



**LEBANON PLANNING BOARD
MAY 23, 2022 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

2. Public Hearing Items

- A. **Whitmore & Alyssa Kelley, Jeremy & Sally Rutter, and David R. Callendar, Robert H. Callendar & Ann Weathers, 53 Eagle Ridge Dr & 0 Eagle Ridge Dr (Tax Map 28, Lots 22 & 23), zoned RL-2:** The applicants propose to reconfigure the open space for the Eagle Ridge cluster subdivision originally approved on June 14, 1993, and to adjust the boundary between 53 Eagle Ridge Drive and the open space lot (0 Eagle Ridge Drive). The applicants request a Boundary Line Adjustment and an amendment to the Eagle Ridge cluster subdivision. PB2022-21-BLA
- B. **Connor Regan (appellant), KAB Properties, LLC (applicant), 45 Mechanic Street (Tax Map 106, Lot 36), zoned LD:** Appeal of Minor Site Plan Committee approval of a proposal to construct a 1,972 sq. ft. building for a proposed take-out food establishment (Domino's). PB2022-20A-MSP

3. Study Items

- A. Introduction to 2022-2023 Zoning Ordinance amendments

4. Committee Reports

- A. **Planning Board Subcommittees:**
 - Planning Board Capital Improvement Program (B. Garland/L. Stavis/M. Hall/K. Chewing)
 - Planning Board Development Regulations Update (M. Hall/K. Romano/J. Rutter/ C. Hirai)
- B. **City Council Subcommittees:**
 - Class VI Roads Advisory Committee (VACANT)
 - Lebanon Energy Advisory Committee (VACANT)
- C. **Other Subcommittees:**
 - City Council Representative (D. Whittlesey/K. Zook)
 - Heritage Commission (J. Rutter)
 - Pedestrian & Bicyclist Advisory Committee (G. Amaro)
 - Upper Valley Lake Sunapee Regional Planning Commission (B. Garland)
 - UV SubCommittee of the Connecticut River Joint Commissions (B. Garland)
 - Upper Valley Transportation Management Association (VACANT)
 - Mascoma River Local Advisory Committee (K. Romano)

--West Lebanon Revitalization Advisory Committee (L. Stavis)
--Planning & Development Department – Task Status (D. Brooks/ M.
Goodwin/T. Corwin/R. Owens)

5. Other Business

6. Approval of Minutes

A. April 25, 2022

7. Adjournment

The order of agenda items is subject to change.

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to [LebanonNH.gov/Live](https://lebanonnh.gov/Live) where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

**Agenda
Planning Board
May 23, 2022**

**Agenda Item #2A
Public Hearing Items**

**Whitmore & Alyssa Kelley,
Jeremy & Sally Rutter, and
David R. Callendar, Robert H.
Callendar & Ann Weathers,
53 Eagle Ridge Dr &
0 Eagle Ridge Dr
(Tax Map 28, Lots 22 & 23),
zoned RL-2
PB2022-21-BLA**



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

PLANNING BOARD

May 23, 2022 Meeting

Staff Memorandum – PB2022-21-BLA

APPLICATION INFORMATION

Agenda Item: 2.A

Application ID: PB2022-21-BLA

Application Type:
Boundary Line Adjustment

Zoning District:
Rural Lands Two (RL-2)

Plans and Application Materials:

- Application form (1 page)
- Supplement to Application for Lot Line Adjustment (1 page)
- Project narrative (2 pages)
- Images of “Existing Conditions” and “Concept #1” (1 page)
- Topographical map (1 page)

Other Attachments:

- Letter dated May 16, 2022, from Michael O’Neil, Kristin O’Neil, Shannon Buskey, and Will Buskey

LEGAL NOTICE

Whitmore & Alyssa Kelley, Jeremy & Sally Rutter, and David R. Callendar, Robert H. Callendar & Ann Weathers, 53 Eagle Ridge Dr & 0 Eagle Ridge Dr (Tax Map 28, Lots 22 & 23), zoned RL-2: The applicants propose to reconfigure the open space for the Eagle Ridge cluster subdivision originally approved on June 14, 1993, and to adjust the boundary between 53 Eagle Ridge Drive and the open space lot (0 Eagle Ridge Drive). The applicants request a Boundary Line Adjustment and an amendment to the Eagle Ridge cluster subdivision. PB2022-21-BLA

COMPLETENESS REVIEW

The application has been reviewed in accordance with the Lebanon Subdivision Regulations. The applicants have not submitted a plat prepared by a licensed land surveyor in accordance with Section 8.2.A of the Subdivision Regulations. For this reason, the Planning and Development Department recommends that the Board find that the application is incomplete.

APPLICATION OVERVIEW

According to the application materials, the applicants propose to adjust the the boundary line between 53 Eagle Ridge Drive (Tax Map 28, Lot 22) and 0 Eagle Ridge Drive (Tax Map 28, Lot 23), which is the open space lot for the Eagle Ridge cluster subdivision approved in 1993. The applicant states that the open space lot would retain the same acreage it currently contains.

STAFF COMMENTS

The City’s legal counsel has reviewed the applicants’ conceptual boundary line adjustment between the property at 53 Eagle Ridge Drive and the open space lot of the Eagle Ridge Drive cluster subdivision. Legal counsel’s conclusion is that per Section 502 of the Zoning Ordinance in effect at the time the cluster subdivision was approved, as well as per the provisions of RSA 674:21-a (“Development Restrictions Enforceable”), the open space lot was intended to be permanently protected in its current configuration and, therefore, cannot be reconfigured. Given this, staff recommended that the applicants withdraw the boundary line adjustment application, which was incomplete in any case since it did not include a surveyed boundary line adjustment plat.

cc: Whitmore & Alyssa Kelley
Jeremy & Sally Rutter
David R. Callendar, Robert H. Callendar & Ann Weathers

CITY OF LEBANON APPLICATION FOR

SPECIAL EXCEPTION ☐	☐ SITE PLAN REVIEW
VARIANCE ☐	☐ SUBDIVISION
MOTION FOR REHEARING ☐	X LOT LINE ADJUSTMENT
APPEAL OF AN ADMIN. DECISION ☐	☐ CONDITIONAL USE PERMIT

☐ OTHER _____

PROPERTY OWNER (APPLICANT):

NAME: Whitmore and Alyssa Kelley TEL.#:

MAILING ADDRESS: PO Box 151, Lebanon, NH 03766

E-MAIL ADDRESS:

CO-APPLICANT, AGENT, OR LESSEE:

NAME: - *Rutter + Callender* see attached list TEL.#:

MAILING ADDRESS: *OWNERS OF 47 Eagle Ridge*

E-MAIL ADDRESS: *part owners of current open space*

PROJECT LOCATION: *See attached signatures*

TAX MAP #: 28 LOT#: 22 PLOT #: ZONE: *RL2*

STREET ADDRESS OF PROJECT: Eagle Ridge Drive

IS THIS PROPERTY LOCATED IN THE: **WETLANDS** ☐ YES ☒ NO **HISTORIC DISTRICT** ☐ YES ☒ NO
FLOOD PLAIN ☐ YES ☒ NO

SCOPE OF= PROJECT: The applicants request to adjust the boundary for Lot 28-23 which is held in common by the applicants. The area of the common land will remain the same but the boundary will be adjusted. The applicants also request clarification of the conditions applicable to the common open space land.

TYPE OF OCCUPANCY:

EXISTING ☐ VACANT ☒ ONEFAMILY ☐ TWOFAMILY ☐ MULTI-FAMILY ☐ COM M ERGIAL ☐ INDUSTRIAL
PROPOSED ☐ VACANT ☒ ONEFAMILY ☐ TWOFAMILY ☐ MULTI-FAMILY ☐ COM M ERGIAL ☐ INDUSTRIAL
IF USE IS **COMMERCIAL** OR **INDUSTRIAL**, PLEASE NOTE **SPECIFIC** USE: _____

SIGNATURE BLOCK:

FOR PLANNING BOARD APPLICATIONS ONLY: I, the undersigned, hereby submit this application on the date noted below with the knowledge and understanding that the Planning Board shall determine if the submitted application is complete according to its regulations at its next regularly scheduled meeting on _____, 20____, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

PROPERTY OWNER: *Whitmore B Kelley Jr. [Signature]* DATE: *4/10/22*

NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW: I hereby designate the person listed above as my agent for the purpose of procuring the necessary local permits for the proposed work as described herein. Representations made by my agent may be accepted as though made by me personally, and I understand that I am bound by any official decision made on the basis of such representation.

PROPERTY OWNER: *N/A* DATE: _____

DATE RECEIVED	FILE # (MAP/LOT)	APPLICATION #	FEE - \$ AMOUNT	DATE PAID	VOUCHER #
<i>4/11/2022</i>	<i>28/22</i>	<i>PB2022-</i>			
	<i>28/23</i>	<i>21-BLA</i>			

Supplement to
Application for Lot Line Adjustment

Additional Property Owners and Lot Numbers

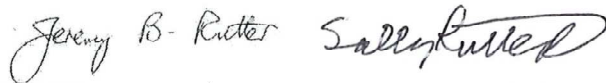
1. Name - Jeremy and Sally Rutter, Trustees Map 28, Lot 20

 Mailing Address - 47 Eagle Ridge Drive

2. Name David R. Callendar Map 28, Lot 21
 Robert H. Callendar
 Ann Weathers

 Mailing Address - 49 Eagle Ridge Drive

We join with Whitmore and Alyssa Kelley on the attached Application for Lot Line Adjustment.



Jeremy and Sally Rutter, Trustees



David R. Callendar

We are the owners of Lots 7A, 7B, 7C and 7D, in what is known as the "cluster subdivision" portion of the Eagle Ridge development. We wish to adjust the boundary lines of Lot D, which we all own in common as open space. We would like to relocate the boundary for the common area land shown as Lot 7D on the attached plan which is located northerly of our three residential lots. The resulting common area would be the same acreage and subject to the same conditions, just slightly adjusted as to its boundary lines.

By way of background, the four lots - 7A, 7B, 7C and 7D - came into existence in 1993 following the foreclosure by First Vermont Bank on the entire Eagle Ridge subdivision. Originally envisioned as a cluster subdivision under Section 502 of the Zoning Ordinance which was in effect at that time, the developer planned Eagle Ridge as a multi-home cluster subdivision. Following City approvals, the developer began construction of the road and built the first two homes in the cluster development on Lots 7A and 7B, homes now owned by the Rutter family and the Callendar family. When the developer faced financial issues, First Vermont Bank foreclosed on the entire subdivision project. Given changes that had occurred in the real estate market at that time, the Bank applied to the City for approval to complete the project as a traditional subdivision. The Planning Board approved a 16-lot subdivision in May 1993, leaving a 20-acre lot with two existing houses at the top of Eagle Ridge Road. A month later, the Bank applied to the Planning Board to subdivide that remaining 20 acres into a three-lot cluster subdivision with a fourth lot designated as common land. On June 14, 1993, the Planning Board approved the three-lot cluster subdivision with the fourth lot as common land lot.

Under the terms of the Zoning Ordinance in effect in June 1993, the Cluster Subdivision regulations in Section 502 set forth the criteria for such subdivisions including a requirement for "open space." Section 502 states that "at least 50% of the tract" must be "common open space" and "open space, outdoor recreational areas, and enclosed recreational facilities shall be held in common use" and "permanently maintained as common land for the purposes of recreation, conservation, park or public easements, or agriculture." The June 14, 1993, Planning Board minutes refer to Section 502 of the Ordinance, and the Board discussed that the open space could not be conveyed away from the three lot owners and would be owned in common by them. Other than what was stated in the Zoning Ordinance, the Planning Board did not place any other restrictions on the ownership or use of the common land.

