

FINAL

**LEBANON PLANNING BOARD
Regular Session
Monday, April 11, 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), Kim Chewning, Tom Martz, Kathie Romano, Jeremy Rutter, Laurel Stavis, Thomas Jasinski (Alternate), Cori Hirai (Alternate)

MEMBERS ABSENT: Karen Zook (City Council Rep), Gregorio Amaro

STAFF PRESENT: Tim Corwin (Senior Planner), Brian Vincent (City Engineer) - remote

OTHERS PRESENT: Steve Keach, PE - remote

1. Call to Order

Chair Garland called the meeting to order at 6:34 PM.
Tom Jasinski and Cori Hirai were appointed to replace the absent members.

Chair Garland announced that the Village Market discussion would not be happening this evening.

2. Notice of Regional Impact

The following application was received by the Planning and Development Department on or before April 11, 2022:

Whitmore & Alyssa Kelley, 53 Eagle Ridge Dr & 0 Eagle Ridge Dr (Tax Map 28, Lots 22 & 23), zoned RL-2: Request for a Boundary Line Adjustment. PB2022-21-BLA

Mr. Corwin stated that the above application does not have the potential for regional impact.

A MOTION by Matthew Hall that the application of Whitmore & Alyssa Kelley, 53 Eagle Ridge Dr & 0 Eagle Ridge Dr (Tax Map 28, Lots 22 & 23), zoned RL-2 does not have the potential for regional impact.

The motion was seconded by Jeremy Rutter.

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

3. Public Hearing Items

- A. 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 and a conditional use permit. PB2022-10-SPR/CUP - Continued from February 28, 2022

Atty. Phil Schuster and Dan Nash of Advanced Geomatics attended in support of the application.
Atty. Schuster described the parking situation.

Mr. Nash reported that the stormwater management has been changed to a gravel wetland due to the condition of the land. Mr. Schuster noted that there would be no overnight parking of dealership cars. Only vehicles from outside businesses may park there overnight if necessary. Mr. Vincent agreed with Mr. Nash's assessment and design for a gravel wetland.

Ms. Romano agreed that some vehicles may need to be parked overnight and inquired about the runoff. Mr. Nash explained that there were other buildings and paving previously on the property, so the runoff amount has not changed with their removal and with less new paving in their place. Mr. Hall inquired about restricting parking on private property. Mr. Corwin explained that the proposed conditions of approval reflected a concern over the potential for overnight parking, but the condition could be removed.

Ms. Stavis inquired about the amount of vehicle waste going into the sewer system. Mr. Nash explained the management of waste using an oil and grit separator and systems in place for the wastewater. Mr. Vincent noted that the DPW inspects the oil and grit separators at all businesses in the city and reports any issues.

Ms. Hirai inquired about autos left overnight before cleaning causing oil or grit being rinsed off in the rain. Mr. Nash stated that the property owners would be clearing any oil or grit that may wash into the grass on the property.

Mr. Jasinski inquired about regulations regarding the prohibition on overnight parking. Mr. Corwin stated that overnight parking would be difficult to monitor. Enforcement would be a process beginning with a reminder and moving on to other methods. It would rely on observations by staff or others. Mr. Jasinski asked Mr. Nash about test pit data causing a different mitigation process. Mr. Nash agreed that it would.

Ms. Chewning asked about the condition regarding overnight parking. Mr. Corwin stated that it could be removed if necessary.

Mr. Hall inquired about the waiver regarding sidewalks. Mr. Schuster stated that sidewalks would be a concern if the other properties are developed in the future.

Mr. Rutter asked Mr. Nash about snow storage locations designated on the map on top of other items. Mr. Nash stated that it's a general location and will depend on the amount of snow and clarified the notation of "HC" for handicap parking.

Ms. Romano asked if adding "dealership owned vehicles" would make the overnight parking restriction clearer. Ms. Stavis stated that the condition on overnight parking is not necessary.

Chair Garland repeated the announcement regarding the limited review of the Village Market property.

Chair Garland invited public comment. There was none.

Mr. Nash explained the waiver requests. Mr. Vincent stated that he was satisfied with the stormwater design, so no waiver is needed.

