

**FINAL**

**LEBANON PLANNING BOARD  
MONDAY, SEPTEMBER 23, 2019  
COUNCIL CHAMBERS, CITY HALL  
6:30PM**

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

**MEMBERS ABSENT:** Laurel Stavis and Jim Winny (Alt. Council Representative)

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

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

Chair Garland welcomed Tim Martz as the new alternate member and appointed him for Laurel Stavis, who was absent.

The two documents being discussed tonight will be going to the City Council with the Planning Board's recommendations.

**2. STUDY ITEMS:**

**A. Review and Discuss Proposed Amendments to the Zoning Ordinance and Zoning Map  
Reviewing the articles in the memo**

Chair Garland took the Board members through the Staff memo regarding the proposed amendments to identify any areas that needed further discussion. Several areas were identified, including zoning map amendments on Route 120, setbacks from State highways, and expansion of non-conforming uses.

The Board reviewed the entire Ordinance #2 document, with deletions indicated in red and recommended changes in blue.

Mr. Martz commented on the front yard reduction from 40 feet to 20 feet along a State highway, noting that future widening of the highway could create significant property issues. Mr. Corwin suggested it could be the biggest issue in R3, and they may need to keep it at 40 feet in R3. Mr. Brooks agreed to investigate it.

Mr. Corwin explained that under 302.4.C, the amendment would allow it to be treated as a special exception decided by the Zoning Board, not the Planning Board. Site plan review would be simpler with a conditional use permit.

There were several changes to the IND-L District regarding permitted uses, special exceptions, and uses under conditional use permit. Retail product pickup is a new use for retail businesses wanting to provide online sales and pickup at a specific, walk-in location. A code is supplied to pick up purchases. The members noted that the system would make it more convenient for the consumer by providing pickup after business hours and helps small businesses compete with box stores.

It was noted that on Page 8, Section 306.1, that West Lebanon should be removed as it is not part of the CB District.

The Board Members were able to view the entire new Section 307.1 for the Lebanon Downtown District (LDD) or LD District.

Mr. Corwin noted that this was the version reviewed with the City Council. There was a general discussion of frontage in various districts. Mr. Brooks added that the next City Council presentation would be the following Wednesday night and the same presentation the Planning Board had in August.

The Board members and Staff discussed several changes recommended as permitted including health clubs, multi-family dwelling conversions, and accessory dwelling units. Concerns were expressed over increasing density, but Mr. Corwin reported that an assessment of the R-2 District found the average lot size for single family properties is greater than what is currently permitted, and density is less than what is permitted at present. They looked at both single and two-family dwellings. Mr. Schwarz suggested that moving accessory dwelling units to Permitted from Special Exception would allow conversion of mother-in-law apartments to permanent rental units, which could affect property values. Mr. Brooks noted that this change could help seniors stay in a home they are in by adding a rental unit.

Regarding the home based agricultural business, a few suggestions were made by the Board members. Adoption of the UNH Cooperative Extension practices for all animals was suggested, and the issue of enforcement was discussed, including conditions for livestock within a certain density.

The new regulations for signs were discussed. The changes clarify the intent of the regulations. Councilor Zook noted that signs need to be in keeping with the character of downtown. Building signs, free standing signs, and signs on multi-tenant buildings are addressed. Mr. Corwin noted that a standard had to be set for the LDD for any that are not attached to a building. Ms. Welsch suggested more tasteful signs like those that list businesses in the building should be promoted. Ms. Monroe noted that this is a good practice for houses that have been converted.

Mr. Corwin addressed Non-Conformities. Under New Hampshire law, a non-conforming use can expand, but the City can regulate the expansions and require that the applicant obtain a special exception, as in the case of an accessory dwelling unit. An expansion under NH law does not include moving into a new stand-alone building or an addition to a building. Lebanon can choose to allow those, but it is important to clarify the non-conforming uses. Small expansions may be appropriate and fit in with the neighborhood, and this language allows expansion of up to 10% of the original footprint.

Chair Garland noted that Spencer Street is full of examples of non-conforming uses. Geocon is the anchor point for Spencer Street, and they own additional property there. Mr. Corwin stated that the City could approve an exception. Spot zoning was suggested as one remedy for the problem.

Ms. Monroe inquired about health club designations not being consistent throughout. Ms. Welsch suggested adding “outdoor” to indoor exercise facilities in the definitions in Appendix A.

## **B. Discussion of Draft Lebanon Downtown District Site Plan Review Regulations**

Chair Garland opened with a discussion of C-Site Design related to pedestrian access and parking. The preference would be for parking that is not in front of the building. Ms. Owens noted that a parking area in front of the building is not allowed by zoning. This section states that the owner must provide the safest and most accessible pedestrian access possible, both from the street and behind the building. Ms. Welsch suggested that parking at the old Village Market needs to remain, because other businesses need parking and Fire Department parking must be restricted.

Mr. Brooks stated that there is time to go through the draft regulations, which won't be adopted until early next year. At this time, the goal is to work on concerns.

Ms. Monroe shared her impression that the draft is very wordy, and she feels strongly the need to focus on ecological aspects and materials and not just attraction. Ms. Owens asked if those aspects were too embedded, and sustainability should be highlighted. Ms. Monroe suggested highlighting and encouraging those things.

Mr. Hall agreed that the draft was wordy, and it should be succinct with no wiggle room. He would prefer to encourage ecological considerations rather than mandating them with the goal of creating a thriving downtown. Chair Garland suggested adding a paragraph that encourages ecological considerations.

Ms. Romano advocated for higher quality materials like those the City has now in order to avoid inexpensive, poorer quality buildings. Ms. Welsch noted that AVA Gallery now has everything for sustainability with added ecological features.

