

FINAL

**LEBANON PLANNING BOARD
SPECIAL MEETING
WEDNESDAY, FEBRUARY 23, 2022 - 6:30 PM
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE**

MEMBERS PRESENT: Bruce Garland (Chair), Gregorio Amaro, Kim Chewning, Tom Martz, Kathie Romano, Jeremy Rutter, Cori Hirai (Alternate), Thomas Jasinski (Alternate)

MEMBERS ABSENT: Matthew Hall (Vice-Chair), Karen Zook (City Council Rep), Laurel Stavis

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 6:30 PM.
Cori Hirai and Thomas Jasinski were appointed as voting members of the Board.

2. Public Hearing Items (NOTE: Agenda items were taken out of order)

- D. 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 - Continued from February 14, 2022

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

A MOTION by Kathie Romano that the Planning Board finds the application of EJB Holdings, LLC (applicant) and Valley Publishing Corp (property owner), 24 Interchange Drive (Tax Map 129, Lot 8), zoned GC, is complete enough to accept jurisdiction and commence review.

The motion was seconded by Jeremy Rutter.

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

Cam Brown, Managing Broker and Jay Boren, Manager of EJB Holdings appeared on behalf of the application.

Mr. Brown described the nature of the request and Lock-N-Lube's business operation.

Mr. Corwin noted that the request is for the conversion of a portion of an existing building to warehouse use, which is permitted by Conditional Use Permit. There are no exterior renovations planned.

Ms. Hirai inquired about an increase in traffic. Mr. Boren stated that there would be no increased traffic,

just commercial local carriers for shipping. Mr. Jasinski asked if there would be tractor trailers. Mr. Boren stated that there would be a few, but most of the traffic would be local carriers.

Chair Garland invited public comment. There was none.

There were no further questions, and Chair Garland closed the Public Hearing.

Read by Kathie Romano:

On February 23, 2022, at a duly noticed meeting of the Lebanon Planning Board, there appeared Jay Boren, Owner, and Cam Brown, Broker, on behalf of EJB Holdings, LLC (applicant) and Valley Publishing Corp (property owner) regarding 24 Interchange Drive (Tax Map 129, Lot 8), zoned GC. Applicants request a Conditional Use Permit per Section 305.2 of the Zoning Ordinance to convert a portion of the existing building to a warehouse use. PB2022-07-CUP

I. FINDINGS OF FACT

Based on testimony given, application materials presented, and supporting documents submitted, the Planning Board makes the following findings of fact:

1. The subject property is a +/-4.81-acre lot currently improved with a 28,879 sq. ft. building constructed in 1974 (according to the City's assessing records), currently owned by Valley Publishing Corporation. The building is currently utilized as offices for the Valley News.
2. The applicant proposes to purchase the property to use as an office and warehouse for Lock n Lube, LLC.
3. The applicant requests approval to utilize a portion of the building as a "warehouse" which is a use allowed by Conditional Use Permit in the GC District pursuant to Section 305.2 of the Zoning Ordinance.
4. Per Section 302.4.B of the Zoning Ordinance, the Planning Board may grant a Conditional Use Permit if it finds that the proposal meets the Enhanced Performance Standards set forth in Section 302.4.D.

II. CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Planning Board concludes the following with respect to the Enhanced Performance Standards set forth in §302.4.D of the Zoning Ordinance:

1. The site **IS** suitable for the proposal. (§302.4.D.1)
2. The external impacts of the proposed use on abutting properties and the neighborhood **IS** commensurate with the impacts of adjacent existing uses or other uses permitted in the zoning district. (§302.4.D.2)
3. The criteria set forth in Section 302.4.D.3, 4 and 5 relate to new construction and, since no new construction is proposed, are inapplicable to the subject application.

III. DECISION

Now therefore be it resolved, the Planning Board, on this **23rd day of February, 2022**, hereby **GRANTS** the request of EJB Holdings, LLC (applicant) and Valley Publishing Corp (property owner) for a Conditional Use Permit per Section 305.2 of the Zoning Ordinance to convert a portion of the existing building at 24 Interchange Drive (Tax Map 129, Lot 8), zoned GC, to a warehouse use, PB2022-07-CUP, as set forth above and per testimony, plans, and materials submitted.

