

FINAL

**LEBANON PLANNING BOARD
MONDAY, AUGUST 26, 2019
COUNCIL CHAMBERS, CITY HALL
6:30PM**

MEMBERS PRESENT: Bruce Garland (Chair), Matthew Hall (Vice-Chair), Karen Zook (Council Representative), Matthew Cole, Joan Monroe, Kathie Romano, Laurel Stavis, and Sarah Welsch

MEMBERS ABSENT: Gregory Schwarz and Jim Winny (Alt. Council Representative)

STAFF PRESENT: David Brooks (Planning and Zoning Director), Tim Corwin (Senior Planner and Zoning Administrator), and Rebecca Owens (Associate Planner)

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

2. **APPROVAL OF MINUTES:**

A. **JULY 15, 2019 (CIP)**

Page 1, line 7, add the sentence, "The Committee discussed and Mr. Brooks recorded the Planning Board composite scores for each project." Page 2, line 29, should be Paula Maville.

A MOTION by Matthew Hall to approve the July 8, 2019 Planning Board Minutes as amended.

Seconded by Sarah Welsch.

**The MOTION passed (8-0).*

B. **JULY 17, 2019 (CIP)**

Page 1, line 7, add the sentence, "The Committee discussed and Mr. Brooks recorded the Planning Board composite scores for each project." The similar, individual project sentences are to be deleted. Page 2, line 10, correct "slip-lining"; line 13, to read, "...deficiency is found and addressed, the..."; line 45, delete the sentence beginning, "Ms. Welsch felt...";

A MOTION by Matthew Hall to approve the July 8, 2019 Planning Board Minutes as amended.

Seconded by Matthew Cole.

**The MOTION passed (8-0).*

C. **JULY 22, 2019**

Page 2, line 14, to read, "...members agreed the DHMC shuttle..."; Page 3, lines 2-3, delete the sentence beginning, "Mr. Corwin stated..."

A MOTION by Matthew Cole to approve the July 8, 2019 Planning Board Minutes as amended.

Seconded by Laurel Stavis.

**The MOTION passed (8-0).*

3. **STUDY ITEMS:**

A. **DISCUSSION OF DRAFT LEBANON DOWNTOWN DISTRICT ZONING AND SITE PLAN REGULATIONS**

Chair Garland suggested that the Board consider three main areas: Spencer Street, Shoetorium, and the Village Market area, that could be redeveloped and focus on what they could mean to the City going forward.

Mr. Brooks noted that the draft in the packet has been revised based upon feedback that was gathered following the presentation given by Goody Clancy, who worked with the City for over a year. The regulations are a next step to implement the Visioning Study of 2016, which was the result of a great deal of public awareness and involvement. The draft regulations incorporate the recommendations for all aspects to create the type of place people want to go to in a new downtown district. The City Council will review the draft on September 18, and it will undergo a legal review and review by the land use boards with a public hearing in January. The draft only applies to the downtown Lebanon area. West Lebanon will be addressed in a separate public process.

Mr. Brooks stated that the new regulations would apply to new buildings such as 20 Spencer Street, Shoetorium, and Village Market. Any project that triggers site plan review will be subject to some degree. Existing buildings that are nonconforming will be grandfathered, but new, nonconforming modifications would undergo review and be subject to the new regulations. Ms. Welsch confirmed that 20 Spencer Street could remain a one-story building if the owner desires. Mr. Brooks noted that all other types of regulations would still apply.

Mr. Brooks stated that public input has been generally positive. There are many graphics in the presentation, and they will clarify what they represent as they go. Mr. Brooks added that they would rather not address questions as they go but would ask that the Board wait until the end.

Ms. Romano inquired about the requested training on flood plain regulations. Mr. Brooks replied that he reached out to Ms. Hall, and it may be possible during the September work session.

