



**Lebanon Planning Board Development Regulations
Subcommittee
Regular Meeting Agenda
Remote Via Microsoft Teams
[LebanonNH.gov/Live](https://lebanonnh.gov/live)
Thursday, August 27, 2020
12:30pm**

1. CALL TO ORDER:

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

2. APPROVAL OF MINUTES:

A. JUNE 19, 2020

Documents:

[2020-08-27_PB Dev Reg Subcommittee_Item 2a.pdf](#)

B. AUGUST 7, 2020

Documents:

[2020-08-27_PB Dev Reg Subcommittee_Item 2b.pdf](#)

3. STUDY ITEMS:

A. New review of potential amendments to Subdivision Regulations

Documents:

[2020-08-27_PB Dev Reg Subcommittee_Item 3a.pdf](#)

4. FUTURE AGENDA ITEMS:

A. Final review of proposed amended sections to Site Plan Review Regulations relative to Mobility and Access improvements

B. New review of proposed amendments to Site Plan Review Regulations relative to Thresholds and Jurisdiction

C. New review of Site Plan Review Regulations relative to Fire requirements

5. ADJOURNMENT:

PUBLIC PARTICIPATION NOTICE: *Due to the current situation with the COVID-19 Pandemic, the City of Lebanon is offering its meetings via Microsoft Teams. Members of the public are*

encouraged to attend by going to LebanonNH.gov/Live 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 Microsoft Teams software or by phone. Please visit LebanonNH.gov/Live for full details.

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

THE ORDER OF AGENDA ITEMS IS SUBJECT TO CHANGE.

**Agenda
Planning Board Development Regulations Subcommittee
August 27, 2020**

**Agenda Item #2A
Approval of Minutes**

June 19, 2020

1 **DRAFT**

2
3 **MINUTES**
4 **PLANNING BOARD DEVELOPMENT REGULATIONS SUBCOMMITTEE**
5 **Friday, June 19, 2020 – 12:30pm**
6 **REMOTE VIA MICROSOFT TEAMS**
7 **LebanonNH.gov/Live**

8
9 Members Present: Matthew Hall (Chair), Joan Monroe, Tom Martz, Kathie Romano
10
11 Staff present: Rebecca Owens (Associate Planner), David Brooks (Planning Director)
12
13 Others present: Clifton Below (City Councilor)
14

15
16 **1. CALL TO ORDER:**

17
18 Chair Hall called the meeting to order at 12:30 pm.

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

21
22 Ms. Owens reviewed the requirements for remote meetings, including noting that all votes
23 must be roll call votes and asked participants to identify themselves prior to asking
24 questions or making comments.

25
26 Chair Hall conducted attendance by roll call vote.

27
28 Councilor Below asked to get on an upcoming agenda of the Development Regulations
29 Subcommittee to present a proposed amendment to the Site Plan Review Regulations to
30 require that all outdoor lighting be 3000K or warmer for correlated color temperature.

31
32 **2. APPROVAL OF MINUTES:**

33
34 **A. May 8, 2020**

35
36 P2, L23 – change ‘as’ to ‘asked’

37
38 **B. May 22, 2020**

39
40 P1, L31 – change ‘April 2’ to ‘April 24’; P1, L51 – change ‘May 22’ to ‘May 8’; P2, L15 – add ‘to’
41 after ‘apply’; P2, L50 – change ‘architectural’ to ‘architecture’ and remove ‘it’; P3, L8 – add ‘see the’
42 after can; P3, L9 – correct spelling of ‘porches’

43
44 **C. June 5, 2020**

45
46 No comments.

47
48 ***A Motion by Ms. Monroe to approve the minutes of May 8, May 22, and June 5.***
49 ***Seconded by Mr. Martz.***

50
51 *Roll Call Vote:*

52 *Members voting in favor included: Mr. Hall, Ms. Monroe, Ms. Romano, and Mr. Martz.*
53 *The vote on the Motion was unanimous (4-0). The Motion was approved.*
54

1 **3. STUDY ITEMS:**
2

3 Ms. Owens addressed questions about the process for adopting new regulations and when they
4 become enforceable. Ms. Romano noted that various projects are being reviewed under various
5 revisions of the Board's regulations and it is important that the Board have copies of all of the
6 applicable regulations.
7

