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2 **Roll Call Vote: Mayor McNamara, Assistant Mayor Below, Councilors Prentiss, Sykes, Heistad,**
3 **Winny, Zook and Bronner all voting in favor.**

4 ***The Vote on the MOTION was unanimously approved (8-0).**

5
6 **8. OLD BUSINESS**

7 **A. Westboro Yard**

8 Mr. Mulholland informed the Council that there is funding for Westboro Yard in the State’s budget,
9 which was approved by the legislature, but he is uncertain if the State’s budget has been signed by the
10 Governor. There is going to be a *back of the budget cut* of around \$2.5 million dollars so he sent an email
11 to the NH DOT to find out what the status of the project is and when the project (theoretically) might
12 actually begin.

13
14 Councilor Sykes explained *the back of the budget cut* to the Council and noted that since this is an
15 appropriation, it is reasonable to expect that funding for this project will be approved.

16
17 **9. NEW BUSINESS**

18 **A. Review and Action on Properties Qualified for Tax Deeding**

19
20 Ms. Susan McBain (City Tax Collector), Mr. Shaun Mulholland (City Manager) and Ms. Vicki Lee
21 (Acting Finance Director/Deputy Finance Director) came before the Council representing the above
22 review and action on a property that is now qualified for Tax Deeding. All documents pertaining to this
23 property were included in the agenda packet.

24
25 Tax bills are mailed on or around June 1 and November 1 each year. Interest accrues at a rate of 8% per
26 annum on bills outstanding for more than 30 days. Within 18 months of the date assessed (April 1), the
27 Tax Collector places a lien on properties for all uncollected property taxes. The lien on these properties
28 has priority over other liens and accrues interest at 12% per annum.

29
30 According to State law, if a property is not redeemed (including taxes, penalties and interest) within the 2-
31 year redemption period, the Tax Collector is required to tax deed the property as a normal matter of
32 course unless notified by the City’s governing body (City Council) not to take a deed.

33
34 When the City Council instructs the Tax Collector that it shall not accept a tax deed, the tax lien remains
35 in effect indefinitely. The taxpayer’s right of redemption (to pay what is outstanding including taxes,
36 penalties and interest) is likewise extended indefinitely with interest at the rate of 12% per annum and
37 continues to accrue. At any time, if in the judgment of the City Council, the reasons for refusing the tax
38 deed no longer apply, and the tax lien has not been satisfied, the City Council may instruct the Tax
39 Collector to commence the statutory deeding process.

40
41 **AUTHORIZATION FOR TAX DEEDING:** The property recommended to commence the deeding
42 process on total \$10,567.20, consisting of a mobile home (1).

43
44 Mr. Mulholland said this is never anything that anyone wants to do and the City, like most cities across
45 the State, go through an extensive process to avoid having to do this, noting that tax payment plans are
46 offered to people, but this requires the property owner to work with the City.

47
48 In response to Mayor McNamara’s question, Ms. McBain said this property has been in arrears since
49 2009 and noted the City has tried to do a payment plan in the past but the property owner was not been
50 able to keep up with it. The former Assessor looked at abatements and programs for the property owner

1 but the property owner never finished the paperwork that was needed. Many letters were sent and
2 numerous phone calls were made, but no response was ever received from the property owner so she has
3 gone through the proper procedure and the tax deed is set to be recorded. The Council can either waive it
4 for another year or accept it. If the Council accepts it, the tax deed will be recorded at the Registry and
5 will become City property at that point.

6
7 Mayor McNamara said this is not something that any Council member takes lightly and this is not done
8 very often because most people have gotten themselves on a plan. This particular individual, for
9 whatever reason, has chosen not to work with the City on a routine basis and there is now a decade of
10 overdue taxes and accrued interest.

11
12 Councilor Below asked what the difference was between page 93 and page 94 of the agenda packet. Ms.
13 McBain said that the only years she can work with at this point, as far as Deeding, is 2016 and prior years.
14 Page 94 just shows the amount of property taxes owed through 2019.

15
16 In response to Councilor Bronner’s question, Ms. McBain informed the Council that the property owner
17 is aware that the tax deeding is moving forward and, because the property owner has not made any
18 contact with her, she is unaware of any valid reasons for not paying property taxes. A health issue is
19 unknown. She also spoke with the Park owner, who has done a lot of work on the outside of home.

20
21 The Council deeply regretted the below action, but felt it was unfair for other taxpayers to carry the tax
22 burden of this property.

