement. Light may be required at entrance to new offices, making exit from McKibbin office tougher. Independent traffic study? When will the City commit to sewer in the area? Possible to scale down project? Hagenbarth: Building footprint smaller than previous Hannaford proposal. All traffic was included in study. Six second delay is minimal. Applicant agreeable to tie McKibbin office traffic into applicant's access.

Bill Jackson, Lebanon: The building looks institutional. Is that what the doctors want? Does not add to the area. Wallace: Where does sewer go? Hagenbarth: Force main to Etna Road. Brown: Can the number of parking spaces be reduced? Hagenbarth: Can't go below 385. If unpaved, safety issue when icy. Hard pack is not much less permeable than asphalt. Brooks: Board can require another traffic study, after ongoing road improvements have been completed, to be received prior to approval, building permit or Certificate of Occupancy. Brown: Don't know if that will help. Hagenbarth: Could verify validity of current study before issuance of a building permit. If results are not confirmed, could come back to the Board. Brooks: Could be condition that if new study shows a drop in level of service, applicant must come back to Board.

Brown: Shared access agreeable to Dr. McKibbin? McKibbin: Willing to discuss. Should also involve Lake Sunapee Savings. Duffy: How many cars estimated leaving at 5:00? Hagenbarth: About 140. McKibbin: Also concerned about back-up on Route 120 left-turn lane onto Heater Road.

Pat Wallace moved that the Lebanon Planning Board grants the request of Bay-Son Properties, Inc./DEW Construction Corporation for a site plan to construct two multi-story medical professional buildings totaling 93,000 square feet with associated parking and site improvements at Heater Road and Bixby Street, Tax Map 64, Lots 9, 14 & 18, Lebanon, NH, in the GC and RO-1 zones, #PB2006-29, as shown on plans titled "Site Plan for Upper Valley Medical Center" as drawn by Pathways Consulting, LLC, dated June 12, 2006, last revised June 26, 2006, project #10110-03, including any and all supplemental submissions, and testimony provided during the public hearing, with the following conditions:

1. The applicant shall request a voluntary merger of the existing parcels, Map 64, Lots 9, 14 and 18, prior to the issuance of a building permit.
2. The water service line in the primary driveway access depicted on Sheet 4 shall be connected to the 10-inch water main on the south side of Heater Road instead of the 8-inch water main as shown.
3. The applicant shall revise the plans to depict designated areas, such as striped crosswalks, for pedestrian movements within each of the parking areas for improved safety.
4. The applicant shall eliminate four proposed parking spaces in order to provide the minimum required number of spaces for the project.
5. The applicant shall submit two (2) sets of revised plans showing the conditions above to the Planning Office prior to the issuance of a building permit.
6. The applicant shall obtain City Council approval for the proposed water and sewer connections in accordance with Chapter 181 of the City Code prior to the issuance of a building permit for the project.
7. The applicant shall extend the existing municipal fire alarm circuit to serve the planned building prior to the issuance of a Certificate of Occupancy.
8. The applicant shall provide a digital record drawing (CAD .dwg format) prior to the issuance of a Certificate of Occupancy.
9. The primary entrance to the property shall be from Old Etna Road.
10. The applicant shall re-evaluate traffic conditions on Route 120 after the completion of roadway improvements, prior to the issuance of a building permit for the project. If the updated reports find that the level of service for the intersections do decline as a result of the project, then the applicant shall be required to reappear before the Board to discuss traffic impacts and mitigation.



- 11. The intersection of the new access road and Old Etna Road shall be approved by the City Engineer.**

**Seconded by Paul Calandrella. The motion passed by a vote of 5-0.**

The meeting was recessed from 9:04-9:10 p.m.

- B. KENNETH & KAREN BELLORA--Request for final review of a major three-lot subdivision of land at 29 LaPlante Road, Tax Map 123, Lot 18, Plot 300, Lebanon, NH, in the R-3, RL-2 and RL-3 zones. Subdivision is considered a major due to resubdivision of a lot created by a minor subdivision which was approved by the Planning Board in February, 2004. #PB2006-30**

Mr. Moses and Ms. Monroe returned to the Board at this time. Mr. Hagenbarth represented the applicants. Monroe: What driveway length is required to access the proposed building site? Hagenbarth: Driveway application required for a building permit. Kline: There is no length restriction for driveways. The grade cannot exceed 15%.

Vice Chair Brown asked for public comment. None was heard. **Public Hearing was closed.**

**Robert Moses moved that the Lebanon Planning Board grants the request of Kenneth & Karen Bellora for a major three-lot subdivision of land at 29 LaPlante Road, Tax Map 123, Lot 18, Plot 300, Lebanon, NH, in the R-3, RL-2 and RL-3 zones, #PB2006-30, as shown on plans titled "Subdivision Plan for Kenneth & Karen Bellora" drawn by K.A. LeClair Associates, Inc., dated July 19, 2006, project #191202B, including any and all supplemental submissions, and testimony provided during the public hearing, with the following conditions:**

- 1. The applicant shall obtain subdivision approval from the NH Department of Environmental Services for Lots 1 and 2 prior to the signing and recording of the mylar.**
- 2. The applicant shall provide a digital record drawing (CAD .dwg format) prior to the signing and recording of the mylar.**

**Seconded by Robert Jacobs. The motion passed 7-0.**

**Robert Moses moved that the Lebanon Planning Board authorizes the Chair to sign the plat for the three-lot major subdivision of Kenneth & Karen Bellora, #PB2006-30 as described above. Seconded by Robert Jacobs. The motion passed 7-0.**

**Matt Brown moved to continue the applications of New England Industries, #PB2006-36, and Tecnica Immobiliare, S.P.A., #PB2006-37, both as described below, to the meeting of October 10, 2006, at 7:00 p.m. at City Hall, and the conceptual discussion for the City of Lebanon Airport to the meeting of September 25, 2006 at 7:00 p.m. at City Hall. Seconded by Joan Monroe.**

## OFFICIAL

### CITY OF LEBANON ZONING BOARD OF ADJUSTMENT Minutes, October 2, 2006 City Hall-Council Chambers

**MEMBERS PRESENT:** Chair James Perry, Vice Chair Duke MacNamee, Arthur Creighton, Alex Iskandar (alternate), William Solari

**MEMBER ABSENT:** Ryan Francis Lamb

**STAFF PRESENT:** Zoning Administrator Carmela Hennessy

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The meeting was called to order at 7:00 p.m. by Chair Perry, who appointed Mr. Iskandar to sit for Mr. Lamb.

#### I. ACCEPTANCE OF MINUTES: September 18, 2006

Duke MacNamee moved to accept the minutes of the Lebanon Zoning Board of Adjustment meeting of September 18, 2006. Seconded by Arthur Creighton. The motion passed 4-0. Abstaining: Mr. Solari.

#### II. PUBLIC HEARINGS

- A. **ROBIN TAFT GORDON & SCOTT R. GORDON:** A request for a special exception from the terms of Article VII, Section 703.1 to allow the expansion of the non-conforming portions of an existing one-family dwelling. The applicant is proposing a 12-foot by 15-foot addition and will maintain the existing side-yard setback of 4 feet, 9 inches. The property is located at 65 Church St., Lebanon, NH, in the R-2 zone. (Tax Map 107, Lot 59) #ZB2006-23

Robin Taft appeared. Creighton: What about the shed? Taft: They would just as soon get rid of it. It will not be in the way, but it will be tight. Perry: Side of property is very steep. Solari: Application reads addition is 10 x 15 and should read 12 x 15. Hennessey: Will make that change. Solari: What will the addition look like? Taft: Simple, like existing house. Will continue existing line and angle of roof.

**Chair Perry closed the Public Hearing.**

- B. **BAY-SON PROPERTIES, INC., Owner/DEW CONSTRUCTION CO., Applicant:** A request for a use variance from the terms of Article III, Section 311A.2 to allow the lot at 258 Heater Road, in the residential office-one zone, to be used to provide access to an adjacent lot in the General Commercial zone, on which a

93,000-square-foot office complex is being proposed. The property is located at the intersection of Heater and Etna roads, Lebanon, NH, in the RO-1 zone. (Tax Map 64, Lot 7) #ZB2006-24

Chet Hagenbarth of Pathways Consulting, appearing for the applicant, reviewed the history of the project. He said the Planning Board expressed concerns about traffic. The Heater Road access to Route 120 is now rated "D" with a 53-second wait, and this project would increase that to 59 seconds, but the intersection will not fail. The Planning Board was concerned about queue lengths reaching the entrance and preferred access to Old Etna Road. There is an existing 30-foot utility easement to Old Etna Road, and the property owner has agreed to increase that to 50 feet to accommodate the entrance. The hardship is the same as it was for the previously granted variance.

The traffic consultant states that the queue at the Heater Road/Mt. Support Road intersection will be five cars at peak time, with a queue length of 90 feet, including existing traffic, with an 11-car queue at the Route 120 intersection. This is worst-case; the offices will have staggered hours. He said the traffic study was done before Route 120 construction was complete, but after the timing of the lights was changed to accommodate the final layout, so the numbers are very conservative.

Perry: Concerned about traffic from almost 400 units on Wolf Road. The right turn from Wolf Road is difficult because of sight lines. Hagenbarth: Traffic study includes this. In the morning, Wolf Road traffic will be going out while office traffic will be coming in. Perry: Need another lane on the right for eastbound traffic on Old Etna Road. Hagenbarth: Ask the Planning Board to consider that. Can add a condition that road width and pedestrian movement must be reviewed with the Planning Board and City Engineer. Perry: Concerned about boarded-up building. What will be the secondary access? Hagenbarth: Can suggest that the Planning Board decide if secondary access should be gated or if Bixby Street should be upgraded, although he does not think the latter is in the public interest.

Perry: Memorial Drive is one-way at the top of Wolf Road. Seems reasonable to make that two-way. Hennessy: One-way was a condition of approval for development on Wolf Road. Creighton: Pedestrians? Hagenbarth: May be required to put in a sidewalk. Could add a crosswalk. Iskandar: Could ask City Council to change traffic flow on Memorial Drive. Solari: 99-year lease of right-of-way? Hagenbarth: Three lots will become one. Lease will include permanent access easement.

Perry: Sometimes condominium offices are not well maintained and sit vacant pending resale. Hagenbarth: Project is well capitalized. Because it is a medical facility, it will likely be well maintained. Would agree to a condition to tear down abandoned building, add a sidewalk, have Planning Board consider a turn lane. Perry: Should review line of sight coming down Wolf Road. E-mail was received from Brandon Smith expressing concern, including noise. Hagenbarth: Project is 600 feet from the road, and Genesis has not expressed any concern. Planning Board looked at buffers and lighting.

**Chair Perry closed the Public Hearing.**

### **III. DELIBERATION/DECISION**

#### **A. Robin Taft Gordon & Scott R. Gordon**

Mr. Creighton will write the draft decision.

#### **B. Bay-Son Properties, Inc., Owner/DEW Construction Co., Applicant**

Vice Chair MacNamee will write the draft decision.

Planning Board should consider a turn lane going east to a safe point east of Wolf Road; line-of-sight improvements coming down Wolf Road, turning west; changing Memorial Drive to two-way. Possible conditions: Sidewalk and crosswalk, demolition of existing farmhouse.

Solari: Opposes the request because of a larger impact on the adjacent residential area versus development under RO-1 rules. The rest of the property could still be developed as RO-1. Iskandar: Request makes sense because traffic will be split two ways. Solari: Old Etna Road was not built for that kind of traffic.

### **IV. ELECTION OF OFFICERS**

**Arthur Creighton nominated James Perry as chair and Duke MacNamee as vice chair. Seconded by Alex Iskandar. Nominations were closed. The Board voted 5-0 to elect the slate of officers as nominated.**

### **V. OTHER BUSINESS**

None

### **VI. ADJOURNMENT**

**Arthur Creighton moved for adjournment. Seconded by Duke MacNamee. Motion passed 5-0.**

The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Charles Glazer  
Recording Secretary



**B. Bayson Properties, Inc., Owner/DEW Construction Co., Applicant**

**Duke MacNamee moved passage of the following resolution:**

**NOTICE OF DECISION  
Lebanon Zoning Board of Adjustment**

**On October 2, 2006, at a duly noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Chet Hagenbarth of Pathways Consulting on behalf of owner Bayson Properties, Inc., and the applicant DEW Construction Co., seeking a variance from the terms of Article III, Section 311A.2, to permit the use of an easement over 258 Heater Road, Map 64, Lot 7, in the RO-1 zoning district, as the primary access road to a medical building complex to be constructed on abutting Map 64, Lot 9 in the General Commercial zone. #ZB2006-24.**

**Based on testimony given, plans presented, and inspection of the site, the Lebanon Zoning Board of Adjustment makes the following findings of fact:**

- 1. Existing access to Map 64, Lot 9 is available from Bixby Street, which itself is accessed from Mount Support Road. It is also available through Map 64, Lot 14 on Mount Support Road by virtue of a variance earlier granted by this Board.**
- 2. During its Site Plan Review proceedings regarding the proposed medical building complex, the Lebanon Planning Board determined that a primary access over Map 64, Lot 7 would be preferable to access through Map 64, Lot 14 as earlier proposed by the Owner/Applicant and approved by this Board.**
- 3. The Owner is also the owner of abutting lot Map 64, Lot 7 and has granted or will grant a permanent 50-foot-wide easement for the benefit of Map 64, Lot 9 for primary access to the proposed medical center.**
- 4. There exists an abandoned residence on Map 64, Lot 7, which has been unoccupied for a substantial period of time.**
- 5. Representatives of the City of Lebanon fire and emergency services have indicated a need for a secondary access to Map 64, Lot 9.**
- 6. Should this variance be granted, the access through Map 64, Lot 14 would be utilized as the secondary emergency access as required by the City of Lebanon fire and emergency services.**
- 7. The use of Bixby Street as any type of access would become unnecessary and the residential character of that neighborhood would not be disrupted.**

8. Should this variance be granted, the Planning Board may consider mitigation measures for the additional traffic which will be added to Old Etna Road. Such measures might include:
- a. An easterly egress turn lane along Old Etna Road from the primary access to a point beyond Wolf Road.
  - b. A change of Memorial Drive from one-way to two-way in order to provide an alternative egress to Mount Support Road for residents in the Wolf Road area.
  - c. Line-of-sight improvements for traffic turning west on Old Etna Road from Wolf Road.

As a result of the above findings of fact, documentation, testimony, and inspections, the Board concludes:

- A. Denial of the variance would result in unnecessary hardship for the property owner seeking it because:
  - 1. The zoning restriction as applied interferes with the landowner's reasonable use of the property, considering the unique setting of the property in its environment.
  - 2. No fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on this property.
  - 3. The variance would not injure the public or private rights of others.
- B. The granting of the variance will not be contrary to the spirit and intent of this chapter.
- C. The variance is in the public interest.
- D. Denial of the variance would result in injustice.
- E. The variance will not diminish the values of surrounding properties.

Now therefore, be it resolved that the Lebanon Zoning Board of Adjustment hereby grants the request of Bayson Properties, Inc., for a variance as referenced above and attaches the following conditions:

- 1. The unoccupied structure, and any accessory buildings, on Map 64, Lot 7 shall

**be razed concurrent with the development of the medical center, if not sooner.**

- 2. The applicant shall construct a pedestrian sidewalk along Old Etna Road from Wolf Road to Mount Support Road, with a crosswalk across Old Etna Road at Wolf Road. Such sidewalk shall be designed and constructed in a manner satisfactory to the Lebanon City Engineer.**

**Seconded by Arthur Creighton. The motion passed by a vote of 3-1. Voting for the motion: Chair Perry, Vice Chair MacNamee, Mr. Creighton. Voting against: Mr. Solari. Abstaining: Mr. Lamb.**

**William Solari moved to suspend the rules and extend the meeting until 10:15 p.m. Seconded by Duke MacNamee. The motion passed 5-0.**

**E. Fred P. Carleton, Owner/Bruce Waters, Agent/Yankee Electric Supply, Corp., Applicant**

Mr. Solari will write the decision.

**D. Patrick & Christine Flanagan, Owner/Upper Valley Haven, Applicant**

Solari: Must leave emotion out of the decision. The Haven is an excellent place and valuable resource, but he is still unsure it can be considered a "lodging house." They should consider safety as a serious issue. Is The Haven more safe than a lodging house? Would a lodging house decrease the value of surrounding homes? Perry: There was testimony that a Brattleboro facility did not reduce property values, but they have no data to back that up. Solari: Not sure hardship to the owner has been proven. Is there a hardship if they do not sell to The Haven? Does The Haven need a facility of the size they are requesting? Creighton: Hardship issue not raised. Hennessy: Case book referred to by Chair Perry includes old cases and is not necessarily the law. MacNamee: If agency is established, the applicant stands with the owner. Creighton: Safety issue answered satisfactorily. Legal opinion was indecisive about definition of "area."

MacNamee: Opinion stated that they cannot limit the "area" to one zoning district. They must consider the entire neighborhood. He is prepared to approve except for the size and intensity. It is close enough to a "lodging house." At 8,000 square feet, it is larger than surrounding houses. If they did not have 24 beds, they would not need a parking variance. Perry: Agrees that 8,000 square feet is a big issue. It is different from what exists and from the stated purpose of the zone. The intent is to preserve older residential sections of the city. It is difficult to see that this proposal meets the intent. The fact that group residences are limited to 12 suggests there should be some limit. MacNamee: Does not put much weight on the preamble. They should look at what is permitted by special exception. Solari: Don't agree. Preamble is part of the "spirit and intent." Perry: State Planning Office said a variance should not be granted if the neighbors could ask for the same relief.

The Board agreed by consensus to waivers of all but the minimum submission requirements as allowed by Section 5.1.AA.

**The motion passed by a vote of 8-1. Voting for the motion: Morley, Brown, Calandrella, Duffy, Jacobs, Moses, Porter, Wallace. Voting against: Ms. Monroe.**

- E. BAY-SON PROPERTIES/DEW CONSTRUCTION**--Request for Modification of an Approved Site Plan, per Section 9.1 of the Site Plan Review Regulations, for creation of an additional access drive from a recently approved medical office complex to Old Etna Road, Tax Map 64, Lots 7, 9, 14 & 18, Lebanon, NH, in the RO-1 and GC zones. #PB2006-44

(Ms. Monroe and Mr. Moses recused themselves at this time. Chair Morley appointed Ms. Jackson to sit for Ms. Monroe.)

Hagenbarth: ZBA approved variance for Etna Road access. Re-applied to Planning because of new abutters, new access road, revised traffic study. If Etna Road is the only access, wait time at Etna Road intersection with Route 120 is reduced by one second, because the green time is currently not being utilized efficiently, and the green from Etna Road will be triggered more often. Applicant proposes to work with DOT to optimize signalization. ITE numbers are used in the traffic study, even though they predicted 335 vehicles during the peak hour and the actual number is 179. The traffic study said there will be a delay at the four-way stop (Old Etna Road and Mount Support Road), but the traffic engineer says that will not happen. He does not anticipate that anyone will turn left on Old Etna and wait in a queue. Overall delays are within what was previously approved. Making the Heater Road access one-way in only will disperse morning traffic. A right-turn-only exit onto Heater Road will alleviate any problems at the four-way stop.

Brown: Why is DOT approval needed? Brooks: That suggestion should have been made last time but wasn't. The prior application showed an increase of 6 seconds in the delay at the Heater Road/Route 120 intersection. This study shows an average increase of 4 seconds in the morning and 8 seconds in the evening. He does not know if this is an "improvement." If it is not, it is appropriate to discuss mitigation. There are too many unresolved questions to formulate conditions of approval. Hagenbarth: They are maintaining levels of service, so DOT approval is not necessary. They have to approve anything at that intersection anyway.

Chair Morley asked for public comment. Ms. Monroe, speaking from the audience: A smaller project would mean less traffic. Are there other uses for the land?

Morley: Need appropriate internal signage to direct traffic flow. Niemczyk: Also need physical design for traffic flow. Two ways in and two ways out alleviates traffic issues. The Board agreed by consensus with the proposed access points. Hagenbarth: Applicant is willing to offer up to \$10,000 to DOT for adjustments to signalization needed for this project. The Board supported this by consensus. Brooks: Heater Road access will have to be paved. Smith: Sidewalks on access roads? Brooks: Sidewalk on Old Etna Road was a condition of ZBA approval.



**Matt Brown moved that the Lebanon Planning Board grants the request of Bay-Son Properties/DEW Construction for Modification of an Approved Site Plan, per Section 9.1 of the Site Plan Review Regulations, for creation of an additional access drive from a recently approved medical office complex to Old Etna Road, Tax Map 64, Lots 7, 9, 14 & 18, Lebanon, NH, in the RO-1 and GC zones, #PB2006-44, as shown on plans titled "Site Plan for Upper Valley Medical Center," drawn by Pathways Consulting, LLC, dated October 10, 2006, last revised October 23, 2006, project #10110-03, including any and all supplemental submissions, and testimony provided during the public hearing, with the following conditions:**

- 1. The applicants shall request a voluntary merger of the existing parcels, Map 64, Lots 9, 14, and 18, prior to the issuance of a Building Permit.**
- 2. The applicants shall record in the Grafton County Registry of Deeds an easement for permanent Access, and the installation and maintenance of Water and Sewer utilities over Map/Lot 64-7 for the benefit of Map/Lot 64-9, 14, and 18; such easement shall be recorded prior to the issuance of a Certificate of Occupancy.**
- 3. The applicants shall revise the project plans to depict designated areas, such as striped crosswalks, for pedestrian movements within each of the parking areas for improved pedestrian safety.**
- 4. The applicants shall revise the project plans to eliminate 4 proposed parking spaces in order to provide the minimum required number of spaces for the project.**
- 5. The applicants shall revise the project plans to provide a sidewalk along the access driveway from Old Etna Road, including any necessary striped crosswalks within the parking area to provide safe pedestrian access to the buildings, as well as a sidewalk along both access drives.**
- 6. The applicants shall revise the project plans to correctly depict the photometric information and to prevent excessive light trespass along the access driveway by considering the relocation or shielding of light fixtures or the use of alternative fixtures in order to comply with Site Plan Review Regulations.**
- 7. The applicants shall revise the project plans to provide a dedicated 2-inch conduit for connection to the municipal fire alarm system.**
- 8. The applicants shall submit two (2) sets of revised plans showing the above conditions to the Planning Office prior to the issuance of a Building Permit.**
- 9. The applicants shall obtain City Council approval for the proposed water and sewer connections in accordance with Chapter 181 of the City Code prior to the issuance of a Building Permit.**

10. The applicants shall grant an easement to the City providing access to service those on-site water mains which are to be conveyed to the City. The applicants shall request that the City Council, at the time of approval of the extension of the utilities, delegate to the City Manager the authority to accept, on the City's behalf, a conveyance, which would include the water mains and the aforementioned easement, to be recorded prior to the issuance of a Certificate of Occupancy.
11. The applicant shall be required to execute a Sewer and Water Agreement with the City in accordance with Chapter 181 of the City Code, prior to the issuance of a Building Permit.
12. The applicants shall provide a digital record drawing (Cad .dwg Format) prior to the issuance of a Certificate of Occupancy.
13. The applicants shall comply with all Conditions of Approval from the Zoning Board of Adjustment decision dated October 16, 2006.
14. The applicant agrees to contribute up to \$10,000 toward the Route 120 signalization improvement fund.
15. NH DOT must approve the applicant's traffic study prior to the issuance of a building permit.
16. The applicant will work with the Planning Office and City Engineer regarding the design of the Heater Road egress.

**Seconded by Carl Porter. The motion passed 8-0.**

- F. PURCELL COMMUNITIES, LLC**--Request for Site Plan Review of a proposed 34-unit multi-family apartment building at Mascoma Street Extension, Tax Map 89, Lot 18, Lebanon, NH, in the R-1 zone. #PB2006-45

(Ms. Monroe and Mr. Moses returned to the Board at this time.)

Chair Morley said the applicant requested that Item 5G be continued until Dec. 11.

**Carl Porter moved to continue the application of Peter Scoppettone, #PB2006-46 as described below, to December 11, 2006 at 7:00 p.m. at City Hall. Seconded by Pat Wallace. The motion passed 8-0. (Mr. Duffy was out of the room at the time of the vote.)**

Hagenbarth: These will be condominiums and workforce housing, priced under \$190,000. All surface drainage will go through three infiltration basins They have asked for a waiver from curbing so they can have sheet flow. The only mitigation needed is an additional turn lane that will be provided by Sleeper Village.

provided during the public hearing, with the following conditions:

1. The proposed 50-foot-wide access easement over Map/Lot 106-47 (Daniels) for the benefit of Map/Lot 106-46 (Rivermill) shall be recorded with the Grafton County Registry of Deeds at the same time as the mylar for the boundary line adjustment to permit the continued use of the primary access to this building and parking area from Mechanic Street over the Daniels property.
2. The applicant shall revise the title block of the survey plan to correctly identify "Guy F. Daniels, Inc." as the owner of Map/Lot 106-47, prior to the recording of the mylar.
3. The applicant shall provide a digital record drawing (CAD .dwg format) prior to the signing and recording of the mylar.

Seconded by Robert Moses. The motion passed 8-0. Not voting: Mr. Jackson.

Robert Moses moved that the Lebanon Planning Board authorizes the Chair to sign the plat for the boundary line adjustment of Mascoma Rivermill Properties/Mascoma Rivermill Enterprises/Guy F. Daniels, #PB2007-02 as described above. Seconded by Pat Wallace. The motion passed 9-0.

- C. **BAYSON PROPERTIES/DEW CONSTRUCTION**--Request for a Boundary Line Adjustment of land at Old Etna Road/Heater Road/Bixby Street, Tax Map 64, Lots 7 & 9, Lebanon, NH, in the GC & RO-1 zones. #PB2007-03

(Ms. Monroe recused herself at this time.)

Mr. Hagenbarth said this request was made to allow for signage.

Chair Morley asked for public comment. Hearing none, he closed the Public Hearing.

Pat Wallace moved that the Lebanon Planning Board approves the request of Bayson Properties/DEW Construction for a Boundary Line Adjustment of land at Old Etna Road/Heater Road/Bixby Street, Tax Map 64, Lots 7 & 9, Lebanon, NH, in the GC & RO-1 zones. #PB2007-03, as shown on plans titled "Boundary Line Adjustment for Bayson Properties, Inc.," as drawn by Pathways Consulting, LLC, dated January 8, 2007, last revised January 19, 2007, Project #10110-03, including any and all supplemental submissions, and testimony provided during the public hearing, with the following condition:

1. The applicant shall provide a digital record drawing (CAD .dwg format) prior to the signing and recording of the mylar.

**Seconded by Robert Moses. The motion passed 8-0.**

**Robert Moses moved that the Lebanon Planning Board authorizes the Chair to sign the plat for the boundary line adjustment of Bayson Properties/DEW Construction, #PB2007-03, as described above. Seconded by Pat Wallace. The motion passed 8-0.**

**OLD BUSINESS:**

- A. 227 MECHANIC STREET PROPERTIES/SERVICE CREDIT UNION**—Request for Site Plan Review to construct a 12,000-square-foot building to house Service Credit Union, 221 Mechanic Street, Tax Map 105, Lot 117, Plot 100, Lebanon, NH, in the GC zone. #PB2006-53

(Ms. Monroe returned to the Board. Mr. Moses recused himself at this time.)

Dan Nash of Advanced Geomatics & Design and property owner Ed Kerrigan represented the applicant. Nash: A traffic study has been done. City staff requested separate eastbound and westbound entrances because of concerns about traffic conflicts with the entrance to Longacre's. Left-turning traffic has been moved away from Longacre's, and a right-turn lane added for better emergency access. He showed diagrams of the applicant's plan and the staff's suggestion. He said either is safe.

Monroe: Left turns out of Longacre's? Nash: Those exiting can use the center turn lane if there is no queue for Service Credit Union. Ned Connell, who performed the traffic study: Queuing is very low, unlikely that a vehicle will exit Longacre's in front of a moving vehicle in the center lane.

Morley: Traffic study states there is only one other access on the south side, west of the applicant's property, but there are two: Buckingham Place and the golf course. Connell: Considers those as one turn vis a vis queue formation. Morley: Traffic report did not address internal circulation, as Board requested. Traffic from 227 Mechanic to credit union must turn onto Mechanic Street, then enter the other property. Connell: This property will generate little traffic, an access road connecting the two properties would make little difference. Route 12A has many accidents in off-highway areas that connect properties. Morley: More danger of an accident on Mechanic Street than in a parking lot. Internal roads on 12A keep a lot of traffic off the road.

Chair Morley read the following letter from David Millstone of 176 Farnum Hill, Lebanon:

Dear Planning Board members:

Due to a previous commitment, I am unable to attend tonight's public hearing on the two projects on Mechanic Street. I'd ask that you read these comments into the record of tonight's hearing.



9, West Lebanon, NH, in the GC zone. #PB2007-34

**ICV HOLDINGS OF NEW HAMPSHIRE (ROBERT SPRAYREGEN)**—Request for Preliminary Review of a Major Subdivision for development of a 6-unit Industrial PUD at Etna Road and Route 120, Tax Map 26, Lot 2, Lebanon, NH, in the IND-L and RL-3 zones. #PB2007-35

Mr. Niemczyk said the Planning Office recommends that the Board find that the Orlando Development, Phillip Desmond Trust/Gary Trottier and Phillip Desmond Trust applications above do not have the potential for regional impact, and that the application of ICV Holdings has the potential to impact the Town of Hanover, which should be notified.

Joan Monroe moved that the Lebanon Planning Board finds that the following applications do not have the potential for regional impact: Orlando Development Co. LLC (Don & Donna Orlando), request for an Amendment to an Approved Site Plan, #PB2007-32; Phillip Desmond Trust/Gary Trottier, request for a boundary line adjustment, #PB2007-33; and Phillip Desmond Trust (Phillip & Linda Desmond, Trustees), request for an Amendment to an Approved Site Plan, #PB2007-34, all as described above, and that the following application has the potential for regional impact, and that the Town of Hanover should be notified: ICV Holdings of New Hampshire (Robert Sprayregen), request for Preliminary Review of a Major Subdivision for development of a 6-unit Industrial PUD at Etna Road and Route 120, Tax Map 26, Lot 2, Lebanon, NH, in the IND-L and RL-3 zones, #PB2007-35. Seconded by Pat Wallace. The motion passed 7-1. Voting for the motion: Calandrella, Duffy, Jackson, Jacobs, Monroe, Morley, Wallace. Voting against: Brown.

#### **IV. COMPLETENESS REVIEW OF NEW APPLICATIONS**

Matt Brown moved that, per the recommendation of the Planning Office, the Lebanon Planning Board finds that the following applications are complete enough to accept jurisdiction and commence review: Lawton Realty, Ltd., request for an Amendment to an Approved Site Plan, #PB2007-28; Lebanon Assembly of God, request for an Amendment to an Approved Site Plan, #PB2007-29; Betco Block & Products, Inc., request for an Amendment to an Approved Site Plan, #PB2007-30; and HOCO H, LLC, request for an Amendment to an Approved Site Plan, #PB2007-31, all as described below. Seconded by Paul Calandrella. The motion passed 8-0.

#### **V. PUBLIC REVIEW**

- A. BAY-SON PROPERTIES/DEW CONSTRUCTION**—Request for a one-year extension of time for a site plan approval originally granted on September 11, 2006 (#PB2006-29) and subsequently modified on November 13, 2006 (#PB2006-44), to construct two multi-story medical professional buildings totaling 93,000 square feet with associated parking and site improvements at Heater Road and Bixby Street, Tax Map 64, Lots 9, 14 and 18, Lebanon, NH, in

the GC & RO-1 zones. If extension is granted, the site plan approval will be valid until November 13, 2008.

(Ms. Monroe recused herself at this time.)

Chet Hagenbarth of Pathways Consulting, representing the applicant, said they are required to obtain a building permit before the expiration of the site-plan approval. They have applied for a permit, but there have been changes in the owners and tenants, who want changes in the internal set-up of the buildings.

**Matt Brown moved that the Lebanon Planning Board approves the request of Bay-Son Properties/DEW Construction for a one-year extension of time for a site plan originally granted on September 11, 2006 (#PB2006-29) and subsequently modified on November 13, 2006 (#PB2006-44), to construct two multi-story medical professional buildings totaling 93,000 square feet with associated parking and site improvements at Heater Road and Bixby Street, Tax Map 64, Lots 9, 14 and 18, Lebanon, NH, in the GC & RO-1 zones, with the extension valid until November 13, 2008. Seconded by Pat Wallace. The motion passed 7-0.**

## **VI. PUBLIC HEARINGS**

### **OLD BUSINESS:**

- A. THERESA M. LAHAYE TRUST/TRAMMELL CROW COMPANY**—Request for Preliminary Review of a Major Subdivision for development of “Ivy Commons,” a 252-unit multi-family residential development at Mount Support Road, Tax Map 24, Lot 11, Lebanon, NH, in the R-1 zone. #PB2007-23

(Ms. Monroe returned to the Board at this time.)

Chair Morley said the applicant has requested that this be continued to the first meeting in November. Mr. Brooks said the Planning Board requested peer review of the wetlands issue. The City has been working on a plan to retain the services of wetland scientists for projects in general. The staff has reviewed the applications and has forwarded several to the City Manager to decide with whom the City will negotiate. Multiple consultants will be retained. Vice Chair Brown asked if this will happen by Nov. 13. Mr. Brooks said he does not know.

Mr. Brooks said regarding the sewer issue, Pathways has prepared a report for Public Works regarding the condition of the sewer line and has submitted a proposal to the City to fix the line. Public Works will prepare a memo and may present the results to the City Manager and City Council before deciding what to do. Mr. Hagenbarth said his firm has prepared an estimated cost of construction. The City is looking to replace the entire line. Three sections are significantly damaged. The City will decide whether to replace just those sections or the entire line.

5. **The applicant shall provide a digital Site Plan drawing (CAD .dwg format) prior to the issuance of a final Certificate of Occupancy.**

**Seconded by Ken Morley. The motion passed 6-0.**

- B. **DARTMOUTH-HITCHCOCK MEDICAL CENTER**—Request for an Amendment to an Approved Site Plan to permit a 9,750-square foot addition with 28 additional parking spaces for Upper Valley Medical Offices, Route 120/Heater Road, Tax Map 64, Lot 9, Lebanon, NH, in the GC & RO-1 zones. #PB2008-04

(Ms. Monroe recused herself at this time.)

Mr. Hagenbarth and architect Dave Doyle appeared for the applicant. Mr. Hagenbarth said DHMC acquired this project, and design modifications were required. They need additional mechanical and lobby space, so they seek to connect the open space in the middle. They will be required to add parking per zoning regulations. They are also modifying the front entrance. The adjacent access road will run in a more northerly direction, and they have created two drive aisles. There will be no additional wetland disturbance and no substantial increase in the impervious surface. The drainage system will be adequate. There will be no significant change to the lighting pattern. They do not anticipate changes to the traffic pattern.

Chair Brown asked if the new connector will be for all three stories. Mr. Hagenbarth said it will.

Regarding the waiver requests, Mr. Hagenbarth said they are in line with the requests for the original application. There are no additional drainage structures, they are not doing additional calculations, they are not showing the location and height of nearby buildings, there are no recreational facilities, they do not need to show the traffic capacity, and there are a few places without curbing for sheet flow. He said the DOT is asking that the City collect \$10,000 for traffic mitigation, but the City has to request the review by DOT. Mr. Brooks said the applicant will be required to pay the full cost of any mitigation required, in case it exceeds \$10,000.

Mr. LeClair asked why they are building all of the parking now when they are only constructing the first building. Mr. Hagenbarth said they need a temporary Certificate of Occupancy. To build Building 2, they will need a temporary retaining wall. The site will be ready and drainage installed. Chair Brown asked about phasing. Mr. Hagenbarth said more will get done without phasing. Chair Brown asked about the time frame. Mr. Doyle said they are doing an overall master plan for the building. They will begin revising the interior design immediately and begin construction as soon as possible. Mr. Brooks said the City will need to know what improvements must be done for the temporary Certificate of Occupancy for Building 1 and the center common area. They will need a phase line for Building 1. Mr. Hagenbarth asked if a re-review will be needed. Mr. Brooks said it will not. Mr. LeClair asked if both accesses will be completed as part of Phase 1. Mr. Hagenbarth said they will.

**Chair Brown asked for public comment. Hearing none, he closed the Public Hearing.**

**Larry LeClair moved that the Lebanon Planning Board approve the application of Dartmouth-Hitchcock Medical Center for an Amendment to an Approved Site Plan to permit a 9,750-square foot addition with 28 additional parking spaces for Upper Valley Medical Offices at Route 120/Heater Road, Tax Map 64, Lot 9, Lebanon, NH, in the GC & RO-1 zones,**

**#PB2008-04, as shown on plans titled "Site Plan Amendment for Upper Valley Medical Office Building," drawn by Pathways Consulting, LLC, dated February 11, 2008, last revised February 25, 2008, Project #10110-04, including any and all supplemental submissions, and testimony provided during the Public Hearing, with the following conditions:**

- 1. The applicant shall revise Sheet CO.00 of the project plans to reference the Boundary Line Adjustment survey prepared by Pathways Consulting, LLC, dated January 8, 2007 and last revised March 14, 2007, which altered the common boundary between Map/Lots 64-7 and 64-9.**
- 2. The applicant shall revise Sheet CO.10 of the project plans to depict bollards around both sides of the propane tanks on the northerly side of the building.**
- 3. The applicant shall revise the project plans to provide a dedicated 2-inch conduit for connection to the municipal fire alarm system.**
- 4. The applicant shall revise the project plans to depict a phase line and shall specify on the plans which improvements are proposed to be constructed as part of Phase 1 of the project, including access, drainage, lighting, all utilities and landscaping.**
- 5. Prior to the issuance of a building permit for the project, the applicant shall obtain all required State approvals, including, but not limited to, the following:**
  - NHDES approval for Wetlands Permit**
  - NHDES approval for an Alteration of Terrain (Site Specific) Permit**
  - NHDES approval for Sewer Discharge Permit**
- 6. The water main and hydrants within the complex, excluding service connections beyond the curb shut-off valve, will be owned and maintained by the City, subject to appropriate easements. Said easements shall be approved by the City Attorney and recorded in the Grafton County Registry of Deeds prior to the issuance of a final Certificate of Occupancy for the project.**
- 7. The applicant shall be required to execute a Sewer and Water Agreement with the City in accordance with Chapter 181 of the City Code, prior to the issuance of a Building Permit.**
- 8. All proposed water and sewer mains and service lines shall be constructed pursuant to the City's standards.**
- 9. The applicant shall provide two sets of revised plans showing the above conditions to the Planning Office prior to the issuance of a building permit.**
- 10. The applicant shall provide a digital record drawing (CAD .dwg format) prior to the issuance of a final Certificate of Occupancy.**
- 11. The applicant shall comply with all Conditions of Approval from the Zoning Board of Adjustment decision dated October 16, 2006.**



12. The applicant shall fund any mitigation required by NHDOT at the request of the City of Lebanon for review of the traffic study.

Seconded by Gregory Schwarz. The motion passed 5-0.

**OLD BUSINESS:**

- B. **ICV HOLDINGS OF NEW HAMPSHIRE (ROBERT SPRAYREGEN)**—Request for Preliminary Review of a Major Subdivision for development of a 6-unit Industrial PUD at Etna Road and Route 120, Tax Map 26, Lot 2, Lebanon, NH, in the IND-L & R-3 zones. #PB2007-35

Mr. Brooks said the intent is to continue this application to April 17, but the Board needs to authorize a peer review of the water system. He suggested continuing the application to March 24 so they will have a quorum to authorize this, then continue it to April 17.

**Ken Morley moved to continue the application of ICV Holdings of New Hampshire (Robert Sprayregen), #PB2007-35 as described above, to March 24, 2008 at 7:00 p.m. at City Hall. Seconded by Larry LeClair. The motion passed 5-0.**

**VII. OTHER BUSINESS**

None

**VIII. OPEN DISCUSSION**

None

**IX. ADJOURNMENT**

Larry LeClair moved for adjournment. Seconded by Gregory Schwarz. The motion passed 5-0. The meeting was adjourned at 9:41 p.m.

