



**LEBANON PLANNING BOARD
MARCH 24, 2025 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

- A. To participate in this meeting, please [join live via Microsoft Teams](#) or call 929-229-5356 (access code: 329 163 805#). If you have trouble accessing this meeting, please email [Tim Corwin](#).

2. Public Hearing Items

- A. **Update to Chapter 6 (Economic Development) of the Master Plan:** The City is currently undertaking an effort to update each Chapter of the 2012 Master Plan over the next several years. The latest of these Master Plan updates is to Chapter 6 (Economic Development), which was prepared by the Lebanon Economic Development Commission and presented to the Planning Board for discussion at the Board's work session in February. In accordance with NH RSA 674:4 and 675:6, the Planning Board will hold a public hearing to give further consideration to the draft Chapter 6 update and to receive public comment. Following the public hearing, the Board may take action on whether to adopt the updated Chapter 6 as presented or with changes. Comments from the public can be presented at the hearing or forwarded in writing to the Planning & Development Department prior to the meeting.
- B. **Amendments to the Site Plan Review Regulations:** The Lebanon Planning Board will hold a public hearing for the purpose of receiving input and taking action on the following proposed amendments to the Site Plan Review Regulations: (1) Article III (Administration), Section 3.2, to modify the membership of the Minor Site Plan Committee; and (2) Article IV (Procedure), Section 4.3, to require conceptual review of certain projects and to establish related procedural requirements. Copies of the proposed amendments are available for review at the Planning and Development Department and will be made available online at the City's website, [lebanonnh.gov](#).

3. Committee Reports

- A. **City Council Subcommittees:**
--Class VI Roads Advisory Committee
--Lebanon Energy Advisory Committee
- B. **Other Subcommittees:**
--City Council Representative
--Heritage Commission
--Pedestrian & Bicyclist Advisory Committee
--Upper Valley Lake Sunapee Regional Planning Commission
--UV Subcommittee of the Connecticut River Joint Commissions
--Upper Valley Transportation Management Association
--Mascoma River Local Advisory Committee
--West Lebanon Revitalization Advisory Committee
- C. **Planning Board Subcommittees:**
--Planning Board Capital Improvement Program
--Planning Board Development Regulations Update

- D. Minor Site Plan Committee
- E. Housing Task Force
- 4. Study Items**
 - A. **Recap 2025 adopted Capital Budget, Commence 2026-2031 CIP process**
 - B. **Strategic Plan - Annual Goals and Workplan**
- 5. Other Business**
 - A. Planning Board Training
- 6. Approval of Minutes**
 - A. January 27, 2025
 - B. February 10, 2025
 - C. February 24, 2025
- 7. Adjournment**

The order of agenda items is subject to change.

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

Economic Development

Chapter 6

6 | A Vision & Purpose

The City of Lebanon shall promote high-quality economic development that provides safe, healthy working conditions, and rewarding careers and employment opportunities for residents of the City and region. In accordance with the “Residents-First” policy, economic development in Lebanon shall benefit our residents and enhance quality of life in the City. Our economic development strategy shall foster a vibrant and sustainable local economy by:

- Proactively encouraging and attracting enterprises that contribute to the total welfare of the City of Lebanon, while also recognizing Lebanon’s role as an employment center for the Upper Valley.
- Preserving and enhancing the natural and built environment of Lebanon, and promoting a high quality of life for those who live in, work in, or visit the City.
- Implementing economic development and redevelopment strategies that aim to avoid placing a greater tax burden on City residents.
- Striving to support a diverse mix of businesses from a variety of economic sectors to better protect our local economy from sudden shifts within a single industry, and to increase our resistance to and resilience from economic downturns and ~~unsustainable~~ boom times.
- Adopting smart growth policies that encourage mixing synergistic uses (such as retail, residential, and office), redevelopment of existing non-residential sites, and infill development of existing lands zoned for non-residential use before extensively developing any additional lands for non-residential use.
- Maintaining and expanding the infrastructure needed to support economic development at high service levels, including fostering state-of-the-art communications infrastructure throughout the City.
- Encouraging new non-residential construction and renovation of existing non-residential structures to result in high-quality, flexible, and adaptable buildings.
- Supporting a full range of housing options, from affordable workforce units to market-rate housing, for both rental and ownership, that will allow those working within the City at all income levels to also live in the City, while recognizing the impact on infrastructure and school budgets.
- Understanding that a strong economy requires a well-educated and skilled workforce and providing educational and workforce training opportunities for residents at all stages of life.
- Encouraging the retention and creation of adequate and affordable childcare opportunities to support employees, Lebanon residents, and employers.

6 | B Issues & Priorities

6 | B-1 Sustainable Economic Development

Sustainable economic development is more than just increasing the number of jobs, tax receipts and square footage of commercial/industrial space in the City. It means growth that is not driven by depleting our resources, but rather by renewing them. It means growing our economy while also enhancing quality of life in Lebanon and protecting environmental quality - making the City an even better place to live for the next generation. Sustainable economic development has a triple bottom line resulting in economic benefits, environmental benefits, and social benefits.

Key Points | Issues & Priorities

Achieving sustainability will require a proactive approach to economic development. Given Lebanon's role as the economic center of the Upper Valley, the pressure for continued economic expansion will likely remain strong, and for this reason, the City must carefully plan for growth. The community must determine where and how much it will grow, and then it needs to implement strategies to appropriately guide economic and community development. If instead the City takes a passive approach, it may find itself overwhelmed with growth planning challenges and a division among City government, business, and residents that will stall proactive decision-making.

Top priorities for sustainable economic development in Lebanon include:

- Redevelopment of under-utilized commercial and industrial sites.
- A more diverse local economy that is not dependent on a single large employer or sector.
- Growth opportunities for existing businesses to maintain or allow for paying a livable wage.

6 | B-2 Economic Diversity

As a former milling center, Lebanon needs only to look back to its own history to see the danger posed by a local economy dependent upon a single large employer or economic sector. During the past 60 years, the City's economy has become stronger and more diversified. Economic diversity means having both businesses from many different economic sectors and jobs of various levels and types.

The City needs to maintain and enhance economic diversity in order to be better insulated from contraction and downturns, whether within a particular industry or across all sectors. While the performance of a local economy will always be affected by the inevitable ups and downs of business cycles, a diversified economy will experience less dramatic change between the highs and lows.

A diverse economy also creates a variety of employment opportunities. This allows workers to more easily transition between jobs and change careers, remaining employed throughout their working lives without having to relocate to find work. A diverse economy requires a diverse workforce. Increased social diversity creates a more dynamic City and improves residents' quality of life.

Providing infrastructure, housing and educational opportunities can help support a diverse economy. In particular, an adequate supply of workforce housing and state-of-the-art communications infrastructure ~~is~~are necessary to ~~continue to keep~~support and retain existing businesses ~~and as well as to~~ attract new employers.

6 | B-3 Quality of Life

Quality of life may seem a somewhat intangible concept, but for many companies it is a key consideration when deciding where to locate. Will the community be a place that employees will want to live? If not, the company may have difficulty attracting and retaining qualified workers or workers may be forced to commute from more distant communities, particularly if it must compete with other firms for highly skilled or educated employees.

The Upper Valley offers a quality of life that is very desirable - the region's communities have ~~retained~~maintained their small-town character while adding urban and cultural amenities. Lebanon benefits from the presence of DHMC and the associated health services it provides, as well as Dartmouth College next door in Hanover, which provides residents with access to world-class arts, culture and athletics. Within the City itself, the Lebanon Opera House is a

~~richly well~~-programmed entertainment venue and anchors a burgeoning downtown arts community. The City and neighboring communities have a thriving 'creative economy' that enriches the region. Additionally, the Upper Valley is only a short trip from major metropolitan areas, large tracts of wilderness, and a variety of recreation~~al~~ opportunities including ski slopes, hiking trails and ocean beaches.

6 | C Existing Conditions & Trends

6 | C-1 Role as Regional Center

Lebanon has historically been and continues to be a regional economic center for the Upper Valley due to:

- Transportation access (proximity to the junction of two interstate highways, a municipal airport, and intercity ~~as well as intracity~~ bus service).
- Availability of land and supporting infrastructure for commercial and industrial development and redevelopment.
- A highly regarded medical center, community hospital, academic institutions and associated spin-off enterprises.
- Multiple decades of local and regional planning for community and economic development.
- Small-town feel with some urban amenities and conveniences.
- Abundant natural, scenic and historic resources of the City and region.
- Cultural and recreational attractions within the City and region.

Lebanon has remained a regional center while surviving financial panics, industrial collapse, fires, the Great Depression, and the flight of the cotton and woolen mills to the South. In each transition, new businesses have brought new opportunities and new residents. During the 1960s, the fortuitous routing of Interstate 89 and nearby Interstate 91 came just in time to breathe new life into the City after the collapse of the textile industry, making West Lebanon the retail center of the Upper Valley. The new highways also facilitated industrial and commercial business.

Dartmouth-Hitchcock Medical Center's (DHMC) move to Lebanon in the early 1990s, combined with Dartmouth College's role as an innovator in the technological revolution, has resulted in spin-off businesses locating in Lebanon. This has brought a new wave of bright, technically savvy, and entrepreneurial people to the City while fostering Lebanon's emergence as a biomedical and high-tech hub on the cutting edge of research, ~~and~~ innovations ~~andin~~ manufacturing.

Lebanon currently maintains a diversified economic base including a variety of retail enterprises, healthcare businesses ancillary to DHMC and Alice Peck Day Memorial Hospital, and a vibrant high-tech / bio-tech base anchored by firms such as:

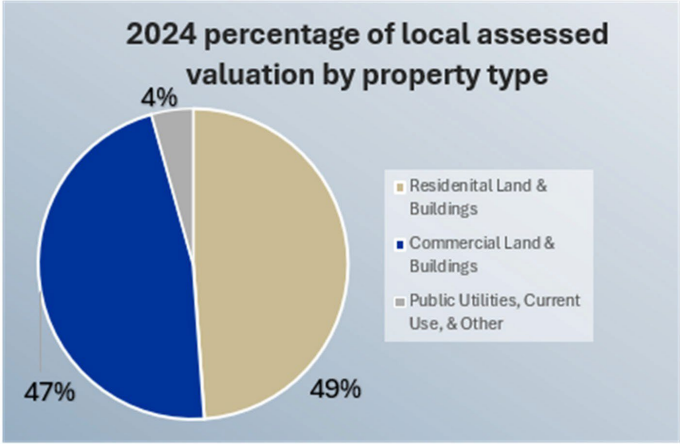
- Adimab (life science technology)
- Astronics / Luminescent Systems (aerospace industry manufacturing)
- Avitide (life science technology)
- Bio-X-Cell (life science technology)
- Creare / Edare (technology and product development)
- Fluent, Inc. / Ansys Inc. (fluid technology)
- Fujifilm Dimatix (printing technology)
- Geokon (geotechnical and structural instrumentation)
- Hypertherm (plasma cutting technology)
- Mascoma Corporation (alternative fuels)
- Novo Nordisk (pharmaceutical manufacturing)
- Signal Quest (precision microsensors)
- Simbex (medical devices)
- Timken (aerospace industry manufacturing)

DHMC and other major employers in the region, such as Dartmouth College, United States Army Corps of Engineers'

Cold Regions Research and Engineering Laboratory (CRREL), and the Veteran's Administrative Hospital have been relatively immune from economic recession. Having these industries in the region benefits the City immensely. They also contribute to the City's economic well-being by attracting other businesses and service industries, which provide further employment opportunities.

6 | C-2 Land and Space for Non-Residential Uses

Lebanon's current zoning includes nine non-residential or mixed-use districts (Light Industrial, Industrial Rail Access, Heavy Industrial, General Commercial, General Commercial One, Central Business, Lebanon Downtown, Professional Business, Medical Center, and Medical Center Two). These districts provide opportunities for businesses of various types, sizes and intensities. Most of these districts have either land available for development, or sites suitable for redevelopment or infill.

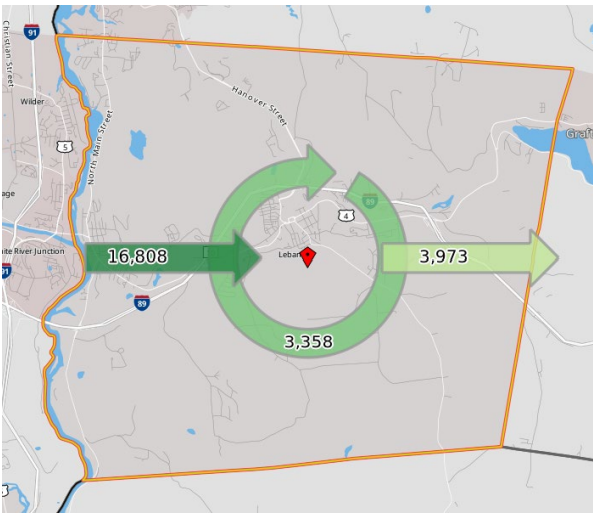


Lebanon had about 900,000 square feet of non- residential space in 1959. In the six decades since, the space occupied by commercial, industrial, medical, government and other institutional uses has grown to more than 8.8 million square feet. The Lebanon Planning Board has approved, or is currently reviewing, approximately 2.5 million square feet of non-residential growth, which is projected to be built out during the coming years.

Commercial land uses make up a greater percentage of the tax base in Lebanon as compared to other Upper Valley municipalities. The City's broad tax base results in a reduced tax burden on residential property owners to fund local schools and municipal services.

6 | C-3 Employment and Wages

As of 2022, more than~~Roughly~~ 20,000 people work in Lebanon. Approximately ~~47-46~~ percent of the City's resident workforce is employed in Lebanon (approximately ~~3,380-3,358~~ people) and more than ~~16,600-16,800~~ people commute into the City. Lebanon residents, and Upper Valley residents in general, enjoy relatively short commutes with an average travel distance to work less than 10 miles. The ability to live and work in close proximity is one of the factors that contributes to Lebanon's quality of life.



Inflow/Outflow Job Counts (All Jobs) 2022		
	Count	Share
Employed in the Selection Area	20,166	100.0%
Employed in the Selection Area but Living Outside	16,808	83.3%
Employed and Living in the Selection Area	3,358	16.7%
Living in the Selection Area	7,331	100.0%
Living in the Selection Area but Employed Outside	3,973	54.2%
Living and Employed in the Selection Area	3,358	45.8%

U.S. Census Bureau, On The Map (<https://onthemap.ces.census.gov>)

Business	Sector	Employees
Dartmouth Health	Healthcare	8,526
Alice Peck Day Memorial Hospital	Healthcare	644
Hypertherm	Manufacturing	446
Fuji Film	Technology	415
SAU #88	Education	400
City of Lebanon	Government	284
Novo Nordisk	Pharmaceutical Manufacturing	280
Timken	Manufacturing	215
Hannaford's	Retail	170
Geokon	Manufacturing	144
RVC/FitKids	Health Club/ Childcare Center	139

Largest Employers based on 2023 Reports

Lebanon has experienced job growth in the service sector, particularly education, healthcare, social services and retail, during the past 20 years similar to many communities across the country. However, the City has seen employment growth in management, professional and related occupations in recent decades as well. During the 2000s, employment in Lebanon grew by more than 2,600 jobs. Lebanon's average annual unemployment rate was 2.5 percent in 2022. The unemployment rate in the City has consistently remained below four (4) percent despite several intervening downturns in the U.S. economy. A four (4) percent unemployment rate is usually considered "full employment." The unemployment rate in the Lebanon Labor Market Area (LMA) has been among the lowest in the state for some time.

6 | C-4 Housing

Economic growth is dependent upon housing growth, particularly workforce housing. For more than a decade, several major employers in the Upper Valley have been expressing a need for additional workforce housing opportunities, and they have been working with organizations such as Vital Communities, Habitat for Humanity, and Twin Pines Housing Trust to find solutions. Although Lebanon has experienced approximately 16 percent housing unit growth during the 2000s, the City is still ~~may not be~~ keeping pace with the demand resulting from both the continued rate of growth in the non-residential sector, as well as past historical growth rate disparities between non-residential development and housing development.

Without an adequate supply of housing affordable for their workers, employers can experience challenges in both retention and attraction of employees. For employees, the shortage can result in the need to seek housing further away from the employment center, increasing commutes and associated adverse effects on the environment and transportation network.

In 2023, the Upper Valley Lake Sunapee Regional Planning Commission published the Regional Housing Needs Assessment report, which documented a severe shortage of housing and the resulting repercussions for workforce and public health in the region. This study, and the associated 2020 Keys to the Valley report, provide a clearer picture of how well the region is doing in meeting the housing needs of its workforce and what actions are needed in the future to maintain an adequate supply of workforce housing.

There is also a shortage of affordable single-family homes in Lebanon, which is a barrier to hiring and retention of professional / highly-skilled workers.

6 | D Future Challenges & Opportunities

6 | D-1 Sustainable Economic Development Strategy

Lebanon should develop a proactive strategy, identifying the community's present economic assets and what types of businesses to encourage ~~locating in the City moving into the City in the future~~. With a strategy in place, the City should then selectively recruit and/or support new businesses that can help the City attain its goals. The City must evaluate how much growth is sustainable; certain levels and types of new development could cause unforeseen changes to community character, infrastructure requirements, and the tax base.

It is essential to maintain a coordinated, respectful and cooperative working relationship with current City-municipal and regional enterprises, area economic development agencies, regional planning commissions, chambers of commerce, state agencies, and other concerned private and public sector entities that encourage managed growth. The City could consider expanding its Planning Department's mission to include a more active role in decisions related to economic

development.

Technological advances have become a driving force - possibly the driving force - in the economy. New jobs in the “thought ware” sector include computer software, education, engineering, telecommunications, medicine, and the entrepreneurial, creative economy realm. To foster new economic opportunities in this sector, Lebanon must support high-speed digital capability (see Section D-5), keep up with ongoing technological advances, and invest in the labor force through support for continuing education and training.

6 | D-2 Central Business Districts

In spite of competition from the Route 12A commercial area, both West Lebanon Central Business District and the Lebanon Downtown District continue to see reinvestment and revitalization.

Lebanon’s downtown pedestrian mall is now the home to many small professional and service businesses, restaurants and retail shops. These businesses, in combination with River Valley Community College, Ledyard Charter School, ~~and~~ the New England School of the Arts, and the Osher Lifelong Learning Institute at Dartmouth have made the mall a thriving place to visit and shop. Colburn Park is an active place in the summer with the farmers’ market and summer concerts. The downtown Opera House, AVA Gallery, and Upper Valley Music Center are cornerstones of the City’s arts scene, bringing people downtown and supporting surrounding restaurants and shops. The CCBA, ~~the~~ and New England Sports ~~Complex~~ Park, and the Northern Rail Trail and Mascoma River Greenway attract crowds of activity with a variety of ~~sporting~~ active recreation options that help foster healthy lifestyles for citizens of the City. Better health of City residents will help support a strong local economy.



West Lebanon Village has also shown improvement in recent years. The anchor of the village is the Kilton Library built in 2010. New businesses have arrived, and current ones have expanded. Restaurants have continued to bring traffic to the area. The River Park project, just north of the village, will bring research labs, office space, and associated retail and housing.

The City should encourage mixed uses of structures in both downtowns, for instance combining ground floor storefronts with upper-story residential units. Collocating compatible professional, residential and commercial uses encourages people to live where they work, fostering a vibrant downtown and healthy local economy.

6 | D-3 Redevelopment

As Lebanon grows, public services and infrastructure must be expanded cost effectively. Many of the impacts of such growth can be reduced by directing development toward existing built-up areas, which are already served by existing municipal services and infrastructure.

Inefficiently developed or underutilized properties, for example, along Route 12A, the “Miracle Mile,” (Mechanic Street/ Route 4) and Main Street in West Lebanon represent opportunities for redevelopment or infill in the City. Recent examples of such infill development include the construction of new retail stores and restaurants within existing plaza parking lots, and the renovation of empty retail spaces into multiple new storefronts.

Existing developments should be evaluated to determine creative solutions for potential redevelopment (the plans proposed by a Dartmouth College architectural class several years ago offer one potential scenario for redevelopment). Many developed parcels and parking lots could be more intensely redeveloped with multi-use structures, multi-story buildings, shared and structured parking, and shallow setbacks from the roadway to achieve a “town center” look instead of the existing suburban strip malls and shopping plazas. Implementing access management ~~retrofit~~ plans on Route 12A, Miracle Mile, Main Street and Mechanic Street, as discussed in the transportation chapter of this plan, would ~~be a step toward facilitate~~ redevelopment efforts and aesthetic upgrades along with allowing flexibility of the parking requirements to meet the needs of both the applicants and the traveling public.

When businesses expand, contract or close, they leave behind commercial and industrial space that can be redeveloped. Although such properties are usually privately owned, it is in the interest of the City to see that these locations are redeveloped in ways that are compatible with Lebanon's Master Plan. Among the desired features are the following:

- Reconfiguring space to maximum density, for example, building up (higher - to appropriate scale) when possible, using underground and shared parking, and reducing building setbacks.
- Integrating residential and workforce housing near commercial, office, educational, research, medical, and compatible light industrial facilities.
- Constructing sidewalks and bus stops and providing landscaping.
- At riverfront properties, observing setback and water quality requirements, while taking full advantage of the aesthetic potential, for example, siting restaurants, residential apartments, and offices to face the river, rather than backing onto the river.
- The upcoming redevelopment and beautification of Main Street in West Lebanon offers a ~~fantastic~~noteworthy opportunity for both businesses and housing developers. Generous height limits in the downtown areas provide a unique opportunity for developers to increase density and maximize the cost effectiveness of projects.

6 | D-4 Quality of Life

Numerous studies on business location decisions have indicated that quality of life plays a key role in corporate decision-making. One of the greatest strengths of Lebanon's economy is that people like to live and work here. If Lebanon's historic, educational, environmental, scenic, recreational, and cultural assets are diminished or lost, then the City could suffer economically in the long run.

Lebanon's economic development strategy should support and strengthen the City's role in the creative economy, cultural and heritage tourism, and recreational sectors. More importantly, it should seek to balance its growth and development with protection of natural, scenic, and historic resources. Recent work on Zoning Ordinance revisions has addressed many of these goals of compatibility and sustainability.

6 | D-5 Public Services and Infrastructure

As Lebanon continues to grow, City government will continue to experience pressure to expand and extend public services and infrastructure. When making those decisions, the City needs to consider the cost to current residents and the impact on the natural environment. In accordance with the "Residents-First" policy, growth and economic development must not degrade the City's quality of life. The City should be seeking economic development that does not increase City taxes. It must be recognized, however, that public services and infrastructure will have to be maintained and expanded as growth occurs. Many of the undesirable impacts of growth can be reduced by directing development toward existing built-up areas already served by public services and infrastructure.

One means of limiting the demand on the water supply and wastewater treatment systems would be to establish an urban services boundary, beyond which such utilities would not be expanded. The establishment of such a limitation would permit the City to focus development in a more concentrated area. The City should also consider expanding the use of impact fees to finance infrastructure associated with new development. To expand its ability to generate revenue, the City should evaluate any means that would help offset the ~~negative~~ impacts of commercial development without ~~negatively influencing~~unduly inhibiting business or commerce or putting additional tax burden on private home owners.

6 | D-6 Technological Advancement

Residents, businesses, and institutions increasingly depend on the Internet and electronic communications. Businesses of all sizes find a digital presence valuable, if not essential. To ensure that businesses in Lebanon will remain

competitive, they must have access to dependable, and affordable, high-speed digital services. Such services should be available in all parts of the City to enable residents to conduct home-based businesses and to promote telecommuting. This increased digital presence will also serve to aid in the promotion of training and education through “webinars” and other professional development tools.

With current technology, wired broadband is faster and more reliable than wireless. The most significant impediment to bringing wired high-speed digital service to all corners of the City is ownership and control of the poles. Because the poles are privately owned, customers are limited to the providers currently on the poles. Moreover, private-sector companies often balk at providing high-speed digital service to rural areas because they cannot make back their return on investment within their typical three-year time frame. In the last several years, Lebanon worked proactively with Comcast to provide high-speed internet access to the remaining under-served residential properties in the City.