23
24 **ACTION:**

25
26 ***Councilor Prentiss regrettably MOVED to approved the following Resolution:***

27
28 **RESOLUTION:**

29
30 **FOR THE PURPOSE, of complying with NH RSA 80:76.**

31
32 **NOW THEREFORE BE IT RESOLVED, that the Lebanon City Council, in accordance with NH**
33 ***RSA 80:76, has reviewed the information provided in the October 2, 2019 Council Packet prepared by***
34 ***the Tax Collector of tax liens outstanding for tax years 2009-2016.***

35
36 **NOW THEREFORE BE IT FURTHER RESOLVED, that the Lebanon City Council, hereby accepts**
37 ***the Tax Collector’s deed for 695 Dartmouth College Hwy #2, Mobile Home, Tax Map 99 Lot 8 Plot***
38 ***200.***

39
40 ***This resolution shall be effective upon passage.***

41
42 ***Seconded by Councilor Bronner.***

43
44 ***Roll Call Vote: Mayor McNamara, Assistant Mayor Below, Councilors Prentiss, Sykes, Heistad,***
45 ***Winnie, Zook and Bronner all, regrettably, voting in favor.***

46 ****The Vote on the RESOLUTION was unanimously approved (8-0).***

B. Acceptance of Land and Authorization for City Manager to execute documents to finalize a boundary line adjustment with the estate of Ruth Guernsey for property at Green Street West and Spring Street West, West Lebanon.

Mr. Jim Donison came before the Council representing the above boundary line adjustment and noted DPW has been working with Mr. Ben Guernsey, a Trustee of the Ruth H. Guernsey Trust, on a land swap. (A memo from Department of Public Works Director Jim Donison and Assistant City Engineer Erica Brittner was included in the agenda packet.)

The City’s Right-of-Way extends past the current paved road at the end of Spring Street West. It is a grass area in the back of the single family home off Green Street West that the owners have mowed and maintained for years as part of their backyard. In exchange for the City granting them the end of the Spring Street West Right-of-Way, the Guernsey’s have offered an area on the vacant lot to the City so a turnaround area may be developed for City plow trucks. This has gone through the Planning Board, but still needs to go through legal counsel.

The Council discussed the liability of the existing shed on the property, with Mr. Mulholland stating the City would issue a license for a number of years and after the license expires, the shed would have to be moved. The license protects the City from liability and allows Mr. Guernsey to continue to use the shed.

ACTION :

Assistant Mayor Below MOVED, that the Lebanon City Council hereby authorizes the City Manager to prepare and execute required documents to effectuate a boundary line adjustment of land at Spring Street West, West Lebanon, NH, as shown on a plan titled, “Boundary Line Adjustment Plan for City of Lebanon & Ruth H. Guernsey Rev. Trust,” drawn by Pathways Consulting, LLC, dated February 19, 2019, last revised July 19, 2019, project #12914. Seconded by Councilor Winny.

Roll Call Vote: Mayor McNamara, Assistant Mayor Below, Councilors Prentiss, Sykes, Heistad, Winny, Zook and Bronner all voting in favor.

**The Vote on the MOTION was unanimously approved (8-0).*

C. Discussion & Set Public Hearing for October 16, 2019: Authorization for the City Manager to enter into an Intermunicipal Agreement with the Town of Enfield for the provision of wastewater treatment services for Enfield residents/businesses.

The existing Intermunicipal Agreement between the City of Lebanon and the Town of Enfield has expired. City Administration met with representatives from the Town of Enfield to finalize an updated Intermunicipal Agreement (IMA). The draft agreement, with changes highlighted in red, was included in the agenda packet.

The length of the Intermunicipal Agreement with the Town of Enfield will be ten (10) years, with the option of Enfield notify the City five (5) years prior to exiting the agreement. Mr. Mulholland explained the requirements for Enfield regarding fees and sewer capacity load, which is now at 300K gallons, and adding a flow rate meter before the City town line. For Enfield’s 300K gallon capacity, the City will not be holding out this amount of sewage capacity, simply guaranteeing that Enfield will have this amount of capacity available, should they need it.

1 After the Council has accepted the terms of the agreement, a public hearing will be held to obtain public
2 comment in advance of forwarding the document to the Attorney General for approval. Agreement will
3 not take effect until it is approved by the Attorney General.

