FINAL

LEBANON PLANNING BOARD
Regular Meeting
Tuesday, October 12, 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), Kim Chewning, Joan Monroe, Jeremy Rutter, Kathie Romano, Laurel Stavis, Gregorio Amaro

MEMBERS ABSENT: Karen Zook (Council Representative), Michael Smith (Alt.)

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 6:30 PM.

2. Notice of Regional Impact

The following applications were received by the Planning and Development Department on or before October 12, 2021:

> **Jaqueline H. Minard, 78 & 82 Mascoma Street (Tax Map 106, Lot 67 & Tax Map 106, Lot 67, Plot 70100), zoned R-3:** Request for a Minor Subdivision to create two parcels. PB2021-31-MIN
>
> **WM C. Solari Jr, Trustee & WM C. Solari Jr. Rev Trust, 60 & 0 Slayton Hill Road (Tax Map 119, Lot 1, Plots 200 & 300), zoned R-3**: Request for a Boundary Line Adjustment. PB2021-32-BLA

Mr. Brooks stated that Planning Staff has reviewed the above applications and recommends that neither has the potential for regional impact.

A MOTION by Jeremy Rutter that the above applications do not have the potential for regional impact. The motion was seconded by Matthew Hall.

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

Kim Chewning arrived immediately after the vote.

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 September 13, 2021

Sean Mason of Mason Storage, Frank Barrett of Barrett Architecture, Dan Nash of Advanced Geomatics, and Mara Robinson, Landscape architect, appeared on behalf of the application.

Mr. Mason introduced the changes to the application based upon previous feedback. Mr. Barrett described the existing building, which was pre-engineered, and the proposed building addition, which would also be pre-engineered. There are two levels in the addition with little embellishment. There would be minimal changes to the original building including repairs and freshening the façade and doorways. The addition was designed for agreement with City building requirements. The purpose of the building is storage, which does not lend itself to windows.

Mr. Nash described the changes to the site plan for landscaping, screening, and sidewalk access.

Mr. Corwin noted the non-conforming use of the current building in the Lebanon Downtown district (LD). The Zoning Board approved the site addition. This is the first construction under the new regulations. A good deal of progress was made to adjust the design to make it more compatible with the LD requirements. Per the Staff Memo, several issues remain to be addressed. The waivers were reviewed, with potential, further adjustments noted.

Mr. Vincent commented on the technical aspects of the proposed addition. Access to the rear of the building could present a problem. Stormwater treatment lacks technical information. Soil tests are recommended. Additional data on the water table would be helpful.

Ms. Romano noted the improved physical appearance of the proposed building but expressed concern regarding the flood zone and protection of the property and surrounding properties. Mr. Hall agreed with Ms. Romano and sees it as an existing structure with an addition that looks better for the downtown district. He felt it could move forward. Chair Garland expressed concern over the west side of the building, which would be seen by new residential property on the adjacent lot. Mr. Rutter noted that snow removal would be challenging.

Mr. Mason described the level of traffic in and out of the property. There would be a security gate for access by customers. The loading dock would be used throughout the day by customers.

The other Board members commented. Ms. Stavis agreed with the other members. Mr. Hall inquired about the potential longevity of the current structure. Mr. Barrett stated that it could last another forty or more years. Ms. Monroe inquired about the view from the residential building. Mr. Nash stated that landscaping would be in place for screening. Ms. Robinson described the landscaping. Mr. Rutter noted that there is a ten-foot setback requirement, but Mr. Nash explained that the rear corner was approved by the Zoning Board.

Chair Garland invited comments on the landscaping and shading. Mr. Nash noted that there is 36% shading to meet the requirement. Ms. Robinson stated that as many trees as possible have been incorporated in the design.

Mr. Vincent explained the roof layout, which is slightly sloped to the rear to allow as much stormwater as possible to flow to the rear. Management systems are proposed to handle the flow.

Ms. Monroe inquired about the creation of individual storage spaces. Mr. Mason confirmed that there would be individual spaces.

