FINAL

LEBANON PLANNING BOARD
Work Session
Monday, October 25, 2021, 6:30 PM
City Council Chambers, City Hall
or Remote Via Webex
LebanonNH.gov/Live

MEMBERS PRESENT: Bruce Garland (Chair), Matthew Hall (Vice-Chair), Karen Zook (Council Representative), Gregorio Amaro, Kim Chewning, Joan Monroe, Jeremy Rutter, Kathie Romano, Laurel Stavis, Michael Smith (Alternate)

MEMBERS ABSENT:

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 6:40 PM.

Mr. Corwin explained an amendment to RSA 676:4-b II regarding third-party inspections adopted during the latest session of the legislature and in effect as of October 22. 2021. A scope of project plan is required to be developed by the Planning Board in consultation with an applicant if a third-party inspection is required.

2. 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 October 12, 2021

Shawn Mason of Mason Storage and Dan Nash of Advanced Geomatics appeared in support of the application.

Mr. Mason began the discussion, commenting on the colors of the building, which are white and gray. Mr. Corwin explained the changes to the conditions of approval. Mr. Mason inquired about the third-party inspection. Mr. Nash confirmed that the city has required those inspections in the past. Mr. Rutter inquired about condition 4.H requiring a floor plan. Mr. Corwin explained that changes to the floor plan would require an amendment to the approved site plan.

Chair Garland invited public comment. There was none.

Mr. Corwin suggested voting on the waivers as a block.

Ms. Romano inquired about some recommendations from the Fire Department. Mr. Corwin stated that those are references to sections of the fire code that are site-related safety requirements as recommended by the Fire Department. Mr. Brooks spelled out the requirements stated in Condition #4 that must be satisfied before applying for a building permit.

A MOTION by Matthew Hall that the Lebanon Planning Board **APPROVE** waivers for the site plan application of Mason Storage, LLC, regarding 38 Spencer Street (Tax Map 78, Lot 39), PB2021-13-SPR, from the following sections of the Site Plan Review Regulations as set forth in the Staff Memo:

- **Section 6.10.B.9** – *requiring that a minimum percentage of the building's façade is comprised of windows or glass doors.*
- **Section 6.10.C.2.b** – *establishing front yard design requirements.*
- **Section 6.5.B.5** – *"Minimum access requirements shall include a 50-foot turning radius and 22-foot fire lanes at the rear of the buildings."*
- **Partial Waiver of Section 6.2.D.1** – *"Landscaping around buildings shall be provided to a minimum width of 10 feet and planted with trees, shrubs, and ground cover appropriate to the architecture in order to buffer parking areas, define entrances, provide foundation planting, and soften large expanses of walls or long roof lines."*
- **Section 6.2.B.3** – *requiring understory trees to be provided in landscaped areas.*
- **Section 6.10.B.3** – "*Areas of opaque or blank wall without windows or doors shall extend no more than 20 feet horizontally on or along any building facade that faces a public way, park, or plaza and shall be mitigated by design strategies like varied materials, contrasting textures or depths, decorative reliefs, green walls, murals, or other architectural and landscaping strategies.*"
- **Section 6.2.B.10** – *establishing design requirements for roofs.*
- **Section 6.10.B.8** – *requiring trees along the front of the property, spaced no more than 40 ft. apart.*
- **Section 6.5.B.6** – *"Entrance walks must provide direct access between the primary public pedestrian corridor and at least one primary building entrance."*

The motion was seconded by Laurel Stavis.

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

Chair Garland invited Public Comment. Hearing none, he closed the Public Hearing.

A MOTION by Matthew Hall that the Lebanon Planning Board **APPROVE** the application of Mason Storage, regarding 38 Spencer Street (Tax Map 78, Lot 39), PB2021-13-SPR, for Site Plan Review to construct a 15,000 sq. ft. addition to an existing warehouse building, as shown on a plan set titled "Mason Storage, LLC" prepared by Daniel A. Nash, PE, dated April 11, 2021, last revised September 27, 2021, PN: 19-003, 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 obtain a Floodplain Permit from the Floodplain Administrator pursuant to Chapter 74 of the City Code.

