FINAL

LEBANON PLANNING BOARD
Regular Meeting
Monday, September 13, 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), Gregorio Amaro, Kim Chewning, Joan Monroe, Jeremy Rutter, Kathie Romano, Laurel Stavis, Michael Smith (Alt.)

MEMBERS ABSENT: Matthew Hall (Vice Chair)

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

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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 September 13, 2021:

Michaels Student Living, LLC (applicant) and Trustees of Dartmouth College (property owner), 401 Mount Support Road (Tax Map 24, Lot 2), zoned R-1, R-3 and RL-3: A 309-unit multi-family development is currently under construction pursuant to an approved Major Subdivision and Site Plan (PB2020-07-SPR & PB2020-29-SPA). The applicant requests a modification to the conditions of approval in order to allow two of the four proposed residential buildings to be occupied prior to the completion of all site improvements. PB2021-30-SPA

Alice Peck Day Memorial Hospital, 10 Alice Peck Day Drive (Tax Map 90, Lot 59), zoned R-3: Request for Site Plan Review to construct a +/-5,590 sq. ft. addition to the hospital, together with associated site work including a new loading dock, renovated sidewalks, and an expanded courtyard. PB2021-28-SPR

XYZ Dairy, LLC, River Park Drive (Tax Map 44, Lots 7 & 21-30), zoned CBD, IND-L and R-3: Applicant requests an extension of the timelines set forth in the Planning Board Notice of Action dated September 9, 2019 (PB2018-34-SPA) for the commencement of construction and completion of the River Park development. PB2021-28-EXT

Mr. Brooks stated that Staff recommends that the above applications have no potential for regional impact.

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

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

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 - Continued from August 9, 2021

Mr. Corwin stated that there are a number of outstanding issues and concerns, and the applicant has requested that the hearing be continued to Tuesday, October 12, 2021. The Planning Staff has no objection to the request.

A MOTION by Kathie Romano to continue the hearing of Mason Storage, LLC, 38 Spencer Street (Tax Map 78, Lot 39), zoned LD to Tuesday, October 12, 2021, at 6:30 PM.
The motion was seconded by Laurel Stavis.

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

B. **Gordon E. Bagley, III and Cynthia L. Louzier, 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

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

A MOTION by Jeremy Rutter that the Lebanon Planning Board finds the application of Gordon E. Bagley, III and Cynthia L. Louzier, for a proposed Boundary Line Adjustment between lands located at 18 Eastman Hill Road (Tax Map 112, Lot 12) and 32 Eastman Hill Road (Tax Map 112, Lot 10), PB2021-27-BLA, is complete enough to accept jurisdiction and commence review.

The motion was seconded by Kim Chewning.
****The motion was approved (7-0).***

Mr. Corwin stated that he did not speak with the applicant regarding attendance at the meeting. The application is very straightforward and may proceed without the applicant present.

Joan Monroe arrived at 6:39 PM.

Mr. Corwin explained the boundary line adjustment, which involves an equal swap of property.
Ms. Romano inquired if there are unique features of the property. Mr. Corwin stated that there are not.
Ms. Monroe asked if there was a stated reason for the adjustment. Mr. Corwin replied that the applicants are related but there was no other reason given. Ms. Monroe observed that both properties are in compliance.

Chair Garland invited public comment. There was none. The public hearing was closed.

A MOTION by Joan Monroe that the Lebanon Planning Board **APPROVE** the application of Gordon E. Bagley, III and Cynthia L. Louzier, for a proposed Boundary Line Adjustment between lands located at 18 Eastman Hill Road (Tax Map 112, Lot 12) and 32 Eastman Hill Road (Tax Map 112, Lot 10), PB2021-27-BLA, as shown on a plat titled "Lot Line Adjustment Plan for Gordon E. Bagley, III & Cynthia L. Louzier", prepared by Pathways Consulting, LLC, dated August 9, 2021, Project No. 12858, 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 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.
2. 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.

Mr. Corwin stated that the reason involves the sale of one property, and the adjustment provides additional room for a driveway.

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

A MOTION by Joan Monroe that the Lebanon Planning Board authorizes the Chair to sign the Boundary Line Adjustment plat for Gordon E. Bagley, III and Cynthia L. Louzier, as referenced above.