Mr. Barrett described the building process for the addition.

Ms. Romano inquired if breakaway panels would be required. Mr. Barrett stated that they would not be required. Ms. Monroe inquired if the drainage would require a condition of approval. Mr. Vincent stated that the applicant is currently meeting the requirements.

Mr. Corwin explained the changes that the Fire Department is requiring as conditions of approval. Mr. Nash stated that the building would be outfitted with sprinklers, which would eliminate the need for rear access to the building.

Chair Garland stated that the Board's comments on the application are clear at this point.

Mr. Nash stated that the HVAC equipment would be inside the building.

A MOTION by Matthew Hall to continue the application of Mason Storage, LLC, 38 Spencer Street (Tax Map 78, Lot 39), zoned LD to October 25, 2021, at 6:30 PM.
The motion was seconded by Kathie Romano.

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

B. **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

Matthew Hall and Gregorio Amaro recused themselves from this application.

Phil Hastings, Attorney; Kristina Vagen, representing Michaels Student Living; and Dan Justynski, Director of Development for Dartmouth College, appeared on behalf of the application.

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

A MOTION by Laurel Stavis that the Planning Board accept jurisdiction and commence review.
The motion was seconded by Kim Chewning.

****The MOTION was approved (6-0).***

Ms. Vagen stated that much progress has been made, and the project is ahead of schedule. The history of the project was described. An aerial image of the work to date was shown. This is the second amendment to the original plan based upon the progress to date. The Temporary Certificate of Occupancy (TCO) was approved, and the clubhouse is ready for occupancy as rental office space. Juniper Circle is the name of the road created within the project. Move-in is planned for March 1, 2022, for buildings 2 and 3. Buildings 1 and 4 are expected to be completed by August 19, 2022. The new TCO would be for buildings 2 and 3.

Mr. Corwin confirmed that Staff is in support of the proposed phasing. The only items outstanding are conditions for all improvements to be complete, such as landscaping. In addition, the applicant should satisfy the original conditions, including completion of the water mains and hydrants.

Ms. Romano inquired about the removal of the construction trailers. Ms. Vagen confirmed that the trailers will be moved. Ms. Stavis inquired if there would be adequate parking. Ms. Vagen stated that it would be adequate. Ms. Monroe noted that there was a difference in the name of the new road. Ms. Vagen stated that the name would be corrected on the updated plan. Chair Garland inquired if there would be any change to the agreement among the new projects in the Mount Support Road Special Assessment District. Mr. Corwin stated that they would be satisfied with the terms of the TCO.

Chair Garland invited public comment. There were no comments. The Public Hearing was closed.

A MOTION by Joan Monroe that the Lebanon Planning Board **APPROVE** the application of **Michaels Student Living, LLC and Trustees of Dartmouth College, PB2021-29-SPA**, to modify the conditions of approval for an approved Major Subdivision and Site Plan for a 309-unit multi-family development at 401 Mount Support Road (Tax Map 24, Lot 2) (PB2020-07-SPR & PB2020-29-SPA) as depicted on a plan set titled "Proposed Multi-Family Housing Project, 401 Mount Support Road, Lebanon, Grafton County, New Hampshire," prepared by VHB, dated February 10, 2020, revised March 18, 2020, VHB Project: 52621.01, as further revised pursuant to the Planning Board's Notice of Action dated June 22, 2020 for PB2020-07-SPR ("Approved Plan"), in order to allow two of the four proposed residential buildings - as shown on a plan sheet submitted to the Planning Board for application PB2021-30-SPA titled, "Overall Site Plan," dated February 10, 2020, prepared by VHB, Project No. 52621.01 ("Plan Sheet") - to be occupied prior to the completion of all site improvements for the development, including any and all submissions and testimony provided for and during the public hearing, with the following conditions:

1. Pursuant to the granting of a partial waiver on June 22, 2020, from the requirements of Section 8.1 of the Site Plan Review Regulations, the Planning Board's Notice of Action dated June 22, 2020 (PB2020-07-SPR), as modified by the Planning Board's Notice of Action dated October 13, 2020 (PB2020-34-SPA), is hereby further modified to allow a temporary certificate of occupancy for Buildings 2 and 3 ("Plan Sheet") to be issued prior to the completion of all site improvements, provided that all improvements identified within the area outlined in red on the Plan Sheet are substantially complete and have been constructed per the Approved Plan and all applicable regulations to the satisfaction of the Planning and Development Department and the Department of Public Works, and provided that all life safety improvements are complete to the satisfaction of the Building Inspector and the Fire Department.

2. Within 30 days of the Planning Board's approval, the applicant shall make the following revisions to the Plan Sheet to the satisfaction of the Planning and Development Department:

    a) Provide a revised date and a description of the revision as required by Section 5.1.E.4.d of the Site Plan Review Regulations.
    b) Revise the title of the Plan Sheet to reflect the purpose of the plan which is to depict the area of improvements to be constructed prior to the issuance of temporary certificates of occupancy for Buildings 2 and 3.

3. Prior to the issuance of a temporary certificate of occupancy for Buildings 2 and 3 (as identified on the Plan Sheet), the applicant shall:

    a) Provide a hard copy and PDF of the Approved Plan set which shall incorporate all approved changes to date, including but not limited to adding the Plan Sheet as revised per condition of approval #2 above as an additional plan sheet and revising the Table of Contents and plan set pagination accordingly.

b) Provide security in a form and amount acceptable to the City necessary to secure completion of any remaining improvements within the area outlined in red on the Plan Sheet that are required per the Approved Plan.

c) Satisfy the following conditions of approval as set forth in the Planning Board's Notice of Action dated June 20, 2020, for PB2020-07-SPR:

23. The applicant shall work with Advance Transit to identify and construct bus stop improvements within the vicinity of the project site, if determined to be necessary by Advance Transit. The location of any new or improved bus stops should consider sightlines for traffic, turning movements, and convenience as well as coordination of access (i.e., safe and accessible facilities). The development of the proposed improvements shall be coordinated with the Planning & Development Department and the Department of Public Works and shall be implemented prior to the issuance of a Certificate of Occupancy."

24. The applicant shall prepare and record an open space covenant or deed restriction for the hatched area depicted on the plat titled "Open Space Exhibit," prepared by VHB, undated, VHB Project: 52621.01, included with the agenda packet for the June 8, 2020, Planning Board meeting. The open space covenant or restriction shall be in accordance with Section 12.2 of the Subdivision Regulations and shall be in form and content acceptable to the Planning & Development Department and the City Attorney."

4. Following the issuance of a temporary certificate of occupancy for Buildings 2 and 3 (as identified on the Plan Sheet), the applicant shall ensure that the development's center access drive and the easternmost drive aisle of the parking area located to the west of Building 3 remain at all times (a) clear of obstacles including but not limited to construction equipment, vehicles and material, and (b) accessible to emergency vehicles.

The motion was seconded by Kim Chewning.

****The MOTION was approved (6-0).***

Mr. Amaro returned to the Board.

Mr. Hall continued to be recused for the next application**.**

C. **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

Shawn Courtemanche, Director of Plant Operations at APD, and Nik Fiore of Engineering Ventures appeared on behalf of the application.

Planning Staff reviewed the application and recommended that it was complete enough for the Planning Board to accept jurisdiction and commence review.

A MOTION by Jeremy Rutter that the application of Alice Peck Day Memorial Hospital, 10 Alice Peck Day Drive (Tax Map 90, Lot 59), zoned R-3 is complete enough for the Planning Board to accept jurisdiction and commence review.
The motion was seconded by Kathie Romano.

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

Mr. Courtemanche explained that Central Sterile is undersized for the current demands. The addition would create a better facility for the staff and a better loading dock for the entire facility.

