



**LEBANON PLANNING BOARD
JUNE 28, 2021 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

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

2. Public Hearing Items

- A. **Joshua Patch (applicant) and Patch Forest, LLC, 0 Barden Hill Road (Tax Map 167, Lot 20), zoned RL-2:** The applicant has submitted a building permit (BP2021-286) to construct a one-family dwelling on the subject lot which is currently vacant and is accessed by a Class VI highway. Applicant requests review and comment by the Planning Board per RSA 674:41, I(c)(1), which permits the City Council to issue building permits for the erection of buildings on lots accessed by a Class VI highway, following review and comment by the Planning Board, and subject to the requirements of RSA 674:41, I (2) and (3).

B.

AMENDMENTS TO THE SITE PLAN REVIEW AND SUBDIVISION

REGULATIONS: The Lebanon Planning Board will be conducting a public hearing for the purpose of receiving public input and taking action on proposed amendments to the Site Plan Regulations, Article II (Definitions), Section 1.6 (Compliance), Section 4.3.1 (Consultation with City Staff), Section 4.7 (Review for Complete Application), Section 5.1 (Drawings and Other Submittals), Section 6.1 (General Requirements), Section 6.2 (Landscaping Standards), Section 6.3 (Utilities and Fire Protection), Section 6.5 (Coordination of Roads, Parking, Loading, Recreation, and Safety); and to the Subdivision Regulations, Section 3 (Compliance), Section 7 (Planning Board Procedures), Section 10 (Major Subdivision) and Section 13 (Design Standards). Copies of the proposed amendments are available for review at the Planning and Development Department and will also be made available online at the City's Web site.

3. Study Items

- A. Proposed amendments to the Site Plan Review Regulations creating a minor Site Plan Review process and Minor Site Plan Committee

4. Other Business

- A. Review and Adoption of Proposed Revisions to the Rules of Procedure for the Planning Board

5. Committee Reports

- A. **Planning Board Subcommittees:**
 - Planning Board Capital Improvement Program (VACANT/VACANT/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. **Other Subcommittees:**
 - City Council Representative (D. Whittlesey/K. Liot Hill)
 - Heritage Commission (J. Rutter)
 - Pedestrian & Bicyclist Advisory Committee (G. Amaro)
 - Upper Valley Lake Sunapee Regional Planning Commission (B. Garland/L. Stavis)
 - UV SubCommittee of the Connecticut River Joint Commissions (B. Garland)
 - Upper Valley Transportation Management Association (VACANT)
 - Mascoma River Local Advisory Committee (K. Romano)
 - Steering Committee for the Implementation of the Master Plan (B. Garland/K. Chewning /VACANT/J. Monroe)
 - West Lebanon Revitalization Advisory Committee (L. Stavis)
 - Planning & Development Department – Task Status (D. Brooks/ M. Goodwin/T. Corwin/R. Owens)

6. Approval of Minutes

- A. None

7. Adjournment

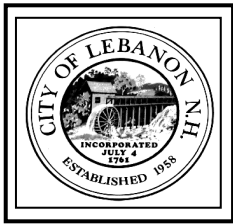
The order of agenda items is subject to change.

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 visit LebanonNH.gov/Live for full details.

**Agenda
Planning Board
June 28, 2021**

**Agenda Item #2A
Public Hearing Items**

**Joshua Patch (applicant) and
Patch Forest, LLC,
0 Barden Hill Road
(Tax Map 167, Lot 20),
zoned RL-2**



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Planning Board

FROM: Planning and Development Department Staff

RE: Joshua Patch/Patch Forest, LLC, 0 Barden Hill Road (Tax Map 167, Lot 20)
Review and Comment on Building Permit Application per RSA 674:41, I(c)
June 28, 2021 Planning Board Meeting – *Agenda Item 2.A*

DATE: June 22, 2021

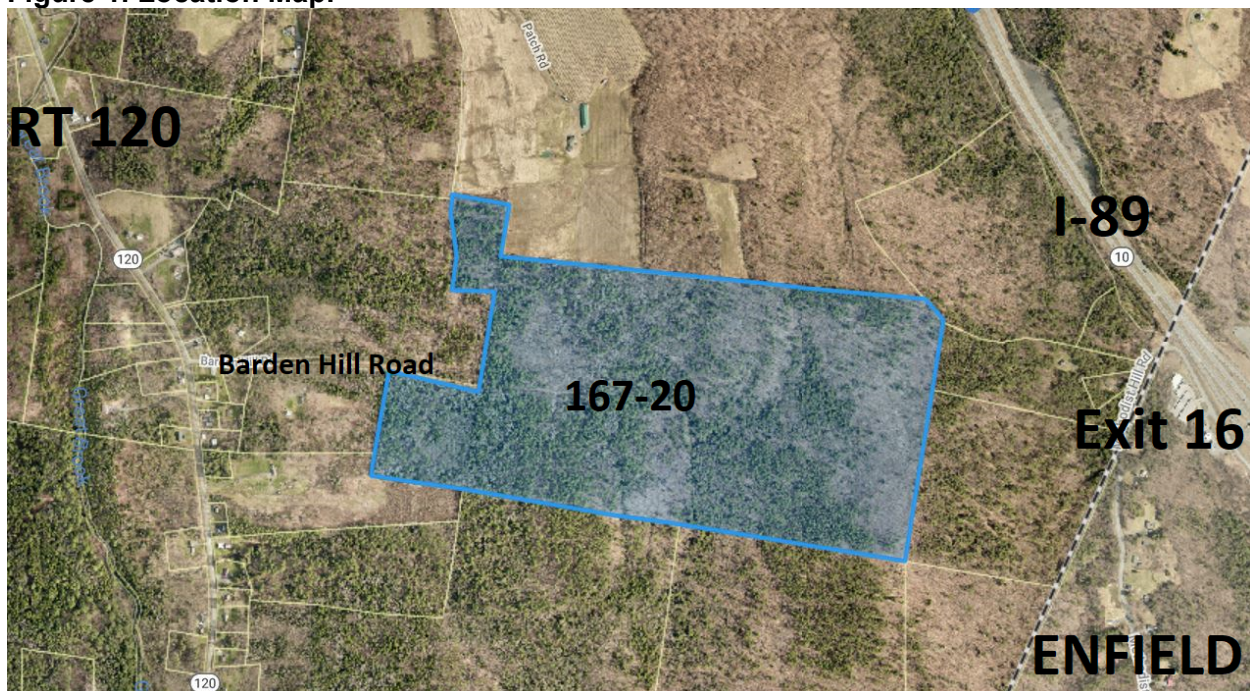
LEGAL NOTICE

Joshua Patch (applicant) and Patch Forest, LLC, 0 Barden Hill Road (Tax Map 167, Lot 20), zoned RL-2: The applicant has submitted a building permit (BP2021-286) to construct a one-family dwelling on the subject lot which is currently vacant and is accessed by a Class VI highway. Applicant requests review and comment by the Planning Board per RSA 674:41, I(c)(1), which permits the City Council to issue building permits for the erection of buildings on lots accessed by a Class VI highway, following review and comment by the Planning Board, and subject to the requirements of RSA 674:41, I(2) and (3).

BACKGROUND

Patch Forest, LLC, is the owner of 0 Barden Hill Road (Tax Map 167, Lot 20), a +/-170 acre property that is currently vacant (shown in blue in Figure 1).

Figure 1. Location Map.



STAFF MEMORANDUM

0 Barden Hill Rd (Tax Map 167, Lot 20)

Agenda Item 2.A

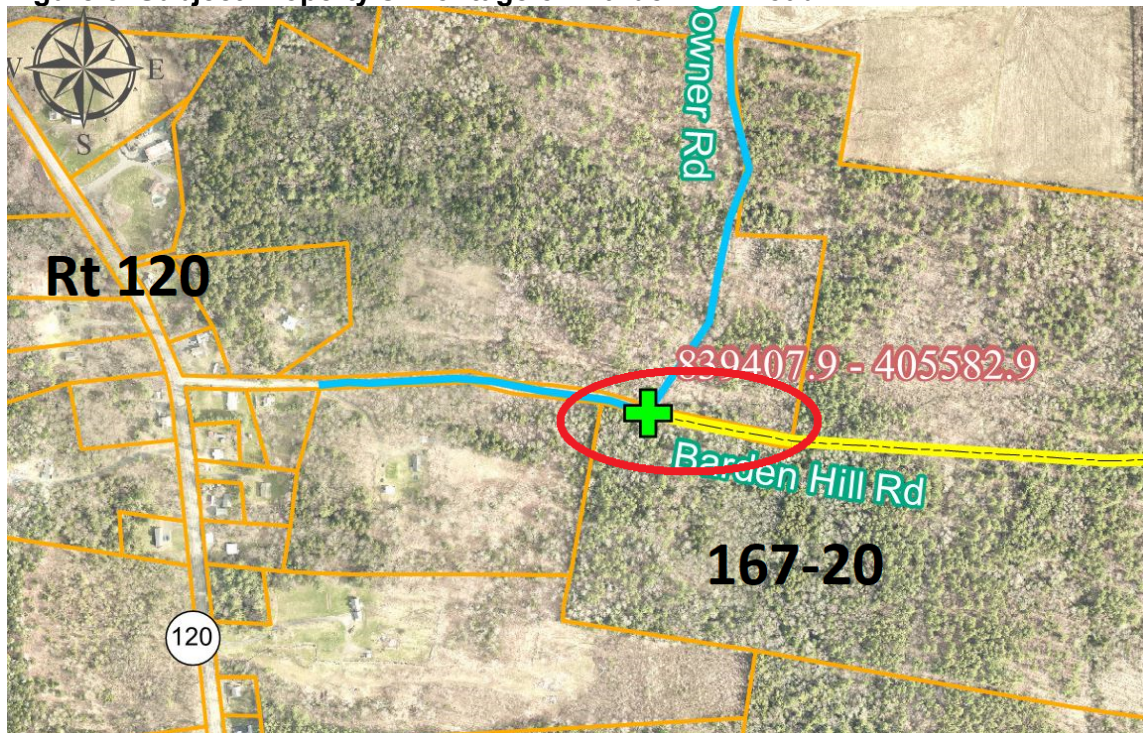
June 28, 2021 Planning Board Mtg

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Figure 2. Class VI Section of Barden Hill Road (looking west from the intersection with Downer Road).



Figure 3. Subject Property's Frontage on Barden Hill Road.



Barden Hill Road extends eastward from NH Route 120 (Meriden Road) approximately 500 ft. at which point it becomes a Class VI road. A photo of the Class VI portion of Barden Hill Road is included above as Figure 2. The Class VI section of Barden Hill Road is approximately 1,200 feet and becomes a Class A trail at its intersection with Downer Road (another Class VI road). The point at which Barden Hill Road becomes a Class A trail is marked with a green cross in Figure 3 above. The property has frontage of approximately 700 feet on Barden Hill Road (circled in red in Figure 3 above), only a portion of which is frontage on the Class VI section Barden Hill Road.

PROPOSAL

The applicant has submitted a building permit application to construct a one-family dwelling on the property. As shown in Figure 4 (which is a graphic that the applicant provided to staff), the applicant proposes to extend a driveway approximately from the intersection of Barden Hill Road and Downer Road, at the tail end of the Class VI portion of Barden Hill Road before it becomes a Class A trail. (Note that, per the applicant, the dark orange line in the graphic represents the proposed power line). A copy of the applicant's building permit application is attached.

Figure 4. Applicants' Proposed Driveway.



NH RSA 674:41

Class VI roads are described in *A Hard Road to Travel*, published by the New Hampshire Municipal Association, as follows:

Although neither the state nor its political subdivisions are required to maintain them, Class VI highways are public roads. They must be open for public travel to the same extent as any other public highway, they are subject to all the same

regulation by the [...] legislative body, and the public may perform work on the highway only with permission from the [legislative body] or road agent. [...] The real difference between a Class VI highway and Class V highway is that municipalities have no obligation to maintain, repair, plow or do other ordinary work on a Class VI highway. [...] Despite this difference, it is important to remember that Class VI highways are still *public highways*.

A Hard Road to Travel, New Hampshire Municipal Association, 2015, p. 161.

Per RSA 674:41, I(c), the City Council may authorize the issuance of a building permit for construction on a lot having frontage on a Class VI road, provided that:

1. [The Planning Board provides review and comment]; and
2. The municipality neither assumes responsibility for maintenance of said class VI highway nor liability for any damages resulting from the use thereof; and
3. Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds[.]

As recommended in *A Hard Road to Travel*, the statutory notice that is required to be recorded (which will be prepared by staff and the City's legal counsel if the City Council authorizes the issuance of the building permit) should include the following:

- Landowner's name and contact information.
- Description of the property.
- Location of owner's deed at the registry of deeds.
- Road's name.
- Road's status as a Class VI highway.
- Circumstances surrounding road's classification [...]
- Details regarding the issued building permit and its location on file.
- [A] statement that the municipality has no legal duty to maintain (for example, plowing, grading, drainage, etc.) the highway or any liability for damages resulting from road use. Further, the notice should provide that municipal services (for example, police, fire, ambulance, school bus transportation, etc.) may be unavailable at times.
- The owner agrees to these limitations of town responsibility and liability, and the owner is responsible for any road maintenance and repair work. [...]
- The road is a public highway, and the owner shall not prohibit authorized public use. [...]

A Hard Road to Travel, New Hampshire Municipal Association, 2015, p. 165-166.

STAFF COMMENTS

Per RSA 674:41, I(c)(1), the Planning Board must "review and comment" on the proposed construction prior to the City Council voting on whether to approve the issuance of the building permit. A public hearing before the City Council is scheduled for August 18, 2021.

STAFF MEMORANDUM

0 Barden Hill Rd (Tax Map 167, Lot 20)

Agenda Item 2.A

June 28, 2021 Planning Board Mtg

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Following a site visit to inspect Barden Hill Road scheduled for Thursday, June 24th, staff will develop proposed recommendations for the Planning Board and City Council's consideration and will provide those at or before the public hearing on June 28th.

Note that the City Council was last asked to authorize a building permit under 674:41, I(c) in the year 2000, when there happened to be two such requests at the same time: one for a lot on Chelsea Circle Extension and another for a lot on Alden Road. Following extensive discussion at both the Planning Board and the City Council, the requests for both building permit applications were approved. Upon request, staff can provide information about these applications including meeting minutes and application materials.

Attachments

cc: Joshua Patch/Patch Forest, LLC
Paula Maville, Deputy City Manager
Brian Vincent, PE, City Engineer
Duane Egner, Fire Inspector
Lt. Tim Cohen, Police Department

City of Lebanon,
New Hampshire



Building/Zoning Permit
Application Form

Property Owner (Owner of Record): PATCH FOREST LLC Tel.#: 603 296 5782
Mailing Address of Owner: 40 PATCH ROAD LEBANON NH 03766 Fax #:
Email: joshuaspatch@gmail.com barkmattpatch@gmail.com
CONTACT PERSON FOR PROJECT: JOSHUA PATCH Tel.#: 603 296 5782
Mailing Address: 40 Patch Road Lebanon NH 03766 Fax #:
Email: joshuaspatch@gmail.com

1. Project Location:

City Tax Map: <u>167-21</u>	Lot: <u>20</u>	Plot:	Zoning District: <u>RL2</u>
Location (Physical Address of Project): <u>BARDEN HILL ROAD</u>			

2. Project Description:

Describe the nature of work proposed, in detail:

Single family home and garage

Cost of Project Construction: \$ 150,000

3. Type of Occupancy: (check as appropriate)

Existing	☒ Vacant Lot	☐ One Family	☐ Two Family	☐ Multi Family	☐ Commercial	☐ Industrial
Proposed		☒ One Family	☐ Two Family	☐ Multi Family	☐ Commercial	☐ Industrial

For Commercial or Industrial:

Specific Type of Use (for example: retail, office, industrial, etc.):

Name of Commercial/Industrial Tenant (if known):

THE UNDERSIGNED OWNER HEREBY REQUESTS A BUILDING/ZONING PERMIT FOR THE ABOVE USE, TO BE ISSUED ON THE BASIS OF THE REPRESENTATIONS CONTAINED HEREIN, INCLUDING ALL NECESSARY SUPPORT STATEMENTS. PERMIT IS VOID IN THE EVENT OF MISREPRESENTATION AND/OR NOT BEING IN COMPLIANCE WITH THE BUILDING CODE, ZONING ORDINANCE, SITE PLAN REVIEW/SUBDIVISION REGULATIONS (IF APPLICABLE) AND OTHER APPLICABLE STATE AND CITY LAWS AND REGULATIONS. CONSTRUCTION IS NOT AUTHORIZED UNTIL PERMIT IS ISSUED.

Property Owner Signature: [Signature] / Member of Patch FOREST LLC Date: 12/17/20

IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING STATEMENT AND SIGN BELOW. I hereby designate the individual listed as contact person for project as my agent for the purpose of procuring the necessary local permits for the proposed work as described herein. Representations made by my agent may be accepted as though made by me personally, and I understand that I am bound by any official decision made on the basis of such representation.

Property Owner Signature: _____ Date: _____

FOR OFFICE USE ONLY

APPROVED - ZONING ADMINISTRATOR: _____ DATE: _____

APPROVED - BUILDING OFFICIAL: _____ DATE: _____

Received <u>5-18-21</u>	File# <u>167-20</u>	Permit# <u>2021-286</u>	Issued
Const. Cost \$ <u>150,000</u>	Permit Fee \$ <u>1024</u>	Voucher#	Date Paid

(Copy provided to Assessing Dept. on _____)

286

City of Lebanon,
New Hampshire

Building/Zoning Permit
Support Statement

Property Owner: Patch Forest LLC
Location (street address of project): Barber Hill Road

1. If this is an interior renovation only. If yes, check here and complete #3 through #7.

2. Lot Dimensions:

Lot Frontage on Street (In Feet):	Lot Size (Acres or Square Feet):	Percentage of Lot Area Covered by Buildings:
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Setbacks: Building Distances From Property Lines (Site Plan also required.)

*Front yard setback: <u>> 600 ft</u>	Rear yard setback: <u>> 3000 ft</u>	Side yard setback: <u>> 120 ft</u> (right side) <u>none</u>	Side yard setback: <u>> 600 ft</u> (left side) <u>none</u>
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* Front yard means the portion or portions of the lot that face a street (note: corner lots have two front yards).

