FINAL

LEBANON PLANNING BOARD
Regular Session
Monday, January 10, 2022, 6:30 PM
City Council Chambers, City Hall
or Remote Via Microsoft Teams
LebanonNH.gov/Live

MEMBERS PRESENT:	Bruce Garland (Chair), Matthew Hall (Vice-Chair), Gregorio Amaro, Kathie Romano, Jeremy Rutter, Laurel Stavis
MEMBERS ABSENT:	Karen Zook (City Council Rep), Kim Chewning
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 January 10, 2021:

EJB Holdings, LLC (applicant) and Valley Publishing Corp (property owner), 24 Interchange Drive (Tax Map 129, Lot 8), zoned GC: Applicant requests a Conditional Use Permit to convert a portion of the existing building to a warehouse use. PB2022-07-CUP

Unifirst Corporation, 125 Etna Road (Tax Map 26, Lot 6), zoned IND-L: Site Plan approval for the existing industrial laundry facility was granted on March 3, 1987. Applicant requests removal of the Planning Board's condition of approval requiring bi-annual groundwater monitoring. PB2022-08-SPA

Lebanon School District SAU #88, 38 Dana Street (Tax Map 73, Lot 41) and 5 White Avenue (Tax Map 73, Lot 93), zoned R-3: Request for Site Plan Review to construct additions to the Mount Lebanon Elementary School, parking utilities upgrade, landscaping, and lighting. PB2022-09-SPR

Edwards Properties, LLC, 9 Pershing Street (Tax Map 78, Lot 48), zoned IND-L: Request for Site Plan Review to construct a parking lot for a proposed car wash use. PB2022-10-SPR

Mr. Brooks stated that Planning Staff has reviewed the above applications and recommends that none has the potential for regional impact.

A MOTION by Jeremy Rutter that none of the above applications has the potential for regional impact. The motion was seconded by Laurel Stavis.

****The MOTION was approved (5-0).*** Gregorio Amaro arrived online after the vote.

3. Public Hearing Items

A. **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 - Continued from December 13, 2021

Ken Braverman of the Braverman Company, Developer Dick Anagnost, Kevin Worden and Nik Fiore with Engineering Ventures appeared on behalf of the application.

Mr. Braverman introduced the project of four 51-unit buildings on Mt. Support Road. Mr. Anagnost described the project as a joint venture for workforce housing. Mr. Worden reviewed the details of the project and invited comments from the Board.

Mr. Brooks noted that Gregorio Amaro arrived. Mr. Amaro noted that he was attending remotely due to caution over COVID exposure. No Board members expressed concern with Mr. Amaro participating. Mr. Brooks noted that all subsequent votes would need to be roll call votes.

Mr. Hall inquired if a traffic light would be required at the entrance to the project with the location opposite the Dartmouth site. Mr. Braverman stated that it had not been a consideration to date. Mr. Brooks confirmed that the project would become part of the special assessment district approved last summer and its traffic oversight.

Ms. Stavis inquired about the affordable aspect of the project. Mr. Braverman stated that the target audience would be those within the State guidelines and HUD regulations for affordable housing. Mr. Anagnost added background details of the filings required for workforce housing. Ms. Romano inquired about the level and percentage of workforce housing. Mr. Anagnost explained the requirements for workforce housing and confirmed that the intent is for 100% of the units to be occupied under workforce housing guidelines. Under that designation, the units cannot be rented to applicants not meeting workforce requirements. Ms. Romano inquired about plans for outdoor social space. Mr. Worden noted that there are several outdoor features, but additional features such as benches and picnic tables could be added.

Chair Garland inquired about parking. Mr. Anagnost explained that the plan is based upon the site location and expected two-income families requiring 1.5 – 2 vehicles per unit. Indoor parking spaces would be assigned as one per unit on a first come, first served basis, with an additional space outside. Special consideration would be made for others needing indoor space. Ms. Stavis inquired about the income levels of the anticipated residents. Mr. Anagnost explained the anticipated income levels. Income averaging is also a factor that makes the housing accessible to those who qualify. Mr. Brooks confirmed the 60% of Area Median Income (AMI) levels for Lebanon and noted that the Planning Board cannot condition approval of the project based upon affordability. Mr. Brooks inquired about the length of time for the affordability designation. Mr. Anagnost stated that 30 years is the current time frame, which can be extended with a new application at the end of the 30-year term.

Ms. Romano inquired if charging stations for electric vehicles were considered. Mr. Anagnost stated that there has been a question regarding providing electric vehicle charging stations potentially requiring the owners to provide gas for other vehicle owners. Ms. Romano also inquired about lighting and the height of the complex. Mr. Braverman explained the lighting levels and added that the project is taking advantage of natural tiers for the two buildings. The terrain allowed for substantial parking under the buildings. Mr. Worden also commented on the visual aspects of the project.