A MOTION by Matthew Hall that for the application of Edwards Properties, LLC, PB2022-10-SPR, the Lebanon Planning Board **APPROVE** a waiver from the following section of the Site Plan Review Regulations:

- **Section 6.5.D.5 (incorrectly identified as 6.5.B.4 on the applicant's Application for Waivers)** – requiring sidewalks along the property's frontage

The motion was seconded by Laurel Stavis.

Mr. Jasinski inquired if the bicycle parking waiver is needed. Mr. Corwin stated that the waiver was not needed, but it would be good to have it as a condition.

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

Mr. Corwin inquired if Mr. Nash had any issues with the stormwater inspection measures. Mr. Nash stated that he could work out any issues with Mr. Vincent.

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

Chair Garland inquired if the Board members were okay with deleting the overnight parking condition. All Board members but Ms. Romano expressed agreement.

Matthew Hall moves that the Lebanon Planning Board **APPROVE** the application of Edwards Properties, LLC for Site Plan Review to construct a parking lot for a proposed car wash use at 9 Pershing Street (Tax Map 78, Lot 48), zoned IND-L, PB2022-10-SPR, as shown on a plan set titled "9 Pershing Street," prepared by Advanced Geomatics & Design, dated January 10, 2022, revised January 24, 2022, PN: 21-017 (14 sheets), 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 Any Construction Activities

1. The applicant shall make the following revisions to the plan set to the satisfaction of the Planning and Development Department and the City Engineer:
 - a) Update the lighting plan to identify the uniformity ratio for the parking area.
 - b) Update the site plan to provide bicycle parking in accordance with Section 6.5.I of the Site Plan Review Regulations.
 - c) Amend the cover sheet to provide description of plan revisions (5.1.E.4.d).
 - d) Ensure that the plan notes and drainage report accurately depict and reference the intent of the design engineer.

The applicant shall provide the Planning and Development Department with one (1) full size copy of the revised plan set, and a digital copy of the revised plan set saved in a PDF-A format for archival purposes.
2. All engineering review fees shall be paid in full as required by Section 4.7.E.1 of the Site Plan Review Regulations.
3. The applicant shall apply for and obtain a Building Permit (if required by the Building Code) and a Zoning Permit per Section 901.1 of the Zoning Ordinance.
4. The applicant shall obtain a Driveway Permit and, for any site work in the public right-of-way, an Excavation Permit from the Department of Public Works prior to any work in the right-of-way.

5. The applicant shall obtain or update (if appropriate) any required State approvals including but not limited to an after-the-fact Alteration of Terrain permit as identified in a letter dated December 8, 2021, from the NH Department of Environmental Services to Edwards Properties LLC, regarding “Outstanding Items(s) Request for Enforcement File”.

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

6. The applicant shall verify that the property has been brought into compliance with the Planning Board’s May 7, 2017 Notice of Action and approved site plan for PB2017-12-SPR, including without limitation, installation of the stockade fencing to shield the outdoor storage area.
7. 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

8. In lieu of engaging a third-party, the applicant shall coordinate with the City Engineer to observe the installation of the stormwater system. Such coordination shall include preparing a tentative construction schedule and agreeing to provide the City Engineer a minimum of 7 days’ notice prior to a required or requested inspection.
9. 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.
10. The applicant shall implement and maintain NHDES Site Specific Best Management Practices before, during, and after construction.
11. 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 Kim Chewing.

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

Read by Matthew Hall:

On February 28, 2022 and April 11, 2022, at duly noticed meetings of the Lebanon Planning Board, there appeared Barry Schuster, Esq., Johanna Cicotte, and Dan Nash, PE, on behalf of Edwards Properties, LLC regarding 9 Pershing Street (Tax Map 78, Lot 48), zoned IND-L. Applicant requests a Conditional Use Permit per Section 303.2 of the Zoning Ordinance to convert a previously approved contractor’s yard to a car wash. PB2022-02-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 property is a +/-0.61-acre lot located at the corner of Little Heater Road and Pershing Street. The current property configuration was recently created by the voluntary merger of 25 Little Heater Road and 9 Pershing Street (PB2021-22-VLM).
2. The portion of the property consisting of what was formerly 25 Little Heater Road was occupied by a one-family dwelling which has since been removed. The remainder of the property is improved with a 3,420 sq. ft. commercial building and is currently permitted to be used as a contractor's yard, which is a use allowed by Special Exception from the Zoning Board of Adjustment per Section 303.2 of the Zoning Ordinance. A Special Exception for the contractor's yard was granted to a predecessor in title by the Zoning Board on October 17, 2016 (ZB2016-24-SE). Subsequently, the Planning Board granted Site Plan approval for the contractor's yard on May 8, 2017 (PB2017-12-SPR).
3. The applicant now requests approval to utilize the property as a "car wash" which is a use allowed by Conditional Use Permit in the IND-L District. The applicant has also submitted an application to the Planning Board for Site Plan Review to construct a parking area on the western portion of the property to be used in conjunction with the proposed car wash use (PB2022-10-SPR).