When the Bank sold Lots 7A, 7B and 7C, the deeds contained the following language with regard to the common land:

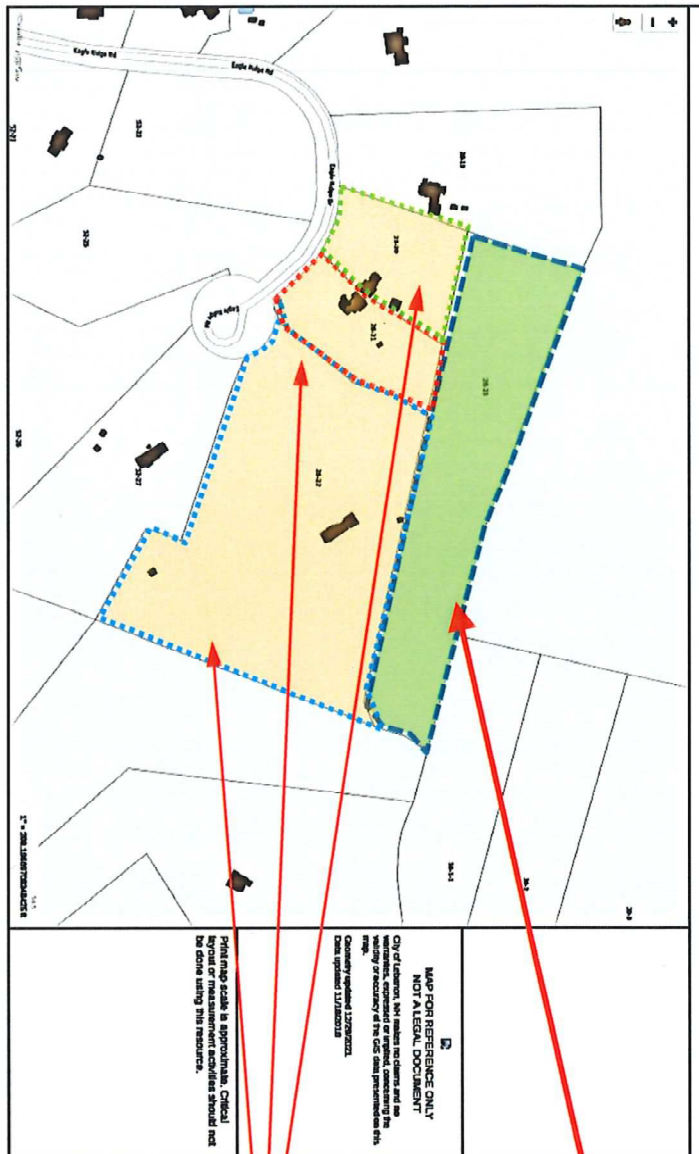
There is conveyed herewith an undivided interest in common with the owners of Lots 7A, 7B and 7C, the property shown as Lot 7D on said plan. Said Lot 7D is a tract of land comprising approximately 368,000 sq. ft. (8.45 acres +/-) northerly of and adjacent to the herein conveyed lot and is to be held in common by said lot owners as reserved open space for the benefit of the said lot owners who shall as well have the responsibility for the maintenance and upkeep of the tract, including the payment of taxes. The ownership of said Lot 7D may not be alienated or in any way conveyed apart or separately from this herein conveyed Lot. This herein

conveyed Lot 7D is subject to a 25 foot wide recreational trail easement along the exterior northerly boundary of the lot and which continues along the entire exterior perimeter of the Eagle Ridge Subdivision herein described.

Other than this statement about the common land, there is no other restriction on the common land. Similarly, no other parties have any right or interest in the Lot 7D, the common area land, owned by Lots 7A, 7B and 7C.

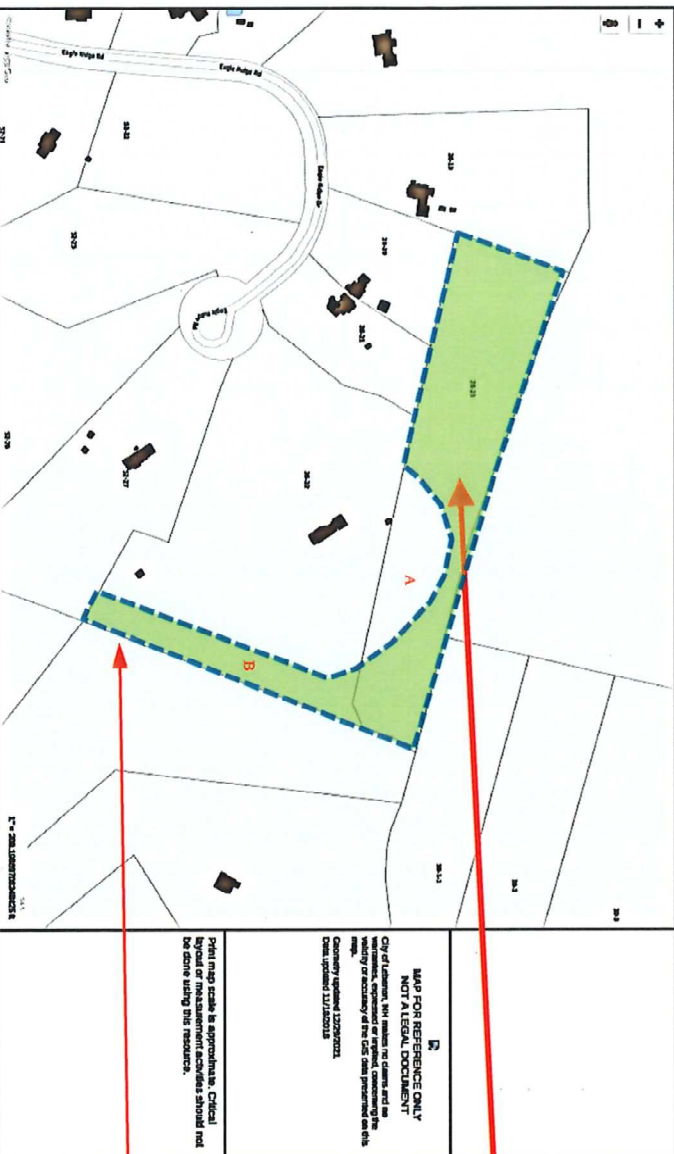
The applicants' request seeks to retain the same acreage land area for the common land and exchange one area of the current common land for an equivalent area of land to the east of the Kelley property. Since the only requirement for the cluster subdivision is that there must be common land, the agreement of the three lot owners to modify the boundaries for the common land is a boundary line adjustment.

Whit & Alyssa Kelley
Jeremy & Sally Rutter
David R. Callendar
Robert H. Callendar
Ann Weathers



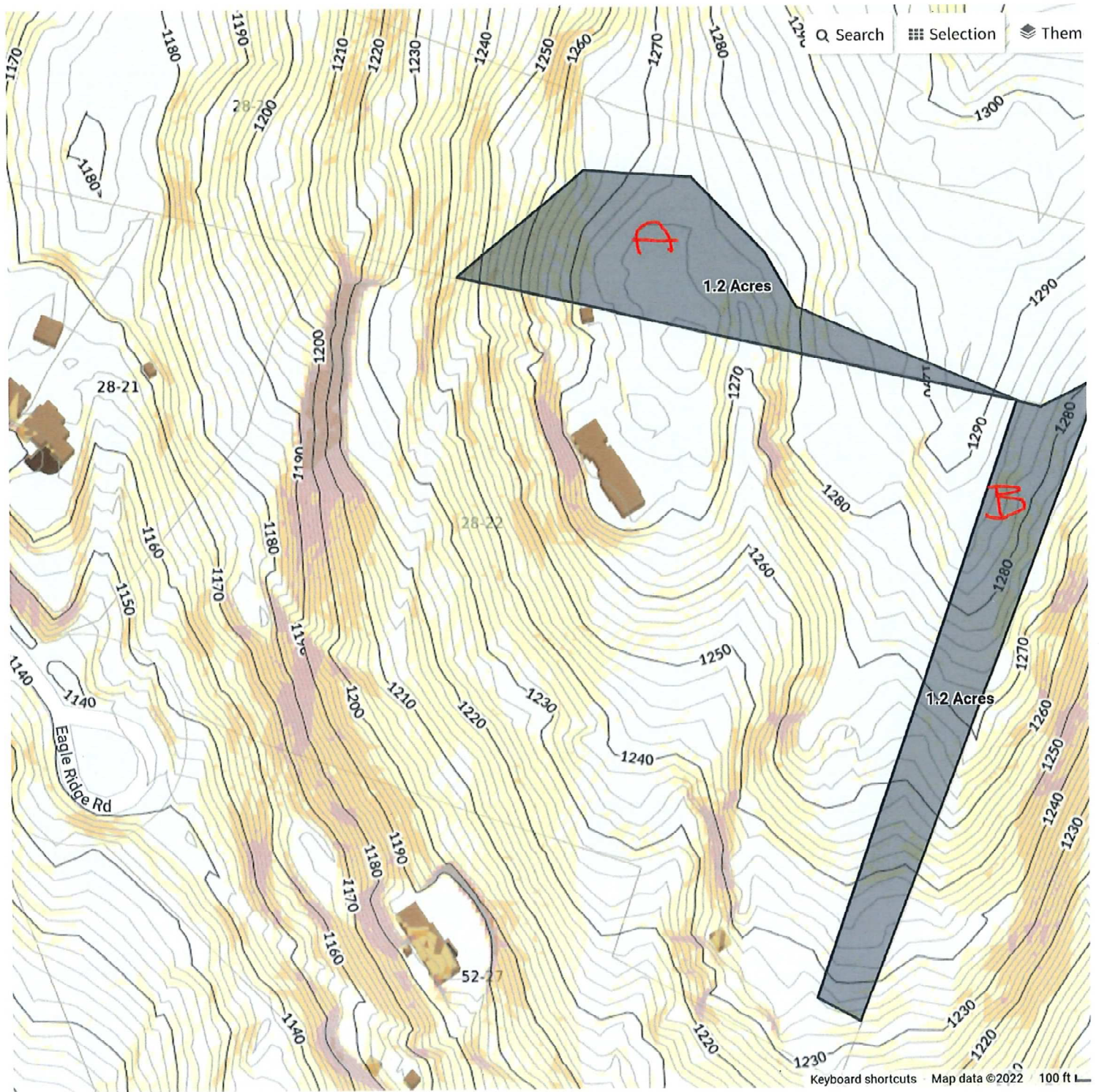
Existing Condition
Shared land "open space"
(Kelley, Rutter, Calendar shared land)

Existing Condition
Property Lines (1, 2, 3)



Concept #1
Proposed open space
(Obtained by adjusting
Kelley/Shared property line to
maintain or grow open space area)

Concept #1
Proposed Property Line (swapping A
for B ~1.5 acres each)



City of Lebanon – Planning & Development
Lebanon City Hall
Lebanon, NH 03766

May 16, 2022

To Whom It May Concern:,

We are writing you to register our concern and objection of the recent application proposing reconfiguring and adjusting boundary lines of protected open space for the Eagle Ridge subdivision; specifically, the cluster subdivision involving Tax Map 28, Lots 22 & 23, zoned RL-2.

We agree with the City's legal counsel conclusion that per Section 502 of the Zoning Ordinance in effect at the time the cluster subdivision was approved, as well as per the provisions of RSA 674:21-a ("Development Restrictions Enforceable"), the open space was - by virtue of the 1993 Planning Board cluster subdivision approval - intended to be permanently protected in its current configuration and, therefore, that the open space cannot be reconfigured. At least not without consent of the City Council (per RSA 674:21-a, once the Planning Board approved the open space designation as part of the cluster subdivision, a conservation restriction was created in favor of the City). However, even with Council approval, the City's legal counsel is still highly doubtful that the reconfiguration of approved open space would be legally permissible.

Additionally, this common open space cluster subdivision was originally considered and approved in the context of the entire Eagle Ridge subdivision in its entirety .

Under the terms of the Zoning Ordinance in effect in June 1993, the Cluster Subdivision regulations in Section 502 set forth the criteria for such subdivisions including a requirement for "open space." Section 502 states that "at least 50% of the tract' must be "common open space" and "open space, outdoor recreational areas, and enclosed recreational facilities shall be held in common use" and permanently maintained as common land for the purposes of recreation, conservation, park or public easements, or agriculture." Because the future use of this land, that was once protected, cannot be considered in this boundary line adjustment process, this would allow the new owner of this once protected land to utilize this newly acquired land for a house, a part of a house, a driveway, a barn, etc. All uses inconsistent with the original open space protections.