Chair Garland suggested continuing the discussion in November. Mr. Brooks noted that the Board could focus on the Site Design section at that time.

### **3. COMMITTEE REPORTS:**

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

- Planning Board Capital Improvement Program (M. Hall/S. Welsch/ B. Garland/M. Cole)
- Mr. Brooks stated that the West Lebanon charrette process has begun. The website is up, and there is an online survey for everyone in the City. Feedback is scheduled for Fri 10/18 and Saturday 10/19 and encouraged Board members to provide as much information as possible.

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

- Class VI Roads Advisory Committee (J. Monroe)
- Lebanon Energy Advisory Committee (Joan Monroe) Ms. Monroe reported that the committee is very busy working on making City buildings more energy efficient. They are also working on landfill gas and solar. Chair Clif Below is very knowledgeable regarding legislation and upcoming bills. There is also the ongoing streetlighting program and an electric vehicle symposium that was very successful.  
Clif Below will present to the Lebanon Rotary at Harvest Hill on 9/26 at 7 am. On 9/27 from 9am-3pm there will be a Bi-State Electric Vehicle Connector at Hypertherm. There will be a landlord energy workshop at Hartford Town Hall on 10/17 from 8:30am - Noon.

#### **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)**

#### **G. UV Sub-Committee of the Connecticut River Joint Commissions (B. Garland)**

#### **H. Upper Valley Transportation Management Association (S. Welsch)**

The meeting is this Thursday, so the report will be made next month.

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

The Mascoma River Local Advisory Committee and the Connecticut River Conservancy will be doing the Mascoma River cleanup and meeting at the Riverside Park Building on Saturday, September 28, from 8am-1pm. Volunteers are welcome, and appropriate shoes are recommended.

**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)**

**4. APPROVAL OF MINUTES:**

**A. August 26, 2019**

Page 7, line 19 to read, "...which has eight or nine projects..."; line 32, change the word 'week' to 'month'

*A MOTION by Matthew Hall to approve the August 26, 2019 minutes as amended.*

*Seconded by Sarah Welsch.*

*\*The MOTION was approved (9-0).*

**B. August 28, 2019**

Page 4, Line 38, to read, "...six years on Hanover's Planning Board..."; Page 5, line 33 to read, "...only one accident reported." Page 8, Line 1, check on outcome of 13.11.

*A MOTION by Kathie Romano to approve the minutes as amended.*

*Seconded by Matthew Cole.*

*\*The MOTION was approved (9-0).*

**5. OTHER BUSINESS:**

**A. Review of minor alterations to approved site plan for 39 Labombard Road (Tax Map 51, Lot 14)  
(#PB2019-01-SPR)**

Mr. Corwin stated that the memo outlines several minor changes to the site plan for Bio X Cell. The configuration and length of the north terminus and sidewalk are still being worked out between the project engineer and City Engineer. The updated plan incorporates all the changes that have been worked out between January and now. Providing this information to the Board supports Staff's advisory role.

Chair Garland offered five topics to be considered by the Board and challenged the Board members to bring ideas after considering the topics.

- Minutes – What are the expectations? The work session minutes need to be summarized. Land use discussion for basing decisions needs more detail. Mr. Brooks noted that abbreviating to the point that there is nothing to refer to is watering them down too much, adding that Staff often needs to refer back to previous minutes. The members should consider this and come back to the next work session with their comments.
- Timeframes – This relates to the past practice regarding the amount of time assigned to a project when it has been approved. The two-year period for all conditions-precedent and site work to be completed on large projects like Iron Horse or River Park may need to be considered. Does the Board want to allow more time under the current wording?
- Abstentions – Chair Garland referred to a 1998 memo based on a legal opinion which affirmed that the Board members need to come prepared to make decisions, particularly on land use.

Ms. Monroe noted that the Board does not completely follow Roberts Rules of Order, and Mr. Brooks suggested using Riggins Rules. Perhaps it would be good to have an opinion from the City's legal counsel. Ms. Monroe opined that it is more important to come to an issue with an open mind and come to a decision at the end of all discussion when it is time to vote.

Ms. Romano stated that there are large proposals coming before the Board, and it is important to ask for more time if additional information is needed to make a decision. If a proposal has been approved by a previous board and extended by another Board, the next Board should not just turn down an extension, particularly if so much time and money has been invested. Chair Garland suggested the Board members should have an idea of how it will go from studying the packet information and hearing the discussion. Mr. Hall added that the members can always consult Staff if they are unsure or need more information. Mr. Corwin noted on Page 4 of the document, line 14, which suggests in fairness to the applicant, abstaining should be used very rarely. Mr. Brooks added that if a member is unsure, they should keep asking for more information in order to vote for or against a motion. Mr. Corwin stated that the members should only enter deliberation if they have all the information necessary to make a vote. Otherwise they should continue to hearing to a future time.

- Closing Hearings – Chair Garland suggested waiting to close a hearing until all discussion with the applicant is finished. Then the Board can enter deliberation. It is a formal transition. The Chair can reopen the public hearing if additional input is required, but that should be done with care. Mr. Corwin noted that if someone has left the room, the hearing would have to be continued. Mr. Cole stated that it is a very good policy, and the members should come with well-informed thoughts. Many items can be ironed out before with Staff. Mr. Corwin stressed that giving the applicant an opportunity to respond to public comment is important and useful.
- Seats – Chair Garland told the members that they would be regularly changing seats for meetings.

## **6. ADJOURNMENT:**

*A MOTION by Matthew Hall to adjourn the meeting. Seconded by Matthew Cole.*

*\*The MOTION passed (9-0).*

The meeting was adjourned at 9:20 PM.

Respectfully submitted,  
Holly Howes  
Recording Secretary