

1 DRAFT

2
3 MINUTES
4 PLANNING BOARD DEVELOPMENT REGULATIONS SUBCOMMITTEE
5 Friday, July 10, 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 Tim Corwin (Senior Planner)
13

14
15 **1. CALL TO ORDER:**

16
17 Chair Hall called the meeting to order at 12:30 pm.

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

20
21 Mr. Brooks reviewed the requirements for remote meetings, including noting that all votes
22 must be roll call votes and asked participants to identify themselves prior to asking
23 questions or making comments.

24
25 Chair Hall conducted attendance by roll call vote.
26

27 **2. APPROVAL OF MINUTES:**

28
29 *None*
30

31 **3. STUDY ITEMS:**

32
33 **A. Final Review of Amended Sections**

34
35 Ms. Owens started reviewing proposed amendments to the definitions section for
36 subcommittee discussion.
37

38 Kathie Romano joined the meeting at 12:45 pm.
39

40 There was discussion of various definitions and whether they were needed. Mr. Hall suggested
41 not defining “Recreational Facility” and to leave it to the Board and applicant to work out what is
42 appropriate on a project by project basis. Ms. Monroe noted that it was important to require
43 recreational facilities. Mr. Brooks noted the proposal to define a term does not alter the
44 substantive requirement to provide the resource, but the definition should not limit what the Board
45 and applicant are able to agree to for any given project.
46

47 The subcommittee continued to review other proposed new definitions. Mr. Hall suggested
48 shortening the definition of “Universal Design” to the essence of the concept, but exclude the
49 remaining background and examples. Ms. Monroe agreed that limiting the definition was
50 appropriate, but asked if the definition included enough information associated with the ADA
51 requirements. Mr. Brooks noted that the ADA is a very expansive requirement and, as a federal
52 law, it applies to projects whether or not the Planning Board specifically invokes it. It was also
53 noted that it would not be easy or necessary to attempt to outline everything that the ADA applies
54 to.

1
2 Mr. Corwin began a presentation with slides to review the threshold regulations that trigger Site
3 Plan Review. It was noted that many smaller applications end up requesting numerous waivers
4 from requirements that are not applicable for smaller projects. As a result, the Board may wish to
5 consider creating a minor site plan category and redefining the thresholds that trigger review for
6 various projects.

7
8 Mr. Hall asked if a minor review process could be applied to subdivision applications. Mr. Corwin
9 noted that there is no statutory provision for a technical review process for subdivisions. Mr.
10 Brooks noted that subdivisions must be signed by the Planning Board Chair prior to recording and
11 the full Planning Board must authorize the Chair's signature.

12
13 Ms. Romano described her experience with a smaller scale project being subject to all applicable
14 requirements and indicated that she wholeheartedly supported the creation of a minor project
15 category and associated guidance like checklists.

16
17 Mr. Martz expressed concern that applicants might then tailor their applications to avoid certain
18 requirements. He expressed concern that the regulations were written to guide applicants as to
19 what can be done on their property and that too many waivers are sought. Mr. Martz was
20 concerned about making it easier for applicants to seek and obtain waivers and avoid the
21 requirements of the regulations. Ms. Romano said the Board needs to take waiver requests
22 seriously and review them against the applicable criteria and not grant waivers if they do not
23 comply with the requirements.

24
25 Mr. Hall expressed support for distinguishing minor from major applications. Mr. Corwin noted that
26 the Board does not have to grant waivers if they do not meet the standards, and that in other
27 cases a minor site plan application might be appropriate for some projects that are just skirting the
28 current threshold (e.g., 999 square feet when the threshold is 1000 square feet) but would impact
29 the community and could benefit from a smaller level of review.

30
31 Mr. Corwin noted that many communities have taken advantage of the statutory provision allowing
32 the Board to delegate authority for minor site plan applications to a Technical Review Committee.
33 There can be various benefits to creating a Technical Review Committee including streamlined
34 review schedules, simplified submission and design requirements, etc.

35
36 Mr. Hall asked if amendments to previously approved projects would be an example of a minor
37 site plan application. Mr. Corwin noted that the full Planning Board could delegate approval
38 authority to the TRC or could retain final decision making authority through a variety of
39 mechanisms. Mr. Corwin mentioned that all Building Permit applications already receive a form of
40 "Technical Review Committee" in the City.

41
42 Ms. Romano asked if minor projects might include decks and minor additions. Mr. Corwin noted
43 that one and two family residences are excluded from Planning Board review by statute, but any
44 other type of application could be made subject to a minor review process.

45
46 Mr. Corwin reviewed the current thresholds of Site Plan Review by the Planning Board. There was
47 discussion about 3.1.C and 3.1.D.1 as examples where the Board might wish to modify the
48 thresholds for what triggers review. In some cases, the Board might wish to lower the threshold of
49 improvements (e.g. 3.1.C) but allow for simplified process for those smaller projects.

50
51 Ms. Monroe noted that duplication of efforts by Planning Board and Zoning Board should be
52 avoided when appropriate.
53

1 Mr. Hall asked how best to move forward with considering a minor review process. Mr. Corwin
2 briefly commented on a variety of other communities that have such processes and asked the
3 subcommittee members to consider what types of projects ought to meet requirements, but might
4 not need to go through the full Board review process.

5
6 Mr. Hall recommended asking prior applicants about their experiences and also talking with other
7 communities about their regulations and experiences. Mr. Corwin discussed needed review of
8 submission and design requirements. Mr. Corwin will provide the committee members with the
9 presentation slides and will ask members to consider how the minor/major distinction should be
10 determined. Staff will then prepare a proposal for the committee's review and discussion.

11
12 Ms. Romano asked for a list of the requirements for which waivers are most frequently requested
13 and approved.

14
15 The subcommittee members agreed that creation of a minor process makes sense as long as
16 they are legal and not discriminatory.

17
18 Ms. Monroe suggested that she would find value in a minor site plan process that is easier for
19 projects that carry sustainability benefits, such that the benefit of a simpler review is matched by a
20 checklist of the project's positive attributes, using the example of conversions of homes to
21 multifamily residences.

22 23 **B. New Review of Fire Truck Access Requirements**

24
25 Ms. Owens spoke with Fire Department personnel about reviewing portions of Site Plan
26 Regulations applicable to the department for possible amendments. It was noted that many
27 or most of the Site Plan Regulations were adopted prior to the City's adoption of the
28 International Fire Code.

29
30 Mr. Martz noted that fire department issues are a significant concern for him. He noted that
31 fire sprinkler systems are not 100 percent foolproof and that egress should be provided in all
32 cases. Mr. Hall recommended that the subcommittee or full Board should hear from the Fire
33 Department directly.

34 35 **4. ADJOURNMENT:**

36
37 Ms Owens reminded the subcommittee that Councilor Below had requested discussion of a
38 potential lighting and that other lighting issues may be proposed for amendment by staff.

39
40 Mr. Corwin indicated that the next meeting agenda would be appropriate for review of
41 committee and staff 'homework' on threshold and submittal considerations for minor site
42 plans.

43
44 The Committee agreed to hold its next meeting at 12:30 pm on Wednesday, July 29, 2020.

45
46 ***A Motion by Mr. Martz to adjourn the meeting.***
47 ***Seconded by Ms. Romano***

48
49 *Roll Call Vote:*

50 *Members voting in favor included: Mr. Hall, Ms. Romano, Ms. Monroe, and Mr. Martz.*

51 *The vote on the Motion was unanimous (4-0). The Motion was approved.*

52
53 The meeting was adjourned at 2:30 pm

- 1
- 2 Minutes recorded by Rebecca Owens.

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