Mr. Fiore noted that there is no increase in the capacity of the hospital facility. The new loading dock would allow better access to the facility.

Mr. Fiore described the property rendering and indicated replacement of pavement with landscaping and the location of the new addition. The internal floor plan was also shown and described. Adjustments to the compactor, dumpsters, landscaping, and traffic flow were explained. The stormwater management would be handled by a rain garden and the additional pervious surface provided by the conversion to landscaping.

Ms. Romano inquired about the ambulance access. Mr. Courtemanche stated that an ambulance would not likely be accessing that area. Ms. Stavis inquired about the DHMC Superliner ambulance. Mr. Fiore stated that it was used to measure for ambulance access, but it is no longer used. Ms. Monroe inquired about the landscaping plan.

Chair Garland invited public comment.

Mark Farnum, 36 West Street, commented that the street in Figure 1 should be labeled Mascoma Street. The sidewalk could impact the nature trails. Mr. Courtemanche confirmed that there is no plan at present to change the nature trails. Regarding the West Street entrance to the nature trails and to avoid future obstruction to the access, some posts should be placed on the boundaries to prevent obstructing access to the trails. A placard with a map of the nature trails would be helpful on West Street.

Beau Moulton, 1 Michael Street, commented that his mobile home is behind the HVAC system that runs constantly. There has been no noise reduction provided. He inquired if the new addition would have another HVAC system and if there would be a reduction in the noise. Mr. Courtemanche stated that the chiller is for Harvest Hill. The new HVAC for the addition would be on the roof, and he would share the comment about the chiller unit with Harvest Hill.

Ms. Monroe inquired about the survey requirement. Mr. Courtemanche confirmed that the new project would be well away from the setback. Ms. Monroe commented on the nature trail on the APD property that goes up Young Street and Hough Street to raise awareness of the trail for the abutters.

A MOTION by Laurel Stavis that the Lebanon Planning Board APPROVE a waiver from Section 5.1.E.5 - *current survey***.**
The motion was seconded by Kathie Romano.
****The MOTION was approved (7-0).***

A MOTION by Laurel Stavis that the Lebanon Planning Board APPROVE a waiver from Section 5.1.E.7 - *requiring information relating to properties, buildings, and features within 200 feet of the site.*
The motion was seconded by Kathie Romano.
****The MOTION was approved (7-0).***

A MOTION by Laurel Stavis that the Lebanon Planning Board APPROVE a waiver from Section 5.1.E.8 - *requiring depiction of natural features including delineation of wetlands.*
The motion was seconded by Kathie Romano.

The MOTION was approved (7-0).

A MOTION by Laurel Stavis that the Lebanon Planning Board APPROVE a waiver from Section 5.1.E.9 *– abutting properties and rights-of-way.*
The motion was seconded by Kathie Romano.
The MOTION was approved (7-0).

A MOTION by Laurel Stavis that the Lebanon Planning Board APPROVE a waiver from Sections 5.1.E.16 and 6.2- *requiring a landscaping plan and design requirements.*
The motion was seconded by Kathie Romano.
The MOTION was approved (7-0).

A MOTION by Laurel Stavis that the Lebanon Planning Board APPROVE a waiver from Section 5.1.E.17- *stormwater data.*
The motion was seconded by Kathie Romano.
The MOTION was approved (7-0).

A MOTION by Laurel Stavis that the Lebanon Planning Board APPROVE a waiver from Section 5.1.E.18 and 6.6 *– stormwater management and design.*
The motion was seconded by Kathie Romano.
The MOTION was approved (7-0).

A MOTION by Laurel Stavis that the Lebanon Planning Board APPROVE a partial waiver from Section Article VI design requirements – *to waive compliance with the Article VI design requirements outside of the specific area of the lot proposed to be redeveloped.*
The motion was seconded by Kathie Romano.
The MOTION was approved (7-0).