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 **are** commensurate with the impacts of adjacent existing uses or other uses permitted in the zoning district. (§302.4.D.2)
3. The proposal **DOES** satisfy the criteria of Section 302.4.D.3:

The proposed layout and design of the site shall not be incompatible with the established character of the neighborhood and shall mitigate any external impacts on abutters, the neighborhood, and nearby public ways and infrastructure. This shall include, but not be limited to, the relationship of the building(s) to the street, the amount, location, and screening of off-street parking, the treatment of yards and setbacks, the buffering of adjacent properties, and provisions for vehicular and pedestrian access to and within the site.

4. The proposal **DOES** satisfy the criteria of Section 302.4.D.4:

The design of any new buildings or structures and the modification of existing buildings or structures on the site shall not be incompatible with the established character of the neighborhood. This shall include, but not be limited to, the scale, height, and massing of the building or structure, the roof line, locations of access, and visual compatibility with the area.

5. The proposal **DOES** satisfy the criteria of Section 302.4.D.5:

The proposed use and layout of the site, including all related development activities, shall to the greatest extent practicable preserve identified natural, cultural, historic, and scenic resources on the site and shall not degrade such identified resources on abutting properties. This shall include, but not be limited to, identified wetlands, floodplains, significant wildlife habitat and documented wildlife corridors, stonewalls, mature tree lines, identified historic buildings or sites, scenic views, and viewsheds.

III. DECISION

Now therefore be it resolved, the Planning Board, on this **11th day of April, 2022**, hereby **GRANTS** the request of Edwards Properties, LLC for a Conditional Use Permit per Section 303.2 of the Zoning Ordinance to convert a previously approved contractor's yard at 9 Pershing Street (Tax Map 78, Lot 48), zoned IND-L, to a car wash, PB2022-02-CUP, as set forth above and per testimony, plans, and materials submitted, and per the following condition:

1. The conditions of approval for application PB2022-10-SPR are incorporated herein and shall be considered conditions of approval for the requested Conditional Use Permit.

The motion was seconded by Tom Martz.

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

B. 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 March 14, 2022

Dan Nash of Advanced Geomatics and Robert Oakes appeared in support of the application. Steve Keach, PE, also appeared in his capacity as the Board's reviewing engineer.

Kim Chewning recused herself.

Mr. Nash cited a report from the design engineer and the amendments to the plans with the recommended changes.

Mr. Corwin noted and explained the additional conditions of approval.

Mr. Keach commented on a March 10, 2022, report regarding infiltration rates in the stormwater management area. The adjustments in the calculations that are needed for the actual infiltration rates should be included. Mr. Vincent noted that if the plans need to be amended, another appearance before the Planning Board would be necessary. Mr. Nash acknowledged that requirement.

Mr. Rutter inquired about the other comments made by Mr. Keach. Mr. Keach noted that those items would be reviewed and approved by the building inspector and would be a condition of approval. Mr. Rutter also asked about signage. Mr. Nash stated that it would be applied for separately.

Ms. Romano inquired about the waiver regarding the soils report. Mr. Keach stated that the waiver request could be withdrawn.

Mr. Hall asked if Mr. Nash had any issues with the proposed conditions of approval. Mr. Nash stated that there is no compelling city interest in requiring inspection of the stormwater design and the condition should be removed. There is also no need for a third-party inspection for the road striping and signage.