4
5 Assistant Mayor Below was concerned with the age of Enfield’s sewer system close to the lake and
6 questioned if there might be infiltration issues that should be addressed, particularly the older parts of the
7 sewer line along Rte. 4A. He explained his concerns. Mr. Mulholland said Enfield has an Empties
8 Permit, just like Lebanon, so they have to show what steps they are taking to stay in compliance with their
9 permit. Mr. Donison said the DPW will look into any possible infiltrations issues that may need to be
10 addressed.

11
12 **ACTION:**

13
14 ***Councilor Winny MOVED, that the Lebanon City Council hereby schedules a public hearing for***
15 ***Wednesday, October 16, 2019, beginning at 7:00pm in Council Chambers, City Hall, for the***
16 ***purpose of receiving public input and taking action to authorize the City Manager to enter into an***
17 ***Intermunicipal Agreement with the Town of Enfield for the provision of wastewater treatment***
18 ***services for Enfield residents/businesses.***
19 ***Seconded by Councilor Zook.***

20
21 ***Roll Call Vote: Mayor McNamara, Assistant Mayor Below, Councilors Prentiss, Sykes, Heistad,***
22 ***Winny, Zook and Bronner all voting in favor.***

23 ****The Vote on the MOTION was unanimously approved (8-0).***

24
25 **D. PRESENTATION OF 2020 PROPOSED ZONING AMENDMENTS (BALLOT &**
26 **COUNCIL ADOPTION)**

27
28 Mr. Tim Corwin (Senior Planner), Mr. David Brooks (Director of Planning & Zoning) and Ms. Jennifer
29 Mercer (Ward 3) came before the Council representing the proposed 2020 Zoning Amendments.

30
31 In an ongoing attempt to align the City’s Zoning Ordinance with the goals and intent of the 2012 adopted
32 Master Plan, the Planning Staff is proposing 20 amendments to the Zoning Ordinance for Council’s
33 consideration.

34
35 Included in the October 2, 2019 agenda packet is the September 24, 2019 Memo from the Planning Office
36 re: 2019-2020 Proposed Zoning Amendments, including redline excerpts of the current Zoning Ordinance
37 (redline last revised 9/24/19), which describes the amendments in detail and outlines the process to amend
38 the Ordinance.

39
40 Mr. Corwin explained the review process to the Council, noting that the majority of these proposed
41 amendment could be adopted by the Council in January, but some will require placement on the March
42 ballot.

43
44 Mr. Brooks introduced Ms. Mercer to the Council and applauded all the hard work and research she did
45 on the proposed agricultural amendments.

46
47 Ms. Mercer, in order to give context to the Council, gave a detailed slide presentation of her three (3)
48 proposed agriculture uses amendments that would impact Section 200, 6.11A and 6.11B and a new

1 Section 600.B (not included in the agenda packet). The purpose of these changes would be to allow more
2 flexibility for agriculture activities and agricultural business in Lebanon’s residential zones She felt they
3 observed the State RSA’s and Lebanon’s Master Plan and Sustainability Principals. A handout of
4 agriculture references in the NH State Law (RSA’s) was given to the Council. Her proposed amendments
5 are:
6

- 7 1. Amend Section 200 (“Gardening and Forestry”): The proposal to amend Section 200 was
8 initially introduced by Lebanon resident Jennifer Mercer at the Planning Board’s work session
9 on August 26, 2019 and would expand the scope of non-commercial land-based uses of
10 property that are not regulated by the Zoning Ordinance.
- 11 2. Amend Section 611 (“The Keeping of Hens”) in a limited capacity in R-3.
- 12 3. Adopt a new Section 600B (“Home Based Agricultural Business”) in the Rural Zones.
 - 13 a. Allow the sale of products associated with Sections 200, 611 and 611.A.
 - 14 b. Allow the very limited keeping of livestock on lots over 10 acres, or over 5 acres with a
15 Special Exception for agricultural purposes.