2. Address the following to the satisfaction of the City Engineer:
    a. Demonstrate that the proposed infiltration practice construction detail provides a minimum of 1-foot vertical separation from estimated seasonal high-water table (SHWT). In addition:
        i. Revise the drainage report to (i) address saturated hydraulic conductivity of the existing receiving soils, (ii) include stormwater modeling of each proposed

infiltration practice, and (iii) include a discussion of the proposed vegetative filter strips; and

ii. Revise the plans to show or articulate the locations, lengths, and grading of these proposed pre-treatment practices.

b. The stormwater leaving 38 Spencer Street to the west shall be controlled using the above-described infiltration practices. Stormwater flow crossing the property line shall be substantially minimized by adding two properly sized infiltration systems west of the proposed parking area and west of the proposed building addition.

3. To the satisfaction of the Fire Department, the applicant shall (a) demonstrate compliance with the exit requirements of the Life Safety Code, 2015 Edition, Sections 3.3.83, 3.3.83.1, 3.3.84, 3.3.85, and 3.3.85.1, and (b) adopt measures to sufficiently secure the underground tank given its location in the flood plain and provide additional bollards at the surface.

4. The applicant shall make the following revisions to the plan set to the satisfaction of the Planning and Development Department, the City Engineer, and the Fire Department:
   a. Incorporate any changes made pursuant to condition of approval #2.
   b. Incorporate any changes made pursuant to condition of approval #3.
   c. Amend the cover sheet to:
      i. Provide description of plan revisions (5.1.E.4.d).
      ii. Note that the plan was approved to the Site Plan Review Regulations adopted May 13, 1991, last revised March 23, 2021.
   d. Add note to plan to address the requirements of Section 6.10.B.5, consistent with representations made in the application materials.
   e. As required by Section 5.1.E.10, the plan shall indicate the width of all proposed driveways.
   f. Provide information required by Sections:
      i. 5.1.E.2 (“The names and mailing addresses of the Applicant; the Owner(s) of record of the site; the Owners of abutting properties; and the Holders of any easements, rights of way, or other restrictions, based on the current records of the City Assessor available at City Hall, not more than 5 days before the date of filing of the application.”)
      ii. 5.1.E.5 (“A current survey certified by a land surveyor licensed in New Hampshire”).
      iii. 5.1.E.7 (“The shape, size, height, and location of all existing structures, located on the site and within 200 feet of the site.”)
      iv. 5.1.E.9 (“The Zoning District, Tax Map and Lot number, and use of abutting properties within 200 feet of the site boundary; the locations of streets, pedestrian paths/trails, and bicycle routes within 200 feet of the site boundary; and the location of curb cuts and vehicle accesses within 200 feet of the site boundary.”)
   g. Remove floor plan sheet and update table of contents on cover sheet and the plan set pagination.
   h. Clearly identify all improvements and/or utilities or portions thereof proposed to be conveyed to, owned by, and/or maintained by the City of Lebanon, and delineate all easement areas, if needed.
   i. If the water curb stop is located on-site outside of the Spencer Street right-of-way, the applicant shall delineate the proposed easement area to be conveyed to the City for the purpose of maintaining the water line. See also condition #14.

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

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, to help streamline the building permit review process and to review applicable code requirements.

7. 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.

8. 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

9. The City shall retain the services of an independent third-party inspector, for which the applicant shall be responsible for all inspection fees related to the construction of sewer and water both on-site and work within the City's right-of-way (water, sewer, road, drainage), in accordance with Chapters 136 and 182 of the City Code and Section 8.2 of the Site Plan Review Regulations. The applicant shall provide funding for inspection services in a form and amount acceptable to the City. Prior to the start of any construction activities on the property for which construction inspection is required pursuant to this decision or any applicable ordinance or code, the applicant shall sign a Water & Sewer Extension and Infrastructure Inspection Agreement in accordance with Chapters 136 and 182 of the City Code.

10. 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.

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

12. 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

13. The impact fee calculated pursuant to Condition of Approval #10 shall be paid.

14. If the water curb stop is located outside of the Spencer Street right-of-way, the applicant shall convey any completed on-site water mains and hydrants, excluding service connections beyond the curb shut-off valves, to the City for ownership and maintenance, subject to appropriate easements. Said conveyance and easements shall be approved by the City Attorney and the Department of

Public Works and recorded in the Grafton County Registry of Deeds prior to the issuance of a final Certificate of Occupancy for the project and prior to the acceptance of the utility improvements.

15. 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

16. 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.

17. 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.

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

19. 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).

The motion was seconded by Jeremy Rutter.

Mr. Brooks noted that Item 4.C relating to the color of the building should not be a condition of approval unless the condition indicates that the colors were proposed by the applicant. Mr. Hall agreed to remove that condition from the motion. Mr. Rutter concurred.

