

FINAL

LEBANON PLANNING BOARD
Regular Meeting
Monday, June 14, 2021, 6:30 PM
Council Chambers, City Hall
51 N Park St, Lebanon, NH
Or Remote Via Virtual Platform
Lebanonnh.gov/Live

MEMBERS PRESENT: Bruce Garland (Chair), Matthew Hall (Vice-Chair), Karen Zook (Council Representative), Gregorio Amaro, Kim Chewning, Joan Monroe, Kathie Romano, Jeremy Rutter, Laurel Stavis

MEMBERS ABSENT: None

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

1. Call to Order Chair Garland called the meeting to order at 6:30 PM.

2. Notice of Regional Impact

The following applications were received by the Planning and Development Department on or before June 14, 2021:

Walt Cunningham & John Eric Hoffman and Wilder Ridge Estates, LLC, 58 East Wilder Road (Tax Map 7, Lot 9) and 0 East Wilder Road (Tax Map 7, Lot 10), zoned R-3: Request for approval of a Boundary Line Adjustment between lands located at 58 East Wilder Road and 0 East Wilder Road. **PB2021-18-BLA**

St. Johnsbury Automobile Group (applicant) and ORQT, LLC (property owner), 425 Miracle Mile (Tax Map 103, Lot 15), zoned GC: Request for Site Plan Review to expand the existing building with the construction of +/-12,900 sq. ft. of additional building area to accommodate a showroom and additional vehicle service bays, together with associated site improvements including utilities, lighting, landscaping, stormwater management, parking, and access. **PB2021-19-SPR**

Hardy Hill, LLC, 27 Jenkins Road (Tax Map 80, Lot 14), zoned RL-2: Request for approval of a proposed three (3)-lot Minor Subdivision of 27 Jenkins Road. **PB2021-20-MIN**

Mr. Corwin recommended that none of the applications above have the potential for regional impact.

A MOTION by Matthew Hall that the above applications have no potential for regional impact.

The motion was seconded by Joan Monroe.

****The motion was unanimously approved (9-0).***

3. Public Hearing Items

- A. **Virginia Wong, 43 Mechanic Street (Tax Map 106, Lot 34), zoned LD:** Request for Site Plan Review to convert an existing three (3) unit multifamily dwelling to a six (6) unit multi-family dwelling. **PB2021-11-SPR** - Postponed from May 10, 2021. Completeness review only, public hearing to commence on July 12, 2021 if deemed complete.

Mr. Corwin explained that there were missing items from the submission requirements, which began in September of 2020. The Planning Department has not heard from applicant and recommends finding that the application is incomplete to convert a 3-unit multi-family dwelling to a 6-unit multi-family dwelling.

Several Board members expressed concern over ignored regulations and enforcement. Mr. Brooks noted that it has taken a lot to get this owner's attention. This is one of multiple properties the City is working on with this property owner. There are many conditions that are not allowed. The enforcement effort on this property has involved going to court on two occasions and working with fire department and State Fire Marshal for code enforcements. It is a matter of bringing each property into compliance, which is taking longer than the City would like. Mr. Hall confirmed that the applicant was not present. It was generally agreed that the building could accommodate six units. Mr. Brooks stated that the property needs to go back to the original three units, and then it could be converted to six units that are in compliance with applicable regulations.

A MOTION by Laurel Stavis that the application of Virginia Wong, 43 Mechanic Street (Tax Map 106, Lot 34), zoned LD is incomplete.

The motion was seconded by Jeremy Rutter.

****The motion was approved unanimously (9-0).***

- B. **Mason Storage, LLC, 38 Spencer Street (Tax Map 78, Lot 39), zoned LD:** Request for Site Plan Review to construct a 15,000 sq. ft. addition to an existing warehouse building. **PB2021-13-SPR** - Postponed from May 10, 2021. Applicant has requested a postponement to the July 12, 2021 Planning Board meeting.

Mr. Corwin explained that the Zoning Board granted a special exception in 2019 to allow expansion as a nonconforming storage building. The applicant had two years to submit a Planning Board application, which was submitted just prior to the deadline in April. There are concerns about the completeness of the application, and Staff would be concerned about additional extensions.

Mr. Mason and Dan Nash of Advanced Geomatics were present on behalf of the application.

Mr. Nash stated that this was to be a simple addition to the building as a plain metal box. The new site plan regulations were added, which require compliance with all of the new downtown requirements. It was a challenge to get the application done to be able to present it to the Planning Board.

Mr. Corwin stated that this project was not grandfathered, and the new regulations were adopted in March of 2020.

Mr. Nash stated that the Planning Department prefers to have the determination on completeness at a separate meeting from the public hearing. They will need a decision on completeness by Staff once they submit the additional materials.

Chair Garland inquired if all materials would be ready by July 12 if the Planning Board grants the postponement. Mr. Nash stated that they would.

A MOTION by Matthew Hall to grant an extension for Mason Storage, LLC, 38 Spencer Street (Tax Map 78, Lot 39), zoned LD to July 12, 2021, without further extensions.