The provisions for the wildlife corridors were discussed. Mr. Brooks gave the details of the wildlife corridor considerations among the other projects on Mt. Support Road and suggested additional plantings would be useful to provide cover for animals in the open areas.

The stormwater impact on wetlands was considered. Mr. Fiore confirmed the considerations and plans for managing the wetlands. Ms. Romano referred to the wetland considerations in the other projects on Mt. Support. Mr. Fiore noted that the soil is less pervious on the site, and the basins planned for the site would provide temporary storage of stormwater.

Mr. Amaro inquired about the number of bicycle parking spaces. Mr. Worden stated that there are 32 spaces for bicycles per building. Mr. Anagnost stated that the spaces are allocated on a first-come, first-served basis.

Chair Garland invited public comment.

Sarah Riley, resident of Ward 2 and member of the Conservation Commission, commented on the wildlife corridor in the Mt. Support area. The goal of providing reasonable protections for the corridor are defined in the 2016 report by Dr. Van de Poll. Ms. Riley stressed the need for a site visit and the benefit of comments from the Conservation Commission.

Mr. Fiore affirmed the importance of the wildlife corridor and the natural features of the property. Mr. Anagnost described the actual measurements of the corridor and the effort taken to protect the corridor, adding that the suggestion for additional vegetation is a good one. Mr. Worden noted the need to protect the sewer line along with the wildlife corridor.

Chair Garland opened discussion on the site visit. Mr. Braverman suggested Wednesday, January 12, 2022, at 2:00 PM for the site visit. There would be stakes marking the project features. Mr. Brooks stated that the visit would be noticed as required.

A MOTION by Matthew Hall that the Planning Board members attend a site visit on Wednesday, January 12, 2022, at 2:00PM.
The motion was seconded by Laurel Stavis.

Roll Call Vote:
Voting in Favor - Bruce Garland, Gregorio Amaro, Jeremy Rutter, Laurel Stavis, Matthew Hall, Kathie Romano.
Voting Against - None

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

The waiver requests were discussed. Mr. Worden described the basis for each of the waiver requests.

Mr. Vincent commented on the stormwater management and stated that a third-party engineer reviewed the project. Additional details will be forthcoming.

Ms. Romano noted that visitor bicycle parking was not described.

Mr. Brooks suggested that the Board members continue the discussion to the February 14, 2022, meeting.

A MOTION by Matthew Hall to continue the hearing 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 to February 14, 2022, at 6:30 PM.
The motion was seconded by Kathie Romano.

Roll Call Vote:
Voting in Favor – Laurel Stavis, Matthew Hall, Bruce Garland, Gregorio Amaro, Jeremy Rutter, Kathie Romano
Voting Against - None

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

B. **Trustees of Dartmouth College, 56 Etna Road (Tax Map 50, Lot 28), zoned IND-L**: Request for Site Plan Review to construct a +/-19,672 sq. ft. library storage building and related site improvements. PB2022-03-SPR ***- Completeness review only on 01/10/2022, public hearing to commence on 02/14/2022***

Matthew Hall and Gregorio Amaro recused themselves from the discussion.

Mr. Brooks noted that completeness could not be decided based upon the Board's lack of a quorum following the two recusals and would need to wait until the February 14, 2022 meeting.

Matthew Hall and Gregorio Amaro returned to the Board.

C. **Noah Lynd & Josh Garrison (applicants) and Chaloux, LLC (property owner), 25 & 0 Labombard Road (Tax Map 64, Lot 25 & Tax Map 51, Lot 15), zoned IND-L**: Request for approval of a Boundary Line Adjustment between lands located at 25 & 0 Labombard Road. PB2022-04-BLA
Postponed until 02/14/2022

D. **Noah Lynd & Josh Garrison (applicants) and Chaloux, LLC (property owner), 25 & 0 Labombard Road (Tax Map 64, Lot 25 & Tax 51, Lot 15), zoned IND-L**: Request for Site Plan Review to construct a +/-12,250 sq. ft. building for a health club to include a climbing gym, yoga studio and accessory retail space, together with site improvements consisting of a new parking lot, sidewalks, patio, sewer and water utility connections, and stormwater improvements. PB2022-05-SPR
Completeness review only on 01/10/2022, public hearing to commence on 02/14/2022

Mr. Corwin stated that completeness should be postponed until the February 14, 2022 meeting.

A MOTION by Matthew Hall to postpone the completeness determination until the February 14, 2022 meeting.
The motion was seconded by Kathie Romano.
Roll Call Vote:
Voting in Favor – Jeremy Rutter, Kathie Romano, Laurel Stavis, Matthew Hall, Gregorio Amaro, Bruce Garland
Voting Against - None
****The MOTION was approved (6-0).***

E. **Robert & John Oakes, 92 Riverside Drive (Tax Map 111, Lot 16), zoned RL-1**: Request for Site Plan Review to construct a +/-26,176 sq. ft. commercial self-storage unit facility together with related site improvements. PB2022-06-SPR
Completeness review only on 01/10/2022, public hearing to commence on 02/14/2022

Mr. Corwin recommends that completeness be postponed to February 14, 2022 meeting.