Mr. Jasinski noted the prior concern of a resident regarding the “no thru traffic” sign for Fellows Hill Road. Mr. Nash stated that there are only three houses on the street. Mr. Jasinski asked about additional conditions of approval in reference to other comments from Mr. Keach. Mr. Corwin stated that there are several suggested conditions in the current draft motion.

Mr. Hall inquired about the condition regarding a retaining wall. Mr. Nash stated that the actual wall design could be part of the building permit process. Ms. Romano suggested existing retaining walls be inspected to make sure they are structurally sound.

Chair Garland invited public comment. There was none.

Mr. Nash explained the waiver requests.

Ms. Hirai inquired about the landscaping and removal of any invasive species. Mr. Nash stated that it was not relevant to the storage facility use.

A MOTION by Matthew Hall that for the application of Robert & John Oakes (PB2022-06-SPR), the Lebanon Planning Board **APPROVE** partial waivers from the following sections of the Site Plan Review Regulations:

- **Section 6.2.D.1** – landscaping around buildings requirement.
- **Section 5.1.E.6** – requiring contours at 5 ft. intervals for all areas where the existing or proposed grade is 20% or greater.
- **Section 5.1.E.16** – perimeter landscaping calculation requirements.
- **Section 6.2.B** – perimeter landscaping design requirements.

The motion was seconded by Jeremy Rutter.

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

Chair Garland took a straw poll on the deletion of the condition relating to the third party inspector. The Board approved unanimously.

A MOTION by Matthew Hall that the Lebanon Planning Board **APPROVE** the application of Robert & John Oakes for Site Plan Review to construct a +/-26,176 sq. ft. commercial self-storage unit facility together with related site improvements at 92 Riverside Drive (Tax Map 111, Lot 16), zoned RL-1, PB2022-06-SPR, as shown on a plan set titled “Oakes Storage, LLC,” dated December 13, 2021, last revised March 14, 2022, prepared by Advanced Geomatics and Design, PN: 20-001 (17 sheets), 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. Prior to any construction activities on the property, the applicants shall, to the satisfaction of the City Engineer, address Comment #5 in the letter dated April 4, 2022, from Steve Keach, P.E., to Brian Vincent, P.E. (regarding drainage computations). In order to ensure a reasonable amount of time to review, the

applicants shall provide their response to the City Engineer a minimum of 7 days in advance of any planned construction activities, and no such construction activities shall commence until the City Engineer has verified that the afore-mentioned Comment #5 has been satisfactorily addressed.

2. The applicants shall make the following revisions to the plan set to the satisfaction of the Planning and Development Department and the City Engineer:
 - a) Add Sheet ES101 to Table of Contents and add Sheet number (i.e. Sheet 9 of 17).
 - b) Add the following as a note on the cover sheet and on the site plan (Sheet 9): “Business hours shall be limited to 6AM to 8PM.” (*per the Zoning Board conditions of approval for the Variance granted on 3/1/21, ZB2020-36-VAR*).
 - c) Amend the cover sheet to provide description of plan revisions (5.1.E.4.d).
 - d) Update the text of Note No. 6 on the Cover Sheet to the acknowledge the voluntary merger of Tax Map 111, Lot 3-1 and Tax Map 111, Lot 16, and identify the book and page number at which the resulting Notice of Voluntary Lot Merger has been recorded.
 - e) Remove Note 10 on Sheet L-1, which is duplicative of Note 9.
 - f) Specify the type and variety of proposed gate installation, including accommodations for 24-hour access acceptable to the Fire Department.
 - g) Add signs to indicate portions of Fellows Hill Road are not through roads.

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

3. The applicants 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.
4. All engineering review fees shall be paid in full as required by Section 4.7.E.1 of the Site Plan Review Regulations.

Detailed structural design drawings of proposed retaining walls, including detail of safety rail installation, shall be submitted to the Building Department for review and approval.

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

5. 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.
6. Prior to the start of any construction activities on the property, the applicants shall obtain or update (if appropriate) any required State approvals.

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

7. The impact fee calculated pursuant to Condition of Approval #5 shall be paid.

8. 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 Subdivision Regulations and Site Plan Review Regulations.

General Conditions

9. The applicants 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.
10. 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.
11. The applicants shall implement and maintain NHDES Site Specific Best Management Practices before, during, and after construction.
12. 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.

