



**Lebanon Planning Board
Planning Session Agenda
Remote Via Microsoft Teams**
[LebanonNH.gov/Live](https://lebanonnh.gov/Live)
**Monday, September 28, 2020
6:30pm**

1. CALL TO ORDER:

A. Review of meeting procedures and NH RSA 91-A "Right-to-Know" requirements.

2. PUBLIC HEARINGS - CONTINUED:

A. CITY OF LEBANON AND RUTH GUERNSEY TRUST, 22 GREEN STREET WEST AND ROW OF SPRING STREET WEST (TAX MAP 59, LOT 49 AND TAX MAP 59, LOT 64), ZONED R-3:

Request for the Board to revoke a previously-approved Boundary Line Adjustment (PB2019-20-BLA) and to approve the layout of a new segment of public highway for turnaround purposes. – continued from September 14, 2020 (10 Mins) PB2020-25-DED

3. DELIBERATION:

A. SAXON PARTNERS (APPLICANT) AND ALFRED P. & LORALEE S. WEST (PROPERTY OWNERS), 343 MOUNT SUPPORT ROAD (TAX MAP 24, LOT 1), ZONED R-1 & RL-3:

Request for Site Plan Review to construct a proposed multi-family residential development consisting of 250 dwelling units, together with parking, utilities, landscaping, access, and other related site improvements. #PB2020-11-SPR – continued from September 10, 2020 (60 mins)

4. STUDY ITEMS:

A. ZONING AMENDMENTS

Review of proposed amendments to the Zoning Ordinance and Zoning Map (60 mins)

Documents:

[2020-09-28_PlnBrd_Item 4A_Zoning Amendments.pdf](#)

5. COMMITTEE REPORTS:

A. Planning Board Subcommittees:

- Planning Board Capital Improvement Program (VACANT/VACANT/ B. Garland/L. Stavis)

- Planning Board Development Regulations Update (M. Hall/K. Romano/ VACANT / J. Monroe)

B. City Council Subcommittees:

- Class VI Roads Advisory Committee (J. Monroe)
- Lebanon Energy Advisory Committee (J. Monroe)

- C. City Council Representative (J. Winny/K. Liot Hill)
- D. Heritage Commission (**VACANT**)
- E. Pedestrian & Bicyclist Advisory Committee (**VACANT**)
- F. Upper Valley Lake Sunapee Regional Planning Commission (B. Garland/L. Stavis)
- G. UV Sub-Committee of the Connecticut River Joint Commissions (B. Garland)
- H. Upper Valley Transportation Management Association (**VACANT**)
- I. Mascoma River Local Advisory Committee (K. Romano)
- J. Steering Committee for the Implementation of the Master Plan (B. Garland/**VACANT** /**VACANT**/J. Monroe)
- K. West Lebanon Revitalization Advisory Committee (**VACANT**)
- L. Planning & Development Department – Task Status (D. Brooks/ M. Goodwin/T. Corwin/R. Owens)

6. APPROVAL OF MINUTES:

A. SEPTEMBER 3, 2020

Documents:

[2020-09-28_PlnBrd_Item 6A_2020-09-03 Mins.pdf](#)

B. SEPTEMBER 10, 2020

Documents:

[2020-09-28_PlnBrd_Item 6B_2020-09-10 Mins.pdf](#)

7. OTHER BUSINESS:

8. ADJOURNMENT:

Meeting Location: Due to the current situation with the COVID-19 Pandemic, the City of Lebanon is offering its meetings via Microsoft Teams. Members of the public are encouraged to attend by going to [LebanonNH.gov/Live](https://lebanonnh.gov/Live) where you will find instructions on how to enter the meeting. Please visit [LebanonNH.gov/Live](https://lebanonnh.gov/Live) for full details.

Note: City Hall is temporarily closed to the public in order to help prevent of the spread of Novel Coronavirus COVID-19. City operations will continue during this time, but in-person transactions will be limited to those of a critical nature. If you have any questions or would like to view the files for the applications identified above, please contact the Planning & Development Department by sending an e-mail to planning@lebanonnh.gov, or by calling 603-448-1457. The application materials will also be posted to the City's website on or around September 22, 2020 at <https://lebanonnh.gov/agendacenter>.

The Order of Agenda Items is Subject to Change.

**Agenda
Planning Board
September 28, 2020**

**Agenda Item #4A
Study Items**

ZONING AMENDMENTS

ZONING ORDINANCE



Ordinance #2

CITY OF LEBANON, NEW HAMPSHIRE

ADOPTED:

January 16, 2013

LAST AMENDED:

~~*March 10,*~~

~~*2020*~~ *_____*, *2021*

ARTICLE II

GENERAL PROVISIONS

[...]

SECTION 201 YARD REQUIREMENTS.

Except as otherwise provided herein, no building or structure other than accessory structures and buildings of 130 sq. ft. or less per Section 201.8 below shall occupy any part of any yard required by Article III, except that ~~the ordinary projections of sills, cornices, pilasters, chimneys, and eaves, bay windows, awnings, and similar architectural and structural features~~ architectural details may extend not more than two (2) feet into any required yard.

201.1 Reduction for an Average Front Yard.

The required front yard may be reduced to the average front yard of the existing buildings on the same side of the street in the same block, provided that there are at least two (2) such buildings and provided that all such buildings are within 300 feet of the premises (as measured along the street line). This reduction shall not be allowed for lots fronting on a state highway ~~or major thoroughfare~~.

[...]

201.4 Fences, Hedges and Walls.

Fences, hedges and walls may be located within minimum required yards, but ~~Fences, hedges or walls~~ if located within required front yards they shall not exceed 3 ½ feet in height unless ~~the set back at least is~~ 15 feet from the right-of-way. The Board of Adjustment, as a special exception, may allow fences, hedges and walls of a greater height. This section shall not apply to fences and walls erected for agricultural (e.g., the confinement of animals), safety or security purposes in the industrial, commercial or rural lands districts.

[...]

201.7 Driveways and Parking Areas.

Driveways may occupy required **yard** areas. Parking areas may occupy required yard areas except that (i) parking areas in the front yard are prohibited in the LD District per Section 307.9.B, and (ii) Parking areas ~~parking areas in the front yard~~ in the residential districts and, the R-O District and the R-O-1 District, shall be set back no less than the lesser of the minimum front yard requirement or the **building line**, but in no case less than five (5) feet.

[...]

SECTION 203 HEIGHT REQUIREMENTS.

203.1 Exceptions to Height Requirements.

Except as provided in Section 407 for structures near the airport or in the airport approach zone, the following structures may exceed the maximum height limitations of Article III by not more than 20 percent:-

- A. Flagpoles.

- B. Rooftop features including cChimneys, spires, ~~silos~~, towers, lightning rods, heating, ventilation and air-conditioning equipment, elevator shafts, accessory solar energy facilities or similar structures/equipment. ~~The Board of Adjustment may allow a greater height for silos in the RL Districts by special exception granted pursuant to Section 801.3.~~
- C. Radio or TV antennae or satellite dish for private, non-commercial reception.
- D. Accessory wind energy facilities, except as provided in Section 203.3.
- E. Silos, except that the Board of Adjustment may allow a greater height for silos in the RL Districts by **special exception** granted pursuant to Section 801.3.

[...]

203.3 Accessory Wind Energy Facilities.

Accessory wind energy facilities may exceed the ~~above~~ Section 203.1 exception to the maximum height limits in RL Districts (Sections 312, 313 and 314) by special exception, except as provided in Section 407 (the more restrictive Section applies).

[...]

203.4 Telecommunication Facilities.

- A. Location of Telecommunication Facilities:

[...]

- 3. Facilities Other Than Collocation or Modification. **Telecommunication facilities** requiring a new dedicated tower or other structure, or which otherwise do not fit within paragraphs A.1 or A.2 above, shall be:
 - a. Permitted in the Industrial, General Commercial, and Medical Center zoning districts by Conditional Use Permit;
 - b. Allowed by Special Exception ~~and Conditional Use Permit~~ in the RL zoning districts and,

[...]