A. Noah Lynd & Josh Garrison (applicants) and Chaloux, LLC (property owner), 25 & 33 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 & 33 Labombard Road. PB2022-04-BLA - Continued from February 14, 2022

Applicants Noah Lynd and Josh Garrison, Kevin Worden of Engineering Ventures, and Landscape Designer Mara Robinson appeared in support of the application.

Mr. Lynd stated that the boundary line adjustment would allow more efficient use of the property.

There were no Staff comments

Mr. Jasinski inquired about the effect of making the lot smaller. Mr. Lynd stated that they need less property for the business.

Chair Garland invited public comment. There was none.

There were no further questions, and Chair Garland closed the Public Hearing.

A MOTION by Kathie Romano that the Lebanon Planning Board **APPROVE** the application of Noah Lynd and Josh Garrison (applicants) and Chaloux, LLC (property owner) for a proposed Boundary Line Adjustment between lands located at 25 Labombard Road (Tax Map 64, Lot 25) and 33 Labombard Road, (Tax Map 51, Lot 15), PB2022-04-BLA, as shown on a plat titled “Boundary Line Adjustment Plat, Lands of Chaloux Properties, LLC,” prepared by Latitudes Land Surveying, dated January 20, 2022, Project #2210, including any and all supplemental submissions and testimony provided during the public hearing, with the following condition:

1. The applicants shall provide one (1) full-size copy of the plat and a digital record drawing (Cad .dwg Format using NH State Plane Coordinate system).

The motion was seconded by Jeremy Rutter.

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

A MOTION by Kathie Romano that the Lebanon Planning Board **authorizes the Chair to sign the Boundary Line Adjustment plat for Chaloux, LLC.**

The motion was seconded by Cori Hirai.

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

- B. Noah Lynd & Josh Garrison (applicants) and Chaloux, LLC (property owner), 25 & 33 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 - Continued from February 14, 2022

Applicants Noah Lynd and Josh Garrison, Kevin Worden of Engineering Ventures, and Landscape Designer Mara Robinson appeared in support of the application.

Mr. Lynd explained the property improvements proposed to create a rock climbing gym (health club), which would be a new resource for the community and especially families. Mr. Worden described the orientation of the site, the landscape plan, and gave an overview of the site plan.

Mr. Corwin stated that the Fire Department memo was received, and the installation of a fire alarm system would be a condition of approval. The applicants would be required to adhere to the new statutory requirements regarding third party review. Mr. Corwin read the condition.

Mr. Garrison acknowledged the condition.

The Board members inquired about the features both inside and outside the building. The applicants and their representatives responded. There would be a 40-foot section for roped climbing inside and a mezzanine with a recreational wall for children. Mesa insulated paneling would be used on the outside, but the color scheme has not been finalized. The overall building was designed to express what would be happening inside the building: it is “The Notch Climbing Gym,” with the notch in its east façade and the front stair tower intended to mimic the surrounding mountains and the activity of climbing.

The landscaping is intended to blend it into the community by saving trees and adding white pine and maple trees with juniper hedges and assorted trees and shrubs for color. The facility is expected to be used by experienced climbers, novices, families with children, after-school groups, and the Dartmouth College team. It is a convenient location that can be accessed by a variety of means of transportation. The facility would host competitions, and ample parking has been planned.

Ms. Hirai inquired about bicycle parking. Mr. Worden stated that eight spaces for bicycles were planned. Ms. Hirai suggested that it might not be enough for the Upper Valley.

Ms. Romano inquired about stormwater management. Mr. Worden stated that stormwater would be collected and treated at the south end of the site. There would be a perimeter drain off the roof. The left side of the property has a swale, and a gravel wetland would be created for runoff from the parking lot where water discharges to the south. Rainwater runs toward the west, and the applicants have consulted with Dartmouth Coach, the abutter on the south side of the site. Ms. Hirai inquired if there would be an impact on the wetland. Mr. Worden stated that there would be no impact to the existing wetland. There would be a temporary impact while installing conduits with restoration of vegetation per consultation with the DES, and the sidewalk avoids the wetland.