Respectfully submitted,  
Charles Glazer  
Recording Secretary

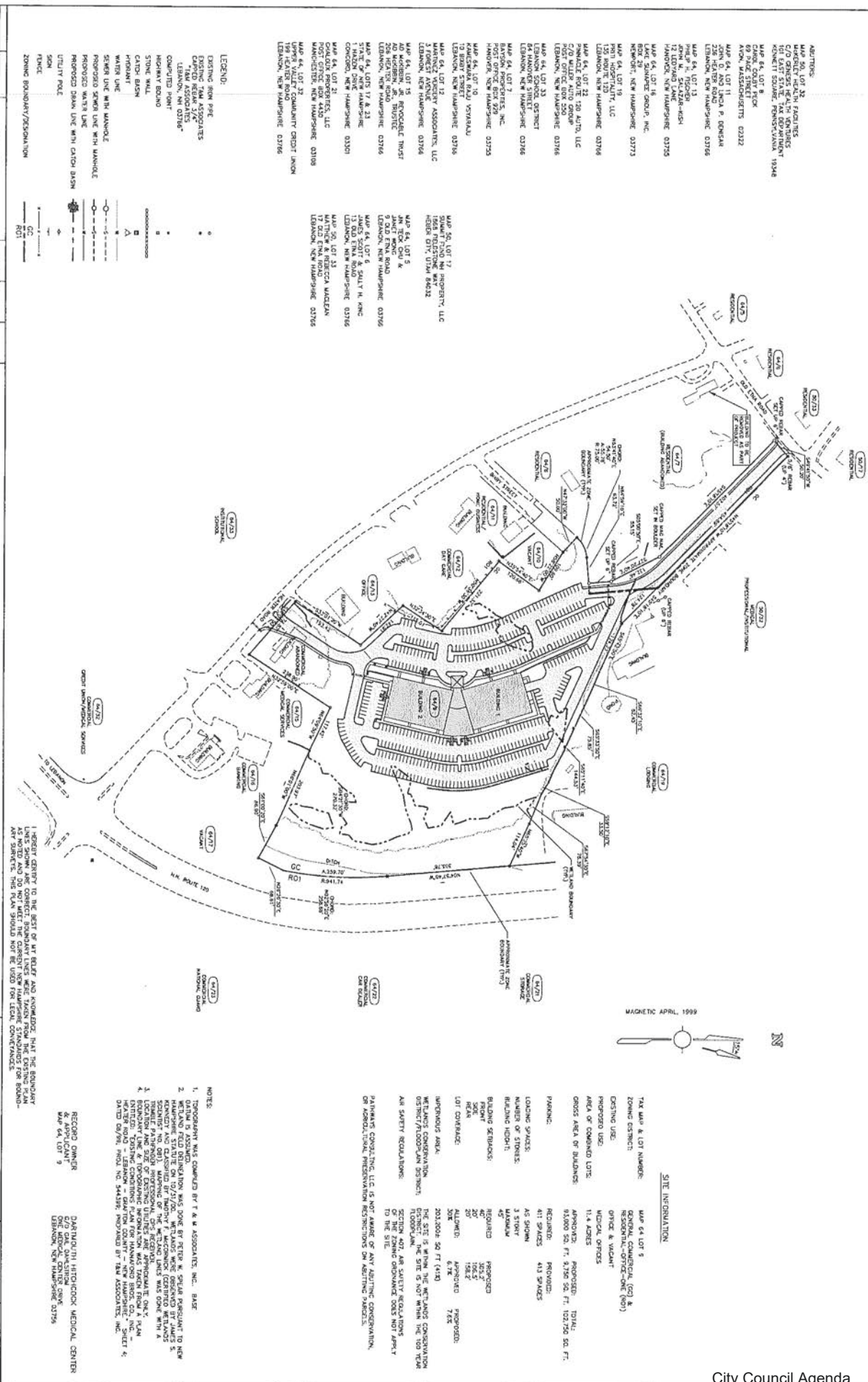
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# UPPER VALLEY MEDICAL OFFICE BUILDING

OVERALL SITE PLAN FOR  
HEATH ROAD - LEBANON, NEW HAMPSHIRE

PATHWAYS CONSULTING, LLC  
3 SOUTH-COAST LANE, P.O. BOX 100  
LEBANON, NEW HAMPSHIRE 03755  
(603) 453-2511

SCALE: 1" = 100'  
DRAWN BY: PAB  
CHECKED BY: PAB  
DATE: 02/25/99  
SHEET NO. 10130-04





**LEBANON CITY COUNCIL  
REGULAR MEETING AGENDA  
Lebanon Opera House, City Hall  
Wednesday, January 7, 2009  
7:00pm**

**PUBLIC HEARINGS BEGINNING AT 7:00PM:**

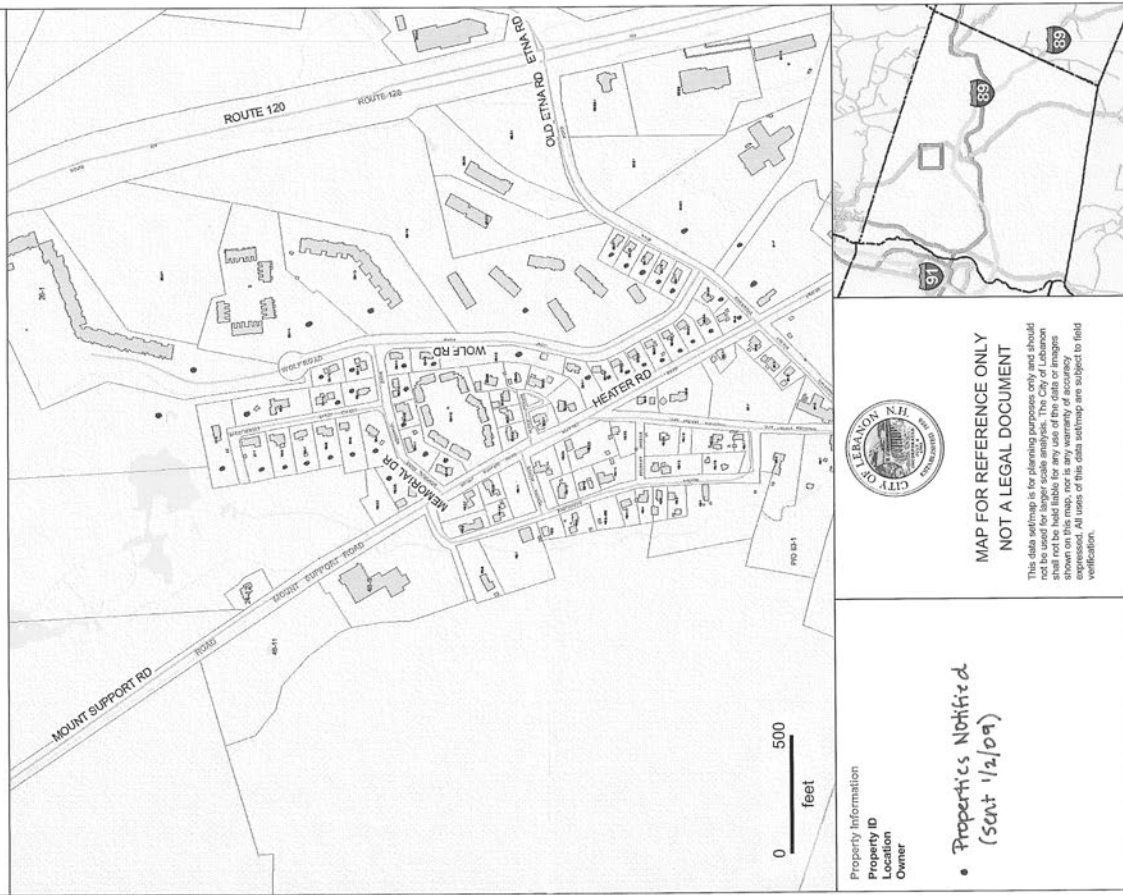
- A. Public hearing for the purpose of receiving public input and taking action on proposed Ordinance 2009-02, an Ordinance to amend the Code of the City of Lebanon, Chapter 168, "Vehicles and Traffic," Section 168-9, "One-Way Streets," in order to eliminate Memorial Drive from this section, thus allowing for two-way vehicular travel on the street. The full text of the amendment is provided in the 1/07/2009 City Council agenda package (available at [www.lebcity.com](http://www.lebcity.com)) and is on file with the City Clerk's Office.
- B. Public hearing for the purpose of receiving public input and taking action on proposed Ordinance 2009-03, an Ordinance to amend the Code of the City of Lebanon, Chapter 68, "Fees," Article III, "Miscellaneous Fees," Section 68-15, "Enumeration of Fees," Paragraph D, "Ambulance Fees" to bring them more in line with industry standards. Fees will also be established for ancillary services. The full text of the amendment is provided in the 1/07/2009 City Council agenda package (available at [www.lebcity.com](http://www.lebcity.com)) and is on file with the City Clerk's Office.

*Any person with a disability who wishes to attend this public meeting and needs additional accommodations, please contact the ADA coordinator at City Hall by calling 448-4220 at least 72 hours in advance so that the City can make any necessary arrangements.*

Please share information with your neighbors.

Please notify your tenants.

Abutters Map





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**AGENDA  
LEBANON CITY COUNCIL  
JANUARY 21, 2009**

**PUBLIC HEARING & ACTION ON PUBLIC HEARING – ITEM 5.A:**

Ordinance 2009-02 to amend City Code §168-9, “One Way Streets” in order to eliminate Memorial Drive from this section, thus allowing for two-way vehicular travel on this street.

# SUPPLEMENTAL PACKET

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December 29, 2008

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



Dear Lebanon City Council:

Thank you for allotting time in your busy schedule to hear the concerns of the Wolf Road neighborhood. As expected this is a very divisive issue. I hope that as a council you will remain neutral and vote according to the best interests of the community.

From my presentation, you probably concluded that I support making Memorial Drive a two-way street. That is true, however, I prefer a compromise since it is more likely to bring two opposing parties together. Regardless of how the Council votes on January 7, 2009, the opposing sides of this issue will remain neighbors. Rather than animosity and disdain, hopefully, cordial respect will prevail.

Before I submit my compromise proposal, there are seven important points I will address.

### 1. One-Way Signs

According to the city code, Memorial Drive is a one-way street: "From Bassy Street towards Wolf Road." This amendment was added on July 15, 1987.<sup>1</sup>

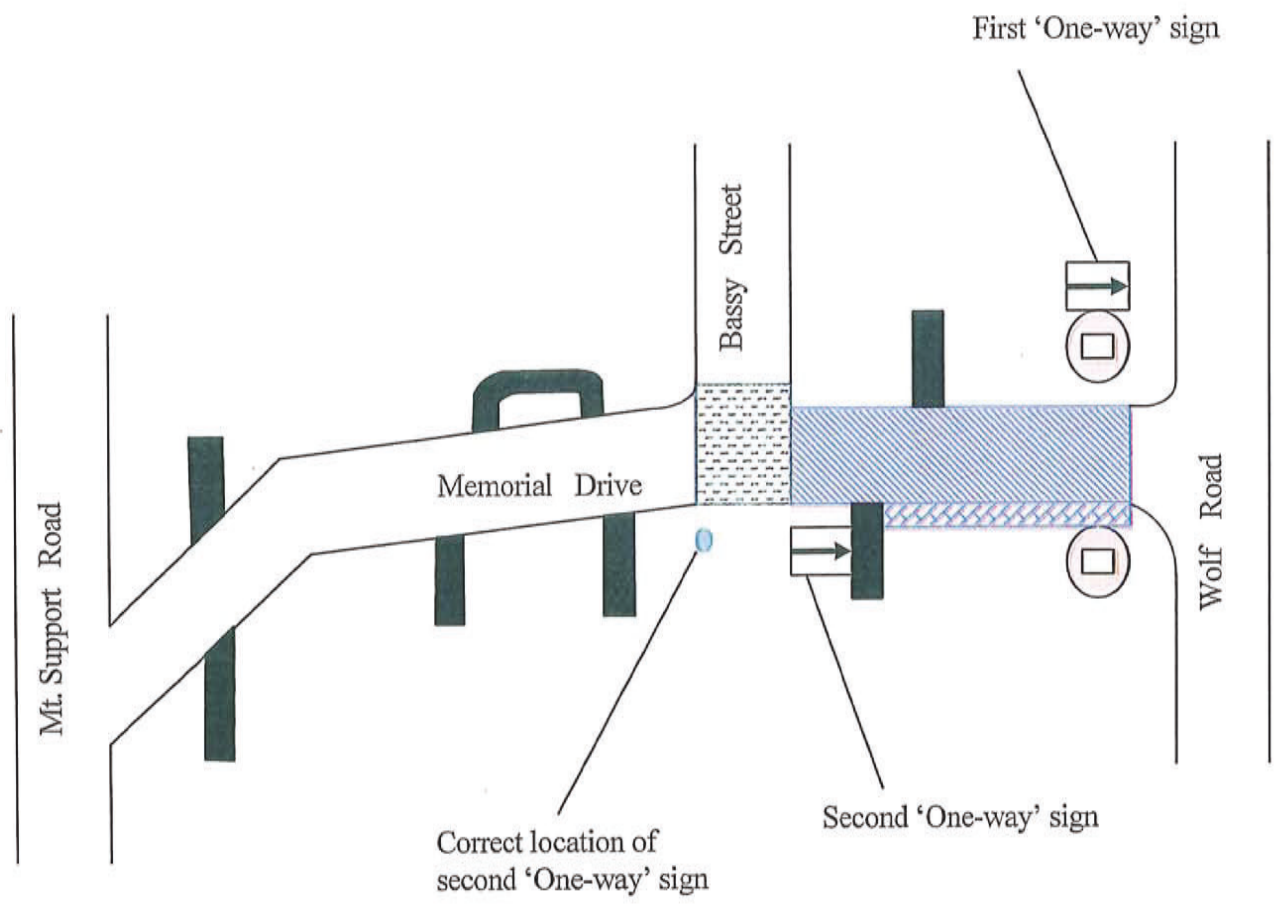
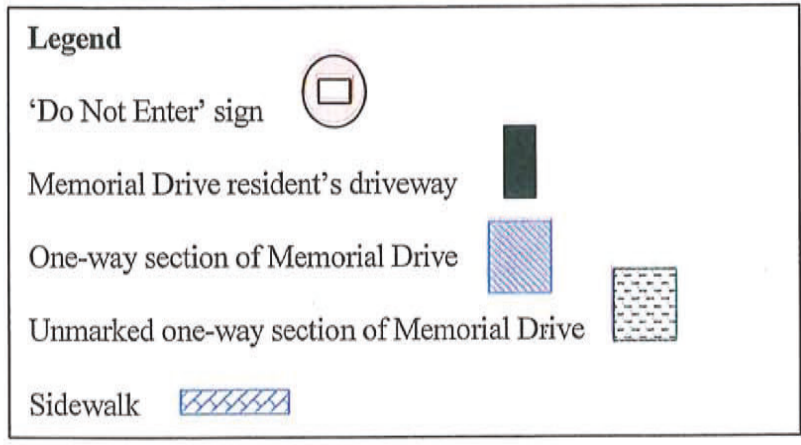
Over twenty-one years later in August 2008, the first 'One-way' sign was posted on one of the 'Do Not Enter' signs at the intersection of Memorial Drive and Wolf Road. After I read the city code and made a phone call to the Lebanon Public Works, a second 'One-way' sign was posted between Bassy Street and Wolf Road in September 2008. I believe the second sign is posted in the wrong place.

Since the code reads, "From Bassy Street ...," the second sign should be placed before the Bassy Street-Memorial Drive intersection, so that Bassy Street is included in the one-way section. (I have included a drawing - Figure 1 - to provide perspective and to more clearly present facts.) This means that all residents living on Bassy Street should turn left and exit onto Wolf Road, along with the two residents who have driveways in the one-way section of Memorial Drive.

Until the second sign was posted, the one-way section of Memorial Drive was only enforced upon drivers entering from Wolf Road. For twenty-one years, two of the seven residents of Memorial Drive and all eight of the Bassy Street residents used the street illegally. Keeping the one-way section of Memorial Drive allows only five residents, in the entire city of Lebanon, to use it as a two-way street.

<sup>1</sup> Chapter 168, Section 9, Code of the City of Lebanon, NH, September 25, 2000.





**Figure 1**

Top View of Memorial Drive

## 2. Street Width Measurements for Memorial Drive and Wolf Road

The most narrow section of Wolf Road is 22 feet wide, while the most narrow section of Memorial Drive is 23 feet, 3 inches wide. If Wolf Road can handle the two-way traffic for over 400 residential units, a wider Memorial Drive is most definitely able.

During the winter months, the snow is not plowed to the curb on Wolf Road and snow banks extend several feet into the road on each side. The curved sections of Wolf Road are worse because the plow misses snow as the truck turns. The narrowest sections will range from 16-18 feet wide, several weeks after a storm. Sometimes during a storm, and for several days after, sections of the road are only wide enough for a single vehicle.

## 3. Current Traffic vs. Two-Way Traffic

Currently, residents of Wolf Road can travel on Memorial Drive if they exit Mt. Support Road, heading towards Wolf Road. This traffic is primarily residents coming home from work or school in the evening, and is acceptable to Memorial Drive Residents. If that traffic is acceptable once per day, why not twice each day?

## 4. R-1 Zoning District

Memorial Drive is located in an area set aside for "...all types of residential uses at relatively high densities."<sup>2</sup> Initially, when an area is zoned for high density population, residential development is barely beginning. During the initial phase, the area might appear rural, but every person who becomes a homeowner in the area must realize that future development will happen. As a result, the homeowners should expect changes to their neighborhood.

These changes may affect wildlife, create more noise and light, increase traffic, and add homes in places that were once fields or forests. These effects are not unexpected. The Zoning Board of Adjustment anticipated a population growth and deemed the R-1 zone as a satisfactory area for the growth to take place.

## 5. Resident Opposition

Allowing two-way traffic on Memorial Drive will not affect the quality of life for Bassy Street residents. The added traffic will not pass directly by their homes. Most of the homes are at least several hundred feet from Memorial Drive. There will be no increase in noise with two-way traffic. Instead, the currently acceptable noise in the afternoon will also occur once in the morning.

Wolf Road and Bassy Street both intersect Memorial Drive and both can make use of it as an exit. The use of Memorial Drive should affect the residents of Wolf Road and Bassy Street in a similar manner. It is ironic that Bassy Street residents use Memorial Drive as an exit street, yet oppose Wolf Road residents using it in the same manner.

<sup>2</sup> Article III, Section 308, City of Lebanon, Zoning Ordinance #2, May 7, 2003.



## 6. Required Police Presence

Fear that changing Memorial Drive to allow two-way traffic will create a 'cut-through street' is unfounded. Why would a commuter opt for this route: Heater Road to Old Etna Road, Old Etna Road to Wolf Road, Wolf Road to Memorial Drive, and finally, Memorial Drive to Mt. Support Road *versus* Heater Road, continue through the intersection and the road becomes Mt. Support Road? The first route is almost twice as long and includes wait times at three additional intersections. Common sense rules out the need to police a two-way Memorial Drive for commuters using it as a 'cut-through street.'

Changing Memorial Drive to allow two-way traffic will allow the police to use their limited resources in areas of the city that require more police oversight. Between January 1, 1998 and December 31, 2007, the Lebanon Police cited 167 residents for traffic violations.<sup>3</sup> Of the 167 violations, 124 were on Memorial Drive. The Lebanon Police will no longer have to place an officer on Memorial Drive several times each month during the morning hours. Instead, the extra officer can help patrol school crosswalks where the department claims they are short on manpower.

## 7. Safety

The safety of 404 families is at risk because a single exit is not safe for this densely populated area. As recently as October 2006, the Zoning Board of Adjustment (ZBA) expressed concern for the sight lines on Wolf Road and a desire to have another exit.<sup>4</sup> In fact, the ZBA considered asking the City Council to make Memorial Drive a two-way street, but the Zoning Administrator incorrectly told the ZBA, "One-way was a condition of approval for development on Wolf Road."

On November 8, 1983,<sup>5</sup> the ZBA imposed conditions to make Memorial Drive a one-way street, but the ZBA has no jurisdiction over traffic flow directions or street designations; only the City Council does. Evidence of this is the City Council decision on July 15, 1987 (almost 4 years later) to make Memorial Drive a one-way street.<sup>6</sup>

As a result of the October meeting in 2006, the ZBA suggested that the Planning Board, "... consider mitigation measures for the additional traffic which will be added to Old Etna Road [Due to the addition of the Upper Valley Medical Offices]. Such measures might include:

- a. An easterly egress turn lane along Old Etna Road from the primary access to a point beyond Wolf Road.
- b. A change of Memorial Drive from one-way to two-way in order to provide an alternative egress to Mount Support Road for residents in the Wolf Road area.
- c. Line-of-sight improvements for traffic turning east on Old Etna Road from Wolf Road."<sup>7</sup>

<sup>3</sup> Lebanon Police Department, Motor Vehicle Accident and Violation Totals for Wolf Road and Memorial Drive Area, Prepared by Timothy Leonard.

<sup>4</sup> City of Lebanon, Zoning Board of Adjustment, October 2, 2006.

<sup>5</sup> Notice of Decision, City of Lebanon Zoning Board of Adjustment, N.H., November 8, 1983

<sup>6</sup> Lebanon City Council Meeting Minutes, July 15, 1987.

<sup>7</sup> Notice of Decision, Lebanon Zoning Board of Adjustment, October 16, 2006.

The Wolf - Old Etna Road intersection is dangerous due to limited sight lines and the steep grade. The planned development will increase traffic and diminish safety further. As a cul-de-sac road, Wolf Road is too long, too narrow, and too steep. A safe, alternative exit is needed

### **A Compromise and a Solution**

I propose a compromise: Change Memorial Drive to a two-way street, but add two speed tables (Figure 2, next page). The speed tables on Dulac Street and Gould Road worked as a compromise in the past and can do so again. Making Memorial Drive a two-way street will eliminate the need for the "One-way" and "Do No Enter" signs. The argument concerning the correct placement of the "One-way" signs will be moot. Speed tables will ensure that the traffic maintains a low rate of speed and engine noise is kept to a minimum.

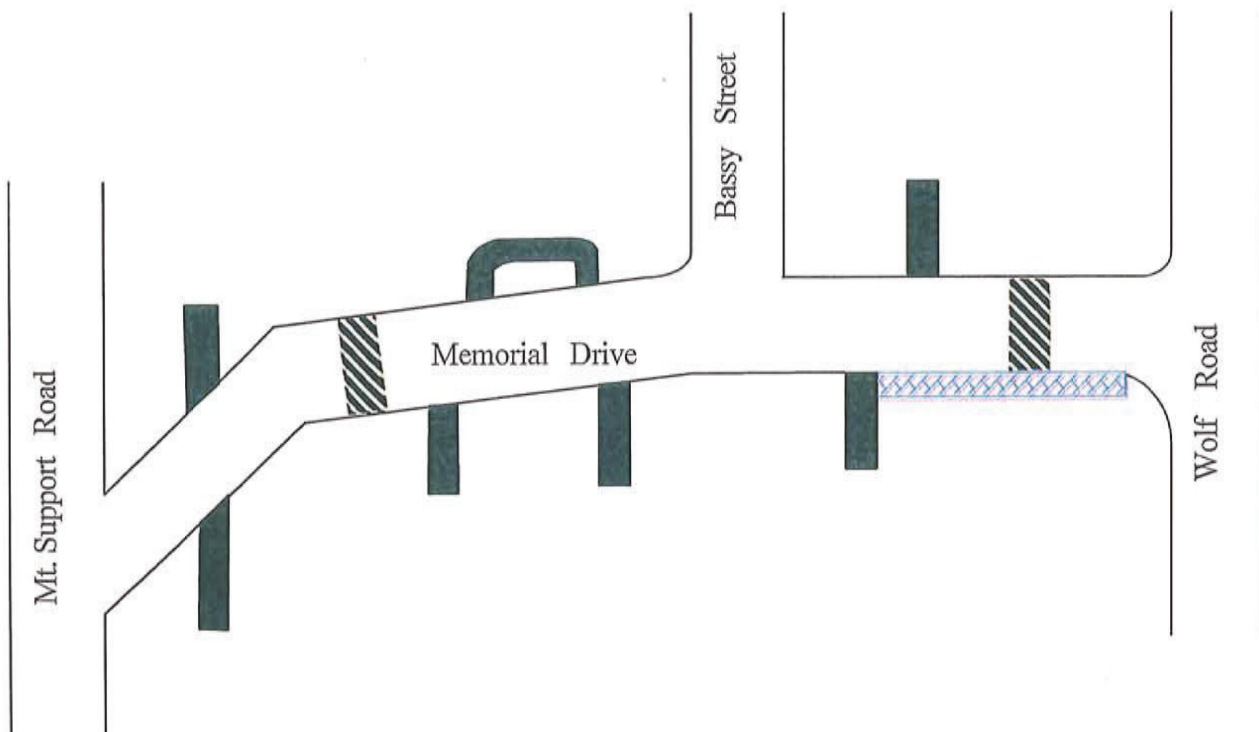
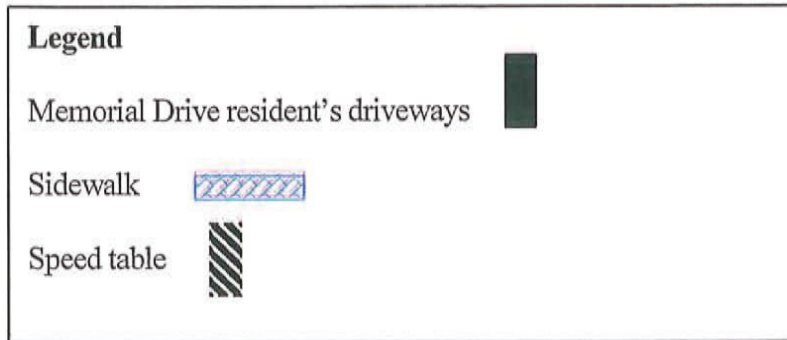
The speed tables will also deter anyone from using Memorial Drive as a 'cut-through street.' Police presence will no longer be needed on Memorial Drive and the manpower can be shifted to more important matters.

Most importantly, the residents of Wolf Road will have a second exit to increase their safety, and the residents on Memorial Drive will not endure a drastic change to their quality of life. I believe that this compromise will meet the needs for this area, while maintaining the desires of each side.

Sincerely,

Mark Richins  
603-448-0503  
markrichins98@hotmail.com





**Figure 2**

Top View of Memorial Drive, with speed tables



January 1, 2009

Dear Lebanon City Officials:

While reviewing the online agenda information for the January 7, 2009 meeting, I found several things amiss:

1. To convince the City Council that Memorial Drive should be changed to a two-way street, I was asked to present statistics and empirical data - information that is not biased. If this information was so important, why is it not included in the minutes from the November 19 meeting?
2. On the second page of the agenda information, under "Included in this section, 5. Chronological History of Memorial Drive/Wolf Road Discussion at Zoning Board, Planning Board, and City Council Meetings: a-s," was a list of documents I located, researched, and sorted.

I took time off from my employment on 6 separate days (30 hours total) to chase around several different offices and buildings, set up appointments, meet with city officials and sift through unorganized cardboard boxes to find this information. Then I was charged \$34.00 to make copies of 41 pages of the documents I organized. I stopped at 41 pages and took notes on the rest because it was getting too expensive. Had I not volunteered this work, the Council would never have seen the drawings, meeting minutes, and memos, nor been able to include them in the agenda for the January 7<sup>th</sup> meeting. Only the documents I copied are in the agenda. The documents from which I made notes, but did not get copied, are not included in the agenda.

I have spent hundreds of hours on this project and a fair amount of my own money. Hopefully, the next time a large number of people gather before the Council, the majority of the Council will not feel the need to dismiss them so quickly because the Council members are volunteers and have to go to work the next day. At least the Council members are not charged by the city for the volunteer work they do.

3. In several of the letters to the City Council and Public Safety Committee, some of which are included in the January 7<sup>th</sup> agenda, slanderous comments are made about my efforts and me. One letter is barely more than personal attacks and provides quotes out of context. None of the letter writers mention the harassing phone calls to me, the destruction of the signs I put up to notify everyone (residents on Bassy Street, Memorial Drive, and Wolf Road) of the petition or meetings, or the call from the police I received.

One letter writer says my arguments for cost savings, and to provide a safer route for DHMC, are 'specious.' The 'specious' arguments would save Wolf Road residents between \$30-55 per 100 days (Based upon \$4.00/gallon gas, average commuter car fuel consumption - [www.epa.gov](http://www.epa.gov), and route usage information from the survey I made of 81 Wolf Road residents. I also calculated emissions and other pollution data). The DHMC thought both of

the 'specious' arguments were important enough to send Dan Dahmen, Director, Security and Parking to the September 9, 2008 Public Safety Meeting.

4. There are over 400 residences on Wolf Road, but not 400 different cars using Memorial Drive. Assuming that each person drives individually (which is not the case), and using data from my survey, 75% of Wolf Road residents, or 300 cars, use Memorial Drive to get to work. Since many residents work at the hospital, their work schedule might be 3, 4, or 5 days per week, so the number on any given day is actually far less than 300 cars, especially on weekends.

Also, it is important to note that there is not a steady line of cars at 8 AM going to work and another one at 5 PM coming home. The DHMC staggers the shifts enough that every hour, only 10 -20 cars use Memorial Drive.

I think each side to this issue has valid points. I would only ask that before you believe any information submitted to you, that you demand the same requirements put to me: substantial claims must be backed up by empirical data.

Sincerely,

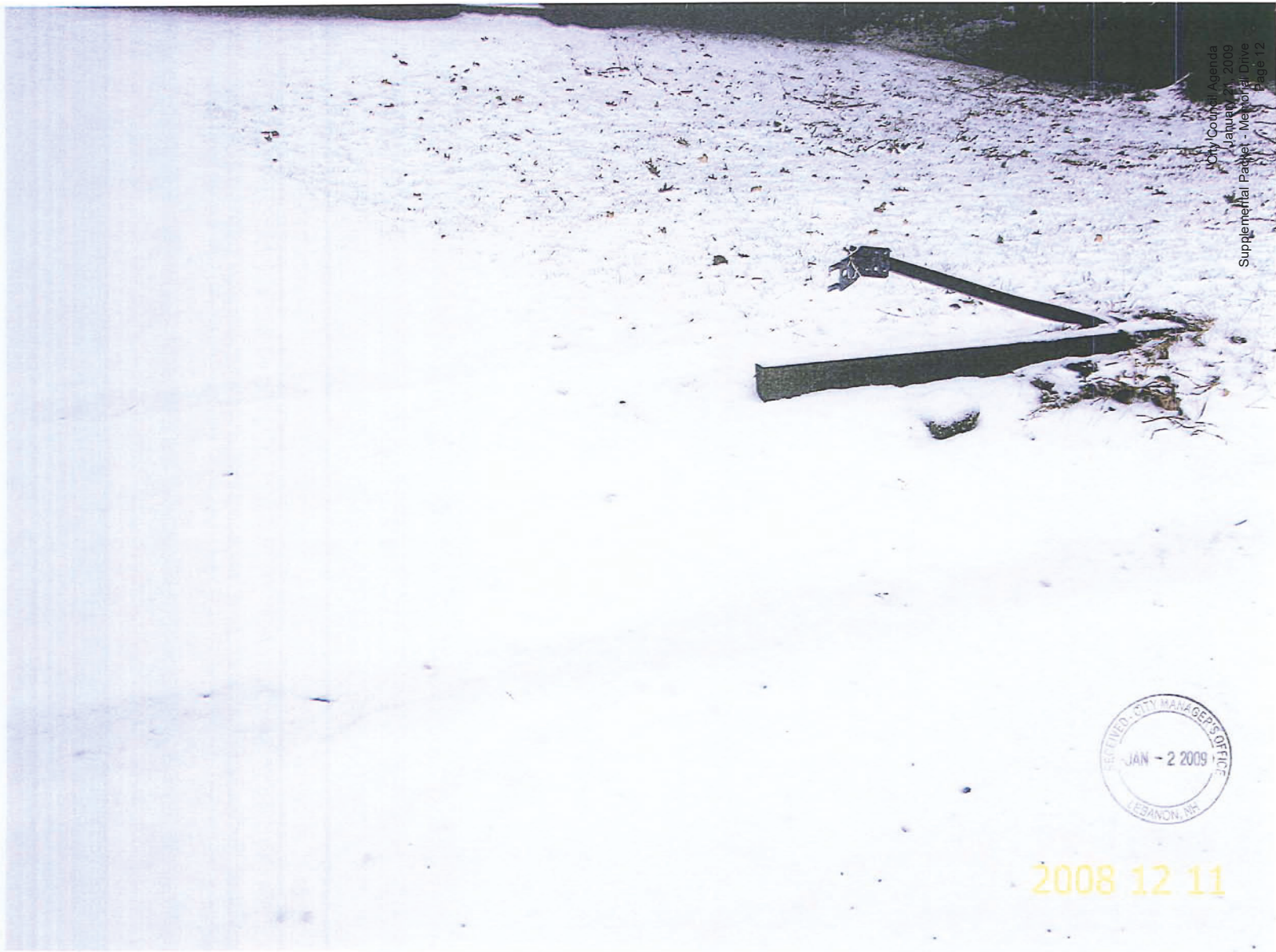
Mark Richins





2008 12 11











2008 12 11



2008 12 11





2008 12 11

**Maville, Paula**

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**From:** Karen Liot Hill [karenliothill@gmail.com]  
**Sent:** Monday, January 05, 2009 8:50 AM  
**To:** Mark Richins  
**Cc:** Maville, Paula  
**Subject:** Re: Concerns of the January 7th agenda and letters to the City Council



Dear Mark,

Thank you very much for your email. Here are some quick thoughts in response:

1. Not including your data in the packet is an oversight, and I apologize for that. I am copying our Executive Assistant, Paula Maville, on this email so that she can send out your materials to the Council prior to Wednesday's meeting and have copies made for the public in attendance that evening.
2. The amount of time you have put into this project and the way you have rallied and organized your community are impressive. I really commend you on the work you've done. On Wednesday, everyone who wishes to speak will be recognized and heard. You may have noticed that we are holding the meeting in the Opera House to make it more accommodating of the large crowd we are expecting.
3. It is distressing to hear about the personal attacks that you and your family have suffered. At the beginning of the construction on School Street earlier this year, my family and I went through similar attacks, so we can definitely relate. As you may know, we cannot censor testimony that is received by the City. We have to distribute information that is intended to be part of the public record to all Councilors and the public in exactly the same way that it comes to us.  
I do understand your frustration with this, however, and I apologize that we may be inadvertently exacerbating the situation. Please understand that by re-distributing letters from other people, the City is in no way endorsing their content. Furthermore, I think that most people see through personal attacks and do not give them much weight.
4. These figures are helpful for Wednesday's discussion and decision.  
By way of this email, I am also asking Paula to print your letter and have it available for Councilors at our seats on Wednesday night.

As you know, we do our best, but we do not always get things exactly right. Thank you very much for your patience with the City in working through this issue, and thank you especially for the constructive approach that you have employed throughout the entire time. I particularly appreciate your focusing on common ground and trying to build consensus around a solution that could address everyone's concerns (as you propose in a previous letter).

Lastly, thank you for your service to Lebanon. No matter the outcome on Wednesday night, you have already accomplished something amazing. You have helped hundreds of people to find their voice and to become engaged in their local government. I am sure many of the people that you have inspired will be more attentive to local issues in the future and will exercise their political "muscles" on decisions affecting them. You have empowered them. This longer-term perspective may be difficult to consider at this point, when the particular issue of Memorial Drive remains unresolved, but truthfully, I believe the work you have done is a remarkable investment in our community that will pay dividends well into the future by having an engaged group of people who will help keep our government more responsive and more accountable.

Sincerely,

karen

-----  
Karen Liot Hill  
Mayor, Lebanon NH

(c) 603.252.2542  
-----

On Fri, Jan 2, 2009 at 1:42 AM, Mark Richins <[markrichins98@hotmail.com](mailto:markrichins98@hotmail.com)> wrote:

>  
> Dear City Officials,  
>  
> Please find my letter attached to this email.  
>  
> Sincerely,  
> Mark Richins  
> 448-0503  
> 42 Wolf Road #812  
> Lebanon, NH 03766  
>  
>  
> \_\_\_\_\_  
> Life on your PC is safer, easier, and more enjoyable with Windows Vista(R).  
> See how

October 17, 2008

Lebanon City Council  
51 North Park Street  
Lebanon, NH 03766

Dear Lebanon City Council,

There are over 400 residential units made up of apartments, condominiums, and private homes clustered along Wolf Road, in Lebanon. Every person that lives along Wolf Road depends solely upon it to provide a single access point - where it intersects Old Etna Road - to the rest of the city. Due to the large population density, the limited sight at the intersection and on Wolf Road, and the dangerous conditions that exist in the winter, I and others think there is a need for a safe alternative.

At the aforementioned intersection of Wolf and Old Etna Roads, a significant safety hazard exists. The unrestricted growth of vegetation and a large rise in Old Etna Road completely block the view of oncoming traffic. A full view of oncoming traffic cannot be seen until a driver has initiated a turn. Luckily, the current traffic pattern has most drivers avoiding crashes because entering and exiting traffic do not often cross paths. However, the planned addition of two multi-story outpatient medical buildings across from this intersection will drastically change the amount and direction of traffic.

Wolf Road itself presents unsafe conditions. It is a steep, twisting road with limited view of oncoming traffic. This problem is exacerbated in the winter. As the snow banks encroach into the road, a drivers' view is limited even further. On some sections of the road, it is often the case that there is not enough room for two cars to pass. With the traffic of over 400 residential units limited to this single road, a very unsafe condition exists.

These safety problems are daunting, but a simple solution exists! Currently, Memorial Drive can be used to access Wolf Road, but cannot be used as an exit. Changing Memorial Drive to allow two-way travel will decrease the amount of traffic on Wolf Road and at the intersection with Old Etna Road. This change also provides an exit for the residents of more than 400 housing units, as an alternative to Wolf Road, in an emergency.

I, and 67 other residents who signed a petition supporting this cause, feel that changing Memorial Drive would best serve the safety of our community.

Sincerely,

Mark Richins



**Wolf Road  
Lebanon, NH**

**Safety Analysis**

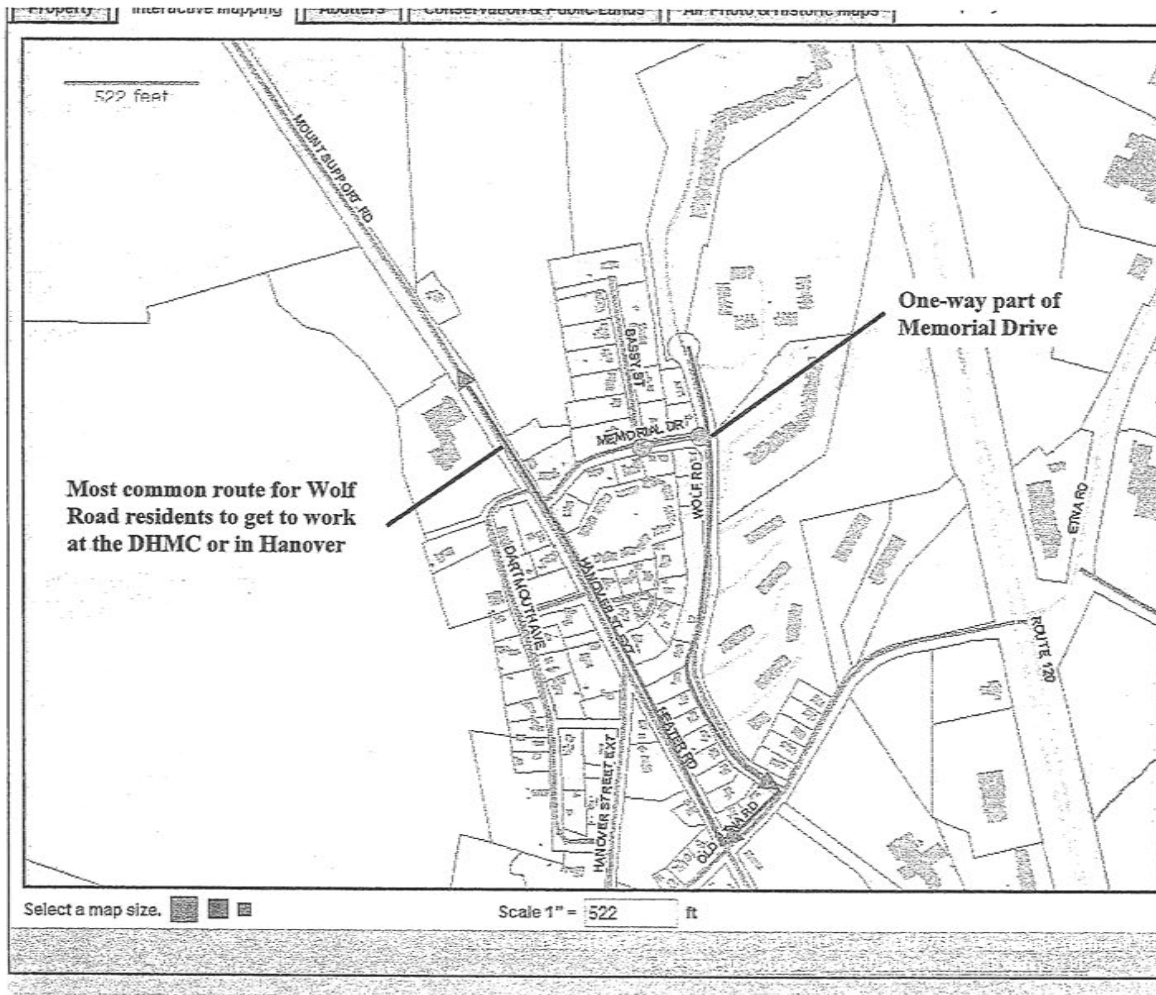
## Statement of Concern

There are over 400 residential units made up of apartments, condominiums, and private homes clustered along Wolf Road. Every person that lives along Wolf Road depends solely upon it to provide a single access point - where it intersects Old Etna Road - to the rest of the city. Due to the large population density, the limited sight at the intersection and on Wolf Road, and the dangerous conditions that exist in the winter, there is a need for a safe alternative.