- D. ~~Conditional Use Permits and~~ Procedure:

- 1. Unless specifically exempted under Subsection A.1 of this Section, **telecommunications facilities** are permitted only after obtaining a **conditional use permit** ~~from the Planning Board and/or, where required, a special exception as required under Subsection A.3 from the Zoning Board~~. All such uses must comply with other applicable ordinances and regulations of the City of Lebanon, State of New Hampshire, and Federal Government.
- 2. Telecommunications facilities requiring a new dedicated tower or other structure, or which otherwise do not fit within Subsections A.1 or A.2, shall obtain site plan approval from ~~The Planning Board~~ which shall act upon the site plan application in accordance with the procedural

requirements of ~~its~~ the Site Plan Review Regulations, provided that regional notification requirements contained in RSA 12-K:7 must also be followed.

[...]

203.5 Bonding and Security for Towers and Similar Structures.

Whenever ~~either the Zoning Board of Adjustment or~~ Planning Board or the Zoning Board (in the event that site plan review is not required) approves an application to construct a tower or similar structure which, if abandoned and unmaintained, could present a hazard to health or safety from a potential fall or collapse, including but not limited to broadcast antennas or towers under Section 203.2, telecommunications towers under Section 203.4, or wind energy facilities under Section 203.3, the respective Board shall require the applicant to provide a bond or other security to the City in an amount sufficient to cover the costs of removal and disposal of such structure. The Board shall set the form and amount of the security. Any engineer, attorney, or other consultant engaged by the Board to determine the adequacy of the form and amount of security shall be at the applicant's expense. The Board shall also require the applicant to submit proof of appropriate liability insurance with respect to the proposed structure prior to construction.

SECTION 204 LOTS IN TWO ZONING DISTRICTS.

Where a district boundary line divides a lot of record at the time such district boundary line is established, the regulations for either district of such lot may extend up to thirty feet (one hundred feet in rural lands districts) into the other district, provided the lot has frontage on a street in the district which is being extended, and provided that the lot has not been altered by subdivision, merger, or lot line adjustment subsequent to the establishment of the district boundary. ~~Determinations under this section shall be made by the Zoning Administrator, subject to appeal under Section 801.1.~~

[...]

SECTION 206 SIGHT DISTANCE AT STREET AND DRIVEWAY INTERSECTIONS.

There shall be no obstruction to vision between the heights of three (3) feet and ten (10) feet above the **street** surface within ~~the any~~ triangular area formed by the intersection of two **street lines** and a third line joining them at points 25 feet away from their intersection, or by the intersection of a **driveway** and a **street line** and a third line joining them at points 25 feet away from their intersection. The Board of Adjustment may grant a **special exception** to this requirement, pursuant to Section 801.3, in the commercial and industrial districts only.

[...]

SECTION 208 ~~OFF-STREET LOADING~~ (Reserved).

~~Off street loading facilities shall be provided for all institutional, commercial and industrial uses. These facilities shall be located so that delivery vehicles are parked completely outside of the street right of way, and shall comply with the requirements of the Site Plan Review Regulations as applicable.~~

[...]

SECTION 213IMPACT FEES.

[...]

213.3 Definitions.

The following definitions shall be considered to pertain to this Section (213) only:

[...]

E. New development means an activity that results in:

- (1) The creation of a new dwelling unit or units or new manufactured housing ~~or in the habitable portion of a residential building~~; or
- (2) The conversion of a legally existing use, or additions thereto, which would result in a net increase in the number of dwelling units; or
- (3) Construction resulting in a new non-residential building or a net increase in the gross floor area of any non-residential building; or

[...]

213.5 Standards and Basis of Assessment.

[...]

D. In the case of new development created by conversion or modification of an existing use, the impact fee shall be based upon the net positive increase in the impact fee assessed for the new use for each category of impact fee assessment as compared to the highest impact fee that was or would have been assessed for each category of impact fee assessment for the previous use in existence on or after the effective date of this Ordinance.

[...]

213.9 Appeals under This Section.

A. A party aggrieved by a decision made by the ~~Code Enforcement Officer~~ Zoning Administrator relating to administrative decisions in the assessment or collection of impact fees authorized by this Section may appeal such decision to the Planning Board within 30 days of the administrative decision, and not afterward.

[...]

ARTICLE III
USE DISTRICTS

[...]

SECTION 301 ZONING MAP.

301.1 Establishment.

The districts and the boundaries of such districts shall be as shown on a map entitled "OFFICIAL ZONING MAP OF THE CITY OF LEBANON, NEW HAMPSHIRE." ~~together with all notations, references and other matter and things set forth and/or attached thereto.~~ This map, which was adopted on July 19, 1978, and amended several times thereafter, is hereby re-adopted. ~~It shall be known as the Official Zoning Map of the City of Lebanon and shall be certified by the Mayor and City Clerk.~~ Said map is to be prepared and ~~updated~~ maintained by the City of Lebanon Planning ~~Office~~ & Development Department, and amendments thereto shall be certified by the City Clerk.

[...]

301.3 Final Authority.

Regardless of the existence of purported copies of the Official Zoning Map~~y~~ which may from time to time be published, the Official Zoning Map which is on file with the City Clerk shall be the final authority on current zoning.

[...]

SECTION 302 USES.

302.1 Permitted Uses. In the districts described herein, only those uses listed as "permitted uses" shall be permitted. Uses listed as "special exception" may be allowed, but only at the discretion of the Board of Adjustment pursuant to Section 801.3. Uses listed as "conditional use permit" may be allowed, but only at the discretion of the Planning Board pursuant to Section 302.4. It is the intent of this Ordinance that no other uses be allowed. All uses shall comply with the dimensional requirements of the "Table of Area, Dimensions and Coverage" of the zoning district in which the use is located. Uses not listed are neither permitted nor allowed by special exception nor allowed by **conditional use** permit.

[...]

SECTION 303 LIGHT INDUSTRIAL DISTRICT (IND-L).

[...]

303.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Commercial/Non-Residential</u> - Airport Bus terminal Essential service Health club Light industry Local government use Outdoor storage per Section 303.4 (less than 20%) - Plumbing, electrical or carpentry shop - Publishing/printing - Research laboratory Renewable energy system per Section 612 <u>12. Retail product pickup</u> 12-13. Retail showroom per Section 303.5 (less than 10%) 13-14. Trucking terminal 14-15. Warehouse <u>Planned Developments</u> 15-16. Industrial PUD per Section 501 16-17. Planned business park per Section 508	<u>Commercial/Non-Residential</u> Care and treatment of animals Contractor's yard Educational facility, college/university Educational facility, vocational school Group day care facility per Section 604 <u>Uses by Conditional Use Permit</u> (see Section 302.4) <u>Commercial/Non-Residential</u> - Car wash Office building for 50 or more employees Outdoor storage per Section 303.4 (more than 20%) - Retail showroom per Section 303.5 (between 10-20%) <u>Rehabilitation hospital</u> Retail product pickup

[...]

~~303.6 Flex Buildings.~~

~~Flex buildings (i.e. multi-use buildings) having no more than 30% of the floor area occupied by independent office uses are permitted, provided the principal use of the building is for a permitted use.~~

[...]

SECTION 303AINDUSTRIAL - RAIL ACCESS DISTRICT (IND-RA).

[...]

303A.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Commercial/Non-Residential</u> 1. Bituminous paving plant 2. Concrete mixing plant 3. Contractor's yard 4. Essential service 5. Health club 6. Light industry 7. Local government use 8. Outdoor storage and sales 9. Recycling facility 10. Research laboratory 11. Renewable energy system per Section 612 12. Retail showroom per Section 303A.5 13. Warehouse	<u>Commercial/Non-Residential</u> 1. Bulk petroleum and liquid propane gas storage 2. <u>Excavation of natural earth material</u> per Section 606 and/or processing of natural earth material Natural resource extraction and/or processing facility (timber, stone, or soil) 3. Intermodal transportation facility 4. Educational facility, vocational school 5. Group day care facility per Section 604
	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
<u>Planned Developments</u> 14. Industrial PUD per Section 501 15. Planned business park per Section 508	<u>Commercial/Non-Residential</u> 1. Office building

303A.3 Table of Areas, Dimensions, and Coverage.

