FINAL

LEBANON PLANNING BOARD
Regular Meeting
Monday, July 12, 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), Rebecca Owens (Associate Planner), Brian Vincent (City Engineer)

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

2. **Notice of Regional Impact –** No new applications received

3. **Public Hearing Items**

   A. **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. - Completeness Review Only (postponed from June 14, 2021)

Mr. Corwin stated that additional information was received by the Planning Department and the application is complete enough for the Planning Board to accept jurisdiction and commence review.

Ms. Romano inquired about waiver #4 and whether the addition is proposed to be sprinklered. Mr. Corwin stated that the issue can be addressed within the Public Hearing.

A MOTION by Matthew Hall that the application of Mason Storage, LLC, 38 Spencer Street (Tax Map 78, Lot 39), zoned LD, is complete enough for the Planning Board to accept jurisdiction and commence review.
The motion was seconded by Laurel Stavis.

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

A MOTION by Matthew Hall to continue the hearing of Mason Storage, LLC, 38 Spencer Street (Tax Map 78, Lot 39), zoned LD to August 9, 2021 at 6:30 PM.
The motion was seconded by Gregorio Amaro.

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

B. **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

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

A MOTION by Matthew Hall that the Lebanon Planning Board finds the application of Walt Cunningham & John Eric Hoffman and Wilder Ridge Estates, LLC, for a proposed Boundary Line Adjustment between lands located at 58 East Wilder Road (Tax Map 7, Lot 9) and 0 East Wilder Road (Tax Map 7, Lot 10), PB2021-18-BLA, is complete enough to accept jurisdiction and commence review. The motion was seconded by Kim Chewning.

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

Peter Dodge, representing Wilder Ridge Estates, appeared to speak on behalf of the application for the lot line adjustment, which previously was unclear as to the ridge line.

Mr. Corwin stated that this is a straightforward Boundary Line Adjustment, and the conditions are outlined in the Staff Memo. All of the required information has been submitted, and the shoreline protection requirements would not impact the buildability of Lot 9. The shoreline images were displayed, and approval is expected from the NH DES, which is currently reviewing the permit application.

Chair Garland invited public comment, but there was none.

Mr. Dodge explained the boundary line symbology. Mr. Corwin stated that the wording would be clarified.

Chair Garland closed the Public Hearing.

A MOTION by Matthew Hall that the Lebanon Planning Board ***APPROVE*** the application of Walt Cunningham & John Eric Hoffman and Wilder Ridge Estates, LLC, for a proposed Boundary Line Adjustment between lands located at 58 East Wilder Road (Tax Map 7, Lot 9) and 0 East Wilder Road (Tax Map 7, Lot 10), PB2021-18-BLA, as shown on a plat titled "Boundary Line Adjustment Plan Prepared for Wilder Ridge Estates, LLC and Walter Cunningham & John Eric Hoffman", prepared by Paton Land Surveying, LLC, dated May 27, 2021, revised June 26, 2021, Project No. 2020-279-44, including any and all supplemental submissions and testimony provided during the public hearing, with the following conditions which shall be satisfied prior to the signing and recording of the plat:

1. The applicants shall provide a revised plat depicting the following changes to the satisfaction of the Planning and Development Department:
    a. Change note #1 to include John Eric Hoffman as an owner of Tax Map 7, Lot 9.
    b. Change note #7 to read as follows: "No easements, rights of way or other restrictions on the subject properties were found in the chains of title." (Section 8.2.A.2)
    c. Provide a site location map showing the original boundaries of the subject lots and adjacent lots. (Section 8.2.A.6)
    d. Add boundary line symbology to the legend.

2. 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.

3. 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).

The motion was seconded by Jeremy Rutter.
****The MOTION was approved unanimously (9-0).***

A MOTION by Matthew Hall that the Lebanon Planning Board authorizes the Chair to sign the Boundary Line Adjustment plat for Walt Cunningham & John Eric Hoffman and Wilder Ridge Estates, LLC, PB2021-18-BLA, titled "Boundary Line Adjustment Plan Prepared for Wilder Ridge Estates, LLC and Walter Cunningham & John Eric Hoffman", prepared by Paton Land Surveying, LLC, dated May 27, 2021, revised June 26, 2021, Project No. 2020-279-44, as such plat may be amended in accordance with the Planning Board's approval.

