

FINAL

**LEBANON PLANNING BOARD
Regular Meeting
Monday, June 28, 2021, 6:30 PM
City Council Chambers, City Hall
or Remote Via Webex
LebanonNH.gov/Live**

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

MEMBERS ABSENT: Jeremy Rutter, Kathie Romano

STAFF PRESENT: Tim Corwin (Senior Planner), Brian Vincent (City Engineer), Rebecca Owens (Associate Planner)

1. Call to Order

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

2. Public Hearing Items

- A. **Joshua Patch (applicant) and Patch Forest, LLC, 0 Barden Hill Road (Tax Map 167, Lot 20), zoned RL-2:** The applicant has submitted a building permit (BP2021-286) to construct a one-family dwelling on the subject lot which is currently vacant and is accessed by a Class VI highway. Applicant requests review and comment by the Planning Board per RSA 674:41, I(c)(1), which permits the City Council to issue building permits for the erection of buildings on lots accessed by a Class VI highway, following review and comment by the Planning Board, and subject to the requirements of RSA 674:41, I (2) and (3).

Joshua Patch and Barbara Patch, 40 Patch Road, Lebanon, appeared on behalf of the application.

Mr. Patch described the 170-acre lot near his parents' property where he wishes to build a house.

Mr. Corwin provided background for the request regarding the Class VI Road situation as described in Staff Memo. The road would not be maintained by the municipality, and a building permit can only be issued with City Council approval after Planning Board review and comments. There would also be no emergency services.

Ms. Stavis confirmed that per the RSA, the Planning Board's comments on this matter are non-binding.

Mr. Patch described the property on Barden Hill Road and the proposed driveway with his intention to maintain the road. The Class VI portion of the road was recently improved with hard pack for logging truck use.

Chair Garland noted that certain fire code regulations would still apply to the applicant's use of the Class VI portion of the road to access the proposed home.

Following general discussion by the Board, a number of items were confirmed. To date, there has only been positive feedback from abutters. The Planning Department has no issue so long as staff's proposed conditions of approval are satisfied. The applicant noted that Liberty Utilities has been consulted about tree removal and required poles. Mr. Vincent explained all of the proposed engineering requirements. Mr. Corwin confirmed that any maintenance details would be specified in the City Council approval.

Chair Garland invited public comment.

Glen Kimball, an abutting property owner at 12 Methodist Hill Road, stated that he has no issue with Mr. Patch building on the property.

Mr. Patch stated that he does not have any issue with staff's proposed conditions of approval.

Chair Garland closed the public hearing.

As set forth in an e-mail sent to the Planning Board and forwarded to the applicant prior to the hearing, staff's recommendations are as follows:

A. Department of Public Works

1. Any proposed work/construction within the roadway Right of Way (ROW) shall require an excavation permit in accordance with City Ordinance Chapter 152.
2. The Applicant shall apply for and obtain a City approved Driveway Permit prior to any work within the City ROW.
3. Roadway improvements shall not negatively impact abutting properties.
4. Repair any roadway damage resulting from past roadway use as a heavy truck haul road as part of the Excavation and Driveway Permitting Process.
5. Roadway/driveway construction extending from the Class V road to the proposed house site shall be based on plans prepared by a qualified engineer, to be approved by the City Engineer as part of the Excavation and Driveway Permitting process.
6. Roadway/driveway shall be designed to carry City emergency vehicles with special consideration for wet areas, drainage and ledge.
7. Roadway/driveway maintenance shall be the Applicant's responsibility to provide year-round access.
8. Road use may be considered a driveway with a minimum width of 12 feet, with a turn-around to the satisfaction of the Fire Department and related current IFC codes.

B. Fire Department

1. Sections 102.5 and 503.2 of the International Fire Code apply:

[A] 102.5 Application of residential code. Where structures are designed and constructed in accordance with the International Residential Code, the provisions of this code shall apply as follows:

1. Construction and design provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Where interior or exterior systems or devices are installed, construction permits required by Section 105.6 shall apply.
2. Administrative, operational and maintenance provisions of this code shall apply.

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

503.2.2 Authority. The fire code official shall have the authority to require or permit modifications to the required access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be determined by the fire code official.

503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus.

503.2.7 Grade. The grade of the fire apparatus access road shall be within the limits established by the fire code official based on the fire department's apparatus.

2. Requests for modifications to any of the above IFC requirements may be submitted in writing to the Lebanon Fire Chief.

The Planning Board members had no negative comments and expressed support of the Staff conditions.

A MOTION by Laurel Stavis that the Planning Board, having heard the plans from the applicant, will forward their favorable views on the proposal to the City Council and believes the applicant has agreed to meet the conditions as established in the statutes and will support the recommendations of Planning Department Staff.

The motion was seconded by Joan Monroe.