The motion was seconded by Jeremy Rutter.

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

C. Novo Nordisk US Bio Production, Inc., 5 & 9 Technology Drive (Tax Map 145, Lot 3), zoned IND-L: Request for Site Plan Review to expand the existing building at 5 Technology Drive with two additions totaling +/-7,915 sq. ft., together with associated site improvements including utilities, lighting, stormwater management, sidewalks, and parking. PB2021-26-SPR

Mr. Corwin stated that Staff received all necessary information and recommends that the above application is complete enough to accept jurisdiction and commence review.

A MOTION by Joan Monroe that the Lebanon Planning Board finds the Site Plan Review application of Novo Nordisk US Bio Production, Inc. regarding 5 & 9 Technology Drive (Tax Map 145, Lot 3), PB2021-26-SPR, is complete enough to accept jurisdiction and commence review.

The motion was seconded by Kim Chewning.
****The motion was approved (8-0).***

Stuart Sawyer of Novo Nordisk and Jim Jackson, Pare Corporation Managing Engineer, appeared to speak on behalf of the application.

Mr. Sawyer introduced the company, its products, and the application. Mr. Jackson explained the waiver requests and described the details of the proposed additions. Renderings of the additions were displayed, parking and stormwater management were described, and landscaping plans were shown.

Mr. Corwin provided the Staff comments and the modifications to the waiver requests.

The Board members discussed the waiver requests. The proposed lighting would meet the new color temperature requirements. Mr. Vincent confirmed the stormwater management capability.

Ms. Romano inquired about the combination of the lots and subsequent separate treatment for waivers. Ms. Stavis suggested a precedent could result from the approval of the waiver. Mr. Brooks noted that the Board has routinely granted waivers when an application only involves a small percentage of a developed site. He suggested the circumstances might be different when a proposed project represents a significant proportion of a property or a substantial change to a building.

Mr. Rutter inquired about the reduction in parking spaces. Mr. Sawyer explained the change in spaces

Ms. Monroe inquired about the propane tanks. Mr. Sawyer stated that they would be relocating the tanks to the east side of the building. Trucks with compressed natural gas will be used. Ms. Monroe suggested the applicant consider building mounted solar panels. Mr. Sawyer stated that the company built a solar field in South Carolina that creates enough power to make the entire company energy neutral.

Chair Garland invited public comment. There was none. The waiver requests were addressed individually for approval.

A MOTION by Joan Monroe that the Lebanon Planning Board APPROVE the partial waiver from Article V submission requirements and Article VI design requirements as they may apply outside of the specific area of the lot proposed to be redeveloped.
The motion was seconded by Laurel Stavis.

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

A MOTION by Joan Monroe that the Lebanon Planning Board APPROVE the partial waiver from Section 5.1.E.13 requiring architectural renderings to show the height and location of wall-mounted lighting fixtures.
The motion was seconded by Laurel Stavis.

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

A MOTION by Joan Monroe that the Lebanon Planning Board APPROVE the waiver from Section 5.1.E.20 requiring a plan for the development showing provisions for automobile, transit, bicyclist, and pedestrian access and circulation.
The motion was seconded by Kathie Romano.

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

A MOTION by Joan Monroe that the Lebanon Planning Board APPROVE the waiver from Section 6.7.B.2 requiring light intensity at adjoining commercial property boundaries not to exceed 0.5 foot-candles.
The motion was seconded by Gregorio Amaro.

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

Chair Garland invited public comment. There was none. The Public Hearing was closed.