The motion was seconded by Jeremy Rutter.

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

C. 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

Matthew Hall recused himself due to professional conflicts.

Mr. Corwin stated that the Planning Department reviewed the application and recommends that the Planning Board can accept jurisdiction and commence review.

A MOTION by Kathie Romano that the Planning Board finds the application complete enough to accept jurisdiction and commence review.
The motion was seconded by Laurel Stavis.

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

Adam Morse, civil engineer; Joe Greene, architect; and Raymond Gaudette representing the auto group, appeared to speak on behalf of the application.

Mr. Morse stated that the proposed addition to the existing Ford dealership at 425 Miracle Mile involves adding service bays along the west side of the addition, making pavement and driveway access changes, and additional changes to the sales side of the building. The majority of the changes are service-oriented, but there would be a slight expansion. The patio would be remaining but smaller, and parking would remain. Stormwater management would be achieved using a gravel wetland near the service parking area, and landscaping would be added along the northeast corner of street frontage, which would not block the sales display. The lighting would be upgraded.

Mr. Corwin explained the waiver requests as outlined in the Staff Memo, which include waivers from the sidewalk and lighting requirements. There are some outstanding questions regarding stormwater management, and additional information was received and reviewed. Conditions have been identified that need to be met to satisfy the requirements, and the Planning Department is comfortable with the applicant documenting that they have been satisfied at least 21 days prior to the application for a building permit as stated in the conditions.

Ms. Romano expressed concern regarding stormwater discharge going into the Mascoma River. Mr. Morse described the gravel well that would collect runoff from the roof and pavement. Mr. Vincent stated that testing was done to confirm the water table, and the revised design for a gravel wetland is a good design. Ms. Romano inquired about the lighting meeting new color requirements, and Mr. Corwin confirmed that it would.

Ms. Stavis asked that the elevations in the plans be explained. Mr. Greene explained the views presented.

Ms. Stavis expressed her desire that the applicant reconsider the waivers from landscaping, as the Miracle Mile could use additional greenery. Mr. Greene noted that the plan would be making the site better aesthetically as well as functionally, and some greenery was added to balance with sales needs. Mr. Morse stated that they would be maintaining visibility of the inventory. Several Board members expressed their concerns about the landscaping waivers and a desire for additional landscaping. Mr. Corwin noted that any landscaping in the City's right-of-way would require City approval.

Mr. Amaro expressed concern over the water from the service bays. Mr. Greene explained the gravel wetland process that would manage the water.

The Board members reiterated their interest in additional landscaping to improve the aesthetics and function of the property.

Chair Garland invited public comment. There was none.

Mr. Corwin opened the discussion of the waivers. The Board members began the vote on the individual waivers.

A MOTION by Kathie Romano that the Planning Board APPROVE the waiver from Section 6.5.B.4 requiring sidewalks along the street frontage.
The motion was seconded by Laurel Stavis.

****The MOTION was approved (5-3).***

Mr. Corwin explained that if lighting is being replaced, it must be up to code of 0.5 foot candles or less at the property lines. Mr. Greene confirmed the upgrading to LED's with appropriate cutoffs.

A MOTION by Kathie Romano to approve the waiver from Section 6.7.B.2 requiring maximum illumination of 0.5-foot candles at commercial property boundaries.
The motion was seconded by Laurel Stavis.

****The MOTION was approved (7-1).***

The Board members inquired about the level of lighting and duration of lighting. Mr. Morse confirmed the lighting would be on a timer.

A MOTION by Kathie Romano to approve the waiver from Section 6.7.C.1 for lighting uniformity ratios.
The motion was seconded by Laurel Stavis.

Ms. Monroe commented on the variations in lighting across the property. Mr. Morse noted the impact of the abutter's lighting, adding that serviced vehicles are not parked in those areas at night. Mr. Greene stated that it is not dark, noting the averages throughout the parking lot.