Chair Garland invited public comment.

Peter Stanley of Dartmouth Coach spoke in support of the stormwater design and noted a mutual maintenance agreement for removing debris and trimming vegetation in the ditch line, adding that it could be a condition of approval. Mr. Corwin stated that the agreed actions could be added to the general conditions.

The Board members discussed the aspects of adding such an agreement to the conditions. Mr. Stanley

stated that Dartmouth Coach built features for stormwater, and the overflow water from the new development can cause a problem in major storm events. The drainage under Labombard Road goes to a swale that Dartmouth Coach cleans. Such features can only work if there is a place for the water to go. Stormwater management is vital, which is why they would request that the agreement goes with the land and the resources are maintained. Mr. Brooks noted that it would be in both owners' interest to maintain it. If both owners are in agreement and condition it, the City could make sure it is done.

Mr. Worden stated that the system is designed to meet the stormwater requirements, and attenuation is included in management. There is flow control built in. Mr. Corwin stated that all ongoing conditions run with the land, and nothing is required to be recorded. It could be added to Condition #15.

Chair Garland inquired if there was any other public comment.

Jay Campion, the current property owner, stated that gravity causes the water to flow from one property to the other, but the planned management system would help and is a good improvement.

Barbara Hirai, a member of LEAC, inquired about the salinity of water going into the system from salt on cars and whether it could build up. Mr. Worden stated that they have modeled the design after one from UNH's stormwater treatment, which is a high performing, best practice system that should take care of it.

Ms. Cori Hirai inquired about electric vehicle charging stations in the parking area. Mr. Lynd stated that they could be added if demand warranted it. Ms. Hirai noted that guests of the facility could charge their vehicle while in the facility, and this would be an excellent location for it. She added that she shared plans for vehicle charging with the Planning Department. Mr. Garrison noted that there is a transformer next to the parking lot, and those circuits could be used if needed.

Mr. Corwin introduced the waivers, and Mr. Worden explained the waiver requests.

Mr. Jasinski inquired about the removal of curbing around the center island and if it was for safety. Mr. Vincent stated that the purpose of the curbing is protection of the landscaping and the sidewalk, not about safety. Mr. Worden noted from his experience, the curbing maintains the parking boundary, and it would be just the ten-foot swale that would be without curbs. Mr. Vincent explained that they are not installing curbing in the center so stormwater can get to the treatment feature, which is a good idea, and he has no objection. Mr. Lynd noted that there is landscaping in the center of the parking lot that serves the same purpose. Ms. Robinson stated there would be trees in the center, as well as juniper, tall grasses, and day lilies. Mr. Brooks reiterated that the engineer finds it acceptable.

Ms. Chewing inquired if they anticipated needing additional space. Mr. Lynd said they were projecting that they might need additional space, which is why they were not planting shrubs next to the building in one area. Ms. Hirai noted that the trees along the driveway hide the view from the hotel.

The waivers were voted individually.

A MOTION by Kathie Romano that for the application of Noah Lynd & Josh Garrison (applicants) and Chaloux, LLC (property owner), PB2022-05-SPR, the Lebanon Planning Board **APPROVE** partial waivers from Section 6.2.L of the Site Plan Review Regulations, requiring landscape areas to be protected by curbing, wheel stops, or fencing.

The motion was seconded by Gregorio Amaro.

***The MOTION was approved (7-1).** Tom Jasinski voted against.

A MOTION by Kathie Romano that for the application of Noah Lynd & Josh Garrison (applicants) and Chaloux, LLC (property owner), PB2022-05-SPR, the Lebanon Planning Board **APPROVE** partial

waivers from Section 6.5.C.2 of the Site Plan Review Regulations, requiring, “At least one primary entrance to the building shall face the public way on which the lot has frontage.”

The motion was seconded by Jeremy Rutter.