3. Site Information: Is this site located in the . (Check as appropriate. If you're not sure, ask.)

Flood Plain District: YES <u> </u> NO <u>X</u>	Lebanon's Historic District: YES <u> </u> NO <u>X</u>	NH Protected Shoreland: YES <u> </u> NO <u>X</u>	Wetlands Conservation District: YES <u> </u> NO <u>X</u>	Riverbank Protection: YES <u> </u> NO <u>X</u>
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4. Building Information: Square Footage of Structural Areas

Basement Existing: <u> </u> New: <u>650</u> Total: <u>650</u>	First Floor Existing: <u>0</u> New: <u>1280</u> Total: <u>1280</u>	Second Floor Existing: <u>0</u> New: <u>896</u> Total: <u>896</u>	Third Floor Existing: <u>0</u> New: <u>0</u> Total: <u>0</u>	Deck(s) Existing: <u>0</u> New: <u>354</u> Total: <u>354</u>	Shed(s)/Garage(s) Existing: <u>0</u> New: <u>800</u> Total: <u>800</u>	Building Height Existing: <u>0</u> New: <u>32</u> Total: <u>32</u>
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5. Property Serviced By (Complete all that apply):

City Water YES <u> </u> NO <u>X</u>	City Sewer YES <u> </u> NO <u>X</u>	Private Well YES <u>X</u> NO <u> </u>	Private On-Site Septic YES <u>X</u> NO <u> </u>
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If a private on-site Septic System is being installed, please provide the State of NH DES Approval for Construction #: in progress

6. Airport Information:

Is the site located in the Airport Protection District? YES <u> </u> NO <u>X</u> If YES, provide sketch with latitude/longitude and height of bldg above ground	Will there be radio frequency generation of any kind? YES <u> </u> NO <u>X</u> If YES, attach information describing the frequency/ies and any Effective Radiated Power (ERP)
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7. Contractor Information:

GENERAL CONTRACTOR Name: <u>Jeff Curtis</u> Address: <u> </u> Contact: <u> </u> Phone: <u>802 356 5645</u> Fax: <u> </u> Email: <u>JC-builder1983@yahoo.com</u> Are you an EPA Certified Renovator? Yes <u> </u> No <u> </u> If yes, provide # <u> </u>	ELECTRICIAN Name: <u>Gabe Brehio</u> Address: <u>160 Gee Rd</u> <u>Lempster NH 03605</u> License: <u>13091 m</u> Phone: <u>603 504 2469</u> Fax: <u> </u> Email: <u>Brehioelectric@yahoo.com</u>	PLUMBER / GAS FITTER Name: <u>Shawn Sleeper</u> Address: <u>98 Burbee Hill Rd</u> <u>Grantham NH 03753</u> P-License: <u>4466</u> G-License: <u>69080</u> Phone: <u>603 359 3825</u> Fax: <u> </u> Email: <u> </u>
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(For office use only) Permit#

CITY OF LEBANON - BUILDING PERMIT APPLICATION
SUPPORT STATEMENT FOR ELECTRICAL PERMIT

1. Property Owner: PATCH FOREST LLC Tel.# 603 296 5782

2. Project Location:

Tax Map: <u>167</u>	Lot: <u>20</u>	Plot:	Zoning District: <u>RL2</u>
Location (Physical Address): <u>Barden Hill Road</u>			

3. Electrical Service Information

Complete the Following for ALL Electrical Projects:

Capacity: (Amps):	Class of Use: ☒ Residential ☐ Commercial ☐ Industrial
Service Voltage: ☒ <u>240/120</u> ☐ 208/120 ☐ 480/277	Other: _____
Number of Meters: <u>1</u>	
National Grid Sequence (job) Number if Applicable: _____	
Please Note: <u>You must Contact National Grid For Sequence Number Prior to Service Work.</u> <u>Call 800-322-3223 x54020. Ask for a Service Request.</u>	

4. Electrical Project details: ☒ (Check All That Apply)

☒ New Service ☐ Upgrade Service ☐ Modification to Existing Service			
Project Includes: ☒			
☐ Branch Circuits	☐ UPS/Inverter	☒ Well Pump	☐ Site Lighting
☐ Feeders	☐ Transformer	☐ Out Building	☐ Illuminated Sign
☐ Sub Panels	☐ Generator	☐ Solar System	☐ Swimming Pool
Wiring Method: ☒ NM (rx) ☐ MC ☐ AC(bx) ☐ EMT ☐ RNC (pvc) ☐ RMC (rigid)			
Description:			

5. Electrical Contractor Information:

Company: <u>Brehio Electric</u>	Contact Person: <u>Gabe Brehio</u>
NH License #: <u>13091m</u>	Phone #: <u>603 504 2469</u>
E-Mail: <u>brehioelectric</u> @ <u>yqhoo.com</u>	

FOR OFFICE USE ONLY

File# _____ Permit# _____ Date Service Energized: _____



Lebanon Fire Department

12 South Park Street
Lebanon, NH 03766

Phone: 603-448-8810
Fax: 603-448-8811
Email: Fire@lebcity.com

Application for Fire Code Permit (Please Print or Type)

Property Owner: PATCH FOREST LLC Phone: 603 296 5782
Address: 40 PATCH ROAD, Lebanon, NH 03766

Contact Person for Project: Josh Patch
Submitting Contractor: Josh Patch
Mailing Address: 40 PATCH ROAD LEBANON NH 03766
Phone: 603 296 5782 Fax: _____
Email Address: JOSHUA.PATCH@gmail.com

Project Location:

Tax Map: 167 Tax Lot: 20 Tax Plot: _____
Location (Physical Address): Barden Hill Road

Permit Code(s) (From following pages): ~~105.7.8~~
(Example: 105.6.28 LP-gas Operational Permit)

Description of Activity:

House with No gas on-site

Signature of Applicant: [Signature] Date: 12/17/20

FOR OFFICE USE ONLY

APPROVED - FIRE PREVENTION: _____ DATE: _____
INSPECTED - FIRE PREVENTION: _____ DATE: _____

Received:	File #:	Permit #:	Issued:
Fire Dept Fee(s) \$:	Statement Mailed:	Voucher #	Date Paid:

**CITY OF LEBANON - BUILDING PERMIT PROCEDURE
RESIDENTIAL ONE AND TWO FAMILY HOMES
NEW CONSTRUCTION**

All of the following information must be completed, filed with the Codes Department, reviewed and approved, prior to issuance of any residential building permit. All information submitted will be reviewed by the Codes Department, and any other department deemed necessary for approval of this project. **NOTE: ALLOW AT LEAST FOURTEEN (14) DAYS FOR THESE PLANS TO BE REVIEWED.**

1. A completed Building/Zoning Permit application (signed by the property owner) accompanied by all supporting documentation as listed in the APPLICATION PACKET CONTENTS sheet, and including:
 - a. Site Plan. This is a plot plan (aerial view) of the lot, to scale, showing proposed and existing structure(s). Please show the distance from the structure(s) to each property line.
 - b. 3 complete sets of building plans and specifications (and one digital copy) to include: a list of all materials to be used in the construction. Examples: horizontal span of floor joists, roof rafters, and ceiling joists, bedroom window sizes to meet emergency escape requirements, handrails and guard rails, insulations and R-Value, foundation drainage, etc.
 - c. Completed application for a Driveway Permit. This application will be forwarded to the Public Works Department, Engineering.
 - d. Completed application for an Excavation Permit. This application must be completed only if a portion of the project entails digging into a City street, or sidewalk, etc. This application is done through the Public Works Department, Engineering, 448-0674.
2. When the above has been completed, submitted and approved, please pay all applicable fees, to include: Sewer and Water; Building Permit Fee \$1023.75

AT THIS TIME, A BUILDING PERMIT WILL BE ISSUED.

PLEASE NOTE: If your project involves installation of utility poles within the City right-of-way, it is necessary to obtain a pole license from the Lebanon City Council. Please contact Granite State Electric at 1-800-468-6473 to make a service request and begin this process as soon as possible.

- CONTINUED ON REVERSE -

PLEASE NOTE: You may be required to file an Intent to Cut with the City Assessor's office if you are cutting trees on this property, depending on the quantity and size of the trees cut. Please call the Assessor's Office at 448-1499 to determine if you need to file.

When construction **BEGINS**, the following code compliance inspections must be done by a City Inspector, and **MUST BE REQUESTED AT LEAST 24 HOURS IN ADVANCE!**

1. Foundation footings, forms and reinforcements if applicable. Lot pins must be in place at this inspection to assure the setback requirements are met. If the pins are not there or the setbacks can not be verified, the construction will not be approved or allowed to continue. **DO NOT POUR CONCRETE UNTIL THE ABOVE HAS BEEN APPROVED!**
2. Foundation insulation, waterproofing and drainage, prior to back-filling.
3. The Fire Department must inspect the installation of all under-ground fuel tanks and piping prior to back-filling.
4. Structural rough frame, electrical and plumbing prior to covering.
5. Final Inspection, to include plumbing, heating, electrical, and any other code issue or miscellaneous item as applicable to the project. **WE WOULD APPRECIATE THIS BEING SCHEDULED AT LEAST 4 OR 5 DAYS IN ADVANCE.** The owner/applicant may request a Certificate of Occupancy after this inspection.

A building or structure shall not be used or occupied in whole or in part, until a CERTIFICATE OF OCCUPANCY has been issued.

If you have a septic system on your property, an Approval for Operation for that system must be received from the State of New Hampshire, Department of Environmental Services, before a Certificate of Occupancy may be issued.

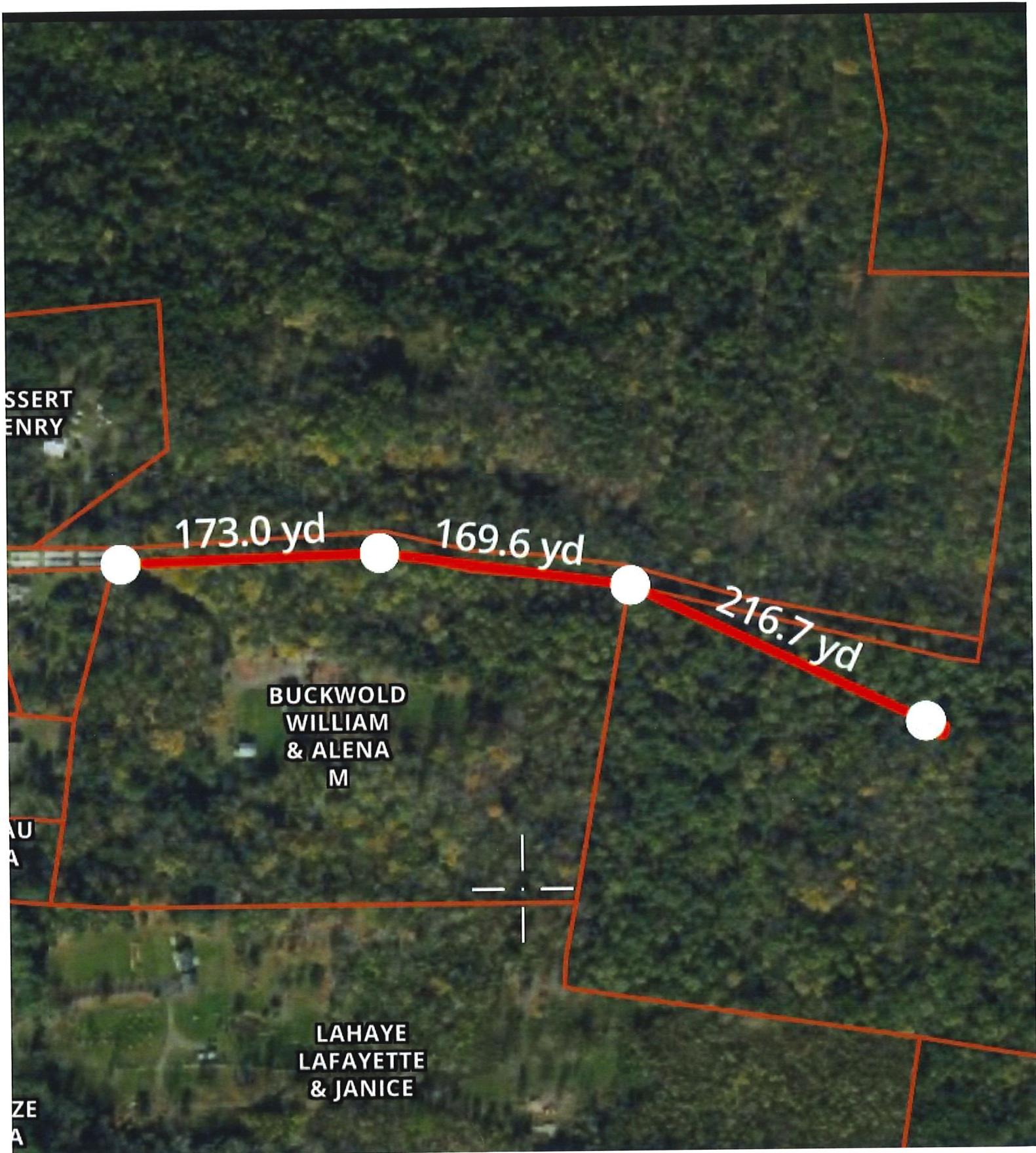
If you have any questions, or wish to phone any of the above mentioned departments please call:

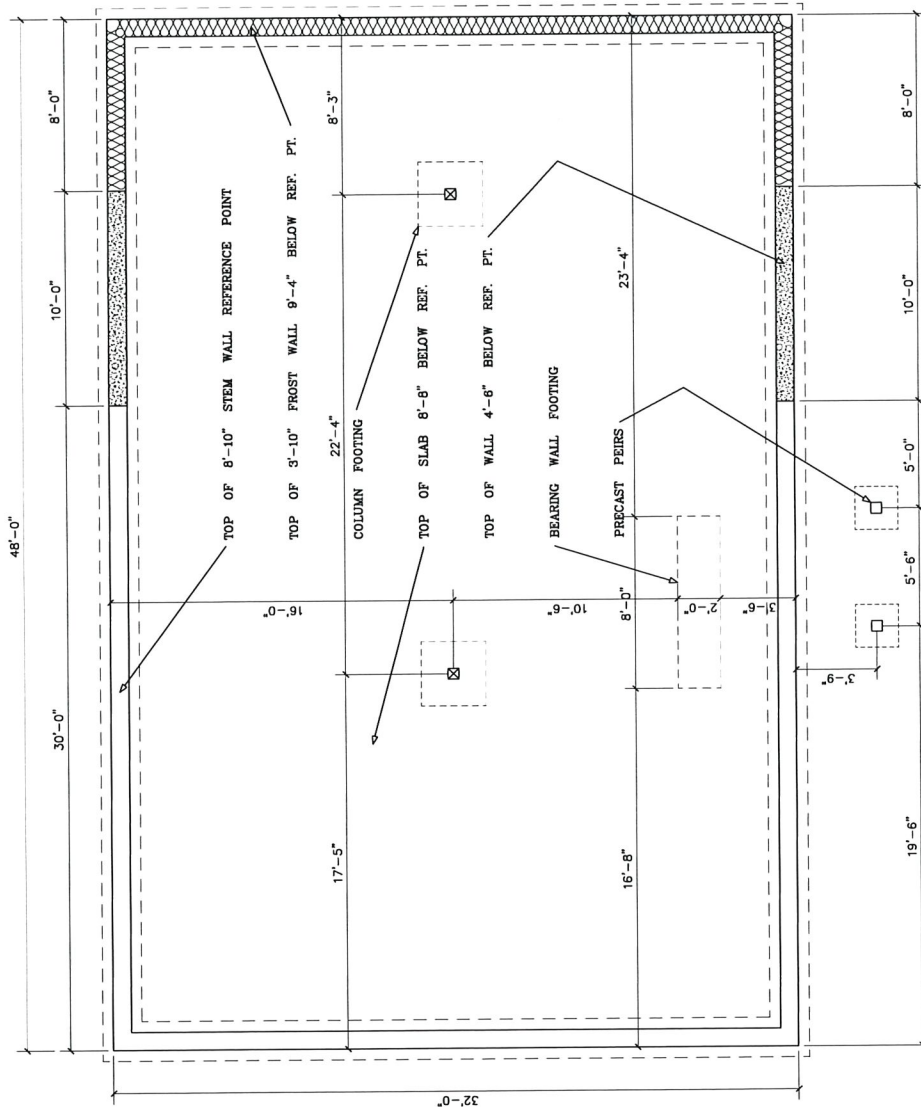
Department of Public Works	448-3112	DPW, Engineering	448-0674
Water and Sewer Billing	448-1569	Fire Department	448-8810
Inspection & Zoning (Codes)	448-1524		

PLEASE NOTE: Applications must be signed by the property owner.

I have read and understand the information above.

Signature:  / Member Patrick
FOREST LLC Date: 12/17/20





FOUNDATION PLAN

E. P. DESIGN L.L.C.

EUGENEPERRON@YAHOO.COM

PO BOX 686

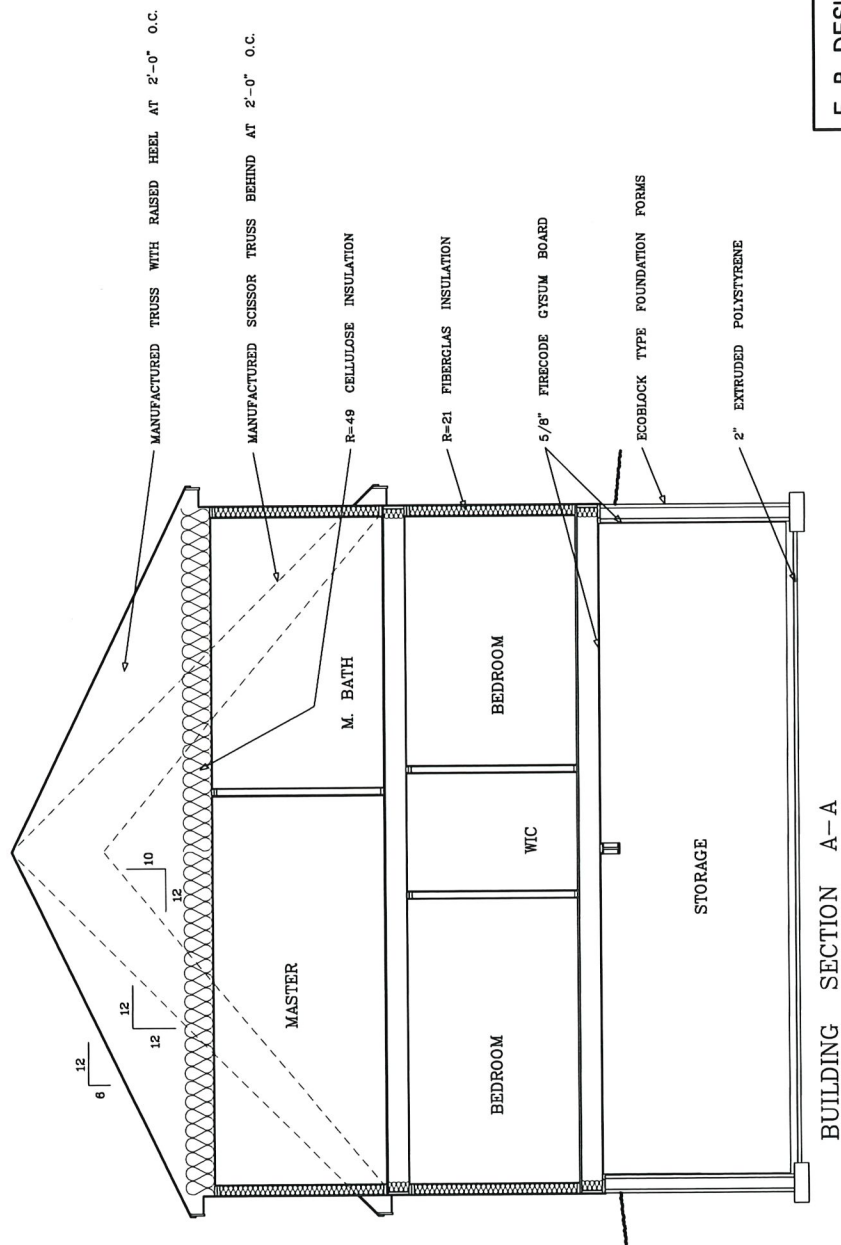
QUECHEE VT.