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

Joan Monroe moved that the Lebanon Planning Board **APPROVE** the application of Alice Peck Day Memorial Hospital, regarding 10 Alice Peck Day Drive (Tax Map 90, Lot 59), PB2021-28-SPR, for Site Plan Review to construct a +/-5,590 sq. ft. addition to the hospital building, together with associated site improvements, as shown on a plan set titled "Alice Peck Day Memorial Hospital Central Sterile Reprocessing (CSR) Addition," prepared by Engineering Ventures, PC, dated September 13, 2021, last revised September 27, 2021, Project Number: EV 21284 (16 Sheets), including any and all submissions and testimony provided for and during the public hearing, with the following conditions:

<u>Conditions to be Satisfied Prior to Application for a Building Permit</u>

1. 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 & Development Department and the City Engineer, as follows:

   a) Revise the Lighting Fixture Schedule on the lighting plan to identify (i) the number of new lighting fixtures by type of lighting fixture, (ii) the mounting height of each fixture, and (iii) the CCT for each lighting fixture in conformance with the standards set forth in Section 6.7.B.9.

   b) Remove floor plans and architectural renderings and update table of contents on cover sheet and the plan set pagination.

c) Remove clouding added to identify changes made in response to staff comments.

d) Update Zoning Chart and Parking Summary table on the cover sheet to correct parking for maintenance barn (1 space / 600 sq. ft. is required), update the required parking spaces for the site, correct Note 1 of the Parking Summary table to reference Section 607.1, and update note number 3 to reference correct number of required parking spaces.

2. 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.

3. The applicant shall submit new lighting specifications demonstrating that all proposed outdoor lighting will have a color correlated temperature (CCT) of 3000 Kelvin (K) or less. (6.7.B.9).

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 Chapter 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 Subdivision Regulations.

6. 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.

<u>Conditions to be Satisfied Prior to the Issuance of a Building Permit</u>

7. 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.

8. Prior to the start of any construction activities on the property, the applicant shall obtain or update (if appropriate) any required State approvals.

<u>Conditions to be Satisfied Prior to the Issuance of a Certificate of Occupancy</u>

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.

<u>General Conditions</u>

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

The motion was seconded by Laurel Stavis.

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

Mr. Hall returned to the Board.

A MOTION by Matthew Hall that the meeting be extended to 10:00 PM.
The motion was seconded by Jeremy Rutter.

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

D. **XYZ Dairy, LLC, River Park Drive (Tax Map 44, Lots 3 & 7 & Tax Map 58, Lot 27), 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. PB2021-29-EXT

Chet Clem of Lyme Properties appeared on behalf of the application.

Ms. Romano noted that the original applicant, David Clem, requested that any Board members living in the Falls recuse themselves from the discussion of the project. There is only one portion of the involved property that is near any of the members' property. They are officers of the HOA.

Mr. Clem noted that the members noted are officers of the HOA.

Mr. Brooks stated that staff has regularly advised representatives of the Falls to recuse themselves.

Ms. Romano requested that a legal opinion be sought before any further applications related to that area come before the Board.

Ms. Romano and Laurel Stavis recused themselves.

City Manager Shaun Mulholland commented on discussions with representatives of Lyme Properties. This project has a public interest aspect. River Park has a TIF District being proposed to develop the property. It would be similar to 20 Spencer Street and is necessary for revitalization of the area. There is a letter from Jim Winny in favor of the proposed extensions.

Mr. Brooks stated that the Planning Department has no concerns.

Chair Garland invited public comment. There was none.

Ms. Monroe noted that the application appears to be very complex.

The Planning Staff reviewed the application and recommended that the Planning Board accept jurisdiction and commence review.
A MOTION by Matthew Hall that the Planning Board accept jurisdiction and commence review.
The motion was Seconded by Jeremy Rutter.

The motion was approved (6-0).

Chair Garland invited public comment.