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

A MOTION by Kathie Romano that for the application of Noah Lynd & Josh Garrison (applicants) and Chaloux, LLC (property owner), PB2022-05-SPR, the Lebanon Planning Board **APPROVE** partial waivers from Section 6.2.D.1 of the Site Plan Review Regulations, landscaping around buildings requirement.

The motion was seconded by Cori Hirai.

****The MOTION was approved (6-2).*** Kim Chewning and Tom Jasinski voted against.

A MOTION by Kathie Romano that for the application of Noah Lynd & Josh Garrison (applicants) and Chaloux, LLC (property owner), PB2022-05-SPR, the Lebanon Planning Board **APPROVE** partial waivers from Section 6.2.B.1 of the Site Plan Review Regulations, perimeter parking landscaping requirements.

The motion was seconded by Gregorio Amaro.

Mr. Martz inquired how to guarantee it would be done as planned. Mr. Corwin explained the nature of the partial waiver.

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

A MOTION by Kathie Romano that for the application of Noah Lynd & Josh Garrison (applicants) and Chaloux, LLC (property owner), PB2022-05-SPR, the Lebanon Planning Board **APPROVE** partial waivers from Section 6.2.B.10 of the Site Plan Review Regulations, landscaping on the front of the property.

The motion was seconded by Kim Chewning.

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

Mr. Brooks inquired about the hours of operation for the facility. Mr. Lynd stated that those were still to be determined, but they would likely open from 9 am to 9 pm, 7 days a week.

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

A MOTION by Kathie Romano that the Lebanon Planning Board **APPROVE** the application of Noah Lynd & Josh Garrison (applicants) and Chaloux, LLC (property owner) 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 at 25 & 33 Labombard Road (Tax Map 64, Lot 25 & Tax Map 51, Lot 15), zoned IND-L, PB2022-05-SPR, as shown on a plan set titled “The Notch Climbing Gym – Labombard Rd,” prepared by Engineering Ventures, PC, dated December 13, 2021, revised January 24, 2022, EV Project #21580, including any and all submissions and testimony provided for and during the public hearing, subject to the following conditions:

Conditions to be Satisfied Prior to Application for a Building Permit

1. The Boundary Line Adjustment plat approved by the Planning Board on February 23, 2022 (PB2022-04-BLA) shall be recorded pursuant to and in conformance with the Notice of Action.
2. The applicant shall schedule and hold a pre-building permit application meeting with the Planning and Development Department, City Building Inspectors, City Engineer/Department of Public Works, and Fire Department, in order to help streamline the building permit review process and to review applicable code requirements.

3. The applicant shall 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.
4. 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

5. 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.
6. The development shall be subject to City of Lebanon Impact Fees, pursuant to Section 213 of the Zoning Ordinance. The Impact Fee shall be calculated at the time of Building Permit issuance based on the Impact Fee Schedule adopted on October 12, 2021. In accordance with RSA 674:39, the approved site plan shall be exempt from any future changes in impact fees and methodology for five years from the date of approval; however, any building permits which are issued after the end of that five-year period shall be fully subject to whatever impact fees and methodology are in effect at the time of building permit issuance.
7. All water and sewer fees shall be paid as set forth in City Code Chapter 68.
8. Prior to the start of any construction activities on the property, the applicant shall obtain or update (if appropriate) any required State approvals.

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

9. The impact fee calculated pursuant to Condition of Approval #6 shall be paid.
10. Third-party engineer or design engineer inspection reports and as-built drawings provided by the applicants (PDF format and CAD .dwg format, using the NH State Plane Coordinate System), including tie sheets, shall be reviewed and approved by the City Engineer prior to acceptance of any utility improvements by the City.
11. 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.
12. A 2-inch conduit for the municipal fire alarm system shall be provided and shall terminate at the Fire Department entrance to the building.