IND - RA DISTRICT

Minimum Lot Requirements					Maximum Limitations	
Area	Frontage	Front Yard	Side Yard	Rear Yard	Building Coverage	Height
2 acres	200'	30' (*)	20' (*)	20' (*)	50%	65'

~~*Setback will be waived for~~ This restriction may be relaxed by **conditional use permit**, if the Planning Board finds, in addition to the standards set forth in Section 302.4, that such relaxation is required to allow access to or use of rail service. ~~these portions of the lot where rail access is along the property line.~~

303A.4 Special Setback Restrictions.

Principal structures on lots in the IND-RA district which abut a residential zoning district ~~lines will~~ shall be set back a minimum of 75 feet from the property line or lines which abut the residential zone.

303A.5 Retail Showrooms.

Showrooms and on-premises sales may be allowed as part of a ~~manufacturing~~ light industry or ~~warehouse or distribution facility~~ provided that: (1) such showrooms are limited in floor area to no more than 10% of the total acreage of the lot on which they are located or a maximum of 20,000 square feet, whichever is smaller, and, (2) the goods being displayed are the same as those being manufactured/stored/distributed on the premises.

[...]

SECTION 304 HEAVY INDUSTRIAL DISTRICT (IND-H).

[...]

304.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Commercial/Non-Residential</u> 1. Contractor's yard 2. Essential service 3. Recycling facility 4. Renewable energy system per Section 612 5. Sanitary landfill 6. Sawmill per Section 304.5	<u>Commercial/Non-Residential</u> 1. Bulk storage of petroleum products 2. Junkyard per Section 605 3. Removal of natural materials <u>Excavation of natural earth material per Section 606 and/or processing of natural earth material</u>
<u>Planned Developments</u> 7. Industrial PUD per Section 501 8. Planned business park per Section 508	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
	<u>Commercial/Non-Residential</u> 1. Bituminous paving plant 2. Concrete mixing plant 3. Stone crushing plant

[...]

SECTION 305 GENERAL COMMERCIAL DISTRICT (GC).[...]

305.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> 1. Dwelling unit(s) above first floor 2. Multi-family dwelling (see Section 305.5) <u>Commercial/Non-Residential</u> 3. Amusements (indoor) 4. Car wash 5. Community center 6. Drive-in restaurant, refreshment stand 7. Drive-through facility 8. Drycleaning pick-up station 9. Financial institution 10. Funeral establishment <u>home</u> 11. Group day care facility per Section 604 12. Health club 13. Hotel 14. House of worship 15. Laundromat 16. Local government use 17. Membership club 18. Motel 19. Movie theater 20. Office 21. Personal service 22. Publishing/printing 23. Radio or TV studio <u>24. Recreational facility, indoor</u> 24-25. <u>Renewable energy system</u> per Section 612 25-26. <u>Restaurant</u> , sandwich shop <u>27. Retail product pickup</u> 26-28. <u>Retail store</u> 27-29. <u>Service station</u> 28-30. <u>Vehicular repair</u> 29-31. <u>Vehicular sales</u> <u>Planned Developments</u> 30-32. <u>Commercial PUD</u> per Section 501	<u>Commercial/Non-Residential</u> 1. Alternative treatment center per Section 613 2. Alternative treatment center (cultivation location only) per Section 613 3. Bus terminal 4. Educational facility, college/university 5. Essential service 6. Truck terminal <u>Uses by Conditional Use Permit</u> (see Section 302.4) <u>Commercial/Non-Residential</u> 1. Care and treatment of animals 2. Contractor's yard 3. Craftsman's shop 4. Plumbing, electrical or carpentry shop 5. Produce stand 6. Recreational facility, indoor 7-6. <u>Recreational facility, outdoor</u> 8. Retail product pickup 9-7. <u>Warehouse</u> 10-8. <u>Wholesale sales</u>

[...]

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

[...]

305A.2 Table of Uses.

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

[...]

[...]

306.2 Table of Uses.

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

306.3 Table of Area, Dimensions and Coverage.**CB DISTRICT**

Minimum Lot Requirements					Maximum Limitations	
Area	Frontage	Front Yard	Side Yard	Rear Yard	Building Coverage	Height
3,000 square feet	50'	NONE	NONE	10' (*)	NONE	45' **

*May be reduced or eliminated by ~~special exception~~conditional use permit.

~~**55' is allowed for any property within the Central Business District that is located in downtown Lebanon and is adjacent to the Mascoma River; and/or is adjacent to one or more of the following primary streets: North, South, East, and West Park Streets, Hanover Street, High Street, Mechanic Street, Mascoma Street, Bank Street, Campbell Street, and Spencer Street; and/or is adjacent to any other street that intersects one of the afore-mentioned primary streets.~~

[...]

SECTION 307 LEBANON DOWNTOWN DISTRICT (LD).

[...]

307.6 Non-Residential Uses.

A. Buildings with Frontage on Primary Streets.

1. If a **building** is located on a **lot** with **principal frontage** on a primary **street**, a minimum of 1,000 square feet or 1/3 of the **gross floor area**, whichever is less, of the **street level story** of the **building**, shall be ~~devoted to~~reserved for a non-residential use or uses, and such combined uses shall have both a depth and width of not less than 20 feet along the primary **street**.

[...]

B. Buildings with Frontage on Secondary Streets.

[...]

1. Notwithstanding the above requirements, the Planning Board may waive the requirement for non-residential uses on **the street level story** and permit residential uses on the ~~complete-entire~~street level story in these locations by **conditional use permit** pursuant to Section 302.4 provided the applicant demonstrates that:

[...]

C. Definitions. For purposes of this subsection, primary and secondary **streets** are defined as follows:

1. Primary Streets. The Downtown Mall, Taylor Street within 500 feet of the Downtown Mall, Hanover Street from Hough Street to Church Street, ~~Mechanic Street~~, Court Street, West Park Street from Hanover Street to Court Street, and North Park Street from Court Street to Campbell Street.
2. Secondary Streets. Hanover Street from NH Route 120 to Hough Street, Mascoma Street, Foundry Street, Church Street, High Street, Mechanic Street, Water Street, East Park Street, Bank Street, Taylor Street more than 500 feet from the Downtown Mall, Campbell Street, and Spencer Street.

[...]

307.8 Building Height.

[...]

- B. Minimum Story Height. The **street level story** of a **building** shall not be less than twelve (12) feet in height as measured between finished floors. All other **stories** shall be no less than ten (10) feet in height as measured between finished floors. The Planning Board may waive these requirements by conditional use permit pursuant to Section 302.4.

307.9 Driveways, Parking Areas, and Circulation Areas.

[...]

- B. No **parking area** or circulation area for vehicles shall be located in the **front yard**. For improved surfaces in existence as of (insert date of ordinance adoption), the Planning Board may waive these requirements by **conditional use permit** pursuant to Section 302.4 if the Board find that there is no other location on the lot to provide parking. Where a **lot** abuts more than one **street**, this restriction shall only apply to the **front yard** along the **principal frontage**.

[...]

SECTION 308 RESIDENTIAL ONE DISTRICT (R-1).

[...]

308.3 Table of Area, Dimensions and Coverage.

R-1 DISTRICT

Minimum Lot Size

Class	Area	Width	Additional Area per D.U. After Two	Maximum Height
1	10,000 sq.ft.	75'	3,000 sq.ft.	45' <u>or 55' per Section 308.4</u>
2	15,000 sq.ft.	75'	5,000 sq.ft.	45' <u>or 55' per Section 308.4</u>
3	40,000 sq.ft.	100'	15,000 sq.ft.	45' <u>or 55' per Section 308.4</u>

[...]

308.4 Building Height. By **conditional use permit** per Section 302.4, the maximum **building height** for a proposed **building** may be increased up to 10 additional feet if the increase in **building height** is for the purpose of accommodating a **parking structure** underneath or within the proposed **building**, and provided that the **building** is set back from the **setback line** a minimum distance equal to two (2) feet for every one (1) foot of additional **building height** over 45 ft.

[...]

SECTION 310 RESIDENTIAL THREE DISTRICT (R-3).

[...]

