

FINAL

**LEBANON PLANNING BOARD
Regular Meeting
Monday, August 9, 2021, 6:30 PM
City Council Chambers, City Hall
or Remote Via Webex
LebanonNH.gov/Live**

MEMBERS PRESENT: Bruce Garland (Chair), Karen Zook (Council Representative), Kim Chewning, Joan Monroe, Jeremy Rutter, Kathie Romano, Laurel Stavis

MEMBERS ABSENT: Matthew Hall, Gregorio Amaro

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

1. Call to Order

Chair Garland called the meeting to order at 6:32 PM.

2. Notice of Regional Impact

The following applications were received by the Planning and Development Department on or before August 9, 2021:

- **Gordon E. Bagley, III and Cynthia L. Louzer, 18 Eastman Hill Road (Tax Map 112, Lot 12) and 32 Eastman Hill Road (Tax Map 112, Lot 10), zoned RL-2:** Request for approval of a Boundary Line Adjustment between lands located at 18 Eastman Hill Road and 32 Eastman Hill Road. PB2021-27-BLA
- **Novo Nordisk US Bio Production, Inc., 5 Technology Drive (Tax Map 130, Lot 1), zoned IND-L:** Request for Site Plan Review to expand the existing building with the construction of a +/-5,255 sq. ft. addition, and to construct a +/-2,660 sq. ft. central utility building together with associated site improvements including utilities, lighting, stormwater management, sidewalks, and parking. PB2021-26-SPR

Mr. Corwin stated that the applications above have no potential for regional impact.

A MOTION by Laurel Stavis that the above applications have no potential for regional impact. The motion was seconded by Jeremy Rutter.

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

3. Public Hearing Items

A. **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 - Completeness Review and Public Hearing - Continued from July 12, 2021

Civil Engineer Adam Morse, Landscape Architect Maura Robinson, Architect Joe Greene, and dealership representative Nate Loschiavo appeared in support of the application.

Mr. Morse gave an overview of the additional landscaping, including shading for parking areas and additional landscaping in several other areas of the property. Ms. Robinson explained the details of the additional trees and shrubs added to the landscaping plan.

Mr. Morse noted that several parking spaces were removed to allow for additional trees. Chair Garland inquired about the changes to the façade. Mr. Morse explained the changes to the surface and colors will be updated to match the Ford brand.

Ms. Monroe commented on the planting choices.

Mr. Green explained the changes to the stormwater management. Mr. Vincent stated that the plan now meets the stormwater management requirements. Ms. Romano inquired about the details of the proposed retention pond. Mr. Green described the gravel wetland that will have plantings and manage the stormwater. It would not be a pond with standing water.

Chair Garland invited public comment. There was none.

Mr. Corwin reviewed the landscaping waiver requests. Mr. Morse explained that the nature of the Miracle Mile makes the waivers necessary. Chair Garland clarified that the waivers are now partial waivers.

A MOTION by Joan Monroe that the Lebanon Planning Board **APPROVE** a partial waiver for the site plan application of St. Johnsbury Automobile Group (applicant) and ORQT, LLC (property owner), regarding 425 Miracle Mile (Tax Map 103, Lot 15), PB2021-19-SPR, from the Site Plan Review Regulations **Section 6.2.B.1-4 – perimeter landscaping requirements.**

The motion was seconded by Kathie Romano.

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

A MOTION by Joan Monroe that the Lebanon Planning Board **APPROVE** a partial waiver for the site plan application of St. Johnsbury Automobile Group (applicant) and ORQT, LLC (property owner), regarding 425 Miracle Mile (Tax Map 103, Lot 15), PB2021-19-SPR, from the Site Plan Review Regulations **Section 6.2.B.10 – requiring trees along the front of the property.**

The motion was seconded by Kathie Romano.

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

A MOTION by Joan Monroe that the Lebanon Planning Board **APPROVE** a partial waiver for the site plan application of St. Johnsbury Automobile Group (applicant) and ORQT, LLC (property owner), regarding 425 Miracle Mile (Tax Map 103, Lot 15), PB2021-19-SPR, from the Site Plan Review Regulations **Section 6.2.D – landscaping around buildings requirement.**

The motion was seconded by Kathie Romano.

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

A MOTION by Joan Monroe that the Lebanon Planning Board **APPROVE** a partial waiver for the site plan application of St. Johnsbury Automobile Group (applicant) and ORQT, LLC (property owner), regarding 425 Miracle Mile (Tax Map 103, Lot 15), PB2021-19-SPR, from the Site Plan Review Regulations **Section 6.2.E.1 – requires parking areas to be visually screened by landscaping.**

The motion was seconded by Kathie Romano.