The motion was seconded by Joan Monroe.

****The motion was approved unanimously (9-0).***

- C. Stoney Brook Veterinary Hospital Realty Holdings, LLC, and Alan & Mondae Dupuis, 88 Riverside Drive (Tax Map 110, Lot 20) and 0 Stoney Brook Road (Tax Map 110, Lot 22), zoned RL-1:** Request for approval of a Boundary Line Adjustment between lands located at 88 Riverside Drive (Tax Map 110, Lot 20) and 0 Stoney Brook Road (Tax Map 110, Lot 22). **PB2021-17-BLA**

Mr. Corwin stated that Planning Staff has reviewed the application and recommends it is complete enough for the Planning Board to accept jurisdiction and commence review.

A MOTION by Matthew Hall that the application of Stoney Brook Veterinary Hospital Realty Holdings, LLC, and Alan & Mondae Dupuis, 88 Riverside Drive (Tax Map 110, Lot 20) and 0 Stoney Brook Road (Tax Map 110, Lot 22), zoned RL-1 is complete enough for the Planning Board to accept jurisdiction and commence review.

The motion was seconded by Kathie Romano.

****The motion was unanimously approved (9-0).***

Alan Dupuis, Attorney Aaron Simpson, and Dr. Kim Jones appeared to speak on behalf of the application.

Mr. Simpson gave a history of the property line issue. The surveyor has located where the traveled way still exists and remnants of the traveled way that were discontinued. The veterinary hospital has been using up to the center of the area. At this time, the applicants have reached an agreement, and Dr. Jones will acquire enough property to be less nonconforming, and the Dupuis lot will remain conforming.

Mr. Dupuis stated that this agreement settles a suit about right-of-way.

Mr. Brooks stated that when the Planning Board approved the site plan in 2007, Stoney Brook Road had not been discontinued. Mr. Dupuis expressed concern over encroachment on his property, and a condition of approval was included for Dr. Jones to delineate the center line of the old road as the new boundary. Boulders were approved as a visual indication of the property boundary. Following this boundary line adjustment, there is no need to delineate the old roadway center line, and Condition #6 of the original approval is no longer necessary.

Mr. Dupuis noted there would be pins placed along the surveyed area indicating the new property line. Either party has the right to put up a rope type fence to signal that this is the property line. That would

prevent traffic on their property.

Ms. Monroe recalled that there was some pavement left when that road was reviewed by the Class VI Roads Committee. Mr. Tom Jones, speaking from the public, noted that there are some remnants of the old road, but grass is growing through them. Dr. Jones stated that they did have someone remove the pavement, but there may be some residual pieces.

Chair Garland closed the Public Hearing.

Matthew Hall moved that the Lebanon Planning Board **APPROVE** the application of Stoney Brook Veterinary Hospital Realty Holdings, LLC, and Alan & Mondae Dupuis for a Boundary Line Adjustment between lands located at 88 Riverside Drive (Tax Map 110, Lot 20) and 0 Stoney Brook Road (Tax Map 110, Lot 22), PB2021-17-BLA, as shown on a plat titled “Boundary Line Adjustment Plan for Stoney Brook Veterinary Hospital Realty Holdings, LLC and Alan & Mondae Lee Dupuis,” prepared by Pathway Consulting, LLC, dated March 29, 2021, Proj. No. 12124, including any and all supplemental submissions and testimony provided during the public hearing, with the following conditions:

1. Prior to the signing and recording of the plat, the applicants shall provide one (1) full-size copy of the plat and a digital record drawing (Cad .dwg Format using NH State Plane Coordinate system);
2. Prior to the signing and recording of the final plat, the applicants shall provide to the City a draft copy of the deed of the land transfer for review to ensure the transfer will be completed properly for Assessing and recording purposes;

and with the following finding:

3. On December 10, 2007, the Planning Board granted Site Plan approval for 88 Riverside Drive (Project #PB2007-37). Condition #6 of the Notice of Action provided that, “[t]he applicant shall delineate the boundary along the length of the abandoned Stoney Brook Road by a split-rail fence or something similar if and when the road is thrown up.” The Board now finds that with the relocation of the common boundary between 88 Riverside Drive and 0 Stoney Brook Road through the recording of the Boundary Line Adjustment plat, the delineation of the former roadway centerline required by Condition #6 of the December 10, 2007 approval is no longer necessary.

The motion was seconded by Laurel Stavis.

****The motion was unanimously approved (9-0).***

Matthew Hall moved that the Lebanon Planning Board authorizes the Chair to sign the Boundary Line Adjustment plat for Stoney Brook Veterinary Hospital Realty Holdings, LLC, and Alan & Mondae Dupuis, PB2021-17-BLA, titled “Boundary Line Adjustment Plan for Stoney Brook Veterinary Hospital Realty Holdings, LLC and Alan & Mondae Lee Dupuis,” prepared by Pathway Consulting, LLC, dated March 29, 2021, Proj. No. 12124.

The motion was seconded by Laurel Stavis.