310.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> 1. One-family dwelling 2. Accessory dwelling unit (ADU) per Section 610 <u>Commercial/Non-Residential</u> 3. Home business per Section 600 4. Home-based agricultural business per Section 600B.2 (lots 5 acres or more) and per Section 600B.3 (lots greater than 10 acres) 5. Hospital 6. House of worship 6-7. Public education facility 7-8. Public recreation facility 8-9. Public safety facility 9-10. Renewable energy system per Section 612 <u>Planned Developments</u> 10-11. PURD per Section 501	<u>Residential</u> 1. Two family dwelling by conversion of existing one family dwelling 2. Senior housing complex <u>Commercial/Non-Residential</u> 3. Cemetery 4. Essential service 5. Group day care facility per Section 604 6. Home-based agricultural business per Section 600B.2 (lots less than 5 acres) and per Section 600B.3 (5–10 acre lots) 7. House of worship 8-7. Nursing home

[...]

SECTION 311B PROFESSIONAL BUSINESS DISTRICT (PB).

[...]

311B.4 Parking Requirements.

Parking shall be as set out in Section 607.4 of this Ordinance except that parking shall be provided on site for any dwelling unit(s) [per Section 607.2](#). Such on-site parking shall not occupy the front yard and shall be screened from abutting properties.

[...]

SECTION 313 RURAL LANDS TWO DISTRICT (RL-2).

[...]

313.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> One-family dwelling Accessory dwelling unit (ADU) per Section 610	<u>Commercial/Non-Residential</u> Care and treatment of animals - Cemetery Essential service Group day care facility per Section 604 Home-based contractor's yard per Section 600A Produce stand - Radio or TV tower or other communication equipment - Recreational camping park per Section 505 Recreational facility, indoor Recreational facility, outdoor Removal <u>Excavation of natural earth materials</u> <u>per Section 606</u>
<u>Commercial/Non-Residential</u> Agriculture Home business per Section 600 - House of worship Public recreation facility Renewable energy system per Section 612	
<u>Planned Developments</u> Manufactured home park per Section 503 Manufactured home subdivision per Section 504 (or manufactured home PURD) - PRec per Section 501 - PURD per Section 501	

SECTION 314 RURAL LANDS THREE DISTRICT (RL-3).

314.1 Purpose.

These are areas of the City within which ~~the City that are critical areas for development,~~ ~~or~~ development should be restricted until it has been further studied and detailed plans developed. ~~In the first instance these~~ These are critical areas where slopes of over twenty-five percent (25%) may be found, wetlands and a seasonably high water-table exist or have poor highway access to the rest of the community. ~~Also the~~ These areas almost uniformly have severe restrictions for on-site disposal of sewage and any extensive development, including driveways, may present problems in grades and control of erosion. The primary ~~purpose-use~~ of these areas should be for forestry ~~and~~ with only limited development for single family residential purposes on large lots. ~~The second type in this classification are areas that are reserved for future expansion when the necessary utilities and road systems are designed or in place.~~

SECTION 315 MEDICAL CENTER DISTRICT (MC).

[...]

315.2 Table of Uses.

<u>Permitted Uses</u>	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
<u>Commercial/Non-Residential</u> 1. Essential service 2. Group day care facility per Section 604 <u>and Section 506.3.5</u> 3. Health club 4. Hospice 5. Medical center complex per Section 506 6. Medical office building 7. Medical research facility 8. Renewable energy system per Section 612 9. Retail product pickup <u>Planned Developments</u> 10. Commercial PUD per Section 501	<u>Commercial/Non-Residential</u> 1. Drive-through facility 2. Financial institution <u>per Section 506.3.5</u> 3. Motel 4. Hotel 5. Office 6. Parking facility 7. Personal service <u>per Section 506.3.5</u> 8. Restaurant <u>per Section 506.3.5</u> 9. Retail store <u>per Section 506.3.5</u> 10. Recreational facility, indoor <u>per Section 506.3.5</u> 9-11. Recreational facility, outdoor <u>per Section 506.3.5</u>

315.3 Table of Area, Dimensions and Coverage.

MC DISTRICT

Minimum Lot Requirements					Maximum Limitations	
Lot Area	Lot Frontage	Front Yard	Side Yard	Rear Yard	Height	Building Coverage
75,000 sq.ft.	200'	40'	20'	20'	60' <u>except as required by</u> (See Section 315.4 <u>and as permitted by Section 506.2)</u>	50%

[...]

ARTICLE IV

OVERLAY DISTRICTS

[...]

SECTION 402 FLOODPLAIN DISTRICT.

[...]

402.2 Floodplain District Regulations.

Within the Flood Plain District, all requirements of the Flood Damage Prevention Ordinance of June 4, 1980, [City Code Chapter 74](#), as amended, shall be complied with.

402.3 Floodplain Official.

[The Floodplain Official is responsible for administering and enforcing Section 402. The City Engineer will normally serve as the Floodplain Official. See City Code Chapter 74-15.](#)

[...]

SECTION 409 LANDFILL RECLAMATION DISTRICT

[...]

409.3 Permitted Uses.

The following uses are permitted in a closed or capped waste disposal area:

[...]

- C. ***Accessory uses*** to the secondary permitted recreational use, such as control or maintenance buildings and structures to allow food sales. ~~More than one accessory use is permitted if all such accessory uses remain incidental and subordinate to the principal recreational use.~~

[...]

ARTICLE V

SUBDIVISIONS AND PLANNED DEVELOPMENTS

[...]

SECTION 501 PLANNED UNIT DEVELOPMENT (PUD).

[...]

501.2 Planned Unit Residential Development (PURD).

- A. Objectives. The objectives of the PURD provisions of this ordinance are as follows:

[...]

1. To establish a connected network of conservation lands, trails, and working farm and forest land throughout the City by linking the Open Spaces and trails within the subdivision development, to conservation lands, important natural resources and trails on adjoining lands wherever possible, and as particularly found in the Lebanon *Master Plan* and *Natural Lebanon*.

[...]

C. Uses Allowed in a PURD.

1. Residential Uses. A PURD may include dwelling units in ~~one-family detached~~, one-family-~~attached~~, two-family and multi-family dwellings. A mix of dwelling types may be permitted at the reasonable discretion of the Planning Board. In a manufactured home PURD only manufactured homes are permitted and shall be on individual lots.

[...]

501.3 Planned Unit Recreational Developments.

[...]

D. Uses Allowed in a PRec.

1. Residential Uses. A PRec shall provide a minimum of 15 dwelling units. A PRec may include dwelling units in one-family-~~detached~~, ~~one-family attached~~, two-family and multi-family dwellings or appropriate mixes thereof, at the discretion of the Planning Board. In a PRec at least 75 percent of the land area used for building development shall be devoted to residential uses.

[...]

501.4 Commercial or Industrial Planned Unit Developments.

[...]

- D. Uses Allowed in a Commercial or Industrial PUD. Any non-residential use permitted in the Industrial, CB, GC, or GC-1 Districts may be allowed in a Commercial PUD.

Any non-residential use permitted or allowed by special exception or **conditional use** permit in the IND-L District may be allowed in an Industrial PUD. Additionally, no more than 25 percent of the gross floor area ~~building coverage~~ in an Industrial PUD may be allocated to **hotels**, restaurants, personal services and retail sales necessary to serve the needs of the other businesses in the PUD (or of their employees).

[...]

SECTION 506MEDICAL CENTER COMPLEXES.

[...]

506.3 Allowed Uses

In addition to a hospital, the following uses are allowed within the Medical Center Complex:

[...]

5. Any of the following uses, as defined in this Ordinance, when all or substantially all of the business will be with and for the patients, and the visitors of those patients, the employees and the staff of the building and facilities located within the medical center complex.
 - a. Personal service.
 - b. Retail store.
 - c. Restaurant.
 - d. ~~Branch bank~~ *Financial institution*.
 - e. Indoor/outdoor recreational facilities.
 - f. Group day care facility.

[...]

ARTICLE VI**ADDITIONAL STANDARDS FOR SPECIFIC USES**

[...]

SECTION 601SPECIAL DESIGN STANDARDS.

[...]

601.1 Architecture.

Remodeling for conversions shall not alter the appearance of the exterior of the structure in a manner that is not compatible with the architectural character of the existing building; of abutting properties; or of the neighborhood. New construction ~~of offices~~ shall be compatible with the architectural character or the abutting properties and neighborhoods.

[...]

601.7 (Reserved) ~~Mixed-Uses~~.

~~In the R-2, R-O and R-O-1 Districts, a converted building may have both residential and office uses.~~

[...]