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

Kim Chewning rejoined the Board.

C. Recreo, LLC and City of Lebanon, 2 Mascoma Street and 12 S. Park Street (Tax Map 91, Lots 254 & 253), zoned LD: Request for a Boundary Line Adjustment. PB2022-16-BLA

Mr. Corwin noted that the City Council has now approved the property transfer, and the application 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 Boundary Line Adjustment application of Recreo, LLC and the City of Lebanon (PB2022-16-BLA) is complete enough to accept jurisdiction and commence review.

The motion was seconded by Laurel Stavis.

The vote on the motion was (9-0).

Jim Wasser of Studio Nexus and Property Owner Tim Sidore appeared on behalf of the application.

Mr. Wasser described the site and the need for the Boundary Line Adjustment. The new features were also described. All of the old fill would be removed due to poor quality, and new fill would be added to stabilize the terrain.

Mr. Hall inquired if City Staff has any concerns. Mr. Corwin stated that Staff has no concerns. Councilor Clif Below confirmed that the City Council approved the transfer.

Chair Garland invited public comment.

Mary Ann Mastro of Bank Street in Ward 2 inquired about the cost of the property. Chair Garland stated that it is not pertinent in this issue.

Judith Bastianelli, Ward 3, inquired about the fill that was discovered. Chair Garland stated it would be just a BLA tonight.

Mr. Below added that the City Council considered the value of the property and the existing use. The property is just a driveway with an issue of the guard rail and grade needing attention.

Ms. Romano stated that it is important for the public to attend committee meetings.

Chair Garland closed the Public Hearing.

Matthew Hall moved that the Lebanon Planning Board **APPROVE** the application of Recreo, LLC and the City of Lebanon for a proposed Boundary Line Adjustment between lands located at 2 Mascoma Street (Tax Map 91, Lot 254) and 12 S. Park Street (Tax Map 91, Lot 253), PB2022-16-BLA, as shown on a plat titled "Plan Showing Boundary Line Adjustment Between Properties of Recreo, LLC and City of Lebanon", prepared by DiBernardo Associates, LLC, dated February 10, 2022, last revised March 29, 2022, DWG. NO. 3423-1, including any and all supplemental submissions and testimony provided during the public hearing, with the following conditions to be satisfied prior to the recording of the plat:

1. The applicant shall provide a revised plat depicting the following change to the satisfaction of the Planning and Development Department and the City Engineer:
 - a. Identify a physical boundary marker to be placed at the intersection of the two new boundary lines (i.e. at the southernmost eastern corner of 2 Mascoma Street, as reconfigured).
2. The applicant shall provide to the Planning and Development Department 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.
3. The applicant shall provide to the Planning and Development Department a digital record drawing (Cad .dwg Format using NH State Plane Coordinate system).

The motion was seconded by Jeremy Rutter.

****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 Recreo, LLC and the City of Lebanon (PB2022-16-BLA).

The motion was seconded by Jeremy Rutter.

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

D. **Recreo, LLC, 2 Mascoma Street (Tax Map 91, Lots 254), zoned LD:** Request for Site Plan Review to construct (1) a 5-story, +/-48,000 sq. ft., 72-unit multi-family dwelling, and (2) a 6-story, 56,800 sq. ft., 80-unit multi-family dwelling, together with associated site improvements including on-site parking, entry plazas and landscaping. PB2022-17-SPR - Completeness Review Only

Mr. Corwin stated that there are several additional items that are needed to satisfy the submission requirements before completeness can be approved and recommended a postponement of the completeness determination to the May 9, 2022, meeting.

Ms. Romano noted that it is difficult to read the name in the signature block of the application form and asked that a printed name line be added.

Chair Garland closed the Public Hearing.

A MOTION by Laurel Stavis that completeness be postponed to the May 9, 2022, meeting at 6:30 PM.

The motion was seconded by Jeremy Rutter.

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

E. **Woodrow Fitness, LLC, 12 Lafayette Street (Tax Map 10, Lot 11, Plot 500), zoned IND-L:** Request for Site Plan Review to construct +/-25,700 sq. ft. of outdoor tennis courts as an accessory use for the River Valley Club fitness center. PB2022-18-SPR

Dan Nash of Advanced Geomatics and Design; Mara Robinson, Landscape Designer; and Elizabeth Asch and Lee Barker of the River Valley Club appeared on behalf of the applicant.