As specified above, we do not believe the Planning Board can alter in anyway land that was previously designated as "open space" by the City as part of a larger subdivision approval. That said, we would still like to express specific technical concerns of the application that was submitted.

We believe this application is incomplete and not worthy of consideration because two of the beneficial owners of the land involved (Robert H. Callender & Ann Weathers) have not signed the application despite being listed on the application and listed as owners. We are not aware that David R. Callender has power of attorney to sign on their behalf.

On page one of the application, under "Type of Occupancy", the application states the existing and proposed status of the land in question is "One Family". The open space land has no home on it due the restrictive, undevelopable nature of an "open space" designation. The application as submitted is incorrect.

The application as submitted also appears incomplete. According to the City's "SUBDIVISION REGULATIONS - TECHNICAL CHECKLIST MINOR LOT LINE ADJUSTMENT / BOUNDARY LINE AGREEMENT", the application appears to be missing the following:

8.2.A(7)- *The new surveyed property line(s) as a result of the application, including bearings and distances, as determined by an actual field survey by a licensed land surveyor, including the date of the completion of the survey. All dimensions shall be shown in feet and decimals, and the area of the altered lots shall be shown in square feet and acres.*

The two maps submitted in the application are different shapes and specify different areas of the lots and do not appear to have been produced by a licensed land survey. The first map shows a 1.5-acre land swap and is one shape. The second map shows 1.2-acre land swap. Which is it? Whether or not it is 1.5 acres or 1.2 acres, approximately .42 acres of the proposed land swap is already in a recreational trail easement and therefore is ineligible to be considered for such a swap. That land is already burdened by the 25-foot-wide recreational trail easement of the entire Eagle Ridge Subdivision and you cannot "conserve" the same land twice.

The open space lot in question was intended to permanently stay open. The owners in common currently cannot develop that land, despite the applicants claim that "there is no other restriction. on the common land". Currently, a home could not be built on any part of that "open space" lot. If this boundary line were to be adjusted, a home, part of a home, a driveway, a barn, etc could be constructed on land that had been previously, and permanently protected. Additionally, if this application was approved as submitted the City would effectively be reducing the "open space" of the cluster subdivision as well as the open space of the entire Eagle Ridge Subdivision.

From a historical perspective, this submission approval and subsequent cluster subdivision approval a month later in 1993 needed to be done in a two-step process due to the fact that the first two cluster homes were constructed prior to the foreclosure by First Vermont Bank on the entire Eagle

Ridge subdivision. However, the Eagle Ridge subdivision has always been viewed wholistically by the City and the lots in question are subject to the requirements of the larger Eagle Ridge subdivision.

We respectfully request this application is denied based on the City's legal counsel conclusion that this request is not legally permissible. The other paragraphs above outlining our technical concerns with this application remain, however those are secondary concerns to the overall legality of altering open space in the City of Lebanon.

Sincerely,

Michael O'Neil (39 Eagle Ridge)

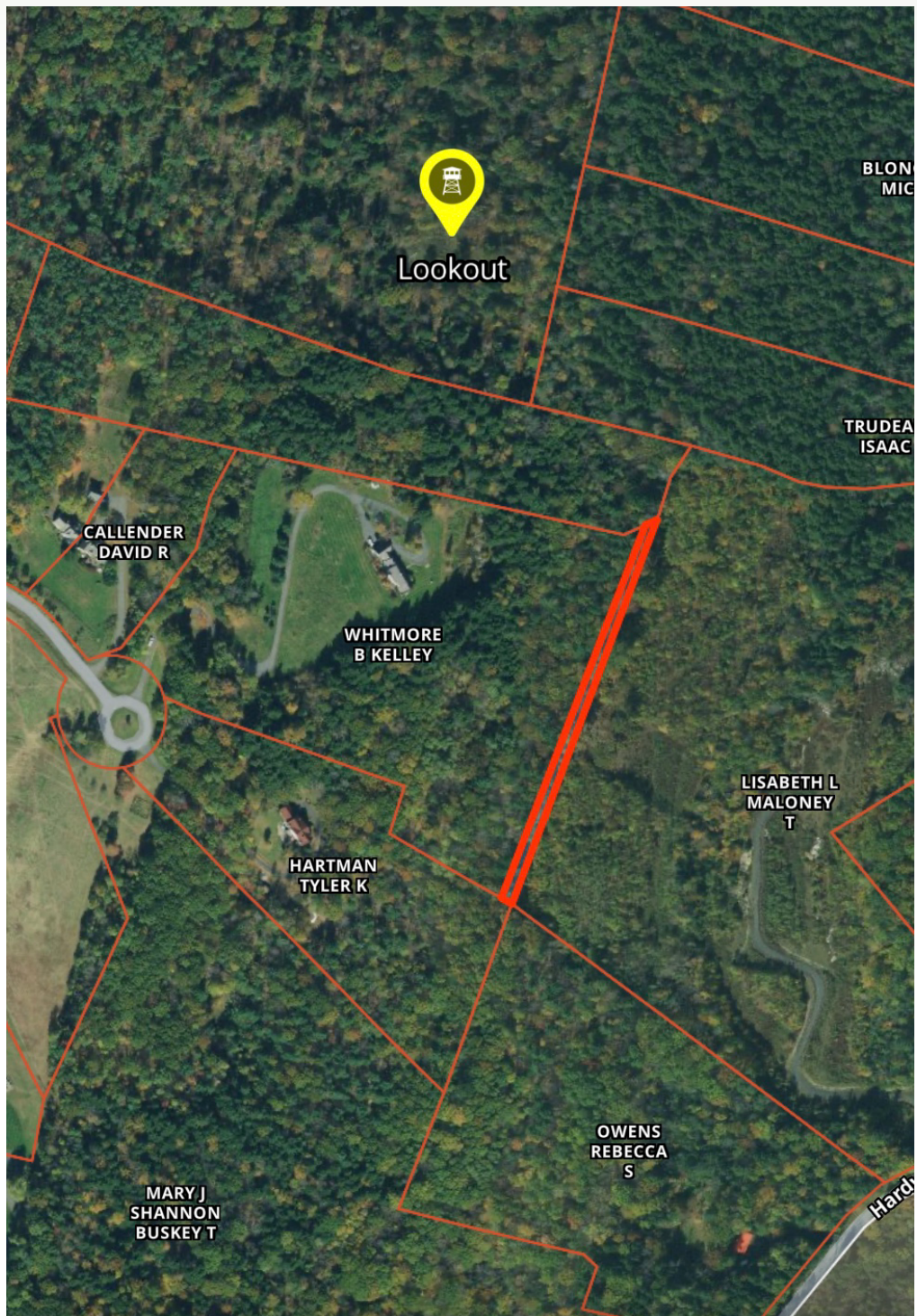
Kristin O'Neil (39 Eagle Ridge)

Shannon Buskey (14 Eagle Ridge)

Wil Buskey (14 Eagle Ridge)

Current 25-foot-wide recreational trail easement shown below is already in place for .42 acres of proposed land swap to replace “open space acreage” and therefore is ineligible to be considered.

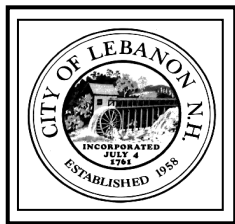




**Agenda
Planning Board
May 23, 2022**

**Agenda Item #2B
Public Hearing Items**

**Connor Regan (appellant),
KAB Properties, LLC
(applicant),
45 Mechanic Street
(Tax Map 106, Lot 36),
zoned LD
PB2022-20A-MSP**



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Planning Board

FROM: Planning and Development Department Staff

RE: KAB Properties, LLC, 5 Mechanic Street (Tax Map 24, Lot 1)
Appeal by Connor Regan of Minor Site Plan Approval (PB2020-20A-MSP)
May 23, 2022 Planning Board Meeting – *Agenda Item 2.A*

DATE: May 17, 2022

On April 14, 2022, the Minor Site Plan Committee approved a Minor Site Plan for 45 Mechanic Street (Tax Map 106, Lot 36), described in the legal notice as follows: "KAB Properties, LLC, 45 Mechanic Street (Tax Map 106, Lot 36), zoned LD: Applicant proposes to construct a 1,972 sq. ft. building for a proposed take-out food establishment (Domino's). PB2022-20-MSP."

A copy of the Committee's Notice of Action is attached hereto together with a copy of the draft meeting minutes. Also attached are the application materials which include the following:

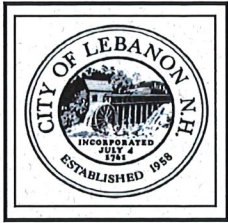
- An application form;
- Letter dated February 7, 2022, re-submitted March 29, 2022, from Daniel Nash, PE, of Advanced Geomatics & Design;
- Application for Minor Site Plan Review Support Statement;
- Plan set titled, "45 Mechanic Street," prepared by Advanced Geomatics & Design, dated February 7, 2022, last revised April 4, 2022 (9 sheets); and
- Letter dated April 13, 2022 from BGP Properties, LLC.

On April 22, 2022, Connor Regan, an abutter at 1 Blacksmith Street (Tax Map 106, Lot 36), sent a letter to the Minor Site Plan Committee identifying concerns with the site plan (see attached). Per Mr. Regan's letter, he was out of state and only received notice of the hearing after it had occurred. Staff provided a copy of this letter to the applicant, KAB Properties, LLC, owner of 45 Mechanic Street, on the same day. On May 4, 2022, Mr. Regan submitted a formal appeal of the Minor Site Plan Committee's decision (see attached).

Per the Site Plan Review Regulations, Section 3.2.A ("Appeal to Planning Board"): "A decision of the Minor Site Plan Committee may be appealed to the Planning Board in accordance with RSA 674:43, III, provided the appeal is filed within 20 days of the Committee's decision. The Planning Board shall hold a public hearing on any appeal, pursuant to the notice requirements and procedures set forth in Section 4.8. Any additional fees for notices shall be paid by the applicant. No new application fee shall be charged. All applicable procedures of Article IV shall apply."

Pursuant to Section 3.2.A, the appeal was timely filed. In hearing the appeal, the Board should first determine whether or not to grant the appeal following discussion with the appellant and the applicant, and following public input. If the Board grants the appeal, it should then proceed to hear the application anew and render a new decision. It may do so either at the May 23rd meeting or it may continue the hearing to a future Planning Board meeting.

cc: KAB Properties, LLC (via e-mail)
Connor Regan (via e-mail)



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

NOTICE OF ACTION LEBANON PLANNING BOARD PB2022-20-MSP

Notice is hereby given that on **April 14, 2022**, the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations:

Tim Cohen moved that the application of KAB Properties, LLC, 45 Mechanic Street (Tax Map 106, Lot 36), zoned LD is complete enough for the committee to accept jurisdiction and commence review.

The motion was seconded by Duane Egner. The vote on the motion was unanimous in favor, 4-0.