****The motion was approved unanimously (9-0).***

Mr. Rutter inquired how many properties have a #0 as the street address. Mr. Brooks stated that due to 911 numbering, undeveloped property typically gets a "0". Some newer subdivisions have numbers assigned to lots, but there are many older lots with #0. There can be more than one #0 on the same road.

4. Other Business

A. Proposed fire code-related amendments to the Site Plan Review and Subdivision Regulations

Mr. Corwin explained the work on the fire code-related amendments. The Planning Department would encourage applicants to meet with Staff to get the best idea at the outset as to how to meet all of the regulations and codes. The Fire Department has created a 2-page draft of the most relevant site design elements from the fire code. The Planning Department would direct any developer's attention to the codes at the outset of the application process. The intention is to create a document as part of a development handbook for developers.

Chair Garland noted that this process is intended to remove duplication of effort on the part of the Planning Department and Fire Department. The Board members discussed matters of updates and requirements for applicants. Ms. Romano suggested a checklist would be helpful in order to explicitly spell out what is required, adding that having a list would ensure completeness and make it easier to know what to do in each case based on the number of units.

Mr. Brooks stated that applicants should meet with Staff to learn what is required before submitting an application. A handbook would convey the requirements in the clearest way possible. Mr. Corwin noted that a meeting with Staff is recommended when developers call about applying for a building permit.

Mr. Hall recommended a text change for Section 1.6.

Ms. Monroe suggested adding information about fire resistant vegetation as a new category.

Mr. Rutter recommended textual changes.

Ms. Stavis suggested changes to wording within the fire references.

A MOTION by Laurel Stavis to schedule a Public Hearing regarding the Proposed Fire Code-related Amendments to the Site Plan Review and Subdivision Regulations for June 28, 2021, at 6:30 PM.

The motion was seconded Jeremy Rutter.

****The motion was unanimously approved (9-0).***

B. Proposed Site Plan Review amendments creating a minor Site Plan process and Minor Site Plan Committee

Mr. Corwin stated that Staff is working with Mr. Hall and will give a presentation at the June 28 work session, when the Board can have an in-depth conversation. The review process would determine if a project is exempt from any Site Plan Review or qualifies for a Minor Site Plan Review. Mr. Hall explained that they are trying to make it an easier process for small developers.

Mr. Corwin invited feedback from Board members before the next version is presented on June 28.

C. Proposed amendments to the Rules of procedure re: Rules of Decorum

A MOTION by Matthew Hall to suspend the statement adopted on May 24, 2021, and schedule a vote at the June 28, 2021 meeting.

The motion was seconded by Laurel Stavis.

****The motion was approved unanimously (9-0).***

Ms. Monroe suggested that applicants could be sworn in to be held to a higher level of truthfulness.

D. Review of minor alterations to approved site plan for Novo Nordisk US Bio Production, Inc., 5 & 9 Technology Drive (Tax Map 130, Lot 1 and Tax Map 145, Lot 3) (PB2020-19-SPA)

Rod Finley attended remotely on behalf of the application.

Mr. Hall inquired about the requirement for applicants to appear in person. Mr. Corwin stated that it isn't possible to discriminate between applicants and the public. Ms. Stavis stated that the NH legislature allows remote participation. Mr. Hall stated that he believes it is important for applicants to appear in person. Mr. Brooks stated that Planning Staff will look into this issue further.

Ms. Romano noted that in winter with people driving up from Massachusetts or down State, attending remotely would make sense.

Ms. Zook noted that the law only requires a quorum present in the room.

Chair Garland stated that the Board will await a response from Planning Staff.

5. Approval of Minutes

A. May 10, 2021

A MOTION by Laurel Stavis that the Planning Board Minutes of May 10, 2021, be approved as presented.

The motion was seconded by Matthew Hall.

****The motion was approved (9-0).***

B. May 17, 2021

A MOTION by Laurel Stavis that the Planning Board Minutes of May 17, 2021, be approved as presented.

The motion was seconded by Jeremy Rutter.

****The motion was approved (9-0).***

C. May 24, 2021

Page 2, line 22, to read, “New Hampshire does not allow municipalities to convert duplex units to triplex and quadraplex units under current water and sewer regulations.”

Page 3, line 10, delete the public health statement; line 14, to read, “It is better to give the Board flexibility in specific cases.” Delete lines 30-31.

A MOTION by Laurel Stavis that the Planning Board Minutes of May 24, 2021, be approved as amended.

The motion was seconded by Jeremy Rutter.

****The motion was approved (9-0).***

6. Other Business

Ms. Monroe noted that the Planners Journal is very helpful and allows one to regularly do a self-review, which she just completed.

Mr. Brooks noted that the Vital Communities housing breakfast was last Friday, and there is a link to the video and slides. It was well done.

7. Adjournment

A MOTION by Matthew Hall to adjourn the meeting.

The motion was seconded by Jeremy Rutter.

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

The meeting was adjourned at 8:54 PM.

Respectfully submitted,
Holly Howes
Recording Secretary