

FINAL

**LEBANON PLANNING BOARD**  
**MONDAY, JANUARY 27, 2020**  
**20 WEST PARK STREET, LEBANON, NH**  
**3<sup>RD</sup> FLOOR - ROOM 386**  
**6:30 PM**

**MEMBERS PRESENT:** Bruce Garland (Chair), Matthew Hall (Vice-Chair), Karen Zook (Council Representative), Joan Monroe, Kathie Romano, Gregory Schwarz, Tom Martz (Alt.), Laurel Stavis, and Sarah Welsch

**MEMBERS ABSENT:** Matthew Cole and Jim Winny (Alt. Council Representative)

**STAFF PRESENT:** David Brooks (Planning Director) and Tim Corwin (Senior Planner)

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

Chair Garland appointed Tom Martz for Matthew Cole.

There were no members of the public present for the public hearings.

**2. PUBLIC HEARINGS:**

**A. AMENDMENTS TO THE SITE PLAN REVIEW & SUBDIVISION REGULATIONS (SEWER & WATER ALLOCATION):**

The Lebanon Planning Board will be conducting a public hearing, for the purpose of taking public input on proposed amendments to the Site Plan Review Regulations and Subdivision Regulations relating to proposed changes to City Ordinances regarding the sewer and water allocation process for proposed developments. Copies of the proposed amendments are available for review at the Planning & Development Department, and will also be made available online at the City's Web site: <https://Lebanonnh.Gov/Agendacenter>.

Mr. Brooks explained that the proposed amendments were meant to align the Board's regulations with the City's ordinances related to water and sewer systems and the allocation of capacity within them. The changes to the City's ordinances were noted, and Mr. Brooks replied to several inquiries from the Board. Mr. Hall stated that the changes made sense.

*Sarah Welsch moved to adopt the amendments to the Site Plan Review & Subdivision Regulations related to sewer and water allocation.*

*Laurel Stavis seconded the motion.*

*The vote on the motion was 9-0.*

**B. AMENDMENTS TO THE SITE PLAN REVIEW REGULATIONS (LEBANON DOWNTOWN DISTRICT):**

The Lebanon Planning Board will be conducting a public hearing for the purpose of taking public input on proposed amendments to the Site Plan Review Regulations relating to a proposed Zoning Ordinance amendment establishing the Lebanon Downtown District. The proposed amendments to the Site Plan Review Regulations establish design criteria for development to complement zoning requirements within the Lebanon Downtown District. Copies of the proposed amendments are available for review at the Planning & Development Department, and will also be made available online at the City's Web site: <https://Lebanonnh.Gov/Agendacenter>.

Mr. Corwin stated that on January 22, the City Council approved certain zoning amendments within their authority and voted to place other amendments on the March ballot. Those amendments going to the ballot did not include the Lebanon Downtown District. The Zoning Amendments were to go along with changes to the Site Plan Review Regulations. Mr. Corwin mentioned that the list of primary and secondary streets would be updated to match the approved zoning district and that several minor typos would be corrected.

Ms. Welsch noted that the wording of the Preservation Section (6.10.B.1) should not lead to a change in the character of the Colburn Park Historic District. Ms. Romano agreed and added that not every member has the opportunity to drive by a particular site to evaluate the nature of the neighborhood. Ms. Zook recommended a statement required of applicants as to the impact of the proposed project on the character of the Colburn Park Historic District. Mr. Corwin suggested a statement to that effect.

Ms. Monroe stated that an architectural rendering gives excellent information and should be required. Mr. Corwin noted that projects proposed for the Downtown District would be required to present a rendering.

***Sarah Welsch moved to approve the Proposed Amendments to the Site Plan Review Regulations as amended.***

***Seconded by Gregory Schwarz.***

***The vote on the motion was 8-1. Kathie Romano voted against.***

### **3. STUDY ITEMS:**

#### **A. NEW WATER/SEWER ALLOCATION PROCESS:**

Presentation by the Department of Public Works.

Jim Donison, PE, Director of Public Works described the four-step sewer allocation permit application process for the Board. Sample sewer permit form examples for a single family residential, multi-family residential, and a commercial restaurant were shown. Allocations are made on a first come, first served basis. Available sewer capacity in gallons was 377,000 as of January 1st. Mr. Donison stated that toward the end of this year when the new sewer project is completed, available capacity may reach 600,000 gallons. No applicant can apply for more than 50% of the available capacity. It was noted that the flow to the Hanover system is tracked independently. Information was obtained regarding what other municipalities do for fees. It was noted that sewer capacity is extended under the CIP process.

#### **B. 2021-2026 CAPITAL IMPROVEMENT PLAN (CIP):**

Review final 2020 capital budget.

Mr. Brooks stated that the CIP Policy and Procedures was last updated in January of 2019. The items adopted by the Planning Board in August for the 2020 year were outlined in a handout and appear in red. Two projects reviewed by the Board received other funding and were deleted from the capital budget list. The Council added the Landfill Gas to Energy Project to the capital budget and specified additional funding for it and several other projects based on balances from previous years and grant funds. Projects that were funded in previous years do not appear on the list.