A MOTION by JOAN MONROE that the Lebanon Planning Board **APPROVE** the application of Novo Nordisk US Bio Production, Inc. regarding 5 & 9 Technology Drive (Tax Map 145, Lot 3), PB2021-26-SPR, for Site Plan Review to expand the existing building at 5 Technology Drive with two additions totaling +/-7,915 sq. ft., together with associated site improvements, as shown on a plan set titled "5 Technology Drive Upgrade," prepared by Pare Corporation, dated August 9, 2021, revised August 30, 2021 (cover sheet plus 16 sheets), 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 make the following revisions to the plan set to the satisfaction of the Planning and Development Department and the City Engineer:
    a) Eliminate the built-in ladder within the typical manhole detail shown on Sheet C5.3, consistent with DPW sewer standards.
    b) Add survey and wetland delineation to the plan set.
    c) Update plan sheet numbers.
    d) Amend sheets titled, "Existing Conditions Plan," prepared by WSP USA, Inc., dated September 13, 2021, to remove boundary line between 5 and 9 Technology Drive, add plan sheet numbers, add to plan set and update the Table of Contents.
    e) Title block text is illegible. Please address.
    f) Amend the cover sheet to:
        i. Provide description of plan revisions (5.1.E.4.d).
        ii. Add the name, seal, and business address of the wetland scientist.
        iii. Update the zoning analysis table to identify the parking calculations for the entire property (5.1.E.4.e(5)).
        iv. Add Pare project number, if applicable.
    g) Amend Sheet 4/C2.1 to:
        i. Identify dashed line to the rear of the property.
        ii. Clarify the number of parking spaces proposed at the southeastern corner of the building and update the zoning analysis table on the cover sheet, as needed.
        iii. Remove the limits of disturbance lines and the compost filter sock line.
        iv. Show snow removal areas.
    h) Amend the lighting plan to:
        i. Clarify whether 16 or 17 lighting fixtures are proposed.
        ii. Add Sections 6.7.2.c and 6.7.2.d of the Site Plan Review Regulations as plan notes.
    i) Vegetative screening of at least 5 ft. in height shall be provided for all mechanical equipment (Section 6.2.B.8).
    j) Ensure that the number of proposed parking spaces is consistent between the zoning analysis table and each plan sheet.

    The applicant shall provide the Planning and Development Department with one (1) full size copy of the revised plan set, and a digital copy of the revised plan set saved in a PDF-A format for archival purposes.

2. The applicant shall schedule and hold a pre-building permit application meeting with the Planning and Development Department, City Building Inspectors, City Engineer/Department of Public Works, and Fire Department, in order to help streamline the building permit review process and to review applicable code requirements.

3. The applicant shall coordinate the final water service configuration with the Department of Public Works (DPW).

4. 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 Chapters 136 and 182 of the City Code.

5. 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

6. 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.

7. All water and sewer fees shall be paid as set forth in City Code Chapter 68.

8. Prior to the start of any construction activities on the property, the applicant shall obtain or update (if appropriate) any required State approvals including, but not limited to, the following:
   a) NHDES Sewer Connection Permit, if necessary

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

9. The impact fee calculated pursuant to Condition of Approval #6 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 obtain an Excavation Permit from the Department of Public Works for any site work in the public right-of-way prior to any work in the right-of-way.

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.

13. The applicant shall implement and maintain NHDES Site Specific Best Management Practices before, during, and after construction.

14. The property owner is responsible for the maintenance and operation of the stormwater management system in accord with the O&M plan, and such responsibility shall run with the land. (Section 6.6.H.2.b of the Site Plan Review Regulations).

15. Prior to any construction that would interfere with the City's use of the 30 ft. right-of-way easement located at the rear of the property, the applicant shall relocate the easement in agreement with the City or shall obtain written consent from the City allowing such interference. Any relocation of the easement that impacts the design and layout of the property may require additional review by the Planning Board pursuant to Sections 3.1, 9.1 and/or 9.2 of the Site Plan Review Regulations.

The motion was seconded by Jeremy Rutter.

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

D. Amendments to the Site Plan Review Regulations: The Lebanon Planning Board will hold a public hearing for the purpose of receiving input and taking action on proposed amendments to the Site Plan Review Regulations to create an administrative technical review committee per NH RSA 674:43, III, for the purpose of reviewing minor site plans, and to specify application, acceptance and approval procedures, and to define what size and kind of site plans may be reviewed by the site review committee. The amendments primarily include changes to Article II (Definitions) and Article III (Administration), and also include related changes to Article IV (Procedure), Article V (Submission Requirements), and Article IX (Modifications and Minor Alterations to an Approved Site Plan). Copies of the proposed amendments are available for review at the Planning and Development Department and will be made available online at the City's Web site.

Mr. Corwin described the minor changes to exemptions, terms, and membership as outlined in the Staff Memo.

The Board members suggested changes for clarification.

Chair Garland invited public comment.