## Statistics

- 404 Residential Units on Wolf Rd
  - R1 Zone – “...high densities”
- Petition of Wolf Rd, Bassy St and Memorial Dr Residents
  - 73 Signatures, – 68 favor changing Memorial Drive
- Survey of Wolf Rd Residents
  - 80 Surveys Returned – 53 listed Safety as a concern
  - 60 use Wolf Old Etna-Mt. Support Roads to get to work
  - 27 instances of sliding off Wolf Road

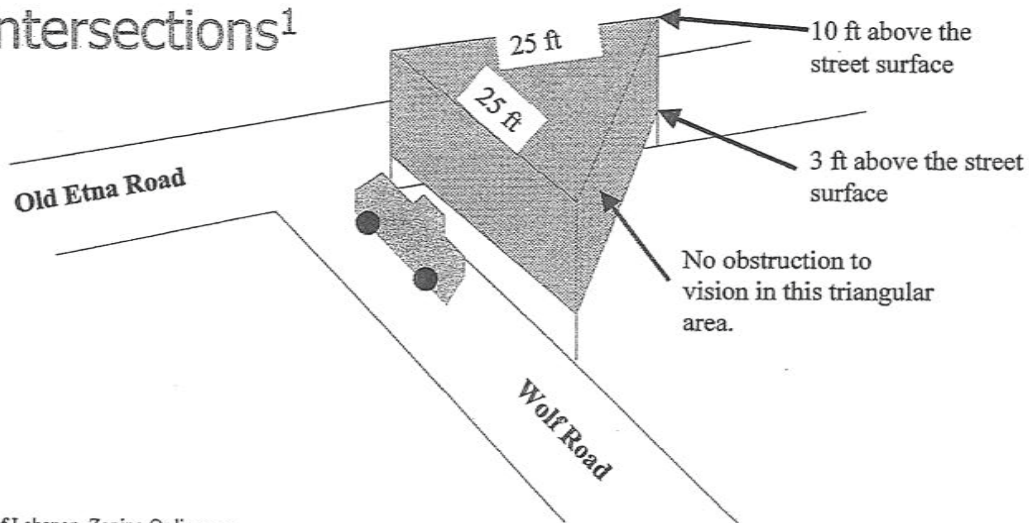






## Wolf – Old Etna Intersection

- Violation of Zoning Ordinance, Article II, Section 206 – Sight Distance at Street Intersections<sup>1</sup>



<sup>1</sup> City of Lebanon, Zoning Ordinance, Ordinance #2, Last Revised May 7, 2003

## Wolf – Old Etna Intersection



View from outside of the car



View from inside of the car

## Wolf – Old Etna Intersection



View from outside of the car



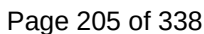
View from inside of the car

## Wolf – Old Etna Intersection

- Only exit for 404 housing units
- New Development – Upper Valley Medical Office Buildings<sup>2</sup>
  - 413 parking spaces – 2 exits
  - One exit is almost directly across from Wolf Road

<sup>2</sup> Overall Site Plan, Upper Valley Medical Office Building, Project 10110-04, Drawings C0.00 and C1.00, Drawn Feb 11, 2008





## Wolf – Old Etna Intersection

Approximate site for 1  
of 2 exits for the Upper  
Valley Medical Office  
Buildings



## Violations of Subdivision Regulations

- Section 13.5 B – Cul-de-sac street shall not exceed 1200 feet in length<sup>3</sup>
  - Wolf Road – 2000 ft<sup>4</sup>
- Section 13.5 D – Minimum street width of 24 ft
  - Some sections only 22 ft wide
- Section 13.5 E3 – Minimum sight distance of 200 ft for curves with grades exceeding 1%
  - Curve 1 – 190 ft<sup>5</sup>
  - Curve 2 – 120 ft<sup>5</sup>

<sup>3</sup> City of Lebanon, Subdivision Regulations, Last Revised May 14, 2001

<sup>4</sup> City of Lebanon, Online GIS Viewer

<sup>5</sup> The Boulders Subdivision, Project 155983, September 1983; P.U.D./ Subdivision Site Plan, Undated; P.U.D. Site Plan Parcel #2, November 14, 1983

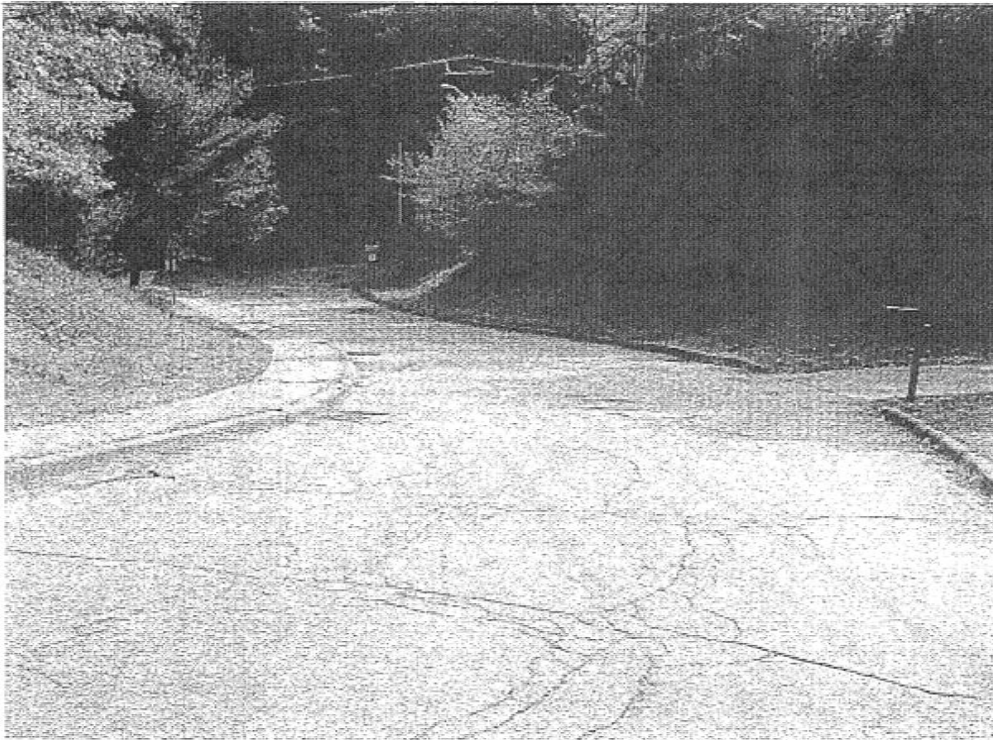
## Violations of Subdivision Regulations (Continued)

- Section 13.5 E4 – Maximum of 5% grade within 50 ft of intersection
  - Wolf – Old Etna Intersection – 8% grade<sup>6</sup>
- Section 13.5 E4 – Maximum grade of 10% for local service streets and maximum grade of 8% for collector streets
  - 7 sections 8% or greater
  - Worst 3 sections – 17.4%, 19%, and 23.1%

<sup>6</sup> City of Lebanon, Online GIS Viewer, Showing  
Parcels, Buildings, Lebanon Roads, 2 ft  
Contours



## Curve 1, View 1



Picture taken 120 ft  
from the intersection  
on a 10.8% grade.  
The last 50 ft has an  
8% grade.

## Curve 1, View 2



Picture taken 250 ft  
from the intersection  
on an 8.7% grade.

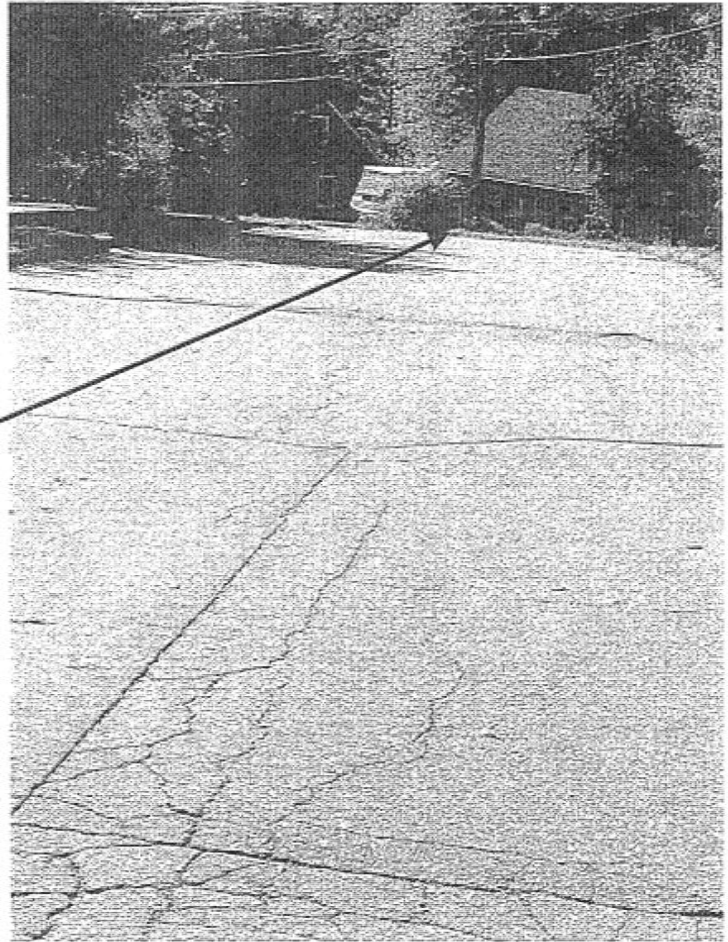
When a car slides  
off of the road on  
this curve it comes  
to rest in this area.



## Curve 2

Steepest grade on Wolf  
Road of 23.1%.

If a car slides off of the  
road it usually stops in  
this front yard.

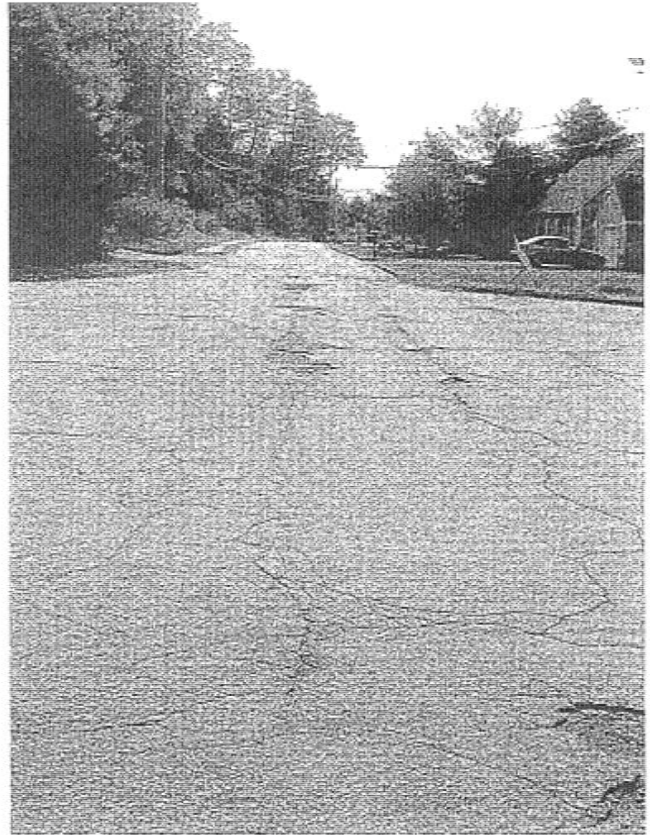


## Asphalt Conditions





## Asphalt Conditions



## Conclusion

- The Wolf – Old Etna Road intersection is dangerous due to limited sight and the steep grade. The planned development will increase traffic and diminish safety further.
- As a cul-de-sac road, Wolf Road is too long. It is also too narrow and too steep.
- A safe, alternative exit is needed.

## Wolf Road Safety - Information

1. P.U.D./ Subdivision Site Plan, Undated
2. The Boulders Subdivision, Project 155983, September 1983
3. September 1, 1983 memo to the Zoning Board of Adjustment from Dan Nash, City Engineer
4. Traffic Impacts of the Proposed Boulders Residential Development, September 20, 1983
5. Minutes of Zoning Board of Adjustment meeting, September 22, 1983
6. Minutes of Zoning Board of Adjustment meeting, October 27, 1983
7. October 28, 1983 accident report from Neal Wooley, Chief of Police
8. November 3, 1983 memo to the Zoning Board of Adjustment from Dan Nash, City Engineer
9. Minutes of Zoning Board of Adjustment meeting, November 3, 1983
10. Minutes of Zoning Board of Adjustment meeting, November 8, 1983
11. Notice of Decision, Zoning Board of Adjustment, November 8, 1983
12. P.U.D. Site Plan Parcel #2, November 14, 1983
13. December 1, 1983 memo to the Planning Board from Dan Nash, City Engineer
14. December 5, 1983 memo to the Planning Board from Dan Nash, City Engineer
15. Minutes of Planning Board meeting, January 23, 1984
16. Notice of Decision, #1 and #2, Planning Board, January 23, 1984
17. December 1, 1986 memo to John Wheeler, Chr., Zoning Board from Carmela Hennessy, Planning Secretary
18. March 2, 1987 memo to the Mayor and City Council from John Wheeler, Chr., Zoning Board
19. June 24, 1987 memo to Alan Edmond, City Manager from Marie Devereaux, Secretary
20. July 2, 1987 memo to the Planning Board and Zoning Board from Dan Nash, Public Works Director
21. July 3, 1987 letter to Dan Nash from Enrique Darer
22. July 11, 1987 letter to Dan Nash from Enrique Darer
23. Minutes of Planning Board meeting, July 13, 1987
24. Minutes of Public Hearing, July 15, 1987
25. Minutes of City Council meeting, July 15, 1987
26. City of Lebanon, Subdivision Regulations, Last Revised May 14, 2001
28. City of Lebanon, Zoning Ordinance, Ordinance #2, Last Revised May 7, 2003
29. May 24, 2006 memo from Janet Choi to Russell Rohloff, Preliminary Traffic Analysis
30. Notice of Action, Planning Board, July 10, 2006
31. Minutes of Planning Board meeting, September 11, 2006
32. Notice of Action, Planning Board, September 11, 2006
33. Minutes of Zoning Board meeting, October 2, 2006
34. Notice of Decision, Zoning Board, October 2, 2006
35. Final Traffic Analysis, October 26, 2006
36. Minutes of Planning Board meeting, November 13, 2006
37. Minutes of Planning Board meeting, February 12, 2007
38. Minutes of Planning Board meeting, October 9, 2007
39. Overall Site Plan, Upper Valley Medical Office Building, Project 10110-04, Drawings C0.00 and C1.00, Drawn Feb 11, 2008
40. Notice of Action, Planning Board, March 10, 2008

**CITY COUNCIL PUBLIC SAFETY SUBCOMMITTEE  
EXCERPT OF MINUTES RELATED TO MEMORIAL DRIVE VEHICULAR TRAFFIC PATTERN  
PRESENTED IN REVERSE CHRONOLOGICAL ORDER**

**EXCERPT - Draft Minutes, 9/8/2008**

**MEMBERS PRESENT:** Cliff Desrosiers (Chair) and George Sykes

**MEMBERS ABSENT:** Denise MacLeod

**STAFF PRESENT:** Police Chief M. James Alexander, Fire Chief Chris Christopoulos  
and Public Works Director Mike Lavalla

---

*Excerpt.....*

**3. OLD BUSINESS:**

**A. Memorial Drive access and direction**

Chair Desrosiers read letters from three residents who were unable to attend tonight's meeting. Those letters were written by Wolf Road residents Elizabeth Durkee, Stephen Baroody and Tanja Schilger and will be made an attachment to these minutes. All three are in favor of making Memorial Drive two-way.

Chair Desrosiers noted that the petition that was circulated by Mark Richins of Wolf Road was not available at last month's meeting but was included in tonight's agenda packet. Chief Alexander noted that also included are Planning Board minutes, Zoning Board minutes, City Council minutes, accident statistics, motor vehicle violations and pending Planning Board approvals.

Chair Desrosiers invited all those present to take turns voicing their opinions.

Mark Richins, a resident at 42 Wolf Road, noted that he started the petition in May due to the inconvenience and cost of driving down the road. In talking with numerous residents during this time, the consensus was that safety was most important issue especially in the winter. He noted that most people felt that Memorial Drive had become a private road to be used by just the residents there and not by the many residents of Stone Farm, Ivy Place and Wolf Run. He noted that many of these residents have been there for many years and are not as transient as many believed. He referred to Tanja Schilger's letter where she states that as an RN at DHMC she is occasionally on-call and needs to get to the hospital as soon as possible. Under the current situation, it takes her longer to do this because she is not able to use Memorial Drive. Mr. Richins suggested some type of compromise such as allowing two-way traffic but having speed bumps to slow traffic down.



Kelly Carey, a homeowner at 13 Bassy Street, noted that she used to live at Wolf Run condominiums. She is also a nurse at DHMC who has on-call responsibilities including having only 30 minutes to arrive, park, change and report to work. She doesn't recall it ever being an issue while living at Wolf Run and also doesn't recall any traffic issues and accidents at the intersection. She believes that a significant amount of people do use Memorial Drive, Bassy Street and Mt. Support Road for walking, running, biking and roller-blading. Ms. Carey likes the idea of speed bumps but questioned the issue of snow-plowing over these. She noted that the dog-leg on Memorial Drive is dangerous and most people go too fast through it. She feels that allowing two-way traffic will be a huge increase in the number of cars as many people in that area are DHMC employees with various schedules hurrying to and from work. Ms. Carey recommended that the Committee leave Memorial Drive the way it is.

Cathy Lacombe, a homeowner at 17 Bassy Street, agreed that safety is a legitimate concern. She asked Chief Alexander if he felt that Wolf Road is currently a dangerous road. Chief Alexander noted that Wolf Road, including parking lots, had 15 accidents from January 1, 1998 to December 31, 2007. He also noted that the majority of these were parking lot accidents. He noted that there were three accidents at the Wolf Road/Old Etna Road intersection and two accidents at the Heater Road/Old Etna Road intersection for the same time period. Ms. Lacombe is concerned with the issue of the promise made to Memorial and Bassy Street residents to make the street one-way. She noted that the residents of these two streets went along with all of the developments under this promise and to change it now would be highly unfair.

Gwen Fulton, a resident at 33 Wolf Road for 18 years, has seen tremendous growth in the area and is concerned with cars going too fast on Wolf Road. She also believes that safety is an issue but noted that in her time there she has never had trouble going up or down the road.

Jim Perry, a property owner of 37 Wolf Road, supports changing Memorial Drive into a two-way street. He recognized the significant changes to the neighborhood including the upcoming project on Old Etna Road which will include two new medical buildings. He described the access for these new buildings and believes it will exacerbate the amount of traffic on Old Etna Road and allowing two-way traffic on Memorial Drive will help this. He recommended a condition of no parking on Memorial Drive if it is made two-way.

Roger Renault, a homeowner at 15 Memorial Drive, felt that everyone was in agreement that the amount of traffic going down Wolf Road is significant. He noted that Memorial Drive is only a couple of hundred feet long with only seven houses and allowing it to be two-way would significantly increase traffic. Mr. Renault has attended all of the meetings over the years as new developments took place noting that each time they have been allowed to keep Memorial Drive one-way. He also give the history as to why it was made this way dating back to 1987.

A Stone Farm resident spoke in favor of making Memorial Drive two-way. He uses Memorial Drive on his way back from work because it is allowed. He noted that people do drive too fast which is a safety issue.

Yue Luo, a resident at 42 Wolf Road, spoke in favor of making Memorial Drive two-way. She agrees with the safety issue and believes that all residents should be allowed to use Memorial Drive in the morning as well, instead of having to go down Wolf Road. She suggested a speed limit and speed bumps to slow people down.

Tian Ma, a resident at 42 Wolf Road, also spoke in favor of making Memorial Drive two-way. She doesn't understand why people are allowed to use Memorial Drive only in the afternoon as that is the time when most children are out compared to the morning when they are not necessarily around.

Dan Meilcarz, a homeowner at 19 Wolf Road, spoke in favor of making Memorial Drive two-way but agreed that the promise made to the residents is hard to go against. He believes that many people are confused with the "do-not-enter" sign and can understand new residents having a hard time with it. He agrees that cars travel too fast on Wolf Road. He also agrees with the resident who pointed out they should be allowed access in the morning if they are allowed it in the afternoon. He suggested speed bumps, a lower speed limit and traffic enforcement to slow people down.

Jane Collins, a homeowner at 9 Bassy Street, does not want to change Memorial Drive into a two-way street. She believes having it one-way keeps traffic to a minimum and this would change the neighborhood significantly if changed to two-way given the large amount of people that reside in that area. She believes that any intersection, not just the one in question, can be a safety issue in winter.

Lei Liang, a resident at Stone Farm condominiums, spoke in favor of making Memorial Drive two-way. He echoed the comment previously made that morning access should be allowed, in addition to the afternoon, as most children are at school during this time.

David Atkins, a homeowner at 10 Memorial Drive for 35 years, believes there is really no issue here with safety given the numbers presented by Police Chief Alexander. He does not want the additional traffic and noted that people go way too fast particularly through the dog-leg which is right in front of his house. He thinks the City should stand by their agreement that was made. Chair Desrosiers stressed that a city councilor or a particular board or committee cannot make promises and expect them to be upheld. Instead, he noted, they make ordinances which are then on the books. He noted that things have changed since 1987 and people should be allowed to speak their opinions and have things addressed on an on-going process.

Ms. Collins spoke again noting that Memorial Drive and Bassy Street residents have been dealing with a compromised situation from the time it was changed many years ago.

Ms. Carey spoke again, commenting on how pleased she was to have notification from the Lebanon Police Department that this meeting was taking place tonight. She referred to the comment made previously about not allowing parking on Memorial Drive if it is made two-way,

noting that there are houses on the road with small driveways and this would prohibit them from using the street for overflow, if needed.

Ms. Luo spoke again, asking Chief Alexander how many accidents have been recorded on Memorial Drive during the last 10 years. He responded that there haven't been any.

Mr. Atkins spoke again, wondering if anyone had given any thought to making improvements to the Wolf Road/Old Etna Road intersection. He also noted that people can go down Wolf Road and onto Route 120 to go to DHMC as an alternate route.

Mr. Sykes echoed Chair Desrosiers agreement that the City's promise to the residents is really important, but that sometimes decisions are made that should be revisited as circumstances change. He commended Mr. Richins' effort with this issue, noting that he also respects the Memorial Drive and Bassy Street residents trying to protect their quality of life. Mr. Sykes reminded all those present that the Public Safety Committee can only make a recommendation to the City Council. He feels that the accident data does not support a change and believes that, for the most part, people are using their common sense and being more careful when driving down the Wolf Road hill. He sees no compelling argument, from his point of view, as to why Memorial Drive should be changed.

Chair Desrosiers agreed with Mr. Sykes noting that this is the recommendation of only two city councilors with seven more to hear this information when it is presented to the City Council. He also noted that everyone would be notified when this will be on the City Council's agenda. He stressed that the City Council is the only body that has the authority to make changes to city roads. He encouraged as many as possible to attend. Chair Desrosiers is unsure when this will go before the City Council due to the upcoming budget season but hopes to have it addressed before the end of the year.

Mr. Sykes noted that this presented a very difficult decision and he was excited with the amount of people who presented very good opinions.

Mr. Renault thanked the Committee and staff members for their time and effort on this issue.

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**EXCERPT - Final Minutes, 8/5/2008**

**MEMBERS PRESENT:** Cliff Desrosiers (Chair), George Sykes and Denise MacLeod  
(arrived at 5:34 PM)

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Police Chief M. James Alexander, Public Works Director Mike  
Lavalla and Assistant Fire Chief Jeffrey Libbey

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*Excerpt.....*

**3. OLD BUSINESS:**

**B. Memorial Drive access and direction**

Chair Desrosiers read a letter from Jackie and David Atkins, residents of 10 Memorial Drive, regarding two-way traffic on Memorial Drive. This letter will be made an attachment to these minutes.

Ms. MacLeod arrived at 5:34 PM.

Mr. Atkins also noted that Wolf Road was built to service all of the new dwellings being built, not Memorial Drive.

Roger Renault of 15 Memorial Drive shared an article from the *Valley News* that was written some time ago when this problem was first addressed. He noted that there are approximately 17 houses in that area, with about 34 cars amongst them. He expressed his concerns with having to deal with 1,000+ cars on their street as well as people speeding and disposing of garbage.

Mark Richins, a resident of Wolf Road, responded to Mr. Renault's concerns. He suggested speed bumps as a way to slow traffic. He expressed his opinions/concerns including how the extra travel distance in terms of cost would add up over the course of a year, the issue of safety in the winter when the road is covered with snow and ice. He gave the details of the petition that he had circulated and submitted, but which was not available for tonight's meeting. The petition was for allowing two-way traffic on Memorial Drive. Mr. Richins noted that of the 73 people who signed the petition, 68 were in favor of the change, four were not and one was unsure. He was concerned that there was not enough representation at tonight's meeting and suggested that the issue be discussed, but no action taken until more residents can be made aware of the situation. In response to Chair Desrosiers question as to how many people are in the area, he noted that those most effected are residents of Stone Farm, the first couple of houses on Wolf Road, Ivy Place and Wolf Run residents as well as a few residents from the upper part of the Boulders. Elizabeth Durkee, also a resident of Wolf Road, noted that this only affects those who work at DHMC or elsewhere in Hanover.



Teri Grigsby, a resident of Wolf Road for nine years, had some time ago asked the City Council why Memorial Drive was one-way. Their response was that someone had requested it to be that way. She is confused why it should not be two-way given the fact that the City has allowed 370 units to be built there.

Michael Collins of 9 Bassy Street noted that there used to be a gate across there and only emergency vehicles were allowed thru. Mr. Renault said it was changed at some point and a "Do Not Enter" sign was posted allowing access only for emergency vehicles. He referred to the above mentioned article from the *Valley News* and Chair Desrosiers requested that this article be made an attachment to these minutes. Mr. Collins, agreeing with Ms. Grigsby that the City allowed too many units there, believes that there should be another way to exit and enter.

Don Johnson, a resident of Wolf Run for 15 years, understands the Memorial Drive situation given the fact that it is a quiet neighborhood. However, he does not like the fact that he is forced to use only one intersection each day, from Wolf Road to Old Etna Road, and noted that it is extremely dangerous due to its poor design which he described. Linda Johnson, agreeing with her husband, also expressed her concerns with the issue of DHMC planning to build two buildings totally 96,000 square feet with the entrance and exit being on Old Etna Road. She noted that the parking lot for these two buildings will be for 400 spaces. She feels that as residents of multi-family housing, they have very little power and should have the chance to voice their opinion.

Jane Collins of 9 Bassy Street noted that most of the residents of Memorial Drive and Bassy Street have been there for 20-30 years. She agreed that too many units have been allowed and the neighborhood has changed because of it. She requested the Committee keep Memorial Drive one-way, noting that the residents of the various units were aware of this when they moved there. Mr. Collins agreed with his wife, stating that he believes making Memorial Drive two-way will not solve anything.

Ms. MacLeod acknowledged that it was poor planning on the City's part to allow this to happen. Public Works Director Lavalla noted that access from Route 120 is controlled by the State of NH and there are wetlands in the area making it almost impossible for consideration.

Mr. Sykes reminded everyone of the fact that this is a public safety issue, not about convenience or longevity in a particular neighborhood. He feels they need to have data from Police and Fire to show what problems have occurred there before a decision can be made on this. Ms. MacLeod agreed with Mr. Sykes and recommended getting information on this from various City departments including Planning, Zoning and City Council as well as Police, Fire and Public Works.

A lengthy discussion took place with residents from the various neighborhoods expressing their concerns and opinions on this issue.

Chair Desrosiers requested that Police Chief Alexander, Assistant Fire Chief Jeffrey Libbey and Public Works Director Lavalla gather information on this for the Public Safety Committee to

review. He also suggested getting information out to all of the residents to make them aware of what is going on and told those present that this would most likely end up going before the City Council. Chair Desrosiers also noted that this would be handled as quickly as possible.

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**EXCERPT - Final Minutes, 6/23/2008**

**MEMBERS PRESENT:** Cliff Desrosiers (Chair), George Sykes and Denise MacLeod  
(arrived at 5:38 PM)

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Deputy Chief Gary Smith, Public Works Director Mike Lavalla and  
Fire Chief Chris Christopoulos

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*Excerpt.....*

**4. NEW BUSINESS:**

**B. Memorial Drive access and direction**

Mark Richins, a resident of Wolf Road, questioned why this is a one-way street and wondered what could be done to change it. He noted that it is an extra 3/4 mile drive to go down the hill and turn to go back up the hill toward the hospital. Chair Desrosiers asked him if he has spoken with his neighbors about this matter. He has and they are in agreement with him that they are opposed to the current situation. Chair Desrosiers suggested that Mr. Richins start a petition and have as many people sign it as possible. Ms. MacLeod agreed that they need to see how the residents feel and a petition would be a good way to do this.

Deputy Chief Smith noted that this has been in place since 1987 and the one-way restriction was meant to allow access for fire and police emergency vehicles.

Mr. Sykes agreed that a petition would be a good idea but felt it necessary to include the residents on Memorial Drive as they would be most affected by this.

Chair Desrosiers noted that he will leave this agenda item open to allow Mr. Richins to circulate a petition in support of changing this.

**Maville, Paula**

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**From:** esgrossi@att.net  
**Sent:** Monday, January 05, 2009 11:05 AM  
**To:** Mandsager, Gregg; Maville, Paula; karenliothill@gmail.com; cliffd5632@msn.com; george.sykes@valley.net; mscormen@gmail.com; bonner.bruce@gmail.com; councilortuttleward1@verizon.net; Terri.Dudley@comcast.net; swood@farnumhillciders.com; denisemacleod@msn.com  
**Subject:** two-way traffic on Memorial Drive



Dear Lebanon Mayor, Assistant Mayor, City Manager and Council Members,

As a relatively new resident of Wolf Road, I am adding my voice to the issue of two way traffic on Memorial Drive. I have already experienced the difficulty of coming down the winding Wolf Road, and having to turn onto Old Etna Rd where visisbiltiy is not very good. When I have been able to use Memorial Drive coming home, I feel much safer. I strongly believe distributing traffic more evenly by being able to use Memorial Drive both ways makes so much safety sense.

I'll be at the public hearing on Wednesday, Jan. 7, 2009, to support the change that I feel is best for the safety of all the residents of Wolf Road.

Thanks for your consideration.

Edie Grossi  
40 Wolf Rd., Unit 11  
Lebanon, NH  
603-727-9375



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**Maville, Paula**

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**From:** Mandsager, Gregg  
**Sent:** Monday, January 05, 2009 8:43 AM  
**To:** Bennet Vance  
**Cc:** Maville, Paula  
**Subject:** Re: Wolf Rd/Memorial Drive



Mr. Vance:

Thank you for the comments. I will forward your information to the City Council in preparation for Wednesday's hearing.

Thanks,  
Gregg

On 1/3/09 11:34 AM, "Bennet Vance" <[bv8128-poli@yahoo.com](mailto:bv8128-poli@yahoo.com)> wrote:

Dear Mr. Mandsager:

I am a resident of Wolf Rd. and strongly favor implementing a three-way stop at the intersection of Wolf Rd. and Old Etna Rd. (I do not have a strong opinion about Memorial Drive.)

When exiting from Wolf Rd. onto Old Etna, I usually turn left. I cautiously inch out into the intersection to avoid colliding with unseen vehicles approaching from the west. Often the drivers of those vehicles intend to turn left onto Wolf Rd., and my protrusion into the intersection blocks the path of their turn. Some wave me ahead, effectively giving me the right-of-way even though I'm the one who has the stop sign. Others wait for me to back up so that they can complete their turn. I then start all over again. (Of course, backing up can be a problem when there are other vehicles lined up behind me.) A three-way stop would eliminate these complications.

Please convey my position to the Council.

Best regards,  
Bennet Vance

Gregg Mandsager  
City Manager

City of Lebanon, NH  
51 North Park St.  
Lebanon, NH 03766  
603-448-4220 Phone  
603-484-9175 Fax  
[gregg.mandsager@lebcity.com](mailto:gregg.mandsager@lebcity.com)  
[www.lebcity.com](http://www.lebcity.com)  
[www.flyleb.com](http://www.flyleb.com)

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Maville, Paula

From: Karen Liot Hill [karenliothill@gmail.com]  
Sent: Monday, January 05, 2009 8:09 AM  
To: Brian Thomas  
Cc: Maville, Paula  
Subject: Re: Memorial Drive



Dear Brian and Elizabeth,

Thank you very much for your thoughtful comments. As you know, this will be a difficult issue for the Council to decide. I hope you can make it on Wednesday to add your testimony in person (7pm at the Opera House in City Hall), but in case you cannot, I am forwarding your letter to our Executive Assistant (copied on this email) so that it can be printed and available for Councilors at our seats on Wednesday evening. I really appreciate your taking the time to let us know what you think about the situation.

Sincerely,  
karen

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Karen Liot Hill  
Mayor, Lebanon NH

(c) 603.252.2542  
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On Sun, Jan 4, 2009 at 9:49 PM, Brian Thomas <brian.r.thomas@dartmouth.edu> wrote:

> Dear Lebanon City Council:

>

> I am writing to voice my support for removing the short one way  
> segment from memorial drive. My family and I live in Wolf Run. This  
> is something I think about every day as I am forced to drive down the  
> steep, narrow, windy Wolf road, take my chances at the blind corner  
> with Old Etna Road, and then return back up the hill on Mountain Support road.

>

> Our recent snow storm brought this issue into sharper focus for me.  
> As I traveled down Wolf Road at ~15mph I saw the tracks of multiple  
> cars which had been peeling out and having considerable difficulty  
> making up Wolf Road. Last year I personally helped 2 shovel out two  
> cars that had slid off of the steep lower section of Wolf Road. Even  
> though I was driving carefully I was barely able to slide to a stop at  
> the end of the final steep section of the road prior to the stop sign.  
> It is lucky that I was being cautious because there was a group of  
> people waiting at the bus stop directly across from the stop sign,  
> where they could be hit by any car that slides through the stop sign.

>

> The difficulties with limited visibility at the stop sign with Wolf  
> road and Old Etna Road will get much worse with the opening of the  
> Upper Valley Medical offices.

>

> I can sympathize with the residents of Memorial Drive because I grew  
> up in a rural area that is changing with population increases and



> development. But it is important to look at what will actually change  
> with the removal of this one-way section rather than view it as a  
> symbolic fight against development. The majority of comments I heard  
> at the council meeting talked of the loss of historic forest land or views that are no  
longer pristine.

> One resident commented on Reed court (which opens onto Mt support  
> road) blocking their view and towering over their back yard. While  
> that is a sad loss, it has absolutely nothing to do with the current  
> issue of traffic direction on Memorial drive. I fear that for some  
> this has become a symbolic fight against development which has  
> occurred, rather than the simple issue that it really is.

>

> The main change that would occur if this motion passes is that the  
> people on Wolf road, Bassey drive, and the one-way section of Memorial  
> drive who currently come home in the evening via Memorial Drive would also be able to  
> leave in the morning via Memorial drive. The level of traffic in the  
> evening is not seen as unacceptable or causing problems so having the  
> same level of traffic twice daily should not cause problems either.  
> This change would slightly increase traffic past 7 houses and at one intersection.  
> There would be a corresponding decrease in traffic past 16 houses, 2  
> apartment complexes, and at 3 intersections. The fact that 3/4 of all  
> the traffic violations in the entire city are on Memorial Drive  
> suggests that many people already use Memorial drive as a 2 way street  
> and that the change in traffic level will be minimal. It will also free up a police  
> officer to patrol other areas where they are more needed. Safety will be  
> greatly improved as Memorial drive is wider, shorter, more level, and  
> more safe to exit than Wolf Road. There will be less wear on and  
> maintenance on city roads as people are able to drive 0.2 miles rather  
> than 4 times that distance to arrive at the same point. There is no  
> reason to think that Memorial drive will be used as a short cut to the  
> hospital for anyone not living on Wolf road since it would be  
> significantly longer and require 3 turns more than just using Mountain support road as many  
do now.

>

> One last issue I want to address is the effect that this one way section has  
> had on the community. I feel it has acted as a divider driving a wedge  
> between the residents of Wolf Road and Memorial drive. . While  
> driving on the 2-way portion of Memorial drive I had a resident of  
> Memorial drive drive their car into the middle of the road to block my  
> progress and then sit glaring at me and my daughter. While walking  
> with my daughter on Memorial drive we receive only glares in response  
> to our waves. This is something we have not experienced anywhere else  
> in Lebanon. I understand that no matter which way the council votes  
> on this issue there will be hard feelings in the short run. However,  
> by voting to remove the one-way section this city council will remove  
> something that has been a point of contention and an artificial  
> divider for over twenty years. It is my hope that we can then begin to heal and come  
together as one community.

>

> I sincerely hope that the council can act for the benefit and safety  
> of the community as a whole rather than bend to the wishes of a very  
> few outspoken individuals.

>

> Thank you,  
> Brian and Elizabeth Thomas  
> 40 Wolf Road #14

>

**Maville, Paula**

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**From:** Karen Liot Hill [karenliothill@gmail.com]  
**Sent:** Monday, January 05, 2009 8:10 AM  
**To:** Melissa Barber  
**Cc:** Maville, Paula  
**Subject:** Re: Memorial Drive & Wolf Roa



Dear Melissa,

Thank you very much for your thoughtful comments. As you know, this will be a difficult issue for the Council to decide. I hope you can make it on Wednesday to add your testimony in person (7pm at the Opera House in City Hall), but in case you cannot, I am forwarding your letter to our Executive Assistant (copied on this email) so that it can be printed and available for Councilors at our seats on Wednesday evening. I really appreciate your taking the time to let us know what you think about the situation.

Sincerely,  
karen

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Karen Liot Hill  
Mayor, Lebanon NH

(c) 603.252.2542  
-----

On Sun, Jan 4, 2009 at 4:40 PM, Melissa Barber <[biomelissa8@yahoo.com](mailto:biomelissa8@yahoo.com)> wrote:

>  
> 511 Ivy Place  
> 30 Wolf Road  
> Lebanon, NH 03766  
>  
> January 4, 2009  
>  
> Lebanon City Council  
> City Hall  
> 51 North Park Street  
> Lebanon, NH 03766  
>  
> Dear Members of the Lebanon City Council:  
>  
> I have owned and lived in my condo at Ivy Place for approximately four  
> and one-half years and am writing in regards to the upcoming Public  
> Hearing on changing Memorial Drive from a one-way to two-way street.  
> I do not have a strong opinion on this matter in particular, but I  
> believe it brings to light many safety issues of this area. Most of  
> these have already been brought up by others, but I would like to highlight them as well.  
>  
> As Wolf Road is the only exit for over 400 housing units, its design  
> and maintenance are important. It is known that past planning has  
> been poor in regard to design. As Mark Richins described, subdivision  
> regulations for width and grade have not been followed, resulting in a

> road that is too narrow and steep. Both vehicular and pedestrian  
> traffic are at a heightened risk for accidents. There are school and  
> Advance Transit bus stops along and at the bottom of Wolf Road,  
> respectively, increasing pedestrian numbers. The intersection of Wolf  
> and Old Etna Roads is also a reason for concern. There is very  
> limited sight distance when turning northeast from Wolf Road onto Old  
> Etna Road, due to the rise in Old Etna Road between Heater Road and  
> Wolf Road, the design of the intersection, and brush obstructing  
> views. Turning southwest is also sometimes difficult, since Old Etna  
> Road is also narrow. Making a turn onto Wolf Road from either  
> direction of Old Etna Road can be challenging as well due to the  
> former issues. Some of these problems would require more effort than  
> others to change, but I believe improvement can be attained. The  
> brush on the west side of the intersection can be regularly cut back.  
> A mirror can be put on the south side of the intersection to assist  
> drivers in checking for traffic coming from the west. Allowing  
> traffic to use Memorial Drive in both directions would provide an  
> additional exit for Wolf Road cars and the option of avoiding the  
> steepest section of Wolf Road and this dangerous Wolf Road/Old Etna  
> Road intersection. I like Mr. Richins' idea of installing speed  
> tables on Memorial Drive to reduce noise and speed. Winter weather  
> adds to the safety concerns, since Wolf Road becomes slick and even  
> narrower. In the winters I have lived here, I have found that for  
> most storms, the Ivy Place hill was better cleared and maintained than  
> Wolf Road. I have not been able to make it up the Wolf Road hill on  
> three occasions, but I was fortunate to be able to safely get off the  
> road and park in a lot at the Boulders condominiums. While I  
> understand that the plow trucks have much ground to cover during storms, I believe that  
improved maintenance through increased snow clearing and sanding/salting could make a big  
difference.