SECTION 602NON-COMMERCIAL SWIMMING POOLS AND HOT TUBS.

[...]

602.4 Water Supply.

- A. If the water for such pool/tub is supplied from a private well, there shall be no cross-connection with the public water supply system.
- B. If the water for such pool/tub is supplied from the public water supply system, the inlet shall be above the overflow level of said pool. Backflow prevention devices shall be installed ~~as required by the Department of Public Works~~ when determined to be required by the City.

[...]

602.6 Permits.

- A. Every non-commercial swimming pool or hot tub shall have a permit from the Zoning Administrator.
- B. No permit shall be granted for the installation or construction of such swimming pool unless the plans shall meet the minimum construction requirements of the City and unless the City ~~Engineer, or a licensed professional engineer of the State of New Hampshire~~ has certified-determined that the drainage of such pool is adequate and will not interfere with the public water supply system, with existing sanitary facilities or with the public streets.

[...]

SECTION 607PARKING

[...]

607.7 Off-Street Loading.

Off-street loading facilities shall be located so that delivery vehicles are parked completely outside of the **street** right-of-way, and shall comply with the requirements of the Site Plan Review Regulations as applicable.

SECTION 608SIGNS.

[...]

608.4 Non-Residential Uses.

[...]

1. Maximum Permitted Sign Area.

[...]

- e. Multi-Tenant Buildings. The maximum **sign area** permitted for a **multi-tenant building** in existence as of *(insert date of ordinance adoption)* is the greater of either:

i. the total **sign area** allowed pursuant to Section 608.4.A.1.a; or

~~i.ii.~~ the total **sign area** of all existing legal **signs** on the **building** as of (insert date of ordinance adoption). For any vacant tenant spaces as of (insert date of ordinance adoption), the **sign area** utilized by the immediate prior tenant may be included in the calculation of permitted **sign area** under this subsection.

[...]

608.8 Non-Conforming Signs.

[...]

A. Loss of Legal Non-Conforming Status. A legal non-conforming **sign** shall lose its legal non-conforming status if it is altered, reconstructed, replaced, or expanded, ~~or relocated.~~ A mere change in copy is not an alteration or replacement for purposes of this Section.

[...]

SECTION 610 ACCESSORY DWELLING UNIT (ADU)

Accessory dwelling units are intended as an option for homeowners to offer separate and independent living space for their extended families, or to offer small **dwelling units** as rentals to offset the expense of maintaining the **dwelling**. ~~The appearance and character of the existing or proposed new dwelling shall remain single family in nature. An accessory dwelling unit is only allowed on lots with a detached one-family dwelling, and only one such accessory unit is permitted per lot. As an alternative, if allowed in the respective Zoning District, a property owner can seek a conversion of the unit to either a standard two-family or a multi-family dwelling.~~

An **accessory dwelling unit** shall comply with the following criteria:

A. An **ADU** is only allowed on **lots** with a detached **one-family dwelling**, and only one such **ADU** is permitted per **lot**.

B. ~~A.~~ The appearance and character of the existing or proposed **ADU** shall remain single family in nature.

~~A.C.~~ The property owner must occupy either the **primaryprincipal residence** ~~dwelling unit~~ or the **ADU** as their permanent residence. A temporary leave of absence by the property owner is allowed, provided the owner-occupied unit is not rented or occupied by anyone other than the property owner during the temporary leave or absence.

Prior to the issuance of a zoning/building permit, the owner shall record in the Grafton County Registry of Deeds an acknowledgment of the above owner-occupancy requirement, in a form satisfactory to the Zoning Administrator, in order to put prospective buyers on notice of the prohibition against renting out both units.

B. The **ADU** must be located in the same **building** as the **primaryprincipal residence** ~~dwelling unit~~ unless the **lot** meets or exceeds the minimum required lot size for the respective zoning district. ~~If the **lot** meets or exceeds the required minimum lot size, the **ADU** may be located in a separate detached **structure** such as a garage or barn, provided the existing **structure** conforms with the~~

minimum required ~~yard setbacks~~requirements for the respective zoning district. An **ADU** may also be in a new **structure**.

- C. If the **ADU** is located within or by an addition to the existing ~~one~~**single-family dwelling**, an interior door shall be provided between the principal **dwelling unit** and the **ADU**.
- D. If the **ADU** is located within or by an addition to the existing ~~single~~**one-family dwelling**, the **ADU** must be connected to the same utilities (except telephone and television) as the ~~principal dwelling unit~~**existing dwelling**. ~~If the ADU is located in a detached structure, then connections to municipal utilities (i.e. municipal water/sewer) must be separate.~~

If applicable, the owner must seek a permit from the State of NH Dept. of Environmental Services Subsurface Systems Bureau, in accordance with NH RSA 485-A:38, for any increased load on an existing sewage disposal system as a result of the addition of an **ADU** to the **lot**.

- E. If the gross living area of the ~~primary~~**principal dwelling unit**~~residence~~ is 1,500 square feet or less, the gross living area of the **ADU** may be no greater than 50% of the **gross living area** of the ~~primary~~**principal dwelling unit**~~residence~~. ~~If the gross living area of the primary principal dwelling unit is greater than 1,500 square feet, but less than 3,000 square feet, the gross living area of the ADU shall not exceed 750 square feet. If the primary principal dwelling unit is greater than 3,000 square feet, the gross living area of the ADU can exceed 750 square feet provided the ADU is no greater than 25% of the gross living area of the primary principal dwelling unit.~~
- F. A detached **ADU**, if permitted under paragraph B above, shall maintain a proportional mass, size, and height to ensure it is not taller than the ~~primary principal residence building~~ on the lot. Detached ADU height shall not exceed the height of the ~~primary principal building~~**residence** as measured to the eave line, with a maximum eave height of ten (10) feet for single-story and sixteen (16) feet for two-story detached ADUs.
- G. Any necessary additional entrances or exits to the ~~primary principal residence building~~, to serve the **ADU**, shall be located to the side or rear of the **building**. All new or altered **structures**, intended to be used as an **ADU**, must be located behind the **building line** of the existing ~~primary principal residence building~~ except ~~when the~~by special exception if the Zoning Board finds that the placement of the **ADU** on the **lot** will not adversely affect the character of the neighborhood; traffic on roads and highways; safety of pedestrians, and will not create a hazard or nuisance to abutting property owners.
- H. In addition to the two (2) on-site **parking spaces** required for the ~~primary principal residence~~, one (1) additional on-site **parking space** for the **ADU** must be provided. ~~and no more than two (2) ADU on-site spaces are allowed. The additional parking space shall comply with the parking standards contained in the Zoning Ordinance and the City of Lebanon's Driveway Regulations.~~

I. ~~I.~~ An **ADU** located within the principal **building** shall have an interconnected fire alarm system.

~~A zoning/building permit application for the ADU must be approved and issued prior to its construction, and a certificate of occupancy, specifying that the dwelling unit is an ADU, must be obtained prior to its occupancy. The ADU~~

~~constructed within a primary residence shall have an interconnected fire alarm system. All ADU's shall meet all life safety and building codes.~~

SECTION 611 THE KEEPING OF CHICKENS.

[...]

The keeping of chickens shall be permitted for all **one-** and/or **two-family dwellings**, provided the following standards are met (these standards do not apply to chickens kept in the rural lands zoning districts where **agriculture** is a permitted use):

[...]

- A. A coop shall be provided ~~if chickens shall be kept outdoors~~ within a **secure enclosure**. All chickens shall be kept outdoors within the secure enclosure -at all times. The **secure enclosure** and **coop** shall be maintained in a humane and sanitary manner.

[...]

ARTICLE VIII

BOARD OF ADJUSTMENT

[...]

SECTION 802 BOARD PROCEDURES.

[...]

802.2 Hearings and Notice.

The Board shall hold a public hearing on each application.

[...]

- B. Public Notice: A public notice of the hearing shall be posted in at least two (2) public places and shall be published in a newspaper of general circulation in Lebanon not less than five (5) nor more than thirty (30) days before the date of the hearing.

[...]

APPENDIX A

DEFINITIONS

[...]