A MOTION by Matthew Hall to postpone the completeness determination until the February 14, 2022 meeting.
The motion was seconded by Laurel Stavis.
Roll Call Vote:
Voting in Favor –Matthew Hall, Gregorio Amaro, Bruce Garland, Jeremy Rutter, Kathie Romano, Laurel Stavis,
Voting Against - None
****The MOTION was approved (6-0).***

F. **Cicotte Properties, LLC and Johanna Cicotte, 175 Heater Road (Tax Map 64, Lot 30) and 30 Little Heater Road (Tax Map 78, Lot 61), zoned IND-L:** Request for approval of a Boundary Line Adjustment between lands located at 175 Heater Road and 30 Little Heater Road. PB2022-01-BLA

Keith Higgs, Volvo General Manager; Dan Nash, Advanced Geomatics Design; and Atty. Barry Schuster attended on behalf of the applicant.

Mr. Nash described the boundary line adjustment request.

Mr. Corwin stated that the application is complete enough for the Planning Board to accept jurisdiction and commence review.

A MOTION by Matthew Hall that the Lebanon Planning Board finds the application of Cicotte Properties, LLC and Johanna Cicotte IS complete enough to accept jurisdiction and commence review.
The motion was seconded by Laurel Stavis.
Roll Call Vote:
Voting in Favor – Bruce Garland, Gregorio Amaro, Jeremy Rutter, Kathie Romano, Laurel Stavis, Matthew Hall
Voting Against - None

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

Ms. Romano inquired about the new lot being buildable. Atty. Schuster stated that development on the new lot would have to comply with zoning. Ms. Romano asked for clarification about the new lot not being buildable. Mr. Brooks stated that it is not ideal to create a lot that is not buildable, but in this case, the two lots already exist, and the requested boundary line adjustment is not creating a new lot that is more constrained than the existing lot.

Chair Garland invited public comment. There was none.

The public hearing was closed

A MOTION by Matthew Hall that the Lebanon Planning Board **APPROVE** the application of Cicotte Properties, LLC and Johanna Cicotte for a proposed Boundary Line Adjustment between lands located at 175 Heater Road (Tax Map 64, Lot 30) and 30 Little Heater Road (Tax Map 78, Lot 61), PB2022-01-BLA, as shown on a plat titled "Boundary Line Adjustment Plan Prepared for Cicotte Properties, LLC & Johanna Marie Cicotte", prepared by Paton Land Surveying, LLC, dated November 23, 2021, revised December 22, 2021, Project No. 2021-282-60, including any and all supplemental submissions and testimony provided during the public hearing, with the following conditions:

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 Laurel Stavis.

Ms. Romano inquired about the conditions. Mr. Corwin stated that an older Staff Memo was inadvertently used for the conditions, but the conditions have been corrected in the motion.

Roll Call Vote:
Voting in Favor – Matthew Hall, Bruce Garland, Gregorio Amaro, Jeremy Rutter, Kathie Romano, Laurel Stavis
Voting Against - None

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

A MOTION by Matthew Hall that the Lebanon Planning Board authorizes the Chair to sign the Boundary Line Adjustment plat for Cicotte Properties, LLC and Johanna Cicotte.

The motion was seconded by Laurel Stavis.
Roll Call Vote:
Voting in Favor – Bruce Garland, Gregorio Amaro, Jeremy Rutter, Kathie Romano, Laurel Stavis, Matthew Hall
Voting Against - None

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

G. **Edwards Properties, LLC, 9 Pershing Street (Tax Map 78, Lot 48), zoned IND-L**: Request for a Conditional Use Permit to convert a previously approved contractor's yard to a car wash. PB2022-02-CUP

Keith Higgs, Volvo General Manager; Dan Nash, Advanced Geomatics Design; and Atty. Barry Schuster attended on behalf of the applicant.

Mr. Nash explained that Ms. Cicotte bought the Hess Garage on Lot 48 and the former single-family house on Lot 47 and subsequently removed the house and merged the two parcels. Lot 48 has a contractor's building that is proposed to be converted into a car wash, which needed a grit and oil separator to handle sediment and oil. The separator was installed without a review. However, the change of use necessitated a conditional use permit for the existing building to be converted to a car wash.