>  
> I feel that these concerns are even more significant given the  
> upcoming construction of the medical office buildings. One of the  
> entrances will be almost directly across from the Wolf Road/Old Etna Road intersection.  
> Increased traffic compounds the safety problems. Perhaps when the  
> office complex is being constructed, some of the aforementioned issues  
> can be taken into account, if it is not too late. Possibilities  
> include widening Old Etna Road, leveling the grade of Old Etna Road to  
> eliminate the rise that hides traffic to cars attempting turns onto  
> the road, and installing a blinking yellow caution light at this intersection.

>  
> Thank you for your time and service to the community.

>  
> Sincerely,

>  
>  
>  
>  
> Melissa Barber

**Maville, Paula**

---

**From:** Karen Liot Hill [karenliothill@gmail.com]  
**Sent:** Monday, January 05, 2009 8:11 AM  
**To:** elizabeth durkee  
**Cc:** Maville, Paula  
**Subject:** Re: Memorial Drive city council meeting



Dear Elizabeth,

Thank you very much for your thoughtful comments. As you know, this will be a difficult issue for the Council to decide. I hope you can make it on Wednesday to add your testimony in person (7pm at the Opera House in City Hall), but in case you cannot, I am forwarding your letter to our Executive Assistant (copied on this email) so that it can be printed and available for Councilors at our seats on Wednesday evening. I really appreciate your taking the time to let us know what you think about the situation.

Sincerely,  
karen

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Karen Liot Hill  
Mayor, Lebanon NH

(c) 603.252.2542  
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On Sun, Jan 4, 2009 at 8:09 AM, elizabeth durkee <[betsycoder@hotmail.com](mailto:betsycoder@hotmail.com)> wrote:

> Dear City Council Members,

>

> My name is Elizabeth Durkee and I live at the Wolf Run Condominiums  
> on Wolf Road in Lebanon. I am a native to the Upper Valley and a 15+  
> year employee of DHMC. I am writing to you in regards to the Memorial  
> Drive one way issue.

>

> I urge you to please, please consider the facts of the matter. Wolf Road  
> currently has only one legal exit. In the best of conditions, it's a  
> very blind intersection with Old Etna Road. In the worst of weather  
> conditions, it can be extremely dangerous. I am pleading with you to  
> give us an alternate exit via Memorial Drive.

>

> No doubt you will hear many passionate arguments on Wednesday night, I  
> only urge to you consider and weigh the facts. Memorial Drive  
> residents are concerned regarding speeders. A concern easily remedied  
> by speed tables (or bumps). A solution that can be plowed over by the  
> snowplows and will NOT ruin vehicle's suspensions if taken slowly  
> enough (which is the whole point). Successful speed tables that I can  
> cite are Rip Road in Hanover and near Sachem Village in Lebanon. Memorial Drive residents  
are also concerned

> about the increase in traffic numbers. In all honesty, the increase won't  
> be in numbers, but only that the people who currently use Memorial  
> Drive in the west-east direction, would now be able to use it in the



> east-west direction as well. (DHMC employees could use it to go TO  
> work instead of just using it coming home from work. We can use it  
> one way, why not both  
> ways?) the Chief of Police voiced his concern that it could become a  
> 'cut off road' similar to Crafts Avenue in West Lebanon. I have  
> thought about this scenario many times and I honestly cannot think of  
> a logical circumstance that someone who was NOT a resident of Wolf  
> Road would actually come and use Memorial Drive to save time or avoid  
> traffic. Non residents are more apt to use Mount Support Road in this  
> regard, as they currently do. Also remember that anyone that wants to  
> use Memorial Drive as a 'cut off' road, already can use it going one  
> way. (and the only scenario that I could envision non residents using  
> it in this way actually involves the direction it is currently legal  
> to use anyway.)  
>  
> Please help us Wolf Road residents. Please give us the legal means to us  
> Memorial Drive as an alternate exit. We cannot change the hazardous  
> weather, but we CAN change how we deal with them. And please, sift  
> through the emotions and opinions you will hear on Wednesday night,  
> and consider the facts and what is best for the whole community.  
>  
> Thank you.  
>  
> with much respect,  
>  
> Elizabeth Durkee  
>  
> Elizabeth Durkee, RHIT, CCS  
> [betsycoder@hotmail.com](mailto:betsycoder@hotmail.com)  
> [elizabeth.a.durkee@hitchcock.org](mailto:elizabeth.a.durkee@hitchcock.org)  
>  
>  
>  
>  
> EMAILING FOR THE GREATER GOOD  
> Join me

**Maville, Paula**

---

**From:** Karen Liot Hill [karenliothill@gmail.com]  
**Sent:** Monday, January 05, 2009 8:12 AM  
**To:** tanjarn08@comcast.net  
**Cc:** Maville, Paula  
**Subject:** Re: memorial drive / public hearing Jan 7 2008



Dear Tanja,

Thank you very much for your thoughtful comments. As you know, this will be a difficult issue for the Council to decide. I hope you can make it on Wednesday to add your testimony in person (7pm at the Opera House in City Hall), but in case you cannot, I am forwarding your letter to our Executive Assistant (copied on this email) so that it can be printed and available for Councilors at our seats on Wednesday evening. I really appreciate your taking the time to let us know what you think about the situation.

Sincerely,  
karen

-----  
Karen Liot Hill  
Mayor, Lebanon NH

(c) 603.252.2542  
-----

On Sat, Jan 3, 2009 at 1:02 AM, <tanjarn08@comcast.net> wrote:

> Dear Mayor Hill,

>

> I hope this is not too late to include some comments regarding the  
> Memorial Drive issue to be discussed at the upcoming public hearing.  
> I do plan on attending the public hearing, and I was also in  
> attendance at the last city council meeting regarding this issue (and  
> had planned on speaking, but discovered then that I would not be able  
> to as did many others; thank you by the way for your support in  
> trying to allow our voices to be heard. I understand there is  
> protocol to be followed for such things.) I could simply wait till  
> the public hearing to voice my concerns, but after reading some  
> excerpts from other letters and info received from Mr Richins today, I felt the need to  
send this email off to you as well.

>

> I am a resident at Stone Farm and work as a registered nurse at DHMC.  
> When I first moved to Stone Farm from out of state several years ago,  
> I moved in sight unseen, only on the good recommendation by the  
> relocation service provided by the hospital. (some of the comments  
> included why "choose" to live here if you know how bad the road is ,  
> etc., well , many like me, never saw the area before we actually  
> pulled up with our suitcases; also, as suggested, there is NOT an  
> abundance of affordable and adequate rental units in the area. Many  
> are overpriced, and many others are simply too far. I had to choose a  
> close by rental due to call responsibilities at the hospital.).

>  
> I have heard comments by residents of Memorial Drive, as well as  
> comments by some of the city council members regarding their concerns to make it 2 way.  
> While I sympathize with some of their concerns, many are  
> over-generalized and simply do not portray what the reality most  
> likely will be if Memorial is allowed to be 2 way. I consider  
> Memorial to not be a real one way street, but to be more like one of  
> those gated communities with a 1 way sign instead of a gate, to keep  
> undesirables out of their exclusive area. I, like many others,  
> actually take offense at that, as the majority of residents at Stone  
> Farm and the other affected communities are hard working, adult  
> professionals. While there may be about 400 units on Wolf Road, not  
> ALL 400 residents will be using Memorial Dr at the same time, and some  
> may not even use it at all if they don't work at the hospital or  
> college (it's not as if it would be a shortcut to a convenience store  
> or gas station, it would be primarily used by professionals on their  
> way to work in the morning (and again, not all at the same time.) I  
> don't speed, I don't blast my stereo, and the few bad apples who have  
> abused the use of this road and caused problems, likely will continue  
> to do so regardless of any one or two way rule. Most who would use  
> and benefit from this change, like stated earlier, are simply adult professionals who are  
looking for a safe and sensible route to work. That's all.

>  
> I'd like to share a specific example; working as an RN in  
> interventional cardiology, not only do I commute to work on my regular  
> 4 days per week, I have on-call responsibilities several nights and a  
> weekend or so every couple of months. I carry a pager on the off  
> hours, and when an emergency is flown in or brought in by ambulance, I  
> (along with another nurse and 2  
> cardiologists) have to head to DHMC as soon as the pager goes off.  
> There is a distance requirement, part of the reason I moved to and  
> continue to live at Stone Farm. Living so close, I am expected to  
> arrive quickly, within minutes. (one resident of Memorial dr made the  
> comment that DHMC "administrators" probably don't have a problem with  
> employees showing up for work late - far from that in my case - if I  
> am late because I slid off the end of the hill on Wolf Rd, or got  
> stuck trying to make it back up the hill on Mt Support, then there  
> would be serious repercussions, most importantly in rapid patient  
> care. Even with finding a replacement or alternate transportation at  
> the moment of an accident if that were to happen, there would be a  
> delay in patient care, which could potentially be detrimental to the  
> patient's care.) My question is, does it make sense for me to have to  
> drive past Memorial Drive on my way in to work on one of these  
> emergency calls, especially in the winter? Even IF Wolf rd was  
> maintained and plowed/salted better, it is unlikely that would be the  
> case at 2 or 3 in the morning, before they have had a chance to treat  
> Wolf rd after a storm has come in the night (we all know side streets  
> are plowed last). No, I don't have 4wd, nor could I afford to purchase such a vehicle,  
just so I can make it to work (another reason why I choose not to move farther away). And  
> if it were all ice, 4wd wouldn't make a difference anyways. If the weather  
> and roads are horrible, I don't drive anywhere if possible, but  
> working these emergency cases, I have no choice. I have to make it  
> in. Another to the point question to Memorial dr residents is, if it  
> was themselves or their family member who is needing emergent care,  
> which route would they want me to take? Chance the hills on Wolf Rd  
> and Mt Support, or take Memorial, and avoid the hill all together?  
> Seriously think about that. I'm not talking as if for example I need

> to get to the store to buy some milk, or I don't want to be late for my doctor's appt; I  
HAVE to make it in  
> safely. It just makes sense to be allowed to go to work via Memorial dr.  
>  
> I could go into many other examples and reasons why it just makes  
> sense to make Memorial Dr officially a 2 way road; here, I wanted to  
> focus on specific safety issues, needing safe travel to work,  
> especially in emergency situations, it simply makes sense to do this.  
>  
> Thank you very much for your time and consideration in this matter;  
> please support making Memorial Dr a 2 way road.  
>  
> Tanja Schilger  
> 42 Wolf Rd Unit 431  
> Lebanon NH 03766  
> tanjarn08@comcast.net



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January 5, 2009

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

To: Members of the Lebanon City Council

Re: Allow Two-Way Traffic on Memorial Drive

City councilors inherently make a promise to the citizens of Lebanon to treat each of us equally whether we are property owners or renters, whether we are natives or transients. Each of us deserves the consideration of the councilors for our safety.

But the councilors have not kept their promise to the people of Wolf Road.

In the best weather we are unsafe at our intersection, and in the worst weather we are forced to choose between the higher risk of an accident at the bottom of our street, or the risk of getting ticketed by an officer on Memorial Drive. Where is the Council's concern for the hundreds of us who live – evidently – on the wrong side of the tracks?

Wolf Road and Memorial Drive are both in the same high-density residential zone. Please resolve to consider these two streets, not as separate neighborhoods, but as one. Return Memorial Drive to two-way traffic and enforce the speed limit on Memorial Drive.

Sincerely yours,

Donald B. Johnson  
Linda M. Johnson  
40 Wolf Road #31  
Lebanon, NH 03766  
[dbjohnsonart@gmail.com](mailto:dbjohnsonart@gmail.com)

cc Greg Mandsager, City Manager

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Date: January 5, 2009  
From: Hermann Ertl  
20 Wolf Rd. B-33  
To: Lebanon City Council

**Subject: Make all of Memorial Drive a two-way street.**

Memorial Drive is a public street and should be available for use by everyone.

Memorial Drive used to be a dead end street, but when the Boulders were developed the City made it a condition that the developer extends it, at his costs, to Wolf Road (Boulder Drive then).<sup>1</sup>

The reason for this requirement is the maximum length of dead end streets (1,200 ft), which Wolf Road exceeds. Exemptions are possible, but there is a density limit of not more than one unit for each two acres, and "No dead end street shall be designed to serve more than 200 lots." Mr. Dobson (chair of Planing Board and staunch supporter to make Memorial Drive one-way) opined that making the exit (Memorial Drive) a one-way in reverse (that is closing the exit) does not make that street (Wolf Road) a dead end.<sup>2</sup> These limitations are far exceeded in the Wolf Road area - "Mr. Darer started out with 100 acres and he has 200 units." That was in 1987; since then many more units have been built.

Residents at Memorial Drive and Bassy Street didn't like the additional traffic on Memorial Drive and wanted the connection to Wolf Road closed. They asserted before the ZBA and the PB that for various reasons it would be unsafe to allow traffic to and from Wolf Road. The boards gave in - half way - and they recommended to make Memorial Drive a one-way street. But only four years later, in 1987, was this made official by the City Council.

All the asserted safety issues used for arguing to keep traffic from Memorial Drive but confined to Wolf Road do either not exist (a dangerous curve) or are false - not fallacious but specious. For example, children (I never see any) or school bus stops -

<sup>1</sup> Agenda of City Council meeting, January 7, 2009, p 69, 84

<sup>2</sup> Agenda, p 84



there are more at Wolf Road than at Memorial Drive.

Those who are opposed to making Memorial Drive two-way make specious arguments. How would a dangerous curve, if there were one, or a limited line of sight at the Memorial Drive-Mt. Support Road intersection endanger them if it is used by others? Do they feign concern about the well being of others when they have their interest in mind? If in fact the Memorial Drive-Mt. Support Road intersection and a curve is too dangerous for them to use they should avoid them and use Wolf Road instead.

Many of the arguments are totally irrelevant to the issue at hand - missing sun in the morning and in the winter, lost view, gone song birds, squirrels, and other animals, robbed privacy of backyard, heavy traffic on Mt. Support Road up the hill, cars end up in the ditches (also happened to one of them), traffic from Reed Court and Dartmouth Avenue, Memorial Drive is only 0.2 miles long, lost enjoyment of undeveloped woodlands (does it ever occur to them that they were uninvited guests there - that they make claims to something that was never theirs?), trash from Reed Court dumped onto their backyard, many of the Wolf Road residents live there only for a short time.

A particularly interesting argument was offered by the Sprague family: If the road conditions are too bad for the Wolf Road residents to drive down Wolf Road they should walk down and use the shuttle bus.

City Engineer Nash had always "testified against what the Zoning Board recommended,"<sup>3</sup> and "opposed the idea of making Memorial Drive one-way from the beginning." He also noted that the "developer improved the sight distance"<sup>4</sup>

City Engineer Nash "feels [the one-way condition] was put in there for the benefit of three or four residents."<sup>5</sup> That is it. The opponents are extremely inconsiderate of the needs of others.

There are only seven residences affected, six at Memorial Drive and 1 Bassy, that also abuts it. The attached, "Owners' Locations at Memorial Drive and Bassy Street" shows their locations.

Much has been said about the unsafe conditions at Wolf Road, and while these, or

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<sup>3</sup> Agenda, p 83

<sup>4</sup> Agenda, p 92, 80

<sup>5</sup> Agenda, p 83

any at Memorial Drive, may require certain traffic regulations, the principal issue here is the unwillingness of a few to share a public street. Why should they be allowed to deny 400 of their fellow citizens to use a street? Their arguments are specious, and common sense suggest that all of Memorial Drive be made two-way.

Mr. Atkins belittles the additional costs of having to use the detour. He never did a calculation, otherwise he would know it differently:

### **Costs, Economics of Detour**

The difference of the driving distances going from the Wolf Road/Memorial Drive intersection to Mt. Support Road using the detour (Wolf-Old Etna-Heater-Mt. Support) is 1/2 mile.

#### **Operating costs. Average 15¢/mile.<sup>1</sup>**

| #Cars              | Day   | Week  | Year     |
|--------------------|-------|-------|----------|
| 400 <sup>2</sup>   | \$60  | \$300 | \$15,000 |
| 1,000 <sup>3</sup> | \$150 | \$750 | \$37,500 |

#### **Lost time. 2 Minutes, \$20/hr.**

| #Cars              | Day   | Week    | Year      |
|--------------------|-------|---------|-----------|
| 400 <sup>2</sup>   | \$266 | \$1,333 | \$66,666  |
| 1,000 <sup>3</sup> | \$666 | \$3,333 | \$166,666 |

(1) Gas and Oil 9.5¢, Maintenance 4.9¢, Tires 0.7¢, <http://www.piercetransit.org/rideshare/costs.htm>

(2) 400 residential units, Mark Richins, Minutes, 11/19/2008 Council Meeting, page 3

(3) 1,000+ cars, Roger Renault, Public Safety Committee, Minutes of August 5, 2008 Page 2

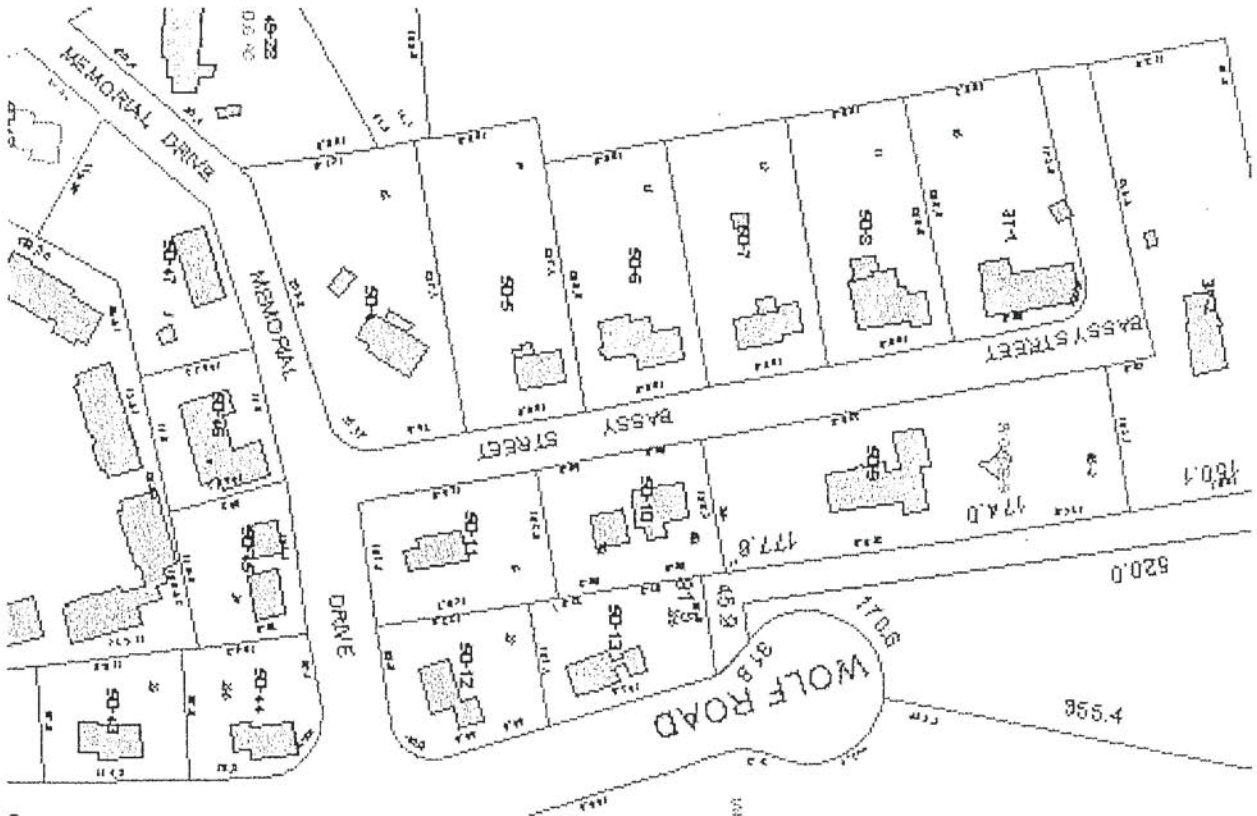
### **How does Memorial Drive compare with other one-way streets in Lebanon?**

Seven other one-way streets are listed in the Agenda.<sup>6</sup> They differ dramatically from Memorial Drive, both in length and number of residents affected - all distances are very much shorter and many fewer are affected, nothing like a half mile and 400 residences as in the case at hand.

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<sup>6</sup> Agenda, p 52

# Owners' Locations at Memorial Drive and Bassy Street



|       |             |                                 |
|-------|-------------|---------------------------------|
| 49-29 | 1 MEMORIAL  | HALE, FRANCES C, TTEE           |
| 50-48 | 2 MEMORIAL  | GILBERT, SHELLEY R &            |
| 50-47 | 10 MEMORIAL | ATKINS, DAVID & JACQUELINE      |
| 50-4  | 15 MEMORIAL | RENAULT, ROGER P & BETTY JANE   |
| 50-46 | 16 MEMORIAL | COMEAU, JOSEPHINE M & PAUL L    |
| 50-45 | 20 MEMORIAL | KOURBATISKI, KONSTANTINE A &    |
| 50-11 | 1 BASSY ST  | CONNELL, EDWARD J               |
| 50-5  | 5 BASSY ST  | FLEURY, JANNA M                 |
| 50-10 | 8 BASSY ST  | SPRAGUE JR, HARRY R & MADALYN M |
| 50-6  | 9 BASSY ST  | COLLINS, JANE E                 |
| 50-7  | 13 BASSY ST | CAREY, KELLY LYNN               |
| 50-9  | 16 BASSY ST | BROWN, MATTHEW J & SHARON TICE  |
| 50-8  | 17 BASSY ST | LACOMBE, JAMES & CATHERINE J    |
| 37-1  | 21 BASSY ST | MACIE, JULIE A & TIMOTHY J      |
| 37-2  | 26 BASSY ST | HAYNES, GUY B & TERESA R        |



Date: January 12, 2009  
From: Hermann Ertl  
20 Wolf Rd. B-33  
To: Lebanon City Council

**Subject: Make all of Memorial Drive a two-way street;  
Wolf Road far exceeds the recommended maximum length of dead-end  
streets.**



#### Length of Wolf Road

- 1,500 ft to Memorial Drive
- 1,900 ft to roundabout
- 2,200 ft to Wolf Run
- 2,800 ft to Stone Farm (knee)
- 3,400 ft to Stone Farm (end, shed)

Lebanon has a page on its web site that shows the "Minimum Road Specifications;" it says, "Dead-end roads shall [not] be longer than 800 feet,"

[http://www.lebcity.com/public\\_documents/Help/VTH\\_BestPractices/OurTown8\\_Highway/minroad](http://www.lebcity.com/public_documents/Help/VTH_BestPractices/OurTown8_Highway/minroad) .

More info about dead-end streets is given in, <http://www.nh.gov/oep/resourcelibrary/referencelibrary/c/culdesacs/pasmemo.htm>, "Standards for Dead-End Streets."

This page lists advantages and disadvantages, and recommendations given by different sources. Here are some excerpts:

"Traffic has to double back, which is



[economically] inefficient.”

“... a second dead-end street should not branch off from a cul-de-sac (in effect, extending the dead-end street).”

“... the length of a dead-end Street should be limited (especially on slopes)”

“... the street should not serve more than 14 [residential] lots.”

“... for “multifamily housing (a maximum of 400 to 500 feet) and for those with single-family housing (1,000 to 1,200 feet).”

“Service costs are higher per unit along a dead-end street because maintenance and delivery vehicles must double back. In addition to the time loss, there is a resulting increase in the cost of fuel.”

“... longer lengths may be considered [if] the street is divided by a median, [but] in no case should the Street’s length exceed 1,000 feet.”

“Maximum Grade of five percent.”

“Number of Residential Units to Be Served - Five or seven dwellings” according to one source; another one recommends “10 to 20 units.”

**“In summary, the principal guidelines are that a dead-end street should not exceed 500 feet, or 1,000 feet where there are unusual conditions; ... and the grade should not exceed five percent.”**

Clearly, Wolf Road exceeds by a great amount the maximum recommended length of dead-end streets for all important criteria. This strongly supports the request to make it a through street by making all of Memorial Drive a two-way street.

What could be “unusual conditions” that would justify to keep Wolf Road a dead-end street? That Memorial Drive “was [made a one-way street] for the benefit of three or four residents?”<sup>1</sup> Their requests don’t make sense.<sup>2</sup>

The prime issue is whether the City can deny hundreds of its residents the use of a public street and inconvenience them at the request of a few; safety issues, also raised by these few, actually support Memorial Drive to be two-way.

<sup>1</sup> Agenda of City Council meeting, January 7, 2009, p 83

<sup>2</sup> My letter to the City Council, January 5, 2009



**Re: City Council Resolution on Release of Legal Opinions.**

The attached legal opinion is subject to the attorney-client privilege unless and until that privilege is waived by the client, the City of Lebanon. Under the May 15, 2002 City Council Resolution, all legal opinions are to be treated as public documents unless the opinions fall within specific exceptions listed in the Resolution.

I. In the undersigned counsel's opinion, the attached legal opinion falls within one or more of the following exceptions to the Resolution and should not be released to the public:

\_\_\_\_\_ (a) Pertains to the dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him;

\_\_\_\_\_ (b) Pertains to the hiring of any person as a public employee;

\_\_\_\_\_ (c) If released to the public, it would likely affect adversely the reputation of any person;

\_\_\_\_\_ (d) Pertains to the consideration of the acquisition, sale or lease of real or personal property which, if released to the public, would likely benefit a party or parties whose interests are adverse to those of the City;

\_\_\_\_\_ (e) Pertains to the consideration or negotiation of claims or litigation which has been threatened in writing or filed against the City;

\_\_\_\_\_ (f) Pertains to matters before quasi-judicial boards of the City; or

\_\_\_\_\_ (g) If released to the public, it could potentially cause harm to the City. (Mutual agreement is needed from both the City Manager and City Council to release any document in this category.)

II. X In the undersigned counsel's opinion, the attached opinion does not fall within any of the above categories at this time. Some legal advice, made public, may not cause any harm to the City and may be beneficial to the public interest; however, nothing herein should be construed as a recommendation to release any privileged legal advice. Only the client has the right to make that decision, and caution should be exercised before releasing any privileged communication as the future is impossible to predict. All legal advice is exempt from RSA 91-A (the Right-to Know Law) and State law does not require the release to the public of any privileged advice.

Dated this 20th day of January, 2009.

RELEASED TO PUBLIC

City Manager's Office 1/20/09

8/6/08 opinion on  
Memorial Drive / ZBA Decision

H. Bernard Waugh, Jr.



1/20/09

**From:** Bernie Waugh [mailto:bernie.waugh@gardner-fulton.com]  
**Sent:** Wednesday, August 06, 2008 2:28 PM  
**To:** Hennessy, Carmela  
**Cc:** Mandsager, Gregg; Niemczyk, Ken; Alexander, James; Lavalla, Mike  
**Subject:** RE: Opinion on ZBA condition

\*\*\*\*\*

**Gardner Fulton & Waugh PLLC**  
 78 Bank Street  
 Lebanon, NH 03766  
 603-448-2221

**NOTE:** This E-mail message and any attachments are confidential and may be privileged. If you are not the intended recipient, do not read this E-mail. If it has reached you in error, please also notify Gardner Fulton & Waugh P.L.L.C. immediately by telephone at (603) 448-2221 or by E-mail to G&F.law@Gardner-Fulton.com, and delete or destroy all copies of this message and any attachments. Any unauthorized distribution or copying of this message and any attachments is prohibited. Thank you.

\*\*\*\*\*

Hi Carmela:

I have read the relevant parts of the ZBA decision attached to your E-mail (below), and here is my opinion: In general I recommend that this matter should **not** be sent to the Planning Board or ZBA, because neither body has authority, either binding, advisory or otherwise.

- The Council has plenary authority over the regulation of public highways which have been accepted and are under the City's jurisdiction. (Under state law this authority lies with a board of selectmen under RSA 41:11, and all powers of selectmen are given to the City Council under Section C419:23 of the Charter). This is clearly the "normal" assumption, since one-way streets are currently covered under Section 168-9 of the City Code.
- The ZBA and Planning Board, by contrast, have general authority and jurisdiction only over the parties who apply for a particular type of approval, and their non-governmental successors in interest. Assuming that the road was originally constructed in accord with the ZBA's condition (prior to being accepted), the holder of the approval has fulfilled that condition to the best of its ability, and that is all that is required by the ZBA's condition.
- I agree with you that the use of the word "desire" in the decision indicates that the ZBA knew it ultimately had no authority over the regulation of the street, once it became accepted as a public highway. The portion of the decision calling for the One Way signs to be deeded to the City as part of the road is simply to make sure the City would own those signs. It could not serve as any kind of limitation on the scope of the Council's authority to regulate.
- Under New Hampshire law (both case and statutory) a "public highway" (including the regulatory authority over it) is a particular defined type of public property interest, and it cannot be modified by any particular parties. So, for example hypothetically, if a landowner were to give a deed to the City for a strip of land for highway purposes, but reserving to the landowner some degree of authority over that strip of land (let's say the owner tried to reserve a right to park his/her own vehicles in the right-of-way), the only result would be either that (a) the dedication would be declared not legally valid, or (b) the reservation would be declared invalid. In other words, being a public highway is like being pregnant - it either is or it isn't, and if it is, then the Council has full regulatory authority, which cannot be limited by anyone in advance. (Consistent with this, it is clear under RSA 674:54 that quintessentially governmental functions are not subject to land use regulations at all). Therefore the City is **not** in the same position as some other private purchaser of some portion of the project, who would be bound by all of the ZBA's conditions. A good way to understand this is to assume that all highways are created by eminent domain, which in essence wipes out any previously-existing conditions or covenants. (The creation of a highway by dedication and acceptance is essentially the use of eminent domain by consent.)
- In conclusion, the decision whether to open the road up to two-way traffic lies 100% with the Council, and is not affected by the prior ZBA decision.

Please let me know if you have further comments or questions.

Sincerely,  
Bernie Waugh

**From:** Hennessy, Carmela [mailto:Carmela.Hennessy@lebcity.com]  
**Sent:** Wednesday, August 06, 2008 12:01 PM  
**To:** Bernie Waugh  
**Cc:** Mandsager, Gregg; Niemczyk, Ken; Alexander, James; Lavalla, Mike  
**Subject:** Opinion on ZBA condition

Hi Bernie,

A decision made by the ZBA in 1983 contained a condition of approval (page 3 and 4 of attached notice) that says in part-- that the proposed extension of Memorial Drive be constructed as a one way street. The notice further stated that the ZBA will forward a letter to the City Council and Planning Board addressing the boards concerns regarding traffic and the Board's "*desire*" to have the signing and one-way traffic pattern set forth in the resolution.

Subsequent to that action the Planning Board did not support the one-way signing of the street (in their approval of the project). However, in 1987, the City Council held a public hearing and voted in favor of the one-way traffic pattern.

Last night a group of residents from Wolf Road area asked the Public Safety Committee to recommend to the City Council that the street in question be changed to two-way.

The public safety committee would like this issue to go back to the ZBA and Planning Board. However, since neither the ZBA nor the Planning Board has the authority to make this change to a city street, should they even be involved. I noted that the ZBA decision said it was their "*desire*" so they knew at the time that the ultimate authority for this rested with the City Council. Since they lacked the authority to enact this condition, isn't this more of a recommendation to the Planning Board and Council?

Action now should be: The City Council, after receiving a recommendation from the public safety committee, would hold a public hearing and make a decision.

If you need anything further in terms of background, please let me know.

***Regards,***  
***Carmela***

Carmela Hennessy  
Codes Enforcement Director  
City of Lebanon  
51 North Park Street  
Lebanon, NH 03766  
(603) 448-1524  
mailto:Carmela.Hennessy@Lebcity.com  
Website: [City of Lebanon, NH - Codes Enforcement](#)



FINAL

**CITY OF LEBANON  
CITY COUNCIL  
Minutes, Regular Session  
January 21, 2009  
City Hall—Lebanon Opera House**

**MEMBERS PRESENT:** Mayor Karen Liot Hill, Assistant Mayor Georgia Tuttle, Councilors Bruce Bronner, Nicole Cormen, Cliff Desrosiers, Denise MacLeod, George Sykes, Stephen Wood

**MEMBERS ABSENT:** Councilor Terri Dudley

**STAFF PRESENT:** City Manager Gregg Mandsager, City Clerk Sandra Allard, Fire Chief Chris Christopoulos, Police Chief Jim Alexander, City Engineer Christina Hall, Public Works Director Michael Lavalla, Interim Airport Manager David Gobin

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The meeting was called to order at 7:06 p.m. by Mayor Hill.

**PUBLIC HEARING ITEMS**

- A. Public Hearing: Ordinance 2009-02 to amend City Code §168-9, “One Way Streets” in order to eliminate Memorial Drive from this section, thus allowing for two-way vehicular travel on this street.**

Mayor Hill asked for public comment. Roger Renault said Memorial Drive has seven houses on it, and this change would add at least 400 cars onto it. He said he has been fighting for 30 years to keep this street one-way. A decision was made twice to make it one-way. This is a quiet neighborhood, and he is tired of people throwing garbage on his lawn and honking their horns.

Mark Richins said over the last few months, the Council has learned that Wolf Road violates City regulations. He said residents of Wolf Road are asking for consistency. Rules are established for a specific reason, and they should be applied. Neighbors have been accused of litter, speeding and driving recklessly. They are being denied their rights because they have not lived there as long, and they are criticized because they are renters and do not pay taxes. He said the residents of Memorial Drive and Bassy Street pay \$82,000 per year in taxes, and Wolf Road pays \$855,000 per year. The city decided this is where they wanted growth to take place, and he wants it to be safe. He said the Planning Board was not justified in making Memorial Drive one-way; that is a Council decision. The Council is not bound by the Planning Board decision. He said a compromise could include two-way traffic and speed bumps.

Councilor Cormen asked speakers to refrain from characterizing others’ motives and to stick to

their own reasons for supporting or opposing the issue.

Eddie Grossi of Wolf Road said she is relatively new to the area, and it is safer to come from Mt. Support Road to Memorial Drive in bad weather. She said Memorial Drive is safe for two-way traffic. It is wide enough. The visibility from Wolf Road to Old Etna Road is not great. This change makes safety sense. She said she understands the concern about a quiet neighborhood, but this is still not a heavily populated area, relatively. She asked if a few houses should have all the benefit while others suffer.

Ann Lewis asked if people at the end of Memorial Drive use it as a two-way road or if they have to use Wolf Road. She said Wolf Road is dangerous for them, too. Chief Alexander said the Ordinance reads that Memorial Drive is one-way from Bassy Street. Many people have been driving in violation of the ordinance, but the area is not properly signed. That will have to be straightened out.

Matt Brown of Bassy Street said about 20 years ago, when the Planning Board and the developer developed Wolf Road, they recognized that it would have a significant impact on the single-family homeowners, so a compromise was reached by making that portion of Memorial one-way. He said the 5:00-7:00 p.m. period is not a big deal. The morning traffic is what will bother people. He asked if Memorial Drive is any safer. He said when you get to the end, it is hard to see cars coming over the hill, especially when there are snow banks. He said it is inconvenient for Wolf Road residents, and they could save a few minutes, but he asked if that is worth overruling what the City, the Planning Board and the developer tried to achieve 20 years ago.

Pat Latona of Wolf Run said there are private residences on Wolf Road that have all the traffic going by them. Her big concern is going down the hill in the winter. Children wait at the bus stop and walk to school, and she is afraid she will not be able to stop.

Gina Rice said she is a homeowner about halfway up Wolf Road. She supports the change to two-way traffic on Memorial Drive. She said the one-way designation may have worked when it was enacted, but she has seen traffic increase by a lot. She said her daughter almost got hit by a car going down the hill. It is hard for people to stop when she is coming out of her driveway.

Tim Pulju of Ivy Place said in the summer, Wolf Road is no problem. If there is heavy snow, the road is narrower than usual. Wolf Road is hilly and winding, and he is worried about that. There are times when he has slid past the stop sign. There is no visibility at the corner unless you pull out past the white line. He said the Planning Board is now compromising safety. He does not know if the Council can decide to make the section of Memorial Drive two-way only during the winter. If not, he favors two-way traffic on Memorial.

Raquel Martinez of Ivy Place said she agrees. She said she has slid off the road. She supports two-way traffic on Memorial during the winter. Adding one trip per day will not add a lot of traffic. At the last meeting, there was mention of a three-way stop at the bottom of Wolf Road, and she supports that.

Jane Collins of Bassy Street said if Wolf Road residents are concerned about the roads, they can take the bus almost every hour. She suggested that Advance Transit move their bus stop so it is not at the bottom of Wolf Run. She said the Public Safety Committee determined there is not a safety problem here. She has a friend who lives in Ivy Place, and she turns left up Wolf Road to pick her up because she is never concerned with safety, even in icy conditions. If Wolf Road residents don't like their intersection, they will not like the intersection of Memorial Drive and Mt. Support Road either. Cars have to stick into the intersection to see, and people have to gun their engines to make it up the Mt. Support Road hill. There is an icy puddle at the corner of Mt. Support and Memorial, and snow covers it. She said there is no perfect answer, but she does not think that is a safer intersection.

Tanja Schilger of Stone Farm said she is a nurse at DHMC. She said taking Wolf Road is much more unsafe than Memorial Drive. She has gotten stuck going up Wolf Road. She said she has call responsibilities, and she asked what she should do if she is paged before the road is plowed. There is no bus service at late hours, and the only safe option is Memorial Drive.

Lorraine Hoffman of Ivy Place said several times, she has seen cars near her sliding off the road trying to get up the hill. Once, a car in front of her started sliding, and there was a car behind her, so she had to turn into a driveway. She has seen children dropped off and walking up the hill, and she has seen very close calls. She has seen people slide through the intersection. For a doctor on call who has to go in, Memorial is safer and more expedient. She sees no reason why Memorial should not be two-way.

Janeen Richins said safety is the number one issue for both sides. She understands the concern about additional traffic on Memorial. She said if Memorial is one-way, it should be one-way for the entire length.

Amy Chan of Wolf Road said she supports two-way traffic on Memorial. She asked for a three-way stop at the bottom of Wolf Road, whatever the decision about Memorial. That would make that intersection safer.

Rohit Wadhwa of Wolf Road said he works on Lafayette Street. He has the option of Memorial Drive, but he prefers Route 120. If he had an option, he would take Memorial on bad days. Traffic there may not be bad unless the weather is bad. He said moving the bus stop would be bad because people would have to walk further.

Bennet Vance of Wolf Road said he prefers to use Route 120. He is concerned about the intersection at the bottom of Wolf Road.

Doug Stemler of Stone Farm said he worked at a newspaper in a rural area, and the primary landholders would shut down bridges. He said society tries to accommodate everyone, and they should go by the facts.

Ned Connell, corner of Bassy and Memorial, said he is lived on both sides, and he agrees that

they should go by facts. In 10 years, there has not been one reported accident at that intersection. A photo at a previous presentation shows the right side of the Wolf/Old Etna intersection, but traffic comes from the left, where there is plenty of sight distance. People don't need to see to the right. He said he went up and down Wolf Road plenty of times in a two-wheel-drive car and had no problem. He said probably most people would take that route. If the weather is bad, they should take the bus.

Brian Thomas of Wolf Road said he supports two-way traffic on Memorial. To bring Wolf Road up to code, they would have to widen it, change the grade and add another egress. The alternative is to simply change Memorial to two-way. He does not see another viable solution. The bus does not run in the middle of the night, when some workers have to get to the hospital, or on weekends, and it is a half-mile walk to the bus stop. They also do not run at night when people come home.

Josephine Comeau of Memorial Drive said Wolf Road has a sidewalk, and Memorial does not. People wait on the street outside by her house and at the intersection of Memorial and Old Etna.

Linda Johnson of Wolf Road said she does not agree that there are no sight-line problems at the bottom of Wolf Road. If a car is coming from the right and turning in, it will cut the corner because it is not a 90-degree intersection. To turn right off Wolf, you have to get further out onto Old Etna and almost cross the center line. At no time of year can you see to the four-way stop because of the grade between Wolf and the stop sign. Cars approaching from the right cannot be seen. The road is very narrow; when you go slightly to the left and turn right, you have to go around and back into the lane. At 8 a.m. or earlier, there might be 8-12 people standing on the left at the bus stop. It is possible that they could be injured.

