



**LEBANON PLANNING DEVELOPMENT  
REGULATIONS SUBCOMMITTEE  
MONDAY, JULY 7, 2025 - 5:30 PM  
MEETING ROOM 3, CITY HALL OR  
REMOTE VIA VIRTUAL PLATFORM  
LEBANONNH.GOV/LIVE**

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**1. Call to Order**

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

- To participate in this meeting, please join [live via Microsoft Teams](#) or call 929-229-5356 (access code: 235 048 586#). If you have trouble accessing this meeting, please [email Tim Corwin](#).

**2. Approval of Minutes**

- A. December 3, 2020

**3. Study Items**

- A. Review potential amendments to Site Plan Review Regulations  
B. Discussion of process for identifying and reviewing other potential amendments to Development Regulations

**4. Future Agenda Items**

**5. Adjournment**

**The order of agenda items is subject to change.**

Meetings are open for in-person and remote attendance. Members of the public who 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 disrupt virtual or phone connection(s), the meeting will continue without remote access capabilities.

Any person with a disability who wishes to attend this public meeting and needs additional accommodation, please contact the ADA coordinator at City Hall by calling 603-448-4220 at least 72 hours in advance so that the City can make any necessary arrangements.

1 **DRAFT**

2  
3 **MINUTES**  
4 **PLANNING BOARD DEVELOPMENT REGULATIONS SUBCOMMITTEE**  
5 **Thursday, December 3, 2020 – 12:30pm**  
6 **REMOTE VIA MICROSOFT TEAMS**  
7 **LebanonNH.gov/Live**  
8

9 Members Present: Matthew Hall (Chair), Kathie Romano, Joan Monroe, Jerry Rutter

10  
11 Staff present: Rebecca Owens (Associate Planner), David Brooks (Planning Director),  
12 Tim Corwin (Senior Planner)  
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14  
15 **1. CALL TO ORDER:**

16  
17 Chair Hall called the meeting to order at 12:31 pm.

18  
19 **A. Review of meeting procedures and NH RSA 91-A “Right-to-Know” requirements.**

20  
21 Ms. Owens reviewed the State directive and participation details for the online meeting in  
22 Microsoft Teams. All members identified themselves.  
23

24 **2. APPROVAL OF MINUTES:**

25  
26 **A. November 13, 2020**

27  
28 P.3, L.5 – add ‘on’ after working.  
29

30 ***A Motion by Mr. Rutter to approve the November 13, 2020 minutes as amended.***  
31 ***Seconded by Ms. Monroe.***

32  
33 ***Roll Call Vote:***

34 ***Members voting in favor included: Mr. Hall, Ms. Romano, Ms. Monroe, Mr. Rutter***  
35 ***The vote on the Motion was unanimous (4-0).***  
36

37 **3. STUDY ITEMS:**

38  
39 Agenda items were taken out of order.  
40

41 **B. Proposed amendments to the Subdivision Regulations relative to jurisdiction**  
42 **thresholds - Second Review**  
43

44 Mr. Corwin reviewed the intent of the proposed subdivision amendments, which include  
45 cleaning up the definitions of major and minor subdivisions. One goal of the amendments is  
46 to allow multi-building developments of rental housing units under single ownership, such as  
47 apartment complexes, to no longer be subject to subdivision review. Another proposed  
48 change is to no longer automatically require condominium conversions of existing buildings  
49 to go through subdivision review. Instead, Planning Board review would only be required if  
50 the Planning Director determines that the nature of the use will be materially altered by the  
51 conversion.  
52

53 Mr. Rutter asked why the proposed amendment to Section 6.2.A does not specify particular  
54 zoning districts. Mr. Corwin indicated the section relates to individual subdivision uses,

1 which are allowed in a variety of different zoning districts. Ms. Romano asked for clarification  
2 of the impacts of the proposed amendment and whether certain projects would have been  
3 allowed to bypass subdivision review. Mr. Corwin confirmed that a project such as 401 Mt.  
4 Support Road would no longer be subject to subdivision review. However, he noted that the  
5 corresponding amendments proposed in the Site Plan Regulations (see agenda item 3C)  
6 would ensure that a project such as 401 Mt. Support Road would now be required to provide  
7 the impact statements and other information that are currently only called for in the  
8 Subdivision Regulations.

9  
10 Mr. Rutter asked about the term “reasonable time” in Section 6.3 and whether it needs a  
11 definition. Mr. Corwin suggested that a definition or clarifying language would be  
12 appropriate. Mr. Hall suggested the staff work on clarifying language and bring it back to the  
13 full Board.

14  
15 Mr. Rutter asked about the wording of the definitions of Major and Minor Subdivision in  
16 Section 5. He suggested that the final clauses of each definition be reworded for clarity. Ms.  
17 Monroe supported changes to avoid or remove vagueness and confusion. She also  
18 expressed concern about the growing ‘wordiness’ of the City’s regulations and felt the  
19 regulations should be clear and capable of being interpreted by anyone, not just lawyers and  
20 experienced developers.

