

FINAL

**LEBANON MINOR SITE PLAN COMMITTEE
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE
THURSDAY, FEBRUARY 24, 2022
1:30PM**

MEMBERS PRESENT: Tim Corwin (Senior Planner), Rebecca Owens (Associate Planner), Captain Tim Cohen (Police Department), Duane Egner (Fire Inspector), Brian Vincent (City Engineer)

MEMBERS ABSENT: None

STAFF PRESENT: Calvin Hunnewell (Building Inspector)

1. Call to Order

Mr. Corwin, attending remotely, called the meeting to order at 1:30 PM.

2. Notice of Regional Impact

Staff recommends that neither application being heard today has the potential for regional impact.

A MOTION by Tim Cohen that neither application on the agenda today has the potential for regional impact.

The motion was seconded by Rebecca Owens.

Roll Call Vote:

Voting in Favor – Mr. Corwin, Mr. Cohen, Mr. Egner, Ms. Owens, Mr. Vincent

Voting Against – None

****The MOTION was approved (5-0).***

3. Public Hearing Items

A. Megan Moseley & Tanya Richard (applicants) and Ledyard Charter School (property owner), 39 Hanover Street (Tax Map 91, Lot 239), zoned LD: Applicants propose to convert a portion of the existing building to a restaurant use. PB2022-05-MSP

Mr. Corwin noted that Planning Staff finds the application complete enough for the Minor Site Plan Committee to accept jurisdiction and commence review.

A MOTION by Rebecca Owens that the application of Megan Moseley & Tanya Richard (applicants) and Ledyard Charter School (property owner), 39 Hanover Street (Tax Map 91, Lot 239), zoned LD is complete enough for the Minor Site Plan Committee to accept jurisdiction and commence review.

The motion was seconded by Tim Cohen.

Roll Call Vote:

In Favor – Ms. Owens, Mr. Vincent, Mr. Egner, Mr. Cohen, Mr. Corwin

Voting Against – None

***The MOTION was approved (5-0).**

Megan Mosely and Tanya Richard appeared in support of the application.

Ms. Mosely stated that the planned restaurant would serve breakfast and lunch Tuesday to Friday, with brunch on Saturday and Sunday. The capacity would be 70 seats indoors with exterior seating in summer of 40 seats. Ms. Richard added that the plan is to utilize locally sourced foods and be very community centered with a focus on the farmer's market. There would be no bar or alcohol visible due to the school partnership.

Mr. Corwin inquired about catering. Ms. Mosely stated that they could service local events after hours.

Mr. Cohen inquired about alcohol. Ms. Mosely stated that alcohol would be served for brunch.

Mr. Egner had no concerns, noting that the building is adequately sprinkled and has good access.

Mr. Vincent expressed no issues but noted operational cautions. There is a licensing process to use a City facility and alcohol service outside would require City Council approval.

Mr. Corwin inquired if outside seating requires a fire permit. Mr. Egner stated that Fire Department did review other outdoor restaurant spaces. Ms. Owens inquired about an awning or other covering. Ms. Mosely stated that they were planning on tables with umbrellas to start.

Ms. Mosely described the outdoor space. Ms. Owens noted that waste receptacles would be needed. Ms. Mosely said they would share the waste cost with the school. Mr. Hunnewell inquired about the exhaust venting. Ms. Moseley stated that it would not be visible.

Mr. Vincent noted that stormwater permitting is expensive. Ms. Mosely said they would be sharing the lines that are currently there.

Mr. Brooks suggested that installing an awning could trigger Heritage Commission review.

Mr. Corwin invited public comment.

Michael Harris, Chair of the Lebanon Charter School Board, stated that they were pleased to work out the arrangement with the applicant, noting that it is a good use of space and would provide rental income. Mr. Brooks inquired about a connection between the school and restaurant for internships. Mr. Harris stated that some students attending Hartford Vocational Technical School would likely be interested in culinary opportunities.

Mr. Corwin closed the Public Hearing.

A MOTION by Tim Cohen that the Lebanon Minor Site Plan Committee **APPROVE** the application of Megan Moseley & Tanya Richard (applicants) and Ledyard Charter School (property owner), regarding 39 Hanover Street (Tax Map 91, Lot 239), PB2022-05-MSP, for Site Plan Review pursuant to Sections 3.1.C and 3.2 of the Lebanon Site Plan Review Regulations to convert a portion of the existing building to a restaurant use, 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 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.