Notice is hereby given that on **April 14, 2022**, the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations:

Tim Corwin moved that the Lebanon Minor Site Plan Committee **APPROVE** the application of KAB Properties, LLC, regarding 45 Mechanic Street (Tax Map 106, Lot 36), zoned LD, PB2022-20-MSP, for Site Plan Review pursuant to Sections 3.1.C and 3.2 of the Lebanon Site Plan Review Regulations to construct a 1,972 sq. ft. building for a proposed take-out food establishment (Domino's), as shown on a plan set titled "45 Mechanic Street," prepared by Advanced Geomatics & Design, dated February 7, 2022, last revised April 4, 2022 (9 sheets), 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 make the following revisions to the plan set to the satisfaction of the Planning and Development Department and the City Engineer:
 - a. Clarify whether the existing water service will be "re-used" or if a new line is proposed, and identify sprinkler water connection, if provided.
 - b. Engineering plans and details of the retaining wall and building foundation wall at the rear of the site, and any associated site disturbances, limits of excavation, temporary and/or permanent easements, etc. should be shown and detailed within the plan set.
 - c. Identify location of foundation drainage and discharge point.
 - d. Identify location of grease trap if required by City Code.
 - e. Identify location of dumpster and provide required screening per Section 6.2 and 6.10.
 - f. Clarify proposed curbing along the perimeter of the eastern parking area.
 - g. Include a lighting plan identifying all lighting fixtures and providing specifications as required per Section 5.1.E.13 and demonstrating compliance with the light intensity requirements of Section 6.7.B.2.
 - h. Sheet 1 (Cover Sheet): Identify required parking spaces as "N/A" and remove "REQUIRED PARKING SET BY TABLES" language.
 - i. Sheet 2 (Overall Plan): Remove depiction of underground tanks if inaccurate.

- j. Sheet 3 (Existing Conditions): Identify features to be removed/demolished including but not limited to the existing building and retaining wall.
- k. Sheet 5 (Elevations): Identify all building materials, add lighting fixtures, provide transparency calculation per Section 6.10.B.9.b.i(a) of the Site Plan Review Regulations, and provide a label for the fence.
- l. Sheet 7 (Site Plan):
 - i. Add bicycle parking
 - ii. Add location of wall-mounted light fixtures
 - iii. Update label of "existing" building to "proposed"
 - iv. Ensure that footprint of proposed building is accurate and provide outline of proposed overhang
 - v. Ensure width of sidewalk is consistent with depiction of sidewalk on Sheet 4 (Floor Plan)
 - vi. Identify pad at the northeast corner of the building, located adjacent to the sidewalk
 - vii. Ensure text on plat is legible and does not overlap with other text; and
 - viii. Indicate that the retaining wall is proposed.
- m. Sheet 8 (Landscape Plan):
 - i. Update label of "existing" building to "proposed"
 - ii. Ensure that footprint of proposed building is accurate and provide outline of proposed overhang
 - iii. Utilize the proposed site plan and correct discrepancies (e.g., a portion of the proposed sidewalk adjacent to the northeast corner building is missing)
 - iv. Remove red clouding
 - v. Replace perimeter landscaping table with table identify existing trees and shrubs to remain
 - vi. Provide text that is currently cropped along the right-hand side of the sheet; and
 - vii. Clarify that the vegetation identified in the Plant Legend is new.

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. 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

3. 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.
4. The architect shall investigate means of minimizing light spill from the interior of the building.

5. 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

6. The impact fee calculated pursuant to Condition of Approval #3 shall be paid.
7. All improvements depicted on the plan, including the striping of parking spaces, 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.

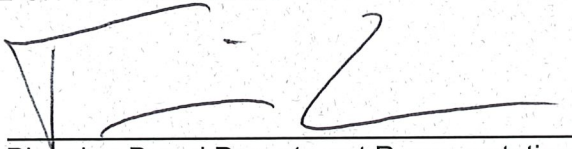
General Conditions

8. The applicant shall obtain a sign permit prior to the installation of any signage as required by Section 608 of the Zoning Ordinance and shall comply with all applicable requirements of Section 608 including the illumination requirements of Section 608.4.A.6 and providing a lighting plan as required by Section 608.4.A.6.a.
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.

The motion was seconded by Tim Cohen. The vote on the motion was approved, 5-0.

THE CITY OF LEBANON

By:


Planning Board Department Representative

DATE:

5/17/22

DRAFT

**LEBANON MINOR SITE PLAN COMMITTEE
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE
THURSDAY, APRIL 14, 2022, 1:30PM**

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

MEMBERS ABSENT: Rebecca Owens (Associate Planner)

STAFF PRESENT: Calvin Hunnewell (Building Inspector)

1. Call to Order

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

2. Notice of Regional Impact

Staff recommends that the application being heard today has the potential for regional impact.

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

The motion was seconded by Tim Cohen.

**The MOTION was approved (4-0).*

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

A MOTION by Tim Cohen that the application of KAB Properties, LLC, 45 Mechanic Street (Tax Map 106, Lot 36), zoned LD is complete enough for the committee to accept jurisdiction and commence review.

The motion was seconded by Duane Egner.

**The MOTION was approved (4-0).*

3. Public Hearing Items

- A. KAB Properties, LLC, 45 Mechanic Street (Tax Map 106, Lot 36), zoned LD:** Applicant proposes to construct a 1,972 sq. ft. building for a proposed take-out food establishment (Domino's). PB2022-20-MSP

Dan Nash of Advanced Geomatics & Design and Bobby Oakes (remote) attended in support of the application.

Mr. Nash described the site and project.

1 Mr. Corwin stated that the building design requirements are in the Site Plan Regulations. The
2 architectural in the site plan do need to match those with the building permit application and must be
3 substantially similar.

4
5 Mr. Corwin inquired about the advantages of underground propane tanks.

6
7 Mr. Vincent inquired about a functioning kitchen needing a grease trap. It would be necessary to agree
8 that it applies and consulting the sewer standard would provide guidance. The requirements would go
9 forward with the property for any future owners. More detail on the wall design would be needed in terms
10 of impact on the abutting property.

11
12 Mr. Corwin commented on the clarity of the plan and the need for additional details. The conditions of
13 approval were provided to both the applicant and the committee members. Jeremy Katz of BGP
14 Properties, LLC, owner of 50 Mechanic Street, sent a letter, which Mr. Corwin read to the committee and
15 applicant, approving of the project but expressing concern regarding lighting impact on the residents
16 across the street.

17
18 Mr. Corwin stated that the benefit of a public hearing is to review information that isn't apparent or
19 express concerns on various impacts. The interior lighting may be part of the overall lighting
20 considerations. The business is an advantage to the neighborhood but will have an impact on the local
21 residents.

22
23 Mr. Egner suggested some type of special windows or shades to minimize the impact.

24
25 Mr. Corwin stated that they could make it a condition of approval. There isn't anything that can be done
26 regarding the hours of operation. Perhaps screens could be lowered after a certain at night to lessen the
27 lighting impact.

28
29 Mr. Nash commented on the parking.

30
31 Mr. Corwin noted several items in the conditions of approval and inquired about fencing around the
32 building.

33
34 Mr. Corwin inquired about a dumpster outside. Mr. Oakes offered to find out. Mr. Corwin stated that it
35 will need to be screened.

36
37 Rebecca Owens arrived at 2:04 PM.

38
39 Mr. Oakes confirmed that a dumpster is needed on site.

40 Mr. Corwin inquired about the curbing. Mr. Vincent stated that curbing needs to allow drainage.

41 Mr. Corwin inquired about mechanical equipment on the roof. Mr. Oakes stated that there would be no
42 mechanical equipment on the ground, but he will confirm that.

43 Mr. Corwin inquired about a free-standing sign.

44 Mr. Oakes confirmed that all mechanicals would be on the roof.

45 Mr. Corwin stated that they would include everything in the conditions.

46 Mr. Oakes confirmed that there would be no free-standing sign, only a sign on the building.

47
48
49 A MOTION by Tim Corwin that the Lebanon Minor Site Plan Committee **APPROVE** the application of
50 KAB Properties, LLC, regarding 45 Mechanic Street (Tax Map 106, Lot 36), zoned LD, PB2022-20-MSP,
51 for Site Plan Review pursuant to Sections 3.1.C and 3.2 of the Lebanon Site Plan Review Regulations to

construct a 1,972 sq. ft. building for a proposed take-out food establishment (Domino's), as shown on a plan set titled "45 Mechanic Street," prepared by Advanced Geomatics & Design, dated February 7, 2022, last revised April 4, 2022 (9 sheets), 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 make the following revisions to the plan set to the satisfaction of the Planning and Development Department and the City Engineer:
 - a. Clarify whether the existing water service will be "re-used" or if a new line is proposed, and identify sprinkler water connection, if provided.
 - b. Engineering plans and details of the retaining wall and building foundation wall at the rear of the site, and any associated site disturbances, limits of excavation, temporary and/or permanent easements, etc. should be shown and detailed within the plan set.
 - c. Identify location of foundation drainage and discharge point.
 - d. Identify location of grease trap if required by City Code.
 - e. Identify location of dumpster and provide required screening per Section 6.2 and 6.10.
 - f. Clarify proposed curbing along the perimeter of the eastern parking area.
 - g. Include a lighting plan identifying all lighting fixtures and providing specifications as required per Section 5.1.E.13 and demonstrating compliance with the light intensity requirements of Section 6.7.B.2.
 - h. Sheet 1 (Cover Sheet): Identify required parking spaces as "N/A" and remove "REQUIRED PARKING SET BY TABLES" language.
 - i. Sheet 2 (Overall Plan): Remove depiction of underground tanks if inaccurate.
 - j. Sheet 3 (Existing Conditions): Identify features to be removed/demolished including but not limited to the existing building and retaining wall.
 - k. Sheet 5 (Elevations): Identify all building materials, add lighting fixtures, provide transparency calculation per Section 6.10.B.9.b.i(a) of the Site Plan Review Regulations, and provide a label for the fence.
 - l. Sheet 7 (Site Plan):
 - i. Add bicycle parking
 - ii. Add location of wall-mounted light fixtures
 - iii. Update label of "existing" building to "proposed"
 - iv. Ensure that footprint of proposed building is accurate and provide outline of proposed overhang
 - v. Ensure width of sidewalk is consistent with depiction of sidewalk on Sheet 4 (Floor Plan)
 - vi. Identify pad at the northeast corner of the building, located adjacent to the sidewalk
 - vii. Ensure text on plat is legible and does not overlap with other text; and
 - viii. Indicate that the retaining wall is proposed.
 - m. Sheet 8 (Landscape Plan):
 - i. Update label of "existing" building to "proposed"
 - ii. Ensure that footprint of proposed building is accurate and provide outline of proposed overhang
 - iii. Utilize the proposed site plan and correct discrepancies (e.g., a portion of the proposed sidewalk adjacent to the northeast corner building is missing)
 - iv. Remove red clouding
 - v. Replace perimeter landscaping table with table identify existing trees and shrubs to remain
 - vi. Provide text that is currently cropped along the right-hand side of the sheet; and
 - vii. Clarify that the vegetation identified in the Plant Legend is new.

1
2 The applicant shall provide the Planning and Development Department with one (1) full size copy
3 of the revised plan set, and a digital copy of the revised plan set saved in a PDF-A format for
4 archival purposes.
5

- 6 2. The applicant shall obtain approval from the City Council or the City Manager's office for any
7 additional water and/or sewer flows in accordance with the applicable Chapter 136 and 182 of the
8 City Code.
9

10 **Conditions to be Satisfied Prior to the Issuance of a Building Permit**
11

- 12 3. The development is subject to the City of Lebanon impact fees, pursuant to Section 213 of the
13 Zoning Ordinance. The Impact Fee shall be calculated at the time of Building Permit issuance based
14 on the Impact Fee Schedule adopted on October 12, 2021, and such fees shall be due and payable
15 at the time of issuance of a Certificate of Occupancy. In accordance with RSA 674:39, any building
16 permits which are issued after five years from the date of approval shall be fully subject to whatever
17 impact fees and methodology are in effect at the time of building permit issuance.
18
19 4. The architect shall investigate means of minimizing light spill from the interior of the building.
20
21 5. All water and sewer fees shall be paid as set forth in City Code Chapter 68.
22

23 **Conditions to be Satisfied Prior to the Issuance of a Certificate of Occupancy**
24

- 25 6. The impact fee calculated pursuant to Condition of Approval #3 shall be paid.
26
27 7. All improvements depicted on the plan, including the striping of parking spaces, shall be completed,
28 and shall be constructed as depicted on the approved plan, including any modifications to the plan
29 as may be approved by the Planning Board in accordance with the Site Plan Review Regulations.
30

31 **General Conditions**
32

- 33 8. The applicant shall obtain a sign permit prior to the installation of any signage as required by
34 Section 608 of the Zoning Ordinance and shall comply with all applicable requirements of Section
35 608 including the illumination requirements of Section 608.4.A.6 and providing a lighting plan as
36 required by Section 608.4.A.6.a.
37
38 9. All required landscape plantings shall meet the minimum size requirements for such plantings set
39 forth in Section 6.2.B of the Site Plan Review Regulations at the time of installation.
40

41 *The motion was seconded by Tim Cohen.*

42 **The MOTION as approved (5-0).*
43
44

45 **4. Other Business - None**
46
47

48 **5. Approval of Minutes**
49

- 50 A. January 13, 2022, and February 24, 2022
51

1 *A MOTION by Tim Cohen to approve the Minor Site Plan Committee Minutes of January 13, 2022,*
2 *and February 24, 2022, as presented.*
3 *The motion was seconded by Brian Vincent*
4 **The MOTION was approved (5-0).*
5
6

7 **6. Adjournment**
8

9 *A MOTION by Tim Cohen to adjourn the meeting*
10 *The motion was seconded by Brian Vincent.*
11

12 **The MOTION was approved (5-0).*
13

14 The meeting was adjourned at 2:27 PM.
15

16 Respectfully submitted,
17

18 Holly Howes
19 Recording Secretary

Minor Site Plan Committee
51 North Park Street
Lebanon, NH, 03766

May 4th 2022

Dear Minor Site Plan Committee,

I am writing as the resident and owner of 1 Blacksmith Street (Lot 106-37) regarding the development of 45 Mechanic Street (Lot 106-36) for the proposed Domino's location.