6 | D-7 Lebanon Municipal Airport

Lebanon Airport (LEB) is a key transportation asset, valued by the region’s many businesses and institutions, as well as by area residents attracted by the recent efforts ~~of the City and Cape Air~~ to expand scheduled airline service. LEB is currently classified as a non-hub primary commercial service airport with commercial service provided by Cape Air and more than 10,000 annual boardings. The Lebanon Airport is one of three commercial service airports in New Hampshire, and one of only four airports in the state to have an air traffic control tower.

However, the governance and operation of the airport has long been a contentious issue in the region and a fiscal liability for the community. In the 2012 Master Plan, residents expressed the desire that the Lebanon Municipal Airport should either become self-sufficient as a commercial airport providing scheduled flights for the general public, or convert to a general aviation airport. Passenger enplanements or “boardings” have stabilized in recent years after declining during the early 2000s in comparison with the 1990s, which has strained the ability of the airport to limit the financial support received from the City’s General Fund. Numerous studies have been undertaken over the years to identify the environmental and economic impacts of the airport to help establish a direction for the facility.

In October 2015, the City Council adopted a new vision statement for the airport that reads: “The Lebanon Airport will be a community asset with optimized air service through financially self-sustaining means, while minimizing negative environmental and social impacts.” The adopted vision statement became the foundation for preparing an updated Comprehensive Airport Master Plan.



The Comprehensive Airport Master Plan provides a brief overview of the history of the facility, the applicable regulatory requirements, forecasts of aviation activity, and a summary of capacity analysis and facility requirements. The Airport Master Plan final report outlines the various alternatives that were considered through a public participation process and summarizes the final recommendations, which were adopted by the City Council in February 2016. Since the adoption of the preferred alternatives, the City has been taking steps to implement the safety improvements and facility upgrades.

In 2019, the Lebanon Airport-Tech Park Tax Increment Finance (TIF) district was established, which includes airport lands as well as an adjacent parcel. The City extended Airpark Road into the site and installed new utilities and infrastructure to enable new development. As of 2024, two new businesses have been constructed within the TIF district and the resulting new tax revenue is being used to retire the debt service. In addition, any new development that occurs on the City’s property within the TIF district will make lease payments to the airport, thereby helping to make the airport more self-sustaining. During the Master Plan process, residents expressed the desire that the current status of the Lebanon Municipal Airport should change in one direction or the other; either become self-sufficient as a commercial airport providing scheduled flights for the general public, or convert to a general aviation airport. The scheduled 2012 completion of the Airport Master Plan, including an “Airport Summit” event will further illuminate future options or direction for the airport.

OUTCOMES	6.1	Seek sustainable growth that is not dependent on exhausting local resources to fuel economic expansion.
Strategies		6.1.S 1 Encourage City government to take a more organized and active role in promoting sustainable economic development.
		6.1.S 2 Promote and retain high quality employment opportunities.
		6.1.S 3 Continue the progress of revitalizing the City's two Downtown Districts.
		6.1.S 4 Work with civic associations to engage business owners and generate citizen interest and commitment to the downtown areas.
		6.1.S 5 Support the revitalization, infill, and increased mix of uses in existing non-residential, locations.
		6.1.S 6 Seek a way for Lebanon Airport to pay for itself while better serving the needs of residents and businesses, both in Lebanon and throughout the region.
		6.1.S 7 Continue efforts to expand regional and national passenger connections to and from Lebanon Airport.
Actions		6.1.A 1 Develop a proactive strategy for sustainable economic development that identifies the City's economic assets and what types of businesses Lebanon wishes to encourage.
		6.1.A 2 Recruit and support businesses in accordance with the City's sustainable economic development strategy.
		6.1.A 3 Explore innovative financing techniques for building additional public parking in the West Lebanon Central Business District.
		6.1.A 4 Evaluate the boundaries of the Central Business and Lebanon Downtown Districts.
		6.1.A 5 Examine existing non-residential areas to identify opportunities for more intensive redevelopment or infill.
		6.1.A 6 Continue to work with the Regional Planning Commission to develop and maintain an updated inventory of non-residential sites and buildings to facilitate expansion and relocation of businesses.
		6.1.A 7 Review and amend the City's Zoning Ordinance as needed to encourage more intensive redevelopment of existing residential and non-residential areas and to discourage development in undeveloped areas.
		6.1.A 8 Establish an urban services boundary for water and sewer.
		6.1.A 9 Maintain an impact fee schedule to support expanded infrastructure associated with new development.
		6.1.A 10 Evaluate the cost of ending commercial service and, if warranted, convert Lebanon Airport to serve general aviation only If passenger enplanements fail to increase significantly.

OUTCOMES	6.2	Maintain a diverse economy that is not dependent on a single large employer or economic sector.
Strategies	6.2.A1	Continue to encourage private companies to add or expand high-speed digital lines to locations within the City or explore alternatives via regional efforts to bring broadband to the Upper Valley.
	6.2.A2	Encourage City government to coordinate with governing bodies of other nearby towns and digital services providers to improve high-speed digital services throughout the
Actions	6.2.A1	Ensure that zoning regulations maintain and enhance the mix of downtown businesses, including basic goods and services.

OUTCOMES	6.3	Recognize the importance of quality of life in attracting new firms to locate in Lebanon and in retaining well-educated, skilled workers.
Strategies	6.3.S1	Seek growth and development that preserves or, ideally, enhances Lebanon's quality of life.
	6.3.S2	Support the arts and culture (creative economy) as a distinctive and significant component of the local and regional economy.
	6.3.S3	Promote Lebanon's historic, environmental, scenic, recreational, and cultural assets.
	6.3.S4	Continue to strive for excellence in public education and municipal services, taking into account the impact on taxes levied to City residents.
	6.3.S5	Encourage housing in the upper floors of downtown buildings.
Actions	6.3.A1	Implement the zoning revision recommendations outlined in the City's Natural Resources Inventory to protect and enhance the most critical natural resources and open spaces

Economic Development

Chapter 6

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- Implementing economic development and redevelopment strategies that aim to avoid placing a greater tax burden on City residents.
- Striving to support a diverse mix of businesses from a variety of economic sectors to better protect our local economy from sudden shifts within a single industry, and to increase our resistance to and resilience from economic downturns and unstained boom times.
- Adopting smart growth policies that encourage mixing synergistic uses (such as retail, residential, and office), redevelopment of existing non-residential sites, and infill development of existing lands zoned for non-residential use before extensively developing any additional lands for non-residential use.
- Maintaining and expanding the infrastructure needed to support economic development at high service levels, including fostering state-of-the-art communications infrastructure throughout the City.
- Encouraging new non-residential construction and renovation of existing non-residential structures to result in high-quality, flexible, and adaptable buildings.
- Supporting a full range of housing options, from affordable workforce units to market rate housing, for both rental and ownership, that will allow those working within the City at all income levels to also live in the City, while recognizing the impact on infrastructure and school budgets.
- Understanding that a strong economy requires a well-educated and skilled workforce and providing educational and workforce training opportunities for residents at all stages of life.
- Encouraging the retention and creation of adequate and affordable childcare opportunities to support employees, Lebanon residents, and employers.

6 | B Issues & Priorities

6 | B-1 Sustainable Economic Development

Sustainable economic development is more than just increasing the number of jobs, tax receipts and square footage of commercial/industrial space in the City. It means growth that is not driven by depleting our resources, but rather by renewing them. It means growing our economy while also enhancing quality of life in Lebanon and protecting environmental quality - making the City an even better place to live for the next generation. Sustainable economic development has a triple bottom line resulting in economic benefits, environmental benefits, and social benefits.

Key Points | Issues & Priorities

Top priorities for sustainable economic development in Lebanon include:

- Redevelopment of under-utilized commercial and industrial sites.
- A more diverse local economy that is not dependent on a single large employer or sector.
- Growth opportunities for existing businesses to maintain or allow for paying a livable wage.

Achieving sustainability will require a proactive approach to economic development. Given Lebanon's role as the economic center of the Upper Valley, the pressure for continued economic expansion will likely remain strong, and for this reason, the City must carefully plan for growth. The community must determine where and how much it will grow, and then it needs to implement strategies to appropriately guide economic and community development. If instead the City takes a passive approach, it may find itself overwhelmed with growth planning challenges and a division among City government, business, and residents that will stall proactive decision-making.

6 | B-2 Economic Diversity

As a former milling center, Lebanon needs only to look back to its own history to see the danger posed by a local economy dependent upon a single large employer or economic sector. During the past 60 years, the City's economy has become stronger and more diversified. Economic diversity means having both businesses from many different economic sectors and jobs of various levels and types.

The City needs to maintain and enhance economic diversity in order to be better insulated from contraction and downturns, whether within a particular industry or across all sectors. While the performance of a local economy will always be affected by the inevitable ups and downs of business cycles, a diversified economy will experience less dramatic change between the highs and lows.

A diverse economy also creates a variety of employment opportunities. This allows workers to more easily transition between jobs and change careers, remaining employed throughout their working lives without having to relocate to find work. A diverse economy requires a diverse workforce. Increased social diversity creates a more dynamic City and improves residents' quality of life.

Providing infrastructure, housing and educational opportunities can help support a diverse economy. In particular, an adequate supply of workforce housing and state-of-the-art communications infrastructure are necessary to support and retain existing businesses as well as to attract new employers.

6 | B-3 Quality of Life

Quality of life may seem a somewhat intangible concept, but for many companies it is a key consideration when deciding where to locate. Will the community be a place that employees will want to live? If not, the company may have difficulty attracting and retaining qualified workers or workers may be forced to commute from more distant communities, particularly if it must compete with other firms for highly skilled or educated employees.

The Upper Valley offers a quality of life that is very desirable - the region's communities have maintained their small-town character while adding urban and cultural amenities. Lebanon benefits from the presence of DHMC and the associated health services it provides, as well as Dartmouth College next door in Hanover, which provides residents with access to world-class arts, culture and athletics. Within the City itself, the Lebanon Opera House is a richly

programmed entertainment venue and anchors a burgeoning downtown arts community. The City and neighboring communities have a thriving 'creative economy' that enriches the region. Additionally, the Upper Valley is only a short trip from major metropolitan areas, large tracts of wilderness, and a variety of recreational opportunities including ski slopes, hiking trails and ocean beaches.

6 | C Existing Conditions & Trends

6 | C-1 Role as Regional Center

Lebanon has historically been and continues to be a regional economic center for the Upper Valley due to:

- Transportation access (proximity to the junction of two interstate highways, a municipal airport, and intercity as well as intracity bus service).
- Availability of land and supporting infrastructure for commercial and industrial development and redevelopment.
- A highly regarded medical center, community hospital, academic institutions and associated spin-off enterprises.
- Multiple decades of local and regional planning for community and economic development.
- Small-town feel with some urban amenities and conveniences.
- Abundant natural, scenic and historic resources of the City and region.
- Cultural and recreational attractions within the City and region.

Lebanon has remained a regional center while surviving financial panics, industrial collapse, fires, the Great Depression, and the flight of the cotton and woolen mills to the South. In each transition, new businesses have brought new opportunities and new residents. During the 1960s, the fortuitous routing of Interstate 89 and nearby Interstate 91 came just in time to breathe new life into the City after the collapse of the textile industry, making West Lebanon the retail center of the Upper Valley. The new highways also facilitated industrial and commercial business.

Dartmouth-Hitchcock Medical Center's (DHMC) move to Lebanon in the early 1990s, combined with Dartmouth College's role as an innovator in the technological revolution, has resulted in spin-off businesses locating in Lebanon. This has brought a new wave of bright, technically savvy and entrepreneurial people to the City while fostering Lebanon's emergence as a biomedical and high-tech hub on the cutting edge of research, and innovations in manufacturing.

Lebanon currently maintains a diversified economic base including a variety of retail enterprises, healthcare businesses ancillary to DHMC and Alice Peck Day Memorial Hospital, and a vibrant high-tech / bio-tech base anchored by firms such as:

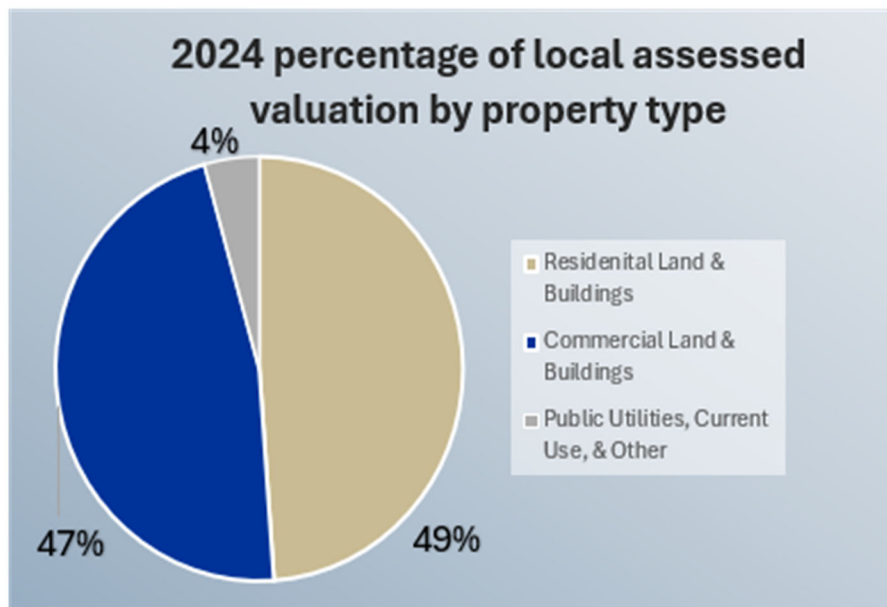
- Adimab (life science technology)
- Astronics / Luminescent Systems (aerospace industry manufacturing)
- Avitide (life science technology)
- Bio-X-Cell (life science technology)
- Create / Edare (technology and product development)
- Fluent, Inc. / Ansys Inc. (fluid technology)
- Fujifilm Dimatix (printing technology)
- Geokon (Geotechnical and structural instrumentation)
- Hypertherm (plasma cutting technology)

- Mascoma Corporation (alternative fuels)
- Novo Nordisk (pharmaceutical manufacturing)
- Signal Quest (precision microsensors)
- Simbex (medical devices)
- Timken (aerospace industry manufacturing)

DHMC and other major employers in the region, such as Dartmouth College, United States Army Corps of Engineers' Cold Regions Research and Engineering Laboratory (CRREL), and the Veteran's Administrative Hospital have been relatively immune from economic recession. Having these industries in the region benefits the City immensely. They also contribute to the City's economic well-being by attracting other businesses and service industries, which provide further employment opportunities.

6 | C-2 Land and Space for Non-Residential Uses

Lebanon's current zoning includes nine non-residential or mixed-use districts (Light Industrial, Industrial Rail Access, Heavy Industrial, General Commercial, General Commercial One, Central Business, Lebanon Downtown, Professional Business, Medical Center, and Medical Center Two). These districts provide opportunities for businesses of various types, sizes and intensities. Most of these districts have either land available for development, or sites suitable for redevelopment or infill.

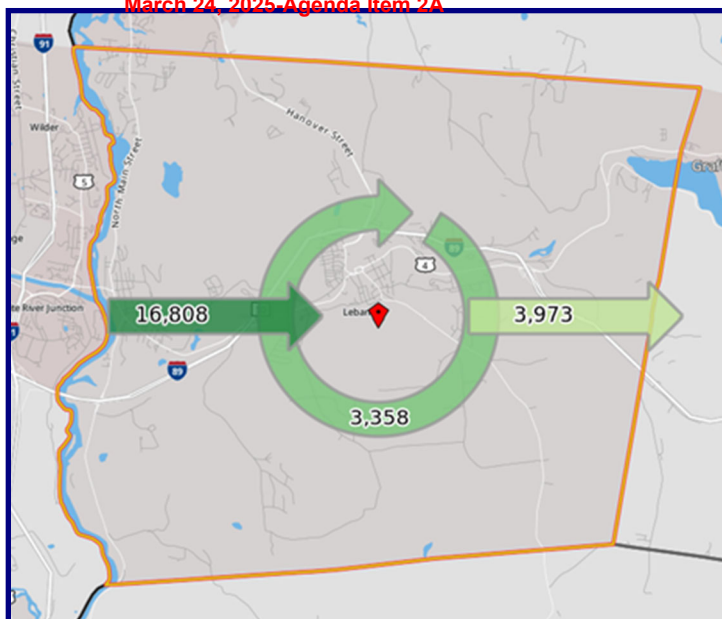


Lebanon had about 900,000 square feet of non-residential space in 1959. In the six decades since, the space occupied by commercial, industrial, medical, government and other institutional uses has grown to more than 8.8 million square feet. The Lebanon Planning Board has approved, or is currently reviewing, approximately 2.5 million square feet of non-residential growth, which is projected to be built out during the coming years.

Commercial land uses make up a greater percentage of the tax base in Lebanon as compared to other Upper Valley municipalities. The City's broad tax base results in a reduced tax burden on residential property owners to fund local schools and municipal services.

6 | C-3 Employment and Wages

As of 2022, more than 20,000 people work in Lebanon. Approximately 46 percent of the City's resident workforce is employed in Lebanon (approximately 3,358 people) and more than 16,800 people commute into the City. Lebanon residents, and Upper Valley residents in general, enjoy relatively short commutes with an average travel distance to work less than 10 miles. The ability to live and work in close proximity is one of the factors that contributes to Lebanon's quality of life.



Inflow/Outflow Job Counts (all jobs) 2022

	<u>Count</u>	<u>Share</u>
Employed in the selection area	20,166	100%
Employed in the selection area but living outside	16,808	83.3%
Employed and living in the selection area	3,358	16.7%
Living in the selection area	7,331	100%
Living in the selection area but employed outside	3,973	54.2%
Living and Employed in the selection area	3,358	45.8%

Lebanon has experienced job growth in the service sector, particularly education, healthcare, social services and retail, during the past 20 years similar to many communities across the country. However, the City has seen employment growth in management, professional and related occupations in recent decades as well. During the 2000s, employment in Lebanon grew by more than 2,600 jobs.

Largest Employers Based on 2023 Reports

<u>Business</u>	<u>Sector</u>	<u>Employees</u>
Dartmouth Health	Healthcare	8,526
Alice Peck Day Hospital	Healthcare	644
Hypertherm	Manufacturing	446
Fuji Film	Technology	415
School Administrative Unit 88	Education	400
City of Lebanon	Government	284
Novo Nordisk	Pharmaceutical Manufacturing	280
Timken	Manufacturing	215
Hannaford's	Retail	170
Geokon	Manufacturing	144
RVC/FitKids	Health Club/ Child Care	139

Lebanon's average annual unemployment rate was 2.5 percent in 2022. The unemployment rate in the City has consistently remained below four percent despite several intervening downturns in the U.S. economy. A four percent unemployment rate is usually considered "full employment." The unemployment rate in the Lebanon Labor Market Area (LMA) has been among the lowest in the state for some time.

Besides the unemployment rates, median household income provides another measure of economic health. According to the New Hampshire Employment Security, the median household income in Lebanon in 2022 was \$90,911. Jobs in Lebanon are among the highest paying in the region and pay significantly better than the state average. Higher wages in Lebanon and the Upper Valley may be attributed in part to Dartmouth Hitchcock Medical Center and Dartmouth College, both of which directly pay relatively high wages and indirectly generate high-paying spin-off business and industry.

6 | C-4 Housing

Economic growth is dependent upon housing growth, particularly workforce housing. For more than a decade, several major employers in the Upper Valley have been expressing a need for additional workforce housing opportunities, and they have been working with organizations such as Vital Communities, Habitat for Humanity, and Twin Pines Housing Trust to find solutions. Although Lebanon has experienced approximately 16 percent housing unit growth during the 2000s, the City still may not be keeping pace with the demand resulting from both the continued rate of growth in the

non-residential sector, as well as past historical growth rate disparities between non-residential development and housing development.

Without an adequate supply of housing affordable for their workers, employers can experience challenges in both retention and attraction of employees. For employees, the shortage can result in the need to seek housing further away from the employment center, increasing commutes and associated adverse effects on the environment and transportation network.

In 2023, the Upper Valley Lake Sunapee Regional Planning Commission published the Regional Housing Needs Assessment report, which documented a severe shortage of housing and the resulting repercussions for workforce and public health in the region. This study, and the associated 2020 Keys to the Valley report, provide a clearer picture of how well the region is doing in meeting the housing needs of its workforce and what actions are needed in the future to maintain an adequate supply of workforce housing.

There is also a shortage of affordable single-family homes in Lebanon, which is a barrier to hiring and retention of professional / highly-skilled workers.

6 | D Future Challenges & Opportunities

6 | D-1 Sustainable Economic Development Strategy

Lebanon should develop a proactive strategy, identifying the community's present economic assets and what types of businesses to encourage moving into the City in the future. With a strategy in place, the City should then selectively recruit and/or support new businesses that can help the City attain its goals. The City must evaluate how much growth is sustainable; certain levels and types of new development could cause unforeseen changes to community character, infrastructure requirements, and the tax base.

It is essential to maintain a coordinated, respectful and cooperative working relationship with current municipal and regional enterprises, area economic development agencies, regional planning commissions, chambers of commerce, state agencies, and other concerned private and public sector entities that encourage managed growth. The City could consider expanding its Planning Department's mission to include a more active role in decisions related to economic development.

Technological advances have become a driving force - possibly the driving force - in the economy. New jobs in the "thought ware" sector include computer software, education, engineering, telecommunications, medicine, and the entrepreneurial, creative economy realm. To foster new economic opportunities in this sector, Lebanon must support high-speed digital capability (see Section D-5), keep up with ongoing technological advances, and invest in the labor force through support for continuing education and training.

6 | D-2 Central Business Districts

In spite of competition from the Route 12A commercial area, both West Lebanon Central Business District and the Lebanon Downtown District continue to see reinvestment and revitalization.

Lebanon's downtown pedestrian mall is now the home to many small professional and service businesses, restaurants and retail shops. These businesses, in combination with River Valley Community College, Ledyard Charter School, the New England School of the Arts, and the Osher Lifelong Learning Institute at Dartmouth have made the mall a thriving place to visit and shop. Colburn Park is an active place in the summer with the farmers' market and summer concerts. The downtown Opera House, AVA Gallery, and Upper Valley Music Center are cornerstones of the City's arts scene, bringing people downtown and supporting surrounding restaurants and shops. The CCBA and New England Sports



Park, and the Northern Rail Trail and Mascoma River Greenway attract crowds of activity with a variety of sporting options that help foster healthy lifestyles for citizens of the City. Better health of City residents will help support a strong local economy.

West Lebanon Village has also shown improvement in recent years. The anchor of the village is the Kilton Library built in 2010. New businesses have arrived, and current ones have expanded. Restaurants have continued to bring traffic to the area. The River Park project, just north of the village, will bring research labs, office space, and associated retail and housing.

The City should encourage mixed uses of structures in both downtowns, for instance combining ground floor storefronts with upper-story residential units. Collocating compatible professional, residential and commercial uses encourages people to live where they work, fostering a vibrant downtown and healthy local economy.

6 | D-3 Redevelopment

As Lebanon grows, public services and infrastructure must be expanded cost effectively. Many of the impacts of such growth can be reduced by directing development toward existing built-up areas, which are already served by existing municipal services and infrastructure.

Inefficiently developed or underutilized properties, for example, along Route 12A, the “Miracle Mile,” (Mechanic Street/ Route 4) and Main Street in West Lebanon represent opportunities for redevelopment or infill in the City. Recent examples of such infill development include the construction of new retail stores and restaurants within existing plaza parking lots, and the renovation of empty retail spaces into multiple new storefronts.

Existing developments should be evaluated to determine creative solutions for potential redevelopment (the plans proposed by a Dartmouth College architectural class several years ago offer one potential scenario for redevelopment). Many developed parcels and parking lots could be more intensely redeveloped with multi-use structures, multi-story buildings, shared and structured parking, and shallow setbacks from the roadway to achieve a “town center” look instead of the existing suburban strip malls and shopping plazas. Implementing access management plans on Route 12A, Miracle Mile, Main Street and Mechanic Street, as discussed in the transportation chapter of this plan, would facilitate redevelopment efforts and aesthetic upgrades along with allowing flexibility of the parking requirements to meet the needs of both the applicant and the traveling public.