Mr. Corwin took the Board members through the presentation for the Lebanon Downtown District, which has the same borders as the downtown business district. The primary goal is "...to promote an active pedestrian environment" and create a vibrant downtown. The table of dimensional requirements outlines the reduction of street frontage. The creation of drive-thru facilities or automobile sales would be prohibited. Many issues of special exceptions would now come before the Planning Board rather than the Zoning Board. Chair Garland noted that funeral establishments would not be allowed in an attempt to limit significant vehicle traffic at a single establishment in the downtown area. The building street frontage would be reduced from 50 feet to 40 feet. There would be no minimum front yard, but residential uses are required to have a 10-foot setback. Mr. Corwin gave the details of property setbacks and building height. Based on references and criteria from the visioning study, the goal is to require a certain area for commercial activity on the first floor on primary streets and less on secondary streets. If the front yard is larger than required, there must be some public benefit. Mr. Corwin clarified many aspects of property requirements, such as avoiding buildings with parking in the front yard, which is unfriendly to pedestrians. It is set at a 15-foot maximum, but if there is a public plaza or other pedestrian feature, the Board could allow a larger front yard. There are also side and rear yard requirements, as well as certain allowances for streetscape features. The building height is limited to 55 feet, but the Planning Board could grant a waiver of up to 65 feet if it meets certain criteria.

Ms. Welsch inquired as to why new construction must be two stories. Mr. Corwin stated that most of the buildings in the downtown area are at least two stories. Additionally, it is not possible to make an existing single story building add a second story. If an owner knocks down the existing building or adds an addition, the new plan would have to conform.

Mr. Corwin discussed the final substantive change, which affects driveways. It would be possible to use an existing driveway, but without one, it would be necessary to use a secondary access from a less traveled street.

Mr. Corwin went through the visual presentation to illustrate the specific conditions and characteristics of the downtown business district. Primary and secondary streets were identified. Mr. Brooks explained that the area identified is somewhat compact and less than the entire Central Business District (CBD). There will be future discussion regarding some of the outlying streets, including Mechanic Street, Mascoma Street, and High Street. Mr. Corwin suggested looking at the Village Market property, which would be on a primary street. It would have to include at least 1,000 square feet or one-third of the ground floor as commercial space, whichever is less. Otherwise, it would require a variance.

Ms. Welsch inquired as to when the Planning Board would need to approve the changes. Mr. Brooks stated that this is just another opportunity to provide more information to the Planning Board. Mr. Hall noted that Board members could email Staff with their suggestions for changes. Ms. Welsch inquired about the current parking lot in front of the Village Market property. Mr. Brooks stated that if a new owner took down the old building, the new one would have to be closer to the street and meet the new requirements. Accessibility rules would still apply. Mr. Corwin explained that a site like 20 Spencer Street on a secondary street could request a conditional use permit to eliminate the first floor commercial use requirement. Every situation may not need a commercial space.

Ms. Stavis inquired if the City plans to provide incentives for developers to tear down old buildings and create new spaces, as there may be certain types of business the City would prefer. Mr. Brooks stated that a new owner would have an opportunity to create a grocery business on the first floor with several floors of residential above. There are incentives like an economic revitalization zone, Tiff district, and special loans that would make improvements more viable. Ms. Owens noted that quality begets quality, and developers may be attracted by what is happening around a property.

Mr. Brooks noted that it is important that the Board completes the review of the draft this evening, so the plan can move forward to the City Council on September 18. It would come back to the Planning Board for the September 23 work session. The final approval would be on October 2.

Ms. Romano asked for confirmation that Village Market and Spencer Street sites do not require parking. Mr. Corwin stated that there are no parking requirements in the CBD, but the Planning Board can require parking even though it is not required by ordinance. Ms. Monroe noted that the Board has made such a requirement for a senior housing site.

Mr. Corwin stated that there are requirements to provide streetscape for residential units, and they would need to meet the new front yard setback of at least 10 feet for landscaping. The maximum setback is 15 feet unless they are providing a public space. Ms. Welsch inquired about windows being required on the street level, which may intrude on privacy. Mr. Corwin noted that it is a site plan review regulation, not a zoning regulation.

Mr. Brooks introduced a slide depicting Concord's main street with examples of improvements that could be made to a streetscape. Mr. Corwin noted that the first floor of a two-story building must have a minimum 12-foot height and second floor a minimum 10-foot height for a total minimum of 22 feet. The top floor of a building using the 65-foot maximum must set the top story back 10 feet from the front edge of the building. Ms. Owens stated that it is a way to allow for outdoor space and reduce the impact of the increased height. Mr. Corwin stated that parking would be required to be on the side or rear of a building or even below the building. Mr. Brooks noted that this area is intended to be the most dense and intensely used portion of the City.