I am a direct abutter to the proposed site and would like to file an appeal for a hearing regarding this development. As stated in my letter sent on April 22nd I was not aware of the original hearing until after the hearing had occurred and there are significant implications and impacts on myself and the neighborhood both in the immediate construction and over the long term occupation of the property.

Please do not hesitate to call me at 207-615-5195 or email me at connorregan24@gmail.com with any questions.

Best,

Connor

Minor Site Plan Committee
51 North Park Street
Lebanon, NH, 03766

Dear Minor Site Plan Committee,

I am writing as the resident and owner of 1 Blacksmith Street (Lot 106-37) regarding the development of 45 Mechanic Street (Lot 106-36) for the proposed Domino's location.

I returned from out of state travel to find the notice of the hearing. If I was aware of the hearing I would have attended but had no knowledge of the meeting until after it occurred. After reading the letter I promptly contacted Tim Corwin to get more information.

I support the development of the lot and have respect for the entrepreneurial vision to renovate the property. As a resident directly abutting a commercial location I ask that my concerns are heard by the committee.

1. My primary concern is in regards to both light and sound pollution due to the traffic from Domino's delivery drivers or customers picking up orders until Midnight and 1AM on Saturday and Sunday. Cars pulling into the 45 Mechanic street driveway will direct their headlights into my bedroom, living room, dining room and kitchen and the sound of cars and people entering and leaving the lot will reach my home. I ask for a physical barrier or combination of physical and natural barriers which will help shield my residence from the inevitable disturbances. I request that an 8 ft tall privacy wall (starting from the top of the retaining wall) and running the full length of the property abutting the domino's lot. I ask that the privacy wall be solid, not allowing light through with sound reducing properties. Trees or other shrubbery may make this more visually appealing and reduce sound. A physical barrier would also help prevent litter and garbage from blowing into my property. Minimizing outdoor lighting and bright signage would be preferred.
2. I believe the existing retaining wall is to be demolished with plans to erect a new one. I support this and am happy to allow machinery onto my property to make this process easier. I ask that the retaining wall is visually appealing and that it is within the property line. I ask that runoff from the location not be directed into my yard. I ask that larger trees remain and once the construction is complete that the grass and landscape be returned to a state that is consistent with what it was like prior to the construction. I would like more information on what parts of the wall will be replaced and when.
3. After speaking with the owners and residents of 3, 5 and 7 Blacksmith Street and 42 Mechanic street regarding this development I can summarize that there is general disappointment that the location is to become a national chain restaurant rather than a more local business and there are concerns regarding hours of operation and disturbances. Any effort to make this Domino's location look less like a chain and more local would be appreciated by the neighborhood. Examples include using wooden

shingles on the outside of the building rather than concrete or metal, using more subtle signage, reducing bright paint and lights and generally making the building feel more local and less cookie cutter/commercial. Acknowledging that a reduction in operating hours is in direct conflict with the business objectives of Dominos, any change to the hours of operation, particularly mid week, for example moving from 12 AM- to 11AM would be appreciated.

I would like to ask if it is possible that my input can be considered on this application and request that it be included in the public record?

Please do not hesitate to call me at 207-615-5195 or email me at connorregan24@gmail.com with any questions.

Best,

Connor

**CITY OF LEBANON
APPLICATION FOR**

SPECIAL EXCEPTION	☐	☐	SITE PLAN REVIEW
VARIANCE	☐	☐	SUBDIVISION
MOTION FOR REHEARING	☐	☐	LOT LINE ADJUSTMENT
APPEAL OF AN ADMIN. DECISION	☐	☐	CONDITIONAL USE PERMIT
MINOR SITE PLAN REVIEW	☒	☐	OTHER

PROPERTY OWNER (APPLICANT):

NAME: KAB PROPERTIES, LLC (Keith Bell) TEL.#: (802) 505-8244
MAILING ADDRESS: PO BOX 1220, LEBANON, NH 03766
E-MAIL ADDRESS: keith@nolimitpizza.com

CO-APPLICANT, AGENT, OR LESSEE:

NAME: TEL.#:
MAILING ADDRESS:
E-MAIL ADDRESS:

PROJECT LOCATION:

TAX MAP #: 106 LOT#: 36 PLOT #: ZONE: LD
STREET ADDRESS OF PROJECT: 45 MECHANIC STREET
IS THIS PROPERTY LOCATED IN THE: **WETLANDS** ☐ YES ☒ NO **HISTORIC DISTRICT** ☐ YES ☒ NO
FLOOD PLAIN ☐ YES ☒ NO

SCOPE OF PROJECT:

~~Convert existing laundromat to a pizza shop~~

Reconstruct 1,972 sq. ft bld. for pizza shop

TYPE OF OCCUPANCY:

EXISTING ☐ VACANT ☐ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☒ COMMERCIAL ☐ INDUSTRIAL
PROPOSED ☐ VACANT ☐ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☒ COMMERCIAL ☐ INDUSTRIAL
IF USE IS **COMMERCIAL** OR **INDUSTRIAL**, PLEASE NOTE **SPECIFIC**
USE: Pizza shop

SIGNATURE BLOCK:

FOR PLANNING BOARD APPLICATIONS ONLY: I, the undersigned, hereby submit this application on the date noted below with the knowledge and understanding that the Planning Board shall determine if the submitted application is complete according to its regulations at its next regularly scheduled meeting on 24 Feb, 2022, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

PROPERTY OWNER: [Signature] DATE: 2/3/2022
PRINT NAME: KAB PROPERTIES, LLC (Keith Bell) 3/29/2022

NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW: I hereby designate the person listed above as my agent for the purpose of procuring the necessary local permits for the proposed work as described herein. Representations made by my agent may be accepted as though made by me personally, and I understand that I am bound by any official decision made on the basis of such representation.

PROPERTY OWNER: DATE:

DATE RECEIVED	FILE # (Map/Lot)	APPLICATION #	FEE - \$ AMOUNT	DATE PAID	VOUCHER #
3-29-22	106/360	PB2022- 20-mSP	197.08	4-4-22	747852

(Last Revised 11/03/2021)



7 February 2022

Re-submitted 29Mar22

Tim Corwin, Planning Office
City of Lebanon
51 North Park Street
Lebanon, NH 03766

Re: Site Plan Lot 106-36
45 Mechanic Street

Dear Mr. Corwin:

Attached is our minor site plan application for 45 Mechanic Street. The owner is KAB Properties, LLC and the contractor is Oakes and Son Construction.

The existing site was a laundromat. It went into operation some time in the 80's. The proposed use is a pizza restaurant. There will be no dining in. Pizzas will be picked up by customers or delivered. Hours of operation are planned to be 10am to midnight, Sunday through Thursday and 10am to 1am, Friday and Saturday. The restaurant plans to have up to 6 employees at the site at any time; 3 working the restaurant and 3 on delivery duty.

All of the proposed changes are to be to the interior of the building and the shell (windows and doors). The sign is proposed to be replaced. A separate application for the new sign will be submitted separately.

The existing site is paved and striped. It appears there are 10 spaces, one being handicapped.

The eastern portion of the site drains to the rear of the property, across the grassed slope. The westerly portion drains to a catch basin in Mechanic Street. No site changes are proposed so there will be no changes to drainage patterns or quantities.

There is a site light on each side of the building, illuminating the adjacent respective paved areas.

There are two sidewalks serving the site and connected to the city sidewalk.

The site is served by water and sewer. The connections are shown on Sheet C-29, which was extracted from the city's CSO plans.

45 Mechanic St
City of Lebanon
7Feb2022

Please let us know if you need any additional materials to support this request.

Sincerely,

Daniel A. Nash, PE
Principal

Attached:
-Application
-Support Statement/Checklist
-Abutters
-Fee calc
-Fee check
-Plan set (separate)

CC: KAB Properties
Bobby Oakes

M:\2022_projects\22-002\col_kab_oakes_7FEB2022.docx



City of Lebanon, New Hampshire

APPLICATION FOR MINOR SITE PLAN REVIEW

SUPPORT STATEMENT

Office Use Only Date Received: _____ Application No.: _____

I. APPLICATION CHECKLIST [per §3.2.B.7 of the Site Plan Review Regulations]

- An Application, completed in full and signed by the property owner [§3.2.B.7.a]
- This Support Statement, completed in full and signed by the applicant [§3.2.B.7.b]
- Payment of the appropriate filing fees [§3.2.B.7.c]
- A completed Public Hearing Notification List [§3.2.B.7.d]
- A digital copy of the site plan set, prepared in accordance with the requirements of §3.2.B.7.e, in .PDF format
- Optional: photos and any other materials in support of your application

II. PROJECT DESCRIPTION

Describe your proposed project with as much detail as possible, including but not limited to changes to the use(s), to the exterior of the building, and to the site. You can respond in the space provided below or on a separate sheet of paper.

KAB PROPERTIES, LLC proposes to convert the existing laundromat building into a take-out pizza restaurant. all of the proposed changes will be inside the building, except for the signage (signage will be applied for separately) The existing parking will meet the needs of employees, delivery drivers, and customers for pizza pickup.

III. SITE PLAN TECHNICAL CHECKLIST

The site plan shall:	Info. Provided
<u>3.2.B.7.e</u> - Be scaled	☒
<u>3.2.B.7.e</u> - Be prepared utilizing the current approved site plan as a base map, if available city GIS data used	☒
<u>3.2.B.7.e</u> - Identify all abutters	☒
<u>3.2.B.7.e.i</u> - Indicate the site location	☒
<u>3.2.B.7.e.i</u> - Indicate the address of the subject property	☒
<u>3.2.B.7.e.i</u> - Indicate the zoning classification of the subject property	☒
<u>3.2.B.7.e.ii</u> - Describe the size, shape, and use of the subject property	☒
<u>3.2.B.7.e.ii</u> - Describe relevant information about existing site topography, drainage, hydrologic features, vegetation, and other natural features	☒
<u>3.2.B.7.e.ii</u> - Describe proposed changes to site topography, drainage, hydrologic features, vegetation, and other natural features	N/A

MINOR SITE PLAN REVIEW

Support Statement

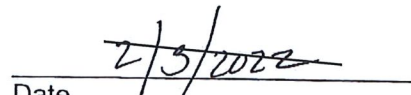
Page 2 of 2

The site plan shall:	Info. Provided	Not Applicable
3.2.B.7.e.iii - Show the size, dimensions, location, and height (as applicable) of: - existing structures - proposed structures - expansions to existing structures - landscaping - parking areas - walkways / ramps - driveways - lighting fixtures - stormwater control devices - exterior waste receptacles - exterior equipment - utilities - all other improvements	☒ N/A N/A N/A ☒ ☒ ☒ ☒ N/A N/A N/A ☒ N/A	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐
3.2.B.7.e.iv (Article VI design compliance) - Identify or show: where/how stormwater will be discharged	☒	X
3.2.B.7.e.v (Zoning Ordinance compliance) - Identify or show: - setbacks (in ft.) of existing buildings and structures - setbacks (in ft.) of proposed buildings and structures - existing use(s) of property - proposed use(s) of property - size of each existing and proposed non-residential unit - number of existing and proposed dwelling units - number of existing on-site parking spaces - for each use, the number of required parking spaces per Section 607 of the Zoning Ordinance - total proposed number of on-site parking spaces	☒ N/A ☒ ☒ ☒ N/A ☒ ☒ ☒ ☒	☐ ☐ X X ☐ ☐ ☐ ☐ ☐

I hereby attest that to the best of my knowledge all of the information on this Support Statement and in the accompanying Minor Site Plan application materials and documentation is true and accurate.