8 Ms. Monroe expressed frustration that subcommittee was spending time reviewing ped/bike-related
9 amendments and noted that the subcommittee and the full Board need to be working on other parts
10 of the development regulations related to environmental protection and land use.
11

12 **A. Review potential amendments to Site Plan Review Regulations relative to**
13 **Pedestrian and Bicyclist improvements**
14

15 Ms. Owens started reviewing proposed amendments to Section 6.5.E.2. Committee
16 members expressed concern about the potential impact on certain uses. Ms. Romano
17 suggested the language be applied only to the LD and CBD districts, but not to General
18 Commercial and multi-family districts. Mr. Martz suggested that some of the
19 recommendations should not be lost and may be appropriate for broader application. Mr.
20 Hall suggested that perhaps this section should be a "should" instead of a "shall".
21

22 Ms. Owens reviewed proposed amendments to Section 6.5.E.3. Ms. Romano noted that
23 many local paving companies do not supply porous pavement applications, so cost and
24 availability could make this requirement difficult to comply with. She recommended that
25 there be a minimum size project threshold to which this requirement applies rather than to
26 every project subject to Site Plan Review. Committee members recommended that
27 additional education and training on LID would be a good work session topic for the full
28 Planning Board.
29

30 Ms. Monroe left the meeting at 1:31pm.
31

32 Ms. Owens reviewed proposed amendments to Section 6.5.E.5. Mr. Hall supported the
33 proposed amendment and liked that it was permissive (may) rather than required. Ms.
34 Romano asked for bus rapid transit station to be defined and whether there are any in
35 Lebanon; Mr. Brooks indicated that it often incorporates rail. Mr. Brooks also recommended
36 moving this section to the Zoning Ordinance, where other parking regulations are provided,
37 as the Planning Board does not currently have the ability to change the parking minimum
38 requirement and recommended consulting with zoning staff, Tim Corwin, to see if such
39 criteria could be part of conditional use permit processes. Ms. Romano asked if there are
40 organizations in Lebanon that have rideshares; staff responded that DHMC and Hypertherm
41 do, among likely others. Ms. Romano asked for clarification about the definition of transit
42 stations. Ms. Owens noted that (c) regarding rail or bus rapid transit could be removed if
43 members feel it is not relevant to Lebanon, though she cited that there is an Amtrak station
44 just over the river in White River Junction that is .5 miles walking distance.
45

46 Ms. Owens reviewed proposed amendments to Section 6.5.E.7 regarding potential
47 incentives for preferred parking. Committee members expressed concern about providing
48 preferential status for people who can afford certain vehicles and having so many
49 designated spaces already for handicapped spaces and similar, that it increases the walking
50 distance for people without qualified vehicles. Ms. Owens suggested a pared down version
51 of the section to focus on electric vehicle charging capacity. Mr. Hall asked if saying
52 "dedicated" rather than "preferred" parking would make sense and Ms. Romano agreed. Ms.
53 Owens noted that in editing the section, consideration will be important as to what language

1 provides effective incentivization. Mr. Hall indicated concern about creating policy. Ms.
2 Owens responded that the goals of such incentives are consistent with adopted City policy
3 to support actions that facilitate cleaner air, reduced carbon emissions, reduced roadway
4 congestion and similar goals. Ms. Romano suggested to not discourage EVs and charging
5 spaces but to clarify what thresholds of developments would require them, such as if
6 100 or more parking spaces are planned, to then require installation or capacity for EV
7 charging. Ms. Owens took note of the need to modify the text with a threshold. Mr. Martz
8 said he likes the idea of having EV charging stations and recalled some examples in
9 neighboring towns, especially in commercial areas, and thinks there is a role for
10 incentivizing such features in developments to complement what is being done voluntarily by
11 some businesses.

12
13 Ms. Owens reviewed proposed amendments to Section 6.5.E.10 and noted that the
14 proposed permissive requirement for shared parking is associated to existing zoning
15 requirements, and that it will be based on the project scale. Ms. Romano asked if it should
16 be based on building size or parking requirements according to the use. Mr. Hall said he
17 accepts this change as is.

18
19 Ms. Owens reviewed proposed amendments to bike parking requirements and recalled an
20 informational supplement that was provided to members as a backgrounder regarding
21 similar existing requirements in other NH municipalities. Committee members expressed
22 concern about significant requirements applying to all development projects or just larger
23 projects. There was also concern about requiring other facilities such as lockers. There was
24 agreement to consider removing the smallest requirement for shower and changing
25 facilities.