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

A MOTION by Joan Monroe that the Lebanon Planning Board **APPROVE** a partial waiver for the site plan application of St. Johnsbury Automobile Group (applicant) and ORQT, LLC (property owner), regarding 425 Miracle Mile (Tax Map 103, Lot 15), PB2021-19-SPR, from the Site Plan Review Regulations **Section 6.2.E.2 – the end of each row or parking shall have a landscape bed to protect any vehicle next to a travel lane.**

The motion was seconded by Kathie Romano.

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

A MOTION by Joan Monroe that the Lebanon Planning Board **APPROVE** a partial waiver for the site plan application of St. Johnsbury Automobile Group (applicant) and ORQT, LLC (property owner), regarding 425 Miracle Mile (Tax Map 103, Lot 15), PB2021-19-SPR, from the Site Plan Review Regulations **Section 6.2.E.3 – any parking area containing three or more rows of parking shall be planted along the perimeter.**

The motion was seconded by Kathie Romano.

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

A MOTION by Joan Monroe that the Lebanon Planning Board **APPROVE** a partial waiver for the site plan application of St. Johnsbury Automobile Group (applicant) and ORQT, LLC (property owner), regarding 425 Miracle Mile (Tax Map 103, Lot 15), PB2021-19-SPR, from the Site Plan Review Regulations **Section 6.2.E.4 – any single or double row of parking longer than 100 feet shall be disbursed every 100 feet or less by a landscape bed.**

The motion was seconded by Kathie Romano.

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

A MOTION by Joan Monroe that the Lebanon Planning Board **APPROVE** a partial waiver for the site plan application of St. Johnsbury Automobile Group (applicant) and ORQT, LLC (property owner), regarding 425 Miracle Mile (Tax Map 103, Lot 15), PB2021-19-SPR, from the Site Plan Review Regulations **Section 6.2.E.5 – perimeter curbing; and Section 6.2.L - curbing.**

The motion was seconded by Kathie Romano.

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

Chair Garland invited public comment. There was none.

Mr. Corwin recommended that a note be added to specify that landscaped areas not be used for parking or display of vehicles. It would be a general condition and a note as 2c.

Ms. Monroe confirmed that any plants that die must be replaced as stated in the site plan.

Chair Garland closed the Public Hearing.

A MOTION by Joan Monroe that the Lebanon Planning Board **APPROVE** the application of St. Johnsbury Automobile Group (applicant) and ORQT, LLC (property owner), regarding 425 Miracle Mile (Tax Map 103, Lot 15), PB2021-19-SPR, for Site Plan Review to construct a +/-12,900 sq. ft. of building addition together with associated site improvements, as shown on a plan set titled “425 Miracle Mile, Lebanon Ford Addition” prepared by Engineering Ventures, PC, dated May 19, 2021, project no. 21198, as revised pursuant to the plan set submitted to the Planning and Development Department on August 2, 2021, including any and all submissions and testimony provided for and during the public hearing, with the following conditions:

Conditions to be Satisfied Prior to Application for a Building Permit

1. The applicant shall address the following to the satisfaction of the City Engineer, consistent with the revised plan sheet submitted to the Planning Board at the August 9, 2021 hearing:
 - a) It appears that the proposed gravel-wetland does not have the required free-board as described in the Site Plan Review Regulations (SPRR) Section 6.6C.2.1. Please address.
 - b) Please ensure that there is at least a 10-foot wide “berm” around the south and east sides of the proposed gravel wetland.
 - c) It appears that some of the drainage structures do not have enough separation between the crown of the proposed pipe(s) and the required materials above the crown as depicted in the catch basin detail (frame, grate, bricks, mortar, concrete, pipe thickness, etc.). Please address or amend the catch basin details as needed.
2. Prior to the start of any construction activities on the property, the applicant shall provide two (2) revised plans sets depicting the following revisions to the satisfaction of the Planning and Development Department and the City Engineer, as follows:
 - a) Any changes made pursuant to Condition of Approval #1; and
 - b) Identify date and nature of plan revisions on the cover sheet as required by Section 5.1.E.4.d of the Site Plan Review Regulations.
 - c) Add a note that landscaped areas shall not be utilized for the parking and display of vehicles.

The applicant shall provide the Planning & Development Department with two (2) full size copies of the revised plan set, and a digital copy of the revised plan set saved in a PDF-A format for archival purposes.