802-295-3336

JOSH PATCH

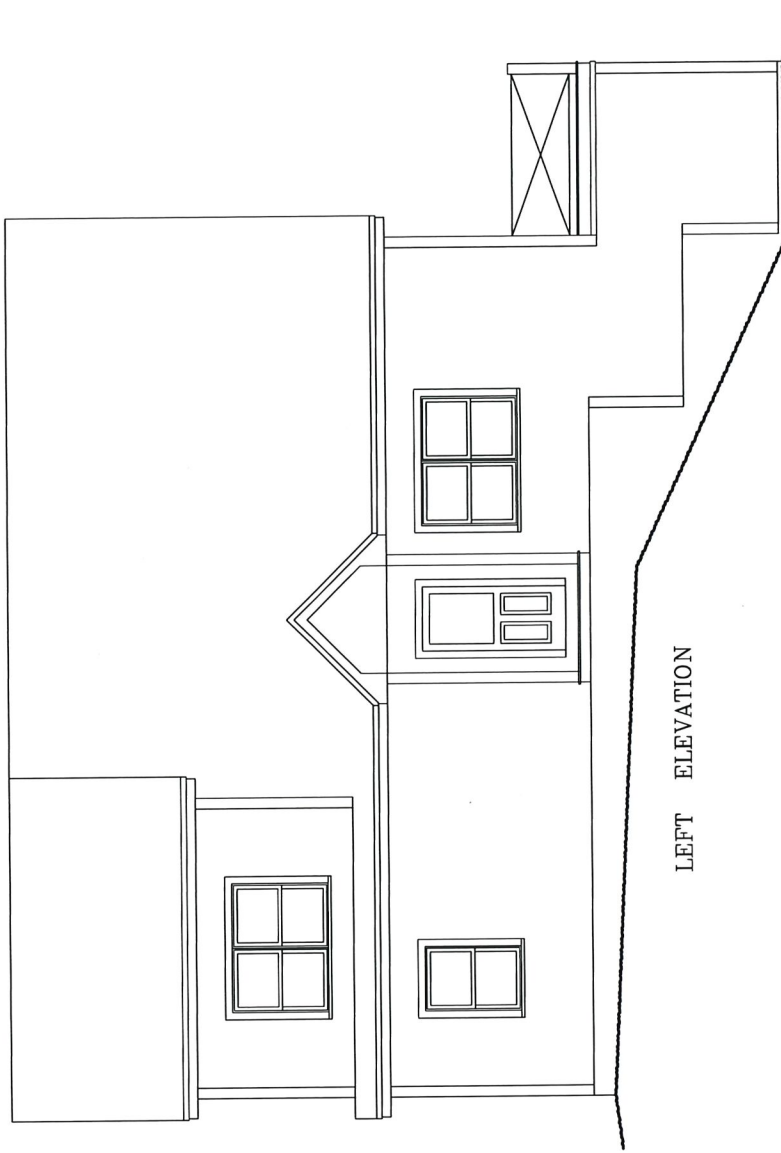
LEBANON NEW HAMPSHIRE

1/4"=1'-0" APRIL 26 2021

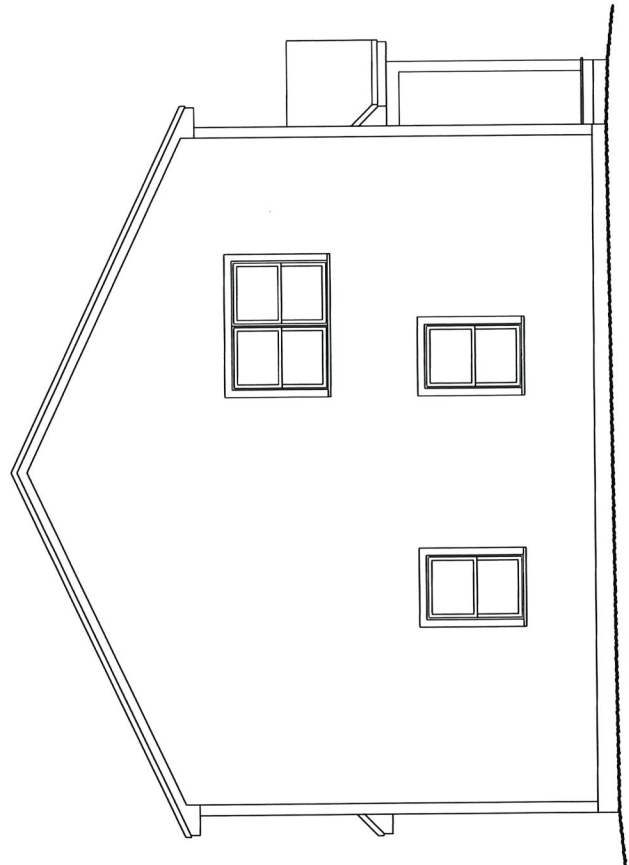


BUILDING SECTION A-A

E. P. DESIGN L.L.C.	JOSH PATCH
EUGENEPERRON@YAHOO.COM	
PO BOX 686	LEBANON NEW HAMPSHIRE
QUECHEE VT.	1/4"=1'-0" APRIL 26 2021
802-295-3336	

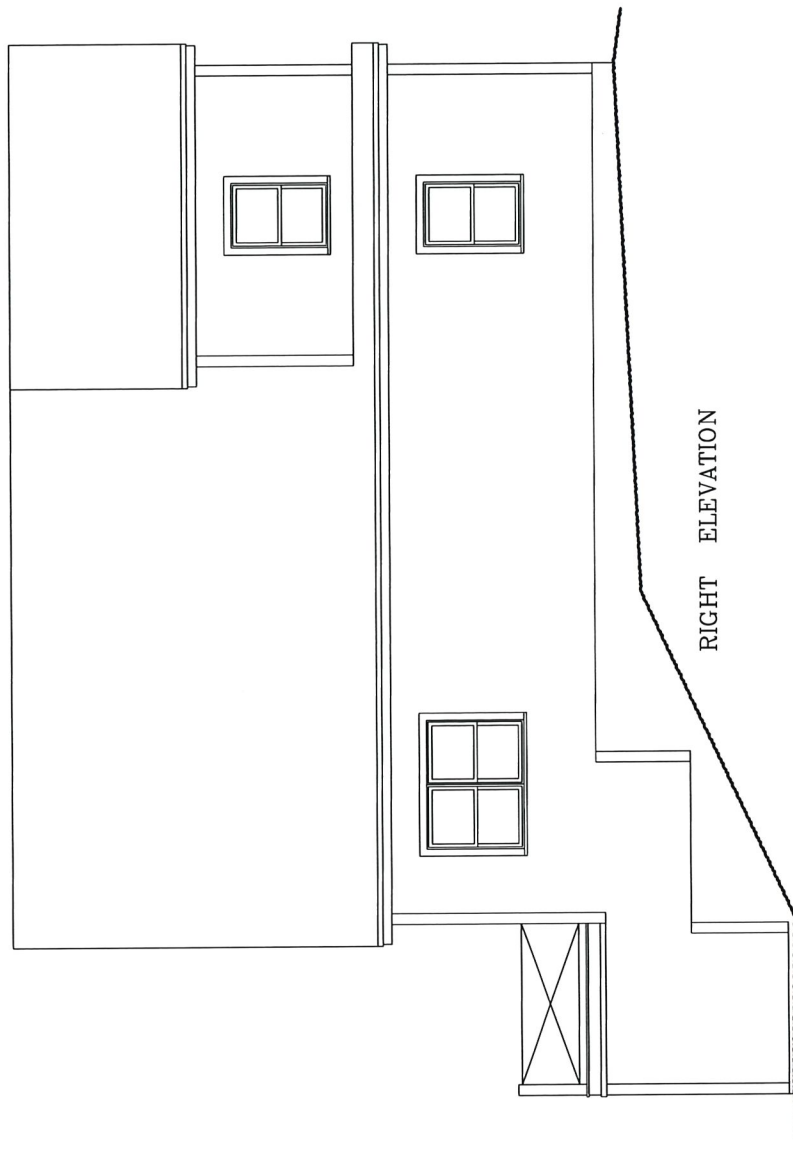


LEFT ELEVATION

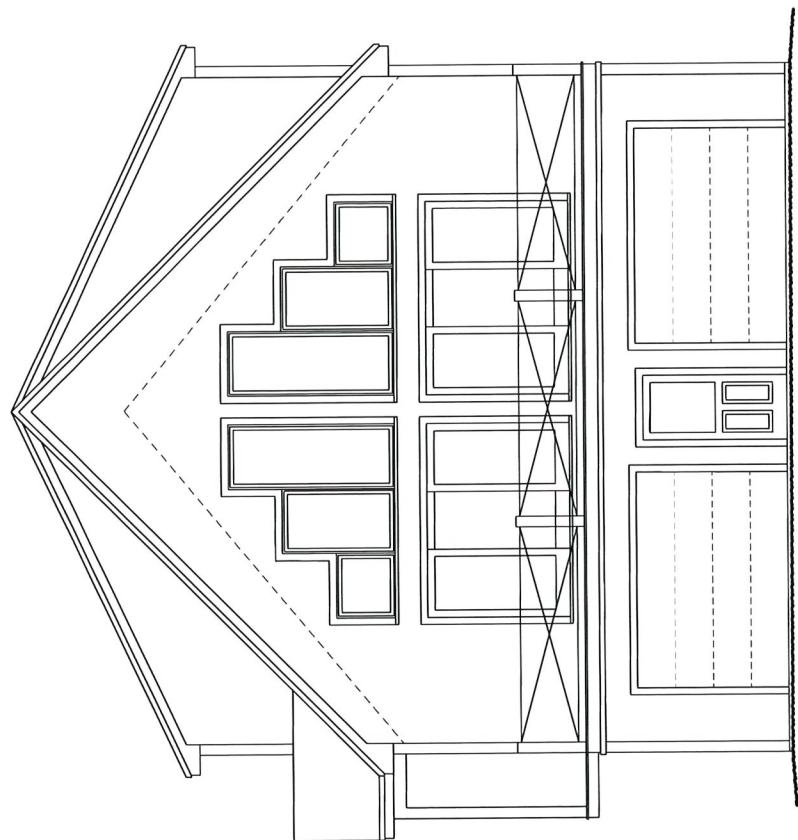


REAR ELEVATION

E. P. DESIGN L.L.C. EUGENEPERRON@YAHOO.COM	JOSH PATCH
PO BOX 686 QUECHEE VT.	LEBANON NEW HAMPSHIRE
802-296-3336	1/4"=1'-0" APRIL 26 2021

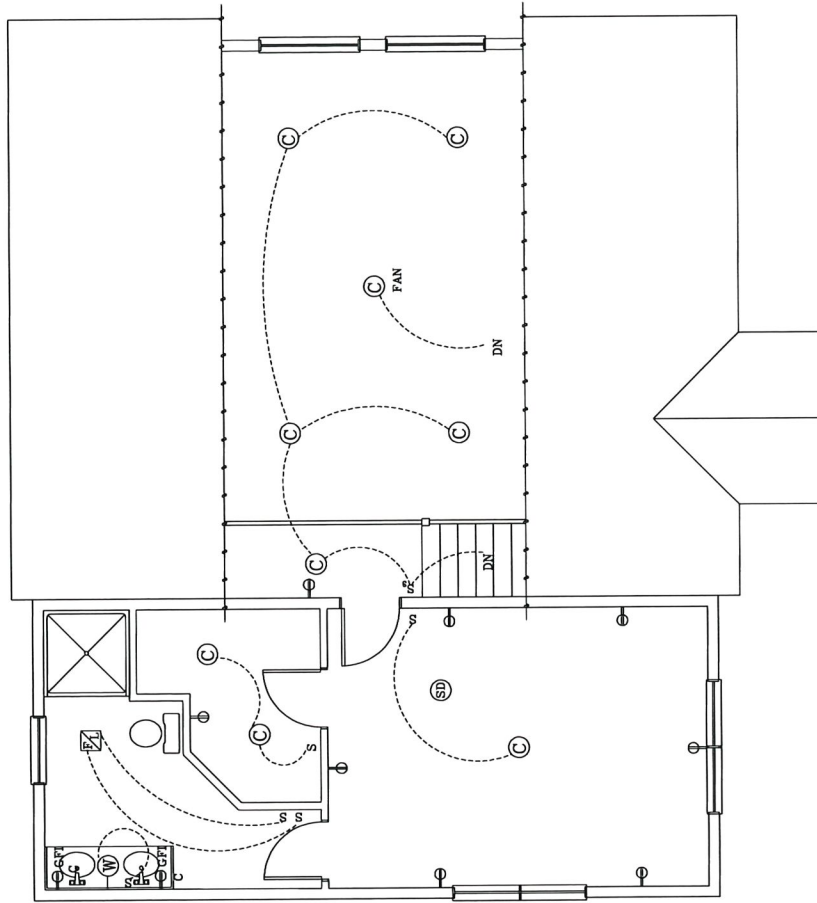


RIGHT ELEVATION



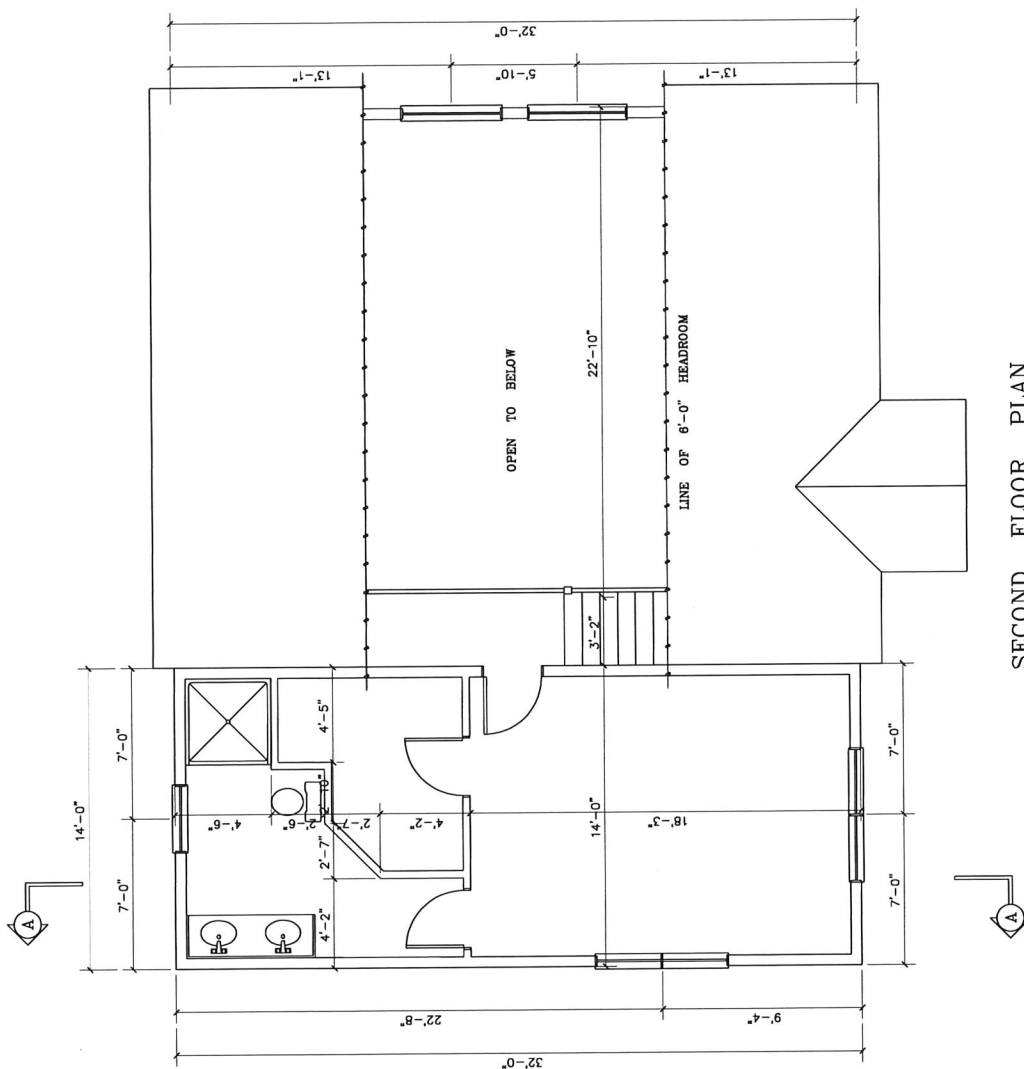
FRONT ELEVATION

E. P. DESIGN L.L.C.	JOSH PATCH
EUGENEPERRON@YAHOO.COM	LEBANON NEW HAMPSHIRE
PO BOX 686	1/4"=1'-0" APRIL 26 2021
QUECHEE VT.	
802-295-3336	



SECOND FLOOR ELECTRICAL PLAN

E. P. DESIGN L.L.C. EUGENEPERRON@YAHOO.COM PO BOX 686 QUECHEE VT. 802-295-3336	JOSH PATCH LEBANON NEW HAMPSHIRE 1/4"-1'-0" APRIL 26 2021
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E. P. DESIGN L.L.C.

EUGENEPERRON@YAHOO.COM

PO BOX 686

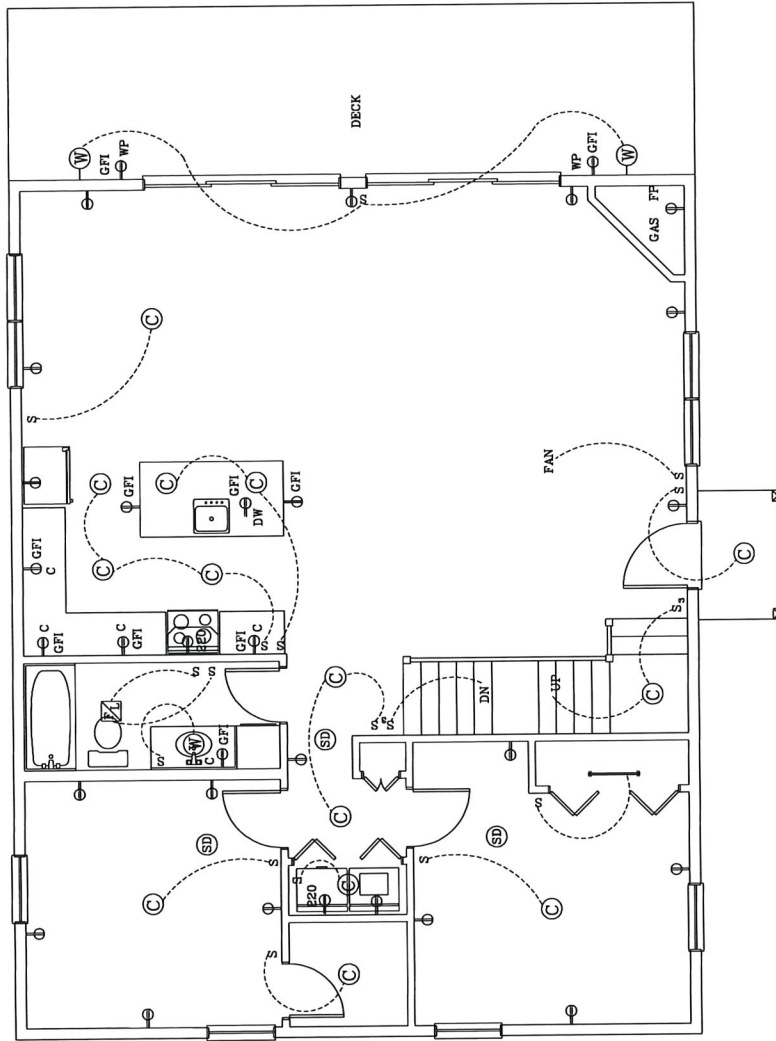
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JOSH PATCH

LEBANON NEW HAMPSHIRE

1/4"=1'-0" APRIL 26 2021

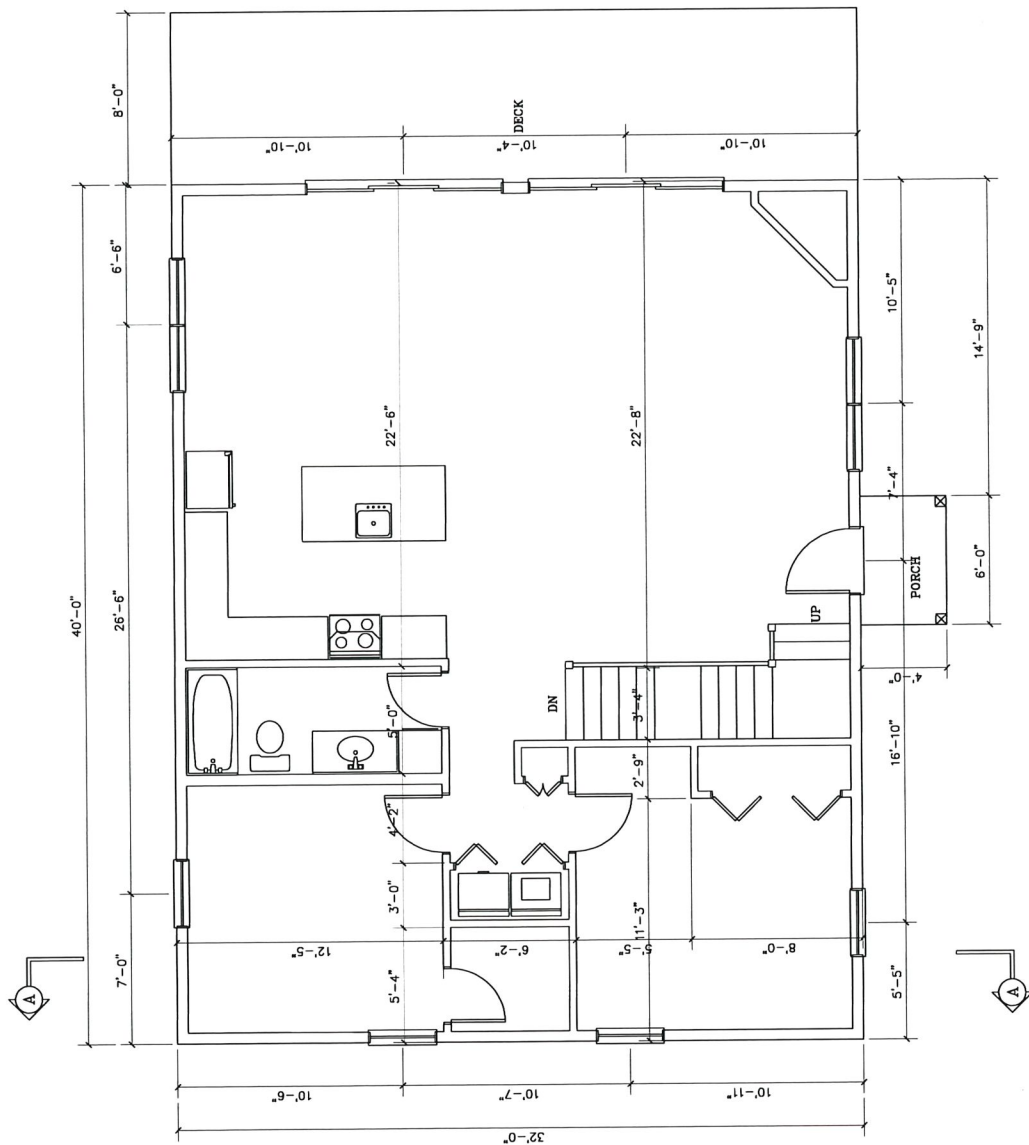


FIRST FLOOR ELECTRICAL PLAN

E. P. DESIGN L.L.C.
 EUGENEFERRON@YAHOO.COM
 PO BOX 686
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JOSH PATCH

LEBANON NEW HAMPSHIRE
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JOSH PATCH