26
27 Mr. Hall commented on 6.5.H.8 and 6.5.H.9 should have additional specificity. He
28 recommended more consolidation of requirements. Ms. Owens suggested that regulations
29 could also incorporate references to guiding documents instead of spelling out every detail.

30
31 **B. Discussion of process for identifying and reviewing other potential amendments**
32 **to Development Regulations**

33
34 There was no discussion.

35
36 **4. ADJOURNMENT:**

37
38 The Committee discussed holding its next meeting for Friday July 10th

39
40 ***A Motion by Mr. Martz to adjourn the meeting.***
41 ***Seconded by Ms. Romano***

42
43 *Roll Call Vote:*

44 *Members voting in favor included: Mr. Hall, Ms. Romano, and Mr. Martz.*
45 *The vote on the Motion was unanimous (3-0). The Motion was approved.*

46
47 The meeting was adjourned at 2:31 pm

48
49 Minutes recorded by Rebecca Owens.

**Agenda
Planning Board Development Regulations Subcommittee
August 27, 2020**

**Agenda Item #2B
Approval of Minutes**

August 7, 2020

1 **DRAFT**

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

8
9 Members Present: Matthew Hall (Chair), Joan Monroe, Tom Martz, Kathie Romano

10
11 Staff Present: Rebecca Owens (Associate Planner), Tim Corwin (Senior Planner)

12
13 Other Participants Present: Clifton Below
14

15
16 **1. CALL TO ORDER:**

17
18 Chair Hall called the meeting to order at 12:30 pm.

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

21
22 Procedures were reviewed by Ms. Owens

23
24 Chair Hall conducted attendance by roll call vote in order of the above-listed Members
25 Present.

26
27 **2. APPROVAL OF MINUTES:**

28
29 A. July 10, 2020

30
31 No comments.

32
33 ***A Motion by Mr. Martz to approve the minutes of July 10, 2020.***
34 ***Seconded by Mr. Hall.***

35
36 *Roll Call Vote:*

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

39
40 Chair Hall requested discussion of a date for the next meeting. The sub-committee agreed on
41 Thursday, August 27, 2020.

42
43 **3. STUDY ITEMS:**

44
45 **A. New review of proposed amendments to Site Plan Regulations relative to Lighting**

46
47 Mr. Below presented highlights from his memo to the Sub-Committee, as presented in the
48 meeting packet. He detailed the benefits of LED lighting that is a warmer temperature (lower
49 Kelvin rating) when used for outdoor lighting and recommended text amendments to Site
50 Plan regulations. The memo identified the UHAUL property on Hanover Street, which Mr.
51 Below explained is an example of the disability glare created by cooler temperature lighting
52 that additionally lacks cut-off fixtures. This type of lighting is not dark-sky compliant, for
53 which there are national standards and the State of New Hampshire has adopted RSA
54 references that support these standards, he emphasized.

1
2 Mr. Hall asked about the costs and potential exceptions for the proposed 3000 Kelvin
3 threshold. Mr. Below responded that the industry has matured and warmer and cooler
4 temperature lighting products have cost parity. He shared examples from an NHDOT
5 contract's deliberations on the matter when several communities that already had warm-
6 temperature regulations requested matching specifications for an NHDOT project that would
7 impact them if the originally proposed 4000 Kelvin products were selected and NHDOT
8 ended up buying 3000 Kelvin-rated products.

9
10 Regarding potential exceptions that the Planning Board might anticipate waiver requests for,
11 Mr. Below and Ms. Owens noted sports arenas/stadiums as well as some indoor uses like
12 grocery, manufacturing and warehouses where high acuity and color intensity are important
13 but that those are outside the purview of the proposed amendments. As relates to stadiums,
14 Ms. Owens noted that one reference indicated the cooler temperatures were in part for HD
15 videography, and that would be a less common need in Lebanon.

16
17 Ms. Romano shared that she liked the clarity of the proposed language, She also asked if
18 there is an existing regulation about uplighting to support correction of the current UHAUL
19 lighting non-conformance to cut-off and light trespass requirements. Mr. Corwin responded
20 that as a previously approved site plan, it could be suggested but might be debatable. Mr.
21 Below suggested that a new City ordinance or amendment to the existing ordinance on
22 public lighting could help address retrofit compliance in cases where properties are not
23 going through site plan review but may warrant upgrades. Staff indicated that they would
24 look into potential strategies, including notification to UHAUL.