ALTERNATIVE TREATMENT CENTER: An “Alternative Treatment Center” as defined in RSA 126-X:1, I, ~~namely, a not-for-profit entity registered under RSA 126-X:7 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, and dispenses cannabis, and related supplies and education materials, to qualifying patients and~~ ***Alternative Treatment Centers.***

ALTERNATIVE TREATMENT CENTER (CULTIVATION LOCATION ONLY): ~~A and/or a~~ ***“cultivation location”*** as defined in RSA 126-X:1, IV, ~~namely, a locked and enclosed site under the control of an **Alternative Treatment Center** where cannabis is cultivated, secured with one or more locks or other security devices in accordance with RSA 126-X and the Department of Health and Human Service’s administrative rules.~~

[...]

BUILDING COVERAGE: That percentage of the lot area covered by buildings. In determining the percentage of building coverage of a lot, ~~porches or carports open at the sides but roofed, and~~ all principal and ***accessory buildings*** shall be included.

[...]

BUSINESS CENTER OR PLAZA: ~~A grouping of any commercial or industrial uses in one or more buildings, for example, retail, office, restaurant, entertainment, storage or manufacturing uses, sharing common access and parking facilities.~~

BUSINESS STORE FRONT: ~~That portion of the side of a structure occupied by a business use which faces the main street or major point of access. If the business use faces two main streets or major points of access, then said business shall be deemed to have two business store fronts. If the business use faces three or more main streets or major points of access, then said business shall designate only two faces which shall be deemed business store fronts.~~

[...]

CENTRALIZED WATER SYSTEM: ~~A water system that does not connect to the municipal water system and that is designed to serve as the water system for an entire development. Such a system shall be approved by the NHWSPCD and the City of Lebanon. Such systems, if approved, are permitted in the RL Districts only.~~

[...]

DWELLING, ONE-FAMILY: A ***dwelling with one (1) dwelling unit*** ~~detached or free-standing dwelling other than a manufactured home, designed for and occupied by one family only.~~

DWELLING, TWO-FAMILY: A ~~detached~~ ***dwelling*** ~~designed for or occupied by two families living independently of each other in individual attached~~ ***with two (2) dwelling units.***

DWELLING, MULTI-FAMILY: A dwelling ~~designed for or occupied by~~ ***with*** three ***(3)*** ~~or more families, with the number of families in residence not exceeding the number of~~ ***dwelling units*** provided.

~~**DWELLING UNIT, ONE-FAMILY ATTACHED:** A dwelling unit designed for and occupied by one family only and separated from another dwelling unit on one or two sides by a vertical party wall.~~

EXCAVATION OF NATURAL EARTH MATERIAL: The removal of natural material is the removal of loam, sand, gravel, stone or other fill material for sale in commercial quantities, or for use in another location.

[...]

~~**FLEX-BUILDING:** A building capable of adapting to use by multiple occupants and normally located in an industrial area.~~

[...]

~~**MAJOR THOROUGHFARE:** A major thoroughfare shall mean any public way which handles an average daily traffic volume greater than 750 vehicles.~~

[...]

MIXED USE: A development or ~~principle~~ principal building having two (2) or more of the uses allowed within the Zoning District in which it is located.

[...]

PARKING SPACES, OFF-STREET: For the purpose of these regulations, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Except for a *two-family dwelling* or a *one-family dwelling* with an *ADU*, rRequired off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked without moving another.

[...]

~~**REMOVAL OF NATURAL MATERIAL:** The removal of natural material is the removal of loam, sand, gravel, stone or other fill material for sale in commercial quantities, or for use in another location.~~

[...]

~~**SHOPPING MALL:** A group of stores and shops including retail office and/or restaurant/entertainment uses located along an open or enclosed pedestrian walkway sharing common access and parking facilities.~~

[...]

**Agenda
Planning Board
September 28, 2020**

**Agenda Item #6A
Approval of Minutes**

September 3, 2020

DRAFT

**Lebanon Planning Board
Special Meeting
Thursday, September 3, 2020 – 6:30 pm
Remote Via Microsoft Teams
LebanonNH.gov/Live**

ROLL CALL OF

MEMBERS PRESENT: Bruce Garland (Chair), Matthew Hall (Vice-Chair), Kathie Romano, Kim Chewning, Jeremy Rutter

MEMBERS ABSENT: Jim Winny (Council Representative), Tom Martz, Joan Monroe, Laurel Stavis, and Gregorio Amaro (Alt.)

STAFF PRESENT: David Brooks (Planning Director), Tim Corwin (Senior Planner), Brian Vincent, (City Engineer)

1 **1. CALL TO ORDER:** Chair Garland called the meeting to order at 6:30 PM.
2

3 A. Review of meeting procedures and NH RSA 91-A “Right-to-Know” requirements.
4

5 Mr. Corwin shared the State directive and participation details for the online meeting in Microsoft Teams.
6 All members identified themselves.
7

8 **2. Public Hearings-Continued from August 10, 2020:**
9

10 A. **Lebanon Housing Authority (Applicant), Bayne Stevenson (Property Owner), 258 Heater**
11 **Road (Tax Map 64, Lot 7), zoned R-O-1:** Request for Site Plan Review to construct a proposed
12 45,678 sq. ft. multi-family dwelling with 44 dwelling units, together with parking, utilities,
13 landscaping, and other related site improvements. #PB2020-21-SPR
14

15 In attendance online in support of the application:
16 Jeffrey Merritt, Granite Engineering
17 Tom Sokoloski, Certified Wetland Specialist, TES Environmental
18 Jerry Wuebbolt, Project Coordinator
19 Ditha Alonso, Executive Director, Lebanon Housing Authority
20 Attorney Greg Chakmakas
21

22 Chair Garland specified a plan for the conduct of the meeting.
23

24 Mr. Hall stated that he visited the site. His main concern relates to traffic and bus stop placement but no
25 concerns about the building based on the site visit. Chair Garland expressed concern for the wetlands, but
26 the driveway would be well away from the wetlands.
27

28 Chair Garland noted that several letters with public comment had been received, and a Letter to the Editor
29 appeared in the Valley News. One letter concerned the impact on traffic on Dartmouth Avenue, and Chair
30 Garland asked the applicant to comment.
31

32 Mr. Merritt addressed the traffic generated by the project, stating that the project is considered a low
33 generator in terms of peak hours. A substantial upgrade to the bus stop is planned to include a turnout in
34 the shoulder and a waiting area.
35

1 The Board members commented on the bus stop and location of the turnout in relation to the driveway.
2 Mr. Vincent stated that moving the bus stop one or two car lengths toward the driveway could help with
3 the bus pulling out into traffic. The intersection of Heater and Old Etna Roads was not specifically studied
4 in the applicant's trip generation memo, but other recent studies have been done for projects along Mt.
5 Support Road that did look at this intersection. The level of service at the intersection is expected to be
6 good through 2031.

7
8 Ms. Romano expressed concern over the wetness of the lot. Mr. Vincent stated that he was surprised at
9 the low depth of the water table. Mr. Sokoloski noted the good soil conditions in February for his
10 evaluation. He found the water table to be deeper than 40". The soil was well drained and there was no
11 impervious layer. The water tables were typical for that time of year.

12 Mr. Wuebbolt stated that the water on site flows to a wetland area away from the building site. Storm
13 water mitigation is planned to reduce peak runoff by creating a bio retention feature that blends into the
14 landscaping. Mr. Brooks confirmed that the wetlands higher up along Mt. Support Road drain under Mt.
15 Support Road and flow behind Dartmouth Avenue toward Densmore Pond away from the proposed site.
16 Mr. Wuebbolt also addressed the location of the heater pads within ten-foot of the building.

17
18 Mr. Merritt addressed the sidewalk plan, stating that there is already a sidewalk on Old Etna Road and a
19 full length sidewalk on the other side of the Heater Road. They are proposing a sidewalk from the
20 intersection to the site driveway and onto the property. There is a crosswalk at the intersection of Bixby
21 and Heater Road for student use.

22
23 James Scott King, 13 Old Etna Road, commented on the location of the heater pads. He lives across the
24 street and is worried about light and noise that could impact his home. Mr. Wuebbolt stated that the pad
25 location would be down in grade 3' to 4', and heat pump units are not loud. There would also be
26 shrubbery for visual and sound screening.