When businesses expand, contract or close, they leave behind commercial and industrial space that can be redeveloped. Although such properties are usually privately owned, it is in the interest of the City to see that these locations are redeveloped in ways that are compatible with Lebanon’s Master Plan. Among the desired features are the following:

- Reconfiguring space to maximum density, for example, building up (higher - to appropriate scale) when possible, using underground and shared parking, and reducing building setbacks.
- Integrating residential and workforce housing near commercial, office, educational, research, medical, and compatible light industrial facilities.
- Constructing sidewalks and bus stops and providing landscaping.
- At riverfront properties, observing setback and water quality requirements, while taking full advantage of the aesthetic potential, for example, siting restaurants, residential apartments, and offices to face the river, rather than backing onto the river.
- The upcoming redevelopment and beautification of Main Street in West Lebanon offers a noteworthy opportunity for both businesses and housing developers. Generous height limits in the downtown areas provide a unique

opportunity for developers to increase density and maximize the cost effectiveness of projects.

6 | D-4 Quality of Life

Numerous studies on business location decisions have indicated that quality of life plays a key role in corporate decision-making. One of the greatest strengths of Lebanon's economy is that people like to live and work here. If Lebanon's historic, educational, environmental, scenic, recreational, and cultural assets are diminished or lost, then the City could suffer economically in the long run.

Lebanon's economic development strategy should support and strengthen the City's role in the creative economy, cultural and heritage tourism, and recreational sectors. More importantly, it should seek to balance its growth and development with protection of natural, scenic, and historic resources. Recent work on Zoning Ordinance revisions has addressed many of these goals of compatibility and sustainability.

6 | D-5 Public Services and Infrastructure

As Lebanon continues to grow, City government will continue to experience pressure to expand and extend public services and infrastructure. When making those decisions, the City needs to consider the cost to current residents and the impact on the natural environment. In accordance with the "Residents-First" policy, growth and economic development must not degrade the City's quality of life. The City should be seeking economic development that does not increase City taxes. It must be recognized, however, that public services and infrastructure will have to be maintained and expanded as growth occurs. Many of the undesirable impacts of growth can be reduced by directing development toward existing built-up areas already served by public services and infrastructure.

One means of limiting the demand on the water supply and wastewater treatment systems would be to establish an urban services boundary, beyond which such utilities would not be expanded. The establishment of such a limitation would permit the City to focus development in a more concentrated area. The City should also consider expanding the use of impact fees to finance infrastructure associated with new development. To expand its ability to generate revenue, the City should evaluate any means that would help offset the negative impacts of commercial development without unduly inhibiting business or commerce or putting additional tax burden on private home owners.

6 | D-6 Technological Advancement

Residents, businesses, and institutions increasingly depend on the Internet and electronic communications. Businesses of all sizes find a digital presence valuable, if not essential. To ensure that businesses in Lebanon will remain competitive, they must have access to dependable, affordable, high-speed digital services. Such services should be available in all parts of the City to enable residents to conduct home-based businesses and to promote telecommuting. This increased digital presence will also serve to aid in the promotion of training and education through "webinars" and other professional development tools.

With current technology, wired broadband is faster and more reliable than wireless. The most significant impediment to bringing wired high-speed digital service to all corners of the City is ownership and control of the poles. Because the poles are privately owned, customers are limited to the providers currently on the poles. Moreover, private-sector companies often balk at providing high-speed digital service to rural areas because they cannot make back their return on investment within their typical three-year time frame. In the last several years, Lebanon worked proactively with Comcast to provide high-speed internet access to the remaining under-served residential properties in the City.

6 | D-7 Lebanon Municipal Airport

Lebanon Airport is a key transportation asset, valued by the region's many businesses and institutions, as well as by area residents attracted by the recent efforts to expand scheduled airline service. LEB is currently classified as a non-hub primary commercial service airport with commercial service provided by Cape Air and more than 10,000 annual boardings. The Lebanon Airport is one of three commercial service airports in New Hampshire, and one of only four airports in the state to have an air traffic control tower.



However, the governance and operation of the airport has long been a contentious issue in the region and a fiscal liability for the community. In the 2012 Master Plan, residents expressed the desire that the Lebanon Municipal Airport should either become self-sufficient as a commercial airport providing scheduled flights for the general public, or convert to a general aviation airport. Numerous studies have been undertaken over the years to identify the environmental and economic impacts of the airport to help establish a direction for the facility.

In October 2015, the City Council adopted a new vision statement for the airport that reads: "The Lebanon Airport will be a community asset with optimized air service through financially self-sustaining means, while minimizing negative environmental and social impacts." The adopted vision statement became the foundation for preparing an updated Comprehensive Airport Master Plan.

The Comprehensive Airport Master Plan provides a brief overview of the history of the facility, the applicable regulatory requirements, forecasts of aviation activity, and a summary of capacity analysis and facility requirements. The Airport Master Plan final report outlines the various alternatives that were considered through a public participation process and summarizes the final recommendations, which were adopted by the City Council in February 2016. Since the adoption of the preferred alternatives, the City has been taking steps to implement the safety improvements and facility upgrades.

In 2019, the Lebanon Airport-Tech Park Tax Increment Finance (TIF) district was established, which includes airport lands as well as an adjacent parcel. The City extended Airpark Road into the site and installed new utilities and infrastructure to enable new development. As of 2024, two new businesses have been constructed within the TIF district and the resulting new tax revenue is being used to retire the debt service. In addition, any new development that occurs on the City's property within the TIF district will make lease payments to the airport, thereby helping to make the airport more self-sustaining.

OUTCOMES	6.1	Seek sustainable growth that is not dependent on exhausting local resources to fuel economic expansion.
Strategies		1 Encourage City government to take a more organized and active role in promoting sustainable economic development.
		2 Promote and retain high quality employment opportunities.
		3 Continue the progress of revitalizing the City's two Downtown Districts.
		4 Work with civic associations to engage business owners and generate citizen interest and commitment to the downtown areas.
		5 Support the revitalization, infill, and increased mix of uses in existing non-residential, locations.
		6 Seek a way for Lebanon Airport to pay for itself while better serving the needs of residents and businesses, both in Lebanon and throughout the region.
		7 Continue efforts to expand regional and national passenger connections to and from Lebanon Airport.
Actions		1 Develop a proactive strategy for sustainable economic development that identifies the City's economic assets and what types of businesses Lebanon wishes to encourage.
		2 Recruit and support businesses in accordance with the City's sustainable economic development strategy.
		3 Explore innovative financing techniques for building additional public parking in the West Lebanon Central Business District.
		4 Evaluate the boundaries of the Central Business and Lebanon Downtown Districts.
		5 Examine existing non-residential areas to identify opportunities for more intensive redevelopment or infill.
		6 Continue to work with the Regional Planning Commission to develop and maintain an updated inventory of non-residential sites and buildings to facilitate expansion and relocation of businesses.
		7 Review and amend the City's Zoning Ordinance as needed to encourage more intensive redevelopment of existing residential and non-residential areas and to discourage development in undeveloped areas.
		8 Establish an urban services boundary for water and sewer.
		9 Maintain an impact fee schedule to support expanded infrastructure associated with new development.
		10 Evaluate the cost of ending commercial service and, if warranted, convert Lebanon Airport to serve general aviation only If passenger enplanements fail to increase significantly.

OUTCOMES	6.2	Maintain a diverse economy that is not dependent on a single large employer or economic sector.
Strategies	1	Continue to encourage private companies to add or expand high-speed digital lines to locations within the City or explore alternatives via regional efforts to bring broadband to the Upper Valley.
	2	Encourage City government to coordinate with governing bodies of other nearby towns and digital services providers to improve high-speed digital services throughout the region.
Actions	1	Ensure that zoning regulations maintain and enhance the mix of downtown businesses, including basic goods and services.

OUTCOMES	6.3	Recognize the importance of quality of life in attracting new firms to locate in Lebanon and in retaining well-educated, skilled workers.
Strategies	1	Seek growth and development that preserves or, ideally, enhances Lebanon's quality of life.
	2	Support the arts and culture (creative economy) as a distinctive and significant component of the local and regional economy.
	3	Promote Lebanon's historic, environmental, scenic, recreational, and cultural assets.
	4	Continue to strive for excellence in public education and municipal services, taking into account the impact on taxes levied to City residents.
	5	Encourage housing in the upper floors of downtown buildings.
Actions	1	Implement the zoning revision recommendations outlined in the City's Natural Resources Inventory to protect and enhance the most critical natural resources and open spaces

SITE PLAN REVIEW REGULATIONS
MINOR SITE PLAN & CONCEPTUAL REVIEW
DRAFT AMENDMENTS

ARTICLE III – ADMINISTRATION

[...]

Section 3.2 – Minor Site Plan Review

A. MINOR SITE PLAN COMMITTEE

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

[...]

ARTICLE IV – PROCEDURE

[...]

Section 4.3 – Conceptual Review

- A. [Purpose.](#) Conceptual review pursuant to RSA 676:4, II(a) is recommended for all [land development](#) that requires Planning Board review pursuant to Section 3.1.D in order to help identify and resolve issues at an early stage and save the applicant the time and cost of changes at a later date. Conceptual review also allows the Board and applicant to identify available and qualified expertise within the City's boards and committees to help inform the variety and scope of studies or other activities that inform the project design and, in turn, the technical review of the submitted application.

B. Conceptual Review Required. Conceptual review shall be required for any *land development* that requires Planning Board review pursuant to Section 3.1.D and which involves any one or more of the following:

1. 20 or more new dwelling units;
2. Ten (10) or more detached one- and/or two-family dwellings;
3. More than one (1) principal multi-family, non-residential or mixed use building; and/or
4. Any development determined by the Board to have regional impact.

C. Conceptual Review Optional. For any *site land development* other than those identified in Section 4.3.B, conceptual review shall be optional.

~~the Applicant may request an informal discussion with the Board, to be conducted in general terms, of the basic concept of the proposed development. The Applicant may end the conceptual discussion at any time.~~

D. Notice. Conceptual reviews shall only take place at a formal meeting of the Board. Public notice of a required ~~the conceptual discussion~~ review shall be provided pursuant to Section 4.8. **Notice of a required conceptual review** shall also be provided to the following:

1. Conservation Commission
2. Pedestrian & Bicyclist Advisory Committee
3. Tree Advisory Board
4. Heritage Commission (if located within the Historic District)

****ADDDITIONAL
PROPOSED
EDITS BY STAFF
IN YELLOW****

The applicant is not required to appear before any of these bodies for purposes of conceptual review. Comment by these bodies is optional and may be provided in writing or in person by a duly appointed representative of such body at the time the application is considered by the Planning Board. The inability of any of these bodies to provide timely comment shall not delay or in any way hinder the Planning Board's review of the application.

Public notice is not required for optional conceptual reviews. ~~is not required, but such discussions shall only take place at a formal meeting of the Board.~~

~~Such conceptual consultation shall not bind either the applicant or the Board in any manner, and statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken.~~

~~While a Conceptual Review is optional, it is strongly recommended, particularly for larger developments, as it can help identify and resolve issues at an early stage and save the applicant the time and cost of changes at a later date.~~

EB. Submission Requirements.

1. **Applications for conceptual review made pursuant to Section 4.3.D shall be submitted in accordance with the procedures set forth in Section 4.7.B ("Filing Deadline") and shall be placed on the agenda of the Board's next regular meeting. All other applications for conceptual review shall be**

submitted not ~~Not~~ less than two weeks before the date of the scheduled conceptual review.

2. For all conceptual review applications, the Applicant shall provide a project description, a written statement addressing how the concept conforms with the Master Plan, and a sketch plan of sufficient accuracy and quality, based on a United States Geological Survey map or similar map, showing the following:

- 1a. Existing property lines of the parcel(s) under review;
- 2b. General topography, to include highlight of slopes in excess of 25%;
- 3c. Prominent natural features of the site, including but not limited to: tree lines, watercourses, flood plains, wetlands, and ledge outcrops;
- 4d. The approximate location and size of existing and proposed buildings, parking areas, roadways, and other improvements.

3. Applications for conceptual review made pursuant to Section 4.3.D shall also include:

- a. A properly completed and signed application form.
- b. The appropriate fees as established by the Board's fee schedule.
- c. A list of the name(s) and address(es) of all persons to be notified by certified mail in accordance with RSA 676:4, I(d), including the following:
 - i. The Applicant(s);
 - ii. The Owner(s) of record of the site;
 - iii. The Owners of abutting properties;
 - iv. Every surveyor, engineer, architect, soil scientist, or wetlands scientist whose professional seal appears on any plan or document submitted to the Board;
 - v. All persons holding conservation, preservation, or agricultural preservation restrictions (as defined under RSA 477:45) on the subject property. (NOTE: When there are no such restrictions on the subject property, the applicant shall provide a definitive statement to that effect.); and
 - vi. The holders of any easements, rights-of-way, or other restrictions on or over the subject property. (NOTE: When there are no such easements, rights-of-way, or other

****ADDDITIONAL
PROPOSED EDITS BY
STAFF IN YELLOW****

restrictions on the subject property, the applicant shall provide a definitive statement to that effect.).

- FC. Procedures. Conceptual review shall be an informal discussion with the Board, conducted in general terms, of the basic concept of the proposed development. ~~The conceptual review shall be limited to a discussion of the concept in general terms,~~ for the purpose of familiarizing the Board with the location and type of development, and familiarizing the Applicant with the issues and concerns of the Board. The Board shall consider whether the proposed development is an allowed use in the Zoning Ordinance and in accordance with the Master Plan. The Board shall determine whether the development is compatible with any plans for existing or future roads, utilities, and services. The Board shall focus on the characteristics of the site and its relationship to the surrounding area to determine how well the proposed development fits into the natural environment and the cultural landscape, including historical resources.

Discussions held during any conceptual review shall not bind either the applicant or the Board in any manner, and statements made by Board members shall not be the basis for disqualifying said members or invalidating any subsequent action taken by the Board.

DRAFT

LEBANON PLANNING BOARD
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE
MONDAY, JANUARY 27, 2025 6:30PM

MEMBERS PRESENT: Andrew Faunce (Chair), Patrick Kennelly, Jeremy Rutter, Karen Zook (City Council Rep), Kathie Romano (REMOTE), Kellen Appleton, Eric Stacy (alt)

MEMBERS ABSENT: Richard Ford Burley (Vice Chair), Brian Ceglarski (alt)

STAFF PRESENT: Tim Corwin (Deputy Planning & Development Director), Nate Reichert (Planning & Development Director/ Zoning Administrator), Brian Vincent (City Engineer)

1. CALL TO ORDER

Chair Faunce called the meeting to order at 6:30pm. Mr. Corwin reviewed the City's meeting in-person and REMOTE attendance policies and procedures.

Ms. Romano said she was attending remotely because she was out of town. She said no one was in the room with her while she is attending the meeting.

2. PUBLIC HEARING ITEMS

A. City of Lebanon, 0 Barrows Street, Tax Map (Tax Map 77, Lot 106), zoned R-3: Request for Site Plan Review, Major Subdivision approval, and a Conditional Use Permit per Sections 310.2 and 509 of the Zoning Ordinance for a proposed 5-unit cottage development. 2025-04-FMAJSPRCUP- Continued from January 13, 2025

Deputy City Manager Brooks, Mr. Paul Simon (Park Architecture), and City Engineer Rod Finley were present on behalf of the applicant. Chair Faunce said the public hearing that began at the January 13, 2025 meeting was still open.

Mr. Corwin said he provided revised waiver request and condition of approval documents to the Board just prior to the meeting. He suggested that the group go through each during the meeting because the Board may not have had enough time to review them prior to the meeting.

Deputy City Manager Brooks said two new waiver requests have been submitted (since the January 13, 2025 meeting):

- 14.4.C of the Subdivision Regulations – Requires the last 50% of the Building Permits will not be issued until all of the approved infrastructure is completed - Dep City

1 Manager Brooks said this is a subdivision requirement that doesn't fit the cottage plan
2 because it is smaller in scope than the typical subdivision project
3

- 4 • 10.4.C.2.G – Requires the applicant to submit other approvals from other agencies (in
5 this case, water and sewer approvals from the City). Dep City Manager Brooks said these
6 applications have been filed with City Engineer Vincent that day on 27 January 2025.

7
8 Chair Faunce opened the public comment portion of the hearing. No one from the public spoke.
9 Chair Faunce closed the public comment portion of the hearing.

10
11 Mr. Corwin explained the waivers from Section 10.2.F and Section 12.3 that are requested by the
12 applicant. He suggested these waivers be discussed and approved at the outset of the discussion
13 of the other waivers.

14
15 The group discussed each DRAFT condition of approval at length.

16
17 In particular, they discussed Condition #14 (regarding the owners' association documentation
18 being provided to the Planning and Development Department for review and approval by the
19 City's legal counsel). The group considered how to satisfy this condition, given that the City is
20 the applicant, and its legal counsel is preparing the documentation. They considered alternatives,
21 including forming an LLC with in which the City has the retains 100% ownership, and. They also
22 also discussed whether to have other alternative legal representatives to review the
23 documentation, perhaps non-involved members of the same legal team.

24
25 The group also discussed-assessed Condition # 21 (regarding third-party inspections) and
26 whether the reviewing engineer (in this case, Mr. Vincent) could conduct the inspections in order
27 to save the cost of hiring an outside inspector. The group agreed to add it this as an option to
28 Condition #21.

29
30 NOTE: The language for conditions finalized during this discussion was approved in lieu of
31 reading it into the record during the reading of the motion. For this minutes document, the
32 conditions are included within the body of the motion. See Page pages 7 of 13 to 11 in this
33 document for the full list of the conditions of approval.

34
35 ***A MOTION was made by Kellen Appleton that for the application of the City of Lebanon,***
36 ***PB2025-04-FMAJSPRCUP, the Lebanon Planning Board approves a waiver per Section***
37 ***10.2.F of the Subdivision Regulations to waive the requirement for Design Review, and in***
38 ***support therefore, finds that because the proposed 5-unit cottage development does not involve***
39 ***the creation of any new lots or streets, preliminary review per Section 10.2 is not required.***

40
41 ***The MOTION was seconded by Patrick Kennelly.***

42
43 ***Roll Call Vote:***

44 ***Voting For – Ms. Romano, Mr. Stacy, Ms. Zook, Mr. Kennelly, Mr. Faunce, Mr. Rutter, Ms.***
45 ***Appleton***

46 ***Voting Against – None***

47
48 ****The MOTION was approved (7-0).***
49

1
2 *A MOTION was made by Patrick Kennelly that the Lebanon Planning Board finds the*
3 *application of the City of Lebanon for Final Major Subdivision approval of a proposed 5-unit*
4 *cottage development, PB2025-04-FMAJSPRCUP, is not scattered and premature per Section*
5 *12.3 of the Subdivision Regulations and that, based on the totality of the application*
6 *information, materials, evidence, and testimony submitted to and reviewed by the Board, the*
7 *amount of development contained in the proposed subdivision in relation to the quantum of*
8 *services available will not pose a danger to the public through insufficiency of services.*
9

10 *[12.3 Statement as to Impact of Subdivision and Determination of Whether or Not Premature*
11 *or Scattered*

12 *A. Purpose: The purpose of this section is to require the subdivider to provide information to*
13 *the Planning Board with regard to the impact of the subdivision and such other*
14 *information as to allow the Planning Board to make a determination as to whether or not*
15 *the proposed subdivision will be premature or scattered.*
16

17 *B. Areas of Study and Information: The following areas shall be considered in such studies*
18 *and such information provided to the Board to determine the effect of the proposed*
19 *subdivision. The Planning Office may provide administrative guidelines to assist the*
20 *subdivider in providing appropriate information.*

- 21 *1. Statement of impact of the proposed development on natural resources and*
22 *environmental quality including, but not limited to, water quality, air quality, wetlands,*
23 *soil erosion and agricultural soils and a statement of pollution control and*
24 *environmental impact mitigation measures.*
- 25 *2. Capacity of the school system; effect on school bus transportation and distance of the*
26 *proposed subdivision from the nearest elementary school.*
- 27 *3. Adequacy of streets and/or sidewalks in the general area of the subdivision including*
28 *major intersections providing access, and such other areas as requested by the Board.*
- 29 *4. Sufficiency, availability and capacity of utility services to provide water, fire*
30 *protection, and sewer, and further, the impact of the subdivision on the municipal solid*
31 *waste disposal facilities.*
- 32 *5. (If applicable) The impact of on-site subsurface sewage disposal systems as to adjacent*
33 *wells, water supply systems, and any known aquifers so designated by the United States*
34 *Geological Survey.*
- 35 *6. Any special fire, police and public safety problems due to location and/or special*
36 *conditions relative to the type of use.*
- 37 *7. Impact of drainage from the subdivision on abutting properties and potential drainage*
38 *problems both on the site of the subdivision and downstream from the subdivision.*
- 39 *8. Fiscal impact statement analyzing the impact of the subdivision on municipal, school*
40 *and county revenues and expenditures, including estimated potential tax revenue and*
41 *estimated number of school children.*
42

43 *C. Prohibition of Approval of Scattered or Premature Subdivisions:*

44 *The Planning Board shall not approve a subdivision if such subdivision constitutes premature*
45 *or scattered subdivision as would involve danger or injury to health, safety or prosperity by*
46 *reason of the lack of water supply, drainage, transportation, schools, fire*
47 *department, or other public services or necessitate an excessive expenditure of public funds for*
48 *the supply of such services. If a subdivision is determined by the Planning Board to be*
49 *premature and scattered, the subdivider may show through both on- and off-site improvements*

made at the expense of the subdivider, that the subdivision is not premature or scattered or, if so, is overcome by remedial action of the subdivider.

D. Board's Determination as to Premature or Scattered:

The Board shall determine based on the information presented and other information available and made part of the record whether or not the amount of development contained in the proposed subdivision in relation to the quantum of services available will pose a danger to the public through insufficiency of services.]

The MOTION was seconded by Jeremy Rutter.

Roll Call Vote:

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

Voting Against – None

*The MOTION was approved (7-0).

A MOTION was made by Kellen Appleton that:

At duly -noticed meetings of the Lebanon Planning Board held on January 13, 2025, and January 27, 2025, there appeared representatives on behalf of the City of Lebanon regarding 0 Barrows Street (Tax Map 77, Lot 106), zoned R-3, requesting a Conditional Use Permit per Sections 310.2 and 509 of the Zoning Ordinance for a proposed 5-unit cottage development. 2025-04-FMAJSPRCUP

I. FINDINGS OF FACT

Based on testimony given, application materials presented, and supporting documents submitted, the Planning Board makes the following findings of fact:

1. The City of Lebanon intends to develop property it owns at the end of Barrows Street with a 5-unit cottage development and related site improvements. The units are intended to be sold and the property and site improvements will be owned and maintained by a condominium association.
2. The project does not constitute a “governmental use” as defined in NH RSA 674:54, I, and is therefore fully subject to the City’s land use regulations.
3. A “cottage development” is a type of planned development that is allowed by Conditional Use in the R-3 District per Section 310.2 of the Zoning Ordinance, subject to the criteria set forth in Section 509.
4. In order to grant the requested Conditional Use Permit, the Board must find that the project satisfies the cottage development criteria set forth in Sections 509.1 through 509.6 of the Zoning Ordinance and must also find that the project satisfies the general Conditional Use criteria set forth in Section 302.4.D.

II. CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Planning Board concludes the following with respect to the Enhanced Performance Standards set forth in **Section §302.4.D** of the Zoning Ordinance and the cottage development criteria set forth in **Section §509** of the Zoning Ordinance:

1. The site is suitable for the proposal. (§302.4.D.1)
2. The external impacts of the proposed use on abutting properties and the neighborhood **is-are** commensurate with the impacts of adjacent existing uses or other uses permitted in the zoning district. (§302.4.D.2)
3. The proposed layout and design of the site **is-are** not incompatible with the established character of the neighborhood and shall mitigate any external impacts on abutters, the neighborhood, and nearby public ways and infrastructure. (§302.4.D.3)
4. The design of the new buildings **are-is** not incompatible with the established character of the neighborhood. (§302.4.D.4)
5. The proposed use and layout of the site, including all related development activities, **does** to the greatest extent practicable preserve identified natural, cultural, historic, and scenic resources on the site and shall not degrade such identified resources on abutting properties. (§302.4.D.5)
6. The proposed use is allowed by conditional use on the proposed property. (§509.2)
7. The proposed number of cottages meets the minimum required and maximum permitted, **and they** are located in a cluster containing a minimum of 3 units. (§509.3)
8. The lot exceeds the 40,000 sq. ft. minimum lot size for cottage developments in the R-3 District. (§509.4)
9. The proposed development meets the density requirement of 2,500 sq. ft. of lot area per cottage and the maximum building coverage requirement of 35%. (§509.5)
10. The plan set for the proposed development delineates a building site for each detached cottage of no less than 1,500 sq. ft. (§509.6.A)
11. At least 50% of the cottages in the development will be detached units. (§509.6.B)
12. The minimum setback between units within the development will be at least 10 feet, measured from the nearest point of the exterior walls. (§509.6.C)
13. The proposed development will meet the common open space requirements for cottage developments, including the requirements that a minimum of 400 square feet of common open space per cottage and per cluster is provided, that the common open space area for each cluster is contiguous and will abut all of the cottages in the cluster, and that the cottages will be oriented around and have their main entry from the common open space. (§509.6.D)
14. The cottages will meet the requirement that the highest point of a cottage not exceed 24 feet, and the requirement that each cottage have an unenclosed, covered front primary entry and porch of at least 60 square feet in size, oriented toward a common open space. (§509.6.E)
15. The proposed development will meet the parking location and screening requirements for cottage developments, with (a) parking areas and driveways complying with applicable minimum yard requirements for the underlying zone, (b) parking areas screened from public streets and adjacent residential uses by landscaping or architectural screening, (c) no parking areas within the minimum required front yard, and (d) parking areas separated from the common open space by landscaping or an architectural screen. (§509.6.F)
16. The proposed development will meet the requirement that all cottages within 50 feet of

a public street shall have **street-facing** facades that avoid blank **walls**, and that for all such cottages, a minimum of 25 percent of the **street-facing** façade shall be comprised of windows and/or glass doors. (§509.6.H)

II. DECISION

Now therefore be it resolved that the Planning Board, on this 27th day of January, 2025, hereby grants the request of the City of Lebanon for a Conditional Use Permit per Sections 310.2 and 509 of the Zoning Ordinance for a proposed 5-unit cottage development, as set forth above and per testimony, plans, and materials submitted.

The MOTION was seconded by Jeremy Rutter.

Roll Call Vote:

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

Voting Against – None

*The MOTION was approved (7-0).

Chair Faunce reminded the group that the waiver requests had been discussed at length during the January 13, 2025 meeting. Mr. Corwin suggested the Board make one motion to approve the requested waivers in the appropriate sections of the Site Plan Regulations and Subdivision Regulations.

A MOTION was made by Jeremy Rutter that, for the application of the City of Lebanon, 2025-04-FMAJSPRCUP, the Lebanon Planning Board approves partial waivers from the following sections of the Site Plan Review Regulations and Subdivision Regulations:

Section 5.1.E.7 of the Site Plan Review Regulations

Sections 5.1.E.8 + 5.1.E.15 of the Site Plan Review Regulations

Sections 5.1.E.16 + 6.2.B of the Site Plan Review Regulations

Section 6.2.D.1 of the Site Plan Review Regulations

Section 6.5.C.1 of the Site Plan Review Regulations

Section 6.5.C.2 of the Site Plan Review Regulations

Section 10.4.C.2.D of the Subdivision Regulations

Sections 12.2.F + 12.8.A of the Subdivision Regulations

Section 12.3 of the Subdivision Regulations

Section 10.4.C.2.B of the Subdivision Regulations

Section 14.4.C of the Subdivision Regulations

Section 10.4.C.2.G of the Subdivision Regulations

The MOTION was seconded by Andrew Faunce.

Roll Call Vote:

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

Voting Against – None

1
2 **The MOTION was approved (7-0).*
3

4
5 *A MOTION was made by Kellen Appleton that the Lebanon Planning Board approves the*
6 *application of the City of Lebanon regarding 0 Barrows Street (Tax Map 77, Lot 106), zoned*
7 *R-3, 2025-04-FMAJSPRCUP, for Site Plan Review and Major Subdivision approval to*
8 *construct a proposed 5-unit cottage development, together with parking, utilities, landscaping,*
9 *and other related site improvements as shown on a plan set titled “Barrows Street Cottage*
10 *Development,” dated December 9, 2024, last revised January 8, 2025, including any and all*
11 *submissions and testimony provided for and during the public hearing.*
12

13 *In support of its decision, the Board finds that the applicant has submitted plans, testimony,*
14 *technical data, information, reports, and studies – variously prepared by a professional civil*
15 *engineer, licensed land surveyor, wetlands scientist, architect, and licensed landscape architect*
16 *– that together satisfactorily demonstrate compliance with the applicable requirements of the*
17 *Site Plan Review Regulations and Subdivision Regulations, except as may reasonably be*
18 *addressed through the imposition of certain conditions of approval, as set forth below, and*
19 *except as may have been waived.*
20

21 *This approval is subject to the following conditions:*
22

23 **General Conditions**
24

- 25 1. *This approval shall automatically expire and be deemed void upon failure to meet any of*
26 *the conditions of approval set forth herein within the timeframes specified. It shall be the*
27 *applicant’s responsibility to be familiar with and aware of these conditions of approval,*
28 *and it shall be the applicant’s responsibility to satisfy these conditions of approval and to*
29 *satisfy them within the relevant timeframes outlined below.*
30
31 2. *The development is subject to the Zoning Ordinance adopted January 16, 2013, last*
32 *amended April 3, 2024, the Site Plan Review Regulations adopted May 13, 1991, last*
33 *revised January 23, 2023, and the Subdivision Regulations adopted May 13, 1991, last*
34 *revised June 28, 2021, which are the land use regulations in effect at the time the*
35 *application was submitted.*
36
37 3. *This approval shall be considered void unless all conditions precedent have been met, and*
38 *the subdivision plat (Sheet 28 of the approved plan set) has been recorded in the Registry*
39 *of Deeds, within two (2) years from the date of the Notice of Action (Section 7.12.B of the*
40 *Subdivision Regulations). The plat shall be recorded in accordance with Planning &*
41 *Development Department procedures.*
42
43 4. *“Active and substantial development,” as defined in Section 14.1.B.1.a of the Subdivision*
44 *Regulations, shall be achieved within two (2) years of the date of this approval (14.1.B.1.b),*
45 *subject to an extension if applied for by the applicant and if approved by the Planning*
46 *Board per Section 14.1.B.1.c. If active and substantial development is not achieved within*
47 *two (2) years of the date of the Planning Board’s approval, the development shall be*
48 *subject to any changes in the City’s land use regulations.*
49

5. *“Substantial completion,” as defined in Section 14.1.B.2.a of the Subdivision Regulations, shall be achieved within five (5) years of the date of this approval. If substantial completion is not achieved within five (5) years of the date of the Planning Board’s approval, the development shall be subject to any changes in the City’s land use regulations and the default provisions of Section 14.1.C shall apply.*
6. *All required landscape plantings shall meet the minimum size requirements for such plantings set forth in Section 6.2.B of the Site Plan Review Regulations at the time of installation.*
7. *The applicant shall implement and maintain NHDES Site Specific Best Management Practices before, during, and after construction.*
8. *Prior to the start of any construction activities on the property, erosion control measures, including edge-of-disturbance fencing if applicable, shall be installed and maintained before and during any site work, to be verified by the Reviewing Engineer or the City’s third-party inspector on site.*
9. *The property owner’s/owners’ association is responsible for the maintenance and operation of the stormwater management system in accord with the O&M plan, and such responsibility shall run with the land. (Section 6.6.H.2.b of the Site Plan Review Regulations).*
10. *All service areas and facilities including garbage and waste disposal containers, recycling bins, electrical and mechanical equipment such as transformers and compressors, meter clusters, and other utility elements must be screened in accordance with Section 6.2.B.8 of the Site Plan Review Regulations.*
11. *Changes to underground utilities that do not impact surface conditions may be approved administratively unless determined by the Reviewing Engineer and the Planning & Development Department to materially alter the development and the approved site plan, in which case such changes shall be reviewed pursuant to Article IX of the Site Plan Review Regulations.*
12. *Construction of the proposed parking enclosure shall be optional and may proceed at any time prior to or following substantial completion of the development provided that the parking enclosure is constructed in accordance with the approved plan set and in accordance with all applicable building and life safety code requirements in effect at the time of construction.*

Conditions Precedent to be Satisfied Prior to the Signing and Recording of the Plat, Prior to Application for a Building Permit, and Prior to the Start of Any Construction Activities

13. *The drainage analysis required per Sections 6.6.C.2.1 & 2 of the Site Plan Review Regulations shall be provided to the Reviewing Engineer for review and approval.*
14. *The owner’s association documentation required by Sections 10.4.C.2(d), 12.2.F, and 12.8.A of the Subdivision Regulations shall be provided to the Planning & Development Department for review and approval by the City’s legal counsel.*

15. The following conditions shall apply as may be determined applicable by the City and by the City's legal counsel:

- a. The applicant shall sign a Subdivision Agreement in accordance with Section 7.9.B of the Subdivision Regulations.
- b. Per Section 10.4.C.2.b of the Subdivision Regulations, cost estimates for the completion of all on- and off-site improvements which shall be subject to a Performance Security Agreement pursuant to Section 7.10.c shall be provided. Pursuant to Section 14.5 of the Subdivision Regulations, the applicant shall provide a Performance Bond for all required improvements, both on- and off-site, including but not limited to: roadway and parking improvements, landscaping, lighting, utilities, bike lane/shoulder improvements, stormwater improvements, and sidewalks in an amount considered adequate by the Department of Public Works, and in a form satisfactory to the City Attorney. The Performance Bond shall be secured by a surety bond, a letter of credit, or an escrow account. This requirement shall not apply if the required improvements are constructed prior to the recording of the plat.

16. The applicant shall obtain approval from the City Council or the City Manager's office for any additional water and/or sewer flows in accordance with the applicable Chapter 136 and 182 of the City Code.

17. The applicant shall make the following revisions to the plan set to the satisfaction of the Planning and Development Department:

- a. On Sheet 28 ("Overall Subdivision Plan" – L5.0):
 - i. The 15% open space required per Section 12.2 of the Subdivision Regulations shall be delineated.
 - ii. Add a note indicating how the open space will be owned, protected, and managed;
 - iii. Add the following as plan notes: "Per Section 13.14 of the Subdivision Regulations, there shall be no depositing, dumping, or storage of waste, or other natural or man-made material, supplies or equipment, on any subdivision land designated as open space," and, "Per Section 13.14 of the Subdivision Regulations, no work, or removal, or filling shall be done, nor shall the existing natural characteristics of open space land be altered from the original condition, until a site plan shall have been approved by the Board;" and;
 - iv. Add any other information necessary to prepare the sheet for recording.
- b. Amend the cover sheet to provide description of plan revisions (5.1.E.4.d of the Site Plan Review Regulations).

The applicant shall provide the Planning and Development Department a digital copy of the revised plan set saved in a PDF-A format for archival purposes.

18. The dwelling units shall be given addresses in accordance with City of Lebanon policies and procedures.

19. The applicant shall schedule and hold a pre-building permit application meeting with

1 the Planning and Development Department, City Building Inspectors, Reviewing
2 Engineer/Department of Public Works, and Fire Department, in order to help
3 streamline the building permit review process and to review applicable code
4 requirements.

5
6 Conditions to be Satisfied Prior to the Issuance of a Building Permit
7

8 20. As depicted on the approved plan set, appropriate easements shall be provided for the
9 maintenance of the sewer line, water line and hydrants within the site, to the
10 satisfaction of the Department of Public Works.

11
12 21. Prior to the start of any construction activities on the property for which construction
13 inspection is required pursuant to this decision or any applicable ordinance or code,
14 the City shall retain the services of an independent third-party inspector, for which the
15 applicant shall be responsible for all inspection fees related to (a) on-site work related
16 to sewer, water, temporary sedimentation and erosion control, and drainage
17 improvements, and (b) all off-site work within the City's right-of-way (including but
18 not limited to water and sewer), in accordance with Section 8.2 of the Site Plan Review
19 Regulations and Section 14.2 of the Subdivision Regulations. The applicant shall
20 provide funding for inspection services in a form and amount acceptable to the City
21 and shall sign an Infrastructure Inspection Agreement. In the alternative, the
22 Reviewing Engineer may provide the required inspection services, depending on the
23 Reviewing Engineer's availability.

24
25 22. If required by the Department of Public Works, the applicant shall apply for and obtain
26 an Excavation Permit, Driveway Permit, and Stormwater Permit.

27
28 23. Prior to the start of any construction activities on the property, the applicant shall
29 record in the Grafton County Registry of Deeds notice of the stormwater management
30 and erosion and sediment control plans as required per Section 6.6.H.2.d of the Site
31 Plan Review Regulations. Such notice shall be reviewed by the Planning &
32 Development Department prior to recording.

33
34 24. The development shall be subject to City of Lebanon Impact Fees, pursuant to Section
35 213 of the Zoning Ordinance. The Impact Fee shall be calculated at the time of
36 Building Permit issuance based on the Impact Fee Schedule adopted on May 20, 2024.
37 In accordance with RSA 674:39, the approved site plan shall be exempt from any
38 future changes in impact fees and methodology for five years from the date of
39 approval; however, any building permits which are issued after the end of that five-
40 year period shall be fully subject to whatever impact fees and methodology are in effect
41 at the time of building permit issuance.

42
43 25. All water and sewer fees shall be paid as set forth in City Code Chapter 68.

44
45 26. Prior to the start of any construction activities on the property, the applicant shall
46 obtain or update (if appropriate) any required Federal or State approvals.

47
48 Conditions to be Satisfied Prior to the Issuance of a Certificate of Occupancy
49

27. *Sheet 28 (“Overall Subdivision Plan” – L5.0) of the approved plan set shall be recorded at the Grafton County Registry of Deeds pursuant to Condition of Approval #3. Prior to recording, the plat shall be revised as necessary for recording purposes, in consultation with the Planning and Development Department, and shall be signed by the Planning Board Chair.*

28. *The applicant shall prepare and record an open space covenant or deed restriction in accordance with Section 12.2.D of the Subdivision Regulations ~~and that~~ shall be in form and content acceptable to the Planning and Development Department and the City Attorney.*

29. *The impact fees calculated pursuant to Condition of Approval #24 shall be paid.*

30. *The site contractor will produce as-built drawings to the Reviewing Engineer’s satisfaction. Record drawings in a CAD .dwg format, using the NH State Plane Coordinate System, including tie sheets, shall be reviewed and approved by the Reviewing Engineer.*

31. *Except as set forth in Condition of Approval #12 above, all improvements depicted on the plan shall be completed, and shall be constructed as depicted on the approved plan, including any modifications to the plan as may be approved by the Planning Board in accordance with the Site Plan Review Regulations and Subdivision Regulations.*

The MOTION was seconded by Jeremy Rutter.

Roll Call Vote:

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

Voting Against – None

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

At 8:12pm, Chair Faunce called for a brief recess.

At 8:20pm, The meeting resumed.

3. STUDY ITEMS

A. Zoning Amendment Concise Statements

Mr. Corwin explained Section 1000.4.C of the Zoning Ordinance, which allows the City Council, the Planning Board, and the Conservation Commission each to provide a brief statement for any proposed zoning amendments that are included on the March ballot. He said the statements are intended to help voters understand the proposed zoning amendments in their totality.

Mr. Corwin also reviewed the City Council’s statements, which had already been crafted and approved for the ballot.

1 *A MOTION was made by Eric Stacy to extend the meeting to 9:45pm. The MOTION was*
2 *seconded by Jeremy Rutter.*

3
4 **Roll Call Vote:**

5 ***Voting For – Ms. Romano, Mr. Stacy, Ms. Zook, Mr. Kennelly, Mr. Faunce, Mr. Rutter, Ms.***
6 ***Appleton***

7 ***Voting Against – None***

8
9 ****The MOTION was approved (7-0).***

10
11
12 After much discussion, the Planning Board finalized the following three statements to be added
13 to the proposed Zoning Amendments for the March ballot:

14
15 **Amendment 1 – Creation of a Pattern Zone Overlay District**

16 *“The Planning Board endorses this amendment. This amendment encourages development of*
17 *architecturally designed homes in downtown areas to increase housing opportunities, grow the*
18 *tax base, and reduce individual tax burdens.”*

19
20 **Amendment 2 – Rezoning of Alice Peck Day Hospital’s campus from R-3 to MC-2 District**

21 *“The Planning Board endorses ~~the~~ **this** amendment. Changing the zone to MC-2 supports the*
22 *current medical center use at APD and facilitates the possibility of addressing the need ~~to~~ **for***
23 *staff housing on the APD campus.”*

24
25 **Amendment 3 – Amend Use Tables in R-1, R-2, and R-3 Districts to allow “Recovery**
26 **Houses” as a use by Special Exception**

27 *“The Planning Board endorses ~~the~~ **this** amendment. Allowing recovery houses by special*
28 *exception in the R1, R2, and R3 districts ensures that those in need are housed in certified*
29 ***facilities**. This not only aids recovery for the occupants but also safeguards neighborhoods from*
30 *nuisances arising from improvised and unregulated group housing.”*

31
32
33 *A MOTION was made by Andrew Faunce to extend the meeting to 9:50pm. The MOTION*
34 *was seconded by Eric Stacy.*

35
36 **Roll Call Vote:**

37 ***Voting For – Ms. Romano, Mr. Stacy, Ms. Zook, Mr. Kennelly, Mr. Faunce, Mr. Rutter, Ms.***
38 ***Appleton***

39 ***Voting Against – None***

40
41 ****The MOTION was approved (7-0).***

42
43
44 Chair Faunce said that Staff should make tweaks to the language of the statements if needed for
45 accuracy.

46
47
48 Chair Faunce called for a voice vote to approve the statements as they had been crafted during
49 the discussion.

Roll Call Vote:

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

Voting Against – None

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

4. ADJOURNMENT

A MOTION was made by Andrew Faunce to adjourn the meeting at 9:49pm. The MOTION was seconded by Jeremy Rutter.

Roll Call Vote:

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

Voting Against – None

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

The meeting was adjourned at 9:49pm.

Respectfully submitted,

Paula Roux

Recording Secretary

DRAFT

**LEBANON PLANNING BOARD
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE
MONDAY, FEBRUARY 10, 2025 6:30PM**

MEMBERS PRESENT: Andrew Faunce (Chair), Richard Ford Burley (Vice Chair), Patrick Kennelly, Jeremy Rutter, Karen Zook (City Council Rep), Kathie Romano (REMOTE), Kellen Appleton, Brian Ceglarski (alt)

MEMBERS ABSENT: Eric Stacy (alt)

STAFF PRESENT: Tim Corwin (Deputy Planning Director), Nathan Reichert (Director of Planning & Development)

OTHERS PRESENT: Matthew Decker, Esq. (Legal Counsel for the City)

1. CALL TO ORDER

Chair Faunce called the meeting to order at 6:37pm. Mr. Corwin reviewed the City's meeting in-person and REMOTE attendance policies and procedures.

Ms. Romano said she was attending remotely because she was out of town. She said no one was in the room with her while attending the meeting.

2. NOTICE OF REGIONAL IMPACT

The following applications were received by the Planning and Development Department on or before February 10, 2025:

- **Clayton Morlock & Sally Shoop, David & Deborah Roberts and Richard & Paula Tobin, 30 Storrs Hill Road (Tax Map 136, Lot 22), 14 Storrs Hill Road (Tax Map 136, Lot 25), 0 Storrs Hill Road (Tax Map 136, Lot 24), and 28 Storrs Hill Road (Tax Map 136, Lot 23) zoned RL-2 & R-3: Request for approval of a Boundary Line Adjustment between lands identified above and Voluntary Lot Mergers of Lots 136-24 & 136-22, Lots 136-24 & 136-25 and Lots 136-24 & 136-23. PB2025-08-BLAVLM**
- **Tycoga NH West, LLC (applicant), Ledyard National Bank (property owner), 42 Old Etna Road (Tax Map 50, Lot 30, Plot 100), zoned GC: Site plan review for a proposed +/- 880 sq. ft. coffee shop on the same lot as an existing building, together with associated site improvements. PB2025-09-SPR**
- **Grafton County Economic Development Council & North Country Council, 16 Cavendish Court (Tax Map 10, Lot 11, Plot 3600), zoned IND-L: Applicant requests**

1 a two (2) year extension of an existing approval (PB2022-48-SPR) per Section
2 8.4.A.3 of the Site Plan Review Regulations to construct an additional parking lot.
3 PB2025-10-EXT
4

5 Mr. Corwin said Staff recommends the applications do not have the potential for regional impact.
6

7 *A MOTION was made by Richard Ford Burley that the applications of Clayton Morlock &*
8 *Sally Shoop, David & Deborah Roberts and Richard & Paula Tobin, 30 Storrs Hill Road (Tax*
9 *Map 136, Lot 22), 14 Storrs Hill Road (Tax Map 136, Lot 25), 0 Storrs Hill Road (Tax Map*
10 *136, Lot 24), and 28 Storrs Hill Road (Tax Map 136, Lot 23) zoned RL-2 & R-3, Tycoga NH*
11 *West, LLC (applicant), Ledyard National Bank (property owner), 42 Old Etna Road (Tax Map*
12 *50, Lot 30, Plot 100), zoned GC, and Grafton County Economic Development Council &*
13 *North Country Council, 16 Cavendish Court (Tax Map 10, Lot 11, Plot 3600), zoned IND-L do*
14 *not have the potential for regional impact. The MOTION was seconded by Jeremy Rutter.*
15

16 *Roll Call Vote:*

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

19 *Voting Against – None*
20

21 **The MOTION was approved (7-0).*
22

23 3. PUBLIC HEARING ITEMS 24

25 A. A. B. XYZ Dairy, LLC & Lyme Properties 2, LLC, River Park Drive (Tax Map 44,
26 Lots 21 - 30 & 7), zoned CB, IND-L and R-3: Applicant requests a two (2)-year
27 extension of the River Park Site Plan approval (PB2010-25-SPR), as most recently
28 amended on September 9, 2019 (PB2018-34-SPA) and extended on October 12, 2021
29 (PB2021-29-EXT). PB2025-05-EXT
30

31 Ms. Romano recused herself from the discussion. Chair Faunce said all remaining Board
32 members will participate in the discussion and any voting on motions.
33

34 Attorney Decker said he provided a legal notice, which was included in the agenda packet
35 materials for this meeting. He said the background of this extension application is that this
36 applicant, XYZ Dairy, previously submitted an application for a two-year extension of all of its
37 site plan deadlines. The Planning Board denied that application on November 12, 2024, with a
38 written decision issued on November 19, 2024. He said that denial of extension was not
39 appealed.
40

41 He said on December 19, 2024, XYZ Dairy filed an additional application, again requesting a
42 two-year extension of all site plan review deadlines. He said New Hampshire courts created a
43 doctrine, called the Subsequent Application Doctrine, which is designed to prevent Land Use
44 Boards from being forced to hear repeated applications for the same relief and under applicable
45 New Hampshire case law. He said Land Use Boards, such as the Planning Board, are required to
46 make a “threshold determination” that a subsequent application is significantly different from the
47 prior application to keep the Board from having to repeat its same labor over and over again.
48

1 Attorney Decker said the legal standard for a threshold determination is the answer to the
2 following question: Does the subsequent application present a material change in circumstances
3 that affect the merits of the application?

4
5 He said this hearing at this meeting is a limited purpose public hearing to allow the applicant to
6 speak to what they would assert are the material changes in their application since the November
7 12, 2024 decision, and then for the Board to deliberate on those changes and to determine
8 whether those changes are material.

9
10 He said if the Board determines at this meeting that there is a material change in circumstances
11 that affects the application, it will pass a motion accordingly and schedule a full hearing on the
12 two-year extension request.

13
14 Mr. David Clem and Mr. Chet Clem (XYZ Dairy and Lyme Properties) were present on behalf
15 of the applicant.