****The MOTION was approved (7-1).***

The Board members continued to discuss the landscaping waivers. The general consensus was that more thought and creativity were needed, and additional plans should be brought to the Board. Mr. Greene noted that there are numerous non-conforming issues on the site. Mr. Corwin stated that all Site Plan Review Regulations apply, and an applicant must demonstrate compliance to the Board. The Planning Department will work with the applicant to resolve the landscaping issues. The Board could give the applicant time to come back with a different proposal. They may still need some waivers but could propose more landscaping. Several motions were proposed and withdrawn.

Mr. Brooks confirmed with the Board members that only the proposed landscaping needed changing.

A MOTION by Kathie Romano to continue the hearing of St. Johnsbury Automobile Group (applicant) and ORQT, LLC (property owner), 425 Miracle Mile (Tax Map 103, Lot 15), zoned GC to August 9, 2021, at 6:30 PM.
The motion was seconded by Laurel Stavis.

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

Mr. Greene thanked the Board members and said he would discuss the changes with Mr. Corwin.

Matthew Hall returned to the Board.

D. 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

Eric Peabody, Surveyor, and John Dickey, property owner, appeared on behalf of the application.

Mr. Corwin stated that Planning Staff has reviewed the application in accordance with the Subdivision Regulations and finds it is complete enough for the Planning Board to accept jurisdiction and commence review.

A MOTION by Matthew Hall that the Lebanon Planning Board finds the application of Hardy Hill, LLC, for a proposed three (3)-lot Minor Subdivision of 27 Jenkins Road (Tax Map 80, Lot 14), PB2021-20-MIN, IS complete enough to accept jurisdiction and commence review.

The motion was seconded by Jeremy Rutter.

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

Mr. Peabody explained the proposed minor subdivision, which would leave 6.05 acres with the existing house and create two new lots, both of which would be accessed from Jenkins Road. There are wetlands issues from which they are seeking a waiver, and testing is being done. Mr. Peabody described the property and proposed features related to the conditions of approval.

Mr. Corwin stated that the proposed lots would be regulated under the building permit process. Driveway permits would be needed from the DPW, and dry hydrants would be installed in the pond for each approved building lot.

Mr. Corwin explained that the subdivision requires conditions be identified, and this is a large property with wetlands that were not completely delineated on the western half. A waiver is needed that all be identified, and the dry hydrants would serve all three properties.

Mr. Corwin stated that the Planning Staff has no concerns.

Mr. Peabody confirmed that the septic field would be delineated on the final plan. The wetland is rated high value, and no development is planned near it. The plan shows the intermittent streams.

Chair Garland invited public comment. There was none.

A MOTION by Matthew Hall to approve the waivers.
The motion was seconded by Laurel Stavis.

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

Ms. Monroe inquired if the City will inform future owners of the property's streams feeding the public drinking water. Mr. Brooks stated that the information is available on maps. Ms. Monroe suggested the owners consider avoiding the use of pesticides and other chemicals.

Chair Garland closed the Public Hearing.

Matthew Hall moved that the Lebanon Planning Board ***APPROVE*** the application of Hardy Hill, LLC, for a proposed three (3)-lot Minor Subdivision of 27 Jenkins Road (Tax Map 80, Lot 14), PB2021-20-MIN, as shown on a plat titled "Minor Subdivision Plan for Hardy Hill, LLC," prepared by Green Top Land Surveying, LLC, dated June 14, 2021, last revised June 28, 2021, project no: 1055, including any and all supplemental submissions and testimony provided during the public hearing, with the following conditions:

1. The applicant shall provide a revised plat depicting the following changes to the satisfaction of the Planning and Development Department and the Fire Department:

    a. Depict the seal and signature of the Certified Wetlands Scientist who delineated the wetlands. (Section 9.5.A.7)
    b. Depict and/or add a note regarding the installation of a dry hydrant in the pond located on Lot 80-14 (to satisfy the requirements of Section 13.12 of the Subdivision Regulations).
    c. Add a note indicating that the plat was approved pursuant to the City of Lebanon Subdivision Regulations last revised March 22, 2021.
    d. Remove the building envelopes from Lots 80-14-100 & 200.