16
17 Councilor Zook informed the Council about a Planning Board members primary concern regarding pigs
18 and their smell, noting that the Planning Board has no jurisdiction over pets. Should the Council consider
19 this proposal, she suggested a compromise in the form of a stipulation that if a person wanted to keep pigs
20 on a residential lot, that pig(s) would have to live inside the house as a pet(s) and not live outside.
21

22 Councilor Heistad spoke in great detail about the need for, the importance of, and health reasons for
23 allowing folks to grow their own food and raise poultry/meat (e.g., rabbits, chickens, ducks), noting that
24 there are many folks in the City who have food insecurities. He applauded Ms. Mercer for the work she
25 was doing and stated the City needs to encourage people to grow their own food and to responsibly take
26 care of their animals.
27

28 Councilor Sykes loved the idea that people would be able to do agricultural activities, but was anxious
29 about a proliferation of commercial-type activities in residential areas and was uncertain about what this
30 proposal would do in the long-term. Ms. Mercer, after explaining her thoughts, said this topic is up for
31 discussion. It is up to the Zoning Board to control commercial activities in residential areas.
32

33 Mayor McNamara was not concerned with people growing their own agricultural products that goes to
34 Farmer’s Markets, is sold online, or delivered to somebody’s house, but was also concerned about the
35 potential proliferation of commercial activities.
36

37 The Council and Ms. Mercer further discussed agricultural pursuits on people’s property; pig farms; the
38 potential of having animals running loose in residential areas; the potential danger of attracting predators
39 to residential areas; the keeping of Beehives that may be a potential health risk to residents who are
40 allergic to bees; and the educational opportunities for children who are raised around animals. Ms. Mercer
41 noted there are State best practices, which a lot of town ordinances require people to follow, and there are
42 controls in place for nuisance-type items and the protection of the animals.
43

44 Mr. Corwin gave a slide presentation of the proposed amendments using the numbers provided in the
45 agenda packet memo and explained and answered questions from the Council on the following proposed
46 amendments, which were also included in their entirety in the agenda packet.
47

1 Amendments #2 & #7.

- 2 • 2. Remove Section 201.2 (“Front Yard Reduction by Special Exception”)
- 3 • 7. Amend the R-1, R-2, R-3, R-O, R-0-1, and PB District Tables to Eliminate Enhanced Front
- 4 Setback from State Highways.

6 Amendments # 4 & #19

- 7 • 4. Establish the following new uses and amend the district tables where these uses would be
- 8 appropriate and desirable, such as: a) car wash, b) health club, and c) retail product pickup.
- 9 • 19. Appendix A – Definitions (see p. 41 of the redline).

11 Amendments #5, 19 & 21

- 12 • 5. Adopt Regulations for the Proposed Lebanon Downtown District, Section 307 (see p. 9 of the
- 13 redline). The regulations that were presented to the Council on September 19, 2019 by Goody
- 14 Clancy. This is substantially the same, but Mr. Corwin made a few edits.

16 Mayor McNamara noted he received a couple of calls from constituents saying that, while they did not
 17 oppose this amendment, there is just so much information that it was really confusing for them to try and
 18 sift through the materials. It was suggested that graphic examples (literally pictorial examples) be
 19 included in future presentations where comparisons can be made between existing and proposed
 20 conditions. Mr. Brooks said that there will be additional Open Houses and graphics can be created to help
 21 illustrate the points.

- 22
- 23 • 19. Appendix A – Definitions (see p. 41 of the redline).
- 24 • 21. Lebanon Downtown District.

26 Amendments #6 & #8 (These will require voter approval in March 2020)

- 27 • 6. Miscellaneous adjustments to multi-family dwelling use categories in the R-1, R-2, R-O, and
- 28 RO-1 Districts (see p. 19, 21, 23, 25 of the redline).
- 29 • 8. Amend the R-3, RL-1, and RL-2 District Tables to Allow “Accessory Dwelling Unit” as a
- 30 Permitted Use.

32 Amendment #11 (These will require voter approval in March 2020)

- 33 • 11. Amend Section 501.2.C to Clarify the Uses Allowed in a PURD (see p. 31 of the redline).

35 Amendment # 15

- 36 • 15. Adjust Section 608 (“Signs”) (see p. 36 of the redline) to (a) no longer require that the area of
- 37 a freestanding sign be deducted from the total sign area permitted, (b) eliminate the 50% sign area
- 38 “bonus” for freestanding signs in the CBD (and the new Lebanon Downtown District); and (c)
- 39 allow non-static signs inside a building. Also, in connection with the proposed rezoning of
- 40 Downtown Lebanon, Section 608.4.A.2.a.i needs to be revised to establish maximum height and
- 41 area requirements for freestanding signs in the new Lebanon Downtown District.

43 Amendment #17

- 44 • 17. Amend 702.4 and 702.5 to Clarify Policy on Expansions of Non-Conforming Uses (see p. 40
- 45 of the redline).