LEBANON NEW HAMPSHIRE

1/4"=1'-0" APRIL 26 2021

4:44

LTE



ON  HUNT



WHITMAN
S L & C S
TTEES

TAFE
LAURA &
MICHAEL

DOUGLAS &
CHARLENE
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OSWORTH
A REALTY
TRUST

MORSE
TIMOTHY
J TTEE

DESSERT
HENRY

BUCKWOLD
WILLIAM
& ALENA
M

LAHAYE
LAFAYETTE
& JANICE

TEVENS J T
TRUSTEE

TUCKER
HELEN

120

1000 ft

43.61198, -72.21506
Elevation 1219 ft



Map Layers



Offline Maps



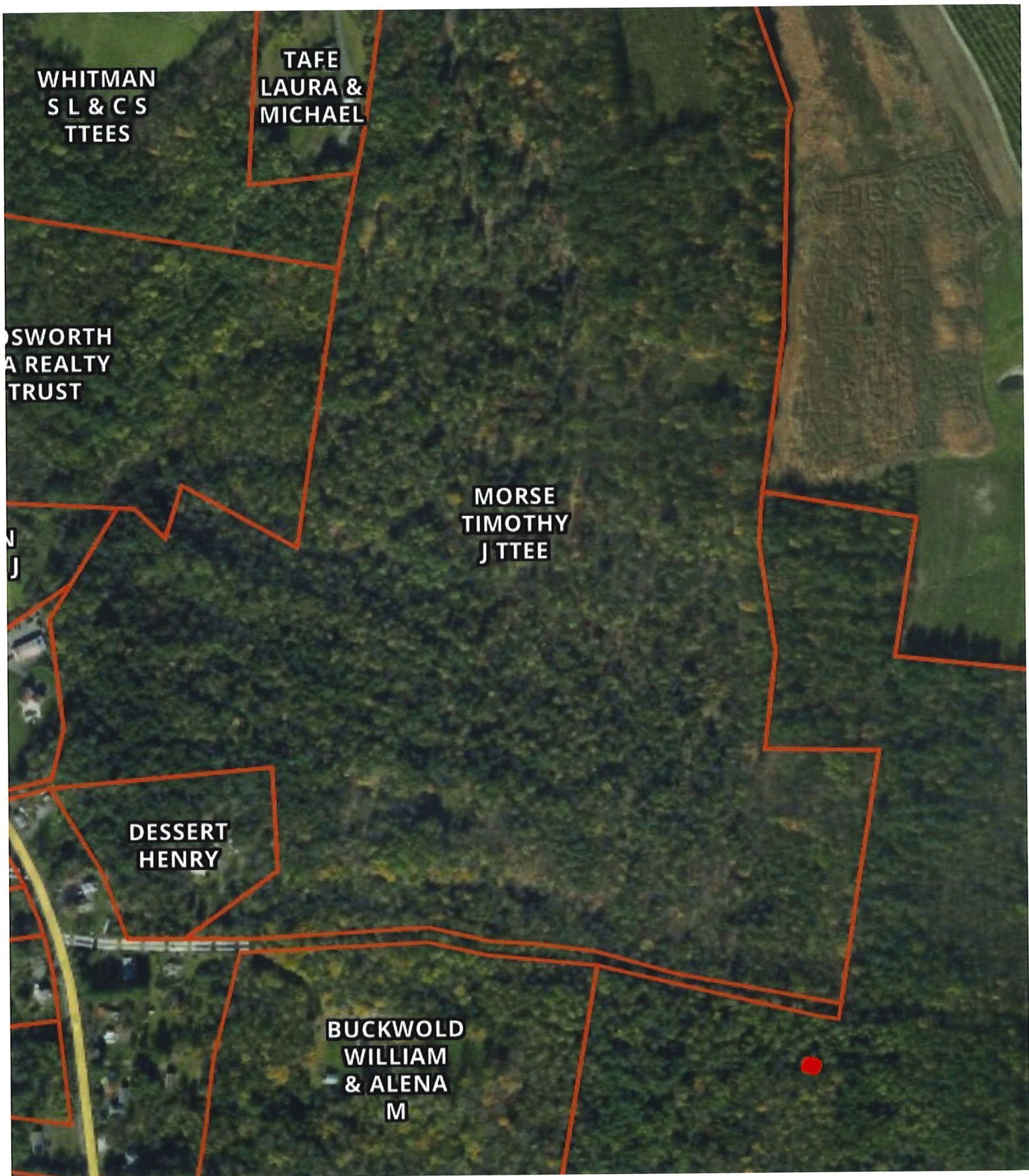
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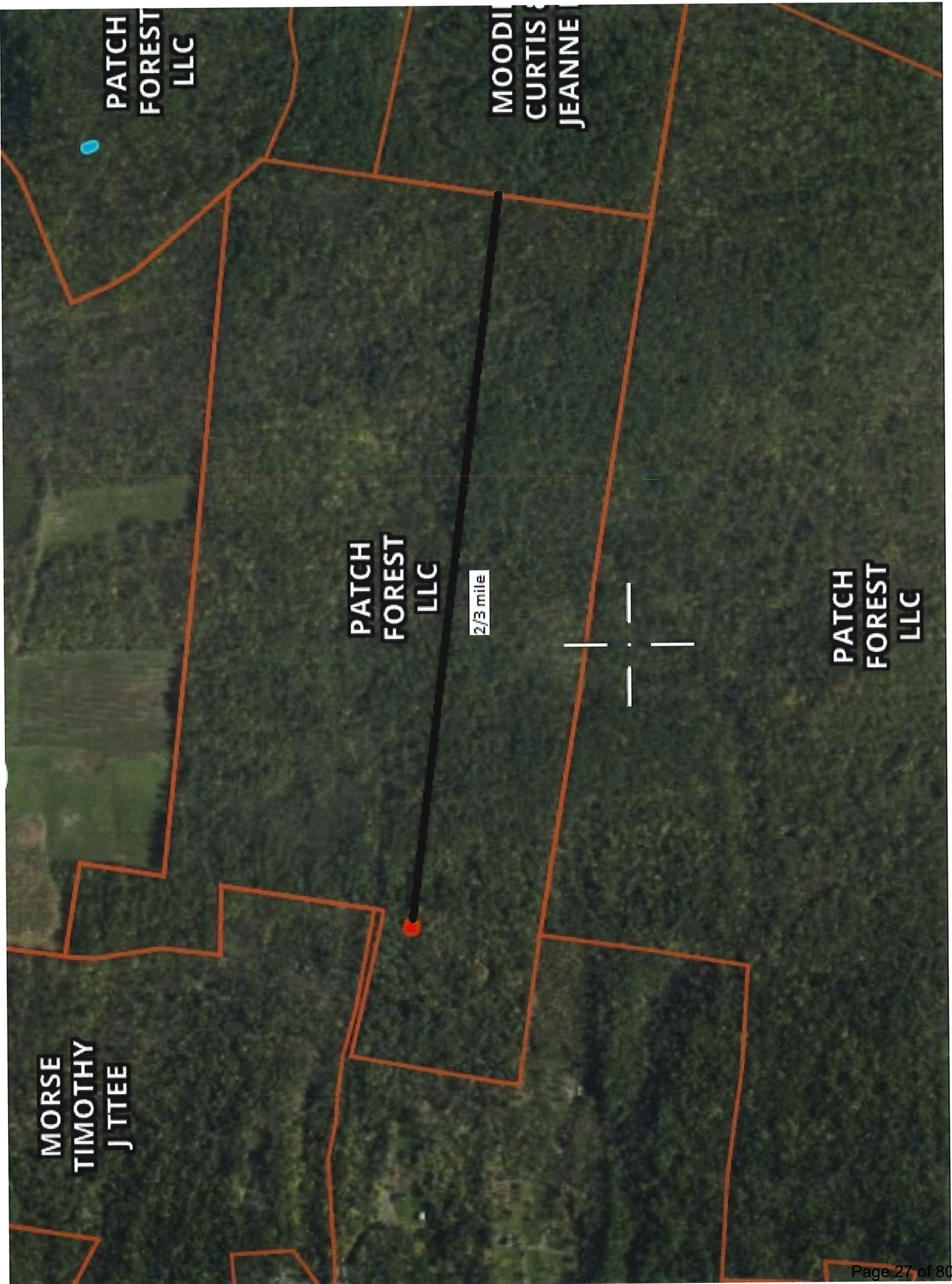


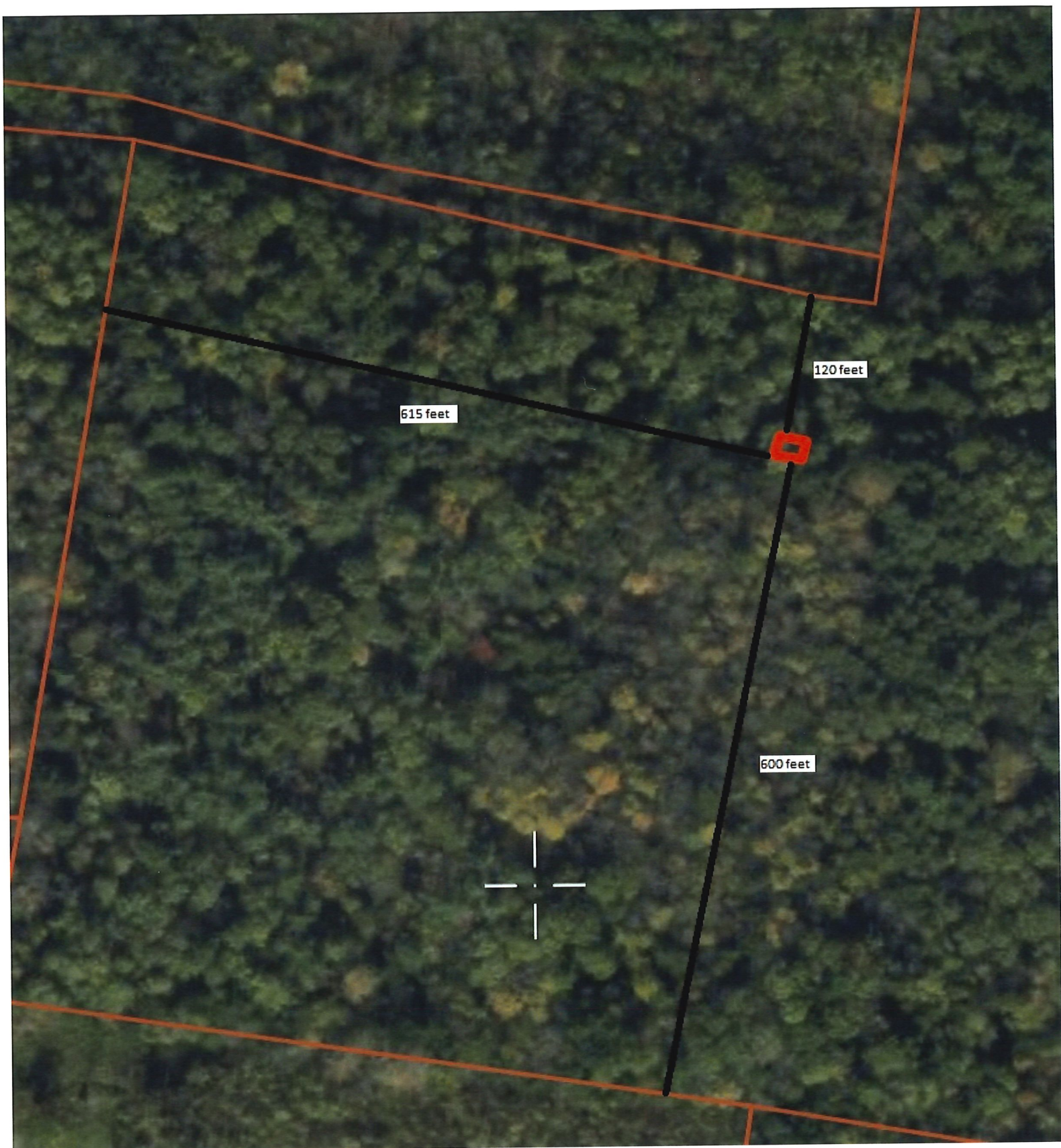
Map Tools



Tracker



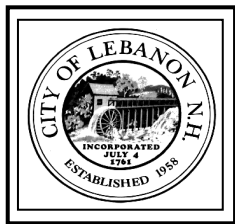




**Agenda
Planning Board
June 28, 2021**

**Agenda Item #2B
Public Hearing Items**

Amendments to the Site Plan Review and Subdivision regulations



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Planning Board

FROM: Planning and Development Department Staff

RE: Proposed Amendments to the Site Plan Review and Subdivision Regulations
June 28, 2021 Planning Board Work Session – *Agenda Item 2.B*

DATE: June 21, 2021

Attached please find three (3) redlines identifying proposed amendments to the Site Plan Review and Subdivision Regulations. The new or revised text is blue and underlined. The text to be deleted is shown as ~~red with a strike-out~~.

The first redline – last revised June 21, 2021 and consisting of 8 pages plus a proposed 7-page Appendix A (“Bicycle Storage”) – includes amendments to the Site Plan Review Regulations that primarily relate to pedestrian and bicycle mobility. The redlines have been updated to reflect comments made by the Board at the May 24th work session, with additional minor revisions by staff. The redline also reflects minor edits suggested by the City’s legal counsel.

The second and third redlines – last revised June 17, 2021 and consisting of 3 pages each – include fire-related amendments to the Site Plan Review and Subdivision Regulations, respectively. The redlines have been updated to reflect comments made by the Board at the June 14th regular meeting, with additional minor revisions by staff. The redlines have been forwarded for legal review and any suggested edits or comments from the City’s attorney will be shared with the Board.

A public hearing on the proposed amendments has been scheduled for the June 28, 2021 work session.

Attachments

- Excerpt of the Site Plan Review Regulations (8-page redline last revised June 21, 2021, and a proposed 7-page Appendix A)
- Excerpt of the Site Plan Review Regulations (3-page redline last revised June 17, 2021)
- Excerpt of the Subdivision Regulations (3-page redline last revised June 17, 2021)

SITE PLAN REVIEW REGULATIONS – DRAFT AMENDMENTS

ARTICLE II – DEFINITIONS

[...]

Car-sharing: A private motor vehicle or fleet that is owned, maintained and administered by an organization and made available by membership for short-term use, as through a fully automated self-service reservation system requiring a one-time written agreement by the customer.

[...]

Parking, long-term bicycle: Bicycle parking/storage in a weather-protected facility, intended for at least 4 hours of utilization as workday, overnight, or similar long-term bicycle shelter by residents, visitors, and employees.

Parking, short-term bicycle: Bicycle parking provided by a bicycle rack located in a publicly accessible, highly visible location intended for transient or short-term utilization by visitors, to the principal building or use.

[...]

Shared streets: Shared roadway spaces between motor vehicles, pedestrians, and bicycles. The sidewalk and street are typically at the same level. The overall feel of the area signifies to automobile drivers that they are “guests” and should yield to pedestrians and other uses.

[...]

Universal design: A general term for buildings and systems that integrate easy-to-use, convenient design and inclusive mobility for people of all ages and physical capabilities; it complements design required by the Americans with Disabilities Act (ADA) and includes age-friendly considerations such as per AARP Livable Communities guidance.

[...]

Section 5.1 – Drawings and Other Submittals

[...]

An application for Site Plan Review shall include the following information:

[...]

Site Plan drawings shall include the following information (NOTE: The submission requirements described in paragraphs E.1 through E.4 below shall not be waivable under the procedures set forth in Article VII - “Waiver Procedure” of these Regulations):

[...]

15. The location and boundaries of any Overlay Districts established pursuant to Article IV of the Zoning Ordinance (including but not limited to the Wetlands Conservation District, Riverbank Protection District, Steep Slopes

District, and Floodplain District) and, if applicable, protected shorelands pursuant to the Shoreland Water Quality Protection Act (NH RSA 483-B). For properties located within the Floodplain District, the 100-year flood elevation, floodway, shoreland protection zone, and flood plain limits shall be identified, ~~where relevant.~~

Section 6.5 – Coordination of Roads, Parking, Loading, Recreation, and Safety

A. [...]

B. Design Standards

1. Accessible Design. Conform with the latest accepted or adopted roadway and multimodal design standards available, including but not limited to:
 - a. The City of Lebanon’s Complete Streets Policy (2017) and its cited design standards. The Policy is available online using the search function of the City Manager Department’s Document Center webpage or by request.
 - b. Americans with Disabilities Act (ADA) Standards for Accessible Design and ANSI Standards.
 - c. Universal design best practices that are inclusive of the needs of users with limited vision, mobility devices, and disabilities, in conjunction with ADA standards, such as for non-visual wayfinding with audible and tactile cues (e.g., detectable warning strips), contrasting color delineation of pedestrian, bike and other zones and edges, flush curbs on shared streets, and related design elements.
 - d. U.S. Federal Highway Administration (FHWA) Bikeway Selection Guide (2019).
 - ~~a.e.~~ FHWA Small Town and Rural Multimodal Networks (2016).
2. Signage and markings. All traffic control applications, signs and devices are to be pursuant to the Manual on Uniform Traffic Control Devices (MUTCD), current edition. Ensure the visibility of crosswalks in areas of high-density pedestrian traffic through use of contrasting, high-visibility surface treatments (stamped concrete, pavers, solid color-painted areas, and other textures), curb extensions, and similar measures to protect pedestrian safety. Use a consistent design throughout the site.
3. Internal Access Drives/Roads. Except as otherwise required by law, such as for truck, fire or service routes, the travel lanes of any on-site access should not be more than 10.5 feet wide.

C. Orientation and Form

1. Orientation to frontage. Buildings and building facades, including those in multi-tenant shopping plaza arrangements, must be visually and physically oriented to public ways (including sidewalks) to prioritize convenient pedestrian access and appeal from the right of way. Buildings shall also include orientation to public open spaces, trails, and waterways, such as the Mascoma River, Northern Rail Trail and Mascoma River Greenway, as secondary physical and visual access opportunities where appropriate.
2. Highlight entrances. At least one primary entrance to the building shall face the public way on which the lot has frontage. If the lot has frontage on both a primary and a secondary street, as defined above, the main entrance shall be oriented toward the primary street. If the lot has frontage on more than one primary street, the main entrance to the building shall be oriented toward the street that carries the greatest volume of pedestrian and vehicular traffic. An entrance on a corner along the primary street also meets the intent of this standard to provide a convenient and welcoming pedestrian access from the public way.
3. Adaptable entrance design and building massing. Pedestrian entrances shall be provided at least every 60 linear feet along the ground floor of the primary façade unless such egress would create safety or security concerns for the building's use. In such instances, a significant architectural feature that creates varied massing, such as a bay window or other feature, must be provided every 60 linear feet. No structure may be longer than 350 feet unless a pedestrian passage is provided at midway (or similar) along the structure length. The passage must be at the ground floor level of the front and rear exteriors of the structure. This may be waived in industrial zoning districts.
4. Structured parking, garage and carport design.
 - a. When parking structure (e.g., parking garage) is located on a lot with frontage, the portion(s) with frontage, shall be designed to include attractive fenestrations, high-quality materials, and varied design elements. At least 1/3 of frontage-facing elements in new construction shall be **screened** by occupied active interior space for other uses at the ground floor level (retail, lobby, etc.), or at least 1/3 of the frontage must have variation in massing, substantial transparency and additional architectural detail that is distinct from the rest of the building and which visually enhances the remainder of the ground floor level. Occupied uses shall have a depth of at least 20 feet.
 - b. The visibility of multi-unit garages and carports (e.g., multifamily) from the street should be minimized by placement, scale and/or **screening**. Garages should be placed underneath or at the rear of multi-unit structures. Garages should be grouped in small clusters rather than as unbroken lines or 'corridors' or rows around the perimeter of the development. When parking is provided as

individual garages (not structured parking), then garage doors should not comprise more than 1/3 of the façade at the ground floor level or should be recessed from the front plane of the primary façade.

- c. The installation of rooftop photovoltaic solar panels is encouraged, as are provisions for **electric vehicle charging/parking** and **car-sharing** parking opportunities.

[...]

DB. Access and Traffic

1. [...]

4. The development, except for those in rural lands and heavy industrial zoning districts, shall install sidewalks along the street frontage(s) **in order to support a walkable community that has continuous connections between existing and planned sidewalks.**

- a. When a location's posted vehicular traffic speeds are 25 mph or greater, there must be a 5-foot wide pedestrian facility on at least one side of the street. When the posted limit is 35mph or greater, the sidewalk must be separated from the road by at least an additional 2-foot wide landscaped median.