Mr. Brooks stated that the goal is to fulfill the Downtown Vision Plan for efficient land use, a walkable pedestrian environment, a mix of uses, and room for a more functional and activated streetscape. The changes provide greater flexibility and accommodate a wide variety of building types. It is stricter about uses and location of parking. Mr. Brooks pointed to Geokon as an excellent example of the new vision. They met the new requirements before being in place. Chair Garland encouraged members to see Geokon and imagine the rest of the business district in the future. The Board members were reminded to send emails with their further comments.

Chair Garland polled the Board members, and all were in favor of the proposed regulations moving on to the City Council.

B. PRESENTATION BY JENNIFER MERCER OF PROPOSED HOME BASED AGRICULTURAL ZONING REGULATIONS AND DISCUSSION

Jennifer Mercer, Zoning Board Vice-Chair, provided background information for the Planning Board regarding several proposed zoning ordinance changes. The changes relate to allowed activities under Section 200, conditions for keeping roosters on very large lots in the R-3, and a new ordinance to allow home-based agricultural businesses in residential zones. Ms. Mercer characterized the changes as aligning with the State RSA's, which favor moderate regulation of such businesses and the City's Master Plan Section 5, which supports increasing agricultural activity and businesses. Ms. Mercer did an analysis of the Farmer's Market vendors of which about 20 are agricultural vendors, and only three are based in Lebanon. The market averages roughly 2000 visitors each week. The changes are also supported by current news and events. Food security is going to be a significant challenge in the coming years. Urban farming is appearing in the news daily. The zoning map shows the rural zones where agriculture is unregulated and will remain so. The proposed changes will affect about 30 properties.

The first discussion was of Section 200 – Gardening and Forestry. Mr. Hall suggested adding Christmas tree farms. Ms. Romano noted that hydroponics should be defined as being in enclosed space. Ms. Stavis clarified that there may be those who wish to prevent owners of a 5-acre lot from growing Christmas trees.

The next discussion was of Section 611 – The Keeping of Hens. The change would allow for a ratio of one rooster to 10 hens on lots of five or more acres with a minimum 100-foot setback. It would also require a secure enclosure and coop. Ms. Romano suggested adding 'from all sides' to the 100-foot setback requirement. Ms. Monroe inquired about hens indoors in multi-family housing, which Ms. Mercer confirmed is not allowed under the current ordinance. Ms. Mercer discussed the noise calculations for roosters and the potential for disturbing abutters. Ms. Welsch noted that one would still hear it, but it wouldn't be loud enough to be a nuisance.

The third discussion was related to the proposed new ordinance, Section 600B – Home Based Agricultural Business.

Section 600B1 would allow limited home-based agricultural business.

Section 600B2 would allow the sale of certain products related to specific sources.

Section 600B3 would specify limitations for raising livestock on lots of ten acres or larger.

Ms. Mercer provided a table of the maximum number of animals and minimum enclosure and shelter requirements in the proposed new ordinance.

The Board members inquired about a number of features of the proposed ordinances and discussed the pros and cons. Mr. Brooks noted that the purpose of this presentation was for the Board members to get an overview of the proposed changes and gauge support. One of the major issues revolved around

including pigs, which most Board members viewed as a nuisance in a residential area. Ms. Mercer suggested that pigs could be allowed under a special exception.

Chair Garland took a straw poll to gauge the Board members' response.

Mr. Cole approved of the proposed changes.

Ms. Romano approved with some suggested changes. The changes need to enhance the City, and nothing should be included to lower real estate values on neighboring properties.

Ms. Monroe approved, stating that food security and environmental change makes it a good idea, and people should be able to sell honey or other items.

Ms. Zook stated that she would be happy to pass along comments to the City Council.

Mr. Hall was very supportive, stating that language is important, because they could leave something significant out.

Chair Garland stated that hydroponics scare him, and Ms. Mercer commented that it is done indoors.