Mr. Brooks stated that any new potential CIP projects should be identified in February and lists would go to the City departments in April for information input. The subcommittee for the CIP will look at them in July and draft information to present to the full Board in August. In February or March, the scoring criteria need to be reviewed and updated.

Chair Garland noted that the CIP is driven by the Master Plan process.

Mr. Brooks addressed an inquiry about the Hanover Street project and the State's Exit 18 project. The State's project is separate from the City's Hanover Street project, which came out of the Downtown Visioning Study. It includes the section from the Route 120/Hanover Street intersection to a proposed roundabout at Sacred Heart Church and would begin with an engineering study. The project proposed by Jim Ward to convert the pedestrian bridge to a vehicular bridge could be reviewed as part of the State's Exit 18 project, but is not envisioned as part of the City's Hanover Street project. There would be significant changes to the traffic pattern at Exit 18. The Board could invite Mr. Ward to present his project. The State owns the pedestrian bridge, and the City owns the connecting roads to the bridge. It would have to be a joint City/State project and not related to CIP or any other current plan.

Chair Garland stated that the Board could consider Mr. Ward's proposal at a later date.

**C. CONCISE STATEMENT FOR PROPOSED ZONING AMENDMENTS:**

Prepare a concise statement in accordance with section 1000.4.D of the Zoning Ordinance with regard to proposed zoning amendments for placement on the March ballot. Statement will indicate the Board's approval/disapproval of the proposed amendments and state reasons for such.

Mr. Brooks explained that the descriptions of the amendments would be provided for the voters, with the indications of the recommendations by various Boards.

#1 – Enhanced Front Yard Setback

*Matthew Hall moved to approve the amendment as amended.*

*Seconded by Laurel Stavis.*

The words "burdensome and unnecessary" to be deleted.

*The vote on the amendment was 9-0.*

#2 – Multi-Family Dwellings in the R-1 & R-2

*Matthew Hall moved to approve the amendment as amended.*

*Seconded by Sarah Welsch.*

To read, "...supports the goals of the Lebanon Master Plan"

The word "unnecessary" to be deleted, to read, "eliminating a distinction."

*The vote on the amendment was 9-0.*

#3 – ADU from Special Exception to Permitted Use

*Matthew Hall moved to approve the amendment as amended.*

*Seconded by Laurel Stavis.*

Insert "(ADU)" after Accessory Dwelling Units.

*The vote on the amendment was 9-0.*

#4 – Uses in a PURD

*Laurel Stavis moved that the amendment be approved.*

*Seconded by Sarah Welsch.*

***The vote on the amendment was 9-0.***

#5 – Home-Based agriculture

***Matthew Hall moved to approve the amendment as amended.  
Seconded by Laurel Stavis.***

Delete “and desired outcomes”.

***The vote on the amendment was 9-0.***

#6 – Church to House of Worship

***Laurel Stavis moved to approve the amendment.  
Seconded by Sarah Welsh.***

***The vote on the amendment was 9-0.***

#### **4. ELECTION OF OFFICERS: CHAIR AND VICE CHAIR**

Mr. Brooks entertained nominations for Chair and explained that the vote would be taken in the order nominated.

Nominations for Chair:

***Matthew Hall nominated Bruce Garland to continue as Chair.*** As there were no other nominations, the nominations were closed.

***The nomination was seconded by Karen Zook.***

***The vote on the nomination was 8-0-1. Bruce Garland abstained.***

Nominations for Vice Chair:

***Bruce Garland nominated Matthew Hall to continue as Vice Chair.*** As there were no other nominations, the nominations were closed.

***The nomination was seconded by Karen Zook.***

***The vote on the nominations was 8-0-1. Matthew Hall abstained.***

#### **5. COMMITTEE REPORTS:**

##### **A. Planning Board Subcommittees:**

- Planning Board Capital Improvement Program (M. Hall/S. Welsh/ B. Garland/M. Cole)

##### **B. City Council Subcommittees:**

- Class VI Roads Advisory Committee (J. Monroe)

- Lebanon Energy Advisory Committee (J. Monroe)

At the January meeting, it was reported that all City solar installations are up and running. Ms. Monroe noted that the airport is still determining the location for their installation.

##### **C. City Council Representative (K. Zook/ J. Winny)**

**D. Heritage Commission (G. Schwarz)**

February is Black History Month, and the Commission will hold an event at the Kilton Library, on Saturday, February 22, from 2:00-4:00 p.m. There will be speakers about locations in Lebanon, of which two were used for the Underground Railroad, and one was where a person came to Lebanon and settled.

**E. Pedestrian & Bicyclist Advisory Committee (K. Zook)****F. Upper Valley Lake Sunapee Regional Planning Commission (B. Garland/L. Stavis)****G. UV Sub-Committee of the Connecticut River Joint Commissions (B. Garland)**

The Connecticut River Valley will be doing a site visit of Quail Hollow next Monday.

