

FINAL

**LEBANON PLANNING BOARD
Regular Meeting
Monday, November 8, 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 (Alt.)

MEMBERS ABSENT:

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

1. Call to Order

Chair Garland called the meeting to order at 6:34 PM.

2. Notice of Regional Impact

The following applications were received by the Planning and Development Department on or before November 8, 2021:

Mount Support Development, LLC (applicant) and Sylvia D. Lahaye Revocable Trust & Pat Lumber Jack, Inc. (property owners), 402 & 392 Mount Support Road (Tax Map 24, Lots 9 & 10), zoned R-1: Request for Site Plan Review to construct a proposed 4-building multi-family development consisting of 204 dwelling units, together with parking, utilities, landscaping, access, and other related site improvements. PB2021-33-SPR

SPNH Mount Support, LLC, 343 Mount Support Road (Tax Map 24, Lot 1), zoned R-1 & RL-3: Request to amend the approved Site Plan for a 250-unit multi-family development (PB2020-11-SPR) to make changes related to a proposed two-lot subdivision of the property. PB2021-34-SPA

SPNH Mount Support, LLC, 343 Mount Support Road (Tax Map 24, Lot 1), zoned R-1 & RL-3: Request for a Minor Subdivision to create two parcels. PB2021-36-MIN

Mr. Brooks stated that Planning Staff recommends that only the Mount Support Development, LLC application has the potential for regional impact with notification for the Town of Hanover and the Regional Planning Commission.

A MOTION by Matthew Hall that the application of Mount Support Development, LLC (applicant) and Sylvia D. Lahaye Revocable Trust & Pat Lumber Jack, Inc. (property owners), 402 & 392 Mount Support Road (Tax Map 24, Lots 9 & 10), zoned R-1 has the potential for regional impact and the other two applications do not.

The motion was seconded by Jeremy Rutter.

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

3. Public Hearing Items

- A. **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

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

A MOTION by Matthew Hall that the application of Jaqueline H. Minard, 78 & 82 Mascoma Street (Tax Map 106, Lot 67 & Tax Map 106, Lot 67, Plot 70100), zoned R-3 is complete enough for the Planning Board to accept jurisdiction and commence review. The motion was seconded by Jeremy Rutter.

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

Christopher Rollins, Surveyor, representing the landowner, Jackie Menard, appeared on behalf of the application. Mr. Rollins gave a history of the ownership of the property. The owner wishes to divide the property to allow the sale of the additional lot.

Mr. Corwin stated that it is a very straightforward application and is similar to a boundary line adjustment.

Chair Garland invited public comment. There was none. The public hearing was closed. Several minor issues were clarified.

A MOTION by Matthew Hall that the Lebanon Planning Board **APPROVE** the application of Jaqueline H. Minard, for a proposed two (2)-lot Minor Subdivision of 78 & 82 Mascoma Street (Tax Map 106, Lot 67 & Tax Map 106, Lot 67, Plot 70100), PB2021-31-MIN, as shown on a plat titled “Subdivision of Land of Jaqueline H. Minard, Trustee,” prepared by Rollins Land Survey, dated September 29, 2021, last revised October 19, 2021, Project 1740-4, including any and all supplemental submissions and testimony provided during the public hearing, with the following conditions to be satisfied prior to the signing and recording of the plat:

1. The applicant shall provide a revised plat depicting the following changes to the satisfaction of the Planning and Development Department:
 - a. Change the “Parcel ID” for 82 Mascoma Street to “106-67-100”.
2. The applicant shall provide a digital record drawing (Cad .dwg format using NH State Plane Coordinate system or an alternative approved by the City’s GIS Coordinator).

The motion was seconded by Laurel Stavis. The MOTION was approved (9-0).

A MOTION by Matthew Hall that the Lebanon Planning Board authorizes the Chair to sign the Minor Subdivision plat for Jaqueline H. Minard, PB2021-31-MIN, titled “Subdivision of Land of Jaqueline H. Minard, Trustee,” prepared by Rollins Land Survey, dated September 29, 2021, last revised October 19, 2021, Project 1740-4, as such plat may be amended in accordance with the Planning Board’s approval.

The motion was seconded by Laurel Stavis.

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

- B. **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. Corwin stated that Planning Staff reviewed the application and recommended it is 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 William C. Solari Jr, Trustee & William C. Solari Jr. Rev Trust, for a proposed Boundary Line Adjustment between lands located at 60 Slayton Hill Road (Tax Map 119, Lot 1, Plot 200) and 0 Slayton Hill Road (Tax Map 119, Lot 1, Plot 300), PB2021-32-BLA, is complete enough to accept jurisdiction and commence review.

The motion was seconded by Joan Monroe.

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

No one appeared to represent the application. Mr. Corwin explained the nature of the boundary line adjustment.

Ms. Romano inquired about the notation regarding the septic system. Mr. Corwin confirmed that the stipulation is that the septic system remain on the inhabited portion of the property.

Chair Garland invited public comment.

Cindy Taylor, the potential owner of the new lot, appeared to state her intention to purchase the property.