3. The applicant shall obtain approval from the City Council or the City Manager’s office for any additional water and/or sewer flows in accordance with the applicable Chapter 136 and 182 of the City Code.
4. All engineering review fees shall be paid in full as required by Section 4.7.E.1 of the Site Plan Review Regulations.

Conditions to be Satisfied Prior to the Issuance of a Building Permit

5. The development 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. 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.

6. All water and sewer fees shall be paid as set forth in City Code Chapter 68.
7. Prior to any construction activities, the applicant shall obtain an Excavation Permit from the Department of Public Works and/or license from the City for the proposed site work in the public right-of-way, and a Driveway Permit if determined to be necessary by the City Engineer.
8. Prior to the start of any construction activities on the property, the applicant shall obtain or update (if appropriate) any required State approvals.

Conditions to be Satisfied Prior to the Issuance of a Certificate of Occupancy

9. The impact fee calculated pursuant to Condition of Approval #5 shall be paid.
10. All improvements depicted on the plan shall be completed and shall be constructed as depicted on the approved plan, including any modifications to the plan as may be approved by the Planning Board in accordance with the Site Plan Review Regulations.

General Conditions

11. The applicant shall implement and maintain NHDES Site Specific Best Management Practices before, during, and after construction.
12. All required landscape plantings shall meet the minimum size requirements for such plantings set forth in Section 6.2.B of the Site Plan Review Regulations at the time of installation.

The motion was seconded by Jeremy Rutter.

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

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 - Continued from July 12, 2021

Property Owner Sean Mason and Dan Nash of Advanced Geomatics & Design attended in support of the application.

Mr. Mason shared a representation of a similar building to the one being proposed. Mr. Nash noted the differences including just one entrance and inside storage. There would be no traffic, as it is self-storage without onsite employees. The overall plan and security of the property were explained. It will be an improvement to the streetscape on Spencer Street, and would reduce the impervious surface.

Mr. Corwin summarized the content of the staff memo.

The Board members commented on the application. The necessity of compliance with flood plain requirements was noted. Mr. Nash stated that there will be adjustments made to comply with the requirements. Ms. Monroe stated that consistency in the plan presentation would be helpful. Mr. Rutter commented on the absence of landscape screening on the west elevation. Ms. Romano noted the

contamination of the DPW property next door to the proposed site. Mr. Nash stated that the outer limit of the contamination does not infringe on the proposed site. Ms. Chewning reiterated that there are many issues related to the Staff comments.

Chair Garland stated that the new building must meet all of the LD requirements, which will require many waivers. Chair Garland stated that fire regulations have been updated, and compliance needs to be worked out with the Fire Department.

Mr. Nash noted that this project is for the updating of an existing building and that the addition is just a box.

Ms. Stavis stated that the organization of the application documents is the major issue.

Chair Garland suggested that compliance with the LD requirements is essential for this project to move forward.

Mr. Corwin stated that the LD requirements are in effect, and the perimeter landscaping requirement still applies as do other landscaping requirements. While the staff questions the merit of some of the waiver requests, the primary issue is the need for a complete and coherent application that both Staff and the Board can use for a proper review.

Chair Garland stated the need for a continuance of the hearing.

Mr. Mason expressed the need for more direction from Staff. Mr. Corwin stated that all of the required information is outlined in the Staff Memo.

A MOTION by Joan Monroe to continue the hearing of Mason Storage, LLC, 38 Spencer Street (Tax Map 78, Lot 39), zoned LD to Monday, September 13, 2021, at 6:30 PM. The applicant to provide a single submission of information by Monday, August 23, 2021. The motion was seconded by Laurel Stavis.

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

4. Study Items

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

Mr. Corwin reviewed some changes to the redline as had been proposed by the Chair and by legal counsel. He also noted that legal counsel recommends that the City Council clarify the original 2010 resolution authorizing the creation of a Minor Site Plan Committee, and that staff hopes the City Council will be able to do so soon.

A MOTION by Laurel Stavis for a public hearing to create a Minor Site Plan Review process and Minor Site Plan Committee as amended on September 13, 2021 at 6:30 PM. The motion was seconded by Kim Chewning.

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

5. Other Business

Mr. Corwin reported that the hearing before the Housing Appeals Board regarding the Brady Sullivan issue took place two Fridays ago. The decision should be issued within 60 days.

6. Approval of Minutes - None

7. Adjournment

A MOTION by Jeremy Rutter to adjourn the meeting.

The motion was seconded by Laurel Stavis.

The MOTION was approved (7-0).

The meeting was adjourned at 9:09 PM.

Respectfully submitted,

Holly Howes
Recording Secretary