16
17 Mr. David Clem read the following statement: (he also provided copies to the Board members
18 and Attorney Decker)

On December 19, 2024, Lyme Properties, operating as the development agent for XYZ Dairy, LLC, submitted a request for a 2-year extension of the River Park West Lebanon Site Plan (#PB2010-25-SPR) as most recently amended on September 9, 2019 (#PB2018-34-SPA) and extended by this Board on October 12, 2021 (#PB2021-29-EXT). The December 19th extension request identified that, since the Lebanon Planning Board's rejection of XYZ's previous request for extension (as submitted on July 8, 2024), the Grafton County Superior Court issued an Omnibus Order granting a Preliminary Injunction to XYZ (1) reinstating the building permit at issue in both the state court action and within the prior request for extension; and (2) extending the Planning Board's Phase 1 site plan approval deadlines by 11 months and two days from notice of the Order.

I now submit this correspondence in advance of today's "limited public hearing," scheduled "to determine whether there has been a material change of circumstances affecting the merits of [XYZ's] application since the time of [its] prior [July 8th] application."¹

Under New Hampshire law, the requirement of material change pursuant to the "subsequent application doctrine" is "**not to be technically and narrowly imposed**, but yet enforced to the extent that property interests may be settled and stable, and property owners protected from harassment."² Moreover, **a decision of a superior court can create a material change warranting a change in an administrative body's decision.**³

¹ XYZ received notice of the nature of this hearing by way of the City's counsel's February 7, 2025 Memorandum. To the extent that the Planning Board desires or requires supplementation of this letter, XYZ is amenable to providing a further submission. To the extent that this evening's hearing expands beyond the outlined "limited" scope, XYZ requests an opportunity to further supplement this letter as it relates to the merits of its request.

² *Bois v. Manchester*, 113 N.H. 339, 342 (1973)(emphasis supplied).

³ See *Radcliff v. Zoning Bd. Of Appeals*, D.N. CV 121852 S, 1993 Conn. Super. LEXIS 1536, at *18 (June 9, 1993) (relating to the revocation and reinstatement of a building permit)(emphasis supplied); *Middlesex Theatre, Inc. v. Commissioner of State Police*, 128 Conn. 20, 22-23, 20 (1941) ("Where a change of conditions has occurred since the decision of the administrator or where other considerations have arisen materially affecting the merits of the matter and no vested rights have intervened, it is reasonable and appropriate to the functioning of efficient administrative machinery that the subject matter be re-examined in the light of the altered circumstances.").

That is precisely the case here. Critically, in submitting its second request for a 2-year extension, XYZ identified several material changes of circumstance since its prior application, including but not limited to:

- after *three days* of evidentiary hearings, the Court explicitly disagreed with the City’s argument that XYZ should have continued investing in Site Plan work while the building permit matter was unresolved (an argument the Planning Board seemingly adopted on or about its November 12, 2024 decision);
- the building permit has been reinstated; and
- the Phase 1 deadlines have been extended.

In support of its December 19th second extension request, XYZ attached the Court’s Omnibus Order, its Superior Court Complaint (including its twenty-two exhibits), and its Memorandum in Support of its Petition for Temporary Restraining Order and Motion for Preliminary Injunction—none of which were previously before the Lebanon Planning Board when considering XYZ’s July 8th first request for extension. These documents encompass—by the City’s counsel’s own admission contained in his February 7, 2025 Memorandum—“a different but overlapping set of facts.”

In its Omnibus Order, the Court determined that, after three days of evidentiary hearings, XYZ established a “likelihood of success on the merits” that the City of Lebanon made an actionable misrepresentation of a material fact that XYZ relied upon to its detriment. In other words, after hearing the evidence, the Court concluded that XYZ reasonably relied upon the City’s representations related to the building permit, that XYZ was harmed as a result, and that the facts established by XYZ warranted the reinstatement of the building permit and the extension of the Phase 1 deadlines. Importantly, the Court also stated as follows:

The Court is unpersuaded by the City’s argument that XYZ should have completed the Phase 1 infrastructure work without a building permit. As Chet and David Clem testified, the City cannot reasonably expect a developer to pursue infrastructure work without a building permit for the associated building project.

The same argument underscored by the Court holds true for the attendant delays in all of the other phases of development. The City could not have reasonably expected XYZ to meet the deadlines for those other development phases without a valid building permit on Phase 1, since the Phase 1 building was critical to the overall economics of the project and to the construction of the primary entrance of the development. The clear “changes in circumstances” provided by the direction in the Court’s Order warrant the Board’s full consideration of the merits of XYZ’s second request for extension.

To the extent that the Planning Board is not otherwise persuaded that a material change necessitates consideration of XYZ’s December 19th extension request, XYZ further asserts that consideration is warranted as this Board’s consideration of XYZ’s July 8th request was neither fair

1
2
3

or impartial.⁴ In brief, the Planning Board was notified of XYZ's pending action related to the building permit and site plan deadlines pending in Grafton County Superior Court prior to issuing its formal decision on XYZ's first extension request. Nevertheless, the Planning Board, relying upon the recommendations of municipal staff, rejected XYZ's first extension request prior to the issuance of any decision by the Court. More specifically, five members of the Planning Board *met in advance of the public hearing without a motion to convene in executive session* in a public meeting. These same five members then voted to deny the extension request without reading the motion in the public hearing or making the motion available to the applicant in advance. While I appreciate the fact that the Planning Board relies on municipal staff to support the Board, I believe the Planning Board is an independent, quasi-public body and should affirm its authority by acting independently of staff opinion, fairly, and impartially—in line with the Court's Order—in this instance.

Turning to the merits of this request, the Planning Board is tasked with determining whether the delays on the other phases of the River Park project were the result of circumstances beyond XYZ's control. It is clear, based on the specific language of the Court's Order, that the Court's findings not only necessitate consideration of XYZ's December 19th second extension request, but granting XYZ's request for two-year extensions in full. The City's misrepresentations as to the building permit irrefutably predated the other events the Planning Board considered in relation to XYZ's prior extension request. Accordingly, (1) because of the City's misrepresentations as to the building permit and the delays resulting therefrom; and (2) because XYZ reasonably did not invest in other aspects of the project while the permit was in a City-imposed limbo, there plainly exist circumstances beyond XYZ's control necessitating a 2-year extension of XYZ's site plan deadlines on the remaining phases of the River Park project.

It is my hope that the Lebanon Planning Board will exercise reason and fairness, as the Court has done, in considering the merits of and granting XYZ's request for extension. Doing so would also constitute a significant gesture of good faith in rebuilding the trust required to bring this beneficial project to fruition for the City of Lebanon.

Chair Faunce confirmed the Board members received substantial materials in the agenda packet for this meeting, which included 22 exhibits that were related to the three days of Superior Court evidentiary hearings mentioned by Mr. Clem in his read statement.

Dr. Ford Burley asked for clarification from Attorney Decker on the meaning of "technically and narrowly imposed" in relation to the case of *Bois v. Manchester* (cited in Mr. Clem's letter).

Attorney Decker said he believed the instruction is for the Board to look at the case law more broadly and focus on the content of the application to possibly identify a material change in the circumstances, rather than focus just on the fact that this is another request for a two-year extension.

Mr. Clem said his legal representation is out of the country and not available to come to this meeting. He said this is an amendment to a permit that has already been granted by the Planning Board and renewed multiple times, and involves only the schedule of the phases. He said what distinguishes it from any other site plan and subdivision approval in the City is this was the first filed under the Lebanon Zoning Ordinance that allows a phased development.

Chair Faunce opened the public comment portion of the hearing. No one from the public spoke. Chair Faunce closed the public comment portion of the hearing.

Dr. Ford Burley said Attorney Decker's legal notice indicates that the Superior Court judge said, "while the Court and the Planning Board considered many of the same facts, neither decision

bears on nor negates the other.” He said that suggests that a court opinion is not a new material condition. Mr. Chet Clem and Mr. David Clem disagreed that the judge’s decision, which disagrees with the Board’s decision, does not constitute new material worthy of the Planning Board’s consideration of a rehearing for a two-year extension.

Mr. Kennelly asked if Attorney Decker knew the court cases cited in Mr. Clem’s letter and whether they speak to a decision of a Superior Court being considered a material change. Attorney Decker said he was reading about the cases during this meeting to learn more. He noted that both cases are Connecticut State court cases and would not be finding authority in New Hampshire.

At 7:16pm, Chair Faunce called for a recess to allow Attorney Decker to familiarize himself with the cases cited in Mr. Clem’s letter.

At 7:32pm, the meeting resumed.

Attorney Decker said the two cases were cited in Mr. Clem’s letter for the proposition that a decision of a Superior Court can create a material change, warranting a change in an administrative body’s decision. He gave details from each case.

Dr. Ford Burley asked about the reference to the phrase, “Likelihood of success on the merits,” in Mr. Clem’s statement, and asked Attorney Decker to explain what that entails. He said when a court is reviewing an application for a temporary injunction, it is like a pause on the status quo while the court case is pending. Attorney Decker explained the elements for a temporary injunction.

Mr. Corwin confirmed the materials that have been provided to the Board for this meeting:

- 241-page document (posted online with the January 27, 2025 Work Session agenda packet and again for this meeting) provided by the applicant
- Four-page memorandum from Attorney Decker

Chair Faunce asked Mr. Clem if they sought to reapply for the permit at the time when the permit was revoked. Mr. Clem said this was asked at the first hearing and he said he responded that they felt like the existing building permit was valid and that it had value and there was no need to reapply, and he said he still believes that to be true. Mr. Chet Clem said one of the evident jury hearings in the court agreed with their position. He said the court decision upholds that the permit was invalidated improperly.

The Board discussed whether there has been a material change in the application since the November 12, 2024 decision. In particular, the group discussed whether schedule changes for phase deadlines constitute a change in the application.

Attorney Decker confirmed that, as of November 12, 2024, the City’s Building Inspector had declared the building permit expired. He said the state Building Code Review Board affirmed it had expired. The Board discussed whether decisions that were made at that time, when they were unaware a judge would grant a restoration of 11 months and two days of the building permit, would be made differently, and whether that constitutes a material change to the application.

A MOTION was made by Richard Ford Burley that the application of XYZ Dairy LLC for a two-year extension of all relevant dates in its Site Plan Approval be accepted under the

1 *subsequent application doctrine because the applicant has carried its burden to demonstrate*
2 *that its application is materially different from its prior application, the change in*
3 *circumstance described by the applicant, the decision of the Superior Court judge, dated*
4 *November 25, 2024, and the subsequent extension of phase one by 11 months and two days is*
5 *material and would affect the merits of the prior application. The MOTION was seconded by*
6 *Kellen Appleton.*

7
8 ***Roll Call Vote:***

9 ***Voting For – Ms. Zook, Dr. Ford Burley, Mr. Faunce, Dr. Rutter, Mr. Ceglarski, and Ms.***
10 ***Appleton***

11 ***Voting Against – Mr. Kennelly***

12
13 ****The MOTION was approved (6-1)***

14
15 Chair Faunce said the public hearing will be continued at the February 24, 2025 meeting. Mr.
16 David Clem confirmed all materials will be provided by the applicant to Staff by noon on
17 Thursday, February 20, 2025.

18
19 Ms. Romano rejoined the meeting.

20
21 **B. Cicotte Holdings, LLC, 51 Evans Drive (Tax Map 78, Lot 40, Plot 200), zoned R-O-**
22 **1: Request for a Conditional Use Permit pursuant to Section 311A.2 of the Lebanon**
23 **Zoning Ordinance and for Site Plan Review per Section 3.1.D of the Site Plan**
24 **Review Regulations to expand the outdoor vehicular storage area for an existing**
25 **vehicular sales use together with associated site improvements including**
26 **landscaping and lighting. PB2024-48-SPRCUP - Postponed from January 13, 2025**

27
28 Mr. Corwin stated that Staff recommends that the application is complete enough for the
29 Planning Board to accept jurisdiction and commence review.

30
31 ***A MOTION was made by Richard Ford Burley that the application of Cicotte Holdings, LLC,***
32 ***51 Evans Drive (Tax Map 78, Lot 40, Plot 200), zoned R-O-1 is complete enough for the***
33 ***Planning Board to accept jurisdiction and commence review. The MOTION was seconded by***
34 ***Jeremy Rutter.***

35
36 ***Roll Call Vote:***

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

39 ***Voting Against – None***

40
41 ****The MOTION was approved (7-0).***

42 Mr. Dan Nash (Advanced Geomatics & Design) was present on behalf of the applicant. He gave
43 an overview of the project, which involves expansion of paved areas, the addition of a
44 stormwater treatment system, additional landscaping, and other improvements.

45
46 Mr. Corwin said the applicant must address the following:

- Compliance with Conditional Use Permit criteria per Section 302.4.D of the Zoning Ordinance which permits the expansion of a vehicular sales use that involves expansion of the vehicle display area
- Site Plan Review resulting from the proposed expansion of 12,500 additional square feet of pavement, which is considered a major change to the site

The group discussed the Conditional Use Permit application at length. In particular, the group discussed whether the wetlands floodplain will be affected by the expansion of the vehicular display area. The group discussed whether a LOMA (Letter of Map Amendment – which indicates from FEMA that the site is not in a flood zone) is needed.

Chair Faunce opened the public comment portion of the hearing. No one from the public spoke. Chair Faunce closed the public comment portion of the hearing.

A MOTION was made by Richard Ford Burley that:

At a duly-noticed meetings of the Lebanon Planning Board held on February 10, 2025, there appeared representatives on behalf of Cicotte Holdings, LLC, regarding 51 Evans Drive (Tax Map 78, Lot 40, Plot 200), zoned R-O-1, requesting a Conditional Use Permit per Section 311A.2 of the Zoning Ordinance to expand the outdoor vehicular storage area for an existing vehicular sales use. PB2025-04-FMAJSPRCUP

I. FINDINGS OF FACT

Based on testimony given, application materials presented, and supporting documents submitted, the Planning Board makes the following findings of fact:

- 1. The subject property is improved with a vehicular sales use.***
- 2. The applicant proposes to expand the vehicular display area with an additional 12,551 sq. ft. of pavement.***
- 3. “Vehicular sales” is allowed by Conditional Use in the R-O-1 District per Section 311A.2 of the Zoning Ordinance. Expansions of a use allowed by Conditional Use also require a Conditional Use Permit from the Planning Board.***
- 4. In order to grant the requested Conditional Use Permit, the Board must find that the project satisfies the general Conditional Use criteria set forth in Section 302.4.D of the Zoning Ordinance.***

II. CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Planning Board concludes the following with respect to the Enhanced Performance Standards set forth in §302.4.D of the Zoning Ordinance:

- 1. The site is suitable for the proposal. (§302.4.D.1)***
- 2. The external impacts of the proposed use on abutting properties and the neighborhood are commensurate with the impacts of adjacent existing uses or other uses permitted in the zoning district. (§302.4.D.2)***
- 3. The proposed layout and design of the site is not incompatible with the established character of the neighborhood and shall mitigate any external impacts on abutters, the neighborhood, and nearby public ways and infrastructure. (§302.4.D.3)***

- 1 4. *The criteria set forth in Section 302.4.D.4 relates to new building construction and,*
2 *since no new building construction is proposed, is inapplicable to the subject*
3 *application.*
4 5. *The proposed use and layout of the site, including all related development activities,*
5 *does to the greatest extent practicable preserve identified natural, cultural, historic, and*
6 *scenic resources on the site and shall not degrade such identified resources on abutting*
7 *properties. (§302.4.D.5)*
8

9 **III. DECISION**

10
11 *Now therefore be it resolved that the Planning Board, on this 10th day of February, 2025,*
12 *hereby grants the request of the Cicotte Holdings, LLC, for a Conditional Use Permit per*
13 *Sections 311A.2 of the Zoning Ordinance to expand the outdoor vehicular storage area for an*
14 *existing vehicular sales use at 51 Evans Drive (Tax Map 78, Lot 40, Plot 200).*
15

16 *The MOTION was seconded by Andrew Faunce.*
17

18 **Roll Call Vote:**

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

21 *Voting Against – None*
22

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

24 Mr. Reichert asked if the LOMA has been issued by FEMA yet. Mr. Nash said it has not yet
25 been requested. Mr. Reichert suggested that the LOMA be made a condition of approval
26 because, without it, the site is still considered in a flood zone. The group discussed whether the
27 LOMA is needed if a flood plain permit has been granted, and whether the original flood plain
28 permit is still valid after 2-3 years.
29

30 Dr. Rutter noted several inconsistencies and discrepancies in the submitted site plan materials,
31 particularly related to:

- 32 • The number of parking spaces required
33 • Pavement pavers indicated on site plan drawings but not included in the legend
34 • Number of trees required for shade
35 • Proposed location of shade trees (not close enough to provide shade in the parking lot)
36 • Number of shrubs/bushes required for perimeter landscape/buffer
37 • Specific types of trees proposed
38 • Whether vehicle display area is included in the total number of parking lot spaces
39

40 The group discussed whether the applicant should request a waiver from any submission or
41 design requirement that would be applicable outside of the development area, for improvements
42 such as sidewalks. Mr. Corwin noted that the Board does not have to grant such a waiver.
43

44 The group began discussing the requested waivers in detail. They determined that there was not
45 enough clear information provided to make informed decisions whether to grant any of the
46 waivers. Ms. Romano noted it is difficult to discuss insufficiencies in submitted materials at
47 length during a meeting only to have to go through them again at another meeting. She said if the
48 materials were complete when the Board first receives them, so much time would not be wasted.

1 *A MOTION was made by Richard Ford Burley that, for the application of Cicotte Holdings,*
2 *LLC, PB 202448 SPRCUP, the Lebanon Planning Board disapproves partial waivers for all*
3 *the waivers requested. The MOTION was seconded by Kathie Romano.*

4
5 Mr. Corwin suggested that the Board continue the public hearing for this application to the
6 March 10, 2025 meeting to give Staff time to work with the applicant to gather more
7 information.

8
9 *Dr. Ford Burley withdrew the MOTION to disapprove the requested waivers. Ms. Romano*
10 *seconded the withdrawal of the MOTION.*

11
12
13 *A MOTION was made by Richard Ford Burley to continue the public hearing for the*
14 *application of Cicotte Holdings, LLC, PB 202448 SPRCUP until the March 10, 2025 Planning*
15 *Board meeting. The MOTION was seconded by Andrew Faunce.*

16
17 *Roll Call Vote:*

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

20 *Voting Against – None*

21
22 **The MOTION was approved (7-0).*

23
24
25 At 9:19pm, Ms. Zook left the meeting.

26
27 *A MOTION was made by Richard Ford Burley to extend the meeting to 9:45pm. The*
28 *MOTION was seconded by Brian Ceglarski.*

29
30 *Roll Call Vote:*

31 *Voting For – Ms. Romano, Dr. Ford Burley, Mr. Faunce, Mr. Kennelly, Dr. Rutter, and Ms.*
32 *Appleton*

33 *Voting Against – None*

34
35 **The MOTION was approved (6-0).*

36
37
38 **4. STUDY ITEMS**

39 **A. Recap 2025 Adopted Capital Budget & Commence 2026-2031 CIP Process**

40 **B. Strategic Plan Annual Goals and Workplan**

41
42 Chair Faunce said Study Items 4A & 4B would be discussed at a future meeting.

43
44 **C. Review of Proposed Amendments to Site Plan Review Regulations – Minor Site Plan**
45 **Committee and Conceptual Review**

46
47 The group discussed the site plan details that should trigger the requirement for a conceptual
48 review for a proposed project. They agreed to the following draft amendment text:

B. Conceptual Review Required. Conceptual review shall be required for any land development that requires Planning Board review pursuant to Section 3.1.D and which involves any one or more of the following:

1. 20 or more new dwelling units;
2. Ten (10) or more detached one- and/or two-family dwellings;
3. More than one (1) principal multi-family, non-residential or mixed use building; and/or
4. Any development determined to have regional impact;

C. Conceptual Review Optional. For any site land development other than those identified in Section 4.3.B, conceptual review shall be optional.

D. Notice. Conceptual reviews shall only take place at a formal meeting of the Board. Public notice of a required the conceptual discussion review shall be provided pursuant to Section 4.8 and shall also be provided to the following:

1. Conservation Commission
2. Pedestrian & Bicyclist Advisory Committee
3. Tree Advisory Board
4. Heritage Commission (if located within the Historic District)

Public notice is not required for optional conceptual reviews. ~~is not required, but~~

EB. Submission Requirements. ~~Not less than two weeks before the date of the scheduled conceptual review, the~~ The Applicant shall provide a project description, a written statement addressing how the concept conforms with the Master Plan, and a sketch plan of sufficient accuracy and quality, based on a United States Geological Survey map or similar map, showing the following:

1. Existing property lines of the parcel(s) under review;
2. General topography, to include highlight of slopes in excess of 25%;
3. Prominent natural features of the site, including but not limited to: tree lines, watercourses, flood plains, wetlands, and ledge outcrops;
4. The approximate location and size of existing and proposed buildings, parking areas, roadways, and other improvements.

5. When conceptual review is required:

- a. A properly completed and signed application form.
- b. The appropriate fees as established by the Board's fee schedule.
- c. A list of the name(s) and address(es) of all persons to be notified by certified mail in accordance with RSA 676:4, I(d), including the following:

i. The Applicant(s);

ii. The Owner(s) of record of the site;

iii. The Owners of abutting properties;

iv. Every surveyor, engineer, architect, soil scientist, or wetlands scientist whose professional seal appears on any plan or document submitted to the Board;

v. All persons holding conservation, preservation, or agricultural preservation restrictions (as defined under RSA 477:45) on the subject property. (NOTE: When there are no such restrictions on the subject property, the applicant shall provide a definitive statement to that effect.);

vi. The holders of any easements, rights-of-way, or other restrictions on or over the subject property. (NOTE: When there are no such easements, rights-of-way, or other restrictions on the subject property, the applicant shall provide a definitive statement to that effect.).

FG. Procedures. Conceptual review shall be an informal discussion with the Board, conducted in general terms, of the basic concept of the proposed development. The conceptual review shall be limited to a discussion of the concept in general terms,

for the purpose of familiarizing the Board with the location and type of development, and familiarizing the Applicant with the issues and concerns of the Board. The Board shall consider whether the proposed development is an allowed use in the Zoning Ordinance and in accordance with the Master Plan. The Board shall determine whether the development is compatible with any plans for existing or future roads, utilities, and services. The Board shall focus on the characteristics of the site and its relationship to the surrounding area to determine how well the proposed development fits into the natural environment and the cultural landscape, including historical resources.

Discussions held during any conceptual review shall not bind either the applicant or the Board in any manner, and statements made by Board members shall not be the basis for disqualifying said members or invalidating any subsequent action taken by the Board.

A MOTION was made by Richard Ford Burley that the Lebanon Planning Board schedules a public hearing for Study Item 4C: Proposed Amendments to Site Plan Review Regulations Regarding Mino Site Plan Committee and Conceptual Review - if public notice requirement can be satisfied - for the February 24, 2025 Planning Board Work Session, and, if not, to the March 10, 2025 Meeting of the Planning Board. The MOTION was seconded by Jeremy Rutter.

Roll Call Vote:

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

Voting Against – None

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

5. OTHER BUSINESS

None

6. APPROVAL OF MINUTES

- December 9, 2024
- December 17, 2024
- January 13, 2025

January 13, 2024 Amendments:

Page 7 Line 46: Edit to read: “Boulders from the Barrows Street site and soil from the Kimball Street site were used.”

A MOTION was made by Richard Ford Burley to approve the December 9, 2024, December 17, 2024, and January 13, 2025 Planning Board Meeting minutes as presented and amended. The MOTION was seconded by Andrew Faunce.

Roll Call Vote:

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

Voting Against – None

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

7. ADJOURNMENT

A MOTION was made by Richard Ford Burley to adjourn the meeting at 9:40pm. The MOTION was seconded by Andrew Faunce.

Roll Call Vote:

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

Voting Against – None

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

The meeting was adjourned at 9:40pm.

Respectfully submitted,

Paula Roux

Recording Secretary

DRAFT

**LEBANON PLANNING BOARD
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE
MONDAY, FEBRUARY 10, 2025 6:30PM**

MEMBERS PRESENT: Andrew Faunce (Chair), Richard Ford Burley (Vice Chair), Patrick Kennelly, Jeremy Rutter, Karen Zook (City Council Rep), Kathie Romano (REMOTE), Kellen Appleton, Brian Ceglarski (alt)

MEMBERS ABSENT: Eric Stacy (alt)

STAFF PRESENT: Tim Corwin (Deputy Planning Director), Nathan Reichert (Director of Planning & Development)

OTHERS PRESENT: Matthew Decker, Esq. (Legal Counsel for the City)

1. CALL TO ORDER

Chair Faunce called the meeting to order at 6:37pm. Mr. Corwin reviewed the City's meeting in-person and REMOTE attendance policies and procedures.