Chair Garland closed the Public Hearing.

A MOTION by Matthew Hall that the Lebanon Planning Board **APPROVE** the application of William C. Solari Jr, Trustee & William C. Solari Jr. Rev Trust, for a proposed Boundary Line Adjustment between lands located at 60 Slayton Hill Road (Tax Map 119, Lot 1, Plot 200) and 0 Slayton Hill Road (Tax Map 119, Lot 1, Plot 300), PB2021-32-BLA, as shown on a plat titled “Boundary Line Adjustment Survey, Land of William C. Solari Jr. Revocable Trust”, prepared by Holt Gilmour Survey Associates, LLC, dated August 30, 2021, revised October 22, 2021, including any and all supplemental submissions and testimony provided during the public hearing, with the following conditions to be satisfied prior to the signing and recording of the plat:

1. The applicant shall provide verification to the Planning and Development Department demonstrating that the septic system will remain on the 60 Slayton Hill Road property, as adjusted.
2. The applicant shall provide to the Planning and Development Department a digital record drawing (Cad .dwg Format using NH State Plane Coordinate system).
3. Within 30 days of the recording of the subdivision plat, the property owner shall provide the Assessing Department with an updated current use plan/map for the subject properties, as applicable.

The motion was seconded by Joan Monroe.

Ms. Monroe inquired about Condition #3 regarding the term “applicant” versus the property owner. The condition was amended to read, “...property owner.”

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

A MOTION by Matthew Hall that the Lebanon Planning Board authorizes the Chair to sign the Boundary Line Adjustment plat for William C. Solari Jr, Trustee & William C. Solari Jr. Rev Trust, PB2021-32-BLA, titled “Boundary Line Adjustment Survey, Land of William C. Solari Jr. Revocable Trust”, prepared by Holt Gilmour Survey Associates, LLC, dated August 30, 2021, revised October 22, 2021.

The motion was seconded by Joan Monroe.

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

C. Brady Sullivan Prospect Hills, LLC, 0 Prospect Street (Tax Map 108, Lot 2), zoned R-3: Pursuant to Section 14.1.B.1.c of the Subdivision Regulations, a request for an extension of time to achieve active and substantial development of Phase II of a project identified as Prospect Hills, a 171 unit Planned Unit Residential Development located off Moulton Drive and Prospect Street, Tax Map 108 Lot 2 (phase 2) and Lot 14 (phase 1). PB2021-02-EXT *The public hearing for this application closed on March 8, 2021. The Board denied the extension request and the applicant appealed. Pursuant to an Interim Order of the Housing Appeals Board, the public hearing will be reopened on November 8, 2021, for the Planning Board’s reconsideration of the extension request.*

Attorney John Cronin and John Rokeh, Engineer with Rokeh Consulting, appeared in support of the application.

Chair Garland asked for a motion to rescind the motion of March 8, 2021.

A MOTION by Laurel Stavis to rescind the Planning Board Motion of March 8, 2021 to deny the extension for Brady Sullivan Prospect Hills, LLC, 0 Prospect Street (Tax Map 108, Lot 2), zoned R-3. The motion was seconded by Matthew Hall.

Ms. Romano inquired about the impact of the motion. Chair Garland stated that it would cancel the original motion.

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

Mr. Cronin stated that the Housing Appeals Board’s interim decision gave some guidance for reconsidering the application. He gave a history and rationale for the extension request and described issues impacting the project. Mr. Cronin stated that construction is anticipated to begin in the spring of 2022 if an extension is granted, and the applicant is asking for a one-year extension to achieve active and substantial development, with an expected substantial completion date of 2024.

Chair Garland inquired about background information regarding Brady Sullivan’s scope of operations. Mr. Rokeh gave the basic details of the number of Brady Sullivan employees and the region in which the company operates. He also described the work that was done to restore the Prospect Hills project when Brady Sullivan took it over. This included the specific work required to complete the infrastructure necessary to begin construction of the Phase One units. Chair Garland asked the applicant to explain what work is necessary to be completed in order for the project to achieve active and substantial development.

Mr. Rokeh stated that the site work of blasting, grading, and detention ponds would need to be completed. The sequencing of the work, which would take at least a year, was described using an overview map.

Chair Garland recalled Attorney Pinard's comment from the prior hearing in March when it was noted that the pandemic caused Brady Sullivan's business to be closed at the end of March 2020. Mr. Hall inquired about the progress of the project just prior to the pandemic closure. Mr. Rokeh explained the work that was in progress and the status of arrangements with subcontractors at that time, adding that there were shortages of staff and materials as far back as 2017.

Ms. Stavis inquired about the ability to deal with current workforce and material shortages. Mr. Cronin noted that several Brady Sullivan projects competing with the Lebanon project have been completed in the southeastern area of the state, thereby freeing up resources to be directed toward the Lebanon project.

Ms. Stavis inquired if Phase One had to be completed before beginning Phase Two. Mr. Brooks stated that it was not a specific condition of approval.

Chair Garland stated that there were no permits or subcontractors ready to begin Phase Two in March of 2020 when the pandemic caused the shutdown.