27
28 **A MOTION by Matthew Hall** that the Lebanon Planning Board **APPROVE** waivers for the application
29 of **Lebanon Housing Authority (applicant)** and **Bayne Stevenson (property owner)** for **258 Heater**
30 **Road (Tax Map 64, Lot 7), #PB2020-21-SPR**, from the following sections of the Site Plan Review
31 Regulations:

- 32
33 • **Partial Waiver of Section 6.2.D** – *"Landscaping around buildings shall be provided to a minimum*
34 *width of 10 feet and planted with trees, shrubs, and ground cover appropriate to the architecture*
35 *in order to buffer parking areas, define entrances, provide foundation planting, and soften large*
36 *expanses of walls or long roof lines."*
37
38 • **Partial Waiver of Section 6.5.B.4** – *"All projects proposed for development, except for those in*
39 *rural lands and heavy industrial zoning districts, shall install sidewalks along the street*
40 *frontage(s)."*

41
42 ***Seconded by Jeremy Rutter.***

43
44 ***Roll Call Vote:***

45 ***Voting in Favor – Mr. Garland, Mr. Hall, Ms. Romano, Mr. Rutter, Ms. Chewning***

46
47 ****The MOTION was approved (5-0).***

48
49 Mr. Hall stated that he appreciated the thorough renderings and responses. Ms. Romano inquired about
50 the number of ADA units, as there is a shortage of such units in the area.

1 Mr. Wuebbolt stated that they are required to provide 5% accessible units, but all units are accessible by
2 wheelchair due to wide hallways, and each unit will have sufficient access to spaces like bathrooms and
3 are adaptable.

4
5 Chair Garland closed the Public Hearing.

6
7 **A MOTION by Matthew Hall** that the Lebanon Planning Board **APPROVE** the application of
8 **Lebanon Housing Authority (applicant)** and **Bayne Stevenson (property owner)** for Site Plan Review
9 to construct a proposed 45,678 sq. ft. multi-family dwelling with 44 dwelling units, together with parking,
10 utilities, landscaping, and other related site improvements at **258 Heater Road (Tax Map 64, Lot 7)**,
11 zoned R-O-1, **#PB2020-21-SPR**, as shown on a plan set titled “Heater Landing Apartments”, Granite
12 Engineering, LLC, dated July 13, 2020, last revised July 27, 2020, Project No. 20-0127-1 (19 sheets),
13 including any and all submissions and testimony provided for and during the public hearing, with the
14 following conditions:

15
16 **Conditions to be Satisfied Prior to Application for a Building Permit**

- 17
- 18 1. The applicant shall schedule and hold a pre-building permit application meeting with the
19 Planning & Development Department, City Building Inspectors, City Engineer/Department of
20 Public Works, and Fire Department, in order to help streamline the building permit review
21 process and to review applicable code requirements.
22
 - 23 2. The applicant shall obtain approval from the City Council or the City Manager’s office for any
24 additional water and/or sewer flows in accordance with the applicable Chapter 136 and 182 of the
25 City Code.
26
 - 27 3. All engineering review fees shall be paid in full as required by Section 4.7.E.1 of the Subdivision
28 Regulations.
29
 - 30 4. All sewer and water use permit fees shall be paid as set forth in City Code Chapter 68.
31
 - 32 5. The plans shall be revised to relocate the bus pull-off closer to the access drive, to the satisfaction
33 of the City Engineer.
34

35 **Conditions to be Satisfied Prior to the Issuance of a Building Permit**

- 36
- 37 6. The City shall retain the services of an independent third-party inspector, for which the applicant
38 shall be responsible for all inspection fees related to the construction of sewer and water both on-
39 site and work within the City’s right-of-way (water, sewer, road, drainage), in accordance with
40 Chapters 136 and 182 of the City Code and Section 8.2 of the Site Plan Review Regulations. The
41 applicant shall provide funding for inspection services in a form and amount acceptable to the
42 City, and shall sign a Water & Sewer Extension and Inspection Agreement in accordance with
43 Chapters 136 and 182 of the City Code.
44
 - 45 7. The development shall be subject to City of Lebanon Impact Fees, pursuant to Section 213 of the
46 Zoning Ordinance. The Impact Fee shall be calculated at the time of Building Permit issuance
47 based on the Impact Fee Schedule adopted on August 13, 2018. In accordance with RSA 674:39,
48 the approved site plan shall be exempt from any future changes in impact fees and methodology
49 for five years from the date of approval; however, any building permits which are issued after the

end of that five-year period shall be fully subject to whatever impact fees and methodology are in effect at the time of building permit issuance.

8. All sewer connection fees shall be paid.

9. Construction or installation of any new driveway(s) shall require a Driveway Permit and Excavation Permit from the City.

10. Prior to the start of any construction activities on the property, the applicant shall obtain or update (if appropriate) any required State approvals including, but not limited to, the following:

- a) NHDES Alteration of Terrain Permit, if necessary
- b) NHDES Sewer Connection Permit, if necessary

Conditions to be Satisfied Prior to the Issuance of a Certificate of Occupancy

11. The impact fee calculated pursuant to Condition of Approval #6 shall be paid.

12. Third-party engineer or design engineer inspection reports and as-built drawings provided by the applicants (PDF format and CAD .dwg format, using the NH State Plane Coordinate System), including tie sheets, shall be reviewed and approved by the City Engineer prior to acceptance of any utility improvements by the City.

13. 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.

General Conditions

14. The applicant shall obtain an Excavation Permit from the Department of Public Works for any site work in the public right-of-way prior to any work in the right-of-way.

15. 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.

16. The applicant shall implement and maintain NHDES Site Specific Best Management Practices before, during, and after construction.

17. The property owner 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).

Seconded by Kathie Romano.

Chair Garland commented on the change in placement for the bus stop. Mr. Brooks stated that if the Board wants it to happen, it needs to be a condition, which is added above.

Mr. Hall inquired if the applicant would have to come back to the Board if the bus stop is redesigned. Mr. Vincent stated that it is to his satisfaction. He is fine with that.

Roll Call Vote:

Voting in Favor – Mr. Garland, Mr. Hall, Ms. Romano, Mr. Rutter, Ms. Chewning

1
2 **The MOTION was approved (5-0).*
3

4 **3. ADJOURNMENT:**
5

6 *A MOTION by Matthew Hall to adjourn the meeting.*
7 *Seconded by Jeremy Rutter.*
8

9 *Roll Call Vote:*

10 *Voting in Favor – Mr. Garland, Mr. Hall, Ms. Romano, Mr. Rutter, Ms. Chewning*
11

12 **The MOTION was approved (5-0).*
13

14 The meeting was adjourned at 8:04
15

16 Respectfully submitted,
17

17 Holly Howes

18 Recording Secretary

**Agenda
Planning Board
September 28, 2020**

**Agenda Item #6B
Approval of Minutes**

September 10, 2020

DRAFT

LEBANON PLANNING BOARD
Special Meeting
Thursday, September 10, 2020 – 6:30 pm
Remote Via Microsoft Teams
LebanonNH.gov/Live

ROLL CALL OF

MEMBERS PRESENT: Bruce Garland (Chair), Matthew Hall (Vice-Chair), Joan Monroe, Laurel Stavis, Kathie Romano, Kim Chewning, Jeremy Rutter, and Gregorio Amaro (Alt.)