Ms. Romano said she was attending remotely because she was out of town. She said no one was in the room with her while attending the meeting.

2. NOTICE OF REGIONAL IMPACT

The following applications were received by the Planning and Development Department on or before February 10, 2025:

- **Clayton Morlock & Sally Shoop, David & Deborah Roberts and Richard & Paula Tobin, 30 Storrs Hill Road (Tax Map 136, Lot 22), 14 Storrs Hill Road (Tax Map 136, Lot 25), 0 Storrs Hill Road (Tax Map 136, Lot 24), and 28 Storrs Hill Road (Tax Map 136, Lot 23) zoned RL-2 & R-3: Request for approval of a Boundary Line Adjustment between lands identified above and Voluntary Lot Mergers of Lots 136-24 & 136-22, Lots 136-24 & 136-25 and Lots 136-24 & 136-23. PB2025-08-BLAVLM**
- **Tycoga NH West, LLC (applicant), Ledyard National Bank (property owner), 42 Old Etna Road (Tax Map 50, Lot 30, Plot 100), zoned GC: Site plan review for a proposed +/- 880 sq. ft. coffee shop on the same lot as an existing building, together with associated site improvements. PB2025-09-SPR**
- **Grafton County Economic Development Council & North Country Council, 16 Cavendish Court (Tax Map 10, Lot 11, Plot 3600), zoned IND-L: Applicant requests**

1 a two (2) year extension of an existing approval (PB2022-48-SPR) per Section
2 8.4.A.3 of the Site Plan Review Regulations to construct an additional parking lot.
3 PB2025-10-EXT
4

5 Mr. Corwin said Staff recommends the applications do not have the potential for regional impact.
6

7 *A MOTION was made by Richard Ford Burley that the applications of Clayton Morlock &*
8 *Sally Shoop, David & Deborah Roberts and Richard & Paula Tobin, 30 Storrs Hill Road (Tax*
9 *Map 136, Lot 22), 14 Storrs Hill Road (Tax Map 136, Lot 25), 0 Storrs Hill Road (Tax Map*
10 *136, Lot 24), and 28 Storrs Hill Road (Tax Map 136, Lot 23), zoned RL-2 & R-3, Tycoga NH*
11 *West, LLC (applicant), Ledyard National Bank (property owner), 42 Old Etna Road (Tax Map*
12 *50, Lot 30, Plot 100), zoned GC, and Grafton County Economic Development Council &*
13 *North Country Council, 16 Cavendish Court (Tax Map 10, Lot 11, Plot 3600), zoned IND-L do*
14 *not have the potential for regional impact. The MOTION was seconded by Jeremy Rutter.*
15

16 *Roll Call Vote:*

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

19 *Voting Against – None*
20

21 **The MOTION was approved (7-0).*
22

23 3. PUBLIC HEARING ITEMS 24

25 A. A. B. XYZ Dairy, LLC & Lyme Properties 2, LLC, River Park Drive (Tax Map 44,
26 Lots 21 - 30 & 7), zoned CB, IND-L and R-3: Applicant requests a two (2)-year
27 extension of the River Park Site Plan approval (PB2010-25-SPR), as most recently
28 amended on September 9, 2019 (PB2018-34-SPA) and extended on October 12, 2021
29 (PB2021-29-EXT). PB2025-05-EXT
30

31 Ms. Romano recused herself from the discussion. Chair Faunce said all remaining Board
32 members will participate in the discussion and any voting on motions.
33

34 Attorney Decker said he provided a legal notice, which was included in the agenda packet
35 materials for this meeting. He said the background of this extension application is that this
36 applicant, XYZ Dairy, previously submitted an application for a two-year extension of all of its
37 site plan deadlines. The Planning Board denied that application on November 12, 2024, with a
38 written decision issued on November 19, 2024. He said that [this](#) denial of extension was not
39 appealed.
40

41 He said on December 19, 2024, XYZ Dairy filed an additional application, again requesting a
42 two-year extension of all site plan review deadlines. He said New Hampshire courts created a
43 doctrine, called the Subsequent Application Doctrine, which is designed to prevent Land Use
44 Boards from being forced to hear repeated applications for the same relief and under applicable
45 New Hampshire case law. He said Land Use Boards, such as the Planning Board, are required to
46 make a “threshold determination” that a subsequent application is significantly different from the
47 prior application to keep the Board from having to repeat its same labor over and over again.
48

1 Attorney Decker said the legal standard for a threshold determination is the answer to the
2 following question: Does the subsequent application present a material change in circumstances
3 that affect the merits of the application?

4
5 He said this hearing at this meeting is a limited purpose public hearing to allow the applicant to
6 speak to what they would assert are the material changes in their application since the November
7 12, 2024 decision, and then for the Board to deliberate on those changes and to determine
8 whether those changes are material.

9
10 He said if the Board determines at this meeting that there is a material change in circumstances
11 that affects the application, it will pass a motion accordingly and schedule a full hearing on the
12 two-year extension request.

13
14 Mr. David Clem and Mr. Chet Clem (XYZ Dairy and Lyme Properties) were present on behalf
15 of the applicant.

16
17 Mr. David Clem read the following statement: (he also provided copies to the Board members
18 and Attorney Decker)

On December 19, 2024, Lyme Properties, operating as the development agent for XYZ Dairy, LLC, submitted a request for a 2-year extension of the River Park West Lebanon Site Plan (#PB2010-25-SPR) as most recently amended on September 9, 2019 (#PB2018-34-SPA) and extended by this Board on October 12, 2021 (#PB2021-29-EXT). The December 19th extension request identified that, since the Lebanon Planning Board's rejection of XYZ's previous request for extension (as submitted on July 8, 2024), the Grafton County Superior Court issued an Omnibus Order granting a Preliminary Injunction to XYZ (1) reinstating the building permit at issue in both the state court action and within the prior request for extension; and (2) extending the Planning Board's Phase 1 site plan approval deadlines by 11 months and two days from notice of the Order.

I now submit this correspondence in advance of today's "limited public hearing," scheduled "to determine whether there has been a material change of circumstances affecting the merits of [XYZ's] application since the time of [its] prior [July 8th] application."¹

Under New Hampshire law, the requirement of material change pursuant to the "subsequent application doctrine" is "**not to be technically and narrowly imposed**, but yet enforced to the extent that property interests may be settled and stable, and property owners protected from harassment."² Moreover, **a decision of a superior court can create a material change warranting a change in an administrative body's decision.**³

¹ XYZ received notice of the nature of this hearing by way of the City's counsel's February 7, 2025 Memorandum. To the extent that the Planning Board desires or requires supplementation of this letter, XYZ is amenable to providing a further submission. To the extent that this evening's hearing expands beyond the outlined "limited" scope, XYZ requests an opportunity to further supplement this letter as it relates to the merits of its request.

² *Bois v. Manchester*, 113 N.H. 339, 342 (1973)(emphasis supplied).

³ See *Radcliff v. Zoning Bd. Of Appeals*, D.N. CV 121852 S, 1993 Conn. Super. LEXIS 1536, at *18 (June 9, 1993) (relating to the revocation and reinstatement of a building permit)(emphasis supplied); *Middlesex Theatre, Inc. v. Commissioner of State Police*, 128 Conn. 20, 22-23, 20 (1941) ("Where a change of conditions has occurred since the decision of the administrator or where other considerations have arisen materially affecting the merits of the matter and no vested rights have intervened, it is reasonable and appropriate to the functioning of efficient administrative machinery that the subject matter be re-examined in the light of the altered circumstances.").

That is precisely the case here. Critically, in submitting its second request for a 2-year extension, XYZ identified several material changes of circumstance since its prior application, including but not limited to:

- after *three days* of evidentiary hearings, the Court explicitly disagreed with the City's argument that XYZ should have continued investing in Site Plan work while the building permit matter was unresolved (an argument the Planning Board seemingly adopted on or about its November 12, 2024 decision);
- the building permit has been reinstated; and
- the Phase I deadlines have been extended.

In support of its December 19th second extension request, XYZ attached the Court's Omnibus Order, its Superior Court Complaint (including its twenty-two exhibits), and its Memorandum in Support of its Petition for Temporary Restraining Order and Motion for Preliminary Injunction—none of which were previously before the Lebanon Planning Board when considering XYZ's July 8th first request for extension. These documents encompass—by the City's counsel's own admission contained in his February 7, 2025 Memorandum—"a different but overlapping set of facts."

In its Omnibus Order, the Court determined that, after three days of evidentiary hearings, XYZ established a "likelihood of success on the merits" that the City of Lebanon made an actionable misrepresentation of a material fact that XYZ relied upon to its detriment. In other words, after hearing the evidence, the Court concluded that XYZ reasonably relied upon the City's representations related to the building permit, that XYZ was harmed as a result, and that the facts established by XYZ warranted the reinstatement of the building permit and the extension of the Phase I deadlines. Importantly, the Court also stated as follows:

The Court is unpersuaded by the City's argument that XYZ should have completed the Phase I infrastructure work without a building permit. As Chet and David Clem testified, the City cannot reasonably expect a developer to pursue infrastructure work without a building permit for the associated building project.

The same argument underscored by the Court holds true for the attendant delays in all of the other phases of development. The City could not have reasonably expected XYZ to meet the deadlines for those other development phases without a valid building permit on Phase I, since the Phase I building was critical to the overall economics of the project and to the construction of the primary entrance of the development. The clear "changes in circumstances" provided by the direction in the Court's Order warrant the Board's full consideration of the merits of XYZ's second request for extension.

To the extent that the Planning Board is not otherwise persuaded that a material change necessitates consideration of XYZ's December 19th extension request, XYZ further asserts that consideration is warranted as this Board's consideration of XYZ's July 8th request was neither fair

or impartial.⁴ In brief, the Planning Board was notified of XYZ's pending action related to the building permit and site plan deadlines pending in Grafton County Superior Court prior to issuing its formal decision on XYZ's first extension request. Nevertheless, the Planning Board, relying upon the recommendations of municipal staff, rejected XYZ's first extension request prior to the issuance of any decision by the Court. More specifically, five members of the Planning Board *met in advance of the public hearing without a motion to convene in executive session* in a public meeting. These same five members then voted to deny the extension request without reading the motion in the public hearing or making the motion available to the applicant in advance. While I appreciate the fact that the Planning Board relies on municipal staff to support the Board, I believe the Planning Board is an independent, quasi-public body and should affirm its authority by acting independently of staff opinion, fairly, and impartially—in line with the Court's Order—in this instance.

Turning to the merits of this request, the Planning Board is tasked with determining whether the delays on the other phases of the River Park project were the result of circumstances beyond XYZ's control. It is clear, based on the specific language of the Court's Order, that the Court's findings not only necessitate consideration of XYZ's December 19th second extension request, but granting XYZ's request for two-year extensions in full. The City's misrepresentations as to the building permit irrefutably predated the other events the Planning Board considered in relation to XYZ's prior extension request. Accordingly, (1) because of the City's misrepresentations as to the building permit and the delays resulting therefrom; and (2) because XYZ reasonably did not invest in other aspects of the project while the permit was in a City-imposed limbo, there plainly exist circumstances beyond XYZ's control necessitating a 2-year extension of XYZ's site plan deadlines on the remaining phases of the River Park project.

It is my hope that the Lebanon Planning Board will exercise reason and fairness, as the Court has done, in considering the merits of and granting XYZ's request for extension. Doing so would also constitute a significant gesture of good faith in rebuilding the trust required to bring this beneficial project to fruition for the City of Lebanon.

Chair Faunce confirmed that the Board members had received substantial materials in the agenda packet for this meeting, which included 22 exhibits that were related to the three days of Superior Court evidentiary hearings mentioned by Mr. Clem in his read statement.

Dr. Ford Burley asked for clarification from Attorney Decker on the meaning of "technically and narrowly imposed" in relation to the case of Bois v. Manchester (cited in Mr. Clem's letter).

Attorney Decker said he believed the instruction is for the Board to look at the case law more broadly and focus on the content of the application to possibly identify a material change in the circumstances, rather than focus just on the fact that this is another request for a two-year extension.

Mr. Clem said his legal representation is out of the country and not available to come to this meeting. He said this is an amendment to a permit that has already been granted by the Planning Board and renewed multiple times, and involves only the scheduling of the phases. He said what distinguishes it from any other site plan and subdivision approval in the City is this was the first filed under the Lebanon Zoning Ordinance that allows a phased development.

Chair Faunce opened the public comment portion of the hearing. No one from the public spoke. Chair Faunce closed the public comment portion of the hearing.

Dr. Ford Burley said Attorney Decker's legal notice indicates that the Superior Court judge said, "while the Court and the Planning Board considered many of the same facts, neither decision

bears on nor negates the other.” He said that suggests that a court opinion is not a new material condition. Mr. Chet Clem and Mr. David Clem disagreed that the judge’s decision, which disagrees with the Board’s decision, does not constitute new material worthy of the Planning Board's consideration of a rehearing for a two-year extension.

Mr. Kennelly asked if Attorney Decker knew the court cases cited in Mr. Clem’s letter and whether they speak to a decision of a Superior Court being considered a material change. Attorney Decker said he was reading about the cases during this meeting to learn more. He noted that both cases are Connecticut State court cases and would not be finding authority in New Hampshire.

At 7:16pm, Chair Faunce called for a recess to allow Attorney Decker to familiarize himself with the cases cited in Mr. Clem’s letter.

At 7:32pm, the meeting resumed.

Attorney Decker said the two cases were cited in Mr. Clem’s letter for the proposition that a decision of a Superior Court can create a material change, warranting a change in an administrative body's decision. He gave details from each case.

Dr. Ford Burley asked about the reference to the phrase, “Likelihood of success on the merits,” in Mr. Clem’s statement, and asked Attorney Decker to explain what that entails. ~~He said~~ Attorney Decker replied that when a court is reviewing an application for a temporary injunction, it is like a pause on the status quo while the court case is pending. Attorney Decker explained the elements for a temporary injunction.

Mr. Corwin confirmed the materials that have been provided to the Board for this meeting:

- 241-page document (posted online with the January 27, 2025 Work Session agenda packet and again for this meeting) provided by the applicant
- Four-page memorandum from Attorney Decker

Chair Faunce asked Mr. Clem if they sought to reapply for the permit at the time when the permit was revoked. Mr. Clem said this was asked at the first hearing and he said he responded that they felt like the existing building permit was valid and that it had value and there was no need to reapply, and he said he still believes that to be true. Mr. Chet Clem said one of the evidentiary jury hearings in the court agreed with their position. He said the court decision upholds that the permit was invalidated improperly.

The Board discussed whether there has been a material change in the application since the November 12, 2024 decision. In particular, the group discussed whether scheduling changes for phase deadlines constitute a change in the application.

Attorney Decker confirmed that, as of November 12, 2024, the City’s Building Inspector had declared the building permit expired. He said the state Building Code Review Board affirmed it had expired. The Board discussed whether decisions that were made at that time, when they were unaware a judge would grant a restoration of 11 months and two days of the building permit, would be made differently, and whether that constitutes a material change to the application.

A MOTION was made by Richard Ford Burley that the application of XYZ Dairy LLC for a two-year extension of all relevant dates in its Site Plan Approval be accepted under the

1 *subsequent application doctrine because the applicant has carried its burden to demonstrate*
2 *that its application is materially different from its prior application, the change in*
3 *circumstance described by the applicant, the decision of the Superior Court judge, dated*
4 *November 25, 2024, and the subsequent extension of phase one by 11 months and two days is*
5 *material and would affect the merits of the prior application. The MOTION was seconded by*
6 *Kellen Appleton.*

7
8 **Roll Call Vote:**

9 ***Voting For – Ms. Zook, Dr. Ford Burley, Mr. Faunce, Dr. Rutter, Mr. Ceglarski, and Ms.***
10 ***Appleton***

11 ***Voting Against – Mr. Kennelly***

12
13 ****The MOTION was approved (6-1)***

14
15 Chair Faunce said the public hearing will be continued at the February 24, 2025 meeting. Mr.
16 David Clem confirmed all materials will be provided by the applicant to Staff by noon on
17 Thursday, February 20, 2025.

18
19 Ms. Romano rejoined the meeting.

20
21 **B. Cicotte Holdings, LLC, 51 Evans Drive (Tax Map 78, Lot 40, Plot 200), zoned R-O-**
22 **1: Request for a Conditional Use Permit pursuant to Section 311A.2 of the Lebanon**
23 **Zoning Ordinance and for Site Plan Review per Section 3.1.D of the Site Plan**
24 **Review Regulations to expand the outdoor vehicular storage area for an existing**
25 **vehicular sales use together with associated site improvements including**
26 **landscaping and lighting. PB2024-48-SPRCUP - Postponed from January 13, 2025**

27
28 Mr. Corwin stated that Staff recommends that the application is complete enough for the
29 Planning Board to accept jurisdiction and commence review.

30
31 ***A MOTION was made by Richard Ford Burley that the application of Cicotte Holdings, LLC,***
32 ***51 Evans Drive (Tax Map 78, Lot 40, Plot 200), zoned R-O-1 is complete enough for the***
33 ***Planning Board to accept jurisdiction and commence review. The MOTION was seconded by***
34 ***Jeremy Rutter.***

35
36 **Roll Call Vote:**

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

39 ***Voting Against – None***

40
41 ****The MOTION was approved (7-0).***

42 Mr. Dan Nash (Advanced Geomatics & Design) was present on behalf of the applicant. He gave
43 an overview of the project, which involves expansion of paved areas, the addition of a
44 stormwater treatment system, additional landscaping, and other improvements.

45
46 Mr. Corwin said the applicant must address the following:

- Compliance with Conditional Use Permit criteria per Section 302.4.D of the Zoning Ordinance which permits the expansion of a vehicular sales use that involves expansion of the vehicle display area
- Site Plan Review resulting from the proposed expansion of 12,500 additional square feet of pavement, which is considered a major change to the site

The group discussed the Conditional Use Permit application at length. In particular, the group discussed whether the wetlands floodplain will be affected by the expansion of the vehicular display area. The group discussed whether a LOMA (Letter of Map Amendment – which indicates from FEMA that the site is not in a flood zone) is needed.

Chair Faunce opened the public comment portion of the hearing. No one from the public spoke. Chair Faunce closed the public comment portion of the hearing.

A MOTION was made by Richard Ford Burley that:

At a duly-noticed meetings of the Lebanon Planning Board held on February 10, 2025, there appeared representatives on behalf of Cicotte Holdings, LLC, regarding 51 Evans Drive (Tax Map 78, Lot 40, Plot 200), zoned R-O-1, requesting a Conditional Use Permit per Section 311A.2 of the Zoning Ordinance to expand the outdoor vehicular storage area for an existing vehicular sales use. PB2025-04-FMAJSPRCUP

I. FINDINGS OF FACT

Based on testimony given, application materials presented, and supporting documents submitted, the Planning Board makes the following findings of fact:

- 1. The subject property is improved with a vehicular sales use.***
- 2. The applicant proposes to expand the vehicular display area with an additional 12,551 sq. ft. of pavement.***
- 3. “Vehicular sales” is allowed by Conditional Use in the R-O-1 District per Section 311A.2 of the Zoning Ordinance. Expansions of a use allowed by Conditional Use also require a Conditional Use Permit from the Planning Board.***
- 4. In order to grant the requested Conditional Use Permit, the Board must find that the project satisfies the general Conditional Use criteria set forth in Section 302.4.D of the Zoning Ordinance.***

II. CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Planning Board concludes the following with respect to the Enhanced Performance Standards set forth in §302.4.D of the Zoning Ordinance:

- 1. The site is suitable for the proposal. (§302.4.D.1)***
- 2. The external impacts of the proposed use on abutting properties and the neighborhood are commensurate with the impacts of adjacent existing uses or other uses permitted in the zoning district. (§302.4.D.2)***
- 3. The proposed layout and design of the site is not incompatible with the established character of the neighborhood and shall mitigate any external impacts on abutters, the neighborhood, and nearby public ways and infrastructure. (§302.4.D.3)***

1 4. *The criteria set forth in Section 302.4.D.4 relates to new building construction and,*
2 *since no new building construction is proposed, is inapplicable to the subject*
3 *application.*

4 5. *The proposed use and layout of the site, including all related development activities,*
5 *does to the greatest extent practicable preserve identified natural, cultural, historic, and*
6 *scenic resources on the site and shall not degrade such identified resources on abutting*
7 *properties. (§302.4.D.5)*
8

9 **III. DECISION**

10
11 *Now therefore be it resolved that the Planning Board, on this 10th day of February, 2025,*
12 *hereby grants the request of the Cicotte Holdings, LLC, for a Conditional Use Permit per*
13 *Sections 311A.2 of the Zoning Ordinance to expand the outdoor vehicular storage area for an*
14 *existing vehicular sales use at 51 Evans Drive (Tax Map 78, Lot 40, Plot 200).*
15

16 *The MOTION was seconded by Andrew Faunce.*
17

18 **Roll Call Vote:**

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

21 *Voting Against – None*
22

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

24 Mr. Reichert asked if the LOMA has been issued by FEMA yet. Mr. Nash said it has not yet
25 been requested. Mr. Reichert suggested that the LOMA be made a condition of approval
26 because, without it, the site is still considered in a flood zone. The group discussed whether the
27 LOMA is needed if a flood plain permit has been granted, and whether the original flood plain
28 permit is still valid after 2-3 years.
29

30 Dr. Rutter noted several inconsistencies and discrepancies in the submitted site plan materials,
31 particularly related to:

- 32 • The number of parking spaces required
- 33 • Pavement pavers indicated on site plan drawings but not included in the legend
- 34 • Number of trees required for shade
- 35 • Proposed location of shade trees (not close enough to provide shade in the parking lot)
- 36 • Number of shrubs/bushes required for perimeter landscape/buffer
- 37 • Specific types of trees proposed
- 38 • Whether vehicle display area is included in the total number of parking lot spaces
39

40 The group discussed whether the applicant should request a waiver from any submission or
41 design requirement that would be applicable outside of the development area, for improvements
42 such as sidewalks. Mr. Corwin noted that the Board does not have to grant such a waiver.
43

44 The group began discussing the requested waivers in detail. They determined that there was not
45 enough clear information provided to make informed decisions whether to grant any of the
46 waivers. Ms. Romano noted it is difficult to discuss insufficiencies in submitted materials at
47 length during a meeting only to have to go through them again at another meeting. She said if the
48 materials were complete when the Board first receives them, so much time would not be wasted.

1 *A MOTION was made by Richard Ford Burley that, for the application of Cicotte Holdings,*
2 *LLC, PB 202448 SPRCUP, the Lebanon Planning Board disapproves partial waivers for all*
3 *the waivers requested. The MOTION was seconded by Kathie Romano.*

4
5 Mr. Corwin suggested that the Board continue the public hearing for this application to the
6 March 10, 2025 meeting to give Staff time to work with the applicant to gather more
7 information.

8
9 *Dr. Ford Burley withdrew the MOTION to disapprove the requested waivers. Ms. Romano*
10 *seconded the withdrawal of the MOTION.*

11
12
13 *A MOTION was made by Richard Ford Burley to continue the public hearing for the*
14 *application of Cicotte Holdings, LLC, PB 202448 SPRCUP until the March 10, 2025 Planning*
15 *Board meeting. The MOTION was seconded by Andrew Faunce.*

16
17 *Roll Call Vote:*

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

20 *Voting Against – None*

21
22 **The MOTION was approved (7-0).*

23
24
25 At 9:19pm, Ms. Zook left the meeting.

26
27 *A MOTION was made by Richard Ford Burley to extend the meeting to 9:45pm. The*
28 *MOTION was seconded by Brian Ceglarski.*

29
30 *Roll Call Vote:*

31 *Voting For – Ms. Romano, Dr. Ford Burley, Mr. Faunce, Mr. Kennelly, Dr. Rutter, and Ms.*
32 *Appleton*

33 *Voting Against – None*

34
35 **The MOTION was approved (6-0).*

36
37
38 **4. STUDY ITEMS**

39 **A. Recap 2025 Adopted Capital Budget & Commence 2026-2031 CIP Process**

40 **B. Strategic Plan Annual Goals and Workplan**

41
42 Chair Faunce said Study Items 4A & 4B would be discussed at a future meeting.