Liang Fei of Wolf Road said she supports two-way traffic on Memorial. When there is a snowstorm, Wolf Road is bad. Memorial Drive is not a perfect solution, but it is better. People have a lot of trouble getting up the hill, and it is risky.

Harry Sprague of Bassy Street said for the last 10 years, he has been going down Wolf Road, and he has never had any trouble. People know it is slippery and that they need to slow down.

Jennifer Ovitt said she is the property manager of Stone Farm. She said she has seen the growth in that development, and most are residents who work at the hospital and have staggered shifts. During the winter, Wolf Road gets narrow and essentially becomes a one-way street. There are a lot of kids waiting for the bus. People will not report accidents unless there is significant damage. She said someone is going to get hurt there, and someone may get killed. She said she sympathizes with the Bassy Street residents, but there should be a compromise during the winter. Safety is more important than convenience.

Tian Ma of Wolf Road said she supports two-way traffic on Memorial. She suggested placing a mirror on the corner so Wolf Road drivers can see better.



Michael Collins of Bassy Street said if this passes, the flow of traffic at the intersection of Memorial and Mt. Support will be so bad that there will be an increase in accidents there. Traffic will back up so he won't be able to get out of Bassy Street.

Shital Tripath of Wolf Run said they attended the last hearing even though they had not yet unpacked, because the first time he came down that hill was the first time he felt unsafe in this area. He said this area is all about people caring for each other. He said he was shocked to hear there have been no accidents at the intersection.

Mr. Renault said that portion of Memorial Drive was not supposed to be there. It was created as access for emergency vehicles. It is not a safe area. He said there are hundreds of residents on Wolf Road, and 50 or 75 are here, while the entire Memorial/Bassy neighborhood is here. The Wolf Road residents knew when they moved in that Memorial was one-way, and now they want to move here and change things.

Rebecca Kidder said she is a former resident of Memorial and a frequent visitor there. She said she sees people coming out of there from Wolf Road at high speeds, and she reminds people not to go that way. It is very unsafe.

Ms. Hoffman took issue with the comment that "most people turn left at the bottom of Wolf Road." She said a lot of people commute via I-89 and turn right. She said at the last hearing, there was discussion of a new development at Old Etna and Heater roads that will include 400 parking spaces, so there will be even more traffic in that area. Wolf Road residents do not have any options about where to exit. Once there was a moving truck on the right, and a garbage truck had to back down the street because it could not get by. She also said that renters do not get notices about public hearings.

Ms. Fei said a lot of people on Wolf Road are professionals who work at the hospital, and 7:00 is not a good time for them to attend a meeting, and that is why they are not here. She said she does not like the idea that people "should accept it."

Mr. Richins asked if Dan Nash could speak about Memorial Drive. He said Mr. Nash wrote a memo to the Zoning Board on Nov. 3, 1983 stating that the Memorial Drive sight distance is 272 feet and is adequate at speeds of 40 mph, and because the approach is uphill, the road could accommodate speeds of up to 45 miles per hour. The speed limit now is 25 mph. The memo says the uphill site distance is more than adequate. He said Mr. Nash wrote another memo on Jan. 23, 1984 stating that the site distance was good according to him, a surveyor, and a private contractor. Mr. Richins said when the proposal for the medical offices was before the Planning Board on Oct. 2, 2006, the Board recommended a turn lane for the eastern egress because of the increase in traffic, changing Memorial Drive to two-way for an alternate egress, and improving the line of sight. A private company said the line of sight at Mt. Support and Memorial is adequate and recommended changing Memorial to two-way.

Mr. Connell said Mr. Nash signed off on all of the Wolf Road sight lines, saying they were

adequate and met the existing codes.

**Hearing no further comment, Mayor Hill closed the Public Hearing.**

**B. Public Hearing: Ordinance 2009-03 to amend City Code §68-15.D, “Ambulance Fees”**

**Mayor Hill asked for public comment. Hearing none, she closed the Public Hearing.**

**I. PLEDGE OF ALLEGIANCE**

The Council recited the Pledge.

**II. PUBLIC FORUM: Announcement by Mayor**

Mayor Hill made the announcement.

**III. OPEN TO PUBLIC**

No members of the public spoke at this time.

**Nicole Cormen moved to consider Item 5A out of order. Seconded by Denise MacLeod. The motion passed 8-0.**

**V. ACTION ON PUBLIC HEARING ITEMS**

**A. Action on Public Hearing: Ordinance 2009-02 to amend City Code §168-9, “One Way Streets” in order to eliminate Memorial Drive from this section, thus allowing for two-way vehicular travel on this street.**

Assistant Mayor Tuttle said promises matter. She said she will vote to leave Memorial one-way. She suggested they consider lowering the speed limit on Wolf Road, fixing the intersections and moving the bus stop. They should look at the sight lines. She is not opposed to a three-way stop. She said the Wolf Road developments would not be there if the Memorial Drive residents had not made the compromise. She said they should move the one-way sign on Memorial Drive.

Councilor Wood agreed. He said the problem is the intersection at the bottom of Wolf Road. It is worth looking at how they can make that safer. He said he has been up and down those roads during storms, and that hill is not worse than other hills in the city and maybe better than some. He said he does not feel there is enough of a public safety issue to go back on the promise. He will vote against this change. He encouraged staff to look at ways to improve the intersection.

Councilor Cormen thanked the members of the public for coming. She said she will vote to maintain the one-way section. She said Wolf Road is more narrow than some other roads in the

city because the snow from the sidewalk is plowed into the road. She said they should look into the idea of a mirror, and the three-way stop because of speeding by the school. She said for a short-term fix of the sight lines, the Council should ask the City Manager to contact the property owner on the corner about cutting back the bank, trimming trees, or whatever will help. She said she was stunned that the Planning Board approved a driveway for the medical offices that did not align with Wolf Road. The applicant has returned to the Planning Board regarding reconfiguring the site, and that is an opportunity to ask them to consider realigning the intersection, which may improve sight lines. Everything needs to be looked at together, including moving the bus stop and the sign. She agreed with Assistant Mayor Tuttle that their promises should be taken seriously.

Councilor Bronner said this is a no-win situation. He disagrees with the others who have spoken and may favor two-way traffic on Memorial, as it is clear that that would benefit a larger group of residents.

Councilor Sykes said the Public Safety Committee tried to focus on the safety issues and the data. He is concerned that residents do not feel safe in the winter, and the City promises residents that they will feel safe. He said most of the concerns relate to the intersection during the winter. The City should look at the Wolf Road/Old Etna Road intersection so people will feel safer. He said he will vote to leave Memorial one-way. Lots of good ideas have come from the public.

Councilor Desrosiers said a letter was sent in 1987 from the developer of the Boulders to Mr. Nash stating that the fair solution is to make Memorial one-way. He can see there might be easier access via Memorial. Speeding will happen anywhere. Wolf Road was always steep. There are no accidents to necessitate a change. He said there is a problem at the corner of Wolf and Old Etna that should be addressed. He will vote to keep Memorial one-way.

Councilor MacLeod said this is an example of poor planning, and the new medical offices will impact traffic more on Wolf Road. She said the volume here is different from other hills. The issue is safety, and she does not think making Memorial two-way is better. The City has the obligation to fix the intersection of Wolf and Old Etna. It is unfair that people feel unsafe. People should go to the Planning Board about the medical offices. She said she will vote against two-way traffic on Memorial.

Mayor Hill said she will vote with Councilor Bronner. She said she hopes that people who have been engaged in this process do not think it was futile because the vote does not go their way. If residents had not come to the meetings, they would not be discussing improving the road. They should feel proud of the positive change. The more people are engaged, the better it is for the community.

Councilor Cormen said many people are unaware of Planning Board sessions for projects. The City's web site has all Planning Board applications and all public notices.

Mr. Mandsager said he will meet with staff immediately and get their responses back to the

Council.

(The meeting was recessed from 8:37-8:48.)

#### **IV. CONSENT AGENDA**

- A. Acceptance of Minutes:** November 6, 2008 (Budget Session), November 20, 2008 (Budget Session), November 25, 2008 (Budget Session), December 2, 2008 (Budget Session), December 3, 2008 (Regular Meeting), December 6, 2008 (Budget Session), December 17, 2008 (Regular Meeting), December 18, 2008 (Budget Public Hearing)

Mayor Hill asked Councilors to refer to the memo in the packet from Finance Director Len Jarvi regarding a typographical error in the minutes of the Budget Public Hearing of Dec. 18, 2008.

**Nicole Cormen moved to approve minutes contained in the consent agenda as presented in the January 21, 2009 agenda packet. Seconded by Stephen Wood.**

Changes: Nov. 6: page 2, line 6, change “Geroud” to “Giroux”; page 1, lines 3-4, Councilor Cormen noted that the Right-to-Know law includes work sessions. Dec. 2: Referring to the first two paragraphs of page 2, Councilor Cormen said the Council received a lot of statistical data, and she would like those two paragraphs to reflect the statistics that were omitted. There was discussion about including the presentation, but Councilor Cormen said she wanted all of the information, including what was said. Mayor Hill said copies of presentations should always be attached to the minutes. Page 4, line 2, add Councilor MacLeod’s comments about the drug court; page 4, line 5, add cuts that Councilor Cormen stated she would support. Dec. 3: Page 5, lines 18-19, change “Star Hill” to “Storrs Hill” and line 19, add “bordering Star Hill” after “rest area.” Dec. 6: In the final straw vote on page 12, those who voted for and against were not listed. That information was not captured. Dec. 18: Page 11, line 38, the second should be Councilor MacLeod, not Councilor Cormen.

Ms. Allard suggested that the Council not approve the minutes of Dec. 2 if they want the tape to be checked for additional material. Assistant Mayor Tuttle noted that there is a substantial cost to check the tape. She said if she has questions, she listens to the meeting and transcribes it herself. Councilor Cormen said she could watch the video and submit corrections in writing, but she does not think she should do that on a regular basis.

**Stephen Wood moved to amend the motion to remove the minutes of the meeting of Dec. 2 from consideration. Seconded by Georgia Tuttle. The motion to amend passed 8-0.**

**A vote was held on the main motion as amended, and it passed 8-0.**

- B. Written Reports of Council Boards and Subcommittees**



Councilor Cormen noted that the date on the top of page 90 should be Jan. 21, not Jan. 22.

**Denise MacLeod moved to accept the Written Reports of Council Boards and Subcommittees contained in the January 21, 2009 agenda packet as amended. Seconded by Georgia Tuttle. The motion passed 8-0.**

## **V. ACTION ON PUBLIC HEARING ITEMS**

### **B. Action on Public Hearing: Ordinance 2009-03 to amend City Code §68-15.D, "Ambulance Fees"**

Chief Christopoulos said it has been a number of years since the fees have been adjusted. The Fire Department recommended these changes to the Council. Each year on Jan. 1, Medicare adjusts their rates. They will not pay more than that, but Lebanon's published rates are lower than what most insurers will pay. Most companies set their rates 30% higher than Medicare. This Ordinance change will allow the City to collect what the insurance companies will pay and allows them to adjust the rates each January. They have had a two-tier rate structure for residents and non-residents, and he feels strongly that they should still do this to reduce the impact on residents. He recommended that the residents' rate be 15% higher than the Medicare rate and that the non-resident rate be 30% higher. Regarding the chart on page 174 of the agenda packet, he said Medicare will only allow them to bill at the lowest published rate, and the Basic Life Support rate is lower than what Medicare will pay. Their mileage rate was much higher than what Medicare would pay. They cannot bill Medicare for ancillary services, but those can be billed to private insurers.

He said the ALS Intercept fee applies when Lebanon's paramedics are called to provide advanced life support to another ambulance service. It is a good opportunity for the staff to use their skills, and it is becoming more common. Other departments are reducing the number of paramedics, and Lebanon has been subsidizing those departments. He said he instituted a policy on Oct. 1 that Lebanon would bill \$227 to the community served. The new rate is more logical, as it is the difference between the BLS and ALS 2 rates. This change will allow the City Manager to change the rates, based on the Fire Chief's recommendation, without Council action.

He said he gets phone calls from people who say they cannot afford to pay the ambulance bill. The City has never had a mechanism to write off the charge. The new collection company has proposed a hardship waiver for which people could apply, based on the poverty guidelines. These will be reviewed with the City Manager on a case-by-case basis. He said the City negotiated a three-year contract with the collection company. The company proposed taking 7%, but he negotiated a first-year rate of 6% with a 60-day out clause, which would increase to 7% in the second year, 8% in the third year, and 7% if they contract for a fourth year.

Assistant Mayor Tuttle said it is a good idea, but she questioned linking this to Medicare, as Medicare will be cutting reimbursements 22% starting in 11 months, at least to physicians. This will have a significant impact on reimbursements. She said some states have a sliding scale for

hardship cases, set at one, two or three times the federal poverty level. Councilor Wood asked if the City has the authority to do waivers now. Chief Christopoulos said there has never been a policy, and he thinks they need one. Councilor Wood asked if the rates should be tied to Medicare or just allow the administration to update them annually, and whether the Council should have oversight. He asked what the City gains by passing this ordinance. Chief Christopoulos said this will conform to the industry practice for pricing. Councilor Wood said he does not question the fees, just the need for the Ordinance. Chief Christopoulos said this will allow them to make changes each year without Council action. Mr. Mandsager said this will make things more efficient and allow them to change fees on an annual basis. Ms. Allard said each time the Code is changed, the City is charged \$300-\$350 by General Code.

Assistant Mayor Tuttle said the Medicare schedule is the only fee schedule that is published. She asked if an insurance company can be charged more. Chief Christopoulos said there are other mechanisms in place, and they have a lot of flexibility with insurance companies. Councilor Wood asked if the fees should be based on Medicare or whether it would be wiser to adopt new fees and suggest that the administration return with something that provides more flexibility. Mr. Mandsager said the change could allow rates “as set by the City Manager.”

Councilor Sykes said he is not inclined to be so anxious to act on this tonight. He said ambulance fees can be very emotional. He does not see a difference between the mechanism for setting ambulance fees and the way sewer and water fees are set. He said it would be more prudent to set the fees tonight and have a more comprehensive discussion later. Councilor Wood asked if they need to change the Ordinance to change the fees. Mr. Mandsager said they do. Councilor Sykes asked if that is true of water and sewer fees. Ms. Allard said it is.

**Georgia Tuttle moved that the Lebanon City Council hereby adopts Ordinance # 2009-03, an Ordinance to amend City Code Chapter 68, “Fees,” Article III, “Miscellaneous Fees,” §68-15, “Enumeration of Fees,” Paragraph D, “Ambulance Fees” to bring them more in line with industry standards, and hereby establishes fees for ancillary services as recommended in said Ordinance. Seconded by Nicole Corman.**

Assistant Mayor Tuttle said she recommends passage. They can review it in a year to see if it is working. Mr. Mandsager said they can change the language so the Council can adopt fees by resolution. Mayor Hill said they need to move on. Councilor MacLeod said she does not feel comfortable moving on. She asked if it is correct that the language just proposed by Mr. Mandsager is a one-time change to the Ordinance and that the Council still has oversight that does not require an Ordinance change. Mr. Mandsager said that is correct, and the change would be minor enough to make that change at this meeting. Ms. Allard disagreed, saying it is a substantial change. Councilor Wood said if there is a question about this, there is no reason why they should not move this item to the next meeting, and the administration can come up with a revised Ordinance. Councilor Corman said they could revisit it next year with new language or postpone it until the next meeting. Councilor Wood asked how much income the City would lose between now and the next meeting. Chief Christopoulos said he does not know. Councilor Wood asked if that would justify saving \$350. Chief Christopoulos said they would probably lose more

than that.

**The motion passed 8-0.**

## **VI. OLD BUSINESS**

### **A. Discussion re: Airport General**

- 1. Whether to revisit the merits of the Council's decision re Airport Mitigation Decisions**
- 2. Letter from Dan Nash received at the 11/5/08 Council meeting**

Assistant Mayor Tuttle said the Council received a letter from Mr. Nash raising the issue that the Airport Advisory Committee did not have an opportunity to weigh in on the mitigation proposal. She read from her written statement as follows: "I am concerned that the city of Lebanon may have to pay or reimburse the Federal Government for the 93-acre mitigation parcel. Mr. Silva of FAA said that the Federal Government can ask for and receive fair market value for obligated land not used for Airport purposes and that this has been the case most of the time. This 93-acre parcel is Airport-obligated, and I am concerned that the City may have to pay for that land in the future. The property has been appraised in a range of \$36,500-\$80,600 per acre, placing the value of the 93-acre parcel between \$4.12 million and \$9.11 million. This means that the Federal Government can ask the City of Lebanon for monetary compensation in that range. In addition, because of the ratios required to mitigate disturbance of wetland (10 acres for every one acre disturbed), I fear the City could face the risk of having to mitigate an additional 200 acres if we disturb 20 acres of wetlands on the Airport property for a road.

"Or could we face the risk of having to mitigate all or part of this 93-acre parcel of conserved land if it has to be disturbed in some fashion in the future? Wouldn't it make more sense to save this land for future mitigation for any other future disturbed wetlands on the Airport property (i.e., for a road, an expansion or other project)? In 1966, all but 200 acres of Airport land was transferred to the LRAA (Lebanon Regional Airport Authority). That 200 acres was apparently never released to the City. Will we have to pay for that too? We already have problems with boundary issues on other parcels that were used for non-Airport purposes and confusion about FAA releases. I don't want this Council to add another parcel to that pile. In conclusion: (1) Mitigation using this land could have a significant detrimental economic impact on the City of Lebanon and its taxpayers. (2) Mitigation using this land went against the City staff's as well as state and federal resource agencies' recommendations. (3) This easement, if accepted, will be permanent (a fact that may impact Airport development). (4) We have an Airport Master Plan in the works. We need a comprehensive Airport plan so that the Airport's ultimate development, as well as the wildlife/conservation areas, have been carefully and rationally discussed and reviewed. (5) The Airport's success will require flexibility, especially in this economic climate. I would encourage the Council to recommend to the city staff to make every effort to use the parcel adjacent to the Boston Lot for this particular mitigation and that we revisit the best use of

the 93 acres of airport land at a future time. This will allow the City to remain nimble in addressing the airport needs.”

Councilor Cormen said she understands and respects Assistant Mayor Tuttle’s reasons, but she does not think they have to revisit this because the Council directive in April was informed by the knowledge that there could be a substantial penalty. She said she hopes the process of conservation is in motion. There is a letter in the packet to the FAA dated Dec. 22 requesting release of that Airport-obligated land. She said she has grave concerns because the City is speaking with two voices. The Council made a clear directive, and the letter to the FAA, in pages 201-204 of the packet, places a lot of emphasis on the economic value of the parcel and volunteered an assessment of the fair market value without getting an independent valuation. She questions the stated value of \$4.12 million - \$9.11 million for a land-locked parcel without water and sewer that is 25% developable, with the rest of it being wetlands and steep slopes. She did not expect the letter to request release of the land and make the case for not releasing it. She said the conservation argument is clear and the Airport Master Plan is clear. This is about promises broken, and she said she is sick of it. She said she is stunned and disappointed about the release letter, as it is not objective.

Councilor MacLeod asked when the assessment of value was done. Mr. Gobin said it was done between October and November. Councilor MacLeod said sometimes policies have to be revisited, but she is more deeply concerned at what appears to be a deliberate delay in making this application. The Council made this directive twice. When she reads the Dec. 22 letter to the FAA, she wonders whom the client is. She said she has to question the accuracy of the valuation. She said she is also stunned and disappointed.

Mr. Mandsager said there was no delay. They did this in a timely fashion pursuant to discussions with the FAA and the City’s attorney. This is FAA procedure. Mr. Gobin said the FAA was involved with the back-and-forth regarding how to develop the letter. They did a lot of work during the summer and into the fall and kept the Council informed along the way with memos. He had the attorneys write the letter so it would not be biased. Councilor MacLeod said the Council got the memos because she requested them due to her concern about the delay.

Councilor Wood said the Airport Advisory Committee had this letter several weeks ago. He agreed that the trouble is the assertion that the land is worth \$4 million-\$10 million. He said that land is sodden at the bottom and steep at the top and is not industrial land. He said if it is worth that much, the City should have sold it a long time ago. He said Item J on page 204 of the packet looks like an invitation to the FAA to get as much as possible for the land. He said presumably what the FAA gets will be based on an independent appraisal. He said he agrees that this process was very slow to get going, but it should continue. The Council directive was informed by staff, the Conservation Commission and a representative of the Army Corps of Engineers. When the issue came back to the Council with several agencies represented, the Council did not change the directive. He asked how they can get a more accurate appraisal without paying for one. He asked why this “inflated value” was asserted to the FAA.



Mr. Mandsager said he does not agree that the valuation is “inflated.” Their attorney wrote the letter in response to FAA regulations. This is a “pre-application” to save the expense of a full application and get direction about which way the FAA is leaning. He said there has been no delay. Work had to be done. There will be an independent appraisal if the FAA requires payment. There has been interest in this property as an industrial site. He said they have moved ahead in a timely fashion.

Councilor Corman said it is clear that work has been done. She said the pre-application is slanted. There is no mention of the justification for the land to be released for conservation purposes. That record is clear. Those parcels are the only ones in the City’s Future Land Use Map and Master Plan shown as proposed conservation parcels. Page 30 of the Airport Development Feasibility Analysis of the 2001 Airport Master Plan lists a number of development challenges. DuFresne-Henry said 25 acres are developable for non-residential purposes. This was named for mitigation because it is conservation practice to mitigate as close as possible to the area of disturbance.

**Denise MacLeod moved to suspend the rules and extend the meeting to 10:15 p.m. Seconded by Georgia Tuttle. The motion passed 7-1. Voting for: Bronner, Corman, Hill, MacLeod, Sykes, Tuttle, Wood. Voting against: Desrosiers.**

Councilor Corman said the need to mitigate the wetland impact was indicated by the administrative order. There is little mention in the Dec. 22 letter regarding the argument to release the land. On page 204 of the packet, there is a reference to the Master Plan and the potential for economic development, but there is no mention of the wish of the residents of Lebanon to use the parcel for conservation. The Council has never discussed the TSA security road as a matter of policy. Assistant Mayor Tuttle said if the federal government says the City has to pay, there will be some amount of money that they will have to pay. She is not opposed to conservation of the Airport land in the future, but using the Boston Lot parcel for mitigation will not cost the City any money. They can look at then Airport lands later. If the FAA decides there is a need for a beacon on that parcel, or the TSA road crosses that land, the City will be paying for mitigation twice. She said she can e-mail the document from which she read to the Council, and the issue can be put on the agenda again.

Councilor MacLeod said Assistant Mayor Tuttle’s arguments are rational. She said if the Dec. 22 letter were written by a lawyer who was supposed to be advocating for her, she would fire him. The letter tells the FAA that this is an extremely valuable piece of land that can be developed. The directive is treated as if it were misinformed. Councilor Wood said the preapplication should be revisited and possibly revised and refiled noting that only 25 acres are developable and placing the value at \$1 million or less, as that is the portion the Airport Master Plan says is developable. Councilor Corman said she does not know what the process is for providing supplemental information and to correct omissions that are substantive. This letter prevents an objective evaluation by the FAA.

Mr. Mandsager said he has now heard from three Councilors who object to the letter. The

Council is going down this path against his recommendation. If the majority of the Council wants a supplement to the letter, he will try to do that. Councilor Bronner suggested a special meeting to discuss this issue. Councilor Wood said the City Manager has heard from three Councilors, and he is wondering what the urgency is. Mr. Mandsager said he wants to get this resolved, and there is still an issue of fines.

**Denise MacLeod moved to suspend the rules and extend the meeting to 10:25 p.m. Seconded by Stephen Wood. The motion passed 8-0.**

Councilor Wood said he does not know where they are going with this. Councilor MacLeod said they should get a response from the FAA as to whether the preapplication can be modified and how they can discuss what the Council wants corrected. Mr. Mandsager said the FAA takes a minimum of three weeks to respond. Assistant Mayor Tuttle said she does not want to delay the discussion of Airport policy. She does not feel strongly that the preapplication needs to be amended. Councilor Desrosiers said there are concerns about the preapplication that have to be addressed. Mayor Hill said the City Manager has to schedule a non-meeting. Councilor Cormen said it is not fair that the administration not know about the dissatisfaction with the letter shared by three Councilors. She is willing to write up the issues she has with this. She has been pushing for months to schedule a special meeting about the Airport.

## **VII. CITY MANAGER'S REPORT**

None

## **VIII. NEW BUSINESS**

- A. Presentation and the first of three readings to amend Ordinance No. 18 Salary Plan, Article II, Non-Bargaining Unit Employees by replacing the current language and compensation and classification schedule. Schedule a Public Hearing for February 18, 2009, beginning at 7:00 p.m., City Council Chambers, City Hall, for the purposes of receiving public input and taking action to adopt the proposed amendment of Ordinance No. 18, Salary Plan, Article II, Non-Bargaining Unit Employees.**

**Georgia Tuttle moved that the Lebanon City Council schedules a public hearing for February 18, 2009, beginning at 7:00 p.m., City Council Chambers, City Hall, for the purposes of receiving public input followed by action to adopt the proposed amendment to Ordinance No. 18, Salary Plan, Article II, Non-Bargaining Unit Employees. Seconded by Stephen Wood.**

Councilor Cormen said she has questions about this, but there is no time. Mr. Mandsager said there are three readings of this change. She can e-mail questions to him.

**The motion passed 7-1. Voting for the motion: Bronner, Desrosiers, Hill, MacLeod, Sykes,**

**Tuttle, Wood. Voting against: Corman.**

**Denise MacLeod moved to suspend the rules and extend the meeting to 10:30 p.m.  
Seconded by Georgia Tuttle. The motion passed 8-0.**

**IX. APPOINTMENTS**

Not discussed.

**X. PETITIONS**

None

**XI. REPORTS OF COUNCIL BOARDS AND SUBCOMMITTEES**

Not discussed.

**XII. FUTURE AGENDA ITEMS**

Mayor Hill said they need to have a non-meeting. There is a stack-up of agenda items, and she feels an additional meeting is necessary. Councilor Wood said they should not have a special Airport meeting. They should consider that in pieces over time. Councilor Sykes said he supports a special meeting because there is so much work ahead of them. He likes taking things in parts, but without a special meeting, subjects get short shrift. Councilor MacLeod said she disagrees. She does not want to cut things short, but they do not need a special meeting. They have had hours of meetings about the Airport. They should do some work on the night scheduled and move forward. She suggested scheduling the non-meeting for 5:00-7:00 p.m. on a Council night. Councilor Bronner said he disagrees. The Airport discussions have been incomplete, and there is never any resolution. Councilor Desrosiers said the mitigation issue should be on the next agenda. Mayor Hill asked whether Councilors wanted a special meeting; the vote was split 4-4. Mayor Hill said there will be a non-meeting at 5:00 p.m. on Feb. 4.

**XIII. NON-PUBLIC SESSION**

None

**XIV. ADJOURNMENT**

The meeting was adjourned at 10:34 p.m.

Respectfully submitted,

Charles Glazer

Recording Secretary



**POLICE DEPARTMENT  
LEBANON, NEW HAMPSHIRE**



**MEMORANDUM**

**TO:** Deputy City Manager David Brooks  
**FROM:** Chief Phillip Roberts  
**DATE:** February 26, 2025  
**RE:** Memorial Drive

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The Public Safety Committee has carefully reviewed the traffic patterns and potential safety concerns regarding Memorial Drive. After thorough consideration, we find no objections to converting Memorial Drive from a one-way to a two-way street to enhance traffic flow and improve accessibility.

While we acknowledge that some residents support this change while others may oppose it, our assessment indicates that the increased traffic volume estimated at several hundred additional vehicles per day does not present any significant safety concerns.

**CITY OF LEBANON**  
**ORDINANCE #2025-02**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 168, Vehicles and Traffic, Section 168-9, One-way streets, in order to remove the existing one-way designation for the easterly portion of Memorial Drive, between Bassy Street and Wolf Road in Lebanon.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

**Section 1:**

The Code of the City of Lebanon is hereby amended to revise Chapter 168, "Vehicles and Traffic", §168-9, One-way streets, for the purpose of deleting and repealing language referring to Memorial Drive, as follows:

§ 168-9. One-way streets.

Except in compliance with law or the directions of a police officer or official traffic control device, no person shall drive a vehicle on the following streets except in the direction indicated:

| Name of Street                                              | Direction of Travel | Limits                                         |
|-------------------------------------------------------------|---------------------|------------------------------------------------|
| <del>Memorial Drive</del><br><del>{Amended 7-15-1987}</del> | <del>East</del>     | <del>From Bassy Street towards Wolf Road</del> |

**Section 2: Severability.**

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or parts of this ordinance.

**Section 3: Effective Date.**

The Ordinance shall become effective upon passage.

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

**10. New Business:**

**10.B – Discussion and Set Public Hearing for April 16, 2025:  
Ordinance #2025-03 to Amend City Code Chapter 168, Vehicles & Traffic,  
§168-9, One-way streets, to Remove the One-Way Designation of the  
North End of Church Street, Lebanon**

**Background**

On May 15, 2024, the City Council adopted Ordinance #2024-06 to amend City Code Chapter 168, Vehicles & Traffic, §168-9, One-way streets, to designate the northerly 325 feet of Church Street in Lebanon as a one-way street with a northward direction of travel. The one-way designation was implemented in conjunction with the reconstruction of the Central Fire Station, which at the time, was anticipated to encroach further into Church Street and limit roadway width to approximately 18.82 feet at its narrowest point.

Subsequently, on August 21, 2024, the Council had further discussions about Church Street and potential modifications to the Fire Station project. Assistant Mayor Below noted that it appeared the Fire Station design could be modified to make the entire northerly segment of Church Street approximately 20-feet wide, which is as wide or wider than some other local streets reconstructed through the CSO programs. The Council ultimately voted to establish a City policy “that when significant city work is being done to a paved street where two-way traffic is allowed or has been since 2020, that a minimum width, curb to curb or to edge of pavement, of 20 feet be established or maintained or as close thereto as is reasonably practical and affordable.” However, the Council declined to take action to repeal Ordinance #2024-06 at that time noting that the roadway was entirely closed for the duration of construction of the Fire Station.

On March 4, 2025, Assistant Mayor Below submitted an Agenda Request to discuss ending the one-way designation of the north end of Church Street in order to follow through on the Council discussion from August 2024.

**Action**

The following motion is offered for City Council consideration:

***MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, April 16, 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 on proposed Ordinance #2025-03 to amend City Code Chapter 168, Vehicles and Traffic, §168-9, One-way streets, to remove the one-way designation for the northerly 325 feet of Church Street in Lebanon and to restore two-way traffic upon reopening of the roadway following the construction of the Central Fire Station.***

Included In This Section:

1. Agenda Request Form submitted by Assistant Mayor Below, received March 4, 2025
2. Excerpts from City of Lebanon CSO Plans, compiled by Assistant Mayor Below
3. Agenda Packet and Minutes from August 21, 2024 City Council meeting
4. Proposed Ordinance #2025-03
5. Updated Central Fire Station plans, dated revised October 7, 2024, and responses to specific questions from Agenda Request



LEBANON CITY COUNCIL  
AGENDA REQUEST FORM

1. Councilor Name: Clifton Below

2. Preferred Date of Council Meeting to Consider Item: 3/19/25 to set public hearing at a future date in April or May for the public hearing and possible action

***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: Before end of Fire Station Construction.

4. Name of agenda topic item: Ending One-way Designation of the North End of Church Street

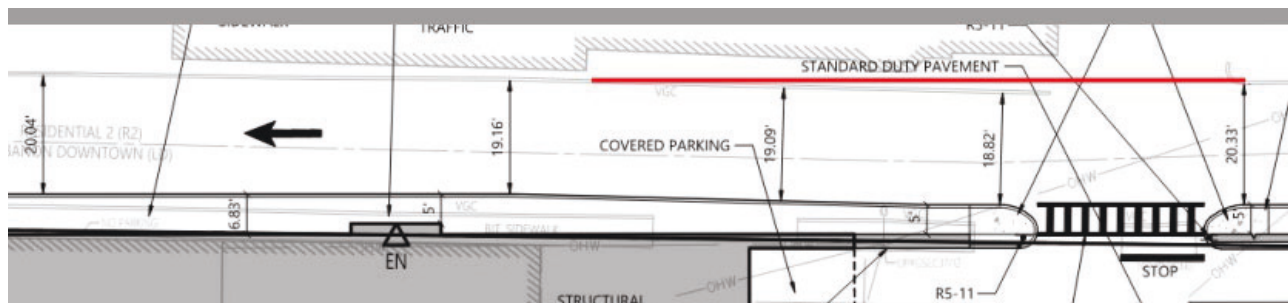
5. Reason for topic item: To follow through on the Council discussion and motion on Church Street of 8/21/24, which reads in the minutes as follows:

ACTION: Councilor Liot Hill MOVED, to establish a city policy that when significant city work is being done to a paved street where two-way traffic is allowed or has been since 2020, that a minimum width, curb to curb or to edge of pavement be established or maintained or as close thereto as is reasonably practical and affordable. Seconded by Assistant Mayor Below. \*The Vote on the Motion was approved amongst the members present (6-1). Councilor Simon opposed.

NO ACTION WAS TAKEN, AND WAS NOT REQUIRED, ON THE MOTION BELOW. WILL BE DISCUSSED AT A FUTURE DATE. MOVED to request for a future agenda item to set a hearing for a proposal to repeal Ordinance No. 2024-06 to allow 2-way traffic along the entire length of Church Street to be effective upon a date after the completion of exterior building and site work on the east side of the new Fire Station along the northern 325 feet of Church Street.

6. Specific questions related to topic item:

- Is there an updated site plan available showing realignment of eastern curb at the southerly end of the one-way zone (along the south end of the church) and the resulting width at the south end of the one-way zone along these lines?



- Does the narrowest street width, near the main entry, remain at 19.16'?
- What portion of the 325 ft. one-way zone will be 20'-0" or wider and what portion will be less than 20 ft. wide?
- Can we agree, after reviewing the plans of many CSO projects designed and built by the City as excerpted in the attached "CSO Street Widths" file that there are numerous examples of rebuilt streets with 2-way traffic that are 20'-0" or less in width, curb to curb, including several that are only 18'-0" or less?
- Is the fire hydrant being moved from the curb line in the sidewalk?

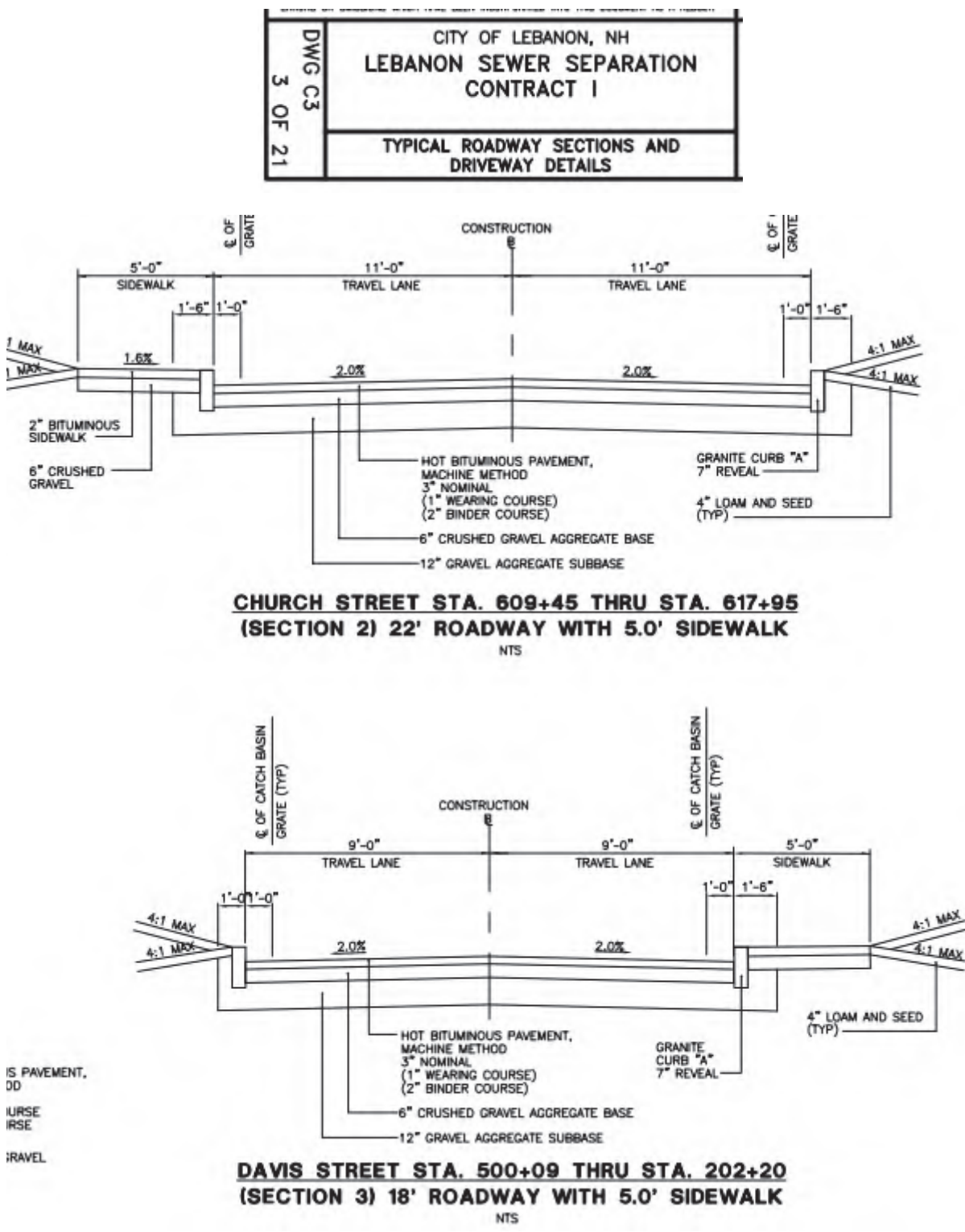
7. Proposed or possible action, motion, goal, and/or code or policy amendment:

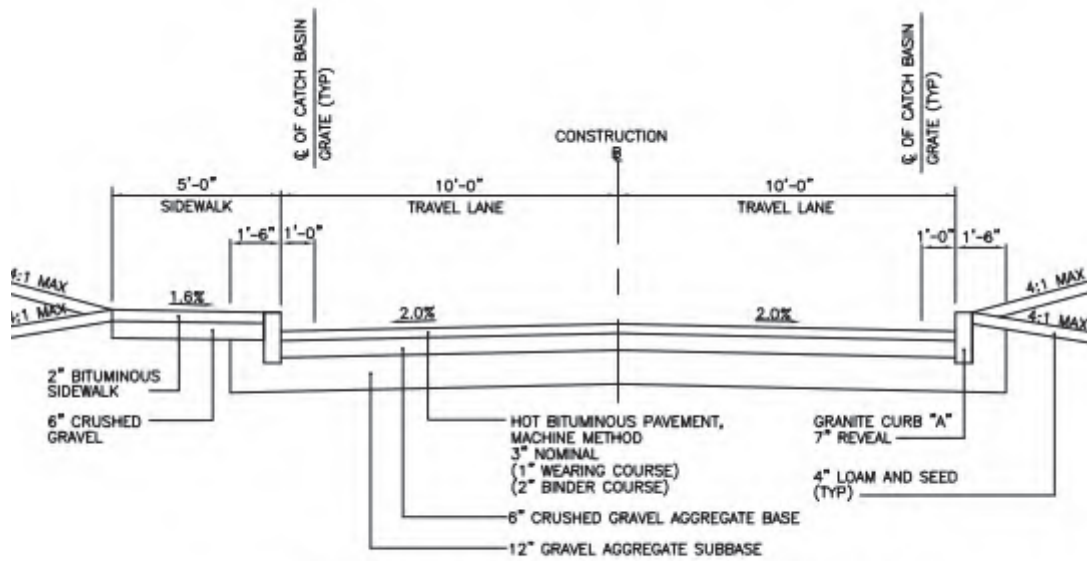
Set a public hearing to repeal Ordinance No. 2024-06, and amend the City Code § 168-9, **One-way streets** to delete the listing of the northern end of Church Street, so as to allow 2-way traffic along the entire length of Church Street to be effective October 1, 2025 [effectively upon reopening of the street after construction progresses to that point, I'm guessing after 10/1 of this year].