Signature of Applicant

KAB PROPERTIES, LLC (Keith Bell)


Date
3/29/2022

45 MECHANIC STREET

LEBANON, GRAFTON COUNTY, NEW HAMPSHIRE

MINOR SITE PLAN

OWNER/APPLICANT
KAB PROPERTIES, LLC
PO BOX 1220
LEBANON, NH 03766

CONTRACTOR
OAKES & SON CONSTRUCTION, LLC
209 DARTMOUTH COLLEGE HIGHWAY
LEBANON, NH 03766

CIVIL ENGINEER
DANIEL A. NASH, PE
ADVANCED GEOMATICS AND DESIGN
PO BOX 512
105 BANK STREET
LEBANON, NH 03766
advancedgeomatrics@comcast.net

SHEET
NUMBER

2	OVERALL PLAN	OA-1
3	BOUNDARY & EXISTING CONDITIONS PLAN	-
4	FLOOR PLAN	A-1
5,6	BUILDING ELEVATIONS	A-2,3
7	SITE PLAN	C-1
8	LANDSCAPE PLAN	L-1
9	CITY OF LEBANON UTILITY PLAN	C-29

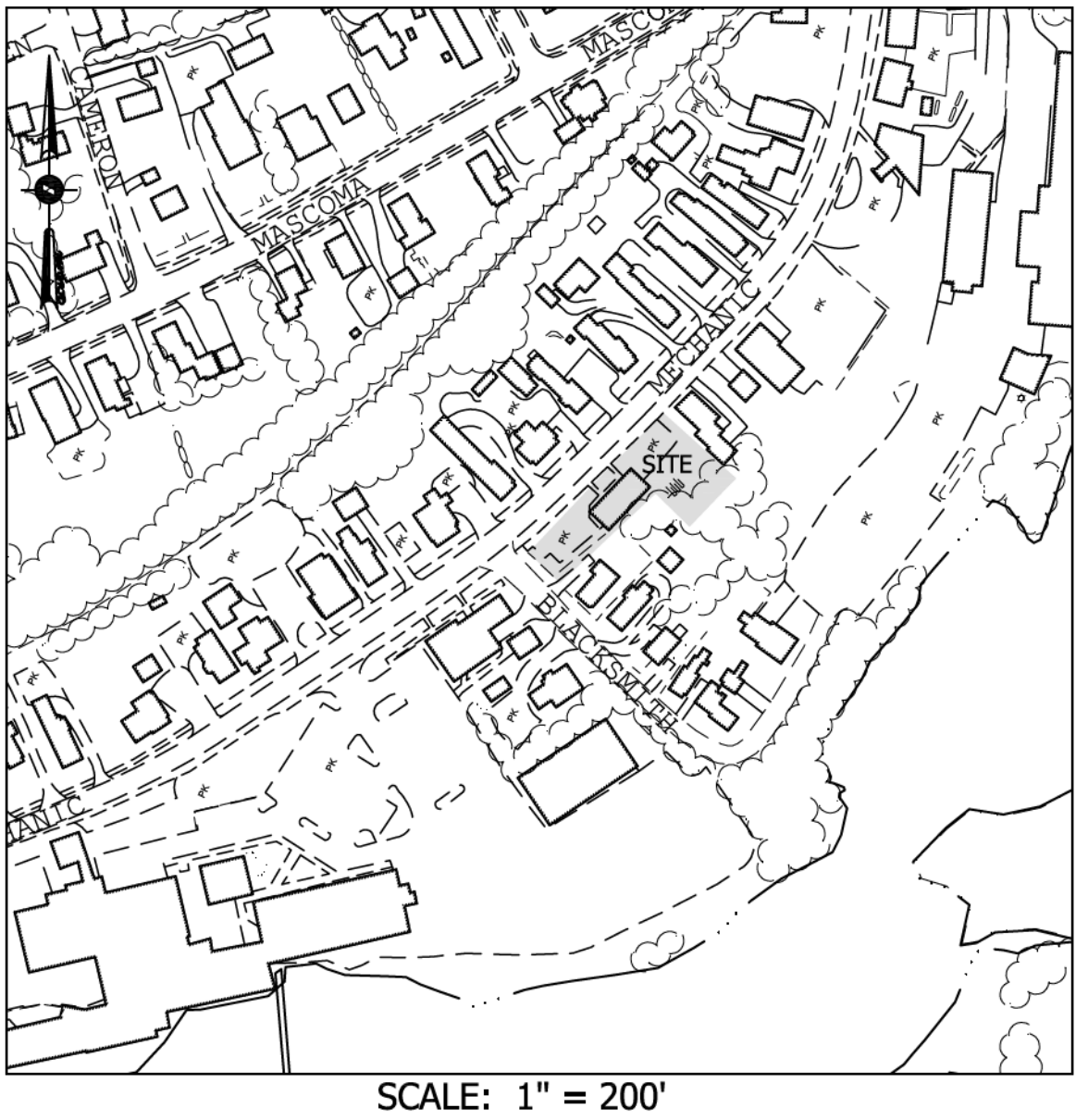


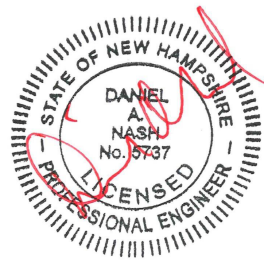
TABLE OF CONTENTS

ZONING COMPARISON - LD DISTRICT			
	EXISTING	PROPOSED	REQUIRED
LOT SIZE	0.37± Acres	0.37± Acres	
	16,195sf	16,195sf	3,000sf
FRONTAGE: MECHANIC STREET	219'	219'	40'
FRONT YARD: MECHANIC	18'	18'	NONE
FRONT YARD: BLACKSMITH	82'	82'	NONE
SIDE YARD:	70'	70'	NONE
REAR YARD:	5'	5'	10'
BUILDING FOOTPRINT (s.f.):			
EXISTING BUILDING:	1,972sf	1,972sf	
% BLDG. COVERAGE	12%	12%	NONE
IMPERVIOUS AREA (sf)	7,543sf	7,543sf	
% IMPERVIOUS COV.	47%	47%	NONE
HEIGHT	20±'	20±'	55' max.
USE: -EXISTING	LAUNDROMAT		
USE: -PROPOSED	RESTAURANT		
PARKING (REG./HC.)	9/1	9/1	??

RESTAURANT USE
REQUIRED PARKING SET BY TABLES; NO INSIDE DINING
6 EMPLOYEES

NOTES:

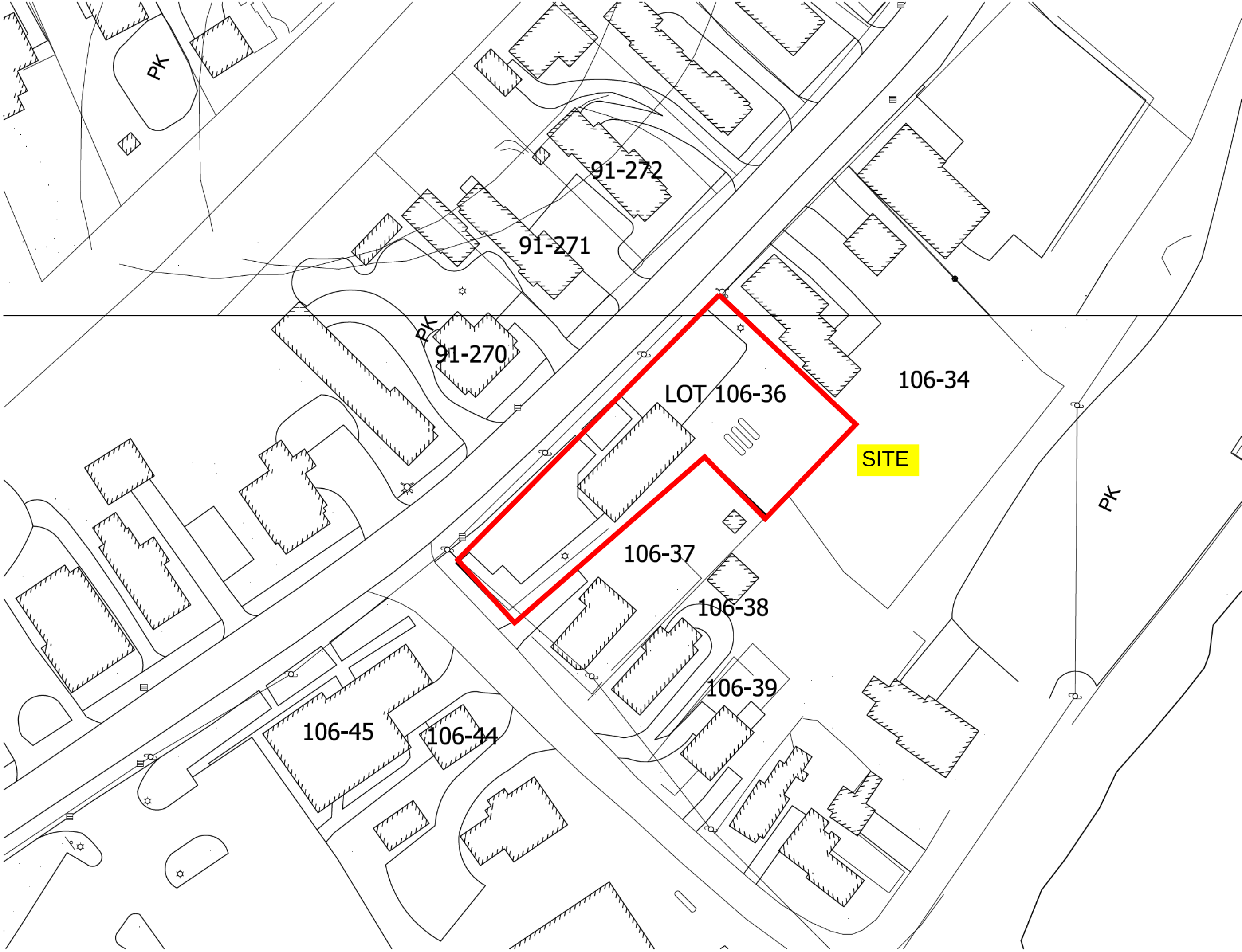
- THIS PARCEL IS SHOWN AS LOT 106-36 THE LEBANON TAX MAPS.
- THIS PARCEL IS SERVED BY MUNICIPAL WATER AND SEWER.
- THIS PARCEL IS NOT SUBJECT TO THE WETLANDS OVERLAY DISTRICT.
- THIS PARCEL IS NOT SUBJECT TO THE FLOOD OVERLAY DISTRICT.
- SUBJECT PARCEL IS ZONED LD.