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

3. Committee Reports

A. City Council Subcommittees:

--Class VI Roads Advisory Committee (J. Monroe)
Ms. Monroe stated that two additional roads have been reviewed, and one more meeting will likely be necessary.
--Lebanon Energy Advisory Committee (J. Monroe)
The aggregation plan is moving forward.

B. Planning Board Subcommittees:

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

C. Other Subcommittees:

--City Council Representative (D. Whittlesey/K. Zook)
--Heritage Commission (J. Rutter)
Mr. Rutter noted that a report on the Colburn Park historic district has been posted on the city website.
--Pedestrian & Bicyclist Advisory Committee (G. Amaro)
--Upper Valley Lake Sunapee Regional Planning Commission (B. Garland)
--UV Subcommittee of the Connecticut River Joint Commissions (B. Garland)

--Upper Valley Transportation Management Association (VACANT)
--Mascoma River Local Advisory Committee (K. Romano)
--Steering Committee for the Implementation of the Master Plan (B. Garland/K. Chewning /VACANT/J. Monroe)
--West Lebanon Revitalization Advisory Committee (L. Stavis)
A successful Celebration Block Party was held on October 23, 2021, with over 100 residents attending. The Westboro project is moving along.
--Planning & Development Department – Task Status (D. Brooks/ M. Goodwin/T. Corwin/R. Owens)

4. Other Business

A. 195 Mechanic Street (Tax Map 105, Lot 114), zoned GC: Review of a minor alteration to an approved site plan - PB2019-28-SPR

Mr. Corwin stated that the applicant, Ed Kerrigan, is asking for approval to change from 26 to 27 dwelling units and noted that a minor change can be administratively approved. Ms. Romano noted that it would allow an additional dwelling unit without any change in the overall square footage. Mr. Corwin stated that Staff has no objection to the change. The Board expressed no concern.

B. Master Plan overview and discussion

Chair Garland opened a discussion of the Master Plan. Mr. Brooks gave a presentation on the Master Plan, explaining its background, purpose, scope, and process. Every Planning Board is required to create a Master Plan, and it is the legal foundation for City documents, including zoning and capital improvement programs. The City has made good progress on implementation, but tracking and reporting has been incomplete to date. The Planning Department and City Manager are working on a plan to review three or four chapters per year by meeting with the related boards or committees to determine if the vision is still accurate and relevant or if changes need to be made.

Mr. Hall inquired if the Master Plan is too specific in stating goals. Mr. Brooks agreed that it could be, but it is an essential document that may be approached in a number of ways.

Ms. Stavis commented that it is essentially a public relations document, but it doesn't have an assessment of Lebanon's problems that would create related committees and task forces. She added that there are real life problems that are not reflected in the document. Mr. Hall agreed with Ms. Stavis and wondered if it would be better to start again. Ms. Monroe observed that there is only so much the Planning Board can do regarding the actual needs of the city's residents, noting that the Master Plan has done well as a guiding document to express the vision for the City. Mr. Amaro inquired about the definition and fluidity of the Master Plan and the vision statement. Mr. Brooks noted the importance of the updates and the need for a simpler updating process. Ms. Romano commented on issues related to development that are not in sync with the Master Plan. Mr. Brooks stated that a review is overdue, and each related committee or board could begin the review process.

5. Approval of Minutes

A. September 27, 2021

Page 1, line 17-18, to read, "…increasing the public sewer system throughout the area, not just in Lebanon, to serve additional housing."

Page 1, line 27, to read, “Ms. Romano recommended taking the property on Seminary Hill out of the Downtown District.”

A MOTION by Laurel Stavis to approve the Planning Board Minutes of September 27, 2021, as amended.
The motion was seconded by Matthew Hall.

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

6. Other Business

Mr. Hall suggested inviting the representatives for Brady Sullivan to attend their rehearing in person.

Mr. Brooks stated that the owner of the properties behind the Volvo dealership in the Little Heater Road neighborhood has been given one month until November 18, 2021, to comply with City statutes.

Mr. Rutter inquired if there could be additional time to discuss the Brady Sullivan rehearing. Mr. Brooks suggested calling a member of the Planning Department.

Ms. Chewning stated that it would not be advisable to require Brady Sullivan to attend in person.

7. Adjournment

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

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

The meeting was adjourned at 8:36 PM**.**

Respectfully Submitted,

Holly Howes
Recording Secretary