25
26 Ms. Monroe related her recent experience buying residential outdoor lighting fixtures at a
27 local retailer and that while she was surprised that the bulk of options are non-dark sky
28 compliant, she was able to locate products that were clearly labeled with the 3000 Kelvin
29 temperature rating. Ms. Monroe also recalled a UPS site plan proposal in Lebanon that
30 asked for waivers on lighting requirements to support security camera optics for their
31 shipping trucks. She observed that the City's skating rink located on Bank Street extension
32 has several pole-mounted lights that are of a cool temperature and not dark-sky friendly, in
33 addition to being operated when the rink was not in use, causing necessary glare impacts
34 on the neighborhood. She suggested that the lights be retrofit or at least set on timers or
35 motion sensors similar to what a facility at Dartmouth has done.

36
37 Mr. Hall inquired if it would be helpful to consult with Lebanon Police about the proposed
38 changes. Mr. Below recalled that when Lebanon Police was consulted about the parallel
39 requirements for lower (warmer) Kelvin products as part of the City Ordinance adopting
40 public lighting standards, they did not share concern so he does not anticipate the need for
41 additional outreach. There was some discussion about the data and science of lighting in
42 urban areas and lack of demonstrated correlation between crime rates and lighting, in part
43 as high lighting levels can create shadow effects. Mr. Below noted that some communities
44 have managed to provide low-level lighting during early and late hours, using dimmers, to
45 find a middle-ground.

46
47 Mr. Martz agreed with previous comments including suggestions to address UHAUL. He
48 submitted that dark sky requirements have widespread adoption by communities and for
49 development, and have been around for at least twenty years, hence he supports Lebanon
50 following suit. He asked if there can be enforcement, or otherwise mechanisms to spur
51 retrofits to more dark sky-friendly fixtures. Mr. Martz also noted that many vehicles have high
52 power LED lights so whatever Lebanon can do to reduce other disability glare on and near
53 roads would help.

1 Ms. Monroe further recommended review of National Park Service standards for lighting,
2 which recently deceased Planning Board member Gregory Schwarz had been a strong
3 advocate for.

4
5 Ms. Owens pointed members to a non-lighting amendment, to re-locate Multifamily
6 Recreational Facilities from the Lighting section of Site Plan Regulations to Section 6.5.
7 There was no related discussion.

8
9 Sub-committee members unanimously accepted the proposed text amendments to the Site
10 Plan regulations, with one change to indicate acceptable lighting of 3000 Kelvin or less
11 rather than the 2700 Kelvin or less that staff had presented. The reason for the change is
12 that in state proceedings that Mr. Below has been party too, research found adequate
13 market availability for products rated 3000 Kelvin and limit availability for products offering
14 less than that. It is anticipated that if the market evolves, the Planning Board can re-visit the
15 threshold. Members collectively recommended to bring the proposed amendment to the next
16 available full Planning Board agenda for review.

17
18 **B. New review of potential amendments to Subdivision Regulations**

19
20 Continued to the meeting of August 27th.

21
22 **4. FUTURE AGENDA ITEMS:**

23
24 Ms. Romano indicated that she would like to see continued address of options to create a
25 Minor Site Plan Review process, such as for smaller residential projects.

26
27 Mr. Corwin stated that he may present a proposal the Planning Board procedures and or
28 Site Plan regulations about acceptance and distribution of supplementary and revised
29 application materials post-application intake and completeness decisions.

30
31 ***A Motion by Ms. Romano to adjourn the meeting.***
32 ***Seconded by Mr. Martz***

33
34 *Roll Call Vote:*

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

37
38 The meeting was adjourned at 1:32 pm

39
40 Minutes recorded by Rebecca Owens.

Agenda
Planning Board Development Regulations Subcommittee
August 27, 2020

Agenda Item #3A
Study Items

**New review of
potential amendments to
Subdivision Regulations**

I. REDLINE TEXT:

SECTION 5 – DEFINITIONS

[...]

Major Subdivision. Any division of a lot, tract, or parcel of land into four (4) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development~~and which results in four (4) or more lots, plats, building sites, or other divisions of land,~~ or which requires new streets, the extension of municipal utilities, or the creation of public improvements. (See also the definition of “Subdivision” below)

[...]