8. Supporting documentation requested re: topic item:

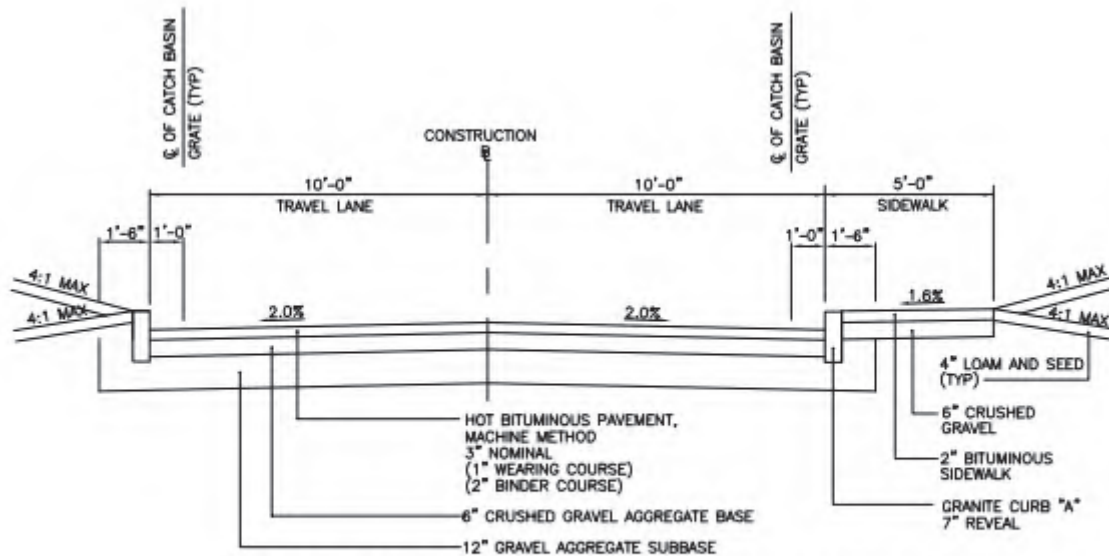
- Related agenda packet and Minutes of 8/21/24 Council Meeting
- Any relevant site plan update (excerpt?).
- Documentation to include on this topic (include with agenda packet):
- CSO Street Widths

EXCERPTS from City of Lebanon CSO Plans showing sections of streets rebuilt by the City.  
The 1<sup>st</sup> one is from CSO 1 and is of Church St by the Fire Station before new construction.



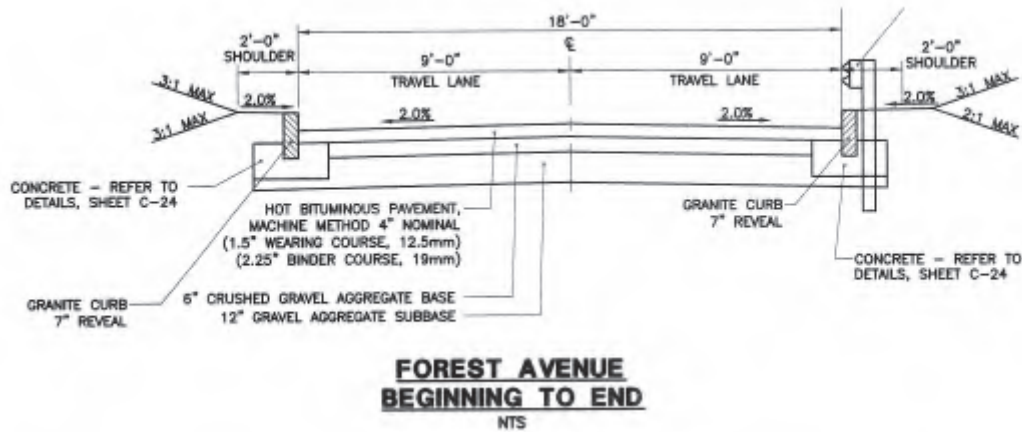
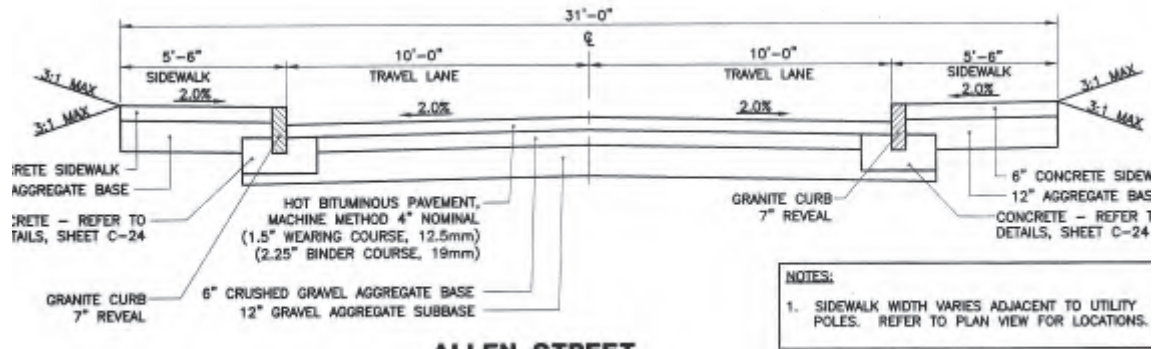


**PINE STREET STA. 700+20 THRU STA. 702+45**  
**(SECTION 7) 20' ROADWAY WITH 5.0' SIDEWALK**  
 NTS



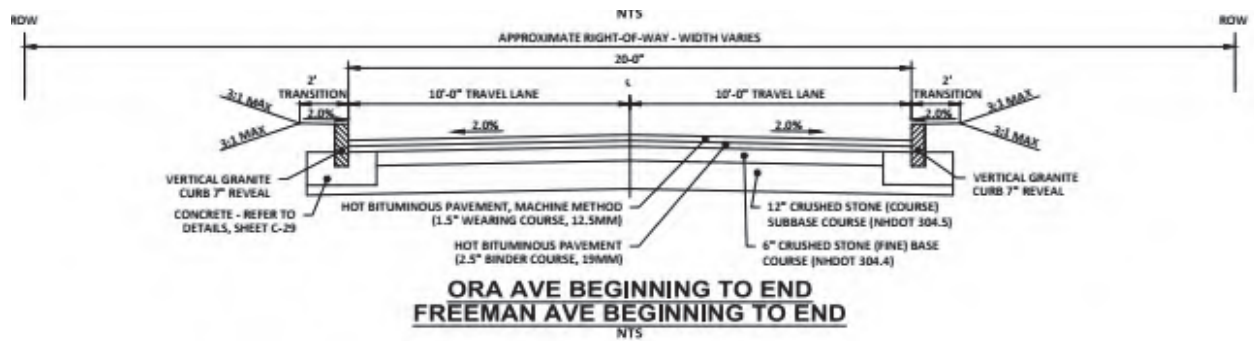
**VALLEY STREET STA. 400+13 THRU STA. 404+92**  
**(SECTION 10) 20' ROADWAY WITH 5.0' SIDEWALK**  
 NTS





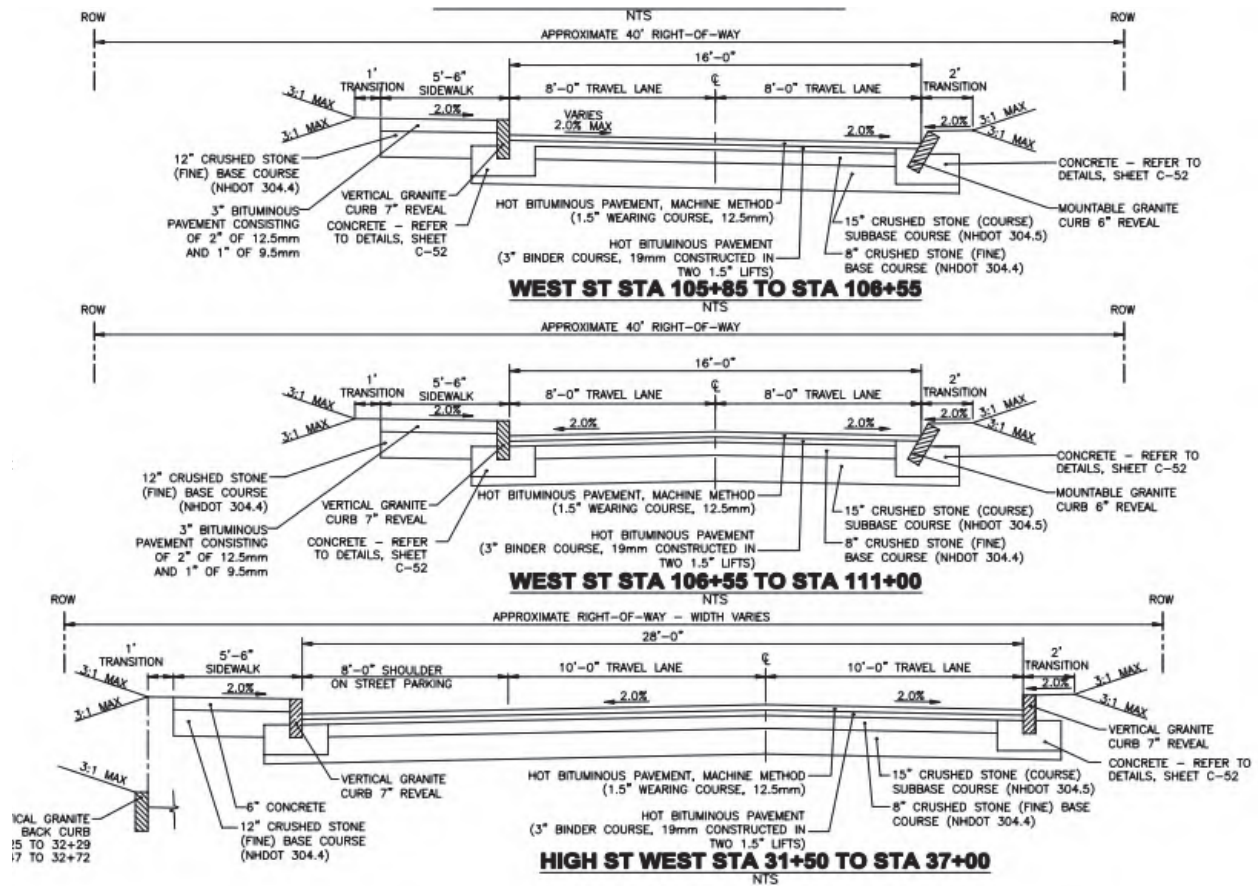
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|         |     | TYPICAL ROADWAY SECTIONS                                                                           |

2019



|         |     |                                                                                                              |
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| DRAWING | C-5 | CITY OF LEBANON, NH<br>COMBINED SEWER SEPARATION<br>CONTRACT 11 - PHASE 2<br>MECHANIC ST AND GRANITE ST AREA |
|         |     | TYPICAL ROADWAY SECTIONS II                                                                                  |

2017

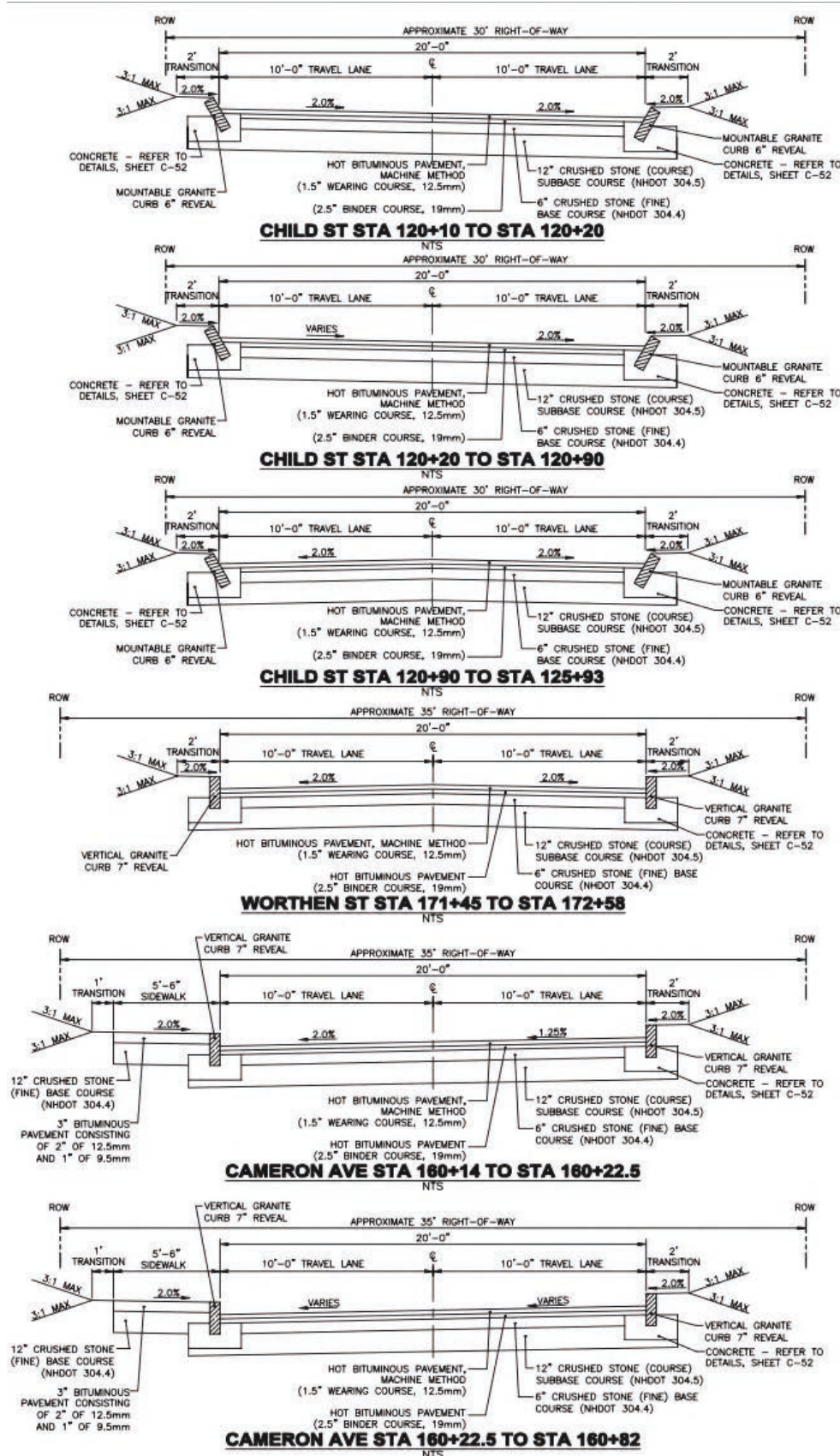












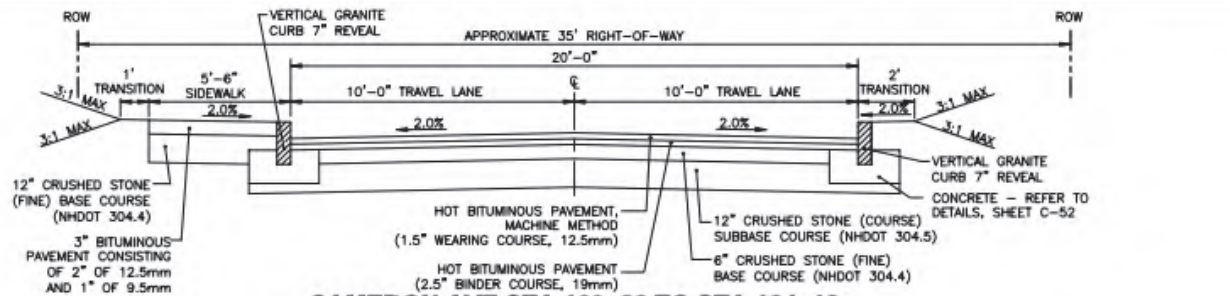
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|---------------|--------|
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| APPROVED BY   | RTW    |
| REVISIONS     | RTW    |
| CONFORMED SET |        |
| ADDENDUM #1   |        |
| NO            |        |
| DESIGNED BY   | ELM    |
| CHECKED BY    | RTW    |
| DATE          | 8/2/17 |
| APPROVED BY   | RTW    |
| DATE          | 8/2/17 |
| PROJECT NO.   | 13141A |

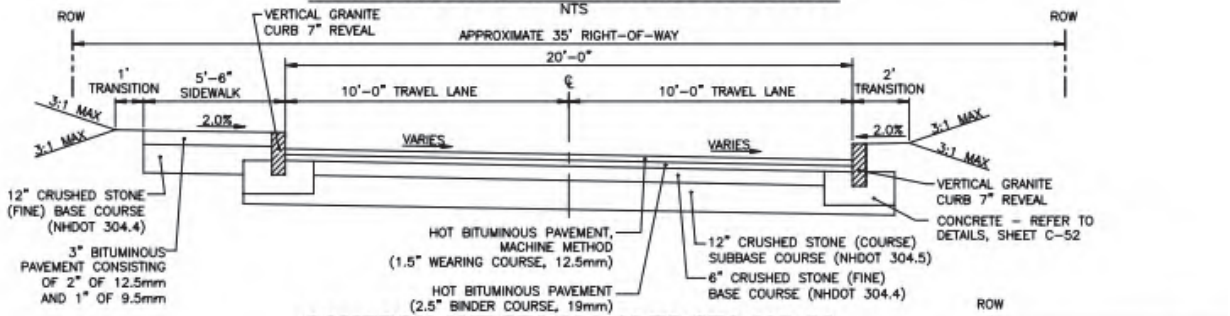
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|  | <b>WRIGHT-PIERCE</b><br>Engineering a Better Environment<br>Office Throughout New England<br>800.621.8155   www.wright-pierce.com |
|  |                                                                                                                                   |

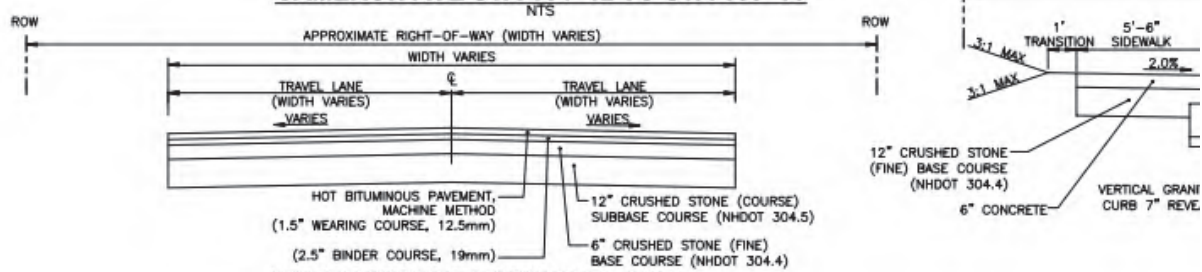
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|---------------------------------------------------------------------------------------------------------------------------------------------|----------------|



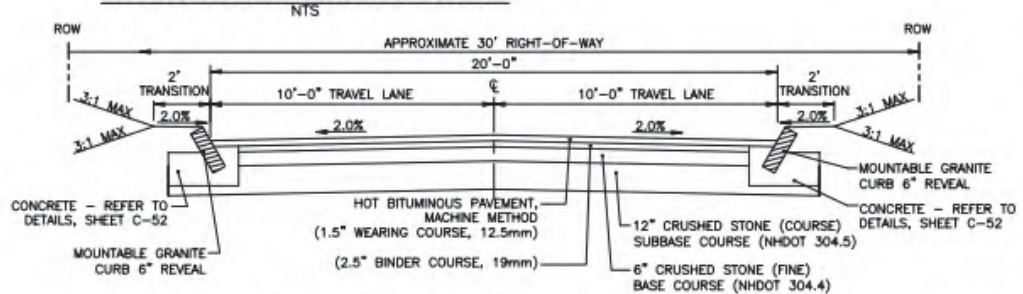
### CAMERON AVE STA 160+82 TO STA 164+12



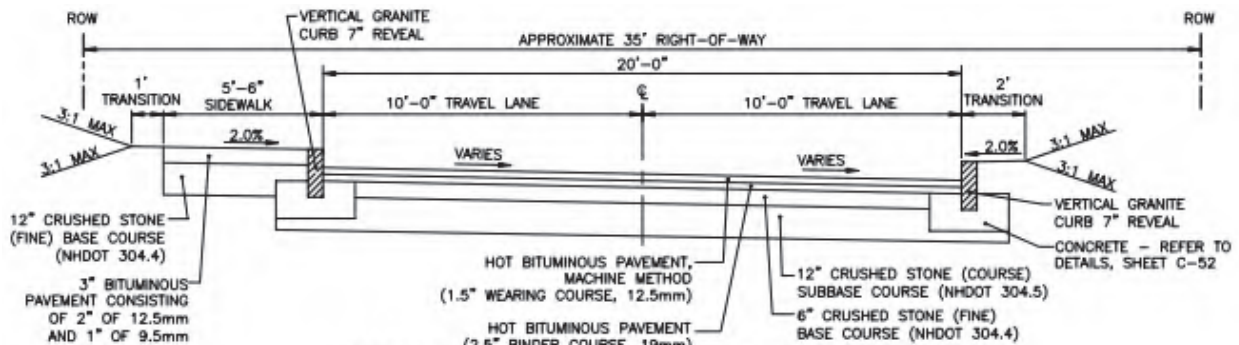
### CAMERON AVE STA 164+12 TO STA 165+00



### MYERS WAY BEGINNING TO END



### BLACKSMITH ST STA BEGINNING TO END



### CAMERON AVE STA 165+00 TO STA 165+11

**Agenda  
Lebanon City Council  
August 21, 2024**

**10. New Business:**

**10.B – Discussion of Church Street and Fire Station Modifications**

**Background**

On August 5, 2024. Assistant Mayor Clifton Below submitted an agenda request pursuant to *Rules § A191-7* regarding modification of Church Street to allow for two-way traffic. See the agenda request form for further explanation.

The agenda request submission states the following:

***Move to establish a city policy that when significant city work is being done to a paved street where two-way traffic is allowed or has been since 2020, that a minimum width, curb to curb or to edge or pavement, of 20 feet be established or maintained where reasonably practical and affordable.***

***Move to request for a future agenda item to set a hearing for a proposal to repeal Ordinance No. 2024-06 to allow 2-way traffic along the entire length of Church Street to be effective upon a date after the completion of exterior building and site work on the east side of the new Fire Station along the northern 325 feet of Church Street.***

**Action**

*No action is required at this time.*

**Included In This Section:**

1. Agenda Request Form submitted by Assistant Mayor Below
2. Letter from VHB Engineers regarding roadway width
3. Letter from Lavallee Brensinger Architects regarding building design
4. Letter from Lebanon Public Safety Committee



LEBANON CITY COUNCIL

AGENDA REQUEST FORM

1. Councilor Name: Clifton Below & Devin Wilkie (orig. submitted 7/21/24, rev. 8/5/24)

2. Preferred Date of Council Meeting to Consider Item: 8/21/24

***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:

ASAP due to potential design modifications & before pouring foundations for new fire

4. Name of agenda topic item:

Consideration of Policies to allow future 2-way traffic on Church St. at North End.

5. Reason for topic item:

It appears that the plans for the Fire Station could be modified to make the entire length of Church St. at least 20' wide, which would be wider than 3 alternatives (Valley, Davis and Pine) to reach this neighborhood and also create an alternative to the 4th access, turning north from Spring St. onto a ~22% grade on Church. This would promote equity and inclusion by enabling better access to the parking area & accessible entrance for the Congregational Church for people with walking disabilities, inc. elderly parishioners, for services, concerts, etc., esp. in the winter.

6. Specific questions related to topic item:

1. Could a modification to the curb line along the south end of the church (east side of Church) be incorporated into the project to widen the south end of the constrained area to 20', aligning with curb to south of parking lot entrance and estimated cost?
2. What is the dimension of the projection of the main (public) entrance beyond the main building plane? It appears to be about 1'-10" based the plans available.
3. Is it feasible and what might it cost to modify the architectural design to reduce that current projection of the main (public) entrance along Church Street by about 10 inches to 1 ft. from approximately 1'-10" projection beyond the plane of the rest of the eastern facade of the new Fire Station to enable a minimum 20'-0" width the full length of the portion of Church Street that is becoming one way.
4. Related, are there structural steel beams that would need to be shortened and are they already in production, and is the interior "storefront" window from the public lobby to the "Firefighter EMS & Office" in production and can it be modified to 10" to 1' narrower to accommodate the interior wall of the vestibule being moved 10" to 1' further into the lobby?



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

Move to establish a city policy that when significant city work is being done to a paved street where two-way traffic is allowed or has been since 2020, that a minimum width, curb to curb or to edge or pavement, of 20 feet be established or maintained where reasonably practical and affordable.

Move to request for a future agenda item to set a hearing for a proposal to repeal Ordinance No. 2024-06 to allow 2-way traffic along the entire length of Church Street to be effective upon a date after the completion of exterior building and site work on the east side of the new Fire Station along the northern 325 feet of Church Street.

8. Supporting documentation requested re: topic item:

Please see and include the attached.

Any plans that more clearly show the details and dimensions of the areas impacted might help.

Establishing a minimum 20 foot width along the northern 325 feet of Church Street (the one-way portion) would entail; 1) a change order to the site work to reset approximately 80' of granite curb along the east side of Church Street, so as to add about 1'-2" in width to the street at the south end of curb line where it ends at the entrance to the Church Parking lot, in alignment with indicated curb to the south of the entrance and extending a reset straight curb line north about 80' to a point near the oldest part of the Church where it would merge into the existing curb line, along with patching of asphalt on either side of the reset curb; And 2) a change order reducing the projection of the main public entrance door and vestibule beyond the eastern building facade from about 1'-10" to only 10" to 1', & move the new western curb line back accordingly, a minimum of ~10", so that the bow of the sidewalk and curb line is reduced to maintain a street width of at least 20' curb face to curb face.

9. Other:

1. Note that I have spoken with Rev. Silver and he has assured me that the First Congregational Church would be happy to work with the City to enable modification of the curb and street line along the south end of the church, even if such would entail an encroachment on to the property of the church.

2. The width of the asphalt skirt (including curb width) between Church Street and the oldest part of the church (north end) is only about 2'. The width of the skirt along the south ~80' of the church is about 5' to 6' except at the bay window where it is only 3'-3". The shift in the alignment of this curb line at the south end to make it 1'-2" closer to the church, would still leave at least 2'-1" of skirt space at the bay window, which is not less than the narrowest width of the skirt along the 75' long north end of the church.

**CHURCH STREET NEIGHBORHOOD IMPACTS** from making north end of Church Street one way northbound only. Impacted groups:

1. Fire Station employees and vehicles parked at rear, w/most on weekdays.
2. Church employees and people needing accessible parking and entrance to church services, concerts, and other gatherings - mostly weekends & evenings.
3. Employees of Headrest, near top of hill. FOR GROUPS 1-3: ALTERNATE ROUTES SHOWN BELOW ARE NOT BETTER OPTIONS
4. Residents of about 40 homes (some multi-family) in neighborhood.
5. Others passing through neighborhood to get to Storrs Hill Ski Area, Goodwin Park and other homes for whom Water & Spring Streets are already likely preferable for most (more width, fewer excessive grades).



Church Street rises 60' from Valley Street to the vicinity of entrances to the parking lots behind the Church and Fire Station, with **grades of up to 15%** - so not great traveling during a snow or ice storm compared to the level entrance off S. Park to those same parking lots if Church St. was restored to 2-way traffic after the end of construction.



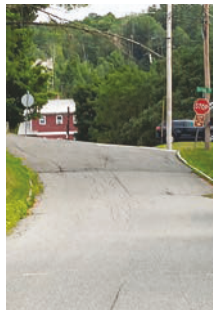
Valley Street at Water is 20' wide at its entrance but within about a car's length reduces to 19'-6", enlarges up to 19'-10" mid-street with a high retaining wall within about 1' of the northerly granite curb line, but shrinks to **18'-11"** near the stop line at Valley and Church, curb to curb.

Davis Street is only **17'-4"** curb to curb at the west end and **17'-5"** at the east end at Church St. It has granite curbs. The stop lines are less than 9' long.

Prepared by Asst. Mayor Clifton Below, 7/21/24.

South end of Pine Street is **19'-11"** wide with a **steep grade of 25-30%** a short ways in.

Turning N. onto Church from Spring St. entails turning from a 12% grade onto a drop with a **20% to 22% grade**, where some cars, including my Prius, bottom out on this turn onto Church.

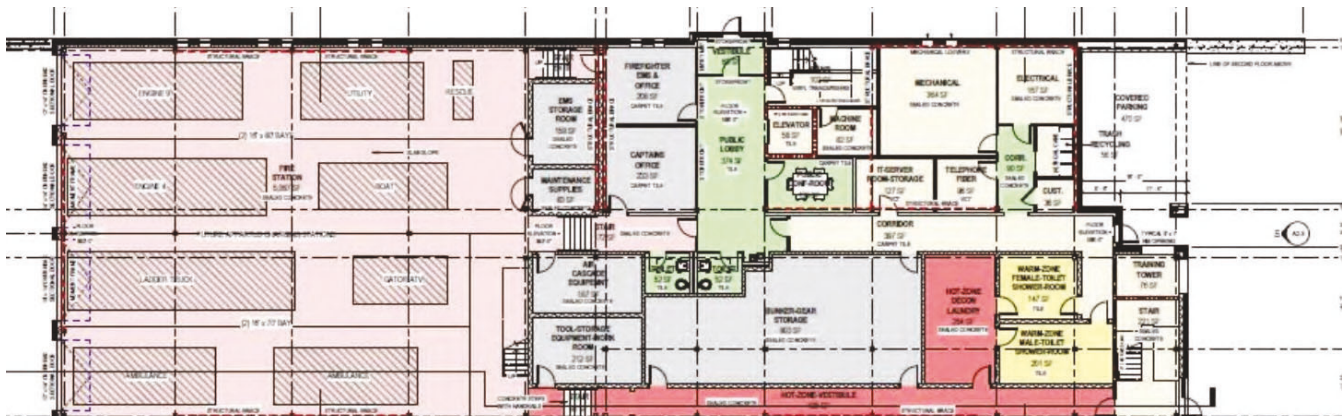
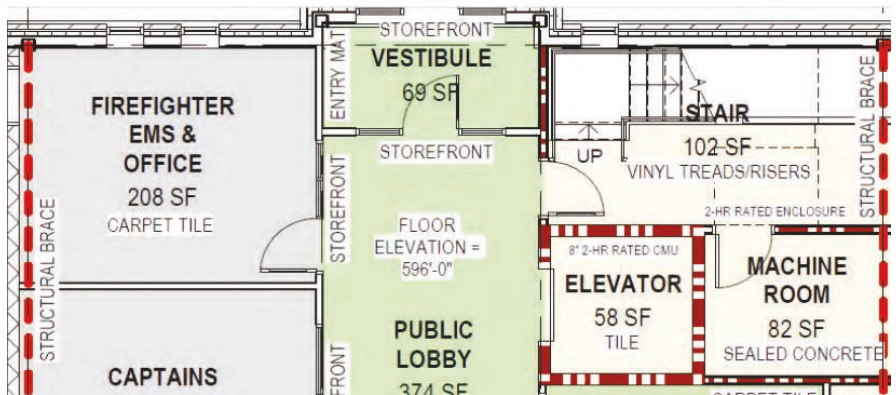


Church St. looking south at Spring St.

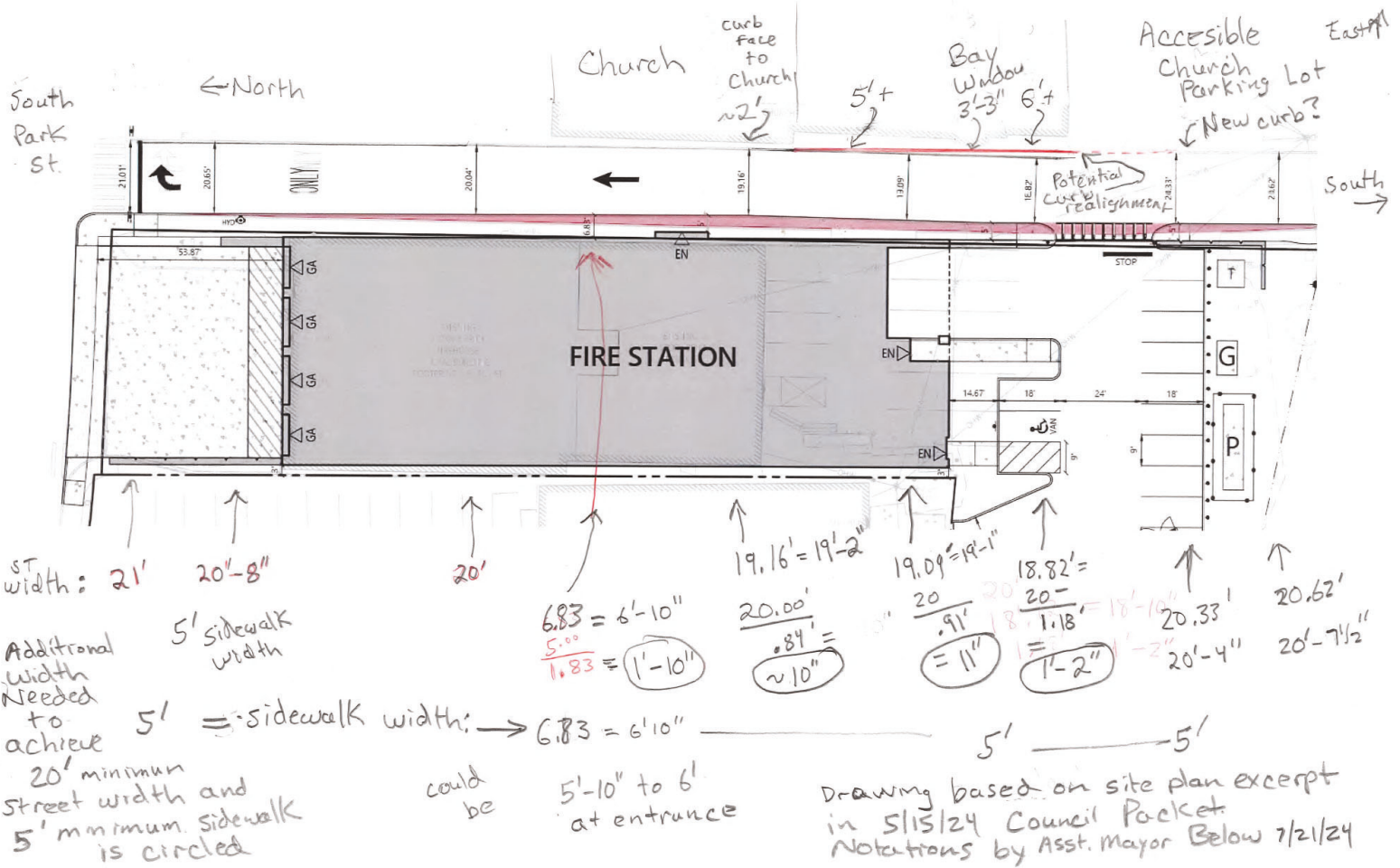
Allen St. (off Bank) is another example of a 2-way 19'-11" wide street, rebuilt as part of CSO.

**New Fire Station: Potential to adjust vestibule to maintain 5' sidewalk width outside entrance door and 20' Church St. width.**

The projection of the Public Vestibule and entrance door beyond the rest of the eastern building façade is about 1'-10" based on sidewalk bowing out to 6'-10" beyond the 5'-0" width at the north and south ends of the building. This projection seems to be about or less than the distance between the inner vestibule wall and the door to the stair well, so either bringing the outer vestibule flush to the façade or reducing the projection by about half (10" to 12") would allow 5' sidewalk width outside entrance door and 20'-0" street width at this point. With realignment of the curb on the east side of the street (only at the south end of the church) to match curb lines at either end of this ~80' section, the entire width of Church Street could be at least 20', which is wider than 3 of the other 4 alternate routes to the back of these 2 buildings.











August 6, 2024

Ref: 52635.00

Mr. Shaun Mulholland  
City Manager  
51 North Park Street  
Lebanon, NH

Re: Church Street Traffic Pattern  
Lebanon Fire Station  
Map 91 Lot 253

Mr. Mulholland,

VHB has prepared the following letter in response to the Lebanon City Council Agenda Request Form by Clifton Below. In this form, Mr. Below is requesting consideration of the design of Church Street be modified to allow for two-way traffic with a minimum width of 20 feet along the entirety of Church Street. Upon review, VHB has produced the following findings in support of the current proposal.

### **Regulatory Requirements**

Church Street is located along the Central Business District, outside of the designated "rural" districts in Lebanon, as such would be considered an "Urban Local Service Road". Per the "Street Widths and Horizontal Curves" table, located in Appendix A of the City of Lebanon Subdivision Regulations, the minimum required pavement width for an Urban Local Service Road is 24 feet. This also includes the requirement of a 4 foot shoulder on both sides and a minimum right-of-way width of 50 feet.

Also, within the International Fire Code, which is used by the City of Lebanon, under Section D103.1, Minimum Specifications, the code states "Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm) exclusive of shoulders".

### **Existing Conditions**

Under existing conditions, Church Street is a two-way roadway. In the area north of the existing Lebanon Fire Station, Church Street has an average right-of-way width of approximately 30 feet. The minimum width along this portion of Church Street is 21.0 feet without a shoulder. There is a sidewalk on the south side that is 4.59 feet wide at its narrowest (including the curb). Both the street width and right-of-way widths are substandard in terms of the latest City roadway requirements.

**Engineers | Scientists | Planners | Designers**

2 Bedford Farms Drive  
Suite 200  
Bedford, New Hampshire 03110  
P 603.391.3900  
F 603.518.7495



### Proposed Conditions

Under proposed conditions, Church Street will be converted to a one-way road in the westerly direction in the portion along the Lebanon Fire Station. At its narrowest, Church Street will be 18.82 feet wide with a 5 foot sidewalk (including the curb) on the south side of the roadway. This is the maximum cross section that can be fit within the right-of-way. These dimensions are being driven by two factors:

- On the east side of Church Street, there is an existing curb line adjacent to a building (approximately 2-ft).
- On the west side of Church Street, the Fire Station requires a side entrance onto the sidewalk on Church Street.
- The Fire Station can also not be moved south due to the proximity of the proposed building to the existing restaurant on the adjacent parcel. The building has been placed as far south as possible without jeopardizing the existing structure to the south and allowing room for construction.

### Conclusion

In conclusion, the existing roadway is an existing non-conforming road. The proposed would also increase the existing non-conformance of Church Street as it would narrow the two-way traffic further than it currently exists. As previously presented to the City Council, the project recommends that a one-way roadway be utilized for the safety, circulation, and conformance of all applicable code and regulations.

Sincerely,

Vanasse Hangen Brustlin, Inc.

A handwritten signature in blue ink, appearing to read "DFenstermacher", with a long horizontal flourish extending to the right.

David Fenstermacher, PE

Project Manager

dfenstermacher@vhb.com

## City of Lebanon – New Fire Station

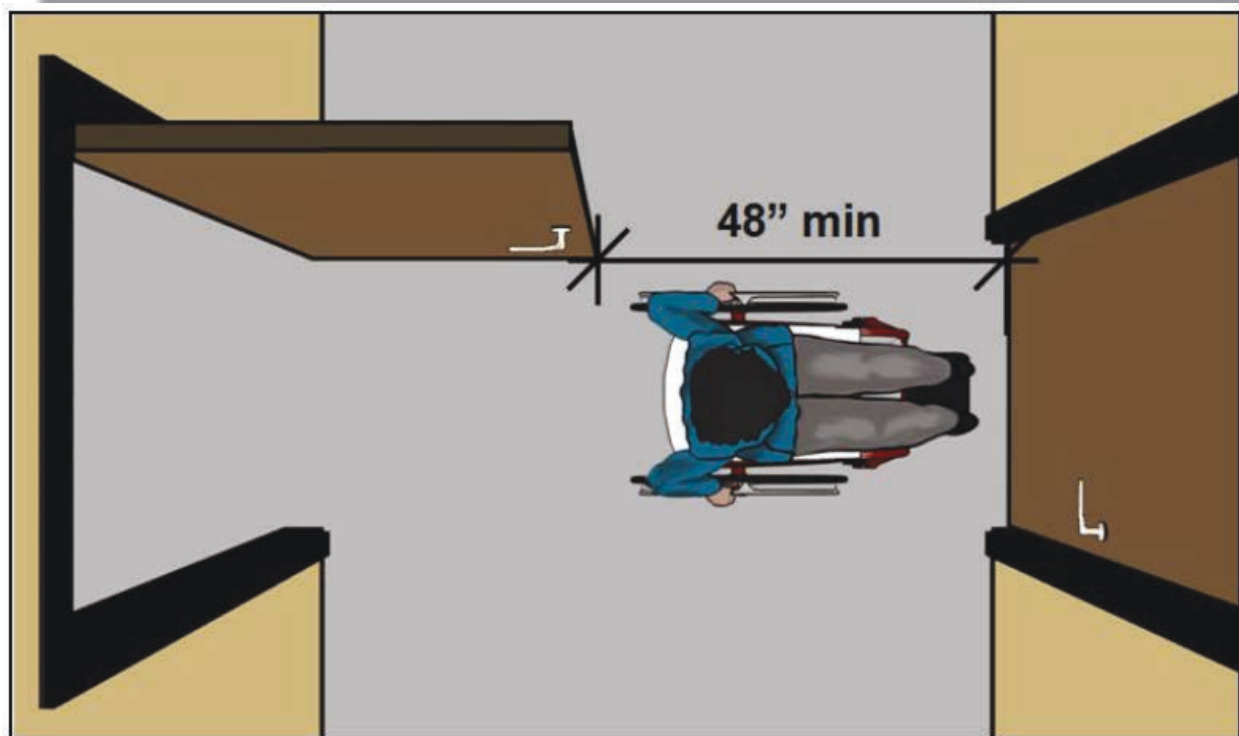
Church Street Traffic Pattern

August 14, 2024

LBA has prepared the following letter in response to the Lebanon City Council agenda request form by Clifton Below. In this form, Mr. Below is requesting consideration of the design of Church Street be modified to allow for two-way traffic with a minimum width of 20 feet along the entirety of Church Street. Upon review, LBA has produced the following findings to support the current proposed building design.