21  
22 Ms. Romano expressed concern that owners of larger properties might be subject to a less  
23 rigorous review. Mr. Hall suggested that the subcommittee consider the site plan  
24 amendments in agenda item 3C concurrently with the subdivision amendments since they  
25 are so interrelated.

26  
27 **C. Proposed amendments to the Site Plan Review Regulations relative to multi-family**  
28 **residential developments - Second Review**  
29

30 Mr. Corwin explained the intent of the proposed amendments is to add requirements for  
31 additional information into the Site Plan Regulations to ensure a thorough review for projects  
32 that would no longer be subject to subdivision review. Mr. Hall noted that the subcommittee  
33 previously questioned where to set the threshold that triggers the additional information.

34  
35 Mr. Brooks noted that the current proposal sets a threshold of 50 units, which is based on  
36 the fact that the City currently has more than 7000 housing units. Ms. Monroe noted that any  
37 given threshold might be appropriate in certain areas of the City, but not in others, and the  
38 Board needs the flexibility to make those determinations.

39  
40 Mr. Rutter offered clarifications to the proposed language of Section 5.2.D to minimize  
41 vagueness. He also recommended using consistent terminology relative to ‘scattered or  
42 premature’ development throughout the regulations. Ms. Monroe noted that Section 5.2.D  
43 provides the Board with the flexibility she feels is essential.

44  
45 Ms. Romano expressed concern that a threshold of 50 units was too high in Section 5.1.G.4.  
46 She felt there could be smaller projects that should still be thoroughly reviewed. Mr. Hall  
47 noted that requiring developments to provide this additional information adds costs that  
48 usually get added to the cost of housing, which is a community-wide concern. Ms. Romano  
49 noted that even a 20-unit development represents a substantial change to any given  
50 neighborhood.

51  
52 Mr. Hall suggested that the proposed language should next be reviewed by the full Board.  
53 Ms. Romano asked for past examples of smaller development projects for comparison to the

proposed threshold. Mr. Brooks confirmed that applications that fall below the threshold would not be entirely exempt from Site Plan Review, they would only be exempt from providing the additional impact statements. Mr. Rutter agreed that the impact statements generally apply to very large projects and he is comfortable with having the full Board review and decide the threshold issue. Ms. Monroe noted that the Board still has flexibility to require any study or information necessary for an adequate review. Ms. Romano suggested that the staff be prepared to describe how the proposed amendments would have impacted several recent applications.

**A. Proposed amendments to the Site Plan Review Regulations relative to Minor Site Plans - First Review**

Mr. Hall provided an overview of the intended purpose of creating a minor site plan review process. He noted that many communities around the state have a simpler, more flexible process for smaller projects, but all of them are different. He summarized his conversations with planners in other communities about their regulations and their experiences with the process. He noted one of the benefits was to give an indication to property owners or developers that the community is trying to streamline the process for smaller and simpler projects. One potential downside is that it might not be utilized very often. In any case, all applicants still need to comply with all applicable requirements.

Mr. Corwin began to review some of the proposed amendments needed to effectuate a minor site plan process. He noted the City could actually end up reviewing more developments, by capturing projects that fall below the current thresholds for site plan review. The proposal includes raising the threshold for triggering full Board review, but lowering the threshold for triggering review by a new minor site plan review committee.

Ms. Romano asked about reconstruction of principal buildings versus substantial renovation of existing structures. Mr. Brooks gave examples of the McDonalds and Burger King sites on Route 12A that were completely torn down and redeveloped as projects that triggered Planning Board review. He noted that a complete rehabilitation of an existing structure would not necessarily trigger site plan review.

Mr. Hall recommended that the minor site plan regulations of some other communities be provided to the subcommittee prior to the next meeting for comparison.

**4. FUTURE AGENDA ITEMS:**

**A. None**

**5. ADJOURNMENT:**

The Committee agreed to hold its next meeting at 12:30 pm on Friday, December 18, 2020.

***A Motion by Ms. Monroe to adjourn the meeting.  
Seconded by Ms. Romano.***

***Roll Call Vote:***

***Members voting in favor included: Mr. Hall, Ms. Romano, Ms. Monroe, Mr. Rutter  
The vote on the Motion was unanimous (4-0).***

The meeting was adjourned at 1:57 pm

### **Subdivision Regulations 14.4.C**

#### **14.4 Issuance of Building Permits and Certificates of Occupancy**

[...]

C. No building permit(s) shall be issued for the final fifty percent (50%) of lots or units in the subdivision, until all improvements required by the Board including, but not limited to, wastewater, water, power, streets and sidewalks have been fully completed by the Applicant and inspected and approved by the City.

*This item has been waived twice in recent memory, and may be at odds with modern building techniques (it may be much cheaper, for instance, to pour all foundations or slabs at once, and may make sense to do this before the completion of roads).*

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### **Subdivision Regulations 9.5.C.2 and 13.4.A**

#### **9.5 Submission Requirements**

A complete application for Minor Subdivision approval shall include the items listed in Section 7.7 of these Regulations as well as the following:

[...]