Mr. Brooks stated that the car wash necessitates a conditional use permit in the Light Industrial District. The car dealership is non-conforming in the Light Industrial District, which complicates the issue since the applicant's agent previously stated that the car wash would be used exclusively for car dealership vehicles. If the car wash is effectively an expansion of the car dealership use, there may need to be a variance or special exception granted by the Zoning Board of Adjustment before the Planning Board can take action. The car wash cannot be an expansion of the dealership without some zoning relief. The conditional use permit would allow use of the car wash. There is also a question of the new application for the creation of a parking lot for the car wash.

Ms. Stavis asked Staff how to proceed given the complexity of the issues involved and the Zoning Board being involved.

Mr. Brooks stated that the Planning Board can issue a Conditional Use Permit. There is a site plan application that will determine how the site would be used. The Zoning Board may or may not be involved depending on further information to be provided by the applicant. Mr. Brooks recommended considering the conditional use permit at the same time as the site plan review. Mr. Hall noted that the car wash is a separate entity that may or may not have a relationship with another entity. Mr. Brooks stated that storing unregistered dealership cars on the car wash site for extended periods could be seen as an expansion of the dealership use. Mr. Schuster gave the details of the contract between the dealership and the car wash, stating that it is a convenience, but that the car wash would not be an accessory use to the dealership. Other entities may contract to use the car wash. The additional parking would be reviewed under the Site Plan Review.

Chair Garland inquired about the nature of Edwards Properties. Mr. Nash stated there are five bays in the building that would be used for washing and detailing of vehicles. There would be no use of the additional parking until the site plan is approved. The people doing the washing would be employees of the dealership or other entities. The features of the site were reviewed.

Mr. Hall noted the legal division of ownership of the dealership and the car wash. Atty. Schuster stated that the washed vehicles would not be stored on the car wash property. They would be washed and returned to the dealership. Mr. Brooks noted that staff was hearing the details of the proposed use for the first time along with the Board. Ms. Romano stated that it is difficult to hear this request after the work being done without prior approval. She noted that the additional pavement does not appear necessary for the car wash property based on the described use. Atty. Schuster explained that the additional pavement was done without knowledge of the necessity of Planning Board approval. Chair Garland noted the level of egregious avoidance of obtaining the necessary approvals. Mr. Nash stated that he believes there was no violation of State law regarding NHDES regulations. All the lots were non-conforming, and the old foundations and other materials had to be excavated.

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

A MOTION by Kathie Romano to continue the hearing to February 14, 2022, at 6:30PM.
The motion was seconded by Jeremy Rutter.
Roll Call Vote:
Voting in Favor – Kathie Romano, Laurel Stavis, Bruce Garland, Gregorio Amaro, Jeremy Rutter
Voting Against – Matthew Hall

****The MOTION was approved (5-1).***

4. Other Business

Mr. Brooks informed the Board that Ms. Monroe did not continue her membership on the Board. There is a resolution being prepared by the City Council to honor her service, which began in November of 2002. Ms. Monroe served 19 years on the Planning Board. The Board members were invited to attend the meeting on January 19, 2022.

Mr. Hall expressed the need to discuss the Minor Site Plan Review Committee.

5. Approval of Minutes

A. December 13, 2021

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

Roll Call Vote:
Voting in Favor – Bruce Garland, Gregorio Amaro, Jeremy Rutter, Kathie Romano, Laurel Stavis, Matthew Hall
Voting Against - None

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

6. Election of Officers

A. Chair and Vice Chair

Mr. Brooks explained that the limit is three full terms for each position as set forth in the Board's Rules of Procedure. Chair Garland assumed the chair in the middle of 2019. The 2022 term would be the third full term for Chair Garland. The Board agreed with his assessment, and the election proceeded.

Mr. Brooks opened the nominations for Chair. Laurel Stavis nominated Bruce Garland for Chair of the Planning Board. There were no other nominations, and nominations were closed.

Roll Call Vote:
Voting in Favor – Jeremy Rutter, Bruce Garland, Matthew Hall, Laurel Stavis, Kathie Romano, Gregorio Amaro
Voting Against – None
****Bruce Garland was approved as Chair of the Planning Board for 2022.***

Mr. Brooks opened the nominations for Vice Chair. Kathie Romano nominated Matthew Hall. There were no other nominations, and nominations were closed.

Roll Call Vote:
Voting in Favor – Gregorio Amaro, Kathie Romano, Laurel Stavis, Matthew Hall, Bruce Garland, Jeremy Rutter
Voting Against – None
****Matthew Hall was approved as Vice Chair of the Planning Board for 2022.***

7. Adjournment

A MOTION by Matthew Hall to adjourn the meeting.
The motion was seconded by Kathie Romano.

Roll Call Vote:
Voting in Favor –Gregorio Amaro, Kathie Romano, Jeremy Rutter, Laurel Stavis, Matthew Hall, Bruce Garland
Voting Against - None

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

The meeting was adjourned at 8:59 PM**.**

Respectfully Submitted,

Holly Howes
Recording Secretary