****The motion was approved (6-0-1). Karen Zook abstained.***

B. AMENDMENTS TO THE SITE PLAN REVIEW AND SUBDIVISION

REGULATIONS: The Lebanon Planning Board will be conducting a public hearing for the purpose of receiving public input and taking action on proposed amendments to the Site Plan Regulations, Article II (Definitions), Section 1.6 (Compliance), Section 4.3.1 (Consultation with City Staff), Section 4.7 (Review for Complete Application), Section 5.1 (Drawings and Other Submittals), Section 6.1 (General Requirements), Section 6.2 (Landscaping Standards), Section 6.3 (Utilities and Fire Protection), Section 6.5 (Coordination of Roads, Parking, Loading, Recreation, and Safety); and to the Subdivision Regulations, Section 3 (Compliance), Section 7 (Planning Board Procedures), Section 10 (Major Subdivision) and Section 13 (Design Standards). Copies of the proposed amendments are available for review at the Planning and Development Department and will also be made available online at the City's Web site.

Mr. Corwin described some minor proposed changes to the "fire-related amendment" red-lines included with the agenda packet, per suggestions made by the City's legal counsel. Ms. Owens described some minor proposed changes to the pedestrian/bicyclist redline and Appendix included with the agenda packet.

Chair Garland invited public comment and noted that some comments were received via email.

Allan Reetz, Hanover Coop Food Stores. commented via email that he read the proposed amendments and was impressed with the detailed work the Planning Board is doing. Mr. Reetz noted that Lebanon is a leader in sensible growth. He recommended raising the number of parking spaces for family bikes.

The Board members discussed the issue of showers being available to tenants of commercial buildings.

Chair Garland noted that the Board members agree with the small number of changes and could vote on them tonight.

A MOTION by Matthew Hall to approve the two site plan changes set forth in the redlines containing “fire-related” amendments to the Site Plan Review Regulations and Subdivision Regulations, as amended pursuant to the suggested changes described by Mr. Corwin.

The motion was seconded by Joan Monroe.

****The motion was approved (7-0).***

A MOTION by Matthew Hall that the Planning Board approve the proposed amendments set forth in the redline containing “pedestrian/bicyclist” amendments to the Site Plan Review Regulations, as amended pursuant to the suggested changes described by Ms. Owens and per discussion of the Planning Board.

The motion was seconded by Joan Monroe.

Mr. Hall stated that he would rather see the Board incentivize the desired amenities.

****The motion was approved (6-1), with Matthew Hall voting against.***

3. Study Items

- A. Proposed amendments to the Site Plan Review Regulations creating a minor Site Plan Review process and Minor Site Plan Committee

Chair Garland asked the Board to focus on the pages in black, not the redlined pages.

The Board members discussed the wording encouraging all applicants to meet with Staff.

Mr. Corwin explained a framework for the review considerations and initial determination of the level of review.

The Board members discussed the statutory requirement for the makeup of the committee.

Chair Garland acknowledged the suggestions regarding the concept of a Minor Site Plan Committee and expressed the need for another discussion before scheduling a public hearing.

4. Other Business

- A. Review and Adoption of Proposed Revisions to the Rules of Procedure for the Planning Board

A motion by Laurel Stavis to accept the proposed revisions to the Rules of Procedure for the Planning Board.

The motion was seconded by Gregorio Amaro.

Ms. Monroe stated her opinion that the revisions are not appropriate.

****The motion was approved (6-1), with Joan Monroe voting against.***

5. Committee Reports

A. Planning Board Subcommittees:

- Planning Board Capital Improvement Program (M. Hall/VACANT/Mr. Garland/L. Stavis)
- Planning Board Development Regulations Update (M. Hall/K. Romano/ VACANT / J. Monroe)

B. City Council Subcommittees:

- Class VI Roads Advisory Committee (J. Monroe)
 - Lebanon Energy Advisory Committee (J. Monroe)
- Ms. Monroe commented on the article in the Valley News regarding a movement to do an aggregation of power. There will be negotiations with the utilities for better rates and more community involvement.

C. Other Subcommittees:

- City Council Representative (D. Whittlesey/K. Zook)
 - Heritage Commission (J. Rutter)
 - Pedestrian & Bicyclist Advisory Committee (G. Amaro)
 - Upper Valley Lake Sunapee Regional Planning Commission (B. Garland/L. Stavis)
 - UV Subcommittee of the Connecticut River Joint Commissions (B. Garland)
 - Upper Valley Transportation Management Association (VACANT)
 - Mascoma River Local Advisory Committee (K. Romano)
 - Steering Committee for the Implementation of the Master Plan (B. Garland/K. Chewning /VACANT/J. Monroe)
 - West Lebanon Revitalization Advisory Committee (L. Stavis)
- Ms. Stavis reported that there were eight bidders for the Westboro Railyard demolition, noting that it is close to the end of the budget year. The recertification of the area dams and how power is generated in the State was also noted. It is a long process designed to maintain a steady state of flow with no sudden rises and drops in water level of river, which provides a number of benefits.
- Planning & Development Department – Task Status (D. Brooks/ M. Goodwin/T. Corwin/R. Owens)

6. Approval of Minutes

- A. None

7. Adjournment

***A MOTION by Matthew Hall to adjourn the meeting.
The motion was seconded by Laurel Stavis.***

****The MOTION was approved (7-0).***

The meeting was adjourned at 8:33 PM.

Respectfully submitted,

Holly Howes
Recording Secretary