- b. Sidewalks must be at least 5 feet wide (not including curb) and free of barriers and obstructions including signage, utilities, lighting and landscaping. Wider sidewalks should be considered for primary routes in new construction.

- ~~b.~~c. On-site pedestrian areas may be merged with public sidewalks along the principal frontage, for a wider route overall, in order to create a broad walking surface in high traffic locations. Pavement and concrete are preferred; alternative sidewalk surfacing materials such as pavers, may be considered, such as for additional width beyond 5 feet. If the project is along a major connecting route and a sidewalk is not currently feasible, provide at minimum a level 5-foot shoulder right-of-way for potential future improvements.

5. [...]

6. On-site pedestrian facilities shall be provided and address the following:

- a. Convenience. Well-marked and convenient pedestrian facilities that minimize walking distances must be provided between the primary building entrance(s), parking areas, principal frontage and adjacent public sidewalks. Minimize walking distances, to the extent practical depending on site grade, siting of common open space and similar elements. For sites with multiple buildings, uses, or residential unit entrances at the ground floor level, pedestrian walkways should

connect each entrance to primary pedestrian collector routes (e.g., to parking or to public sidewalks). A common route with spur paths may meet this requirement.

- b. Visibility. Pedestrian routes must be continuous and clearly demarcated as such by application of signage, contrasting paint colors, changes in materials or textured surfacing, reflectors, landscaping, and/or attractive barriers. Surface materials must provide traction and facilitate general maintenance and snow removal.
- c. Parking area safety. Pedestrian aisles that physically separate pedestrian traffic from vehicle circulation in parking lots must be provided at intervals of one pedestrian aisle for every four rows of parking or a comparable provision (e.g., for three double rows of parking, provide at least one aisle, and for a configuration with two single rows at the edge of a lot and one double row in the center, provide at least one aisle). When the aisle is integrated with landscaped islands in the middle of a double row, the landscaped island must be at least 12 feet wide. Aisles must be at least 4 feet wide.
- d. Crossing safety. Pedestrian crossings are required when the walking route crosses vehicle circulation areas. To identify crossing points, and support visibility, safety, and wayfinding, the transition area at street or drive crossings and between parking lot walkways and entrances, shall be highlighted through curb extensions (bump outs), contrasting materials, planters, pedestrian-scale lighting such as decorative bollards, and landscaping, including adherence to Sec. 6.2.B. Any raised crossings must meet requirements for drainage and snow removal equipment and should be flush with the height of the adjoining sidewalk and at least 10 feet wide to allow the front and rear wheels of a passenger vehicle to be on top of the table at the same time.
- a.e. Connectivity. To address gaps in Lebanon's pedestrian and bicycle network, implement recommendations in current plans, policies, or programs adopted by the City of Lebanon, including but not limited to the Master Plan. The following strategies may apply. Connect neighboring commercial properties at the side and rear lot lines with pedestrian facilities (path or sidewalk) when public routes are not available within 100 feet. Locate facilities to connect to existing or planned parks and trails. Identify opportunities for public access easements for future non-motorized access, where such exist. Prioritize use of proposed or existing corridors through the development, such as sewer easements. For adjacency to conservation properties, work with the Conservation Commission, where deemed to be appropriate by the Commission, to accommodate trail access.

7. Access management. Minimize curb cuts on the property edge onto the public right-of-way, particularly for sites along heavily used pedestrian corridors, and other than required emergency vehicle access points. Provide a continuous circulation system within the site, with a single shared access to the property, unless it can be demonstrated that additional cuts are necessary. Connect internal drives to the overall site circulation patterns of adjacent parcels, to create broader networks, where feasible. For improvements to existing developments, redundant access points must be evaluated for closure or limited access, such as for fire lanes. A driveway intersecting a street that constitutes the principal frontage of a lot is not permitted when the lot can be accessed from another frontage or when the lot can be accessed by a shared driveway on an adjacent property with an existing or planned curb cut/access. Prioritize use of connections to secondary cross-streets. Service drives for loading and drop-off zones shall be designed as alleys at the rear of a lot or subdivision whenever possible.
8. Shared streets. In cases where traffic speed and volume are low, an internal roadway/drive may be designed as a **shared street**. This may be a thoroughfare without sidewalks or striped lanes. Vehicle, bicycle, and pedestrian movement are mixed and movement must be adequately controlled through **traffic calming** and safety features as well as landscape and amenity elements to the satisfaction of staff and Planning Board review.
9. Transit. If a property borders an existing, recommended, or proposed **transit** stop or dedicated **transit** route, supporting on- and off-site street design elements (see below) must be detailed in the application. Implement recommendations for Lebanon in current plans, policies, or programs adopted by the City of Lebanon, including but not limited to the Master Plan and 2010 Bus Stop Design Study. The applicant must demonstrate coordination with the transit authority and City officials to verify service, identify key elements, and address such in the proposed design. Elements for appropriate design may include: pavement markings, crosswalks between stops, adjacent sidewalks and site access for pedestrians/bus riders, snow removal accessibility and responsibility for stops, curb height, spacing of **transit** stops, dimensions of **transit** stop space (e.g., for bus shelter pad), bulb-out or pull-out, sidewalk tip-down, distance from intersections and drive accesses, shelters, street furniture, signage, and lighting. Safe access must be provided to and from the main development entrance(s) to the **transit** stop. Pedestrian access to the **transit** stop must limit crossing points and distance over parking facilities, driveways, and vehicular rights of way. Specifications must adhere to City construction and lighting policies for elements in the public way.
10. Transportation demand management. Higher density buildings and larger businesses may be required to submit a mobility management plan that addresses implementation of transportation demand management programs and services.
11. Sightlines. To ensure sightlines are maintained at pedestrian crossings on or between public and private streets, provide at least 15 feet of no parking

on either side of the crossing, if there is not a curb extension at the crossing. Trees, structures, signs, and other visual obstructions must also be set back from all pedestrian crossings for appropriate visibility. Where surface markings do not provide enough visibility or there is a high volume of pedestrian traffic, such as between a building entrance and a parking facility, pedestrian crossing signs shall be installed on both sides of the crossing/crosswalk.

[...]

Fl. Bicycle Storage and Parking

The intent of this section is to enhance bicycle usage, support transportation efficiency by reducing reliance on vehicles for short-distance travel, and implement City goals, including the Complete Streets Policy. The requirements of this section apply to new developments as well as to changes to or expansions of use at existing developments that require a new or amended site plan approval.

1. When a calculation yields a fractional number of required spaces, the number of spaces shall be rounded up to the nearest whole number.
2. Residential development. Multi-family dwellings with more than five (5) units must provide:
 - a. **Short-term bicycle parking** for at least 15 percent of units (e.g., 50 units = 8 spaces)
 - b. **Long-term bicycle parking** for at least 30 percent of all building units.
3. Non-residential development. Other uses, including municipally owned buildings, must provide, except where otherwise noted:
 - a. Secure **short-term bicycle parking** or **long-term bicycle parking** for at least ten (10) percent of the number of automobile parking stalls approved by the Planning Board. Alternatively, provide spaces for at least 5 percent of building occupants (measured at average daily peak), whichever is greater, but in no case may the total be less than two (2) rack spaces.
 - b. At least 25 percent of the spaces as **long-term bicycle parking** when the total number of bicycle parking spaces required exceeds 20 spaces.
 - c. Shower facilities. Provision of at least one (1) shower, available to all genders, is encouraged. Larger projects, with either 50 vehicle parking spaces required or at least 50 employees must provide at least one (1) shower. Provision of changing and locker space with shower facilities is encouraged.

d. Bicycle parking wayfinding signage.

4. Facilities must adhere to the Bike Storage Design Guide (see Appendix A).
5. Bicycle parking should be located with convenient access to a principal building's main entrance and/or to a recreational facility and its associated transportation network, such as a public street or path.
6. Locate parking/storage in a well-lit, highly visible area.
7. Shared **bicycle parking** facilities are encouraged.
8. **Bicycle parking** may be required by the Planning Board for commercial uses whenever any new use is established, or any existing use is expanded for which more than ten (10) automobile parking spaces are required.
9. The Planning Board may adjust any of the amounts in this section upward or downward based on factors such as the site context, including location, layout, the types of users or residents, the amount of vehicle parking provided, and other pertinent factors.

[...]

Short-term bicycle parking/storage includes racks and comparable equipment that is convenient and easy to use, for parking periods less than 4 hours.

- (1) Must be simple to operate and have as few moving parts as possible.
- (2) Must be easily accessed from the street and protected from motor vehicles. Locate no more than 50 feet walking distance from a major pedestrian entrance, with direct access (e.g., a walking route). Access must be at least 5 feet wide with a grade no greater than 8 percent; landings may be considered.
- (3) Must not obstruct other uses. May be in front or rear setbacks as long as adequate spacing of the racks is assured and so that the right-of-way is not obstructed; do not block foot traffic and vehicle driver sightlines and have a minimum height of 2.5 feet so as to not create a tripping hazard. Support clear and maneuverable bike/rider access, ability for snow removal equipment to navigate around the rack and adequate clearance from vehicle parking, curb ramps, transit loading areas, utility poles, etc.
- (4) Covered parking, when required per Site Plan Review regulations, must provide enclosure from the elements. Otherwise, sheltered racks may be integrated with the primary structure's weather protection (e.g., awnings, porches).
- (5) Each side of a rack may count as a required space where a bike can be locked on both sides of the rack component without conflict.
- (6) Types of short-term storage (examples illustrated below):
 - a. should accommodate a wide range of bicycle shapes and sizes
 - b. must have a no-maintenance finish that won't chip, peel, or rust, with galvanized steel finishes preferred
 - c. must be securely anchored on a permanent, tamper-proof fixed surface for stability
 - d. must be functional for both U-locks and cable locks,
 - e. must support a standard bicycle at 2 points of contact to prevent damage to the bicycle wheels and frame, allowing the bike to stand upright with both wheels on the ground (without requiring kickstand to stay upright and without requiring support by the wheel-only)
 - f. preferred permanent fixture styles include: the rail/staple/A type rack made of 2" galvanized pipe, 54" long by 32" high, which holds two bikes; the inverted U-rack; or cycle-stall corrals
 - g. temporary fixture styles, such as for monitored event parking include public on-street or on-sidewalk corrals with installation coordinated by the City; these are encouraged for large events to reduce traffic impacts and vehicle parking needs.

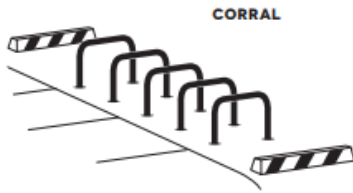
Sample Acceptable Short-Term Bike Storage



INVERTED U



POST & RING



CORRAL

Sample Unacceptable Short-Term Bike Storage

RACKS TO AVOID

Because of performance concerns, APBP recommends selecting other racks instead of these.

WAVE
also called undulating
or serpentine



Not intuitive or user-friendly; real-world use of this style often falls short of expectations; supports bike frame at only one location when used as intended.

SCHOOLYARD
also called
comb, grid



Does not allow locking of frame and can lead to wheel damage. Inappropriate for most public uses, but useful for temporary attended bike storage at events and in locations with no theft concerns. Sometimes preferred by recreational riders, who may travel without locks and tend to monitor their bikes while parked.

COATHANGER



This style has a top bar that limits the types of bikes it can accommodate.

WHEELWELL



Racks that cradle bicycles with only a wheelwell do not provide suitable security, pose a tripping hazard, and can lead to wheel damage.

BOLLARD



This style typically does not appropriately support a bike's frame at two separate locations.

SPIRAL



Despite possible aesthetic appeal, spiral racks have functional downsides related to access, real-world use, and the need to lift a wheel to park.

**SWING ARM
SECURED**



These racks are intended to capture a bike's frame and both wheels with a pivoting arm. In practice, they accommodate only limited bike types and have moving parts that create unneeded complications.

For additional ideas → See the links under the References section below, particularly #4 and #7.

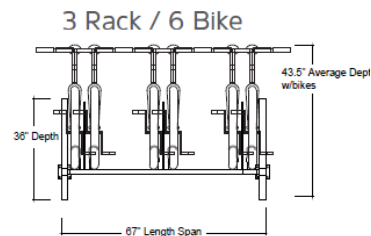
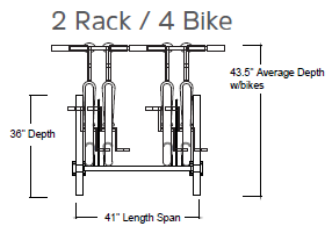
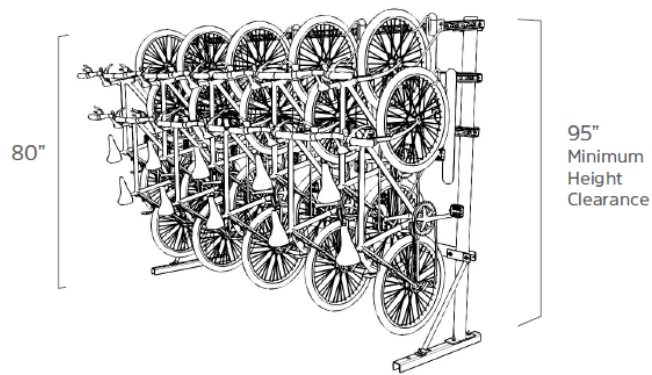
Long-term bicycle parking/storage includes lockers and rooms that are secure and fully sheltered, for parking of 4 hours or more.

- (1) Shall be intended primarily to serve residents, employees or other persons who would require storage of a bicycle for a substantial portion of the day, for an overnight period, or for multiple days; however, it may serve other bicycle users as needed.
- (2) Provide secure individual spaces (separate from other bikes) or permit bicycles to be secured individually, with tamper-proof built-in locks or ability to be locked individually.
- (3) Locate within 50 feet walking distance of any functional entry and be easily accessible to all building users.
- (4) Dedicated lockers etc. do not require assignment per unit. Long-term bicycle storage may be utilized for general storage needs in addition to bike parking, where space is designed for such and to maximize utilization of space, however dedicated bike storage should not also serve as the primary storage space for units.
- (5) To accommodate a range of physical capabilities, provide a minimum 50 percent of racks which do not require the user to lift their bike above the floor or ground more than 1 foot, and which store the bicycles in a horizontal position (upright with both wheels parallel to the surface where the rack is installed).
- (6) Must be in a high-visibility and/or separate limited access space that is fully sheltered/enclosed to protect bicycles from precipitation and theft.
- (7) Acceptable long-term storage space types include but are not limited to the following types (examples illustrated below):
 - a. Motor vehicle garages. Structured vehicle parking such as individual/separated vehicle garage units with adequate additional spacing for bikes may meet this requirement.
 - b. Bicycle lockers or pods. Individual locked enclosure, indoors or outdoors, for one bicycle.
 - c. Bicycle rooms. Located in private building or multifamily housing with access control. May be located in a publicly accessible storefront with attendant or access control. May include other amenities such as showers, changing areas or clothing lockers.
 - d. Bicycle cages. Located in private buildings or multifamily housing parking garage with access control.
 - e. Bicycle parking structure. Also known as a secure parking area. Standalone structure with access control, such as by an attendant or security system. Appropriate for campuses and similar building clusters, or adjacent to residential or office buildings as accessory uses.
 - f. Bicycle parking station. Space protected continuously by a security system, such as camera surveillance or an attendant or co-located with transportation facilities, e.g., parking garage, bus shelter, Park & Ride.



Sample Acceptable Long-Term Bike Storage

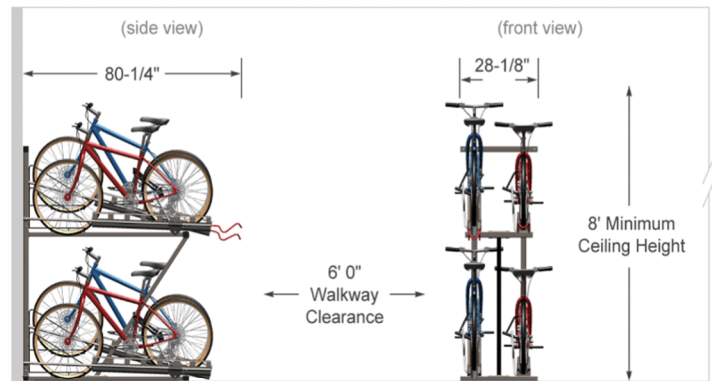




For additional ideas → See the links under the References section below, particularly #4 and #7.

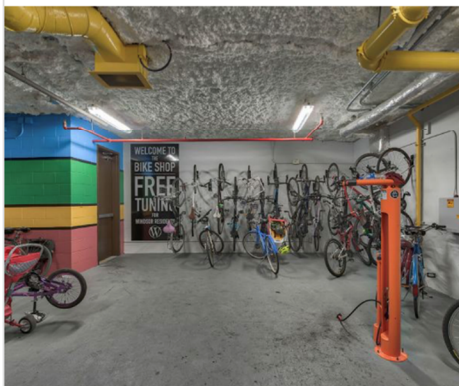
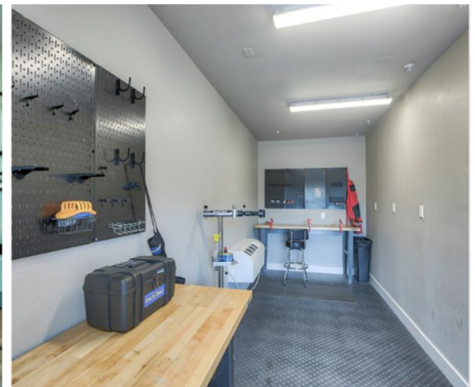
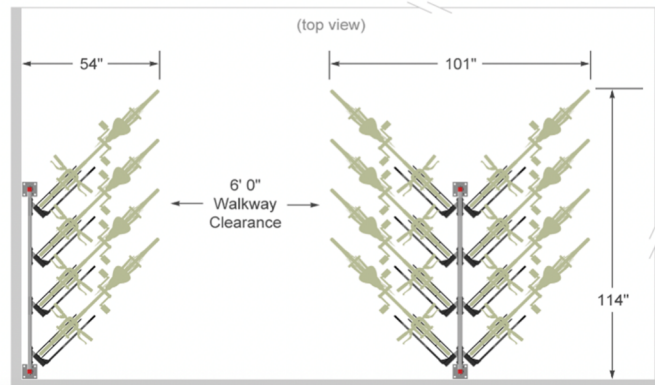
Hi-Density Bike Racks

For maximum capacity, the [Hi-Density Bike Rack](#) offers cost-efficient bike parking with two-tier capacity. Simply roll the bike along the channel provided to secure the wheel and bike frame in place. Each Hi-Density Bike Rack allows double-tier parking to hold four bicycles.



Bike Stalls

The CycleSafe [Bike Stall](#) can store up to eight bikes per five foot section. Bikes can be placed at 45° angles to allow for wider aisles.



Sample RESIDENTIAL Bike Rack Calculations (based on formulas in the Site Plan regulations)

**round up to nearest whole number*

- Short-term storage – 15% of units
 - 5 units = 1 outdoor bike space
 - 50 units = 8 outdoor bike spaces
- Long-term storage – 30% of units
 - 5 units = 2 covered bike spaces/storage units
 - 100 units = 30 covered bike spaces/storage units

Sample NON-RESIDENTIAL Bike Rack Calculations (based on formulas in the Site Plan regulations)

- Short-term storage – 10% of auto spaces OR 5% of occupants
 - 5 auto spaces = 2 outdoor bike rack spaces (min. to provide at least 2)
 - 50 auto spaces = 5 outdoor bike rack spaces
 - 100 auto spaces = 10 outdoor bike rack spaces.
- Long-term storage – only if over 200 auto spaces, provide 25% of the required 20 total bike rack spaces as LT storage
 - If 200 auto spaces and 20 bike rack spaces required, 25% or 5 of those must be LT storage.
200 car stalls = 15 outdoor bike stalls + 5 covered bike stalls
 - If 300 auto spaces and 30 bike rack spaces required, 25% or 8 of those must be LT storage.
300 car stalls = 22 outdoor bike stalls + 8 covered bike stalls

General Guidance for All Bike Storage

Enhancements and storage with flexible dimensions are encouraged (e.g., charging outlets or extra space for *electric bikes, integration with public artwork, repair/air pump kiosk, automated doors, bikeshare programming, adaptive tricycle and recumbent bike parking etc.).

Alternate designs will be considered provided the design meets or exceeds the intent of this section, with reference recommended to the FHWA University Course on Bicycle and Pedestrian Transportation, Lesson 17 (2006) and American Association of State Highway and Transportation Officials (AASHTO) *Bicycle Guidelines* and *Bicycle Parking Guidelines* (2002) for “recommended” (e.g., post & loop, inverted “U” or “staple”, “A”) and “not recommended” (e.g., wave, toast, and comb) bicycle racks.