Ms. Chewning inquired about the work that was done in 2019 and what work was scheduled in 2020. Mr. Rokeh stated that the bond was established, and plans were underway to work with Busby Construction Co., but there was no specific date to begin the work.

Ms. Chewning inquired about any work that had to be cancelled due to the pandemic. Mr. Rokeh stated that Brady Sullivan had to decide what projects were most in need of their limited resources when the pandemic started. Brady Sullivan determined that it had other projects that were more in need, but the bond was maintained for Phase 2 to protect the investment and future work. Mr. Amaro inquired about the deployment of Brady Sullivan's resources to other projects. Mr. Cronin stated that he did not know those details.

Chair Garland invited further public comment.

Andrew Diamond, a resident of Prospect Hills Phase One and president of the Board of Directors for Phase One, spoke in support of Brady Sullivan and their efforts to continue the project. He asserted that the under-utilization of the sewer system at capacity has caused serious maintenance issues. This year the system was refurbished for only two of the four pumps, excluding the two needed for Phase Two. Brady Sullivan has agreed to pay for the upgrade of the system when Phase Two moves forward.

Ms. Romano noted that the Housing Appeals Board instructed the Planning Board to focus on the "good cause and substantial progress" and asked what work would be completed with the extension. She stated that Brady Sullivan previously said that it regretted making the decision to halt work in Lebanon. Mr. Cronin stated that with the amount of the investment to date on the bonds and premiums, Brady Sullivan has demonstrated the intention to continue the project. Making them start over with the project application would cause major delays and substantial cost.

Mr. Hall stated that he would like to know how Brady Sullivan was considering the project in January of 2020. Mr. Cronin stated that Brady Sullivan is interested in protecting their investment. Mr. Rokeh added that resources have been deployed to Lebanon all along. Mr. Cronin noted the carrying costs of the bond, which have been substantial.

Ms. Stavis inquired why no work was done on Phase Two when the completion of Phase One was not required to begin that work. Mr. Rokeh stated that only Mr. Brady or Mr. Sullivan could confirm what the plan was for work on Phase Two. He added that the Alteration of Terrain Permit was received in March of 2021.

Chair Garland asked whether it was appropriate to consider a straw poll of the Board to assist with the preparation of a draft motion for the next meeting. Mr. Brooks stated that staff originally thought the public hearing would be closed by the end of tonight's meeting and that guidance for drafting a decision would be useful. However, he noted that the Board had asked the applicant to provide additional information for the next meeting, so it would be premature to consider a straw poll before the Board had received and considered that information. Mr. Brooks suggested that if the Board still has more questions, this would be the time to ask for any additional information.

Chair Garland stated that it would be most helpful to know what plans were in place in 2020. Mr. Rutter asked when Brady Sullivan became aware of issues with the pump station. Mr. Cronin stated that he would make a note to get that information.

Ms. Romano asked for clarification of Brady Sullivan's offer to pay for the upgrade of the sewage system. Mr. Brooks stated that Brady Sullivan will have to cover the cost if they receive the extension since the system was designed and sized to accommodate both phases.

Ms. Stavis referenced a recent article that noted that there is a severe housing shortage in New Hampshire, but Lebanon is not listed as one of the communities contributing to that shortage because of strict regulations.

Matthew McKenney of 90 Mountain View Drive in the Prospect Hills Community stated that the sewage pump was in place when Brady Sullivan took over the project, and it was designed to support both Phase One and Phase Two. The burden of cost was shared by members of the community, and Brady Sullivan paid its portion for the units they owned. Mr. McKenney added that Brady Sullivan has been actively engaged in correcting the problem. The community remains concerned about the pump and the large expense involved. Mr. Rokeh stated that Brady Sullivan had to upgrade the pump station when they took over the project, as the original pump was rotted out due to inadequate usage.

Chair Garland invited any additional public comment. There was none.

Mr. Hall asked for the full scope of the issues to be considered for "good cause." Mr. Cronin detailed the issues and stated that he would get the specific details from one of the owners of Brady Sullivan. Ms. Romano inquired about the future responsibility for the pump station if the extension is not approved. Mr. Brooks stated that the homeowners' association would be maintaining it as their responsibility. Mr. Cronin noted that Brady Sullivan does own some units in Phase One and would pay their pro rata portion.

***A MOTION by Laurel Stavis to continue the hearing until November 22, 2021, at 6:30 PM.
The motion was seconded by Gregorio Amaro.***

****The MOTION was approved (8-1). Mr. Hall voted against.***

4. Other Business

5. Approval of Minutes

A. October 12, 2021

Page 3, line 6, to read, "...would be outfitted with sprinklers..."

A MOTION by Kathie Romano to approve the Planning Board minutes of October 12, 2021, as amended.

The motion was seconded by Jeremy Rutter.

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

6. Adjournment

A MOTION by Matthew Hall to adjourn the meeting.

The motion was seconded by Kim Chewning.

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

The meeting was adjourned at 8:40 PM.

Respectfully submitted,

Holly Howes
Recording Secretary