C. The following supporting documents and information:

[...]

2. Soil Tests: Where private individual wastewater systems are proposed, the Applicant shall perform soil tests complying with requirements of Section 13.4 of these Regulations. For all proposed lots less than five (5) acres in size, the Applicant shall have a soil investigation made and a report prepared to establish the existence of at least 4,000 square feet of contiguous area meeting New Hampshire Department of Environmental Services (NHDES) requirements. NHDES approval of all subdivision lots less than five (5) acres in size shall be obtained and a copy of such approval shall be provided to the Board prior to the recording of the approved plat. The soil maps and information shall be in accordance with the most current USDA Natural Resource Conservation Service County Soil Maps. Maps prepared by field investigation shall be stamped by a **Certified Soil Scientist**. All costs of preparing soil data shall be borne by the Applicant.

### **13.4 Lots/Lot Area/On-Site Septic System Requirements**

A. Lot Sizes and Areas. The minimum lot size for each lot shall be in conformity with the Zoning Ordinance. In addition, where there is to be an on-site subsurface sewage disposal system, additional area may be required based on the following:

1. For each lot in the proposed subdivision requiring a subsurface sewage disposal system, soil data shall be provided using Site Specific Soil Maps for New Hampshire and Vermont SSSNNE Special Publication No. 3, June, 1997.

2. The tests and soil mapping for required soil information shall be performed by a **certified soil scientist**.

3. The report of the **certified soil scientist** shall establish that there is at least 4,000 square feet of contiguous area suitable for the placement of an individual sewage disposal system on each lot.

4. In the case of a subdivision resulting in the creation of lots in excess of five (5) acres, the subdivider may request a waiver under Section 13.19 from the requirements of the investigation and report as to soil data.

*Recently an applicant requested to have maps certified by a NH permitted septic designer rather than a certified soil scientist, which may have been more in line with NH regulations. Perhaps the option should be included in our regulation.*

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### **Subdivision Regulations 13.8.A.1**

#### **13.8 Utilities**

A. Water:

1. In any subdivision requiring on-lot water source, the subdivider shall demonstrate to the satisfaction of the Board that each lot can be served by an on-lot water source in sufficient quality and quantity.

*It may be appropriate to add a waiver to this section for >5-acre RL-zoned lots, as it was conveyed to the Board at a recent meeting that demonstrating such is tantamount to demonstrating that water is wet.*

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### **Site Plan Review Regulations 4.10.B**

## **Section 4.10 – Expiration of Site Plan Approval**

B. Notwithstanding paragraph A above, the Board may grant an extension of **up to two (2) additional years** beyond the original expiration date. A request for such an extension must be submitted by the Applicant to the Planning and Development Department prior to such expiration date, and requests for extension of the site plan approval received after the expiration date will not be considered by the Board. An extension may be granted only after a public hearing with notice as provided in Section 4.8 of these Regulations.

*Recently the Board heard an appeal for a second extension request for a developer who was granted one year's extension and subsequently asked for the second year in a separate request. The regulation should delete the words "up to" and only grant two year extensions to avoid future conflicts.*

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## **Site Plan Review Regulations 6.5.E and 6.2.E**

### **6.2 Landscaping Standards**

[...]

#### **6.2.E Landscaping of Parking Areas**

To moderate summer temperatures due to heated pavement, minimize the visual effects of parking areas, provide separated space for pedestrians to walk through parking lots, and support on-site stormwater management, parking lots shall be dispersed by landscaped beds and integrated with pedestrian access, as follows...

*Parts of this subsection and 6.5.E (below) may require specific carve-outs or differing standards more appropriate to vehicle sales inventory storage and display (i.e., "outdoor showrooms"). The goals of reducing summer temperatures, minimizing visual effects, pedestrian safety, and stormwater management are still relevant for these outdoor showrooms, but the reduction of pedestrian traffic to employees and employee-attended customers may make more relaxed standards for these areas appropriate. Language explicitly explaining that the regulations return to effect in change-of-use scenarios (in which these outdoor showrooms revert to typical parking lots) should be included in any revisions.*

### **6.5 Coordination of Roads, Parking, Loading, Recreation, and Safety**

[...]

#### **6.5.E Parking and Loading Areas**

*Parts of this subsection may require specific carve-outs for vehicle sales inventory storage. It may be simplest to add a section 6.5.E.10 outlining that the Board may choose to modify specific*

*requirements, such as parking space size (6.5.E.3), aisle width (6.5.E.4), number and orientation of aisles (6.5.E.8), electric vehicle charging requirements (6.5.E.9 and [forthcoming]), in the case of vehicle sales inventory storage and display (“outdoor showrooms”), as above for 6.2.E.*

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### **Rules of Procedure**

*Although the appeals process is governed by state statute and case law, it has been suggested that outlining the appeals process in the Planning Board’s Rules of Procedure might be appropriate. If so, this may be a job for counsel and/or a request to the NHMA for specific, accurate language.*