**Note: an “e-bike” is a bicycle equipped with a low-speed electric motor. In New Hampshire, E-bikes are typically allowed on public ways, where not otherwise regulated (N.H. Rev. Stat. §259:6, 259:27, 265:144, effective as of August 18, 2019). There are three classes of pedal and no-pedal assist e-bikes.*

Related References

1. 2012 Lebanon Master Plan

OUTCOME 1: Continue revitalization of the Lebanon Central Business District.	
3.1.A8	Provide improved and attractive streetscape amenities, such as movable planters, seating, adequate trash cans, and bicycle racks throughout the CBD.
OUTCOME 1: Promote revitalization of the West Lebanon CBD to improve the viability of its businesses and vitality of surrounding community.	
4.1.A10	Develop a plan for a safe, convenient, and attractive network of pedestrian paths, bikeways, and bike lanes, including connections to parks and transit stops, as well as bike racks .
OUTCOME 4: Promote active living, biking and walking as part of the daily routine, which has dramatic improvements in public health.	
9.4.A4	Install bicycle racks, showers, and lockers in public spaces throughout the community.
9.4.A5	Require developers to install bicycle racks, showers, and lockers as part of site plan approval.

2. Lebanon Complete Streets Policy - Lebanon's Complete Streets [Policy](#) notes under design guidance that "The City shall utilize the latest accepted or adopted design standards available, including [NACTO and AASHTO]"
3. Lebanon – 2017 Bike Friendly Community - The [report card](#) includes key next steps: "Policies and practices relating to bicycle parking could be improved. Studying current bike parking and future needs would be a good step for continued coordination with transit and potentially developing community bicycle branding."
4. Association of Pedestrian and Bicycle Professionals (APBP) - [Essentials of Bike Parking](#)
5. NACTO - [Bicycle Facilities Guide](#)
6. Upper Valley Transportation Association - [Mobility Checklist](#): Does the development proposal include Ample, convenient, sheltered, and secure bicycle parking?
7. North Country Council – [Cycle Parking Guidance](#) (an excellent overall reference from April 2021)
8. Federal Highway Administration (FHWA) - [Bicycle Parking and Storage Lesson Plan](#)
9. Similar municipal standards – Kingston, NH; Merrimack, NH; Stratham, NH; Londonderry, NH; Barrington, NH; and Durham, NH.

DRAFT AMENDMENTS TO SITE PLAN REVIEW REGULATIONS

FIRE -RELATED REQUIREMENTS

ARTICLE I – ENACTMENT AND GENERAL PROVISIONS

[...]

Section 1.6 – Compliance

- A. ~~No site plan shall be approved by the Planning Board unless such plan~~Site plans shall be prepared in accordance with ~~complies with~~ all applicable local, state and federal ordinances, laws, codes, regulations, and requirements. A reference sheet prepared by the Planning and Development Department identifying some of the more common ordinances, laws, codes, regulations, and requirements that an applicant may need to comply with and which may impact the design of a proposed land development shall be made available on the City of Lebanon website ~~including local ordinances and regulations, and state and federal laws.~~

[...]

ARTICLE IV – PROCEDURE

[...]

Section 4.3 – Conceptual Review

- A. For any site development, the Applicant may request an informal discussion with the Board, to be conducted in general terms, of the basic concept of the proposed development. [...]

[...]

Section 4.3.1 – Consultation with City Staff

Prior to the submission of an application to the Planning Board, applicants are encouraged to consult with staff from the Planning and Development Department, Fire Department, and Department of Public Works. Such consultations are opportunities for the applicant to ask questions and for staff to identify potential issues or concerns as well as any additional codes and regulations that may apply to the development and which may impact the a proposed land development's site design and layout. Such additional codes and regulations may include those identified in Section 1.6.A.

[...]

Section 4.7 – Review for Complete Application

[...]

- C. Review by ~~the Planning & Development Department~~City Staff

1. [Upon submission of an application, the Planning and Development Department shall forward the application to the Building Inspector, Fire Department, Police Department, Department of Public Works and any other Department or staff person as may be determined by the Planning Director, for review and comment.](#)

[...]

ARTICLE V – SUBMISSION REQUIREMENTS

Section 5.1 – Drawings and Other Submittals

[...]

An application for Site Plan Review shall include the following information:

[...]

E. [...] Site Plan drawings shall include the following information [...]:

24. ~~Plans for fire protection including emergency vehicle turn radius diagrams, if requested by the Lebanon Fire Department.~~ [Where a fire, emergency equipment, or similar vehicle turnaround area is provided, it must have an adequate turn radius. Provide CAD Autoturn data or a similar basis of design for the turn radius, if requested by Lebanon Fire or Engineering staff. City staff may also ask for this information at any time.](#)

ARTICLE VI – DESIGN AND CONSTRUCTION REQUIREMENTS

The Planning Board shall approve the proposed site plan only upon determination that the following requirements have been met:

Section 6.1 – General Requirements

[A.](#) The site shall be of such character that it can be used safely for the construction and installation of the improvements, ~~proposed by the Applicant,~~ without excessive grades, inadequate drainage, and other hazardous conditions. Site clearing shall be kept to the minimum required for the construction of buildings and improvements, taking into consideration the need for pedestrian and vehicular safety and the need for natural light and air. Natural cover shall be retained to the extent possible and reasonable. The overall intensity of site development shall be harmonious with the municipality, the neighborhood, and adjacent properties.

[B.](#) [Site plans shall be prepared in accordance with all applicable local, state and federal ordinances, laws, codes, regulations, and requirements. See also Section 1.6.A \(“Compliance”\).](#)

[...]

Section 6.3 – Utilities and Fire Protection

Provisions shall be made for the site to be serviced by necessary utilities, ~~which may include water for fire and domestic use. Water lines serving any hydrant shall meet the standards specified by the Department of Public Works. In the event that a site is For properties~~ not serviced by City water mains, see the Fire Prevention Code, Chapter 72 of the Code of the City of Lebanon for water storage requirements. ~~then the following standards shall apply in order to provide minimum requirements for water supply for firefighting, and a reasonable degree of protection to life and property.~~

A. ~~There shall be located on site a water storage facility capable of delivering required fire flows as determined by using the Insurance Services Organization (ISO) formula for required fire flow. Such storage and delivery systems shall meet the requirements of National Fire Protection Association (NFPA) Standard #22, Water Tanks for Private Fire Protection, and NFPA Standard #24, Private Fire Service Mains and Their Appurtenances.~~

B. ~~If proper improvements to be constructed are to be sprinklered, either by building code requirements or the Applicant's choice, water storage capacity shall be determined by NFPA Standard #13, Installation of Sprinkler Systems, or NFPA Standard #13D, Residential Sprinkler Systems for One & Two Family Houses, or NFPA Standard #13R, Residential Sprinkler Systems. In no case shall storage capacity be less than 10,000 gallons of usable water.~~

C. ~~The supply of water for firefighting purposes shall be located and maintained so as to be accessible year round to Fire Department apparatus. Such supply shall be within a 1,000 foot hose lay of all structures.~~

D. ~~The Board shall obtain from the Fire Department its comments on compliance with these standards and any other life safety codes.~~

~~Nothing contained herein shall relieve the Applicant of complying with applicable provisions of the Lebanon Building Code adopted by the City of Lebanon under Ordinance #23.~~

[...]

Section 6.5 – Coordination of Roads, Parking, Loading, Recreation, and Safety

[...]

B. Access and Traffic

[...]

5. Each site shall provide adequate access from public highways and sufficient maneuvering room for fire, police, and other emergency vehicles. ~~The Fire Department shall provide information indicating whether or not this requirement is satisfied by the proposed plan. Minimum access requirements shall include a 50 foot turning radius and 22 foot fire lanes at the rear of the buildings.~~

DRAFT AMENDMENTS TO SUBDIVISION REGULATIONS

FIRE-RELATED REQUIREMENTS

[...]

SECTION 3 – COMPLIANCE

Subdivision plans shall be prepared in accordance with ~~complies with all~~ applicable local, state and federal ordinances, laws, codes, regulations, and requirements. A reference sheet prepared by the Planning and Development Department identifying some of the more common ordinances, laws, codes, regulations, and requirements that an applicant may need to comply with and which may impact the design of a proposed subdivision shall be made available on the City of Lebanon website. ~~No subdivision plans shall be approved unless such plan complies with all applicable local ordinances, regulations, and state and federal requirements, including but not limited to the Zoning Ordinance, the Building Code, Site Plan Review Regulations, Ordinance 16-A Water Investment Fee, and Ordinance 61, "Public Utilities Ordinance of the City of Lebanon, New Hampshire."~~

[...]

SECTION 7 – PLANNING BOARD PROCEDURES

[...]

7.3.1 Consultation with City Staff

Prior to the submission of an application to the Planning Board, applicants are encouraged to consult with staff from the Planning and Development Department, Fire Department, and Department of Public Works. Such consultations are an opportunity for the applicant to ask questions and for staff to identify potential issues or concerns as well as any additional codes and regulations that may apply to the development and which may impact the subdivision design and layout. Such additional codes and regulations may include those identified in Section 3.

[...]

7.7 Review for Complete Application

[...]

C. Review by ~~the Planning & Development Department~~ City Staff

1. Upon submission of an application, the Planning and Development Department shall forward the application to the Building Inspector, Fire Department, Police Department, Department of Public Works and any other Department or staff person as may be determined by the Planning Director, for review and comment.

[...]

SECTION 10 – MAJOR SUBDIVISION

[...]

10.4 Submission Requirements

[...]

B. Design Review - Specific Submission Requirements

[...]

2. The following supporting documents and information shall be provided for Design Review:

[...]

j. [If requested by Lebanon Fire or Engineering staff, CAD Autoturn data or a similar basis of design for the turn radius shall be provided in order to demonstrate adequate turn radius for emergency vehicle and equipment access.](#)

C. Final Plat Review - Specific Submission Requirements

[...]

2. The following supporting documents and information shall be provided for the Final Review Phase:

[...]

j. [If requested by Lebanon Fire or Engineering staff, CAD Autoturn data or a similar basis of design for the turn radius shall be provided in order to demonstrate adequate turn radius for emergency vehicle and equipment access.](#)

[...]

SECTION 13 – DESIGN STANDARDS

[...]

13.2 Specifications for Required Improvements

All required improvements shall be designed and constructed or installed in accordance with good engineering design and practice, in accordance with *Standard Specifications for Road and Bridge Construction* as published by the State of New Hampshire Department of Transportation, ~~and~~ in accordance with these Regulations, [and in accordance with all other applicable local, state and federal ordinances, laws, codes, regulations, and requirements. See also Section 3 \(“Compliance”\).](#)

13.3 **Lot Layout, Drainage and Driveways**

Lot layout will result in the permanent division of land. It is in the public interest that the lot layout shall be functional, economical and aesthetically pleasing. Lots shall be laid out in relation to the topography and graded sufficiently to provide adequate drainage for the purpose intended without the diversion of water onto other lots or onto property adjoining the subdivision. Excessive grading and disturbance of natural cover will not be permitted. ~~Steep driveways shall be avoided.~~ The configuration of the lots shall provide lots that are functional for land uses intended. A lot layout resulting in unusual shapes solely to satisfy minimum area requirements of the Zoning Ordinance will not be approved.

- A. The subdivider shall demonstrate on each lot that there is a feasible location for a safe and convenient access for a driveway without unreasonable grades. Steep driveways in excess of 10% grade shall be avoided unless the Fire Department allows a steeper driveway to be provided. The City may require applicants to demonstrate that a suitable driveway can be achieved for each proposed lot.

[...]

13.12 **Fire Protection (Reserved)**

~~In the event that a subdivision is not serviced by City water mains, then the following standards, shall apply in order to provide minimum requirements for water supply for firefighting, and a reasonable degree of protection to life and property.~~

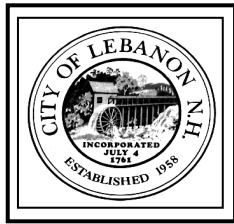
- A. ~~There shall be located in the subdivision a water storage facility capable of delivering required fire flows as determined by using the ISO formula for required fire flow. Such storage and delivery systems will meet the requirements of NFPA #22, *Water Tanks for Private Fire Protection*, and NFPA #24, *Private Fire Service Mains and Their Appurtenances*. In no case shall storage capacity be less than 10,000 gallons of usable water.~~
- B. ~~If proper improvements to be constructed are to be sprinklered, either by Building Code requirements or applicant's choice, water storage capacity shall be determined by NFPA #13, *Installation of Sprinkler Systems (for commercial and/or multifamily)*, or NFPA #13D, *Installation of Sprinkler Systems in One and Two Family Dwelling and Mobile Homes*. In the event that the proposed project does not fit within either national code, then the Fire Department shall determine what is required to meet the intent of these two codes.~~
- C. ~~The supply of water for firefighting purposes shall be located and maintained so as to be accessible year round to Fire Department apparatus. Such supply shall be within a 500 foot hose lay of all structures for residential development and within 300 foot hose lay of all structures for commercial and industrial development.~~
- D. ~~The Board shall obtain comments from the Fire Department on compliance with these standards.~~

~~Nothing contained herein shall relieve the subdivider of complying with applicable provisions of Ordinance 22, the Lebanon Building Code.~~

**Agenda
Planning Board
June 28, 2021**

**Agenda Item #3A
Study Items**

**Proposed amendments to the
Site Plan Review Regulations
creating a Minor Site Plan
review process and
Minor Site Plan Committee**



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Planning Board

FROM: Planning & Development Department Staff

RE: Minor Site Plan Review and Minor Site Review Committee –
Proposed Amendments to Site Plan Review Regulations
June 28, 2021 Planning Board Meeting – *Agenda Item 3.A*

DATE: June 21, 2020

For the Planning Board's review and consideration at the June 28, 2021 work session, attached please find a redline identifying proposed amendments to the Site Plan Review Regulations. The amendments would create a minor site plan review process and Minor Site Review Committee (as authorized by NH RSA 674:43 ("Power to Review Site Plans")). This minor site plan concept was initially discussed with the Board at the August 24, 2020 work session and was subsequently reviewed with the Development Regulations Subcommittee.

Staff prepared the draft amendments over the last several months, with substantial assistance and input from the Vice Chair, Matthew Hall. Following a brief discussion at the Board's June 14th meeting, staff made a few corrections and edits to the redline, including an expanded definition of "land development."

In addition to the updated redline, staff also prepared the attached 9-page blackline for ease of reading. Note that the blackline excludes ancillary and incidental edits (for example, the edits to Articles IV, V, and IX, are not included).

Attachments

- Excerpt of the Site Plan Review Regulations (15-page redline last revised June 21, 2021)
- Excerpt of the Site Plan Review Regulations (9-page blackline last revised June 21, 2021)

SITE PLAN REVIEW REGULATIONS

MINOR SITE PLAN REVIEW DRAFT AMENDMENTS

[...]

ARTICLE I – ENACTMENT AND GENERAL PROVISIONS

Section 1.1 – Authority

Under the general authority granted in the New Hampshire Revised Statutes Annotated Title LXIV, these Regulations are adopted by the Lebanon Planning Board, procedurally under RSA 675:6, after having adopted both a zoning ordinance and subdivision regulations as required under RSA 674:43, and as authorized by the City Council on July 16, 1986 and on March 21, 1990. Pursuant to RSA 674:43, the Planning Board [\(or, as applicable, the Minor Site Plan Committee\)](#) will review and may approve or disapprove site plans for the development or change or expansion of use of tracts for nonresidential uses or for multifamily dwelling units, which are defined as containing more than two dwelling units.

[...]

Section 1.6 – Compliance

- A. [These Site Plan Review Regulations apply to all *land development*, and no such *land development* shall proceed without first obtaining a jurisdictional determination from the Planning and Development Department pursuant to Section 3.1.](#)
- B. No site plan shall be approved by the Planning Board unless such plan complies with all applicable local ordinances and regulations, and state and federal laws.
- ~~BC.~~ No Building Permit shall be approved for a building or structure on a site that does not comply with these Regulations.
- ~~EC.~~ The Building Inspector shall not issue a Certificate of Occupancy under the Lebanon Building Code for any building on a site plan that does not comply with the Notice of Action on the approved site plan. Any requirement of the Notice of Action to be performed in the future and that has been bonded under Section 8.2 of these Regulations will satisfy the condition for the issuance of the Certificate of Occupancy.

ARTICLE II – DEFINITIONS

[...]

Land development. [Any physical improvement\(s\) or alteration\(s\) to any lot, whether vacant land or improved, and/or any increase in the size of any building, and/or any change of use to a non-residential, mixed use, or multi-family dwelling. The term “land development” does not include any of the following:](#)

- The construction of one-family and two-family dwelling units or associated accessory uses, in accordance with RSA 674:43, I, or any alterations or improvements to any property where the sole principal use is a one-family or two-family dwelling; and/or
- Repair or maintenance that does not result in any changes to the layout or design of the property (e.g. repaving a parking lot that maintains the number and location of parking spaces, and the in-kind replacement of landscaping, fencing, light poles, etc.).

[...]

Material ~~c~~Change. Any- land development ~~proposed alteration to a previously approved Site Plan and/or previously developed property, which, in the reasonable determination of the Planning and Development Department,~~ necessitates or results in significant changes to access, parking, vehicular and/or pedestrian circulation, traffic, drainage patterns or drainage structures, topography, lighting, visual features, natural resources, City services or facilities, improved surfaces, or required landscaping ~~on the site. (See Section 3.1), and/or the establishment of any new non-residential principal use in which no principal buildings are proposed, including uses such as gravel pits, cemeteries, golf courses, parking lots, communications towers, or other non-residential uses.~~

[...]

Planning Director. The Director of Planning and ~~Zoning~~ Development for the City of Lebanon, or his or her designee.

Planning ~~Office~~and Development Department. ~~The Planning Division within the Department of Community Development and Preservation for the City of Lebanon. The Planning Office is the Administrative Office~~ The administrative office for the Planning Board.

[...]

Screen. Landscaping, fencing, or functionally similar elements designed to conceal from view all or part of a structure or site that, in the judgment of the Planning Board (or, as applicable, the Minor Site Plan Committee), is unattractive or otherwise warrants mitigation of the effect of its appearance.

[...]

ARTICLE III – ADMINISTRATION

Section 3.1 – Site Plan Review Jurisdiction

A. JURISDICTIONAL DETERMINATION

1. Any person proposing a *land development* shall be required to submit a site plan drawing and project description to the Planning and Development Department to:
 - a. Verify whether the proposed *land development* is:
 - i. Exempt from site plan review per Section 3.1.B, or
 - ii. Eligible for site plan review by the Minor Site Plan Committee per Section 3.1.C, or

iii. Requires site plan review by the Planning Board in accordance with the procedures set forth in Article IV; and

b. To provide a record of such change on the property.

The Planning and Development Department may request additional information as reasonably needed to make the jurisdictional determination.

2. The initial determination of whether site plan review is or is not required for a proposed **land development** shall be made by the Planning and Development Department based on the submission required per Section 3.1.A.1 above. The decision of the Planning and Development Department may be appealed to the Planning Board provided the appeal is filed within 20 days of the Department's decision. The Board shall act on the appeal within a reasonable time. Such a determination shall be considered administrative, and no noticed public hearing shall be required for the Board to act on the appeal.

B. LAND DEVELOPMENT EXEMPT FROM SITE PLAN REVIEW.

Site plan review ~~and approval~~ shall not be required for:

~~One family and two family dwelling units or associated accessory uses, in accordance with RSA 674:43, I.~~

1. The following home-based businesses:
 - a. Home businesses (see Section 600 of the Zoning Ordinance).
 - b. Family day care homes (see Section 604.3 of the Zoning Ordinance).
 - c. Home-based contractor's yards (see Section 600A of the Zoning Ordinance), unless otherwise required by the Zoning Board of Adjustment as a condition of Special Exception approval.
 - d. Home-based agricultural businesses (see Section 600B of the Zoning Ordinance), unless otherwise required by the Zoning Board of Adjustment as a condition of Special Exception approval (see the zoning district tables of use in Article III of the Zoning Ordinance for additional information on when a Special Exception is required).
2. Buildings and structures in the Rural Lands (RL) One, Two, and Three zoning districts that are used for an agriculture use.
3. Except for modifications to an approved site plan prior to the issuance of a Certificate of Occupancy (see Section 9.1), any **land development** that, in the reasonable determination of the Planning and Development Department, does not necessitate or result in any appreciable change to access, parking, vehicular and/or pedestrian circulation, traffic, drainage patterns or drainage structures, topography, lighting, visual features, natural resources, City services or facilities, improved surfaces, or required landscaping, provided that:

a. Prior to the commencement of any such *land development*, a plan depicting the proposed changes shall be provided to the Planning and Development Department to mark the plan approved as an amendment to the approved site plan; and

a.b. The proposed *land development* complies with any applicable design requirements of the Site Plan Review Regulations, as determined by the Planning and Development Department.