### **Main Entry:**

The main entrance to the building bumps out from the main portion of the building 2'-0" toward Church Street allowing the proper clearance required between each door. Per the **Americans with Disabilities Act (ADA)** section 404.2.6 Doors in series and gates in series requires a minimum clearance between each door to be 4'-0" minimum (See diagram below for reference). If the Main Entrance bump was removed, this would not allow the proper clearance.



**Building width:**

The City of Lebanon - Fire Department requires four apparatus bays to properly function for the City of Lebanon, NH. Modern fire station guidelines recommend 16' to 18' wide bays to accommodate large apparatus and provide adequate and safe clearances around the apparatus. If we provide 4-18'-0" bays, the building width would require to be 72'-0". The proposed new Fire Station building is currently 66'-0" wide due to site restraints, making each apparatus bay 16'-8" wide with 14'-0" x 14'-0" bi-folding apparatus doors. This width allows for the layout of equipment beside the apparatus during daily "check-offs", monthly "deep cleaning" etc.

**Typical apparatus bay:**

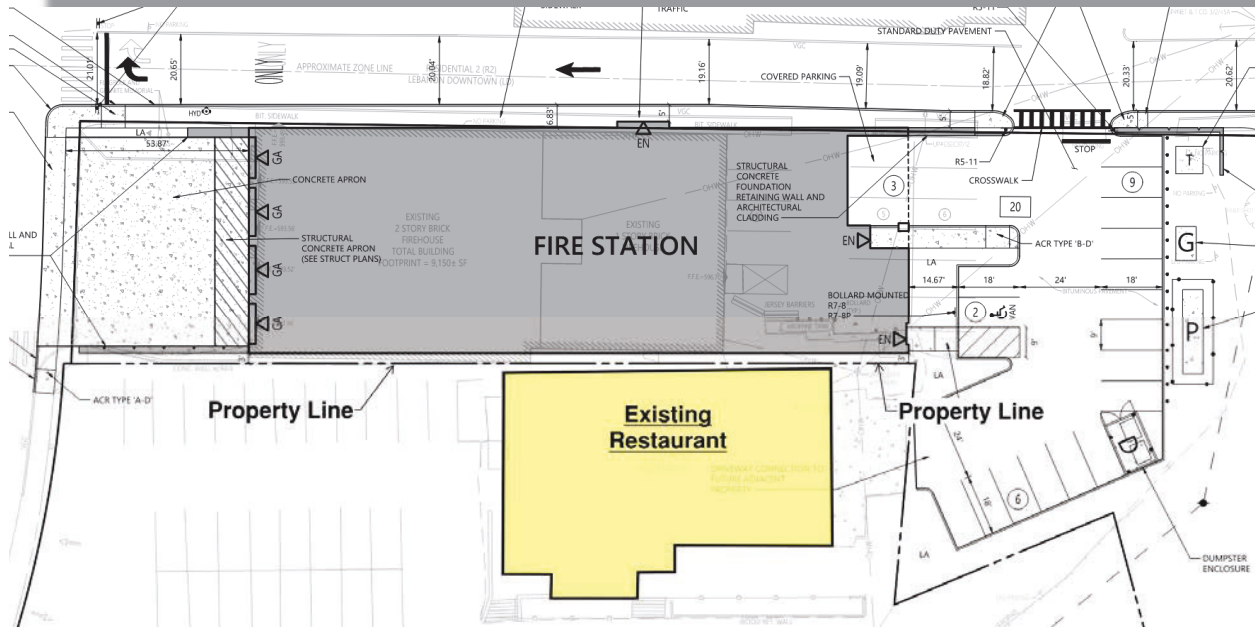


**Constructability:**

The existing fire station is located at 12 South Park Street in the historic district of Lebanon, New Hampshire. There is a restaurant and parking area on the west side of the fire station where the restaurant appears to be within a few feet of the existing fire station. During the design process a geotechnical engineer tested the subsurface soils and determined that the site is made up of deep deposits of clays and silts. These soil conditions require various ground improvement to properly support the building to eliminate the risk of long-term consolidation of the clay portions and short-term elastic settlement of the silt and sand. To improve the subsurface of the site, large pile driving equipment is required. This equipment requires substantial clearances to properly perform the work (A 3'-0" clearance from the existing restaurant has been provided). If the building location was relocated on the current site in any way, this would compromise the contractor's ability to construct the new fire station safely. A few reference photos have been provided.

**Pile driving equipment:**

**Proposed site plan:**



Sincerely,

Robert C. Robicsek, AIA  
Principal, Civic Studio Leader  
Lavallee Brensinger PLLC (dba Lavallee Brensinger Architects)



## CITY of LEBANON, NH

Public Safety Committee

Lebanon, NH 03766

[www.LebanonNH.gov](http://www.LebanonNH.gov)

---

August 14, 2024

RE: Church Street

The Lebanon Public Safety Committee was requested to evaluate the continuation of two-way traffic on the northerly 325 feet of Church Street following the completion of the Central Fire Station project. After thorough review, the committee recommends against continuing two-way traffic for the following reasons:

- **Insufficient Road Width:** The recommended standard for travel lane width is 11 feet, which necessitates a total road width of 22 feet for two-way traffic. The final proposed width of Church Street at its narrowest point is 18.82 feet, which is insufficient for safe two-way traffic.
- **Snow Removal Constraints:** The smallest vehicle utilized by the Public Works Department for snow removal on this section of Church Street is an F-550 dump truck, which, with a wing, has an operating width of 14 feet during snow removal. This would leave only 4.82 feet of available space for another vehicle to pass, which, combined with the steep grade and limited line of sight, could pose significant risks during snow removal operations.
- **Pedestrian and Bicycle Safety Concerns:** Under current conditions, the sidewalk on Church Street often becomes unusable due to snow accumulation, forcing pedestrians and cyclists to use the roadway. The combination of two-way vehicle traffic with pedestrian and bicycle traffic in such confined conditions significantly increases the risk of accidents and poses a serious safety concern for the community.
- **Emergency Response Considerations:** The new Central Fire Station includes a training tower on the south end of the building, and fire apparatus will occasionally exit the rear of the building in response to emergencies. The minimum width of a modern fire apparatus is 8.25 feet, leaving only 10.57 feet of travel lane for other vehicles. Given that the average automobile is 6 feet wide, this would leave insufficient space for safe passage between vehicles, especially in emergency situations.
- **Fire Code Compliance:** According to the International Fire Code, any street intended to accommodate two-way traffic and equipped with a fire hydrant should have a minimum width of 26 feet. This width allows fire apparatus to safely pull over and access the hydrant without obstructing other traffic. Church Street, as proposed, does not meet this requirement.
- **Sidewalk Realignment:** The planned realignment of the sidewalk does not provide adequate space for snow storage between the sidewalk and the adjacent church, further complicating snow management and pedestrian safety.

Page 2

RE: Church Street

In conclusion, the Public Safety Committee has thoroughly considered the potential risks associated with continuing two-way traffic on this section of Church Street. Balancing these risks against the convenience, accessibility, and safety concerns, particularly for pedestrians and cyclists, the committee strongly recommends that Church Street remain a one-way street and not revert to two-way traffic.

Public Safety Committee

*Jim Wheatley*

---

Jim Wheatley, Fire Chief

*Phil Roberts*

---

Phil Roberts, Police Chief

*Jay Cairelli*

---

Jay Cairelli (Aug 14, 2024 16:18 EDT)

---

Jay Cairelli, Public Works Director



~~In accordance with City Council Policy CC 102, Real Property Transactions, the City Manager has prepared a statement of public benefit which is attached for your review.~~

The City Manager recommends that the City Council reaffirm the discontinuance of Romano Circle, approve the conveyance of the underlying land to the Lebanon Housing Authority, and authorize the City Manager to execute the deed and take all other actions necessary to complete the conveyance transaction.

#### **ACTION:**

***Councilor Wilkie MOVED, that the Lebanon City Council hereby reaffirms the May 15, 2024 decision to discontinue completely, and in its entirety, Romano Circle in West Lebanon, as a Class V Public Highway as shown on plans and information included in the May 15, 2024 City Council Agenda Packet.***

***BE IT FURTHER MOVED, that such discontinuance remains conditional upon, and shall not take effect unless and until, the Lebanon Housing Authority conveys to the City full easement rights for continued access to and maintenance of existing municipal utilities, including water, sewer, and storm drainage systems, located within such street subject to approval by the Public Works Director and the City's attorney.***

***BE IT FURTHER MOVED, that once the condition specified above is complete and the discontinuance becomes final, the Lebanon City Council hereby agrees to convey fee simple ownership of the underlying land area of Romano Circle to the Lebanon Housing Authority, and hereby authorizes the City Manager to execute the deed and take all other actions necessary to complete the conveyance transaction. Seconded by Councilor Liot Hill.***

~~\*The Vote on the Motion was approved amongst members present (7-0).~~

#### **B. Discussion of Church Street and Fire Station Modifications**

Included in the agenda packet: *(All supportive documents and information, including photos and Map renditions, can be found on pages 28-41, Council agenda packet)*

1. Agenda Request Form submitted by Assistant Mayor Below
2. Letter from VHB Engineers regarding roadway width
3. Letter from Lavallee Brensinger Architects regarding building design
4. Letter from Lebanon Public Safety Committee

#### **BACKGROUND**

On August 5, 2024, Assistant Mayor Clifton Below submitted an agenda request pursuant to *Rules § A191-7* regarding modification of Church Street to allow for two-way traffic. See the agenda request form for further explanation.

The agenda request submission states the following:

***Move to establish a city policy that when significant city work is being done to a paved street where two-way traffic is allowed or has been since 2020, that a minimum width, curb to curb or to edge or pavement, of 20 feet be established or maintained where reasonably practical and affordable.***

***Move to request for a future agenda item to set a hearing for a proposal to repeal Ordinance No. 2024-06 to allow 2-way traffic along the entire length of Church Street***

***to be effective upon a date after the completion of exterior building and site work on the east side of the new Fire Station along the northern 325 feet of Church Street.***

Assistant Mayor below reviewed the background behind his request above, the letter from VHB Engineers regarding roadway width, the letter from Lavallee Brensinger Architects (LBA) regarding building design, and the Letter from Lebanon Public Safety Committee. He noted that at the time the Council held a previous Public Hearing, representatives from the First Congregational Church had not heard about Church Street and there was some misunderstanding as to what we were doing. The argument was that the street would be too narrow because the building had to be moved over to accommodate two-way traffic. After looking into this, he realized that some of the city's streets were pretty narrow and some of them often have cars parked on both sides of the street, which made them pretty narrow areas for two cars to pass.

It appears that the plans for the Fire Station could be modified to make the entire length of Church Street at least 20' wide, which would be wider than 3 alternatives (Valley, Davis and Pine) and also create an alternative to the 4th access, turning north from Spring Street onto a ~22% grade on Church. This would promote equity and inclusion by enabling better access to the parking area & accessible entrance for the Congregational Church to accommodate people with walking disabilities, elderly parishioners, services, concerts, etc., especially in the winter.

Specific questions from Assistant Mayor below were:

1. Could a modification to the curb line along the south end of the church (east side of Church) be incorporated into the project to widen the south end of the constrained area to 20', aligning with curb to south of parking lot entrance and estimated cost?
2. What is the dimension of the projection of the main (public) entrance beyond the main building plane? It appears to be about 1'-10" based the plans available. (It is actually 2 ft.)
3. Is it feasible and what might it cost to modify the architectural design to reduce that current projection of the main (public) entrance along Church Street by about 10 inches to 1 ft. from approximately 1'-10" projection beyond the plane of the rest of the eastern facade of the new Fire Station to enable a minimum 20'-0" width the full length of the portion of Church Street that is becoming one way?
4. Related, are there structural steel beams that would need to be shortened and are they already in production, and is the interior "storefront" window from the public lobby to the "Firefighter EMS & Office" in production and can it be modified to 10" to 1' narrower to accommodate the interior wall of the vestibule being moved 10" to 1' further into the lobby?

**Assistant Mayor Below proposed the following action, motion, goal, and/or code or policy amendment(s):**

Move to establish a city policy that when significant city work is being done to a paved street where two-way traffic is allowed or has been since 2020, that a minimum width, curb to curb or to edge or pavement, of 20 feet be established or maintained where reasonably practical and affordable.

Move to request for a future agenda item to set a hearing for a proposal to repeal Ordinance No. 2024-06 to allow 2-way traffic along the entire length of Church Street to be effective upon a date after the completion of exterior building and site work on the east side of the new Fire Station along the northern 325 feet of Church Street. **No action needs to be taken on this for a while because it is projected to be closed off for a couple years with the construction.**

Assistant Mayor Below spoke with Reverend Silver who assured him that the First Congregational Church would be happy to work with the City to enable modification of the curb and street line along the south end of the church, even if such would entail an encroachment onto the property of the church. He also presented and explained the screenshot of the neighborhood below, which is the same as presented in the City Council agenda packet:

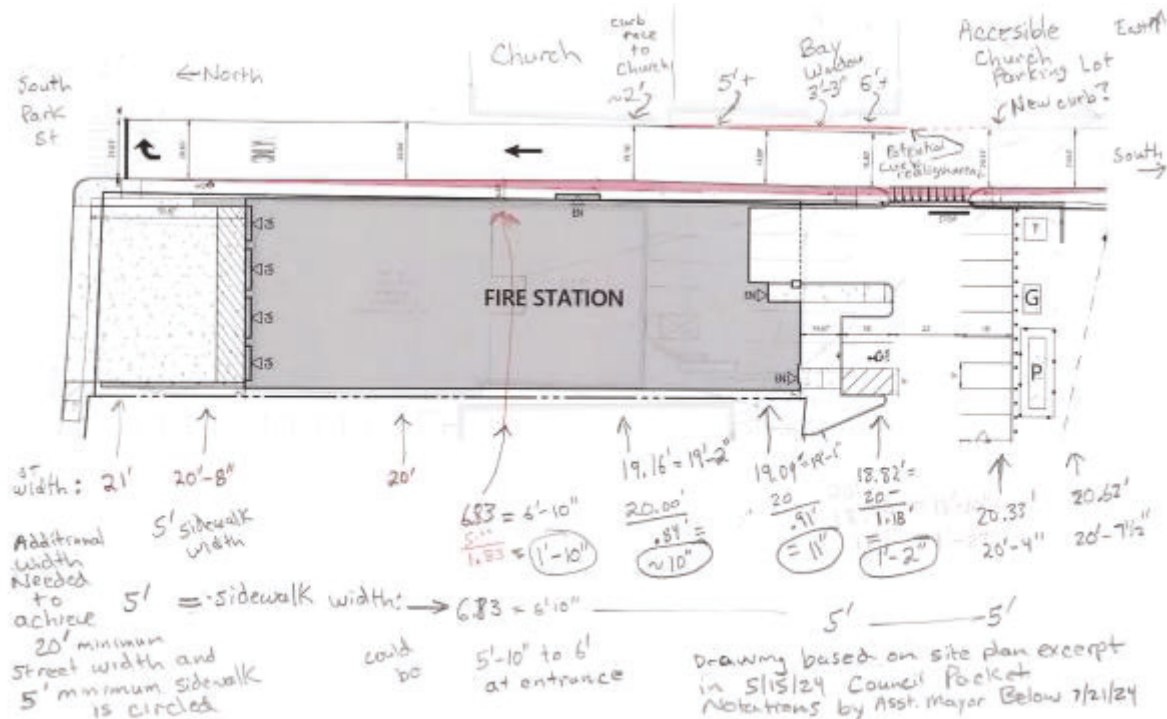


Assistant Mayor Below noted the width of the asphalt skirt (including curb width) between Church Street and the oldest part of the church (north end) is only about 2'. The width of the skirt along the south ~80' of the church is about 5' to 6' except at the bay window where there is only 3'-3". The shift in the alignment of this curb line at the south end to make it 1'-2" closer to the church, would still leave at least 2'-1" of skirt space at the bay window, which is not less than the narrowest width of the skirt along the 75' long north end of the church and further explained how

the dimensions of the sidewalk/building could be modified (to accommodate two-way traffic).

**New Fire Station: Potential to adjust vestibule to maintain 5' sidewalk width outside entrance door and 20' Church St. width.**

The projection of the Public Vestibule and entrance door beyond the rest of the eastern building façade is about 1'-10" based on sidewalk bowing out to 6'-10" beyond the 5'-0" width at the north and south ends of the building. This projection seems to be about or less than the distance between the inner vestibule wall and the door to the stair well, so either bringing the outer vestibule flush to the façade or reducing the projection by about half (10" to 12") would allow 5' sidewalk width outside entrance door and 20'-0" street width at this point. With realignment of the curb on the east side of the street (only at the south end of the church) to match curb lines at either end of this ~80' section, the entire width of Church Street could be at least 20', which is wider than 3 of the other 4 alternate routes to the back of these 2 buildings.

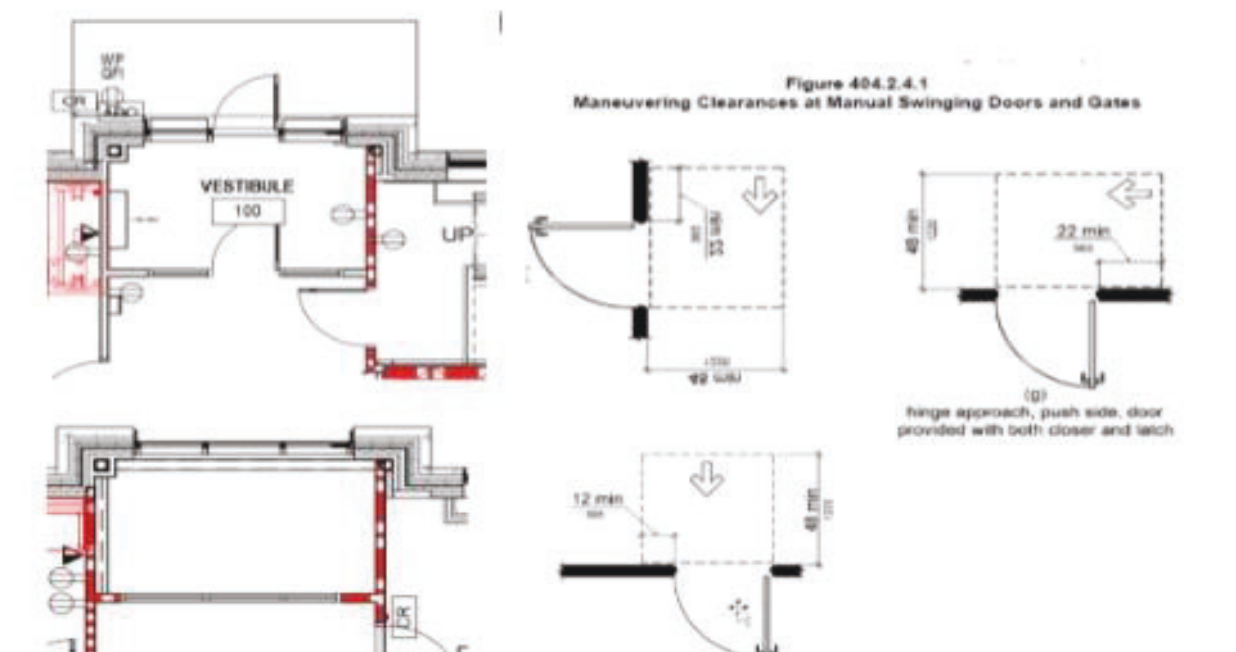




Assistant Mayor Below then briefly reviewed and gave his responses to: 1) The letter sent to City Manager Mulholland dated August 6, 2024 regarding the Church Street Traffic Patterns/Lebanon Fire Station (as listed on [pages 34-35, Council agenda packet](#)): 2) The response from LaVallee/Brensinger Architects (LBA) dated August 14, 2024 regarding the City of Lebanon's New Fire Station and the Church Street Traffic Pattern ([as listed on pages 36-39, Council agenda packet](#)); and 3) the response from the City of Lebanon's Public Safety Committee dated August 14, 2024 regarding Church Street ([as listed on pages 40-41, Council agenda packet](#)).

Assistant Mayor Below noted the City, over the past two decades, has constructed at least 15 streets, designed by a professional engineer, that are 20 feet or less in width and most of them almost always have two-way traffic on some portions of those streets. He then presented and explained examples of different street width designs that were done for the CSO projects. (**Note:** These designs were not included in the Council agenda packet.)

Assistant Mayor Below, a representative from VHB (name not identified) and Mr. John Adams from (LBA) had a lengthy discussion regarding whether or not the curb line was feasible; regulatory requirements; design/width of the sidewalk (on Church Street); and how, potentially, the design of the building could/could not be modified (to allow for two-way traffic), with Mr. Adams specifically mentioning the requirements for ADA (handicapped) access to the building he had to follow. The aesthetics, along with other technical materials that could be used in/out of building without moving the building were also discussed. In particular, the vestibule (see design below) was discussed at length.



**At the request of Mayor McNamara, the following came forth to give their testimony either for/against the proposed changes as presented by Assistant Mayor Below:**

- **Reverend Steve Silver (Ward-2)** questioned if it might be possible to put in a yield sign, noting the Street (Church Street) has been two-way for a long time, noting he felt there should be a way forward. He explained his reasons why he felt it is really important for them to maintain the two-way access into their parking for the people/groups who use the church.

- **Mr. Brian Clancy (Ward 2 & administrator for the First Congregational Church in Lebanon)** He spoke about how turning Church Street into a one-way street would affect the church and the individuals/groups who use the church and gave examples. His point was that their parking lot gets used a lot and all of their functional and most frequently used entrances are off of that lot. If the street becomes one way, he spoke about his reasons why he felt Church Street should become a one-way street going in the opposite direction (of the plan now) so that people arriving at the Church would at least be able to turn right onto Church Street. He also spoke about his reasons why he felt the detours/alternate routes in place now are more dangerous than the traffic on Church Street and gave examples.
- **Mr. Ben Van Vliet (Ward 1& Executive Director, Upper Valley Music Center):** He spoke about his reasons why he felt Church Street should remain a two-way Street.
- **Ms. Elizabeth Borowsky (Ward 2):** She spoke about her use of the First Congregational Church and why she felt Church Street should remain a two-way street.

There were no further comments from the public.

#### **Council Comments:**

Mayor McNamara noted that what we are talking about tonight is not the architectural changes but whether or not the Council should change (street) policy.

Deputy City Manager Brooks noted the design details is delegated to the City Manager according to the City Charter, so this is not really open for discussion but was sure City Manager Mulholland would be open to a conversations with the Council when he returns from vacation. The Council certainly has purview over whether or not a roadway is a one-way or two-way. The Council also has the authority to revisit Ordinance 2024-06 and rescind it if they choose to. You have some ability to impact the design/width of the road. However, there is no money in the budget for this project (the road is outside the scope of this project) so revisiting the width of the road and getting a proper design would require supplemental appropriations just for the design piece. Once we have a design and get some cost estimates, then there would be another supplemental appropriation to actually construct the road. With respect to the operation of the right-of-way he would suggest that the Council actually do a Statutory Layout Process to formally widen the road and the right-of-way rather than simply relying on easements and somewhat less formal agreements. The reason for that is there are buildings immediately adjacent to both sides of this road and any kind of regular road maintenance and operational assistance from Public Works so the City will want to have some kind of indemnification/protection to do what it has to do with respect to the operation of and plowing the roads and not rely on agreements. This could involve additional expenses with respect to legal work due to the Deeds/Layout/Indemnification, etc. He reiterated again what is in the Council's purview as listed below:

- Control of the Statutory layout process
- One-way vs. two-way of the road

He suggested that other questions about the design of the building be set aside for tonight because City Manager Mulholland is not present to have those discussions with the Council.

Mayor McNamara and Councilor Liot Hill supported Assistant Mayor Below's changes, with Mayor McNamara noting we are talking about a \$24M investment that needs to last the for the next 70 years and wanted to get it right the first time.

Assistant Mayor Below offered one more design suggestion and that was to relocate the fire hydrant across the street and explained his reasons. Where it is located now would affect how snow can be removed during the winter. A number of the city's streets that have been designed to be 18 ft. or 20 ft wide have fire hydrants on them.

Lebanon Fire Chief/Emergency Management Director wanted to mention that a comment made about Public Safety Committee letter that the Fire Department was unwilling to work with anyone was not true. What they set out to do was to be very objective and look at Public Safety and just wanted to clear the air about this. The code language about the fire hydrant is that if this (Church Street) is to be a two-way street, it needs to be 26 ft. so a fire truck can be parked on the street and attached to that fire hydrant.

In response to Councilor Liot Hill's questions, Assistant Mayor Below agreed that it was to:

- Maintain Character
- Make improvements when possible
- Meet as many neutrally beneficial goals as possible, and
- To create options for the next 75 years

The Council continued discussion regarding Church Street's width and whether or not there should be 1 sidewalk or 2 sidewalks.

Councilor Sykes spoke about his reason why he felt more information is needed so this project could be cost effective to achieve the results the City wants. He could not vote on any motion where there are no cost estimates, etc.

#### **ACTION:**

***Councilor Liot Hill MOVED, to establish a city policy that when significant city work is being done to a paved street where two-way traffic is allowed or has been since 2020, that a minimum width, curb to curb or to edge of pavement be established or maintained or as close thereto as is reasonably practical and affordable.***

***Seconded by Assistant Mayor Below.***

***\*The Vote on the Motion was approved amongst the members present (6-1). Councilor Simon opposed.***

**NO ACTION WAS TAKEN, AND WAS NOT REQUIRED, ON THE MOTION BELOW.  
WILL BE DISCUSSED AT A FUTURE DATE.**

***MOVED to request for a future agenda item to set a hearing for a proposal to repeal Ordinance No. 2024-06 to allow 2-way traffic along the entire length of Church Street to be effective upon a date after the completion of exterior building and site work on the east side of the new Fire Station along the northern 325 feet of Church Street.***

#### **~~11. CITY MANAGER REPORT:~~**

~~Deputy City Manager Brooks updated the Council on the following:~~

- ~~• Barrows Street Development Project~~
- ~~• Ambro Designs: Will now be part of the Pattern Zoning Program~~
- ~~• Hanover Street Extension housing project~~

**CITY OF LEBANON**  
**ORDINANCE #2025-03**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 168, Vehicles and Traffic, Section 168-9, One-way streets, in order to remove the existing one-way designation for the northerly 325 feet of Church Street, Lebanon.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

**Section 1:**

The Code of the City of Lebanon is hereby amended to revise Chapter 168, "Vehicles and Traffic", §168-9, One-way streets, for the purpose of deleting and repealing language referring to Church Street, as follows:

§ 168-9. One-way streets.

Except in compliance with law or the directions of a police officer or official traffic control device, no person shall drive a vehicle on the following streets except in the direction indicated:

| Name of Street                                                                            | Direction of Travel | Limits                                                                                                       |
|-------------------------------------------------------------------------------------------|---------------------|--------------------------------------------------------------------------------------------------------------|
| <del>Church Street</del><br><del>[Added 6-15-2024 by</del><br><del>Ord.No. 2024-06]</del> | <del>North</del>    | <del>Beginning 325 feet south of the intersection</del><br><del>of Church Street and South Park Street</del> |

**Section 2: Severability.**

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or parts of this ordinance.

**Section 3: Effective Date.**

The Ordinance shall become effective upon passage.



## Proposal Request

**Lebanon Fire Department**  
**Lebanon, New Hampshire 03766**

|                            |                   |
|----------------------------|-------------------|
| <b>Project No</b>          | <b>19-044-01</b>  |
| <b>Proposal Request No</b> | <b>004</b>        |
| <b>Date Issued</b>         | <b>10/08/2024</b> |

**Transmit To:**

Calvin Russell  
 ReArch Company  
 85 Mechanic Street  
 Box A-9, Suite E2-4  
 Lebanon, NH 03766

**Copies To:**

Shaun Mulholland - City of Lebanon  
 Chief Jim Wheatley - City of Lebanon  
 Robert Robicsek, LBA  
 Eric Madison - ReArch  
 Gabriel Trenchard - ReArch  
 Jack Kehoe - ReArch

**Description and Sketches:**

**2-way Church Street**

The Lebanon City Council has requested LBA to modify Church Street from a 1-way to a 2-way. Attached are modifications required to Church Street to accommodate the City's request. ReArch is to refer to the attachments and provide pricing for review.

**Modifications:**

1. Fire hydrant relocation
2. Church Street modifications to accommodate a 2-way Street.
3. Refer to cloud changes for all other modifications.

**Attachments:**

1. LBA's narrative
2. C3.0 - Layout and materials plan
3. C4.0 - Grading and Drainage plan
4. C5.0 - Utility plan

Please submit any DEDUCT or ADD to the Contract Sum and/or changes to the Contract Time needed to incorporate the work noted above into the scope of the Project. All other requirements of the Contract Documents shall apply unless specifically noted otherwise. DO NOT PROCEED WITH THIS WORK UNTIL WRITTEN APPROVAL HAS BEEN ISSUED.

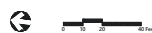




City of Lebanon

PUBLIC SAFETY  
BUILDING - FIRE  
DEPARTMENT

12 South Park Street  
Lebanon, NH 03766

[illegible]

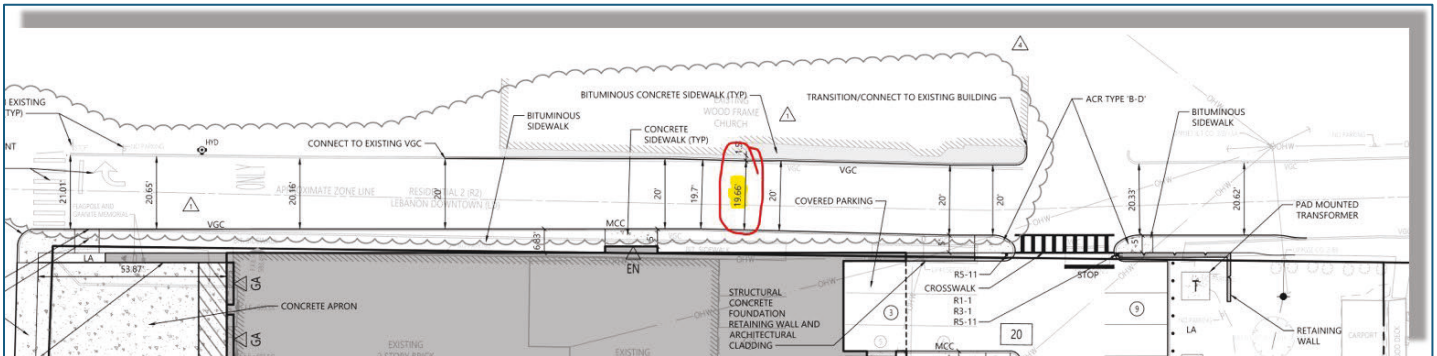
|                                                      |                                                                                                                                                          |            |
|------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| FOR ADDITIONAL INFORMATION, REFER TO PROJECT MANUAL. | CONTENT:                                                                                                                                                 |            |
|                                                      | Grading and Drainage Plan                                                                                                                                |            |
|                                                      |                                                                                                                                                          |            |
|                                                      | DESIGNED BY:                                                                                                                                             |            |
|                                                      | PROJECT NO.                                                                                                                                              | SD03-05    |
|                                                      | DATE                                                                                                                                                     | 05/01/2004 |
|                                                      | REVISED:                                                                                                                                                 |            |
| SCALE:                                               | 1" = 30'                                                                                                                                                 |            |
|                                                      | <b>C4.0</b>                                                                                                                                              |            |
|                                                      | Project Phase                                                                                                                                            |            |
|                                                      | <b>BID PACKAGE #4</b>                                                                                                                                    |            |
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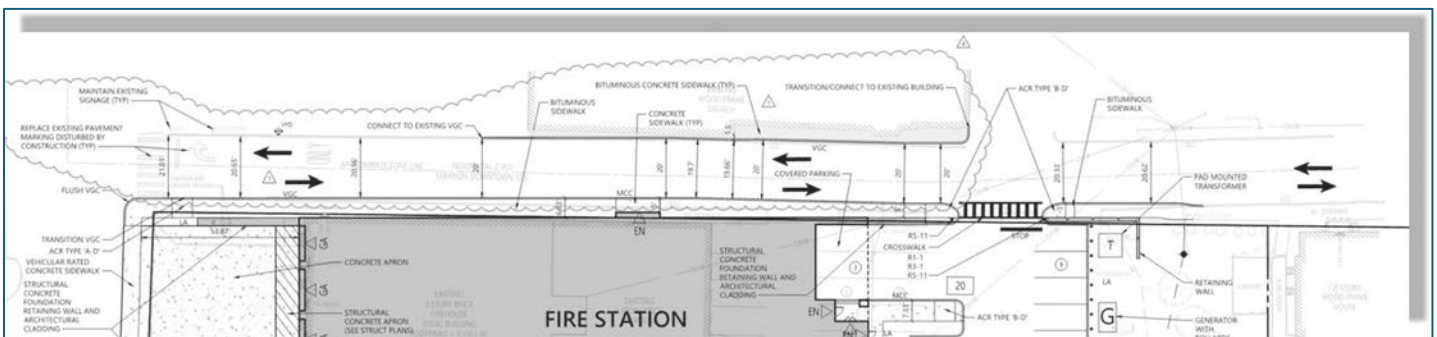


6. Specific questions related to topic item:

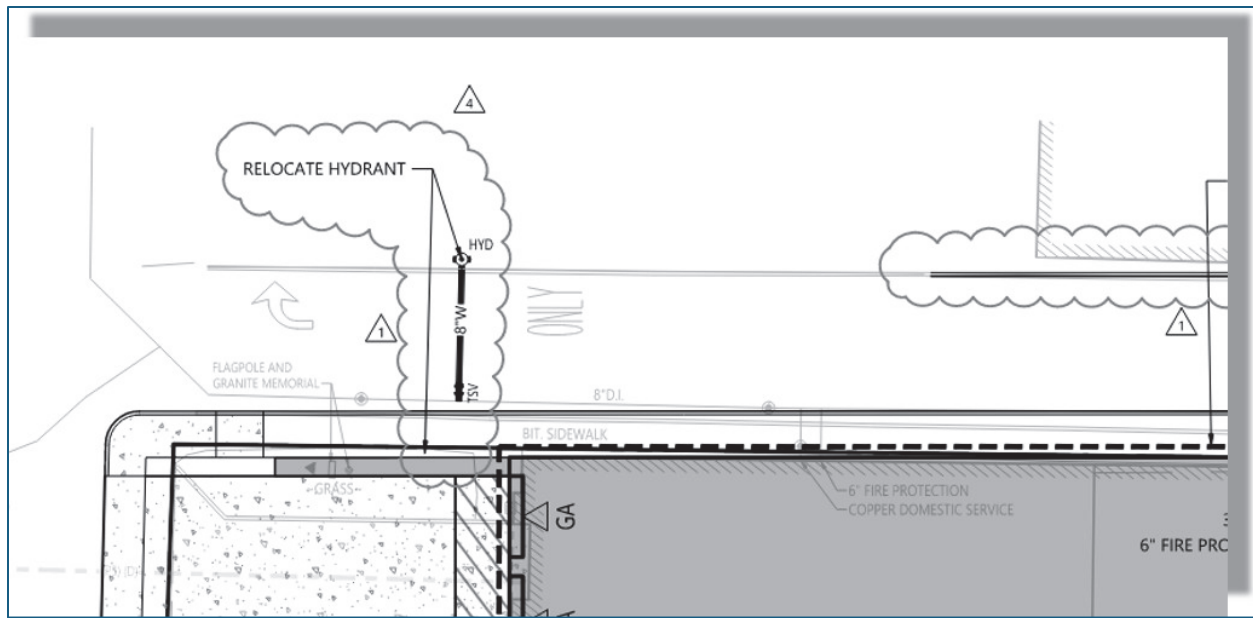
- Item #1: Is there an updated site plan available showing realignment of eastern curb at the southerly end of the one-way zone (along the south end of the church) and the resulting width at the south end of the one-way zone along these lines?
  - LBA's response:** Attached is Proposal Request #4 providing the latest site plans for a 2-way Church Street.
- Item #2: Does the narrowest street width, near the main entry, remain at 19.16'?
  - LBA's response:** The narrowest point on Church Street will be 19.66' – See highlighted dimension below for reference.



- Item #3: What portion of the 325 ft. one-way zone will be 20'-0" or wider and what portion will be less than 20 ft. wide?
  - LBA's response:** Per the request of the city of Lebanon, Church Street will remain as a 2-way Street along the new Fire Station. Refer to the image below for street access.



- Item #4: Can we agree, after reviewing the plans of many CSO projects designed and built by the City as excerpted in the attached "CSO Street Widths" file that there are numerous examples of rebuilt streets with 2-way traffic that are 20'-0" or less in width, curb to curb, including several that are only 18'-0" or less?
  - LBA's response:** No comments.
- Item #5: Is the fire hydrant being moved from the curb line in the sidewalk?
  - LBA's response:** The existing fire hydrant will be relocated to the Church side of the Street.



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

**10. New Business:**

**10.C – Discussion and Set Public Hearing for April 2, 2025:  
Ordinance #2025-04 to Amend City Code Chapter 68, Fees, Article III,  
Miscellaneous Fees, §68-15, Enumeration of Fees, to provide a  
Preliminary Sewer Rate for the Town of Enfield for 2026**

**Background**

Last fall, during the rate-setting hearing with the City Council, the sewer rate for the Town of Enfield, set forth in City Code Chapter 68-15.B(10), was a point of discussion. At that time, no adjustments to the Enfield sewer rate were made, as it was noted that Enfield's current sewer rate was higher than that of Lebanon, prompting a need for further evaluation. The City Council agreed that the rate should be reviewed in detail before any adjustments were made.

Since then, a comprehensive evaluation has been conducted, considering various factors, including modeled sewer flow, debt service obligations, the transfer to capital reserves, and administrative overhead. Based on this evaluation, a new sewer rate for Enfield has been calculated. The current sewer rate for Enfield is \$15.20 per 100 cubic feet, while Lebanon's rate is \$13.36 per 100 cubic feet. The proposed new sewer rate for Enfield, if applicable in 2025, would be \$8.29 per 100 cubic feet.

If the proposed rate change is implemented, the projected revenue from sewer user fees in the Town of Enfield would decrease from \$687,540 to \$430,725.12 (2025 numbers).

This proposal is to set a preliminary rate for the Town of Enfield for 2026, which will need to be adjusted once the 2026 budget is created and included in the annual rate-setting meeting and public hearing in the Fall of 2025.

**Action**

The following motion is offered for City Council consideration:

***MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, April 2, 2025, beginning at 6:00pm in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2025-04 to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, Section 68-15, Enumeration of fees, Paragraph 68-15.B(10), Town of Enfield sewer rental rate, to amend the sewer rate charged to the Town of Enfield.***

Included In This Section:

1. Enfield Sewer Rate Evaluation presentation prepared by the Department of Public Works
2. Proposed Ordinance #2025-04

The image features a black and white aerial photograph of a golf course, showing various green fairways and sand traps. A large, stylized graphic is overlaid on the right side of the image, consisting of several parallel diagonal lines in shades of blue and grey, creating a sense of depth and movement.