Conditions to be Satisfied Prior to the Issuance of a Building Permit

2. The development is subject to the 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, and such fees shall be due and payable at the time of issuance of a Certificate of Occupancy. In accordance with RSA 674:39, any building permits which are issued after five years from the date of approval shall be fully subject to whatever impact fees and methodology are in effect at the time of building permit issuance.
3. All water and sewer fees shall be paid as set forth in City Code Chapter 68.

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

4. The impact fee calculated pursuant to Condition of Approval #2 shall be paid.

General Conditions

5. The applicant shall obtain a license from the City of Lebanon and a building permit, if applicable, for any outdoor seating.

The MOTION was seconded by Duane Egner.

Roll Call Vote:

Voting in Favor – Ms. Owens, Mr. Vincent, Mr. Egner, Mr. Cohen, Mr. Corwin

Voting Against – None

****The MOTION was approved (5-0).***

- B. **KAB Properties, LLC, 45 Mechanic Street (Tax Map 106, Lot 36), zoned LD:** Applicant proposes to convert an existing laundromat to a take-out food establishment. PB2022-04-MSP

Mr. Corwin explained that the applicant discovered that the building is not stable and needs to be demolished. The initial application would not be appropriate, and a new submission would be required for a site plan review. This meeting would be a review of the new building plan. Completeness cannot be determined at this time.

Keith Bell of KAB Properties, Bobby Oakes of Oakes & Son Construction, and Dan Nash of Advanced Geomatics appeared in support of the application.

Mr. Nash stated that a new building would use the same footprint.

Mr. Oakes noted that the retaining wall on the back side of the building is caving in, and there are cracks in the building wall. The building is not salvageable. The full length of the retaining wall needs to be replaced.

Mr. Bell stated that they can move more quickly by keeping the same footprint. Dominos would provide a design for the interior. The exterior would be determined by the landlord.

Mr. Corwin discussed Section 6.10 of the Site Plan Regulations. The new building design must meet the Lebanon Downtown regulations. With the same footprint and no site changes, the minor review could still apply, but it can't grant waivers. Full review by the Planning Board would be required if waivers are needed. The zoning ordinance requirements may be grandfathered, and nonconforming buildings can be removed and replaced. The downtown regulations require two stories for new construction, but this could be grandfathered as a one-story building. A landscaping plan would be helpful for the next review.

Mr. Brooks asked Mr. Bell what the timeframe for an architectural rendering would be. Mr. Bell said they would seek input immediately. Mr. Brooks suggested they reschedule the meeting and stay in touch while planning. The original building was constructed in 1972.

Ms. Owens inquired about drainage. Mr. Nash noted the catch basins in the street.

Mr. Vincent inquired about the distance of the retaining wall from the rear property line. Mr. Nash stated it was about five feet. Mr. Vincent noted that construction easements for abutters property may be needed.

Mr. Brooks inquired about the capacity of the propane tank. Mr. Nash stated that it appears to be 1,000 gallons. Mr. Brooks asked about a foundation. Mr. Nash suggested that if it is a new building, they could add a full basement. Mr. Egner stated that adding a basement could trigger sprinkler requirement because they would change the square footage.

Ms. Owens noted that if they use the same footprint and same sidewalk, it would be good to show that. She suggested they consider the service area and screening of utility items along with lighting requirements. Mr. Brooks stated that they would need to replace the lighting that is currently on the site.

Ms. Owens inquired if they have any designs in mind. Mr. Bell stated that Dominos has other sites in process that could provide a general idea.

Mr. Vincent noted the utility pole near the street may be a hazard.

Ms. Owens inquired about a small, outdoor, eating area. Mr. Bell stated that when they have provided it, trash accumulates, and it is a problem. Trash and recycling would be on northern side near employee parking. Mr. Corwin noted the screening requirements.

Mr. Corwin stated that the next regular meeting would be March 10 or 24. The Planning Department would need materials ten days before the hearing. The applicant can withdraw the current application and resubmit. Mr. Brooks stated that the applicant can reuse the application fee, and staff would re-notice the meeting.

Mr. Corwin agreed that the applicant could come back when ready. That plan was acceptable to the applicant.

Mr. Brooks noted that a demo permit is required to remove the building. Mr. Bell stated that they are seeking the necessary permits.

4. Other Business

5. Approval of Minutes

A. None

6. Adjournment

***A MOTION by Duane Egner to adjourn the meeting
The motion was seconded by Rebecca Owens.***

****The MOTION was approved (5-0).***

The meeting was adjourned at 2:44 PM.

Respectfully submitted,

Holly Howes
Recording Secretary