Any decision of the Planning and Development Department made pursuant to Section 3.1.B.4 may be appealed to the Planning Board provided the appeal is filed within 20 days of the Department's decision. The Board shall act on the appeal within a reasonable time. Such a determination shall be considered administrative, and no noticed public hearing shall be required for the Board to act on the appeal.

~~B. _____~~

~~An Applicant shall obtain site plan approval from the Board for any of the following types of development or change or expansion of use of tracts for non-residential uses or for multi-family dwelling units, which are defined as any structures containing three (3) or more dwelling units,, whether or not such development includes a subdivision or re-subdivision of the site (RSA 674:43, I) Threshold criteria for determining when Site Plans are to be reviewed by the Planning Board are as follows:~~

~~1. A. Construction of any new principal building(s), including reconstruction of existing principal building(s), for multi-family or non-residential use, regardless of size. Establishment of any new non-residential principal use(s), and/or **material changes** or expansions of existing non-residential principal use(s), subsequent to the effective date of these Site Plan Review amendments, in which no buildings are proposed, including uses such as gravel pits, cemeteries, golf courses, parking lots, communications towers, or other non-residential uses.~~

~~2. Construction or installation of any combination of the following, where the total of new construction, subsequent to the effective date of these Site Plan Review amendments, is 1,000 gross square feet or more:~~

~~a. 1. Any new accessory building(s), and/or any series of additions to or expansions of existing principal or accessory building(s), or; Any new paved or improved surfaces, and/or any series of additions to or expansions of existing paved or improved surface(s), including, but not limited to, gravel or paved parking areas, driveways, walkways, or other improved surfaces, whether or not such surfaces are pervious or impervious.~~

~~3. D. _____~~

~~4. Conversion of any existing building(s), in whole or in part, whether or not the thresholds listed above in Paragraph C are exceeded, as follows:~~

~~5. _____~~

- ~~1. From a residential use containing one or two dwelling units to a multi-family use of three or more dwelling units. From a residential use to a non-residential or mixed use;~~
- ~~a. From an existing non-residential or mixed use to another non-residential or mixed use if the new use increases the intensity of on-site or off-site impacts;~~
- ~~b. From a non-residential or mixed use to a multi-family use of three or more dwelling units.~~
- ~~6. E. Any other **material change** to a previously approved Site Plan and/or previously developed property, which in the judgment of the **Planning Director** warrants review and approval by the Planning Board. Whenever the Planning Director determines that a proposed change warrants review and approval by the Planning Board, a written statement of the reasons for such recommendation shall be provided to the property owner and the Board.~~

C. MINOR SITE PLAN COMMITTEE REVIEW

For any **land development** not exempt from site plan review per Section 3.1.B, an applicant may obtain minor site plan approval from the Minor Site Plan Committee, in accordance with the procedures set forth in Section 3.2, for any one or more of the following:

1. **Land development** involving:
 - a. Any increase in the gross floor area of a building between 500 sq. ft. and 2,500 sq. ft. and which is less than 25% of the existing gross floor area of the building; and/or
 - b. Any new improved surface(s) greater than 500 sq. ft. and less than 2,500 sq. ft. Such improved surfaces include but are not limited to, gravel or paved parking areas, driveways, walkways, or other improved surfaces, whether or not such surfaces are pervious or impervious; and/or
 - c. An increase in the number of dwelling units within an existing multi-family dwelling of five (5) or more dwelling units, not to exceed 20% of the existing units; and/or
 - d. Conversion of an existing building, in whole or in part, to a multi-family dwelling containing less than five (5) dwelling units, unless review by the Planning Board is required per Section 601.9 of the Zoning Ordinance; and/or
 - e. Conversion of an existing building, in whole or in part, from a residential use to a non-residential use, unless review by the Planning Board is required per Section 601.9 of the Zoning Ordinance.

Notwithstanding the above, where in the reasonable judgment of the Planning and Development Department the proposal constitutes a **material change**, the application shall be reviewed by the Planning Board per Article IV.

Applications for **land development** that meet one or more of the criteria under this subsection and which are submitted less than two (2) years from the date of the last minor site plan approval shall be reviewed by the Planning Board and shall follow the procedures set forth in Article IV.

2. Except for modifications to an approved site plan prior to the issuance of a Certificate of Occupancy (see Section 9.1), **land development** that, in the reasonable determination of the Planning and Development Department, would necessitate or result in an appreciable change to access, parking, vehicular and/or pedestrian circulation, traffic, drainage patterns or drainage structures, topography, lighting, visual features, natural resources, City services or facilities, improved surfaces, or required landscaping.

Any such decision of the Planning and Development Department made hereunder may be appealed to the Planning Board provided the appeal is filed within 20 days of the Department's decision. The Board shall act on the appeal within a reasonable time. Such a determination shall be considered administrative, and no noticed public hearing shall be required for the Board to act on the appeal.

Section 3.2 – Information Required and Jurisdictional Determination

- ~~A. Any person proposing a development or change or expansion of use of tracts for non-residential uses or for multi-family dwelling units which results in exterior site alterations, and which otherwise requires a Zoning Permit pursuant to Section 901 of the Zoning Ordinance, shall also be required to submit a site plan drawing and project description to the Planning Office prior to the issuance of such permit, regardless of whether or not Site Plan Review is required by the provisions of Section 3.1 of these Regulations.~~

~~The purpose of such submission shall be to allow for review by the City Staff: i) to ensure compliance with the City's Zoning Ordinance, applicable development regulations, and utility standards; ii) to verify whether Planning Board review is or is not required, and; iii) to provide a record of such change on the property. Copies of plans and information submitted to the Zoning Administrator pursuant to Section 901.2 of the Lebanon Zoning Ordinance shall normally be sufficient to comply with this paragraph; however, the Planning Office may request additional information, if necessary, for the above-described purposes.~~

- ~~B. The initial determination of whether Site Plan Review and approval is or is not required by the provisions of Section 3.1 of these Regulations shall be made by the Planning Director based on the submission under Section 3.2.A above. However, the landowner, any Board member, or any person aggrieved may, within 30 days of such determination, make a written request for determination on this issue by majority vote of the Planning Board. The Board shall act on the request within a~~

~~reasonable time. Such a determination shall be considered administrative, and no noticed public hearing shall be required.~~

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 August 4, 2010, for the purpose of reviewing minor site plan applications per Section 3.1.D.

2. MEMBERSHIP

The Minor Site Plan Committee consists of one representative from the Planning Board (the Chair or his/her designee) who shall serve *ex officio*, the 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 Senior Planner shall serve as chair and may use his or her reasonable discretion in coordinating the activity of the committee in an efficient and effective manner. The Director of Planning and Development may, at his or her discretion, substitute for the Senior Planner or Associate Planner and may, at his or her discretion, serve as chair while substituting. A majority of the voting members shall constitute the quorum necessary to transact business.

B. REVIEW PROCESS

1. PRE-SUBMISSION REVIEW

Prior to submitting an application for minor site review, the applicant is encouraged to meet with the Planning and Development Department for a determination as to the applicability of the Article VI design and construction requirements to the applicant's project. The applicant may request that Planning staff provide the determination in writing. See also Section 3.2.B.8 (Design Standards).

2. APPLICATION

Fees for a minor site plan application may be assessed in accordance with the Fee Schedule adopted by the Planning Board pursuant to Section 4.2.

Upon receipt of an application for minor site review, the Planning and Development Department shall review the application to determine if it qualifies for minor site plan review per Section 3.1.D and if all required materials have been submitted per Section 3.2.B.7 (Submission Materials). The Planning and Development Department shall coordinate with the applicant to obtain any additional necessary information, documentation, or clarifications to understand the proposal and to help determine if it qualifies for minor site review and if all required application materials have been submitted. The Planning and Development Department shall also make a determination as to the applicability of the Article VI design and construction requirements to the applicant's project, pursuant to Section 3.2.B.8.

If the Planning and Development Department determines that the proposal is a minor site plan and that all required materials have been submitted, the application shall be forwarded to the Minor Site Plan Committee for review. If the plan does not address the applicable design and construction requirements of Article VI as determined by the Planning and Development Department, the Department shall forward the plan to the Minor Site Plan Committee with a recommendation that the application is transferred to the Planning Board per Section 3.2.B.5 (Referral to Planning Board).

Minor site plan applications are subject to the provisions of Section 4.4 which outlines the procedure when approvals from the Zoning Board of Adjustment are required. References in Section 4.4 to the Planning Board shall be deemed to be references to the Minor Site Plan Committee for purposes of this section.

Submission of a minor site plan application shall be deemed as the granting of permission to visit the property in accordance with Section 4.11. References to the Planning Board in Section 4.11 shall be deemed to be references to the Minor Site Plan Committee for purposes of this section.

3. PUBLIC HEARING

- a. If the proposal is approved for minor site review, the Planning and Development Department shall set a date for a public hearing before the Minor Site Plan Committee. The date of the public hearing shall be set for no later than 30 days following the submission of the application.
- b. The Planning and Development Department shall send notices to abutters and other parties in accordance with RSA 676:4, I(d)(1) and shall post public notice at least ten (10) days in advance of the public hearing, as specified in RSA 676:4, I(d)(1).
- c. Prior to the opening of the hearing, the Minor Site Plan Committee shall:
 - i. Determine if the application has regional impact in accordance with Section 4.6. References therein to the Planning Board shall be deemed to be references to the Minor Site Plan Committee for purposes of this section. If deemed to have regional impact, the Committee shall refer the application to the Planning Board for review per Section 3.2.B.5.
 - ii. Determine if the application is complete. If it is determined that the application is complete, the Committee shall accept the application. If it is determined that the application is incomplete, the Committee shall vote to find the application incomplete and shall state the reasons for such findings. The Committee may postpone the opening of the hearing to a new date or may require the submission of a new application.

- d. The Committee shall open the public hearing on the completed formal minor site plan application. Any abutter, member of the general public or any person with a direct interest in the matter may testify in person or in writing.

4. FINAL ACTION

- a. The Committee shall have ten (10) days, from the date of acceptance, to approve or disapprove the application, subject to extension or waivers as provided in RSA 676:4, I(c)(1). The date of acceptance shall be the date that the Committee accepts the plan.
- b. Following the conclusion of the public hearing, the Minor Site Committee shall either:
 - i. approve the application as submitted;
 - ii. approve the application with conditions;
 - iii. deny the application;
 - iv. decline to make a final decision itself and refer the application to the Planning Board for review per Section 3.1.B.5; or
 - v. request an extension of time from the applicant if needed.
- c. The Board shall provide a written decision within five (5) days of the conclusion of the public hearing.
- d. A digital copy of the approved plan, modified as necessary pursuant to any conditions of approval, shall be provided to the Planning and Development Department by the applicant for digital signature by the Chair of the Minor Site Plan Committee.
- e. The Planning and Development Department shall provide the Planning Board with a copy of the written decision made by the Minor Site Plan Committee and a copy of the approved plan.
- f. The time periods set forth in Section 4.10 shall apply to minor site plan approvals. References in Section 4.10 to the Planning Board shall be deemed to be references to the Minor Site Plan Committee for purposes of this section.

5. REFERRAL TO PLANNING BOARD

At or before the time of the Minor Site Plan Committee completeness review under Section 3.2.B.3.c.ii, the Minor Site Plan Committee in its reasonable discretion and/or at the request of the Applicant may transfer the application to the Planning Board. If such a transfer occurs, the Planning Board shall act on the proposed site plan within 65 days following a completeness finding, regardless of whether the completeness finding was made by the Minor Site Plan Committee or the Planning Board.

When an application is referred to the Planning Board for review it shall be treated as a regular site plan application with new notices and a new public hearing, and shall be placed on the next available Planning Board agenda. All applicable procedures of Article

IV shall apply except that no additional application fees shall be charged other than for notices, the materials submitted for the minor site plan review shall be adequate unless the Planning Board determines that other materials are needed, and the site plan application deadline shall not apply.

6. APPEAL TO PLANNING BOARD

A decision of the Minor Site Plan Committee may be appealed to the Planning Board in accordance with RSA 674:43, III, provided the appeal is filed within 20 days of the Committee's decision. The Planning Board shall hold a public hearing on any appeal, pursuant to the notice requirements and procedures set forth in Section 4.8. Any additional fees for notices shall be paid by the applicant. No new application fee shall be charged. All applicable procedures of Article IV shall apply.

7. SUBMISSION MATERIALS

An applicant for minor site plan review shall submit the following:

- a. A completed minor site application utilizing a form to be provided by the Planning and Development Department.
- b. A completed minor site plan technical checklist utilizing a form to be provided by the Planning and Development Department.
- ~~a.~~
- c. The appropriate fees as established by the Board's fee schedule.
- ~~b.d.~~ 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;
 - vi. The holders of any easements, rights-of-way, or other restrictions on or over the subject property.
- ~~e.e.~~ A scaled plan clearly illustrating the proposal, utilizing the approved site plan as a base map, if available, and identifying all abutters. Plans must be sufficiently accurate and detailed so as to:
 - i. Indicate the site location, the address and zoning classification of the subject property, and the uses of adjoining properties;
 - ii. Describe the size, shape, and use of the subject property, together with relevant information about existing site topography, drainage, hydrologic features, vegetation, and

- other natural features, and about proposed changes to these;
- iii. Show the size, dimensions, location, and height of existing and proposed structures, expansions to existing structures, or other improvements, including landscaping, parking areas, ramps, walkways, driveways, lighting fixtures, signs, stormwater control devices, exterior waste receptacles, exterior equipment, utilities, solar panels, wind generators, condensers, transformers, or other;
 - iv. Demonstrate conformity with the standards and requirements for proposed developments set forth in Article VI, as determined to be applicable by the Planning and Development Department pursuant to Section 3.2.B.8; and
 - ~~i.v.~~ Demonstrate full compliance with the Zoning Ordinance, including the conditions of approval of any special exception or variance granted by the Zoning Board of Adjustment.
- f. Any additional materials and documentation which the Minor Site Plan Committee reasonably requires to fully understand the proposal.

The Planning and Development Department or Minor Site Plan Committee (per Section 3.2.B.3.c.ii) may postpone action on an application that is not complete.

8. DESIGN STANDARDS

- a. The design and construction requirements of Article VI shall apply to minor site plans (i) to the extent reasonably related to the scope of the proposed project, and (ii) to the maximum extent practicable to bring the property into compliance with the Article VI design and construction requirements.
- ~~d.b.~~ The applicability of the Article VI requirements to an applicant's project shall be determined by the Planning and Development Department in consultation with the applicant. See also Section 3.2.B.1.

ARTICLE IV – PROCEDURE

Section 4.1 – Purpose

The purpose of this article is to set forth the procedure for Planning Board review and action on applications for site plan approval per Section 3.1.C (“Planning Board Review”). The procedure is intended to facilitate the orderly and expeditious processing of such applications.

Section 4.2 – Fees

The Planning Board has established, and from time to time may amend, a schedule of fees, which is hereby attached to these Regulations and made a part hereof.

[...]

Section 4.4 – Procedure When Approvals from the Zoning Board of Adjustment Are Required

When approvals from the Zoning Board of Adjustment (ZBA) are required by the Lebanon Zoning Ordinance, such ZBA approvals shall be obtained before the Site Plan application will be deemed complete by the Planning Board. Any conditions imposed by the Zoning Board of Adjustment shall not be diminished by the requirements contained in these Regulations. The condition that imposes the greater restriction or higher standard shall be controlling.

Any Site Plan application submitted prior to submission for necessary ZBA approvals will not be accepted by the Planning ~~Office~~ [and Development Department](#).

[...]

Section 4.6 – Determination of Potential for Regional Impact

Upon receipt of an application for development, the Board shall review the application promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact, pursuant to RSA 36:54, et seq. Doubt concerning regional impact shall be resolved in a determination that the development has a potential for regional impact.

A development of regional impact means any proposal, which, in the determination of the Board, could reasonably be expected to affect on a neighboring municipality because of factors such as, but not limited to, the following:

- A. The relative number of dwelling units as compared to existing stock. Any proposal that involves 50 or more residential units shall be deemed to have the potential for regional impact;
- B. The relative size of the development. Any proposal that involves 50,000 square feet or more of new non-residential gross floor area shall be deemed to have the potential for regional impact;
- C. The proximity of the development to the borders of a neighboring community.
- D. High-intensity traffic impact on regional transportation networks;
- E. The anticipated emission of excessive light, noise, smoke, odors, or particulates;
- F. The proximity of the development to aquifers or surface water, which transcend municipal boundaries.
- G. The impact on shared facilities, such as schools and solid waste disposal facilities.

The Board may, in its discretion, determine that any project has the potential for regional impact, whether or not the project meets or exceeds the criteria listed above.

[...]

Section 4.10 – Expiration of Site Plan Approval

- A. Any approved site plan for which a Building Permit has not been obtained within two (2) years of the date of the original approval shall be considered void; however, the Board may, for good cause, specify in the original Notice of Action some alternative time limit for obtaining a Building Permit. The voiding of an approval under this paragraph shall terminate the vesting of the application against changes in regulations, as set forth in RSA 676:12, VI and RSA 674:39.
- 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 ~~Office~~ [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.
- C. In determining whether to grant such an extension, the Board shall consider the totality of the circumstances, including the extent and complexity of the conditions precedent, the extent of the progress made by the Applicant toward satisfying the conditions precedent and/or starting construction, and whether the need for more time is attributable to unusual circumstances beyond the control of the Applicant, rather than to the Applicant's neglect or failure to proceed with reasonable promptness. The Board shall indicate in its minutes the reason(s) for its decision on an extension request under this Section. The Board shall grant no more than one extension for any site plan, unless it determines, based on legal advice, that such extension is required in order to prevent a violation of constitutional rights.
- D. For applications subject to both Site Plan and Subdivision review, expiration of Board approvals shall occur as set forth in the Subdivision Regulations.
- E. For approved phased developments, the deadlines for obtaining a Building Permit for each phase, as stated in the approved phasing schedule in accordance with Section 4.9.C(4) of these Regulations, shall be substituted for the time limitation set forth in Section 4.10(A). Any request for an extension of time for a particular phase, as described in Section 4.9.F of these Regulations, shall only apply to the particular phase, and such extension shall not automatically apply to any later phases of the development.

Section 4.11 – Permission to Visit Property

- A. For the City to effectively and efficiently review Site Plan applications, City Staff, members of the Planning Board, abutters, and others providing testimony must have the ability to enter the property that is the subject of an application.
- B. Submission of a Site Plan application shall be deemed as the granting of permission for City staff, Lebanon Planning Board members, and others attending the public hearings, to enter onto the property for purposes of review, during orderly visits, subject to reasonable notice. It shall be assumed that this permission is

extended until the Board has acted to formally approve or disapprove an application. If for any reason an applicant wishes to place some limitation upon such access, the applicant shall so inform the Planning ~~Office~~ and [Development Department](#) at the time of submission of the Site Plan application.

- C. The property owner retains all rights to withdraw permission to enter onto the property at any time. However such withdrawal of permission prior to the completion of the Site Plan Review process may result in the Board's disapproval of the application for lack of sufficient information.

ARTICLE V – SUBMISSION REQUIREMENTS

Section 5.1 – Drawings and Other Submittals

Applications [reviewed by the Planning Board](#) shall contain sufficient information to enable the City Staff and the Planning Board to evaluate the proposed development for compliance with the Zoning Ordinance, the Planning Board's Regulations, and other applicable City Codes, and for the Planning Board to make an informed decision.

[...]

ARTICLE IX – MODIFICATIONS AND MINOR ALTERATIONS TO AN APPROVED SITE PLAN [PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY](#)

Section 9.1 – Modifications to an Approved Site Plan

Once a plan has received approval from the Board [\(or, as applicable, the Minor Site Plan Committee\)](#) and prior to the issuance of a Certificate of Occupancy, no modification shall take place unless the modification of the plan has been approved by the Board [\(or, as applicable, the Minor Site Plan Committee\)](#), except as provided by Section 9.2 below. Following the issuance of a Certificate of Occupancy for an approved Site Plan, any changes proposed to a tract for multi-family or non-residential use shall be addressed under the provisions of Article III of these Regulations.

Modifications shall normally be treated by the Board [\(or, as applicable, the Minor Site Plan Committee\)](#) as a new plan application, which will require notification of abutting property owners, a public hearing, staff review, and formal Board [\(or, as applicable, Minor Site Plan Committee\)](#) action. A request for a modification which would entail a reversal or relaxation of any condition or determination made by the Board [\(or, as applicable, the Minor Site Plan Committee\)](#) as part of its original approval, shall not be heard unless the applicant demonstrates that a **material change** of circumstances has occurred affecting the merits of the original application.