Ms. Welsch stated that she likes it very much but is concerned with the RL3 areas if someone is not following through. The City should have the ability to reign them in. Ms. Mercer replied that they could strengthen the guidelines so it doesn't become a nuisance. New Hampshire has a nuisance protection law for agricultural activities, and State guidelines must be followed.

Ms. Stavis was not sure if she thought it favorable. There are a lot of details to work out and unanswered questions and fairness issues. Public safety is important, and RSA 155 should be followed. There is also the issue of compliance, which is a big issue in other areas of life in the City. She wondered who would do it, what the cost would be, and how it would affect the tax base. The City has many old trees, and they could be cut down to create a tree farm. There are lots of details not touched upon.

Ms. Mercer noted that a variance won't diminish property values, and realtors could speak to that.

C. CIP 2020-2025

Chair Garland noted that there is land at the airport that can be developed, and the City would create an infrastructure to encourage development on those pieces of property, which would be leased by the airport. The project would be organized as a TIF, which would allow the City to pay back the cost of the infrastructure. The City would prepare the road to attract developers, whose development would generate tax dollars. Ms. Romano inquired if a developer would pay to build a building on land they didn't own. Mr. Brooks stated that there are businesses in the area that prefer not to own the land.

Ms. Stavis observed that it is an innovative idea, but the West Lebanon residents have not done a visioning study. It would be best to not go forward until the residents have the opportunity to comment.

Chair Garland stated that the projects were not rated based on their cost but on their importance to the City. It is the City Council's responsibility to make decisions or changes to the projects. Ms. Stavis stated that the City Council needs to be reminded that the West Lebanon residents have not had an opportunity to weigh in on the proposal. Mr. Brooks noted that the projects are at the airport and not in the downtown area.

Mr. Brooks stated that the Planning Board Subcommittee looked at items highlighted in red that meet the requirements of a capital improvement item based on criteria updated in January of this year. The Subcommittee reviewed the projects, rated them, and voted to move them forward based on scoring and feedback. Mr. Hall stated that it was his first year on the Subcommittee, and he thought it was well organized and there was a great deal of thought as to how it would impact the community. The scoring system could be improved, but it went very well. Mr. Brooks noted that there were some surprising items like the airport runway safety improvements. It was the highest rated despite much prior negative community feedback.

Ms. Romano expressed her surprise as a member of the Mascoma Advisory Council that the Mill Road stabilization project was the lowest rated. Ms. Romano noted that the City depends on water from the Mascoma River, and slope or sewer damage would affect the City's drinking water. She questioned why it scored as the lowest priority. Ms. Welsch stated that the City Engineer gave it a date of 2025 as there was no imminent threat, so the score was low. Mr. Brooks noted that many scoring criteria did not apply, but that does not mean it wasn't important. If something happens it would be addressed. The issue before the Board tonight was to hear from the Subcommittee and decide whether to make changes and move forward. The Board would be adopting the full six-year plan, but only the 2020 list would be recommended by the Planning Board for approval by the City Council for the coming year's budget. Ms. Welsch noted that more regulation is needed of Kilton Library's parking before they should consider taking down a house to create more parking area. Ms. Welsch stated that the parking study indicated that a number of vehicles were parked in the lot for the entire day while the owners went off to work. Mr. Hall noted that the Kilton project isn't scheduled until 2025. Mr. Brooks noted that the residential property being considered isn't even on the market, but the owner does know of the City's interest. Mr. Cole stated that the Subcommittee asked each presenter with multiple projects for their top priority. Director Fleming identified the renovations to the Lebanon Library as his top priority. All scoring was influenced by input from the presenters.

Mr. Brooks recommended that the Planning Board make a motion.

A MOTION by Vice Chair Hall to approve the Capital Improvement Program for the entire six-year period (2020-2025) and recommend that Year 1 (2020) be recommended to the City Council for capital budget funding for 2020.

Secoded by Ms. Monroe.

Ms. Monroe asked for clarification as to which column they are approving. Mr. Brooks made the clarification as the 2020 column. Ms. Monroe noted that some of the items are listed as "0", and Mr. Brooks explained the details of the funding schedule. Ms. Welsch said that the Subcommittee was well informed before doing their scoring.