43
44 **C. Review of Proposed Amendments to Site Plan Review Regulations – Minor Site Plan**
45 **Committee and Conceptual Review**

46
47 The group discussed the site plan details that should trigger the requirement for a conceptual
48 review for a proposed project. They agreed to the following draft amendment text:

B. Conceptual Review Required. Conceptual review shall be required for any land development that requires Planning Board review pursuant to Section 3.1.D and which involves any one or more of the following:

1. 20 or more new dwelling units;
2. Ten (10) or more detached one- and/or two-family dwellings;
3. More than one (1) principal multi-family, non-residential or mixed use building; and/or
4. Any development determined to have regional impact;

C. Conceptual Review Optional. For any site land development other than those identified in Section 4.3.B, conceptual review shall be optional.

D. Notice. Conceptual reviews shall only take place at a formal meeting of the Board. Public notice of a required the conceptual discussion review shall be provided pursuant to Section 4.8 and shall also be provided to the following:

1. Conservation Commission
2. Pedestrian & Bicyclist Advisory Committee
3. Tree Advisory Board
4. Heritage Commission (if located within the Historic District)

Public notice is not required for optional conceptual reviews. is not required, but

EB. Submission Requirements. ~~Not less than two weeks before the date of the scheduled conceptual review, the~~ The Applicant shall provide a project description, a written statement addressing how the concept conforms with the Master Plan, and a sketch plan of sufficient accuracy and quality, based on a United States Geological Survey map or similar map, showing the following:

1. Existing property lines of the parcel(s) under review;
2. General topography, to include highlight of slopes in excess of 25%;
3. Prominent natural features of the site, including but not limited to: tree lines, watercourses, flood plains, wetlands, and ledge outcrops;
4. The approximate location and size of existing and proposed buildings, parking areas, roadways, and other improvements.

5. When conceptual review is required:

- a. A properly completed and signed application form.
- b. The appropriate fees as established by the Board's fee schedule.
- c. A list of the name(s) and address(es) of all persons to be notified by certified mail in accordance with RSA 676:4, I(d), including the following:

i. The Applicant(s);

ii. The Owner(s) of record of the site;

iii. The Owners of abutting properties;

iv. Every surveyor, engineer, architect, soil scientist, or wetlands scientist whose professional seal appears on any plan or document submitted to the Board;

v. All persons holding conservation, preservation, or agricultural preservation restrictions (as defined under RSA 477:45) on the subject property. (NOTE: When there are no such restrictions on the subject property, the applicant shall provide a definitive statement to that effect.);

vi. The holders of any easements, rights-of-way, or other restrictions on or over the subject property. (NOTE: When there are no such easements, rights-of-way, or other restrictions on the subject property, the applicant shall provide a definitive statement to that effect.);

FG. Procedures. Conceptual review shall be an informal discussion with the Board, conducted in general terms, of the basic concept of the proposed development. The conceptual review shall be limited to a discussion of the concept in general terms,

for the purpose of familiarizing the Board with the location and type of development, and familiarizing the Applicant with the issues and concerns of the Board. The Board shall consider whether the proposed development is an allowed use in the Zoning Ordinance and in accordance with the Master Plan. The Board shall determine whether the development is compatible with any plans for existing or future roads, utilities, and services. The Board shall focus on the characteristics of the site and its relationship to the surrounding area to determine how well the proposed development fits into the natural environment and the cultural landscape, including historical resources.

Discussions held during any conceptual review shall not bind either the applicant or the Board in any manner, and statements made by Board members shall not be the basis for disqualifying said members or invalidating any subsequent action taken by the Board.

A MOTION was made by Richard Ford Burley that the Lebanon Planning Board schedules a public hearing for Study Item 4C: Proposed Amendments to Site Plan Review Regulations Regarding Minor Site Plan Committee and Conceptual Review - if public notice requirement can be satisfied - for the February 24, 2025 Planning Board Work Session, and, if not, to the March 10, 2025 Meeting of the Planning Board. The MOTION was seconded by Jeremy Rutter.

Roll Call Vote:

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

Voting Against – None

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

5. OTHER BUSINESS

None

6. APPROVAL OF MINUTES

- December 9, 2024
- December 17, 2024
- January 13, 2025

January 13, 2024 Amendments:

Page 7 Line 46: Edit to read: “Boulders from the Barrows Street site and soil from the Kimball Street site were used.”

A MOTION was made by Richard Ford Burley to approve the December 9, 2024, December 17, 2024, and January 13, 2025 Planning Board Meeting minutes as presented and amended. The MOTION was seconded by Andrew Faunce.

Roll Call Vote:

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

Voting Against – None

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

7. ADJOURNMENT

A MOTION was made by Richard Ford Burley to adjourn the meeting at 9:40pm. The MOTION was seconded by Andrew Faunce.

Roll Call Vote:

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

Voting Against – None

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

The meeting was adjourned at 9:40pm.

Respectfully submitted,

Paula Roux

Recording Secretary

DRAFT

**LEBANON PLANNING BOARD
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE
MONDAY, FEBRUARY 24, 2025 6:30PM**

MEMBERS PRESENT: Andrew Faunce (Chair), Patrick Kennelly, Jeremy Rutter, Karen Zook (City Council Rep), Kathie Romano (REMOTE), Kellen Appleton

MEMBERS ABSENT: Richard Ford Burley (Vice Chair), Eric Stacy (alt), Brian Ceglarski (alt)

STAFF PRESENT: Tim Corwin (Deputy Planning Director), Nathan Reichert (Director of Planning & Development), Brian Vincent (City Engineer)

OTHERS PRESENT: Matthew Decker, Esq. (Legal Counsel for the City)

1. CALL TO ORDER

Chair Faunce called the meeting to order at 6:45pm. Mr. Corwin reviewed the City's meeting in-person and REMOTE attendance policies and procedures.

Ms. Romano said she was attending remotely because she was out of town. She said no one was in the room with her while attending the meeting.

2. NEW BUSINESS

A. Review Draft Update of Master Plan Chapter 6 (Economic Development)

Mr. Dan Nash (Chair of the Economic Development Committee) and Deputy City Manager David Brooks gave an overview of the changes to the chapter which were included in the agenda packet materials for this meeting.

The group discussed changes that have taken place in Lebanon's economic environment since 2012, when the chapter was written. The Planning Board members suggested the following edits/additions:

- Include GEOKON as a large employer in the City
- Changing age profile of residents in the City should be a consideration
- More focus on Colburn Park in Building Community Section – with particular emphasis on making better use of Soldiers Memorial Building as a museum
- Mention Education Centers
- Add updates on changes to Lebanon Airport that have occurred since 2012

- Mention advances to hiking trails / trail network

[At 6:55pm, Ms. Zook arrived at the meeting.]

- New zones (ex: MC2) should be added
- Add goal to make Alice Peck Day (APD) Medical Center reachable via public transit
- Add discussion/reference to the issue of affordability of living in Lebanon
- Explore the benefits/impacts of Lebanon as a regional center of commercial resources
- Add “IntraCity bus service” to the transportation access section

Mr. Brooks noted that some of these ideas are discussed in other chapters of the Master Plan but said the committee would review the Board’s suggestions. The group also discussed how Impact Fees are calculated, as well as whether Lebanon’s commercial base eases the tax burden for residents. Mr. Brooks said perhaps the chapter should include a reference to how the burden would be much heavier if Lebanon were not home to as much non-residential real estate. Mr. Nash noted that the law needs to be changed to facilitate large projects (such as the next agenda item (Item 3A) so both the City and the developer do not have to struggle to complete projects.

A MOTION was made by Patrick Kennelly to schedule a Public Hearing to adopt the updated draft of Master Plan Chapter 6 (Economic Development) as presented and discussed at the March 24, 2025 Planning Board Work Session at 6:30pm in City Council Chambers. The MOTION was seconded by Jeremy Rutter.

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)***

3. PUBLIC HEARING ITEMS

- A. XYZ Dairy, LLC & Lyme Properties 2, LLC, River Park Drive (Tax Map 44, Lots 21 - 30 & 7), zoned CB, IND-L and R-3: Applicant requests a two (2)-year extension of the River Park Site Plan approval (PB2010-25-SPR), as most recently amended on September 9, 2019 (PB2018-34-SPA) and extended on October 12, 2021 (PB2021-29-EXT). PB2025-05-EXT – Continued from February 10, 2025**

Ms. Romano recused herself from the discussion. Chair Faunce said all remaining Board members will participate in the discussion and any voting on motions.

Chair Faunce read the following introduction:

The Planning Board voted to deny XYZ Dairy's request for a 2-yr extension of the River Park Site Plan on November 12, 2024. XYZ did not exercise its option to appeal this decision, which in most instances settles that matter and precludes further consideration by the Planning Board.

The Superior Court subsequently provided injunctive relief by extending XYZ's phase 1 deadline by eleven months and two days (the amount of time between the loss of the building permit and the ruling.) The Court disagreed with the expectation that a developer should continue progress

1 on infrastructure work (the completion of which was the singular deliverable for completing
2 phase 1) without a building permit. It also restored the building permit.

3
4 The Board, as advised by Counsel and with new knowledge of the subsequent application
5 doctrine, held a February 11, 2025 "limited public hearing" and by majority vote accepted that
6 the Superior Court's injunctive relief for phase 1 and opinion on the permit was a material
7 change sufficient to warrant a new hearing on the extension request. This, and the flexibility and
8 courtesy of all involved parties, brings us together tonight rather than in the March public
9 hearing session.

10
11 Mr. David Clem's February 10, 2025 letter in tonight's application packet lays out a similar
12 timeline and basis for how the Board could arrive at the decision it made in the limited public
13 hearing.

14
15 Mr. Clem also, in what seemed to be an alternative justification for the new hearing, offered an
16 opinion on the Board's process in the original extension hearing. While the Board values
17 applicant feedback to improve its effectiveness, some of the comments or claims invite context or
18 correction for the record.

- 19
20 1. It is the applicant's responsibility to align the various proceedings he sets in
21 motion. Were it the applicant's wish to have the court decision available as evidence in
22 the original extension request, the applicant could have made arrangements to support
23 that. At its first opportunity, the Board agreed that the court's decision was a materially
24 significant fact and justification for a new extension hearing.
- 25 2. On the role of Staff: it supports the Board with relevant regulatory or historical context
26 and with conditions that could apply to a decision that the Board may make. These are
27 publicly available in the staff memo. The Board based its original extension decision on
28 the regulatory basis for granting extensions and on the evidence presented by the
29 applicant which it found lacking.
- 30 3. The Board deliberates and makes decisions in public - as it did in this case. In its
31 October public hearing meeting, the Board deliberated, conducted a straw poll, and
32 assigned Staff and Counsel the task of developing a legally sound motion that could be
33 voted on in the November public hearing, a process I introduced and explained earlier in
34 the meeting in the applicant's presence. The Board met with Counsel prior to that
35 following public hearing meeting to ensure its proper understanding of the motions' legal
36 context. Mr. Clem's less complete description of the events may inadvertently suggest to
37 the public that the Board deliberates and makes application decisions in private, which it
38 does not.

39
40 My comments are simply offered for the record. They, and the document to which they refer, are
41 not material to the new extension request before the Board - which I recommend be our focus for
42 the balance of our time together. Mr. Clem concludes his letter generously by inviting good faith
43 and trust. In that same spirit, I encourage that we all take the opportunity each occasion affords
44 to put our most thoughtful self forward.

45
46 Accordingly, and if it represents no unusual or unwelcome imposition on the applicant, I would
47 like to move this hearing forward in the following sequence:

48
49 Brief opening statement by the applicant.

1. Clarification from the applicant on what is asked for in the extension request (start/end for each phase.)
2. Testimony from the applicant to support a decision by the Board to extend, answering questions to the Board's satisfaction
3. Deliberation by the board to determine via straw poll if there are sufficient votes to deny that might make the remaining steps moot. If not, the board returns to the hearing, delaying the formal vote pending completion of the remaining steps.
4. Introduction of the updated Phasing Plan by the applicant to include:
 1. improvements per phase
 2. deadline to post security per phase
 3. deadline for completion of improvements subsequent to security posting
 4. date by which a building permit must be obtained to prevent voiding the phase
5. Applicant Recommends (for approval by Board) the Plan Set of Record (most recent by default?)
 1. Board attests that it has reviewed and accepts the recommended approved plan set
 2. The Board may rely on Staff to the above ends.
6. Board determines and includes additional conditions of approval
 1. Impact Fees
 2. Board/Staff/hybrid roles re: compliance.

Mr. David Clem and Mr. Chet Clem (XYZ Dairy and Lyme Properties) were present on behalf of the applicant. Mr. Chet Clem asked that the passing of Mr. Duff Cummings, abutter to the project and long-time participant in the progress of this project, be acknowledged. Chair Faunce called for a moment of silence.

Mr. David Clem said he did not receive the Staff memo included in the agenda materials for this meeting, but he said he saw it online. Mr. Chet Clem noted that an email with the meeting agenda was sent to them from Staff on Thursday of last week, but neither he nor Mr. David Clem had read until today.

Mr. David Clem said he submitted the following materials as of Thursday, February 20, for the Board to review prior to this meeting:

- An overview of the Planning Board's policies
- A slide show of a walking tour of West Lebanon

He said he did not submit a phased schedule because no changes were made to the schedule that was previously provided. Chair Faunce asked if he had a revised phased schedule with updated dates, presuming the Board were to grant the two-year extension being requested. Mr. Chet Clem said all the dates on the previously submitted schedule should be moved forward two years.

The group discussed the Superior Court's ruling to grant an 11-month and two-day extension for Phase I of the schedule at length. Ms. Appleton asked why the two-year extension was being requested if the judge has already given the project Phase I an 11-month, two-day extension. Chair Faunce noted it may not be as easy as adding two years to the phase dates previously submitted and that the phases may "collide" in the future if the phasing is not properly scheduled.

1 Mr. David Clem said the rationale of the two-year period was to allow each previous phase to be
2 absorbed to have the economic reality of advancing architectural, engineering and design
3 documents consistent with the regulations, secure a building permit, and contend with possible
4 delays resulting from seasonal weather conditions. He also said he did not see the logic of
5 planning a second phase if a first phase was not successful.

6
7 Chair Faunce suggested a straw poll be taken among the Board members to ascertain whether it
8 would be inclined to grant the two-year extension. Attorney Decker suggested that the public
9 hearing be closed temporarily to conduct the straw poll and then reopened.

10
11 At 8:16pm, Chair Faunce closed the public hearing.

12
13 The Board members discussed whether they felt the two-year extension should be granted. Dr.
14 Rutter noted that the Board members seemed to agree to the extension, but they did not have an
15 updated table of dates for the phasing or a recommended proposal to consider while making the
16 decision. The group discussed whether it could make a decision without updated materials at
17 length.

18
19 At 8:22pm, Chair Faunce reopened the public hearing.

20
21 Mr. David Clem said the phases with specific dates had been sent to Staff as of September 5,
22 2024, and said he did not know if it had been shared with the Board members. Mr. Corwin stated
23 all materials provided by the applicant are provided to the Board. He said it is not Staff's
24 application; it is the applicant's application. He said nothing was edited or added to the
25 documentation. Mr. Chet Clem said he found two communications from last year that speak to
26 the dates that need to be changed, and both have been forwarded to Mr. Corwin.

27
28 At 8:27pm, Chair Faunce called for a recess. At 8:36pm, the meeting resumed.

29
30 Chair Faunce said the Board did receive the updated schedule sent by Mr. Chet Clem. He said
31 the schedule appears to indicate the Phase I infrastructure, for which the completion deadline
32 was originally 12/2025, has a new proposed completion date of 1/2/27. He noted that that
33 timeframe of two years is longer than the 11 months and two days of injunctive relief that was
34 offered by the court. He suggested the Board consider granting a single-year extension of the
35 phasing plan presented to us with suitable edits to the to the new completion deadlines to that
36 effect. He suggested the hearing be continued to the next Planning Board meeting to give the
37 applicant time to submit a more fulsome and thoughtful presentation of what the request is and
38 why it is that it should be two years for something that has that has put the applicant behind by
39 11 months. Mr. Clem said they requested the two-year extension has been the precedent of the
40 extensions in this case on this site from the beginning.

41 .
42 Chair Faunce opened the public comment portion of the meeting.

43
44 Mr. Robert Moses (Ward 3) said he felt this was a wonderful project and he hoped, after all the
45 lawsuits and acrimony, for a fresh start to the progress. He recommended the Board grant the
46 two-year extension from the date of the court date.

47
48 Ms. Joan Townsend (Ward 2) said she did not understand what the hold-up is and said the Board
49 should put the past behind them and grant the two-year extension. She said the applicant is not

1 asking for a tax rebate or a discount. She said the project has been approved and is going to help
2 Lebanon and the Board should approve it. She said it is important for this project to move
3 forward.

4
5 Ms. Rachel Townsend (Ward 2) said the City Council gives maximum time to other applicants to
6 complete their projects, and she does not understand why the Planning Board has been arguing
7 over two years. She said there is a very clear indication that taxes are going up in the next three
8 or four years. She said Lebanon needs projects that are completed and taxable and the City
9 cannot keep putting these kinds of roadblocks in the ways of getting things accomplished. She
10 said she does not understand the delay in giving the applicant two years when this is something
11 Lebanon will greatly benefit from.

12
13 Mr. Steve Whitman (Ward 2) said Lebanon needs the taxes that will be raised from this project
14 and that West Lebanon needs this project.

15
16 Ms. Kathie Romano recommended that, if the Board plans to vote to approve any kind of
17 extension, it should get exact dates of completion for each phase of the project so there is no
18 confusion in the future as to what the end dates are. She said, to be clear, the phases of the
19 project were originally approved 15 years ago. She recommended the Board be given a
20 document that lists the updated phases with specific closing dates. She said it is the responsibility
21 of the Planning Board to protect the city's interest and there have to be documents that state
22 specifically what is being agreed to before you can give someone approval to do something you
23 know nothing about.

24
25 Ms. Kathy Shelton Clem said the Planning Board does not deserve everyone's patience or
26 respect. She said it does not deserve this project. She said they need to get their act together and
27 get staff together and move the project forward or stop the whole thing. She said she doesn't
28 understand why Lebanon is on the wrong side of this project - Lebanon should be in support of
29 it. She said they keep asking the applicant to submit the same things over and over because the
30 planning committee changes.

31
32 Mr. Vincent suggested the phasing be planned with December 2024 as the beginning of the two-
33 year extension with the following phase end dates: Infrastructure: 1/2/27, Phase I: 12/31/28, and
34 Phase II: 12/24/30. He said perhaps the proposed extension discussed on September 5, 2024
35 would align with the suggestion of extending the time from the court's decision by about two
36 years.

37
38 Dr. Rutter noted for members of the public who were present that the end date of Phase 6 is
39 2044. He said the point being made that one additional year beyond what was granted by the
40 court is not going to make a huge difference in the progress of this project. He said the phasing
41 schedule that has been submitted is a sketch plan on half a sheet of paper and is not in the typical
42 format for such a complex project. He said no one seems prepared to be able to provide the
43 Board with a more complete schedule. He said how can the Board make a decision without
44 complete information.

45
46 Chair Faunce asked the Board members informally if they would approve an extension, and said
47 it appears to be a consensus that the two-year extension should be granted. He suggested the
48 public hearing for the formal vote be extended to the March 17, 2025 meeting. He suggested that
49 an updated phasing plan and a final plan set be contingent upon that hearing.

1
2 The group discussed at length what documents it would need to make a decision to grant the
3 extension. They agreed they need an updated phasing plan and a final plan set.
4

5 Mr. Corwin said there are five different plan sets referenced in the draft security agreement that
6 the applicant's legal counsel provided to Planning Department Staff in June 2024. He said there
7 should be one plan set. He said Staff does not have knowledge that there are five plan sets. He
8 said the approved plan sets are identified in the 2018 Notice of Action but are not what's
9 identified in the proposed security agreement. He said if the plans identified specifically in the
10 2018 Notice of Action have been changed or updated, those changes have not been reviewed by
11 the Planning Board and will need to be approved. He said the plans need to conform to the
12 September 9th 2019 approval. He said if the applicant wishes to amend the plans, they can bring
13 that to the Planning Board and do so.
14

15
16 *A MOTION was made by Jeremy Rutter to extend the meeting to 9:40pm. The MOTION was*
17 *seconded by Andrew Faunce.*
18

19 **The MOTION was approved (6-0).*
20
21

22 Chair Faunce closed the public comment portion of the meeting.
23

24 Chair Faunce clarified that the applicant should submit the following materials one week prior to
25 the March 17, 2025 Planning Board meeting:
26

- 27
 - An updated phasing plan (that presumes the two-year extension will be granted)
 - An approved plan set (if different than the plan referenced in the September 19, 2019 Notice
28 of Action
29
30

31 Attorney Decker stated the Planning Board has articulated the additional information required to
32 entertain a final motion to grant the two-year extension. He said the Board is going to continue
33 the public hearing until March 17, 2025 with the expectation that the applicant will appear at that
34 public hearing with the additional information that has been requested. He stated that will enable
35 the Board to undertake a motion.
36

37 Mr. Reichert suggested the requested information be submitted prior to the meeting so the Board
38 members have a chance to review it before the meeting. Chair Faunce asked the applicant if the
39 materials could be submitted one week prior to the March 17, 2025 meeting. Mr. Clem said he
40 was not going to answer that question until he understood and saw in writing what the motion is
41 for this meeting.
42

43 Mr. Clem said the site plan hasn't changed and has been recorded and signed. He said the
44 security agreement references construction documents for the Phase I infrastructure that occurs
45 in the City's and the State's right of way, which he said have been presented to the various
46 departments and signed off to their consultants. He said he could provide a statement from their
47 engineers who stamp those drawings as to when they provided that information to appropriate
48 Staff and the Planning Board.
49

1
2 *A MOTION was made by Jeremy Rutter to extend the meeting to 10:00pm. The MOTION was*
3 *seconded by Andrew Faunce.*

4
5 *Roll Call Vote:*

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

7 *Voting Against – None*

8
9 **The MOTION was approved (6-0).*

10
11
12 Mr. David Clem said he would not be available on March 17, 2025 for the meeting.

13
14 Attorney Decker said, for the record, the Staff memo included in the agenda materials itemizes
15 the following application deficiencies:

- 16
17 • As to #3, in the staff memorandum “Application Deficiency: The Board generally expressed
18 and requested that the applicant provide the information set forth in Part 3C of the staff
19 memorandum:
20 The applicant shall submit with the application of proposed phasing. The phasing
21 schedule shall include the following information for each Phase I, II, III, and IV. That
22 was one item that the Board was concerned about receiving in three weeks and being able
23 to have as part of the record before granting the two-year extension.
24
25 • Item 5: Clarification of Approved Plan Set: The applicant stated that the only plan set that the
26 applicant insists is the correct and legal one is the one that has been approved by the Notices
27 of Action and the extensions based on that representation
28
29 • With respect to whether the Board or Staff is going to make determinations about
30 compliance, that is not something that requires the applicant's input. Therefore, if a decision
31 were not to be made tonight on the application, there would be time to discuss that further at
32 a future meeting.
33

34 *A MOTION was made by Andrew Faunce to extend the Public Hearing of XYZ Dairy, LLC &*
35 *Lyme Properties 2, LLC, River Park Drive (Tax Map 44, Lots 21 - 30 & 7), zoned CB, IND-L*
36 *and R-3: Applicant requests a two (2)-year extension of the River Park Site Plan approval*
37 *(PB2010-25-SPR) to the March 17, 2025 Planning Board meeting at 6:30pm in City Council*
38 *Chambers. The MOTION was seconded by Patrick Kennelly.*

39
40 **The MOTION was approved (5-0)*

41
42 Ms. Romano rejoined the meeting.

43
44 Chair Faunce noted that the remaining agenda items would not be addressed because time was
45 running short. Mr. Reichert asked the Board to consider **Study Item 5A** because a resident, who
46 is greatly impacted by the item, has been waiting to discuss it and the Planning Department Staff
47 need the Board’s decision for documents due by 11am tomorrow. He also said **Study Item 5B**
48 should be discussed because it impacts the project for which applicant XYZ Dairy is requesting
49 the two-year extension discussed earlier at this meeting.