**H. Upper Valley Transportation Management Association (S. Welsch)****I. Mascoma River Local Advisory Committee (K. Romano)**

A copy of the 2019 annual report was provided, which outlined new construction permits for areas along the river in Canaan, Enfield, and Lebanon. The Committee is still looking one representative from Enfield and two from Canaan. The Committee held a Mascoma River cleanup this year and are developing a master plan. There is a small grant from the LSUVRPC to facilitate it.

**J. Steering Committee for the Implementation of the Master Plan (B. Garland/G. Schwarz/S.Welsch/J. Monroe)****K. Planning & Development Department – Task Status (D. Brooks/ M. Goodwin/T. Corwin/R. Owens)****6. APPROVAL OF MINUTES: NONE****7. OTHER BUSINESS:**

Chair Garland testified in Concord last Tuesday before the Committee on Municipal and County Government regarding two bills. One involved ways to incentivize the building of affordable housing, and the second one proposed requiring Planning Board members to take a course and a test to be certified to be able to vote at meetings of the board. Chair Garland spoke against the second proposal. He was disappointed that the State didn't explain what they were trying to resolve. One developer in favor of the proposal described a situation to Chair Garland regarding a group of citizens that collected money to take the developer to court, which delayed his project six months. Chair Garland questioned the relevance to training Board members.

Ms. Stavis noted that the committee she sits on, Municipal and County Government, considers all proposed laws related to local government. She stated that Gov. Sununu convened a task force last year to look at affordable housing projects that increase density across the State. Many appointees were developers and real estate agents, and a report was issued. It promoted the need to train planning board members and eliminate certain restrictions to clear the way for developers to do things that communities likely wouldn't consider appropriate. There are bills coming to that Committee for votes. If the Committee votes 17-3, the bill can go on the consent calendar for a vote. Otherwise there is a debate on the floor. Ms. Stavis encouraged all Planning Board members to become familiar with the bills and consider testifying. There is also a proposal for a three-person board who could appeal any planning board decision in the State.

Ms. Romano stated that there is a proposal to prevent landlords from refusing to allow pets in their buildings. There is another one to prevent checking on a criminal background or preventing landlords from renting if there is such a background. They are coming before the legislature this year.

**A. Meeting procedures for large applications.**

Chair Garland began a discussion of the possible changes to the timing and process for hearings. He suggested that once the public hearing is closed, the applicants and their representatives would sit down, leaving the Board Members to deliberate. Presentations could be limited to twenty minutes, and applicants must come prepared. There was general agreement among Board members that presentations should have a time limit. It was suggested that large projects could have special meetings. Board questions and comments could also be more succinct. Placing suggested amounts of time next to agenda items could be helpful. The agenda items are set by the order in which they applied, but the Chair always has the option to reorder the meeting. Mr. Corwin stated that questions of Staff should be completed during the Public Hearing, if possible. Chair Garland stated that the applicant would have as much time as needed overall but perhaps not all at one meeting. Once a certain amount of time has elapsed, an application could be continued to the next month's meeting.

Mr. Corwin noted that the Bank Street project is scheduled for the February 10 meeting. There has already been a postponement. If Bank Street is not ready, Mr. Corwin inquired as to what the Board wants to do. Ms. Romano stated that they should come in with their best information and be ready. It would be helpful to have additional information from Staff ahead of time. Chair Garland noted that Bank Street could be headed for a separate meeting.

Chair Garland stated that the Board members are welcome to attend the meeting with applicants and City departments that occur on the 3<sup>rd</sup> Monday of the month in the temporary Council Chambers.

**B. Proposed subcommittee to prepare amendments to the Subdivision and Site Plan Review Regulations.**

Mr. Brooks proposed creating a subcommittee of three or four members to help Staff review and discuss a number of potential amendments and bring them back to the Board. Several items were brought up during the meeting that weren't germane to the item under discussion, but they were legitimate items that could be considered at another time. There have also been requests for streamlining the approval process when timelines are tight for applicants like the Dartmouth College housing project. Subdivision considerations may need review, and there are many other subjects for review. Mr. Brooks added that he would like some concrete amendments before the end of the year on a number of items.

The following Board members volunteered to serve on a subcommittee: Matthew Hall as Chair, Kathie Romano, Joan Monroe, and Tom Martz. They will work with Staff to discuss possible issues and changes and report back to the full Board.

Ms. Stavis suggested taking a look at NH Title 64, Planning and Zoning, for possible changes.

**8. ADJOURNMENT:**

*Matthew Hall moved to adjourn the meeting.*

*Seconded by Laurel Stavis .*

*The vote on the MOTION was 9-0.*

The meeting was adjourned at 9:27 PM.

*Lebanon Planning Board, Minutes, January 27, 2020*

Respectfully submitted,

Holly Howes  
Recording Secretary