SHEET 1 OF 9

4/04/2022
~~3/29/2022~~
~~2/07/2022~~
MINOR SITE PLAN
PN: 22-002

ID	Site Address	Owner Name	Co-Owner	Owner Address	Owner City	Owner State	Owner Zip
91-270	50 MECHANIC ST	BGP PROP LLC		PO BOX 1325	LEBANON	NH	03766
91-271	48 MECHANIC ST	HOANG, HANA		422 LOCKHAVEN RD	ENFIELD	NH	03748
91-272	44 MECHANIC ST	DAUPHINAIS, FRANCIS P TTEE		PO BOX 483	HOLDEN	MA	01520
106-34	43 MECHANIC ST	WONG, JANET		23 ELDRIDGE ST	LEBANON	NH	03766
106-37	1 BLACKSMITH ST	REGAN, CONNOR		1 BLACKSMITH ST	LEBANON	NH	03766
106-38	3 BLACKSMITH ST	SANTANA, JORGE &		3 BLACKSMITH ST	LEBANON	NH	03766
106-44	2 BLACKSMITH ST	RIVERMILL COMMER CTR LLC		85 MECHANIC ST, STE 140	LEBANON	NH	03766
106-45	55 MECHANIC ST	RIVERMILL COMM CTR LLC		85 MECHANIC ST, STE 140	LEBANON	NH	03766
106-62	56 MECHANIC ST	GOODWIN PROPERTIES, LLC		PO BOX 1421	LEBANON	NH	03766



OVERALL PLAN
SCALE: 1"=50'

OVERALL PLAN
FOR
KAB PROPERTIES, LLC
IN
LEBANON, NH

ADVANCED GEOMATICS & DESIGN
105 BANK STREET - PO BOX 512
LEBANON, NEW HAMPSHIRE 03766
PHONE: (603) 448 6295
E-MAIL: advancedgeomatcs@comcast.net

SURVEYED: GIS

DESIGNED: DAN

DRAWN: DAN

CHECKED: DAN

DATE: 02/07/2022

KAB
PROPERTIES

OVERALL
PLAN

OA-1

© 2022

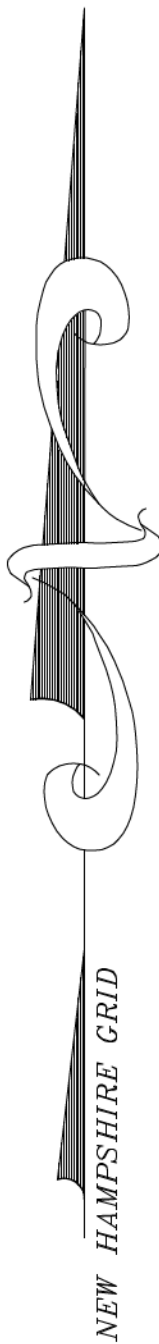
ADVANCED GEOMATICS & DESIGN

DWG: C:\

SHEET 2 OF 9

Page 35 of 47

FOR REGISTRY USE



GOODWIN PROPERTIES LLC
LOT 106-62
P.O. BOX 1421
LEBANON, NH 03766

BGP PROPERTIES LLC
LOT 91-270
P.O. BOX 1325
LEBANON, NH 03766

HANA HOANG
LOT 91-271
422 LOCKHAVEN ROAD
ENFIELD, NH 03748

FRANCIS P. DAUPHINAIS, TTE
LOT 91-272
P.O. BOX 483
HOLDEN, MA 01520

JANET WONG
LOT 106-34
23 ELDRIDGE ST.
LEBANON, NH 03766
VOL. 4606 PAGE 516

- PLAN REFERENCES
- "PROPERTY OF JAMES & THOMAS GOSSELIN, LEBANON, NH"; DATED JUNE 1980; PREPARED BY T & M SURVEYS INC.
 - "PROPERTY OF LUCILLE FULBERT DEMERS, LEBANON, NH"; DATED DEC. 1993; PREPARED BY PIERRE J. BEDARD, LLS.

LEGEND

- REBAR SET
- IRON PIPE OR PIN FOUND
- STONE WALL
- UTILITY POLE
- LIGHT POLE
- OVERHEAD WIRES
- CATCH BASIN
- DRAIN MANHOLE
- DRAIN LINE
- SEWER MANHOLE
- SEWER LINE
- GATE VALVE
- HYDRANT
- CURB STOP
- WATER LINE

GRAPHIC SCALE



(IN FEET)
1 inch = 15 ft.

NOTES

- OWNER OF RECORD OF LOT 106-36: KAB PROPERTIES, LLC, P.O. BOX 1220, LEBANON, NH 03766. DEED REFERENCE: VOL. 4697 PAGE 40.
- BEARINGS SHOWN HEREON ARE REFERENCED TO THE STATE OF NEW HAMPSHIRE GRID SYSTEM.
- ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NAVD88 DATUM.
- THE SUBJECT PROPERTY IS IN THE LD ZONING DISTRICT.
- THIS PROPERTY MAY BE BENEFITTED BY AND SUBJECT TO, RIGHTS OF WAY AND EASEMENTS OF RECORD RECORDED IN THE GRAFTON COUNTY REGISTRY OF DEEDS.

EXISTING CONDITIONS PLAN OF LAND OF

KAB PROPERTIES, LLC

LOT 106-36

45 MECHANIC STREET, LEBANON, NEW HAMPSHIRE

PREPARED BY

PATON LAND SURVEYING

150 SOUTHRIDGE ST., SPRINGFIELD, VT 05156

DATE: MARCH 31, 2022 SCALE: 1"=15'

DRAWN BY CTP. CK'D BY CTP

SURVEYED BY CTP. JR

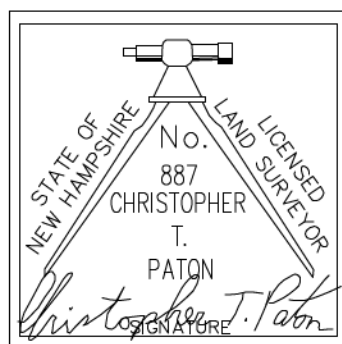
PROJ. NO. 2022-

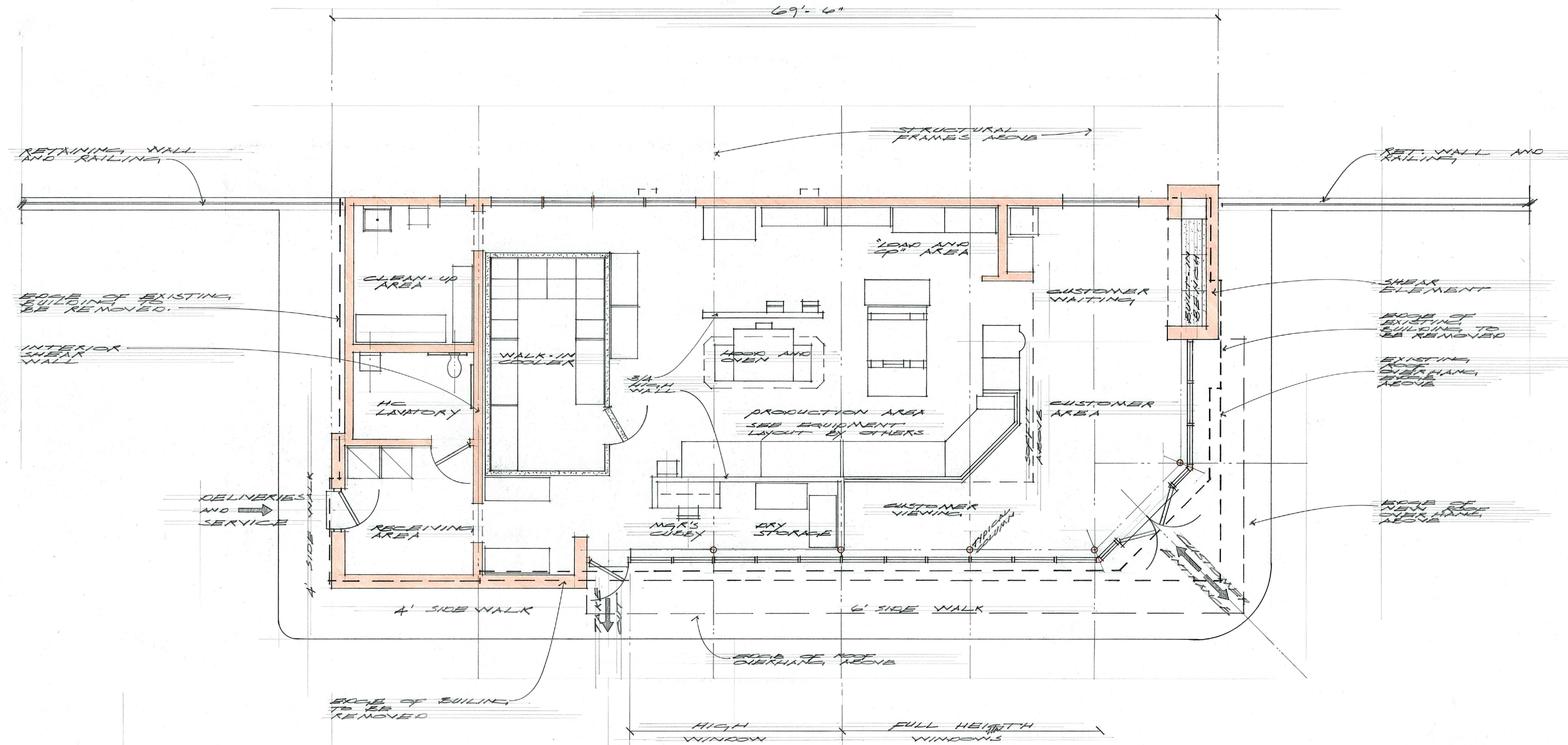
SHEET 3 OF 9

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO N.H.R.S.A. TITLE LXIV AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN. RSA 676:18,III

APRIL 1, 2022
DATE

LICENSED LAND SURVEYOR (SEAL)





NEW DOMINOS PIZZABAKERY STONE
 45 MECHANIC STREET
 LEBANON • NEW HAMPSHIRE

frank J. barrett architecture
 FRANK J. BARRETT, JR. AIA
 281 The Bend Road • Greensboro Bend • VT 05842
 (802) 296-0004 • frank@barrettjr.com

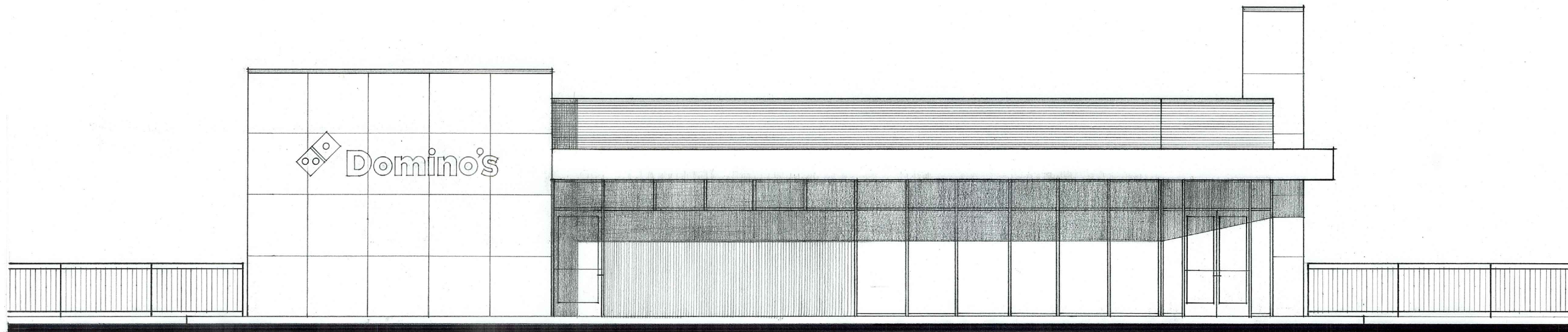
DATE: MARCH 10'22
 REVISED:

FLOOR PLAN
 SCALE: 1/4" = 1'-0"

SHEET 4 OF 9

A-1

1 OF 3



• NORTH FRONT •



• WEST SIDE •

• ELEVATIONS •

SCALE: 1/4" = 1'-0"