1 _____
2
3 ***A MOTION was made by Andrew Faunce to extend the meeting to 10:15pm. The MOTION***
4 ***was seconded by Kellen Appleton.***

5
6 ***Roll Call Vote:***

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

8 ***Voting Against – None***

9
10 ****The MOTION was approved (6-0).***

11 _____
12
13 **5. STUDY ITEMS**

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

16
17 Mr. Reichert explained that, during the Route 120 Study, a surrounding area had been rezoned
18 from INDL to GC-1 to broaden development opportunities. He said resident Margaret Hatch's
19 property, located at 24 Labombard Rd, had been determined erroneously to be fully on
20 Conservation easement and had been not included in the rezoned area. He said three acres of that
21 property are developable and the resident is asking that the rezoned GC-1 area be extended to
22 include her property so that she can sell the developable portion.

23
24 ***A MOTION was made by Andrew Faunce that the Lebanon Planning Board recommend that***
25 ***the Lebanon City Council, in accordance with the City of Lebanon Zoning Ordinance, Article***
26 ***10, Section 1000.3, approves the proposed Zoning Map Amendments as described in the***
27 ***January 9, 2025 letter from Margaret Hatch to the Planning Board. The MOTION was***
28 ***seconded by Jeremy Rutter.***

29
30 ***Roll Call Vote:***

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

32 ***Voting Against – None***

33
34 ****The MOTION was approved (5-0, with Ms. Zook abstaining from the vote)***

35
36 **B. Review & Comment on Proposed Zoning Ordinance Amendment: Adding Research**
37 **Laboratory to CB District Table of Uses (Section 306.2)**

38
39 Mr. Reichert said Mayor Tim MacNamara has requested (on behalf of XYZ Dairy) that the
40 "Research Laboratory" be added to the Table of Uses for the CBD zoning district. He said it was
41 discovered during testimony in Superior Court, as XYZ Dairy described the nature of the
42 building that they are proposing to build, that the use code that they had chosen to put into their
43 zoning request was deficient for them to be able to build the building they planned to build. He
44 said Mayor MacNamara has asked Staff to offer a Use Code change and a definition of Research
45 Laboratory. He said this new definition can be added to the Use Codes of not only CBD zoning
46 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

Suggested by J. Rutter

DRAFT

**LEBANON PLANNING BOARD
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE
MONDAY, FEBRUARY 24, 2025 6:30PM**

MEMBERS PRESENT: Andrew Faunce (Chair), Patrick Kennelly, Jeremy Rutter, Karen Zook (City Council Rep), Kathie Romano (REMOTE), Kellen Appleton

MEMBERS ABSENT: Richard Ford Burley (Vice Chair), Eric Stacy (alt), Brian Ceglarski (alt)

STAFF PRESENT: Tim Corwin (Deputy Planning Director), Nathan Reichert (Director of Planning & Development), Brian Vincent (City Engineer)

OTHERS PRESENT: Matthew Decker, Esq. (Legal Counsel for the City)

1. CALL TO ORDER

Chair Faunce called the meeting to order at 6:45pm [following the arrival of a quorum of Board members](#). Mr. Corwin reviewed the City's meeting in-person and REMOTE attendance policies and procedures.

Ms. Romano said she was attending remotely because she was out of town. She said no one was in the room with her while attending the meeting.

2. NEW BUSINESS

A. Review Draft Update of Master Plan Chapter 6 (Economic Development)

Mr. Dan Nash (Chair of the Economic Development Committee) and Deputy City Manager David Brooks gave an overview of the changes to the chapter which were included in the agenda packet materials for this meeting.

The group discussed changes that have taken place in Lebanon's economic environment since 2012, when the chapter was written. The Planning Board members suggested the following edits/additions:

- Include GEOKON as a large employer in the City
- Changing age profile of residents in the City should be a consideration
- More focus on Colburn Park in Building Community Section – with particular emphasis on making better use of Soldiers Memorial Building as a museum
- Mention Education Centers

- Add updates on changes to Lebanon Airport that have occurred since 2012
- Mention advances to hiking trails / trail network

[At 6:55pm, Ms. Zook arrived at the meeting.]

- New zones (ex: MC2) should be added
- Add goal to make Alice Peck Day (APD) Medical Center reachable via public transit
- Add discussion/reference to the issue of affordability of living in Lebanon
- Explore the benefits/impacts of Lebanon as a regional center of commercial resources
- Add “IntraCity bus service” to the transportation access section

Mr. Brooks noted that some of these ideas are discussed in other chapters of the Master Plan but said the committee would review the Board’s suggestions. The group also discussed how Impact Fees are calculated, as well as whether Lebanon’s commercial base eases the tax burden for residents. Mr. Brooks said perhaps the chapter should include a reference to how the burden would be much heavier if Lebanon were not home to as much non-residential real estate. Mr. Nash noted that the law needs to be changed to facilitate large projects (such as the next agenda item (Item 3A) so both the City and the developer do not have to struggle to complete projects.

A MOTION was made by Patrick Kennelly to schedule a Public Hearing to adopt the updated draft of Master Plan Chapter 6 (Economic Development) as presented and discussed at the March 24, 2025 Planning Board Work Session at 6:30pm in City Council Chambers. The MOTION was seconded by Jeremy Rutter.

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)***

3. PUBLIC HEARING ITEMS

- A. XYZ Dairy, LLC & Lyme Properties 2, LLC, River Park Drive (Tax Map 44, Lots 21 - 30 & 7), zoned CB, IND-L and R-3: Applicant requests a two (2)-year extension of the River Park Site Plan approval (PB2010-25-SPR), as most recently amended on September 9, 2019 (PB2018-34-SPA) and extended on October 12, 2021 (PB2021-29-EXT). PB2025-05-EXT – Continued from February 10, 2025**

Ms. Romano recused herself from the discussion. Chair Faunce said all remaining Board members will participate in the discussion and any voting on motions.

Chair Faunce read the following introduction:

The Planning Board voted to deny XYZ Dairy's request for a 2-yr extension of the River Park Site Plan on November 12, 2024. XYZ did not exercise its option to appeal this decision, which in most instances settles that matter and precludes further consideration by the Planning Board.

The Superior Court subsequently provided injunctive relief by extending XYZ's phase 1 deadline by eleven months and two days (the amount of time between the loss of the building permit and

1 the ruling.) The Court disagreed with the expectation that a developer should continue progress
2 on infrastructure work (the completion of which was the singular deliverable for completing
3 phase 1) without a building permit. It also restored the building permit.

4
5 The Board, as advised by Counsel and with new knowledge of the subsequent application
6 doctrine, held a February ~~11~~10, 2025 "limited public hearing" and by majority vote accepted
7 that the Superior Court's injunctive relief for phase 1 and opinion on the permit was a material
8 change sufficient to warrant a new hearing on the extension request. This, and the flexibility and
9 courtesy of all involved parties, brings us together tonight rather than in the March public
10 hearing session.

11
12 Mr. David Clem's February 10, 2025 letter in tonight's application packet lays out a similar
13 timeline and basis for how the Board could arrive at the decision it made in the limited public
14 hearing.

15
16 Mr. Clem also, in what seemed to be an alternative justification for the new hearing, offered an
17 opinion on the Board's process in the original extension hearing. While the Board values
18 applicant feedback to improve its effectiveness, some of the comments or claims invite context or
19 correction for the record.

- 20
21 1. It is the applicant's responsibility to align the various proceedings he sets in
22 motion. Were it the applicant's wish to have the court decision available as evidence in
23 the original extension request, the applicant could have made arrangements to support
24 that. At its first opportunity, the Board agreed that the court's decision was a materially
25 significant fact and justification for a new extension hearing.
- 26 2. On the role of Staff: it supports the Board with relevant regulatory or historical context
27 and with conditions that could apply to a decision that the Board may make. These are
28 publicly available in the staff memo. The Board based its original extension decision on
29 the regulatory basis for granting extensions and on the evidence presented by the
30 applicant which it found lacking.
- 31 3. The Board deliberates and makes decisions in public - as it did in this case. In its
32 October public hearing meeting, the Board deliberated, conducted a straw poll, and
33 assigned Staff and Counsel the task of developing a legally sound motion that could be
34 voted on in the November public hearing, a process I introduced and explained earlier in
35 the meeting in the applicant's presence. The Board met with Counsel prior to that
36 following public hearing meeting to ensure its proper understanding of the motion's
37 legal context. Mr. Clem's less complete description of the events may inadvertently
38 suggest to the public that the Board deliberates and makes application decisions in
39 private, which it does not.

40
41 My comments are simply offered for the record. They, and the document to which they refer, are
42 not material to the new extension request before the Board - which I recommend be our focus for
43 the balance of our time together. Mr. Clem concludes his letter generously by inviting good faith
44 and trust. In that same spirit, I encourage that we all take the opportunity each occasion affords
45 to put our most thoughtful selves forward.

46
47 Accordingly, and if it represents no unusual or unwelcome imposition on the applicant, I would
48 like to move this hearing forward in the following sequence:

Brief opening statement by the applicant.

1. Clarification from the applicant on what is asked for in the extension request (start/end for each phase.)
2. Testimony from the applicant to support a decision by the Board to extend, answering questions to the Board's satisfaction
3. Deliberation by the board to determine via straw poll if there are sufficient votes to deny that might make the remaining steps moot. If not, the board returns to the hearing, delaying the formal vote pending completion of the remaining steps.
4. Introduction of the updated Phasing Plan by the applicant to include:
 1. improvements per phase
 2. deadline to post security per phase
 3. deadline for completion of improvements subsequent to security posting
 4. date by which a building permit must be obtained to prevent voiding the phase
5. Applicant Recommends (for approval by Board) the Plan Set of Record (most recent by default?)
 1. Board attests that it has reviewed and accepts the recommended approved plan set
 2. The Board may rely on Staff to the above ends.
6. Board determines and includes additional conditions of approval
 1. Impact Fees
 2. Board/Staff/hybrid roles re: compliance.

Mr. David Clem and Mr. Chet Clem (XYZ Dairy and Lyme Properties) were present on behalf of the applicant. Mr. Chet Clem asked that the passing of Mr. Duff Cummings, a butler to the project and long-time participant in the progress of this project, be acknowledged. Chair Faunce called for a moment of silence.

Mr. David Clem said he did not receive the Staff memo included in the agenda materials for this meeting, but he said he saw it online. Mr. Chet Clem noted that an email with the meeting agenda was sent to them from Staff on Thursday of last week, but neither he nor Mr. David Clem had read [it](#) until today.

Mr. David Clem said he submitted the following materials as of Thursday, February 20, for the Board to review prior to this meeting:

- An overview of the Planning Board's policies
- A slide show of a walking tour of West Lebanon

He said he did not submit a phased schedule because no changes were made to the schedule that was previously provided. Chair Faunce asked if he had a revised phased schedule with updated dates, presuming the Board were to grant the two-year extension being requested. Mr. Chet Clem said all the dates on the previously submitted schedule should be moved forward two years.

The group discussed the Superior Court's ruling to grant an 11-month and two-day extension for Phase I of the schedule at length. Ms. Appleton asked why the two-year extension was being requested if the judge has already given the project Phase I an ~~11~~[eleven](#)-month-~~plus~~[-two](#)-day extension. Chair Faunce noted it may not be as easy as adding two years to the phase dates previously submitted and that the phases may "collide" in the future if the phasing is not properly scheduled.

1
2 Mr. David Clem said the rationale of the two-year period was to allow each previous phase to be
3 absorbed to have the economic reality of advancing architectural, engineering and design
4 documents consistent with the regulations, secure a building permit, and contend with possible
5 delays resulting from seasonal weather conditions. He also said he did not see the logic of
6 planning a second phase if a first phase was not successful.
7

8 Chair Faunce suggested a straw poll be taken among the Board members to ascertain whether it
9 would be inclined to grant the two-year extension. Attorney Decker suggested that the public
10 hearing be closed temporarily to conduct the straw poll and then reopened.
11

12 At 8:16pm, Chair Faunce closed the public hearing.
13

14 The Board members discussed whether they felt the two-year extension should be granted. Dr.
15 Rutter noted that the Board members seemed to agree to the extension, but they did not have an
16 updated table of dates for the phasing or a recommended proposal to consider while making the
17 decision. The group discussed whether it could make a decision without updated materials at
18 length.
19

20 At 8:22pm, Chair Faunce reopened the public hearing.
21

22 Mr. David Clem said the phases with specific dates had been sent to Staff as of September 5,
23 2024, and said he did not know if it had been shared with the Board members. Mr. Corwin stated
24 all materials provided by the applicant are provided to the Board. He said it is not Staff's
25 application; it is the applicant's application. He said nothing was edited or added to the
26 documentation. Mr. Chet Clem said he found two communications from last year that speak to
27 the dates that need to be changed, and both have been forwarded to Mr. Corwin.
28

29 At 8:27pm, Chair Faunce called for a recess. At 8:36pm, the meeting resumed.
30

31 Chair Faunce said the Board did receive the updated schedule sent by Mr. Chet Clem. He said
32 the schedule appears to indicate the Phase I infrastructure, for which the completion deadline
33 was originally 12/2025, has a new proposed completion date of 1/2/27. He noted that that
34 timeframe of two years is longer than the 11 months and two days of injunctive relief that was
35 offered by the court. He suggested the Board consider granting a single-year extension of the
36 phasing plan presented to ~~us~~ the Board with suitable edits to the ~~to the~~ new completion deadlines
37 to that effect. He suggested the hearing be continued to the next Planning Board meeting to give
38 the applicant time to submit a more fulsome and thoughtful presentation of what the request is
39 and why it is that it should be two years for something that has that has put the applicant behind
40 by 11 months. Mr. Clem said the request for the two-year extension they requested the two-year
41 extension has been the precedent of the extensions in this case on this site from the beginning.
42 .

43 Chair Faunce opened the public comment portion of the meeting.
44

45 Mr. Robert Moses (Ward 3) said he felt this was a wonderful project and he hoped, after all the
46 lawsuits and acrimony, for a fresh start to ~~the~~ progress on the project. He recommended the
47 Board grant the two-year extension from the date of the court date.
48

1 Ms. Joan Townsend (Ward 2) said she did not understand what the hold-up is and said the Board
2 should put the past behind them and grant the two-year extension. She said the applicant is not
3 asking for a tax rebate or a discount. She said the project has been approved and is going to help
4 Lebanon and the Board should approve it. She said it is important for this project to move
5 forward.

6
7 Ms. Rachel Townsend (Ward 2) said the City Council gives maximum time to other applicants to
8 complete their projects, and she does not understand why the Planning Board has been arguing
9 over two years. She said there is a very clear indication that taxes are going up in the next three
10 or four years. She said Lebanon needs projects that are completed and taxable and the City
11 cannot keep putting these kinds of roadblocks in the ways of getting things accomplished. She
12 said she does not understand the delay in giving the applicant two years when this is something
13 Lebanon will greatly benefit from.

14
15 Mr. Steve Whitman (Ward 2) said Lebanon needs the taxes that will be raised from this project
16 and that West Lebanon needs this project.

17
18 Ms. Kathie Romano recommended that, if the Board plans to vote to approve any kind of
19 extension, it should get exact dates of completion for each phase of the project so there is no
20 confusion in the future as to what the end dates are. She said, to be clear, the phases of the
21 project were originally approved 15 years ago. She recommended the Board be given a
22 document that lists the updated phases with specific closing dates. She said it is the responsibility
23 of the Planning Board to protect the city's interest and there have to be documents that state
24 specifically what is being agreed to before you can give someone approval to do something you
25 know nothing about.

26
27 Ms. Kathy Shelton Clem said the Planning Board does not deserve everyone's patience or
28 respect. She said it does not deserve this project. She said they need to get their act together and
29 get staff together and move the project forward or stop the whole thing. She said she doesn't
30 understand why Lebanon is on the wrong side of this project - Lebanon should be in support of
31 it. She said they keep asking the applicant to submit the same things over and over because the
32 planning committee changes.

33
34 Mr. Vincent suggested the phasing be planned with December 2024 as the beginning of the two-
35 year extension with the following phase end dates: Infrastructure: 1/2/27, Phase I: 12/31/28, and
36 Phase II: 12/24/30. He said perhaps the proposed extension discussed on September 5, 2024
37 would align with the suggestion of extending the time from the court's decision by about two
38 years.

39
40 Dr. Rutter noted for members of the public who were present that the end date of Phase 6 is
41 2044. He said the point being made that one additional year beyond what was granted by the
42 court is not going to make a huge difference in the progress of this project. He said the phasing
43 schedule that has been submitted is a sketch plan on half a sheet of paper and is not in the typical
44 format for such a complex project. He said no one seems prepared to be able to provide the
45 Board with a more complete schedule. He ~~said-asked~~ how ~~can~~ the Board can be expected to
46 make a decision without complete information.

47
48 Chair Faunce asked the Board members informally if they would approve an extension, and said
49 it appears to be a consensus that the two-year extension should be granted. He suggested the

1 public hearing for the formal vote be extended to the March 17, 2025 meeting. He suggested that
2 an updated phasing plan and a final plan set be contingent upon that hearing.

3
4 The group discussed at length what documents it would need to make a decision to grant the
5 extension. They agreed they need an updated phasing plan and a final plan set.

6
7 Mr. Corwin said there are five different plan sets referenced in the draft security agreement that
8 the applicant's legal counsel provided to Planning Department Staff in June 2024. He said there
9 should be one plan set. He said Staff does not have knowledge that there are five plan sets. He
10 said the approved plan sets are identified in the 2018 Notice of Action but are not what's
11 identified in the proposed security agreement. He said if the plans identified specifically in the
12 2018 Notice of Action have been changed or updated, those changes have not been reviewed by
13 the Planning Board and will need to be approved. He said the plans need to conform to the
14 September 9th 2019 approval. He said if the applicant wishes to amend the plans, they can bring
15 that to the Planning Board and do so.

16
17
18 ***A MOTION was made by Jeremy Rutter to extend the meeting to 9:40pm. The MOTION was***
19 ***seconded by Andrew Faunce.***

20
21 ****The MOTION was approved (6-0).***
22

23
24 Chair Faunce closed the public comment portion of the meeting.

25
26 Chair Faunce clarified that the applicant should submit the following materials one week prior to
27 the March 17, 2025 Planning Board meeting:

- 28
29
 - An updated phasing plan (that presumes the two-year extension will be granted)
 - An approved plan set (if different than the plan referenced in the September 19, 2019
30 Notice of Action)31

32
33 Attorney Decker stated the Planning Board has articulated the additional information required to
34 entertain a final motion to grant the two-year extension. He said the Board is going to continue
35 the public hearing until March 17, 2025 with the expectation that the applicant will appear at that
36 public hearing with the additional information that has been requested. He stated that will enable
37 the Board to undertake a motion.

38
39 Mr. Reichert suggested the requested information be submitted prior to the meeting so the Board
40 members have a chance to review it before the meeting. Chair Faunce asked the applicant if the
41 materials could be submitted one week prior to the March 17, 2025 meeting. Mr. Clem said he
42 was not going to answer that question until he understood and saw in writing what the motion is
43 for this meeting.

44
45 Mr. Clem said the site plan hasn't changed and has been recorded and signed. He said the
46 security agreement references construction documents for the Phase I infrastructure that occurs
47 in the City's and the State's right of way, which he said have been presented to the various
48 departments and signed off ~~to~~-by their consultants. He said he could provide a statement from
49 their engineers who stamp those drawings as to when they provided that information to

appropriate Staff and the Planning Board.

A MOTION was made by Jeremy Rutter to extend the meeting to 10:00pm. The MOTION was seconded by Andrew Faunce.

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).**

Mr. David Clem said he would not be available on March 17, 2025 for the meeting.

Attorney Decker said, for the record, the Staff memo included in the agenda materials itemizes the following application deficiencies:

- As to [Item 3 in the staff memorandum#3](#), in the staff memorandum “Application Deficiency”: The Board generally expressed and requested that the applicant provide the information set forth in Part 3C of the staff memorandum:
The applicant shall submit with the application ~~of a~~ proposed phasing. The phasing schedule shall include the following information for each Phase I, II, III, and IV. That was one item that the Board was concerned about receiving in three weeks and being able to have as part of the record before granting the two-year extension.
- ~~As to~~ [Item in the staff memorandum,5](#): “Clarification of Approved Plan Set”: The applicant stated that the only plan set that the applicant insists is the correct and legal one is the one that has been approved by the Notices of Action and the extensions based on that representation.
- With respect to whether the Board or Staff is going to make determinations about compliance, that is not something that requires the applicant's input. Therefore, if a decision were not to be made tonight on the application, there would be time to discuss that further at a future meeting.

A MOTION was made by Andrew Faunce to extend the Public Hearing of XYZ Dairy, LLC & Lyme Properties 2, LLC, River Park Drive (Tax Map 44, Lots 21 - 30 & 7), zoned CB, IND-L and R-3: Applicant requests a two (2)-year extension of the River Park Site Plan approval (PB2010-25-SPR) to the March 17, 2025 Planning Board meeting at 6:30pm in City Council Chambers. The MOTION was seconded by Patrick Kennelly.

***The MOTION was approved (5-0)**

Ms. Romano rejoined the meeting.

Chair Faunce noted that the remaining agenda items would not be addressed because time was running short. Mr. Reichert asked the Board to consider **Study Item 5A** because a resident, who is greatly impacted by the item, has been waiting to discuss it, and the Planning Department Staff

1 need the Board's decision for documents due by 11am tomorrow. He also said **Study Item 5B**
2 should be discussed because it impacts the project for which applicant XYZ Dairy is requesting
3 the two-year extension discussed earlier at this meeting.

4
5
6 *A MOTION was made by Andrew Faunce to extend the meeting to 10:15pm. The MOTION*
7 *was seconded by Kellen Appleton.*

8
9 *Roll Call Vote:*

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

11 *Voting Against – None*

12
13 **The MOTION was approved (6-0).*

14
15
16 **5. STUDY ITEMS**

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

19
20 Mr. Reichert explained that, during the Route 120 Study, a surrounding area had been rezoned
21 from INDL to GC-1 to broaden development opportunities. He said resident Margaret Hatch's
22 property, located at 24 Labombard Rd, had been determined erroneously to be fully on
23 Conservation easement land and had therefore not been ~~not~~ included in the rezoned area. He said
24 three acres of that property are developable, and so the resident is asking that the rezoned GC-1
25 area be extended to include her property so that she can sell the developable portion.

26
27 *A MOTION was made by Andrew Faunce that the Lebanon Planning Board recommend that*
28 *the Lebanon City Council, in accordance with the City of Lebanon Zoning Ordinance, Article*
29 *10, Section 1000.3, approves the proposed Zoning Map Amendments as described in the*
30 *January 9, 2025 letter from Margaret Hatch to the Planning Board. The MOTION was*
31 *seconded by Jeremy Rutter.*

32
33 *Roll Call Vote:*

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

35 *Voting Against – None*

36
37 **The MOTION was approved (5-0, with Ms. Zook abstaining from the vote)*

38
39 **B. Review & Comment on Proposed Zoning Ordinance Amendment: Adding Research**
40 **Laboratory to CB District Table of Uses (Section 306.2)**

41
42 Mr. Reichert said Mayor Tim MacNamara has requested (on behalf of XYZ Dairy) that the term
43 "Research Laboratory" be added to the Table of Uses for the CBD zoning district. He said it was
44 discovered during testimony in Superior Court, as XYZ Dairy described the nature of the
45 building that they are proposing to build, that the use code that they had chosen to put into their
46 zoning request was deficient for them to be able to build the building they planned to build. He
47 said Mayor MacNamara has asked Staff to offer a Use Code change and a definition of Research
48 Laboratory. He said this new definition can be added to the Use Codes of not only CBD zoning
49 district but also several other districts.

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

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

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

20
21 ***Roll Call Vote:***

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

23 ***Voting Against – None***

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

26 27 7. ADJOURNMENT

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

31
32 ***Roll Call Vote:***

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

34 ***Appleton***

35 ***Voting Against – None***

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

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

40
41 Respectfully submitted,

42 Paula Roux

43 Recording Secretary