Kathie Romano, a West Lebanon resident, noted the 2019 extension for Lots 1 and 2. Without COVID, they would have started 18 months ago, and there would likely be occupants in both buildings. Due to all the barriers, they needed additional time. Now they are asking for a new extension. Mr. Clem stated that the project was suspended in April of 2020, and they are now ready to proceed. They have the opportunity to create a better project with broader benefits to the community if they can partner with the City. Since that time, two TIF District properties have been approved, and now XYZ Dairy is in a lesser position to compete. Ms. Romano inquired if the decision-making is now in the hands of the City. Mr. Clem stated that the purpose of the new request is to change the dates due to the amount of work yet to be done.

Ms. Stavis, as a member of the public, noted the admirable record of Lyme Properties with seeking public input and inquired if the City partnership would interfere with public engagement. Mr. Clem stated that they would continue to be open to both the City and the public throughout the process.

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

Matthew Hall moved that the Lebanon Planning Board **APPROVE** the application of **XYZ Dairy, LLC**, PB2021-29-EXT, for a two-year extension of the timelines set forth in the Planning Board Notice of Action dated September 9, 2019 (PB2018-34-SPA) ("2019 Notice of Action"). Consequently, the following conditions of approval from the 2019 Notice of Action are hereby revised as follows (the text of each condition to be removed is struck through; the new language is in bold and underlined):

14-2. The construction of Phase 1 infrastructure improvements, which commenced in 2018, shall be completed within ~~5~~ **<u>7</u>** years from the date of the Planning Board's final subdivision approval, unless the applicant requests and receives an extension of time for such build-out from the Planning Board.

15-1. As proposed by the applicant, the construction of Phase 1-A improvements shall commence before the end of ~~2023~~ **<u>2025</u>** and shall be completed within 2 years of commencement, unless the applicant requests and receives an extension of time for such build-out from the Planning Board.

16-1. As proposed by the applicant, the construction of Phase 1-B improvements shall commence before the end of ~~2024~~ **<u>2026</u>** and shall be completed within 5 years of commencement, unless the applicant requests and receives an extension of time for such build-out from the Planning Board.

17-1. As proposed by the applicant, the construction of Phase 2 infrastructure improvements shall commence before the end of ~~2026~~ **<u>2028</u>** and shall be completed within 5 years of commencement, unless the applicant requests and receives an extension of time for such build-out from the Planning Board.

18-1. As proposed by the applicant, the construction of Phase 3 improvements shall commence before the end of ~~2028~~ **<u>2030</u>** and shall be completed within 5 years of commencement, unless the applicant requests and receives an extension of time for such build-out from the Planning Board.

19-1. As proposed by the applicant, the construction of Phase 4 improvements shall commence before the end of ~~2030~~ **<u>2032</u>** and shall be completed within 5 years of commencement, unless the applicant requests and receives an extension of time for such build-out from the Planning Board.

20-1. As proposed by the applicant, the construction of Phase 5 improvements shall commence before the end of ~~2032~~ **2034** and shall be completed within 5 years of commencement, unless the applicant requests and receives an extension of time for such build-out from the Planning Board.

21-1. As proposed by the applicant, the construction of Phase 6 improvements shall commence before the end of ~~2035~~ **2037** shall be completed within 5 years of commencement, unless the applicant requests and receives an extension of time for such build-out from the Planning Board.

29. Effect of Approval. This approval is a final, conditional site plan approval for a "phased development" under Section 4.9 of the Site Plan Review Regulations and is a final decision of the Planning Board for purposes of RSA 677:15, I. As set forth in Section 4.10(C) of those Regulations, the deadlines for the construction of improvements within each phase shall be as stated in the approved phasing plan, rather than the 1-year period under Section 4.10(A). It is the intent and effect of this approval, subject to the satisfactory completion of the financial security requirements set forth in Condition #5 of the Final Major Subdivision approval (#PB2011-01-FMAJ) for the development, that upon completion of the Phase 1 infrastructure improvements within ~~5~~ **7** years of the final subdivision approval, as set forth in Condition #14-2 above, the subdivision as a whole, including all phases, shall vest as provided in RSA 674:39, II, and no subsequent changes in subdivision regulations, site plan regulations, or zoning ordinances, except impact fees adopted pursuant to RSA 674:21 and 675:2-4, shall operate to affect this phased development, provided that the applicant and its successors-in-interest continue to comply with all conditions of this approval and of the Planning Board's approval of Final Major Subdivision application #PB2011-01-FMAJ, including the time limits set forth in the phasing plan, unless such a limit is extended for good cause by the Planning Board, acting upon an application submitted prior to the expiration of such limit.