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 Jeremy Rutter that the Lebanon Planning Board find the Site Plan Review application of Woodrow Fitness, LLC for 12 Lafayette Street (Tax Map 10, Lot 11, Plot 500), PB2022-18-SPR, **IS** complete enough to accept jurisdiction and commence review.

The motion was seconded by Kim Chewing.

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

Mr. Nash stated that the plan is to add four tennis courts. Ms. Asch noted that additional racquet sports, such as pickle ball, would be added to the offerings at the club. Both adults and children would benefit from the courts. Mr. Nash described the location of the courts and the accessibility. The general features of the court design and gravel wetland were also detailed. Ms. Robinson described the landscaping plan and the species selected.

Mr. Vincent noted that there are a few minor items that need clarification and will be addressed. Mr. Corwin stated that there is a waiver regarding of the adjacent property that is not necessary.

Mr. Hall inquired why it is necessary to require site plan review for adding tennis courts. Mr. Corwin stated that it is about the amount of impervious surface that is being added.

Mr. Martz inquired about the orientation of the plan drawing and commented that the surface of the courts would affect the drainage. Mr. Nash stated that the drawing is oriented to the view from the road.

Ms. Stavis inquired about the hours of operation. Ms. Asch stated that the hours are the same as the River Valley Club. Courts would be by reservation, 4:45 a.m. to 8:00 p.m. Monday to Friday and 7:00 a.m. to 3:00 p.m. Saturday and Sunday. Ms. Stavis inquired if the club is available to guests of the local hotels. Ms. Asch stated that there are corporate arrangements with the area hotels and others.

Mr. Jasinski asked how patrons would get from the existing buildings to the courts. Ms. Asch described the pathway to the courts. Mr. Jasinski also inquired about the posting of the notice for the meeting. Lee Barker stated that it was posted by the Fit Kids entrance and the main entrance.

Ms. Romano inquired about the waiver request that included the adjacent property. Mr. Corwin stated that it is not part of the subject property, so the waiver request was not needed. Ms. Romano questioned the location of the courts in relation to the hotel and noise created from the courts and suggested some type of screening or landscaping could dampen the noise.

Mr. Martz inquired about the lighting. Mr. Nash confirmed that the LED lighting would be directed downward.

Mr. Hall inquired about the sidewalk waiver. Mr. Corwin stated that Staff has no objection.

Mr. Rutter inquired about the table in the plan for the parking calculations and asked that they be checked. Ms. Asch stated that they are covered for parking spaces. Mr. Nash explained the calculations and noted an error, but the amount of parking is sufficient.

Chair Garland invited public comment. There was none.

A MOTION by Matthew Hall that for the application of Woodrow Fitness, LLC, PB2022-18-SPR, the Lebanon Planning Board **APPROVE** waivers from the following sections of the Site Plan Review Regulations:

- **Partial Waiver of Section 5.1.E.16** – requiring that “Existing trees over 12 inches in diameter, measured 4.5 feet above the ground surface, and within 25 feet of the disturbed area, must be counted and shown on the plan, if included towards fulfilling the landscaping requirements.”
- **Partial waiver of Section 6.2.B** – perimeter landscaping requirements.
- **Section 6.5.D.5** – requiring the installation of a sidewalk along the property’s frontage.
- **Section 6.7.B.5** – maximum mounting height of the light fixture shall not exceed twenty (20) feet in industrial zoning districts.

The motion was seconded by Laurel Stavis.

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

Ms. Romano noted that there would be more impervious surface and asked why there wouldn’t be increased flow. Mr. Nash stated that the gravel wetlands would attenuate the flow offsite, and there would not be an increase in the flow to the street and added that he could rewrite his statement for clarity. Mr. Vincent stated that there is no increase to the City’s system, and the gravel wetland would create a decrease overall.

Mr. Jasinski asked for confirmation of the decrease in flow from the property with increased impervious surface. Mr. Nash reiterated the stormwater plan.

Chair Garland invited public comment. Hearing none, Chair Garland closed the Public Hearing.