General Conditions

13. The applicant shall implement and maintain NHDES Site Specific Best Management Practices before, during, and after construction.
14. The property owner is responsible for the maintenance and operation of the stormwater management system in accord with the 1M plan, and such responsibility shall run with the land. (Section 6.6.H.2B of the Site Plan Review Regulations)
15. The Notch Climbing and Dartmouth Coach Bus Lines agree to share maintenance of the stormwater drainage along the northern boundary of the Dartmouth Coach Property, Tax Map 64, Lot 22 that is impacted by runoff from The Notch. Maintenance is to be completed every second year and shall include cutting of tall grasses and removal of brush, sticks, and other debris. The Notch Climbing Gym and Dartmouth Coach agree to share the responsibility, and such responsibility shall run with the land.

The motion was seconded by Tom Martz.

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

C. **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 - Continued from February 14, 2022

Kim Chewning recused herself from this application and left the meeting at 8:24 PM.

Property Owner Robert Oakes, Dan Nash of Advanced Geomatics, and Landscape Architect Mara Robinson appeared in support of the application.

Mr. Nash presented the application, citing approval from the Zoning Board. He described the plan as four buildings for self-storage with paved areas between the buildings and a stormwater system.

Mr. Corwin stated that Steve Keach of Keach Nordstrom Associates reviewed the plans and provided comments in the packet. Mr. Keach discussed the comments in his letter report dated February 2, 2022, to Mr. Vincent. There were several minor items, but he discussed a few of the more significant ones regarding the expanded landscape plan, the need for a stop sign and line markings to delineate the portion of Fellows Hill Road not being used as the site driveway, and the need to specify the type of gate acceptable for fire department access. He also recommended maintaining 24-foot driving space throughout the complex. With regard to stormwater management, the soil material is good, and he requested test pits be provided to confirm the nature of the site soils. The methodology for calculations, the rationale method, works, and he will discuss it with Mr. Nash. Mr. Keach stated that it would be a workable plan once the minor items are addressed.

Mr. Nash agreed that a stop sign was a good idea as a condition. Increasing the aisle width near the entrance would mean removing one large unit. Test pits were done, but a report was not written to confirm infiltration rates. Overflow was depicted on the landscaping design. Signs will be decided upon later.

Mr. Corwin stated that Duane Egner of the Lebanon Fire Department provided memo notes and noted the applicant would need a variance from the State Fire Marshall due to the lack of adequate water supply or storage for fire-fighting purposes.

Mr. Corwin stated that the landscaping plan does not match the current site layout and needs updating. The water flow requirement needs to be addressed, and some additional information is needed.

Mr. Jasinski inquired if fire hydrants were available. Chair Garland stated there were none on that road. Mr. Romano inquired if the southeast corner was overhanging the slope. Mr. Nash stated that there would be a retaining wall there.

Chair Garland suggested that the Board was not ready to move on the whole project. He was in favor of continuing it, but the Board could consider the waivers.

Mr. Nash gave the background for the waiver requests.

Ms. Robinson described the landscaping at the entrance along the road. The steep slope was indicated, and mixed trees were planned to stabilize the slope.

Chair Garland invited public comment.

Scott Almstrom, a resident on Fellows Hill Road, stated that he agreed with the suggestion for a sign and striping on Fellows Hill Road. In addition, he requested a sign indicating, "dead end road, no turnaround."

Mr. Jasinski noted that there were substantial comments from the consulting engineer and inquired as to how they would be resolved. Mr. Corwin stated that the applicant would need to respond to the items from Mr. Keach.

Mr. Vincent stated that once Staff received a response and the revised plans, Staff would review them and make recommendations. Mr. Corwin noted that they would have the response and any revisions with engineering review feedback by the next meeting.

Mr. Rutter noted that he found the landscaping plan difficult to interpret and asked how they could identify the sloped areas and what was proposed for plantings there. Ms. Robinson described the location and said she could provide a key. Mr. Nash stated that they are indicated and described how they are noted.

Chair Garland closed the Public Hearing.

A MOTION by Kathie Romano that the hearing be continued to March 14, 2022, at 6:30PM.

The motion was seconded by Tom Martz.

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

3. Other Business - None

4. Approval of Minutes - None

5. Adjournment

A MOTION by Tom Martz to adjourn the meeting.

The motion was seconded by Cori Hirai.

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

The meeting was adjourned at 9:21 PM.

Respectfully Submitted,

Holly Howes

Recording Secretary