****The MOTION passed (8-0).***

A MOTION by Matthew Hall to extend the meeting to 9:40PM.

Secoded by Matthew Cole.

****The MOTION was approved (8-0).***

D. REVIEW AND ADOPTION OF PROPOSED REVISIONS TO THE RULES OF PROCEDURE FOR THE PLANNING BOARD

Mr. Corwin read the suggested regular order of business. Ms. Monroe asked for clarification that the Board was just changing the order of business for regular meetings and planning sessions. Mr. Corwin noted that only a portion affected is 5.3 of the rules for the specified the order of agenda items.

A MOTION by Joan Monroe to approve 5.3, the Planning Board order of business.

Secoded by Laurel Stavis.

****The MOTION was approved (8-0).***

4. COMMITTEE REPORTS:

A. Planning Board Subcommittees:

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

B. City Council Subcommittees:

- Class VI Roads Advisory Committee (J. Monroe)
- Lebanon Energy Advisory Committee (**VACANT**)

Chair Garland stated that he is a member of a subcommittee of LEAC for municipal aggregation, which would create a company that would stand between the utilities and residents for the sale of electricity. Clif Below spearheaded legislation in the House, and the legislation was passed as an “opt-in” system. Mr. Below also obtained grant money to seed the development of a business plan.

A MOTION by Bruce Garland to appoint Joan Monroe as the Planning Board LEAC representative. Secoded by Karen Zook.

****The MOTION was approved (8-0).***

C. City Council Representative (K. Zook/ J. Winny)**D. Heritage Commission (G. Schwarz)****E. Pedestrian & Bicyclist Advisory Committee (K. Zook)****F. Upper Valley Lake Sunapee Regional Planning Commission (B. Garland/L. Stavis)**

Ms. Stavis reported that the Planning Commission received a \$300K Brownfields Grant from the USDA, and the Commission has hired a part-time person to administer their grants. The Commission outlined the NH DOT Ten-Year Plan, which has eight or nine projects that will impact Lebanon with \$3.5 million regionally for local projects. There will be a presentation by the DOT on September 11 in Lebanon. There was also a grant for \$18K for a housing study funded by the American Association of Retired Persons for housing for the elderly.

The Lebanon Chamber of Commerce has joined Hanover in a Unified Chamber of Commerce.

Hanover is sending a delegation to Copenhagen to see how cities deal with energy issues.

G. UV Sub-Committee of the Connecticut River Joint Commissions (B. Garland)**H. Upper Valley Transportation Management Association (S. Welsch)**

The Association is not meeting this month. At the July meeting, Advance Transit’s chair gave a detailed report on the expansion of the orange and yellow bus lines, which increases service across the Connecticut River.

I. Mascoma River Local Advisory Committee (K. Romano)

There is still a vacancy for someone from Canaan to be on the committee.

J. Steering Committee for the Implementation of the Master Plan (B. Garland/G. Schwarz/VACANT**/J. Monroe)**

Mr. Brooks noted that the Planning Board makes this appointment.

A MOTION by Matthew Hall to appoint Sarah Welsch to the Steering Committee for the Implementation of the Master Plan.

Secoded by Karen Zook.

**The MOTION was approved (7-0-1). Ms. Welsch abstained.*

K. Planning & Development Department – Task Status (D. Brooks/ M. Goodwin/T. Corwin/R. Owens)

5. OPEN DISCUSSION:

Susan Ackerman and Erik & Elsa Roth, 284 & 287 Poverty Lane (Tax Map 188, Lot 7 & Tax Map 188, Lot 31), Minor Alteration to Approved Boundary Line Adjustment (#PB2019-10-BLA)

Ms. Monroe recognized that Ms. Ackerman had been waiting through other business earlier in the meeting. There were no objections to the proposed minor alteration, and Ms. Ackerman was free to leave the meeting.

Ms. Monroe encouraged the Board members to visit Pinewood Village to view the neighborhood in relation to the Oak Ridge project.

6. ADJOURNMENT

A MOTION by Matthew Hall to adjourn the meeting.

Seconded by Karen Zook.

**The MOTION passed (8-0).*

The meeting was adjourned at 9:37 PM.

Respectfully submitted,
Holly Howes
Recording Secretary