The motion was seconded by Jeremy Rutter.

Ms. Monroe noted that despite the disruptions in the supply chain during the pandemic, the applicant has done what could be done, and she would support the request.

****The MOTION was approved (6-0).***

Ms. Romano and Ms. Stavis rejoined the Board.

E. The Lebanon Planning Board, pursuant to Section 213.5.C of the Zoning Ordinance, will be conducting a Public Hearing for the purpose of taking public input and considering adoption of the "City of Lebanon Impact Fee Update 2021" report dated August 30, 2021, and a revised Impact Fee Schedule for collecting fees associated with development in the City.

Chair Garland noted that this evening the public may comment on the impact fee. There was no public comment.

***A MOTION by Joan Monroe** that the Lebanon Planning Board **APPROVE** the "**City of Lebanon Impact Fee Update 2021; Basis for School, Recreation, Police and Fire Department Impact Fees**" report, dated August 30, 2021, prepared by Bruce Mayberry of BCM Planning, LLC, and the "Lebanon Impact Fee Schedule - 2021" presented in the Planning Department packet of October 12, 2021, for collection of impact fees associated with development in the City, pursuant to Section 213.5 of the Lebanon Zoning Ordinance. The new impact fee schedule shall become effective immediately upon approval.*

The motion was seconded by Kim Chewning.

Mr. Hall stated that any increase in the impact fees will discourage the creation of new housing. Ms. Monroe noted some editing needed on the new fee schedule. Ms. Romano stated that she does not support the size of the increase.

****The MOTION was approved (6-2). Matthew Hall and Kathie Romano voted against.***

4. Other Business

Mr. Brooks stated that the Housing Appeals Board reviewing the Brady Sullivan petition issued an interim decision that the Planning Board did nothing illegal, but the case was remanded back to the Board for further consideration. There will be a special non-meeting with legal counsel on Monday, October 25, 2021, at 5:30 PM prior to the regular work session to explain the interim decision. The City's legal counsel will explain the decision and offer guidance as to how to continue the hearing. The rehearing will be on November 8, 2021. Brady Sullivan must pay for the notices and the hearing costs.

Mr. Brooks reported on the activities of the owner of the Little Heater Road neighborhood behind the Volvo dealership and the truck stop, which are currently being cleared and paved. Notices of violations of City regulations will be issued to the owner and a plan will be created to bring these improper activities into compliance. Several zoning problems have been created, and the Planning Board will eventually get an application once the zoning issues are resolved. Ms. Stavis asked what her response should be to members of the public. Mr. Brooks stated that it is an enforcement situation, and no application has been submitted to the Planning Board. The City Council has scheduled a hearing for the discontinuance of several roadways in the neighborhood. Ms. Romano noted the wetland issues involved. Mr. Brooks noted that DES has issued a letter to the owner.

5. Approval of Minutes

A. September 13, 2021

A MOTION by Matthew Hall to approve the Planning Board minutes of September 13, 2021, as presented.
The motion was seconded by Laurel Stavis.

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

Ms. Stavis stated that the Governor was at Westboro Railyard to take down an initial piece of the dilapidated buildings. There will be a block party on October 23, 2021, as a celebration.

6. Adjournment

A MOTION by Matthew Hall to adjourn the meeting.
The motion was seconded by Jeremy Rutter.

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

The meeting was adjourned at 9:55 PM.

Respectfully submitted,
Holly Howes, Recording Secretary