2. The applicant shall provide a digital record drawing (Cad .dwg format using NH State Plane Coordinate system or an alternative approved by the City's GIS Coordinator).

3. Subdivision approval from the New Hampshire Department of Environmental Services shall be obtained and a copy of such approval shall be provided to the Planning and Development Department. (Section 9.5.C.2)

General Conditions

4. Future development on the new lots shall be subject to City of Lebanon Impact Fees, pursuant to Section 213 of the Zoning Ordinance. The Impact Fee shall be calculated at the time of Building Permit issuance based on the Impact Fee Schedule adopted on August 13, 2018, and such fees shall be due and payable at the time of issuance of a Certificate of Occupancy. In accordance with RSA 674:39, the approved site plan shall be exempt from any future changes in impact fees and methodology for five years from the date of approval; however, any building permits which are issued after the end of that five-year period shall be fully subject to whatever impact fees and methodology are in effect at the time of building permit issuance.

5. All future construction shall substantially conform with and shall be subject to the requirements and specifications of the recorded plat. (Section 7.9.A.2)

6. Prior to the issuance of a Certificate of Occupancy for any home constructed on any of the lots, a dry hydrant shall be installed in the pond located on Lot 80-14. A building permit and/or a permit from the Fire Department, as may be required, shall be obtained prior to installation of the dry hydrant.

The motion was seconded by Jeremy Rutter.

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

Matthew Hall moved that the Lebanon Planning Board authorizes the Chair to sign the Minor Subdivision plat for Hardy Hill, LLC, PB2021-20-MIN, titled "Minor Subdivision Plan for Hardy Hill, LLC," prepared by Green Top Land Surveying, LLC, dated June 14, 2021, last revised June 28, 2021, project no: 1055, as such plat may be amended in accordance with the Planning Board's approval.

The motion was seconded by Jeremy Rutter.

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

4. Other Business

Mr. Brooks stated that the City Council would be hosting a special meeting on July 19, 2021, at 7:00 PM regarding housing and housing affordability and encouraged the Board members to participate.
Mr. Brooks added that the Planning Department is well underway with the CIP process and would be ready to present projects by the end of the month or the first week of August. He confirmed that Bruce Garland, Laurel Stavis, Matthew Hall, and Kim Chewning would be on the CIP committee.

The official opening of tunnel is Thursday, July 15, 2021.

Mr. Hall inquired if there was any update on the hybrid meeting format. Mr. Brooks stated that the emergency order was rescinded, and there must be a quorum present. However, the City Manager has determined that since the City has the technology, remote participation will be allowed. Anybody who wants to participate remotely can participate remotely. The Board and Staff can encourage applicants to attend if they are proximate. Mr. Hall agreed to give it time.

Ms. Stavis reported that at the State level and from the City Council's perspective, it has been noted that participation in the political process has skyrocketed with the availability of new technology. Those unable to attend physically have benefitted, which is an overall benefit. More participation is preferred over limiting it to in-person attendance.

Ms. Romano observed that remote participation makes it easier for the public to be informed.

Ms. Monroe noted that in-person attendance is important to give applicants the experience of visiting the local area. On Thursday July 15, 2021 from 7-8:00 PM there will be a presentation regarding the Community Aggregation Power Plan, which LEAC has been working on with Clifton Below. It is a system that gives residents of communities the opportunity to have input.

Ms. Stavis reported that a contractor has been selected to demolish the Westboro railyard by November. The City has requested to lease the land to make the trail complete, and no objections have been submitted to date.

5. Approval of Minutes

A. June 14, 2021

A MOTION by Jeremy Rutter that the Planning Board Minutes of June 14, 2021, be approved as presented.
The motion was seconded by Kim Chewning.

Joan Monroe left the meeting
****The motion was approved (8-0).***

6. Adjournment

A MOTION by Matthew Hall to adjourn the meeting.

The motion was seconded by Gregorio Amaro.

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

The meeting was adjourned at 9:12 PM.

Respectfully submitted,
Holly Howes, Recording Secretary