Modifications to an Approved Site Plan granted by the Planning Board [\(or, as applicable, the Minor Site Plan Committee\)](#) pursuant to this paragraph shall not alter the time periods set forth in Section 4.10 of these Regulations for expiration of Site Plan Approval, unless the Planning Board [\(or, as applicable, the Minor Site Plan Committee\)](#), for good cause stated in its written Notice of Action, explicitly specifies some alternative expiration date.

Section 9.2 – Minor Alterations to an Approved Site Plan

- A. A minor alteration may be approved in writing by the Planning Director subsequent to final site plan approval, but prior to the issuance of a Certificate of Occupancy, if the alteration is not deemed to be a **material change** in the plan, and if the alteration is either necessitated by unforeseen or unanticipated circumstances, or constitutes a deviation from the plan which was constructed or installed as a result of a good-faith error, rather than negligence. The full Board [\(or, as applicable, the Minor Site Plan Committee\)](#) shall be notified in writing of any such approval within 30 days of the approval, and the Applicant shall submit a revised site plan to the Planning ~~Office~~ [and Development Department](#) reflecting the approved minor alteration.
- B. For purposes of this section, a change shall be deemed to be a minor alteration only if all of the following apply:
1. It is relatively minor, in light of the overall scope of the approval;
 2. It does not result in a violation of any express condition of the approval, or of any zoning or other local, state, or federal regulatory provision, and;
 3. The Planning Director concludes that no reasonable Board [\(or, as applicable, Minor Site Plan Committee\)](#) member could consider the change as grounds for reconsidering or altering any aspect of the Notice of Action.

Any modification which does not meet these criteria may be approved only as provided in Section 9.1 of these Regulations.

- C. The applicant, any Board member [\(or, as applicable, Minor Site Plan Committee member\)](#), or any person aggrieved may make a written request for an approval under this section to be reviewed by the full Board [\(or, as applicable, the Minor Site Plan Committee\)](#). The Board [\(or, as applicable, the Minor Site Plan Committee\)](#) shall act on the request within a reasonable time. Such a determination shall be considered administrative, and no noticed public hearing shall be required. The Board [\(or, as applicable, the Minor Site Plan Committee\)](#), by majority vote, shall either affirm the approval of the minor alteration, or shall require the owner or applicant to submit a modification request under Section 9.1 of these Regulations.

[...]

SITE PLAN REVIEW REGULATIONS

MINOR SITE PLAN REVIEW DRAFT AMENDMENTS

(NOTE: This blackline was prepared for ease of reading and includes only the most pertinent draft amendments. For all proposed amendments, see redline dated June 21, 2021.)

ARTICLE I – ENACTMENT AND GENERAL PROVISIONS

[...]

Section 1.6 – Compliance

- A. These Site Plan Review Regulations apply to all ***land development***, and no such ***land development*** shall proceed without first obtaining a jurisdictional determination from the Planning and Development Department pursuant to Section 3.1.

[...]

ARTICLE II – DEFINITIONS

[...]

Land development. Any physical improvement(s) or alteration(s) to any lot, whether vacant land or improved, and/or any increase in the size of any building, and/or any change of use to a non-residential, mixed use, or multi-family dwelling. The term “land development” does not include any of the following:

- The construction of one-family and two-family dwelling units or associated accessory uses, in accordance with RSA 674:43, I, or any alterations or improvements to any property where the sole principal use is a one-family or two-family dwelling; and/or
- Repair or maintenance that does not result in any changes to the layout or design of the property (e.g. repaving a parking lot that maintains the number and location of parking spaces, and the in-kind replacement of landscaping, fencing, light poles, etc.).

[...]

Material change. Any ***land development*** which, in the reasonable determination of the Planning and Development Department, necessitates or results in significant changes to access, parking, vehicular and/or pedestrian circulation, traffic, drainage patterns or drainage structures, topography, lighting, visual features, natural resources, City services or facilities, improved surfaces, or required landscaping. , and/or the establishment of any new non-residential principal use in which no principal buildings are proposed, including uses such as gravel pits, cemeteries, golf courses, parking lots, communications towers, or other non-residential uses.

[...]

ARTICLE III – ADMINISTRATION

Section 3.1 – Site Plan Review Jurisdiction

A. JURISDICTIONAL DETERMINATION

1. Any person proposing a **land development** shall be required to submit a site plan drawing and project description to the Planning and Development Department to:
 - a. Verify whether the proposed **land development** is:
 - i. Exempt from site plan review per Section 3.1.B, or
 - ii. Eligible for site plan review by the Minor Site Plan Committee per Section 3.1.C, or
 - iii. Requires site plan review by the Planning Board in accordance with the procedures set forth in Article IV; and
 - b. To provide a record of such change on the property.

The Planning and Development Department may request additional information as reasonably needed to make the jurisdictional determination.

2. The initial determination of whether site plan review is or is not required for a proposed **land development** shall be made by the Planning and Development Department based on the submission required per Section 3.1.A.1 above. The decision of the Planning and Development Department may be appealed to the Planning Board provided the appeal is filed within 20 days of the Department's decision. The Board shall act on the appeal within a reasonable time. Such a determination shall be considered administrative, and no noticed public hearing shall be required for the Board to act on the appeal.

B. LAND DEVELOPMENT EXEMPT FROM SITE PLAN REVIEW.

Site plan review shall not be required for:

1. The following home-based businesses:
 - a. Home businesses (see Section 600 of the Zoning Ordinance).
 - b. Family day care homes (see Section 604.3 of the Zoning Ordinance).
 - c. Home-based contractor's yards (see Section 600A of the Zoning Ordinance), unless otherwise required by the Zoning Board of Adjustment as a condition of Special Exception approval.
 - d. Home-based agricultural businesses (see Section 600B of the Zoning Ordinance), unless otherwise required by the Zoning Board of Adjustment as a condition of Special Exception approval (see the zoning district tables of use in Article III of the Zoning Ordinance for additional information on when a Special Exception is required).
2. Buildings and structures in the Rural Lands (RL) One, Two, and Three zoning districts that are used for an agriculture use.

3. Except for modifications to an approved site plan prior to the issuance of a Certificate of Occupancy (see Section 9.1), any **land development** that, in the reasonable determination of the Planning and Development Department, does not necessitate or result in any appreciable change to access, parking, vehicular and/or pedestrian circulation, traffic, drainage patterns or drainage structures, topography, lighting, visual features, natural resources, City services or facilities, improved surfaces, or required landscaping, provided that:
 - a. Prior to the commencement of any such **land development**, a plan depicting the proposed changes shall be provided to the Planning and Development Department to mark the plan approved as an amendment to the approved site plan; and
 - b. The proposed **land development** complies with any applicable design requirements of the Site Plan Review Regulations, as determined by the Planning and Development Department.

Any decision of the Planning and Development Department made pursuant to Section 3.1.B.4 may be appealed to the Planning Board provided the appeal is filed within 20 days of the Department's decision. The Board shall act on the appeal within a reasonable time. Such a determination shall be considered administrative, and no noticed public hearing shall be required for the Board to act on the appeal.

C. MINOR SITE PLAN COMMITTEE REVIEW

For any **land development** not exempt from site plan review per Section 3.1.B, an applicant may obtain minor site plan approval from the Minor Site Plan Committee, in accordance with the procedures set forth in Section 3.2, for any one or more of the following:

1. **Land development** involving:
 - a. Any increase in the gross floor area of a building between 500 sq. ft. and 2,500 sq. ft. and which is less than 25% of the existing gross floor area of the building; and/or
 - b. Any new improved surface(s) greater than 500 sq. ft. and less than 2,500 sq. ft. Such improved surfaces include but are not limited to, gravel or paved parking areas, driveways, walkways, or other improved surfaces, whether or not such surfaces are pervious or impervious; and/or
 - c. An increase in the number of dwelling units within an existing multi-family dwelling of five (5) or more dwelling units, not to exceed 20% of the existing units; and/or
 - d. Conversion of an existing building, in whole or in part, to a multi-family dwelling containing less than five (5) dwelling units, unless

review by the Planning Board is required per Section 601.9 of the Zoning Ordinance; and/or

- e. Conversion of an existing building, in whole or in part, from a residential use to a non-residential use, unless review by the Planning Board is required per Section 601.9 of the Zoning Ordinance.

Notwithstanding the above, where in the reasonable judgment of the Planning and Development Department the proposal constitutes a **material change**, the application shall be reviewed by the Planning Board per Article IV.

Applications for **land development** that meet one or more of the criteria under this subsection and which are submitted less than two (2) years from the date of the last minor site plan approval shall be reviewed by the Planning Board and shall follow the procedures set forth in Article IV.

2. Except for modifications to an approved site plan prior to the issuance of a Certificate of Occupancy (see Section 9.1), **land development** that, in the reasonable determination of the Planning and Development Department, would necessitate or result in an appreciable change to access, parking, vehicular and/or pedestrian circulation, traffic, drainage patterns or drainage structures, topography, lighting, visual features, natural resources, City services or facilities, improved surfaces, or required landscaping.

Any such decision of the Planning and Development Department made hereunder may be appealed to the Planning Board provided the appeal is filed within 20 days of the Department's decision. The Board shall act on the appeal within a reasonable time. Such a determination shall be considered administrative, and no noticed public hearing shall be required for the Board to act on the appeal.

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 August 4, 2010, for the purpose of reviewing minor site plan applications per Section 3.1.D.
2. **MEMBERSHIP.** The Minor Site Plan Committee consists of one representative from the Planning Board (the Chair or his/her designee) who shall serve *ex officio*, the 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 Senior Planner shall serve as chair and may use his or her reasonable discretion in coordinating the activity of the committee in an efficient and effective manner. The Director of Planning and Development may, at his or her discretion, substitute for the Senior Planner or Associate Planner and may,

at his or her discretion, serve as chair while substituting. A majority of the voting members shall constitute the quorum necessary to transact business.

B. REVIEW PROCESS

1. PRE-SUBMISSION REVIEW. Prior to submitting an application for minor site review, the applicant is encouraged to meet with the Planning and Development Department for a determination as to the applicability of the Article VI design and construction requirements to the applicant's project. The applicant may request that Planning staff provide the determination in writing. See *also* Section 3.2.B.8 (Design Standards).
2. APPLICATION. Fees for a minor site plan application may be assessed in accordance with the Fee Schedule adopted by the Planning Board pursuant to Section 4.2.

Upon receipt of an application for minor site review, the Planning and Development Department shall review the application to determine if it qualifies for minor site plan review per Section 3.1.D and if all required materials have been submitted per Section 3.2.B.7 (Submission Materials). The Planning and Development Department shall coordinate with the applicant to obtain any additional necessary information, documentation, or clarifications to understand the proposal and to help determine if it qualifies for minor site review and if all required application materials have been submitted. The Planning and Development Department shall also make a determination as to the applicability of the Article VI design and construction requirements to the applicant's project, pursuant to Section 3.2.B.8.

If the Planning and Development Department determines that the proposal is a minor site plan and that all required materials have been submitted, the application shall be forwarded to the Minor Site Plan Committee for review. If the plan does not address the applicable design and construction requirements of Article VI as determined by the Planning and Development Department, the Department shall forward the plan to the Minor Site Plan Committee with a recommendation that the application is transferred to the Planning Board per Section 3.2.B.5 (Referral to Planning Board).

Minor site plan applications are subject to the provisions of Section 4.4 which outlines the procedure when approvals from the Zoning Board of Adjustment are required. References in Section 4.4 to the Planning Board shall be deemed to be references to the Minor Site Plan Committee for purposes of this section.

Submission of a minor site plan application shall be deemed as the granting of permission to visit the property in accordance with Section 4.11. References to the Planning Board in Section 4.11 shall be deemed to be references to the Minor Site Plan Committee for purposes of this section.

3. PUBLIC HEARING

- a. If the proposal is approved for minor site review, the Planning and Development Department shall set a date for a public hearing before the Minor Site Plan Committee. The date of the public hearing shall be set for no later than 30 days following the submission of the application.
- b. The Planning and Development Department shall send notices to abutters and other parties in accordance with RSA 676:4, I(d)(1) and shall post public notice at least ten (10) days in advance of the public hearing, as specified in RSA 676:4, I(d)(1).
- c. Prior to the opening of the hearing, the Minor Site Plan Committee shall:
 - i. Determine if the application has regional impact in accordance with Section 4.6. References therein to the Planning Board shall be deemed to be references to the Minor Site Plan Committee for purposes of this section. If deemed to have regional impact, the Committee shall refer the application to the Planning Board for review per Section 3.2.B.5.
 - ii. Determine if the application is complete. If it is determined that the application is complete, the Committee shall accept the application. If it is determined that the application is incomplete, the Committee shall vote to find the application incomplete and shall state the reasons for such findings. The Committee may postpone the opening of the hearing to a new date or may require the submission of a new application.
- d. The Committee shall open the public hearing on the completed formal minor site plan application. Any abutter, member of the general public or any person with a direct interest in the matter may testify in person or in writing.

4. FINAL ACTION

- a. The Committee shall have ten (10) days, from the date of acceptance, to approve or disapprove the application, subject to extension or waivers as provided in RSA 676:4, I(c)(1). The date of acceptance shall be the date that the Committee accepts the plan.
- b. Following the conclusion of the public hearing, the Minor Site Committee shall either:
 - i. approve the application as submitted;
 - ii. approve the application with conditions;
 - iii. deny the application;

- iv. decline to make a final decision itself and refer the application to the Planning Board for review per Section 3.1.B.5; or
 - v. request an extension of time from the applicant if needed.
 - c. The Board shall provide a written decision within five (5) days of the conclusion of the public hearing.
 - d. A digital copy of the approved plan, modified as necessary pursuant to any conditions of approval, shall be provided to the Planning and Development Department by the applicant for digital signature by the Chair of the Minor Site Plan Committee.
 - e. The Planning and Development Department shall provide the Planning Board with a copy of the written decision made by the Minor Site Plan Committee and a copy of the approved plan.
 - f. The time periods set forth in Section 4.10 shall apply to minor site plan approvals. References in Section 4.10 to the Planning Board shall be deemed to be references to the Minor Site Plan Committee for purposes of this section.
5. REFERRAL TO PLANNING BOARD. At or before the time of the Minor Site Plan Committee completeness review under Section 3.2.B.3.c.ii, the Minor Site Plan Committee in its reasonable discretion and/or at the request of the Applicant may transfer the application to the Planning Board. If such a transfer occurs, the Planning Board shall act on the proposed site plan within 65 days following a completeness finding, regardless of whether the completeness finding was made by the Minor Site Plan Committee or the Planning Board.

When an application is referred to the Planning Board for review it shall be treated as a regular site plan application with new notices and a new public hearing, and shall be placed on the next available Planning Board agenda. All applicable procedures of Article IV shall apply except that no additional application fees shall be charged other than for notices, the materials submitted for the minor site plan review shall be adequate unless the Planning Board determines that other materials are needed, and the site plan application deadline shall not apply.

6. APPEAL TO PLANNING BOARD. A decision of the Minor Site Plan Committee may be appealed to the Planning Board in accordance with RSA 674:43, III, provided the appeal is filed within 20 days of the Committee's decision. The Planning Board shall hold a public hearing on any appeal, pursuant to the notice requirements and procedures set forth in Section 4.8. Any additional fees for notices shall be paid by the applicant. No new application fee shall be charged. All applicable procedures of Article IV shall apply.

7. SUBMISSION MATERIALS. An applicant for minor site plan review shall submit the following:
- a. A completed minor site application utilizing a form to be provided by the Planning and Development Department.
 - b. A completed minor site plan technical checklist utilizing a form to be provided by the Planning and Development Department.
 - c. The appropriate fees as established by the Board's fee schedule.
 - d. 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;
 - vi. The holders of any easements, rights-of-way, or other restrictions on or over the subject property.
 - e. A scaled plan clearly illustrating the proposal, utilizing the approved site plan as a base map, if available, and identifying all abutters. Plans must be sufficiently accurate and detailed so as to:
 - i. Indicate the site location, the address and zoning classification of the subject property, and the uses of adjoining properties;
 - ii. Describe the size, shape, and use of the subject property, together with relevant information about existing site topography, drainage, hydrologic features, vegetation, and other natural features, and about proposed changes to these;
 - iii. Show the size, dimensions, location, and height of existing and proposed structures, expansions to existing structures, or other improvements, including landscaping, parking areas, ramps, walkways, driveways, lighting fixtures, signs, stormwater control devices, exterior waste receptacles, exterior equipment, utilities, solar panels, wind generators, condensers, transformers, or other;
 - iv. Demonstrate conformity with the standards and requirements for proposed developments set forth in Article VI, as determined to be applicable by the Planning and Development Department pursuant to Section 3.2.B.8; and

- v. Demonstrate full compliance with the Zoning Ordinance, including the conditions of approval of any special exception or variance granted by the Zoning Board of Adjustment.
- f. Any additional materials and documentation which the Minor Site Plan Committee reasonably requires to fully understand the proposal.

The Planning and Development Department or Minor Site Plan Committee (per Section 3.2.B.3.c.ii) may postpone action on an application that is not complete.

8. DESIGN STANDARDS.

- a. The design and construction requirements of Article VI shall apply to minor site plans (i) to the extent reasonably related to the scope of the proposed project, and (ii) to the maximum extent practicable to bring the property into compliance with the Article VI design and construction requirements.
- b. The applicability of the Article VI requirements to an applicant's project shall be determined by the Planning and Development Department in consultation with the applicant. See *also* Section 3.2.B.1.

**Agenda
Planning Board
June 28, 2021**

**Agenda Item #4A
Study Items**

Review and Adoption of Proposed Revisions to the Rules of Procedure for the Planning Board

**RULES OF PROCEDURES
FOR THE PLANNING BOARD
CITY OF LEBANON, NEW HAMPSHIRE**

ARTICLE I **GOVERNING RULES**

- 1.1 GOVERNANCE.** The Planning Board of the City of Lebanon shall be governed by the provisions of all applicable State statutes, City regulations, and these Rules of Procedure adopted under the authority of RSA 676:1.
- 1.2 DEFINITION OF BOARD.** As used in these rules, the term "Board" shall mean the Planning Board duly appointed by the legislative body of the City of Lebanon under the authority of RSA Chapter 673.
- 1.3 DEFINITION OF MEETING.** As used in these rules, the term "meeting" shall have the meaning as set forth in RSA 91-A:2.
- 1.4 RULES OF DECORUM.** Meetings of the Planning Board shall be conducted in the spirit of the "Lebanon Boards, Committees, and Commissions Rules of Decorum and Commitment to Civil Behavior," which is addended hereto and made a part of these Rules of Procedure, and all Board members shall endeavor to adhere to the principles set forth therein.

[...]

Chair

Date

ATTEST:

Clerk of the Planning Board

Date

These Rules of Procedure supersede all other Rules and By-Laws.

LEBANON BOARDS, COMMITTEES, AND COMMISSIONS

RULES OF DECORUM AND COMMITMENT TO CIVIL BEHAVIOR

It is acknowledged that:

1. Civil, respectful, and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making.
2. Uncivil discourse and/or discourteous and inappropriate behavior have a negative impact on the character and productivity of the decision-making process.
3. Anger, rudeness, ridicule, obscene or profane language, impatience, and lack of respect for others and personal attacks are not acceptable behavior.
4. Demonstrations in support or opposition to a speaker or idea are not permitted by members of the Board. The Chairman is responsible for maintaining order. Failure to abide by this requirement may result in the forfeiture of the speaker's right to speak.

To maintain a cohesive, productive working environment, the members of the Lebanon Boards, Committees, and Commissions commit to:

1. Supporting the Board's mission.
2. Showing respect to each other as appointed members and staff representatives to the Board.
3. Promoting civility during Board meetings and tolerating nothing less.
4. Demonstrating reflective listening and not displaying negative body language (for example eye rolling, pencil tapping, shrugging of one's shoulders, hand gestures, etc.)
5. Allowing uninterrupted speech by those recognized as "having the floor" and refraining from speaking until recognized by the Chair.
6. Bringing appropriate committee-related concerns, issues, and conflicts to the Board for discussion.
7. Offering alternative solution(s) when addressing a problem or issue.
8. Maintaining the confidentiality of material discussed during closed Board meetings.

PLEDGE OF CIVILITY

The manner in which we govern ourselves is often as important as the positions we take. The City's collective decisions will be better and truer to our mission when differing views have had the opportunity to be fully vetted and considered. All those who appear before the City's boards, committees, and commissions have the right to be treated with respect, courtesy, and openness. We value all input.

Accordingly, we commit to conduct ourselves at all times with civility and courtesy, to both those with whom the Board interacts and to each other. We also pledge to endeavor to correct ourselves, should our conduct fall below this standard.