# Enfield Sewer Rate Evaluation



## Current Volumetric Rates

2025 Lebanon Rate - \$13.36  
per 100 Cubic Feet

\$13.36

\$15.20

2025 Enfield Rate - \$15.20  
per 100 Cubic Feet

## Wastewater Flows

Total Flow to WWTF-  
1.694 Million Gallons  
Per Day

Total Flow from Enfield  
– 0.1065 Million Gallons  
Per Day

Percentage flow from  
Enfield – 6.29%

## 2025 User Fee Revenue Budget

Lebanon User Fees  
- \$7,292,140

Based Primarily on  
Water Usage

Enfield User Fees-  
\$687,540

Based on Sewer  
Flow Meters

Percentage User Fees  
from Enfield – 9.4%

## Debt Service

2025 Total Debt Service -  
\$2,887,950

Total From Project Enfield  
Uses - \$965,038.42

Total From Projects Only  
Lebanon Uses - \$1,922,911.58



# Proposed New Enfield Sewer Rate:

6.29% Operating Budget - \$292,513.93

6.29% Applicable Debt Service - \$54,730.27

46.86% Sewer Interceptor Work Debt Service-  
\$44,476.12

1% Admin Overhead 6.29% Transfer to Capital  
Reserve- \$39,004.80

Total Enfield Annual Amount Due Based on 2025  
Budget \$430,725.12

# Rate Based on Amount Due in 2025



\$430,725.12 divided by 51,968  
Hundred Cu/ft per year

Existing Budget Revenue  
\$687,540



Proposed Rate - \$8.29 per  
Hundred Cu/ft

Existing Rate - \$15.20 per  
Hundred Cu/ft

**CITY OF LEBANON**  
**ORDINANCE #2025-04**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 68, Fees, Article III, Miscellaneous Fees, Section 68-15, Enumeration of fees, Paragraph 68-15.B(10), Town of Enfield sewer rental rate, in order to amend the sewer rate for the Town of Enfield.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

**Section 1:**

The Code of the City of Lebanon is hereby amended to revise Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of fees, for the purpose of amending the sewer rental rate charged to the Town of Enfield, as follows:

§ 68-15. Enumeration of fees.

§ 68-15.B. Public utilities (water/sewer) fees shall be as follows:

§ 68-15.B(10). Town of Enfield sewer rental rate.

(a) ~~\$15.20~~ \$8.29 per 100 cubic feet.

(b) New or expanded sewer users within the Town of Enfield are subject to the sewer development charge at the same rate charged to sewer users within the City of Lebanon.

**Section 2: Severability.**

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or parts of this ordinance.

**Section 3: Effective Date.**

The Ordinance shall become effective on January 1, 2026.

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

**10. New Business:**

**10.D – Discussion of Potential Zoning Amendments to Add “Hotel” as a Permitted Use in the General Commercial One (GC-1) District; and to Add “Care and Treatment of Animals” as a Use Allowed by Conditional Use Permit in the Residential-Office One (RO-1) District**

**Background**

On January 29, 2025, Dan Nash, of Advanced Geomatics & Design, submitted two zoning amendment requests on behalf of clients.

The first amendment, submitted on behalf of Choice Storage, LLC/Jay Campion and Cicotte Properties, LLC/Johanna Cicotte, requests that “Hotel” be added to Section 305A.2, Table of Uses, as a Permitted Use within the General Commercial One (GC-1) zoning district.

The second amendment, submitted on behalf of Evans Drive SPE, LLC/Johanna Cicotte, requests that “Care and Treatment of Animals” be added to Section 311A.2, Table of Uses, as a Use Allowed by Conditional Use Permit in the Residential-Office One (RO-1) zoning district.

The Planning and Development Department has prepared a brief memorandum concerning each of the respective requests and summarized the amendment process, including suggesting a tentative review schedule pursuant to Section 1000.3.A of the Zoning Ordinance.

**Action**

*If the Council decides to move forward with the proposed amendment requests, the following motion is offered for consideration:*

***MOVED, that the Lebanon City Council, in accordance with City of Lebanon Zoning Ordinance, Article X, Section 1000.3, Amendment Procedures, submits the proposed zoning amendments as described in two separate letters dated January 29, 2025 from Dan Nash of Advanced Geomatics & Design, to the Planning Board, Zoning Board of Adjustment, and Conservation Commission for their review and comment. The City Council hereby sets the following tentative review schedule:***

|                                                    |                                 |
|----------------------------------------------------|---------------------------------|
| <b><i>City Council Decision to Proceed:</i></b>    | <b><i>March 19, 2025</i></b>    |
| <b><i>Legal Review:</i></b>                        | <b><i>by March 31, 2025</i></b> |
| <b><i>Zoning Board of Adjustment:</i></b>          | <b><i>April 7, 2025</i></b>     |
| <b><i>Conservation Commission:</i></b>             | <b><i>April 10, 2025</i></b>    |
| <b><i>Planning Board:</i></b>                      | <b><i>April 28, 2025</i></b>    |
| <b><i>City Council Setting Public Hearing:</i></b> | <b><i>May 7, 2025</i></b>       |
| <b><i>City Council Public Hearing:</i></b>         | <b><i>May 21, 2025</i></b>      |

Included In This Section:



1. Memorandum from Planning & Development Department Staff RE: Proposed Zoning Amendments: Hotel in GC-1, dated March 5, 2025, including January 29, 2025 letter from Dan Nash, of Advanced Geomatics & Design, RE: Request for Zoning Change [Hotel / GC-1]
2. Memorandum from Planning & Development Department Staff RE: Proposed Zoning Amendments: Care & Treatment of Animals, dated March 5, 2025, including January 29, 2025 letter from Dan Nash, of Advanced Geomatics & Design, RE: Request for Zoning Change, Lot 78-40-1 [Care and Treatment of Animals / RO-1]



## CITY OF LEBANON ~ PLANNING & DEVELOPMENT

### MEMORANDUM

**TO:** Lebanon Honorable Mayor and City Council

**FROM:** Planning and Development Department Staff

**RE:** Proposed Zoning Amendments: Hotels in GC-1

**DATE:** March 5, 2025

A public request has been made by Dan Nash, PE, on behalf of Choice Storage, LLC/Jay Campion and Cicotte Properties, LLC/Johanne Cicotte to amend Section 305A.2 to include "Hotel" as a permitted use in the GC-1 District. The request has been made pursuant to Section 1000.2.C of the Zoning Ordinance which provides that amendments to the Zoning Ordinance may be proposed "by petition of any number of voters...". The basis for the petitioner's request is set forth in the attached letter dated January 29, 2025 from Mr. Nash.

"Hotel" is defined in Appendix A of the Zoning Ordinance as "[a] building designed for or used commercially as more or less temporary living quarters for persons who are lodged with or without meals in which are ten or more sleeping rooms usually occupied singularly or by families of transients[.]" and is currently allowed within the GC-1 District if part of a Commercial Planned Unit Development (PUD). "Hotel" is also currently allowed:

- As a permitted use in the GC, CB and LD Districts;
- By Conditional Use in the MC District;
- Within a Commercial PUD (allowed by Conditional Use in the GC, GC-1, CB, and MC Districts);
- Within an Industrial PUD (allowed by Conditional Use in the IND-L, IND-RA, and IND-H Districts); and
- Within a Planned Business Park (allowed by Conditional Use in the IND-L, IND-RA, IND-H Districts).

### RECOMMENDATIONS

City staff recommends that the Council move forward with the schedule proposed below. This will allow for the City's Land Use Boards and the public to provide feedback on the proposed amendment.

Following the public hearing, the amendment to Section 305A.2 may be adopted by the City Council per Section 1000.3.C of the Zoning Ordinance.

### SCHEDULE

Should the City Council elect to proceed with consideration of the petitioner's proposed zoning 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:

City Council decision to proceed: **March 19, 2025**  
Legal review: **by March 31, 2025**  
Zoning Board of Adjustment: **April 7, 2025**  
Conservation Commission: **April 10, 2025**  
Planning Board: **April 28, 2025**  
City Council setting public hearing: **May 7, 2025**  
City Council public hearing: **May 21, 2025**

**ATTACHMENTS**

1. Petitioned Zoning Amendment Request Letter



29 January 2025

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 Choice Storage, LLC/Jay Campion and Cicotte Properties, LLC/Johanna Cicotte this letter is being written to request a zoning change to be part of the city's North Lebanon zoning review.

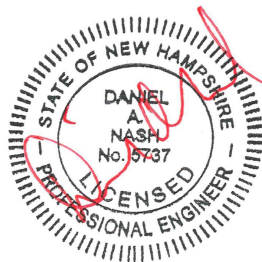
**Request #1.** Amend Table 305A.2 to include "Hotel" as a permitted use.

The GC zone currently allows Hotel as a Permitted Use. As GC-1 is an extension/modification of this use, it makes sense for the hotel use to follow. The Route 120/North Lebanon area is a prime and appropriate locale for the hotel use.

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

Sincerely,

Daniel A. Nash, PE  
Principal



Attachments:

- GC table of uses
- GC-1 table of uses

CC: Jay Campion, Choice Storage  
Johanna Cicotte, Cicotte Properties

M:\2018\_projects\18-025\zoning\zoning change\_jan25\letter\_col\_hoteouse\_29Jan2025.docx



## 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><b>Special Exception Uses</b></u><br>(see Section 801.3)                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Residential</u> <ol style="list-style-type: none"> <li>1. <b>Dwelling unit(s)</b> above first floor</li> <li>2. <b>Multi-family dwelling</b> (see Section 305.5)</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li>1. <b>Alternative treatment center</b> per Section 613</li> <li>2. <b>Bus terminal</b></li> <li>3. <b>Educational facility, college/university</b></li> <li>4. <b>Essential service</b></li> <li>5. <b>Truck terminal</b></li> </ol>                                                                                       |
| <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li>3. <b>Amusements (indoor)</b></li> <li>4. Car wash</li> <li>5. <b>Community center</b></li> <li>6. <b>Drive-in restaurant, refreshment stand</b></li> <li>7. <b>Drive-through facility</b></li> <li>8. Drycleaning pick-up station</li> <li>9. <b>Financial institution</b></li> <li>10. Funeral home</li> <li>11. <b>Group day care facility</b> per Section 604</li> <li>12. <b>Health club</b></li> <li>13. <b>Hotel</b></li> <li>14. House of worship</li> <li>15. Laundromat</li> <li>16. <b>Local government use</b></li> <li>17. <b>Membership club</b></li> <li>18. <b>Motel</b></li> <li>19. Movie theater</li> <li>20. <b>Office</b></li> <li>21. <b>Personal service</b></li> <li>22. Publishing/printing</li> <li>23. Radio or TV studio</li> <li>24. <b>Recreational facility, indoor</b></li> </ol> | <u>Uses by <b>Conditional Use Permit</b></u><br>(see Section 302.4)                                                                                                                                                                                                                                                                                                                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li>1. <b>Care and treatment of animals</b></li> <li>2. <b>Contractor's yard</b></li> <li>3. <b>Craftsman's shop</b></li> <li>4. Plumbing, electrical or carpentry shop</li> <li>5. <b>Produce stand</b></li> <li>6. <b>Recreational facility, outdoor</b></li> <li>7. <b>Warehouse</b></li> <li>8. Wholesale sales</li> </ol> |

| <u>Permitted Uses</u>                                                                                                                                                                                                                                                                                                      | <u><b>Special Exception Uses</b></u><br>(see Section 801.3) |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| 25. <b>Renewable energy system</b> per Section 612<br>26. <b>Restaurant</b> , sandwich shop<br>27. <b>Retail product pickup</b><br>28. <b>Retail store</b><br>29. <b>Service station</b><br>30. <b>Vehicular repair</b><br>31. <b>Vehicular sales</b><br><u>Planned Developments</u><br>32. Commercial PUD per Section 501 |                                                             |

305.3 Table of Area, Dimension and Coverage.

| Minimum <b>Lot</b> Requirements |                 |            |           |           | Maximum Limitations |                          |
|---------------------------------|-----------------|------------|-----------|-----------|---------------------|--------------------------|
| Area                            | <b>Frontage</b> | Front Yard | Side Yard | Rear Yard | Building Coverage   | Height                   |
| 50,000 square feet              | 150'            | 40'        | 20'       | 20'       | 30%                 | 45'<br>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.

## SECTION 305A GENERAL COMMERCIAL ONE DISTRICT (GC-1).

### 305A.1 Purpose.

The purpose of the GC-1 District is to provide opportunities for a mix of commercial and residential uses within close proximity to regional employers, public transportation routes, and pedestrian and biking trails. The GC-1 District is intended to provide for uses that are compatible with the limited access design of Route 120, and which would tend to retain and enhance the existing character of the area. New housing is encouraged to provide convenient access to major centers of employment, to facilitate future economic growth along the Route 120 corridor, and to complement the existing array of services and amenities within walking or biking distance of the GC-1 District.

### 305A.2 Table of Uses.

| <u>Permitted Uses</u>                                                                                                                                                                                                                                                                                                                                                                                                       | <u>Uses by <b>Conditional Use Permit</b></u><br>(see Section 302.4)                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Residential</u><br>1. <b>Multi-family dwelling</b> (see Section 305A.4)<br><u>Commercial/Non-Residential</u><br>2. <b>Dwelling unit(s)</b> above first floor<br>3. <b>Essential service</b><br>4. <b>Financial institution</b><br>5. <b>Group day care facility</b> per Section 604<br>6. <b>Office</b><br>7. <b>Personal service</b><br>8. <b>Renewable energy system</b> per Section 612<br><div>Add: "9. Hotel"</div> | <u>Commercial/Non-Residential</u><br>1. <b>Alternative treatment center</b> per Section 613<br>2. Drycleaning pick-up station<br>3. <b>Educational facility, college/university</b><br>4. <b>Inpatient rehabilitation facility</b><br>5. <b>Light industry</b><br>6. Research laboratory<br>7. <b>Restaurant</b> , sandwich shop<br>8. <b>Retail store</b><br><u>Planned Developments</u><br>1. Commercial PUD per Section 501<br>2. <b>Manufactured Housing PURD</b> per Section 504 |

305A.3 Table of Area, Dimension and Coverage.

| Minimum <i>Lot</i> Requirements |                 |                   |                  |                  | Maximum Limitations      |                        |
|---------------------------------|-----------------|-------------------|------------------|------------------|--------------------------|------------------------|
| <i>Lot Area</i>                 | <i>Frontage</i> | <i>Front Yard</i> | <i>Side Yard</i> | <i>Rear Yard</i> | <i>Building Coverage</i> | <i>Building Height</i> |
| 50,000 square feet              | 150'            | 40'               | 20'              | 20'              | 30%                      | 55'                    |

305A.4 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 Allow Hotel Use in GC-1

(North Lebanon GC-1 Properties)

29 January 2025

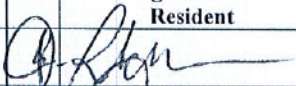
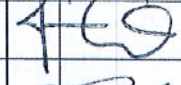
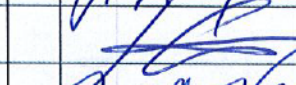
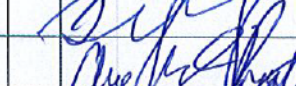
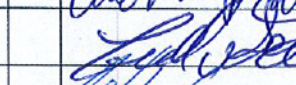
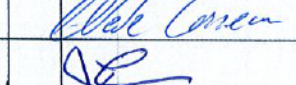
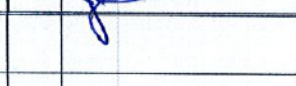
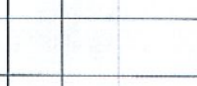
Members of the Lebanon City Council,

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 request is outlined in AGD letter to the City Council regarding Section 305A.2 dated 29Jan2025

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 |
|------------------|-------------------------------------------------------------------------------------|------------------------------------------------|-------------|
| Glenn Fulcher    |    | 40 Mechanic St 603<br>Lebanon NH 499.1972      | 1/30/25     |
| Johanna Clotte   |    | 47 Apple Blossom Dr.<br>W. Lebanon 603 3069644 | 1/30/25     |
| Pete Mascini     |   | 46 Main St<br>Lebanon NH                       | 1/30/25     |
| Jaime Lanfranco  |  | 337 Mount Support Rd<br>Lebanon NH 03766       | 1/30/25     |
| Keith Higgs      |  | 337 Mount Support Rd<br>Lebanon NH 03766       | 1-30-25     |
| Dave Gilman      |  | Lebanon NH 03766<br>22 School St Apt 1         | 1/30/25     |
| Andrew Rodman    |  | 8 Light Street<br>Lebanon NH 03766             | 1-30/25     |
| Carl Seachell    |  | 141 Street<br>Hanover Lebanon NH               | 1/30/25     |
| Wade Corneau     |  | 16 Memorial Dr.<br>Lebanon NH                  | 1/30/25     |
| Justin Lanfranco |  | 225 Bank St Ext<br>Lebanon                     | 1/30/25     |
|                  |                                                                                     |                                                |             |
|                  |                                                                                     |                                                |             |
|                  |                                                                                     |                                                |             |
|                  |                                                                                     |                                                |             |
|                  |                                                                                     |                                                |             |
|                  |                                                                                     |                                                |             |
|                  |                                                                                     |                                                |             |



## **CITY OF LEBANON PLANNING & DEVELOPMENT**

### **MEMORANDUM**

**TO: Lebanon Honorable Mayor and City Council**

**FROM: Planning and Development Department Staff**

**RE: Proposed Zoning Amendments: Care & Treatment of Animals**

**DATE: March 5, 2025**

A public request has been made by Dan Nash, PE, on behalf of Evans Drive SPE, LLC/Johanna Cicotte to amend Section 311A.2 to include "Care and Treatment of Animals" as a Conditional Use Permit in the RO-1 District. The request has been made pursuant to Section 1000.2.C of the Zoning Ordinance which provides that amendments to the Zoning Ordinance may be proposed "by petition of any number of voters....". The basis for the petitioner's request is set forth in the attached letter dated January 29, 2025, from Mr. Nash.

"Care and Treatment of Animals" is defined in Appendix A of the Zoning Ordinance as "[a] veterinary establishment, riding school, or kennels" and is currently not allowed in the RO-1 zoning district. It is allowed in the following districts:

- By Conditional Use Permit in the GC Districts
- By Special Exception in the RL-1, RL-2, and Ind-L Districts

### **RECOMMENDATIONS**

City staff recommends that the Council move forward with the schedule proposed below. This will allow for the City's Land Use Boards and the public to provide feedback on the proposed amendment.

Following the public hearing, the amendment to Section 311A.2 may be adopted by the City Council per Section 1000.3.D of the Zoning Ordinance.

### **SCHEDULE**

Should the City Council elect to proceed with consideration of the petitioner's proposed zoning 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:

|                                      |                          |
|--------------------------------------|--------------------------|
| City Council decision to proceed:    | <b>March 19, 2025</b>    |
| Legal review:                        | <b>by March 31, 2025</b> |
| Zoning Board of Adjustment:          | <b>April 7, 2025</b>     |
| Conservation Commission:             | <b>April 10, 2025</b>    |
| Planning Board:                      | <b>April 28, 2025</b>    |
| City Council setting public hearing: | <b>May 7, 2025</b>       |
| City Council public hearing:         | <b>May 21, 2025</b>      |

## **ATTACHMENTS**

1. Petitioned Zoning Amendment Request Letter



29 January 2025

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

Re: Request for Zoning Change, Lot 78-40-1

Dear Mayor and Councilors:

On behalf of Evans Drive SPE, LLC/Johanna Cicotte this letter is being written to request a zoning change to be part of the city's North Lebanon zoning review.

**Request #1.** Amend Table 311A.2 to include "Care and Treatment of Animals" as a Use permitted by Conditional Use Permit.

This parcel was zoned GC until about 2004 when the zoning was changed to RO-1. The change of use does not allow Care and treatment of animals. The SAVES facility got zoning permission in 2010 to establish and animal hospital by converting one non-conforming use to another.

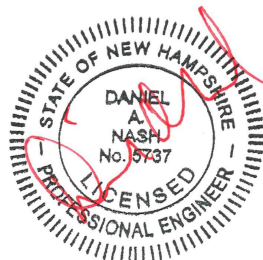
This facility has been an integral part of our community. They often provide critical care for dear family pets. They do well at their job and have seen some growth. Occasionally, they have a need for additional parking. In 2024, we sought a permit to expand the parking. We were informed by staff that the Proposed action would require a variance(see attached email). Since variances are not a sure thing, the owner opted to put off the application process.

Since the city is undergoing changes in the North Lebanon area, it makes sense to clear up this unfortunate effect of changed zoning. The Care and Treatment of animals was previously allowed on this site and should be now. I have attached the GC table of uses that applied prior to the zone change to RO-1 and a recommended Table for the Council's consideration.

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

Sincerely,

Daniel A. Nash, PE  
Principal





City Council  
Request for Zoning Changes  
29Jan2025

Attachments:

- GC table of uses
- RO-1 table of uses
- email Nate Reichert

CC: Johanna Cicotte, Cicotte Properties

M:\2023\_projects\23-004\zoning\zoning\_change\_animalcare\_Jan25\letter\_col\_animcare\_29Jan2025.docx

## 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><b>Special Exception Uses</b></u><br>(see Section 801.3)                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Residential</u> <ol style="list-style-type: none"> <li><b>Dwelling unit(s)</b> above first floor</li> <li><b>Multi-family dwelling</b> (see Section 305.5)</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li><b>Alternative treatment center</b> per Section 613</li> <li><b>Bus terminal</b></li> <li><b>Educational facility, college/university</b></li> <li><b>Essential service</b></li> <li><b>Truck terminal</b></li> </ol>                                                                              |
| <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li><b>Amusements (indoor)</b></li> <li>Car wash</li> <li><b>Community center</b></li> <li><b>Drive-in restaurant, refreshment stand</b></li> <li><b>Drive-through facility</b></li> <li>Drycleaning pick-up station</li> <li><b>Financial institution</b></li> <li>Funeral home</li> <li><b>Group day care facility</b> per Section 604</li> <li><b>Health club</b></li> <li><b>Hotel</b></li> <li>House of worship</li> <li>Laundromat</li> <li><b>Local government use</b></li> <li><b>Membership club</b></li> <li><b>Motel</b></li> <li>Movie theater</li> <li><b>Office</b></li> <li><b>Personal service</b></li> <li>Publishing/printing</li> <li>Radio or TV studio</li> <li><b>Recreational facility, indoor</b></li> </ol> | <u>Uses by <b>Conditional Use Permit</b></u><br>(see Section 302.4)                                                                                                                                                                                                                                                                                                         |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li><b>Care and treatment of animals</b></li> <li><b>Contractor's yard</b></li> <li><b>Craftsman's shop</b></li> <li>Plumbing, electrical or carpentry shop</li> <li><b>Produce stand</b></li> <li><b>Recreational facility, outdoor</b></li> <li><b>Warehouse</b></li> <li>Wholesale sales</li> </ol> |

| <u>Permitted Uses</u>                                                                                                                                                                                                                                                                                                      | <u><b>Special Exception Uses</b></u><br>(see Section 801.3) |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| 25. <b>Renewable energy system</b> per Section 612<br>26. <b>Restaurant</b> , sandwich shop<br>27. <b>Retail product pickup</b><br>28. <b>Retail store</b><br>29. <b>Service station</b><br>30. <b>Vehicular repair</b><br>31. <b>Vehicular sales</b><br><u>Planned Developments</u><br>32. Commercial PUD per Section 501 |                                                             |

305.3 Table of Area, Dimension and Coverage.

| Minimum <b>Lot</b> Requirements |                 |            |           |           | Maximum Limitations |                          |
|---------------------------------|-----------------|------------|-----------|-----------|---------------------|--------------------------|
| Area                            | <b>Frontage</b> | Front Yard | Side Yard | Rear Yard | Building Coverage   | Height                   |
| 50,000 square feet              | 150'            | 40'        | 20'       | 20'       | 30%                 | 45'<br>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.

## SECTION 311A RESIDENTIAL-OFFICE-ONE DISTRICT (R-O-1).

### 311A.1 Purpose.

The purpose of the R-O-1 district is to provide for well-planned neighborhoods of **offices** and higher density housing by carefully guiding the integration of multi-residential housing and **office** uses. The district balances the goals of: (1) preserving the economic viability of older, large **dwelling**s modified to accommodate multiple residential units or **office** space or both; (2) providing for attractive locations for small **offices**; and (3) providing for new **office** buildings compatible with surroundings.

### 311A.2 Table of Uses.

| <u>Permitted Uses</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <u><b>Special Exception Uses</b></u><br>(see Section 801.3)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Residential</u> <ol style="list-style-type: none"> <li><b>One-family dwelling</b></li> <li><b>Two-family dwelling</b></li> <li><b>Multi-family dwelling</b> (4 <b>dwelling units</b> or less) per Section 601</li> <li><b>Accessory dwelling unit</b> (ADU) per Section 610</li> </ol> <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li>Construction of new <b>office building</b> (3,000 sq. ft. or less) per Section 601</li> <li>Conversion of a <b>dwelling</b> to <b>office</b> use per Section 601</li> <li><b>Financial institution</b></li> <li><b>Home business</b> per Section 600</li> <li>House of worship</li> <li><b>Personal service</b></li> <li><b>Renewable energy system</b> per Section 612</li> </ol> <u>Planned Developments</u> <ol style="list-style-type: none"> <li>PURD per Section 501</li> </ol> | <u>Residential</u> <ol style="list-style-type: none"> <li><b>Multi-family dwelling</b> (5 <b>dwelling units</b> or more) per Section 601</li> <li><b>Senior housing complex</b></li> </ol> <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li>Construction of new <b>office building</b> (3,001 sq. ft. – 6,000 sq. ft.) per Section 601</li> <li><b>Educational facility, college/university</b></li> <li><b>Educational facility, primary/secondary</b></li> <li><b>Essential service</b></li> <li>Funeral home</li> <li><b>Group day care facility</b> per Section 604</li> <li><b>Group residence</b></li> <li><b>Health club</b></li> <li><b>Hospice</b></li> <li><b>Lodging house</b></li> <li><b>Public safety facility</b></li> <li><b>Recreational facility, indoor</b></li> <li><b>Recreational facility, outdoor</b></li> <li><b>Tourist home (or bed and breakfast facility)</b></li> </ol> |

Add: Uses by Conditional Use Permit  
1. Care and Treatment of Animals



311A.3 Table of Area, Dimensions and Coverage.

**Minimum Lot Size**

| Class | Area          | Width | Additional Area per D.U.<br>After Two | Maximum<br>Height |
|-------|---------------|-------|---------------------------------------|-------------------|
| 1     | 10,000 sq.ft. | 75'   | 3,000 sq.ft.                          | 45'               |
| 2     | 15,000 sq.ft. | 75'   | 5,000 sq.ft.                          | 45'               |
| 3     | 40,000 sq.ft. | 100'  | 15,000 sq.ft.                         | 45'               |

**Minimum Yard**

| Class | Front | Side | Rear | Maximum <b><i>Building<br/>Coverage</i></b> |
|-------|-------|------|------|---------------------------------------------|
| 1     | 20'   | 15'  | 20'  | 25%                                         |
| 2     | 20'   | 15'  | 20'  | 20%                                         |
| 3     | 25'   | 25'  | 30'  | 15%                                         |

## Dan Nash

---

**From:** Nathan Reichert <Nathan.Reichert@lebanonnh.gov>  
**Sent:** Monday, March 18, 2024 12:49 PM  
**To:** Dan Nash; Tim Corwin  
**Cc:** 'Johanna Cicotte'; 'Keith Higgs'  
**Subject:** RE: [EXTERNAL] RE: 63 Evans Dr\_Non-Conforming Use

The 2010 ZBA decision is rather clear as to what was approved in 2010. It is clearly a non-conforming use being exchanged for another non-conforming use.

Unfortunately, additional relief is needed from the Zoning Board to create an expansion.  
Nate

-----Original Message-----

From: Dan Nash <advancedgeomatrics@comcast.net>  
Sent: Monday, March 18, 2024 12:11 PM  
To: Tim Corwin <Tim.Corwin@lebanonnh.gov>  
Cc: 'Johanna Cicotte' <jcicotte1@aol.com>; Nathan Reichert <Nathan.Reichert@lebanonnh.gov>; 'Keith Higgs' <khiggs@volvovolkswagen.com>  
Subject: RE: [EXTERNAL] RE: 63 Evans Dr\_Non-Conforming Use

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

Tim,

Thank you for the zoning decision. I think this use can be classified as an "office" use, which is allowed. The operation is essentially a veterinary office.

Dan Nash  
Advanced Geomatics and Design  
105 Bank Street  
Lebanon, NH 03766  
603-448-6295  
802-356-4928 mobile  
Advancedgeomatrics@comcast.net  
[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_www.advancedgeomatrics.org&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_CdpgnVfiiMM&r=Cwlhu-sTt5Lmtcg7soPpgPCeEiVDaFy5X\\_5jjcYB4l8&m=yigBvVQ1Nlrmr5qvg8acb92aVLYObtuq7yY\\_\\_HmYoEjINCpk3lvJgqbcSwq2Mhsf&s=JaCE0V9u5hKOJhW7\\_4xfNLSzTrXOdCeAW8bfHqWnF70&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.advancedgeomatrics.org&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=Cwlhu-sTt5Lmtcg7soPpgPCeEiVDaFy5X_5jjcYB4l8&m=yigBvVQ1Nlrmr5qvg8acb92aVLYObtuq7yY__HmYoEjINCpk3lvJgqbcSwq2Mhsf&s=JaCE0V9u5hKOJhW7_4xfNLSzTrXOdCeAW8bfHqWnF70&e=)

-----Original Message-----

From: Tim Corwin <[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_Tim.Corwin-40lebanonnh.gov&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_CdpgnVfiiMM&r=Cwlhu-sTt5Lmtcg7soPpgPCeEiVDaFy5X\\_5jjcYB4l8&m=yigBvVQ1Nlrmr5qvg8acb92aVLYObtuq7yY\\_\\_HmYoEjINCpk3lvJgqbcSwq2Mhsf&s=N4abSWXfgjtovHQRZzJcJq1M6AEGnaKa4CrlqfRyjek&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A__Tim.Corwin-40lebanonnh.gov&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=Cwlhu-sTt5Lmtcg7soPpgPCeEiVDaFy5X_5jjcYB4l8&m=yigBvVQ1Nlrmr5qvg8acb92aVLYObtuq7yY__HmYoEjINCpk3lvJgqbcSwq2Mhsf&s=N4abSWXfgjtovHQRZzJcJq1M6AEGnaKa4CrlqfRyjek&e=)>  
Sent: Monday, March 18, 2024 12:02 PM

To: Dan Nash <advancedgeomatrics@comcast.net>  
Cc: 'Johanna Cicotte' <jcicotte1@aol.com>; Nathan Reichert <[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_Nathan.Reichert-40lebanonnh.gov&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_Cdp gnVfiiMM&r=Cwlhu-sTt5Lmtcg7soPpgPCeivDaFy5X\\_5jicYB4l8&m=yigBvVQ1Nlrmr5qvg8acb92aVLYObtuq7yY\\_\\_HmYoEjINC PK3lvJgqbcSwq2Mhsf&s=J1vtlf\\_nW6lp1ObgCvDCAkGlzndFP1Dhs2mYvzcq2J0&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A__Nathan.Reichert-40lebanonnh.gov&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=Cwlhu-sTt5Lmtcg7soPpgPCeivDaFy5X_5jicYB4l8&m=yigBvVQ1Nlrmr5qvg8acb92aVLYObtuq7yY__HmYoEjINC PK3lvJgqbcSwq2Mhsf&s=J1vtlf_nW6lp1ObgCvDCAkGlzndFP1Dhs2mYvzcq2J0&e=>)>  
Subject: RE: [EXTERNAL] RE: 63 Evans Dr\_Non-Conforming Use

The use received a Special Exception in 2010 to convert an existing non-conforming use to a "care and treatment of animals" non-conforming use (please see attached Notice of Decision).

-----Original Message-----

From: Dan Nash <advancedgeomatrics@comcast.net>  
Sent: Monday, March 18, 2024 11:14 AM  
To: Tim Corwin <[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_Tim.Corwin-40lebanonnh.gov&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_Cdp gnVfiiMM&r=Cwlhu-sTt5Lmtcg7soPpgPCeivDaFy5X\\_5jicYB4l8&m=yigBvVQ1Nlrmr5qvg8acb92aVLYObtuq7yY\\_\\_HmYoEjINC PK3lvJgqbcSwq2Mhsf&s=N4abSWXfgjtovHQRZzJcJq1M6AEGnaKa4CrlqfRyjek&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A__Tim.Corwin-40lebanonnh.gov&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=Cwlhu-sTt5Lmtcg7soPpgPCeivDaFy5X_5jicYB4l8&m=yigBvVQ1Nlrmr5qvg8acb92aVLYObtuq7yY__HmYoEjINC PK3lvJgqbcSwq2Mhsf&s=N4abSWXfgjtovHQRZzJcJq1M6AEGnaKa4CrlqfRyjek&e=>)>  
Cc: 'Johanna Cicotte' <jcicotte1@aol.com>; Nathan Reichert <[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_Nathan.Reichert-40lebanonnh.gov&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_Cdp gnVfiiMM&r=Cwlhu-sTt5Lmtcg7soPpgPCeivDaFy5X\\_5jicYB4l8&m=yigBvVQ1Nlrmr5qvg8acb92aVLYObtuq7yY\\_\\_HmYoEjINC PK3lvJgqbcSwq2Mhsf&s=J1vtlf\\_nW6lp1ObgCvDCAkGlzndFP1Dhs2mYvzcq2J0&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A__Nathan.Reichert-40lebanonnh.gov&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=Cwlhu-sTt5Lmtcg7soPpgPCeivDaFy5X_5jicYB4l8&m=yigBvVQ1Nlrmr5qvg8acb92aVLYObtuq7yY__HmYoEjINC PK3lvJgqbcSwq2Mhsf&s=J1vtlf_nW6lp1ObgCvDCAkGlzndFP1Dhs2mYvzcq2J0&e=>)>  
Subject: [EXTERNAL] RE: 63 Evans Dr\_Non-Conforming Use

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

Nate,

I believe this is a conforming office use or a personal service use (veterinary office).

Can you please confirm so we can continue with the meeting at 2pm today.

Dan Nash  
Advanced Geomatics and Design  
105 Bank Street  
Lebanon, NH 03766  
603-448-6295  
802-356-4928 mobile  
Advancedgeomatrics@comcast.net  
[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_www.advancedgeomatrics.org&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_Cdp gnVfiiMM&r=jq55e6wXHM6V3GuHLdOq35v4gVwylg4o9sRzQA-xo9c&m=s2Q8BvfeVKNX\\_PASWI-SRvzgJxnrxp2PFuKgo6KKyKj9luy47L7GPTMewXKjCStu&s=Up6bOxvS-iDLh0qAWrEY24Psx4\\_G4kJBdobBBYu0Fjg&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.advancedgeomatrics.org&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=jq55e6wXHM6V3GuHLdOq35v4gVwylg4o9sRzQA-xo9c&m=s2Q8BvfeVKNX_PASWI-SRvzgJxnrxp2PFuKgo6KKyKj9luy47L7GPTMewXKjCStu&s=Up6bOxvS-iDLh0qAWrEY24Psx4_G4kJBdobBBYu0Fjg&e=>)

-----Original Message-----

From: Tim Corwin  
<[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_Tim.Corwin-40lebanonnh.gov&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_Cdp gnVfiiMM&r=jq55e6wXHM6V3GuHLdOq35v4gVwylg4o9sRzQA-xo9c&m=s2Q8BvfeVKNX\\_PASWI-SRvzgJxnrxp2PFuKgo6KKyKj9luy47L7GPTMewXKjCStu&s=KnRLbbKONxV5JIRMVyg b4tbQOkvRBMs7BEGRNxCQJiM&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A__Tim.Corwin-40lebanonnh.gov&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=jq55e6wXHM6V3GuHLdOq35v4gVwylg4o9sRzQA-xo9c&m=s2Q8BvfeVKNX_PASWI-SRvzgJxnrxp2PFuKgo6KKyKj9luy47L7GPTMewXKjCStu&s=KnRLbbKONxV5JIRMVyg b4tbQOkvRBMs7BEGRNxCQJiM&e=>)>

Sent: Monday, March 18, 2024 10:53 AM

To: Dan Nash <advancedgeomatrics@comcast.net>

Cc: Johanna Cicotte <jcicotte1@aol.com>; Nathan Reichert <[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_Nathan.Reichert-40lebanonnh.gov&d=DwlCAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_CdpgnVfiiMM&r=jq55e6wXHM6V3GuHLdOq35v4gVwylg4o9sRzQA-xo9c&m=s2Q8BvfeVkNX\\_PASWI-SRvzgJxnrxp2PFuKgo6KKyKj9luy47L7GPTMewXKjCStu&s=Pq-LfTt2FPagXze48Cnt0MoKY3yM3UK-00EOz4youmw&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A__Nathan.Reichert-40lebanonnh.gov&d=DwlCAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=jq55e6wXHM6V3GuHLdOq35v4gVwylg4o9sRzQA-xo9c&m=s2Q8BvfeVkNX_PASWI-SRvzgJxnrxp2PFuKgo6KKyKj9luy47L7GPTMewXKjCStu&s=Pq-LfTt2FPagXze48Cnt0MoKY3yM3UK-00EOz4youmw&e=>)>  
Subject: 63 Evans Dr\_Non-Conforming Use

Dan -

Regarding the site plan application you submitted for 63 Evans Drive, it appears the proposed parking lot constitutes an expansion of a non-conforming use which is prohibited per Section 702.5.D of the Zoning Ordinance. This was the same determination that was made in the case of the parking lot expansions at 175 Heater Road and 51 Evans Drive for the non-conforming vehicular sales uses located on those lots (175 Heater Road obtained a Variance from Section 702.5.D and, with respect to 51 Evans Drive, the Zoning Ordinance was amended making the 702.5.D violation in that case moot). If you believe that the 63 Evans Drive parking lot expansion does not constitute an expansion of a non-conforming use, please explain why so that Nate Reichert, the Zoning Administrator, can make a determination.

Per Section 4.4 of the Site Plan Review Regulations, the site plan application cannot be accepted as complete until such time as the zoning matter is resolved. -Tim

Tim Corwin, AICP

Deputy Planning and Development Director City of Lebanon

(603) 448-1524 (Office)

(603) 442-6127 (Direct)

Tim.Corwin@LebanonNH.gov<<mailto:Tim.Corwin@LebanonNH.gov>>

Book a time to meet with

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# **Petition for Zoning Change to Allow "Care and Treatment of Animals"** **as a Conditional Use in the RO-1 Zone**

(Lot 78-40-1, Evans Drive)

29 January 2025

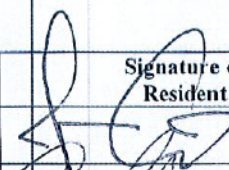
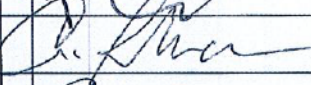
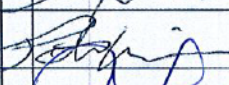
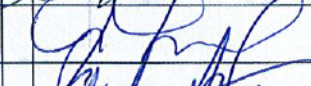
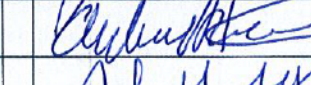
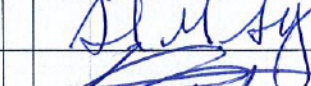
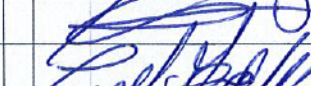
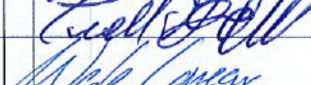
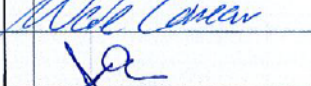
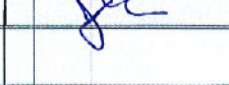
Members of the Lebanon City Council,

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 request is outlined in AGD letter to the City Council regarding Section 305.2 dated 29Jan2025.

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 |
|-------------------|-------------------------------------------------------------------------------------|--------------------------------------------|-------------|
| JOHANNA CICOTTE   |    | 47 APPLE BLOSSOM<br>LEBANON NH 03766       | 1/30/25     |
| Glenn Fulcher     |    | 90 Mechanic St 603 664<br>Lebanon NH 03766 | 1/30/25     |
| Pete Mancini      |   | 46 MAIN S<br>LEBANON NH                    | 1/30/25     |
| Jaime Lanfranco   |  | 337 Mt Support Rd<br>Lebanon NH 03766      | 1/30/25     |
| Andrew Rodimon    |  | 8 Light Street<br>Lebanon NH 03766         | 1-30-25     |
| David M. Griffans |  | Lebanon NH 03766<br>22 School St Apt 7     | 1/30/25     |
| KETH HIGGS        |  | 337 MOUNT SUPPORT<br>LEBANON NH 03766      | 1-30-25     |
| Cornell Beckett   |  | 141 HANOVER ST.<br>Lebanon N.H.            | 1/30/25     |
| Wade Comeau       |  | 16 Memorial Dr.<br>Lebanon N.H.            | 1/30/25     |
| Justin Lanfranco  |  | 225 Bond St. EXT                           | 1/30/25     |
|                   |                                                                                     |                                            |             |
|                   |                                                                                     |                                            |             |
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|                   |                                                                                     |                                            |             |
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|                   |                                                                                     |                                            |             |
|                   |                                                                                     |                                            |             |

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

**10. New Business:**

**10.E – Discussion with NHDOT Commissioner William J. Cass and NHDOT  
Deputy Commissioner Andre J. Briere**

**Background**

The City Council will have a discussion with New Hampshire Department of Transportation (NH DOT) Commissioner William J. Cass and Deputy Commissioner Andrew J. Briere regarding Westboro Yard.

**Action**

This agenda item is for discussion only.