MEMBERS ABSENT: Jim Winny (Council Representative) and Tom Martz

STAFF PRESENT: David Brooks (Planning Director), Tim Corwin (Senior Planner), Brian Vincent, (City Engineer)

1 **1. CALL TO ORDER:** Chair Garland called the meeting to order at 6:30 PM.
2

3 A. Review of meeting procedures and NH RSA 91-A “Right-to-Know” requirements.
4

5 Mr. Corwin shared the State directive and participation details for the online meeting in Microsoft Teams.
6 All members identified themselves.
7

8 Chair Garland appointed Gregorio Amaro for Tom Martz.
9

10 **2. Public Hearings - Continued from August 10, 2020:**
11

12 A. **Saxon Partners (Applicant) and Alfred P. & Lorelee S. West (Property Owners), 343**
13 **Mount Support Road (Tax Map 24, Lot 1), zoned R-1 & RL-3:** Request for Site Plan
14 Review to construct a proposed multi-family residential development consisting of 250
15 dwelling units, together with parking, utilities, landscaping, access, and other related site
16 improvements. #PB2020-11-SPR – *continued from July 13, 2020*
17

18 Don Smith of Saxon Partners, Dave Fenstermacher and Jason Plourde of VHB, and Atty. Tim Britain
19 attended online on behalf of the application.
20

21 Jeremy Rutter and Kim Chewning indicated they would abstain from any votes since they are
22 relatively new to the Board and have not been present for a large portion of this application review.
23

24 Chair Garland stated that an email with attachments that was received yesterday would not be
25 discussed at this meeting, because the substance was primarily outside the jurisdiction of the Planning
26 Board. The information pertaining to the Planning Board was already included in the agenda packet
27 for the application.
28

29 Chair Garland asked for the Saxon team to present the changes to their plan.
30

31 Dave Fenstermacher gave an overview of the changes to the plan as stated on pages 133-136 of the
32 agenda packet. The changes were prompted by the site visit and follow-up meeting, which included
33 parking, stream restoration, roadside wall height and location, tree selection for landscaping, and
34 enhancements for the wildlife corridor.
35

1 Mr. Smith confirmed that the property would be Saxon's responsibility and all improvements left
2 behind from the trailer park would be removed by over-excavating.

3
4 Timberwood Commons and Saxon Partners were given equal time for their presentation and rebuttal,
5 respectively.

6
7 Attending for Timberwood Commons: Joseph Martell of Marion Partners, Alan Saucier and Jeff
8 Goodrich of Pathways Consulting, Atty. David Grayck, Dr. Rick Van de Poll, and Dr. Erica Wygonik
9 of RSG.

10
11 The Timberwood team commented on the NH-DES letter dated September 8, 2020, the visual impact
12 of the Saxon project, wildlife and wetland impacts, and traffic impacts.

13
14 Mr. Corwin read a letter from the management group for the Altaria Apartments in Lebanon. An
15 email was received today regarding a letter to the Conservation Commission, and it is part of the
16 record.

17
18 There were no other comments from the public.

19
20 Don Smith of Saxon Partners introduced the Saxon team as outlined above. Mr. Smith detailed some
21 factual points made by Timberwood related to the size and siting of the project that were inaccurate.
22 Mr. Fenstermacher noted that Saxon has been on board with the shared expense for the combined
23 traffic impact of the Mr. Support projects. Jason Plourde gave his credentials and reiterated his
24 comments on specific traffic issues, which were discussed at previous meetings.

25
26 Mr. Smith noted that the Saxon project process started in October 2019 with a conceptual review by
27 the Planning Board.

28
29 Atty. Tim Britain noted that his office has responded to all issues in a letter dated September 1st.

30
31 The Board members directed their questions to both Saxon and Timberwood representatives.

32
33 Mr. Hall stated that specific regulations needed to be referenced in the Timberwood comments.
34 Atty. Grayck outlined a number of regulations that Timberwood believe are in contention. Mr.
35 Corwin noted that the applicant has requested several waivers and stated that Staff disagrees with the
36 contention that the applicant is not in compliance with other sections.

37
38 The Board members brought up a number of issues regarding traffic, height and size of the project,
39 removal of trees, stormwater management, and recycling. Mr. Corwin stated that Staff would research
40 best practices to create a potential condition regarding recycling. Mr. Fenstermacher confirmed that
41 the stormwater management is geared to a 100-year storm. Mr. Brooks stated that there is no issue
42 with the proposed building height relative to the zoning requirement. Both Mr. Fenstermacher and
43 Mr. Smith confirmed that the fence on the retaining wall would be more decorative and attractive. Mr.
44 Fenstermacher also confirmed that the crosswalk near the bus stop would have a flashing beacon,
45 which would improve site distance with the enhanced crosswalk.

46
47 Chair Garland noted that the State has jurisdiction over wetlands.

48
49 There was a discussion of the wildlife corridor related to the culvert under Mt. Support Rd. Mr.
50 Brooks shared comments from NH Fish & Game staff during the Timberwood review that larger
51 mammals approach Mt. Support Road where there is cover from trees, not by the wetland area. The

4'x4' culvert has always been a drainage culvert and was formerly an 18" drainage pipe. The box culvert was designed to accommodate some small mammals. The City-owned fence is there as a result of the box culvert, but perhaps the City can have a discussion regarding removal of additional sections of the fence. Dr. Van de Poll listed several smaller species that have been found to use the culvert, but agreed that larger animals will follow the tree cover to the shortest crossing distance.

Mr. Corwin explained that Section 6.2.B requires a 15' perimeter landscape buffer with specific standards. If they are using existing vegetation, they must identify what is there. The waiver is from having to identify all the trees within the 15' buffer. Mr. Fenstermacher noted that they are only counted if part of the landscape requirement. Mr. Corwin added that there could be a condition to preserve a certain area, but it would need to be specific. Mr. Vincent noted that site plan approval has a limit on clearing, and the City has the ability to control what is cut. Applicants have to file an Intent to Cut Permit if they want to do additional cutting. Mr. Brooks stated that it is typical for the Board to include a condition for inspection for site disturbance and erosion control and the area of disturbance would be reviewed.

The Board members agreed to vote on the waivers individually.

A MOTION by Matthew Hall to extend the meeting to 9:45 PM.

Seconded by Joan Monroe.

Roll Call Vote:

Voting in Favor – Mr. Hall, Ms. Chewning, Ms. Romano, Ms. Monroe, Mr. Rutter, Mr. Amaro, Mr. Garland

Voting Against – Ms. Stavis

****The MOTION was approved (7-1)***

A MOTION by Matthew Hall to APPROVE a waiver of Section 5.1.E.15 of the Site Plan Review Regulations regarding perimeter landscaping as described in the staff memo.

Seconded by Joan Monroe

Roll Call Vote:

Voting in Favor – Mr. Hall, Ms. Stavis, Mr. Amaro, Mr. Garland

Voting Against – Ms. Romano, Ms. Monroe

Abstaining – Ms. Chewning, Mr. Rutter

****The MOTION was approved (4-2-2).***

A MOTION by Matthew Hall to APPROVE a waiver of Section 6.5.B.4 of the Site Plan Review Regulations regarding sidewalk installation as described in the staff memo.

Seconded by Joan Monroe

Roll Call Vote:

Voting in Favor – Mr. Hall, Ms. Stavis, Ms. Romano, Mr. Amaro, Mr. Garland

Voting Against – Ms. Monroe

Abstaining – Ms. Chewning, Mr. Rutter

****The MOTION was approved (5-1-2).***

A MOTION by Matthew Hall to APPROVE a waiver of Section 6.5.B.5 of the Site Plan Review Regulations regarding a 50-foot turning radius as described in the staff memo.

Seconded by Joan Monroe

Roll Call Vote:

Voting in Favor – Mr. Hall, Ms. Stavis, Ms. Romano, Mr. Amaro, Mr. Garland

Voting Against – Ms. Monroe

Abstaining – Ms. Chewning, Mr. Rutter

***The MOTION was approved (5-1-2).**

Mr. Goodrich was allowed to speak but had no new facts to share.

Chair Garland closed the Public Hearing.

A MOTION by Laurel Stavis to continue the hearing of Saxon Partners (Applicant) and Alfred P. & Lorelee S. West (Property Owners), 343 Mount Support Road (Tax Map 24, Lot 1), zoned R-1 & RL-3 to Monday, September 28, 2020 at 6:30 PM.

Seconded by Joan Monroe

Roll Call Vote:

Voting in Favor – Mr. Garland, Mr. Amaro, Mr. Rutter, Ms. Monroe, Ms. Romano, Ms. Stavis, Ms. Chewning, Mr. Hall

***The MOTION was approved (8-0)**

3. Adjournment:

A MOTION by Matthew Hall to adjourn the meeting.

Seconded by Laurel Stavis.

Roll Call Vote:

Voting in Favor – Mr. Garland, Mr. Hall, Ms. Romano, Mr. Rutter, Ms. Chewning, Ms. Monroe, Ms. Stavis, Mr. Amaro

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

The meeting was adjourned at 9:39 PM.

Respectfully submitted,

Holly Howes

Recording Secretary