1 Amendment #'s 3, 9, 10, 12, 14, 18, 19

- 2 • These are all miscellaneous Zoning Amendments that are to clarify uses permitted by a CUP
- 3 (Conditional Use Permit), but do not require a site plan review. Amendment #9 will be
- 4 addressing the Flood Plane Map. A copy of the Historic District Map to the Zoning Ordinance as
- 5 Appendix C.
- 6 • For Amendment 12, Planning Staff will consult with the Fire Department to see if reducing the
- 7 road width to 15 ft. for recreational camping parks is acceptable to them.

8
9 Amendment #22

- 10 • In this 44 page redline, Planning Staff has taken the opportunity to do miscellaneous cleanups and
- 11 very minor clarifications through the document. To be clear, what the Council adopts in January,
- 12 that does not need to go to the ballot, it will be as it appears in the redline version as presented in
- 13 the agenda packet and minor clarifications (e.g., periods, etc.) may not be pointed out.

14
15 **Zoning Map Amendment**

16
17 Amendment #20

- 18 • 20. NH Route 120, near the Lebanon/Hanover municipal boundary. The east side of NH Route
- 19 120 (consisting of the Jesse’s restaurant parking lot and the 40+ acre tract owned by DHMC) is
- 20 identified as “mixed use” on the Future Land Use Map and is currently zoned Light Industrial
- 21 (IND-L). In order to allow multi-family housing on these properties, staff proposes to rezone Tax
- 22 Map 10, Lots 9 & 10 from IND-L to GC, which will match the existing GC zoning on the west
- 23 side of Route 120 (occupied by the Hanover Road Professional Center).

24
25 After the Council and Planning Staff discussed zoning and possible housing in this area, a suggestion was
26 made by Mayor McNamara to possibly create a Neighborhood Commercial District instead of a GC. Mr.
27 Brooks said he would run this idea through the Planning Board, Zoning Board and Conservation
28 Commission and bring their comments back to the Council.

29
30 ***Assistant Mayor Below MOVED, that the Lebanon City Council in accordance with the City of***
31 ***Lebanon Zoning Ordinance, Article X, Section 1000.3, Amendment Procedures, submits the Zoning***
32 ***Ordinance amendments as contained in the document titled, “2019-2020 Draft Zoning***
33 ***Amendments dated September 24, 2019,” to the Planning Board, Conservation Commission, and***
34 ***Zoning Board of Adjustment for the review and comment. The City Council hereby sets the***
35 ***following tentative review schedule:***

- 36 **Zoning Board of Adjustment – November 4, 2019**
- 37 **Conservation Commission – November 14, 2019**
- 38 **Planning Board – November 25, 2019**
- 39 **City Council Public Hearing – Second Regular Meeting in January 2020**

40 ***Seconded by Councilor Bronner.***

41
42 ***Roll Call Vote: Mayor McNamara, Assistant Mayor Below, Councilors Prentiss, Sykes, Heistad,***
43 ***Winy, Zook and Bronner all voting in favor.***

44 ****The Vote on the MOTION was unanimously approved (8-0).***

45
46 **10. REPORTS**

47 **A. City Manager:**

1 Mr. Mulholland reminded the Council that on October 23rd, the City Council will be looking at a number
2 of Code revisions to update the Ordinance applicable to sewer regarding extensions and connects and
3 suggested the Council start to review the materials as soon as they are available, which will not be until
4 the week before the meeting. The goal is to have Ordinance changes that are up and running by January 1,
5 2020, if at all possible.

6
7 Mayor McNamara wanted to extend his accolades to everyone involved for a successful Leb Fest. This
8 was really great event and hopes that the Chamber Commerce will repeat it.

9
10 **B. Council Representatives to other bodies: No Report**

11
12 **11. FUTURE AGENDA ITEMS: None**

13
14 **12. NON-PUBLIC SESSION: None**

15
16 **13. ADJOURNMENT:**

17
18 *Councilor Bronner MOVED for adjournment.*

19 *Seconded by Councilor Sykes.*

20 *Roll Call Vote: Mayor McNamara, Assistant Mayor Below, Councilors Prentiss, Sykes, Heistad,*
21 *Winny, Zook and Bronner all voting in favor.*

22 **The Vote on the MOTION was unanimously approved (8-0).*

23
24 **The meeting was adjourned at 9:20 PM.**

25
26 Respectfully submitted,
27 Dona E. Gibson
28 Recording Secretary

29
30

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