Mr. Brooks read a statement by Dan Nash regarding the proposed language and thresholds, which suggested that the threshold remain at 1,000 square feet for triggering any site plan review.

Mr. Brooks stated that the goal was to create a more streamlined process. Ms. Stavis noted that the statute sets specific timelines and allows local boards to set their own thresholds. Mr. Amaro stated that the minor review process was started to address a need. Ms. Chewning asked for clarification as to the number of projects that would fall within the 500-999 square foot category. Mr. Corwin stated that there is a gray area that is not being regulated at present despite the need. Mr. Brooks noted that it would be difficult to predict the number of projects that would be impacted. Ms. Zook stated that the suggested wording is suitable. Ms. Romano agreed, stating that changes impacting density should have some oversight. Ms. Monroe inquired about a backup plan in the event of complaints and unintended consequences. Chair Garland noted that the intention would be to evaluate the process and make adjustments as it goes along.

Mr. Corwin noted that the current regulations have no exemptions and require review by Staff for all proposed projects. The proposed definition of land development provides guidance, and more options are available than at present.

Jeremy Katz commented in favor of a minor review process. The burden of a full review often dissuades development.

A MOTION by Laurel Stavis that the Planning Board adopt the changes to the Site Plan Review process and the amendments as discussed.
The motion was seconded by Kim Chewning.

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

4. Other Business

A. Review of CIP Subcommittee discussions; adopt CIP and submit final recommendation for 2022 capital budget to Council via the City Manager.

Mr. Brooks thanked the members of the subcommittee for their review of the 25 projects. The Lebanon School District also contributed to the discussion. The results of the review will provide guidance for the City Council's 2022 budget process.

Chair Garland noted that there are needs that cannot be funded, and delays will occur. The School District and City are trying to coordinate projects.

Ms. Romano commented on the reduction of public school funding as passed by the legislature this year.

Ms. Stavis noted that federal funds may positively impact the availability of funding. Mr. Brooks stated that the City Manager is considering the use of those funds for West Lebanon development among other things. There may be Grafton County funds coming to Lebanon.

A MOTION by Joan Monroe *that the Lebanon Planning Board* ***APPROVES AND ADOPTS*** *the Capital Improvement Program for the six-year period (2022-2027) as presented in the September 13, 2021, agenda packet, and hereby* ***SUBMITS*** *Year 1 (2022) of the CIP as the Board's recommendation to the City Council for capital budget funding for 2022. The Planning Board also wishes to acknowledge and highlight the importance of the CIP program and process as an essential component of the City's overall financial and community planning effort and as a mechanism for anticipating future facility and infrastructure requirements in order to ensure that they are funded in a responsible and systematic fashion.*

The motion was seconded by Laurel Stavis.

****The MOTION was approved (7-0-1). Karen Zook abstained.***

Mr. Brooks updated the Board regarding the property behind the Volvo dealership and the plan to aggregate the land for redevelopment by an individual owner. The land is zoned Light Industrial (IND-L) and is in the flood plain. No activity has occurred that would trigger site plan review.

Ms. Zook commented on the CIP process changes being considered by the City Council.

Ms. Romano noted that September 25th is Mascoma River cleanup day, adding that they are seeking volunteers.

Ms. Stavis noted that the Governor's Executive Council meeting has the demolition of Westboro Yard on the agenda for the September 15th meeting. A contractor has been selected for the project.

A MOTION by Kathie Romano to extend the meeting until 9:45 PM.
The motion was seconded by Jeremy Rutter.

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

5. Approval of Minutes

A. August 9, 2021

A MOTION by Kathie Romano to approve the Planning Board minutes of August 9, 2021, as presented.
The motion was seconded by Joan Monroe.

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

B. August 3, 2021, CIP Subcommittee Minutes – Postponed

C. August 19, 2021, CIP Subcommittee Minutes

A MOTION by Laurel Stavis to approve the Planning Board CIP Subcommittee minutes of August 19, 2021, as presented.
The motion was seconded by Jeremy Rutter.

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

6. Adjournment

A MOTION by Kathie Romano to adjourn the meeting.
The motion was seconded by Laurel Stavis.

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

The meeting was adjourned at 9:27 PM.

Respectfully submitted,

Holly Howes
Recording Secretary