Minor Subdivision. Any division of a lot, tract, or parcel of land into no more than three (3) lots, plats, building sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development~~and which results in no more than three (3) lots, plats, building sites, or other divisions of land, each fronting on an existing Class IV or V highway,~~ and not involving any new street or extension of municipal facilities nor the creation of any public improvements. (See also the definition of “Subdivision” below)

[...]

Subdivision. ~~The definition of this term shall be as provided in RSA 672:14, as set forth below:~~

~~A. “Subdivision” means the~~ division of the a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under this title.

~~B. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under this title.~~

~~C. The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unstaffed structure which is less than 500 square feet, shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose.~~

~~D. The rent, lease, development, or grant of an easement to a person for the purpose of placing and maintaining a wireless communications facility shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose. For purposes of this paragraph, “wireless communications~~

~~facilities" means any towers, poles, antennas, or other unstaffed structure of less than 500 square feet intended for use in connection with licensed transmission or receipt of radio or television signals, or any other licensed spectrum-based transmissions or receptions. This paragraph shall not be deemed to affect other local zoning, site plan, or regulatory authority over wireless communications facilities. (Drafting note: the latter two subsections – C & D – repeat verbatim the language of NH RSA 672:14, III & IV. Consequently, their inclusion is unnecessary.)~~

[...]

SECTION 6 – JURISDICTION

6.1 General Subdivision.

These Regulations shall apply to ~~the subdivisions of land~~ within the boundaries of the City of Lebanon ~~The definition of a subdivision shall be as provided in RSA 672:14, and is intended to give the Planning Board the most comprehensive jurisdiction as permitted under state law.~~

The Board also has jurisdiction over Minor Lot Line Adjustments and Boundary Line Agreements.

6.2 Exceptions

- A. Subdivision review shall not be required for ~~building developments~~ consisting of more than one (1) building erected on a lot in single ownership ~~in a commercial, industrial, institutional, or mixed-use zoning district~~ including, but not limited to, a multi-family dwelling complex or a shopping mall or industrial park, provided that ownership of the buildings is not separately conveyed by condominium or by long-term lease.

6.3 Condominium Conversion.

When ~~land and~~ existing buildings under single ownership are proposed to be converted into a condominium form of ownership and/or when one (1) or more buildings erected on a lot in single ownership are proposed to be converted into a condominium form of ownership, and where no physical changes to the property are proposed, subdivision approval shall only be required if the Planning Director determines that be required, but the Planning Board's involvement shall be limited to such review as it deems necessary to ensure that the underlying existing use of the property will not be materially altered by the conversion. If the ~~Board~~ Planning Director determines that, due to the specific facts of the case, the effect of the conversion will be to materially alter the nature or intensity of the use of the property, then full review under these Regulations shall be required. 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.

II. BLACKLINE TEXT:

SECTION 5 – DEFINITIONS

[...]

Major Subdivision. Any division of a lot, tract, or parcel of land into four (4) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development, or which requires new streets, the extension of municipal utilities, or the creation of public improvements. (See also the definition of “Subdivision” below)

[...]

Minor Subdivision. Any division of a lot, tract, or parcel of land into no more than three (3) lots, plats, building sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development and not involving any new street or extension of municipal facilities nor the creation of any public improvements. (See also the definition of “Subdivision” below)

[...]

Subdivision. The division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under this title.

[...]

SECTION 6 – JURISDICTION

6.1 General.

These Regulations shall apply to *subdivisions* within the boundaries of the City of Lebanon. The Board also has jurisdiction over Minor Lot Line Adjustments and Boundary Line Agreements.

6.2 Exceptions

- A. Subdivision review shall not be required for developments consisting of more than one (1) building erected on a lot in single ownership including, but not limited to, a multi-family dwelling complex or a shopping mall, provided that ownership of the buildings is not separately conveyed by condominium or by long-term lease.

6.3 Condominium Conversion.

When existing buildings under single ownership are proposed to be converted into a condominium form of ownership and/or when one (1) or more buildings erected on a lot in single ownership are proposed to be converted into a condominium form of ownership, and where no physical changes to the property are proposed, subdivision approval shall only be required if the Planning Director determines that the underlying existing use of the property will not be materially altered by the conversion. If the Planning Director determines that, due to the specific facts of the case, the effect of the conversion will be to materially alter the nature or intensity of the use of the property, then full review under these Regulations shall be required. 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.