A MOTION by Matthew Hall that the Lebanon Planning Board **APPROVE** the application of Woodrow

Fitness, LLC for Site Plan Review to construct +/-25,700 sq. ft. of outdoor tennis courts at 12 Lafayette Street (Tax Map 10, Lot 11, Plot 500), zoned IND-L, PB2022-18-SPR, as shown on a plan set titled “Woodrow Fitness, LLC,” prepared by Advanced Geomatics & Design, dated March 14, 2022, revised March 30, 2022, PN: 22-033 (16 sheets), 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 Any Construction Activities

1. Prior to the start of any construction activities on the property, the applicant shall, to the satisfaction of the City Engineer, address the following:
 - a) Clarify where the new curb is to be installed and provide labeling. Clarify whether the yard drains are to be located behind or in front of the curb. Address the grading which does not reflect the presence of curb.
 - b) No yard drain detail is provided. Clarify whether the intent is to use regular catch basins (for which details have been provided).
 - c) Provide an updated drainage report demonstrating no peak flow increases to the street system and off site, as noted in the letter from Dan Nash, PE, of Advanced Geomatics & Design, dated March 30, 2022.
 - d) Add a concrete footing detail, as referenced in the fence detail.
 - e) The gravel wetland details note the need for ledge blasting. Confirm ledge blasting is required, and if not, amend the detail accordingly. Include ledge probes within the plan set or permitting package if such ledge probes were conducted to confirm ledge depths.
2. The applicant shall apply for a voluntary merger of Lots 10-11-500 and 10-11-700 and 92-124 (12 Lafayette Street and 33 Morgan Drive) with the Planning and Development Department. Upon approval by the City, the voluntary merger shall be recorded at the Grafton County Registry of Deeds.
3. The applicant shall make the following revisions to the plan set to the satisfaction of the Planning and Development Department and the City Engineer:
 - a) Any changes made pursuant to Condition of Approval #1.
 - b) Provide updated parking chart for the RVC property to account for the parking spaces on 33 Morgan Drive that are proposed to be removed and reference to the approved site plan for the Fit Kids group day care facility (PB2015-15-SPR).
 - c) On Sheet L-2 (Lighting Plan), per Section 5.1.E.13:
 - i. Identify light intensities and compliance with Section 6.7.B.2 (“The light intensity at adjoining streets or commercial property boundaries shall not exceed 0.5 foot-candles at grade level[.]”)
 - ii. Identify the color correlated temperature (CCT) for each light fixture type, in conformance with the requirements of Section 6.7.B.9.
 - d) Amend the cover sheet to provide description of plan revisions (5.1.E.4.d).

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

4. All engineering review fees shall be paid in full as required by Section 4.7.E.1 of the Site Plan Review Regulations.

5. The applicant shall apply for and obtain a Zoning Permit per Section 901.1 of the Zoning Ordinance.
6. The applicant shall obtain or update (if appropriate) any required State approvals.
7. In lieu of engaging a third-party, the applicant shall coordinate with the City Engineer to observe the installation of the stormwater system. Such coordination shall include preparing a tentative construction schedule and agreeing to provide the City Engineer a minimum of 7 days' notice prior to a required or requested inspection.

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

8. 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

9. 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.
10. 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.
11. The applicant shall implement and maintain NHDES Site Specific Best Management Practices before, during, and after construction.
12. 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 Laurel Stavis.

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

4. Other Business

- A. Amend CIP Policy & Procedures document to raise project thresholds

Chair Garland noted that the amendment includes raising the project minimum to \$100,000 and eliminating studies.

A MOTION by Tom Martz to approve the amendments to the CIP Policy & Procedures to include raising the project minimum to \$100,000 and eliminating studies.

The motion was seconded by Matthew Hall.

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

5. Approval of Minutes

- A. March 14, 2022

A MOTION by Laurel Stavis to approve the Planning Board Minutes of March 14, 2022, as presented.

The motion was seconded by Tom Martz.

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

6. Adjournment

A MOTION by Matthew Hall to adjourn the meeting.

The motion was seconded by Tom Martz.

Ms. Stavis encouraged the Board members to register support or opposition to the proposed state legislation under the Municipal and County Government Committee.

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

The meeting was adjourned at 9:22 PM.

Respectfully Submitted,

Holly Howes
Recording Secretary