SHEET 5 OF 9

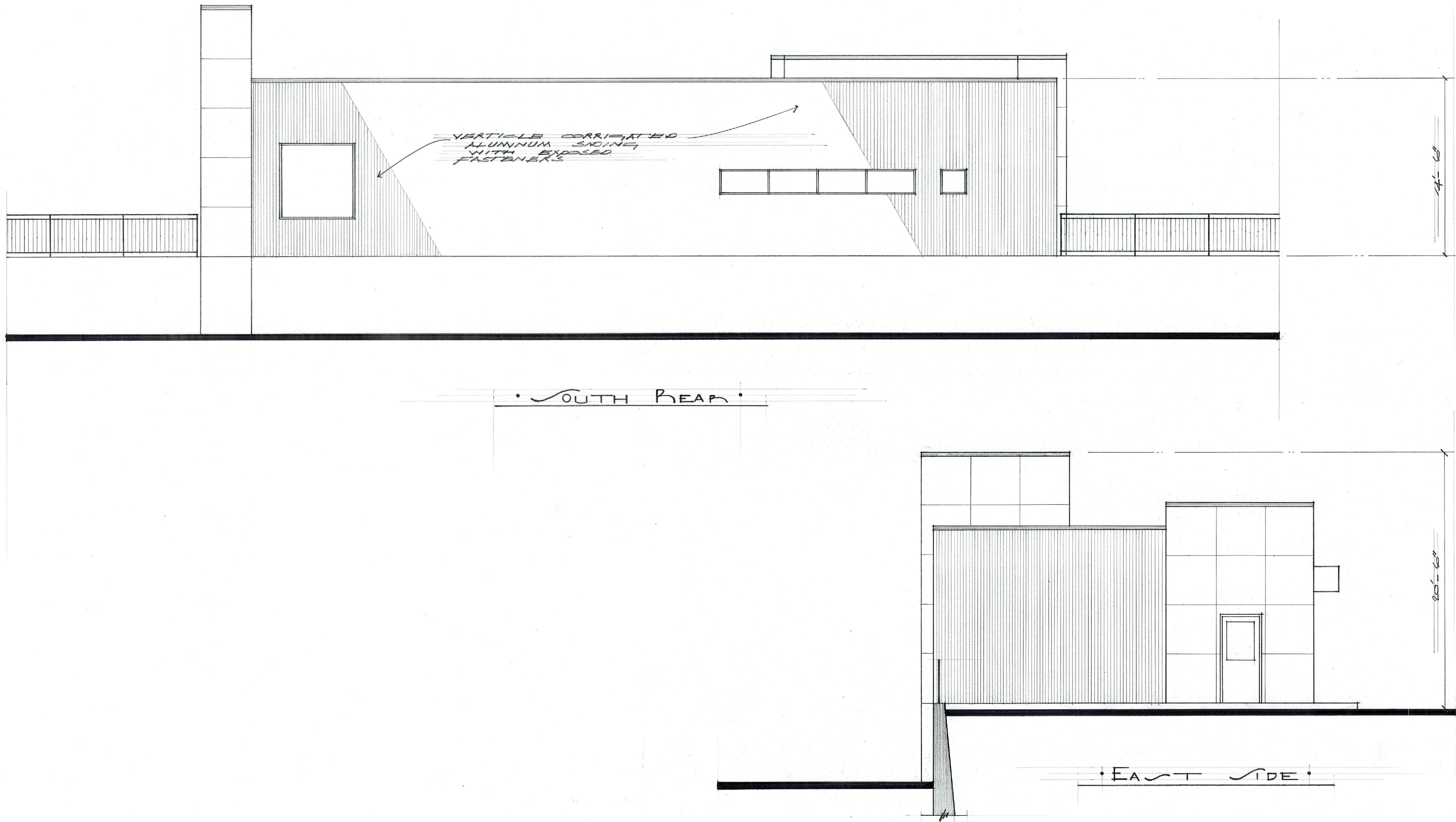
NEW DOMINO'S PIZZA BAKERY STORE
45 MECHANIC STREET
LEBANON • NEW HAMPSHIRE

frank j. barrett architecture
FRANK J. BARRETT, JR., AIA
281 The Bend Road • Greensboro, NC • VI 03842
(802) 296-0004 • frankjbarrettjr@gmail.com

DATE: MARCH 10, 2022
REVIEWED:

A-2

2 OF 3



• ELEVATIONS •

SCALE: $\frac{1}{4}" = 1'-0"$

SHEET 6 OF 9

NEW DOMINOS PIZZA BAKERY STORE

45 MECHANIC STREET
LEBANON • NEW HAMPSHIRE

barrett architecture
FRANK J. BARRETT, JR., AIA
281 The Bend Road • Greensboro, NH 03842
(802) 296-0004 • frankjbarrettjr@gmail.com

DATE: MARCH 10, 2022
REVISED:

3 OF 3

30% Shade Req.	
Total S.f. of Parking=	4,809 s.f.
% Total to be shaded=	51%

15' Landscape Requirement	8,905 Total s.f.
Total number of trees required:	15 Total
Total number of trees provided:	(6) Total, (4) Proposed, (2) Exist.
Total number of shrubs required:	75 Total
Total number of shrubs provided:	(35) Total, (15) Proposed, (10) Exist.

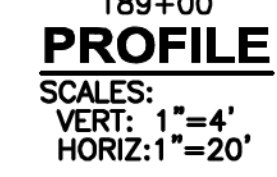
Plant Legend				
Qty	Botanical Name	Common Name	Container	Custom
Shrubs\Deciduous				
12	Spiraea x bumalda 'Anthony Waterer'	Anthony Waterer Spirea	#5 Cont.	24-36" min. size
Shrubs\Evergreen				
3	Taxus x media 'Ever Low'	Ever Low Yew	#5 Cont.	24-36" min. size
Trees\Deciduous				
4	Acer rubrum 'October Glory'	October Glory Maple, Autumn	2.5-3" Cal.	



Landscape Plan
Prepared for:
KAB Properties, LLC
Lebanon, NH

Mara landscape design, LLC
16 Myrtle Ave. Newburyport, MA 01950
105 Bank St. Lebanon, NH 03766
email: maralandscape@gmail.com ph: 978.868.0331

L-1



CITY OF LEBANON, NH COMBINED SEWER SEPARATION CONTRACT 11 – PHASE 2 MECHANIC ST AND GRANITE ST AREA	PLAN AND PROFILE: MECHANIC ST STA 186+00 TO STA 192+00
	DRAWING C-29

BGP Properties, LLC
PO Box 1325
Lebanon, NH 03766

City of Lebanon
Planning & Development Department
51 North Park Street, 5th Floor
Lebanon, NH 03766

Re: Minor Site Plan Review Committee Meeting, April 14, 2022
45 Mechanic Street

April 13, 2022

To Whom it May Concern:

BGP Properties, LLC owns the real property and apartment buildings at 50, 52 and 54 Mechanic Street, directly abutting the 45 Mechanic Street property.

We think that the removal of the blighted former laundromat and replacement with a take-out pizza shop is a great idea and an improvement to the community.

That said, we would like the developer and the Committee to take into account that the north side of the street is a R2 residential zone. The 2nd floor bedrooms of 52 Mechanic Street (apartment 1 and 2) face southwards toward the 45 Mechanic Street property. Likewise, The southernmost bedroom at 50 Mechanic does as well.

Site lighting, and illuminated signs, generally track the operating hours of businesses. While we want the business to be successful, its needs should be reasonably balanced with the needs of the families residing across the street to quietly enjoy their late evenings without undue light pollution, traffic and noise.

As such, we request that the developer and the committee condition the approval in a manner that balances the interest of the residential neighborhood on the north side of the street with the commercial one on the south. Reasonable solutions would include, but not be limited to, a reasonable lighting plan and restrictions on illumination in the late evening. The nearest commercial facilities (Dairy Twirl and the Rivermill) both shut down their site lighting at approximately 9pm.

We would be glad to be part of this conversation, as applicable.

Sincerely,

Jeremy Katz
Manager
BGP Properties, LLC

**Agenda
Planning Board
May 23, 2022**

**Agenda Item #5A
Approval of Minutes**

April 25, 2022

DRAFT

**LEBANON PLANNING BOARD &
CONSERVATION COMMISSION JOINT MEETING
Monday, April 25, 2022, 6:30 PM
City Council Chambers, City Hall
or Remote Via Microsoft Teams
LebanonNH.gov/Live**

PLANNING BOARD

MEMBERS PRESENT: Bruce Garland (Chair), Matthew Hall (Vice-Chair), Karen Zook (City Council Rep), Kim Chewning, Kathie Romano, Laurel Stavis, Cori Hirai (Alternate)

PLANNING BOARD

MEMBERS ABSENT: Gregorio Amaro, Tom Martz, Jeremy Rutter, Thomas Jasinski (Alternate)

CONSERVATION COMMISSION

MEMBERS PRESENT: Sarah Riley (Chair), Bruce James (Vice Chair), Erling Heistad (City Council Rep), Ernst Oidtmann, Susan Almy, Don Lacey, Barbara Hirai (Alternate)

CONSERVATION COMMISSION

MEMBERS ABSENT: Christopher Johnson, Darla Bruno (Alternate), Megan Smith (Alternate)

STAFF PRESENT: David Brooks (Planning Director), Tim Corwin (Senior Planner), Mark Goodwin (GIS Coordinator)

1. Call to Order

Chair Garland called the meeting to order at 6:30 PM.

Cori Hirai was appointed to replace one of the absent Planning Board members.

The members of both boards introduced themselves.

2. Joint meeting of Planning Board & Conservation Commission

A. Development/Conservation Trends Overview (10 mins)

Mr. Goodwin gave a presentation which included historic metrics and trends of population, development, and conservation. The members present asked clarifying questions, and the Staff present responded.

B. Development Review Process

- Tools –Wildlife Corridor Study, Zoning Ordinance, Development Regulations

Mr. Corwin described the tools and process involved in land development. The Zoning Ordinance and the land use regulations are used by the boards as they evaluate development projects. Those documents are reviewed and updated on a regular basis.

C. Long Range Planning process

- Tools –Master Plan, NRI, Open Space Plan

1
2 Mr. Brooks commented on the various tools used and their utility when the Planning Board reviews
3 projects. The Master Plan and NRI can be used to help update and amend the regulatory tools, such as the
4 zoning and development regulations. Many of the resources have been created in part by the Conservation
5 Commission.

6
7 D. Open Discussion

- 8 • How can the Planning Board and Conservation Commission coordinate more
9 frequently

10
11 It was suggested that it would be helpful for the Conservation Commission to review a project earlier in
12 the approval process to give informed input on issues such as wetlands. Mr. Corwin explained the review
13 process, which requires wetland issues to be reviewed by the Conservation Commission before decisions
14 are made by the Zoning Board of Approval and subsequently by the Planning Board.

15
16 The members present inquired about several review issues. One topic involved the coverage of the
17 expense of review. Mr. Brooks explained that permit fees generally cover most review expenses. Wetland
18 and wildlife issues were discussed. Mr. Brooks described the mitigation that was implemented to address
19 those issues based upon official reports. There was discussion of the application of regulations and the
20 fairness of the process to all applicants.

21
22 Chair Garland opened a discussion of the Open Space Plan. Mr. Brooks explained the preparation and
23 review of the plan and its importance in the planning process. He noted that the Planning Board's
24 questions and confusion about the Open Space Plan was a driving factor for holding a joint meeting with
25 the Conservation Commission and that staff would still like to have the Planning Board endorse the Plan
26 once it has a better understanding.. Mr. Goodwin described the purpose of the Open Space Plan. The
27 members present discussed the plan. Suggestions were made for gathering background information that
28 could inform Planning Board members before they review applications.

29
30 **3. Committee Reports**

31
32 A. **Planning Board Subcommittees:**

- 33 --Planning Board Capital Improvement Program (B. Garland/L. Stavis/M. Hall/K. Chewing)
34 --Planning Board Development Regulations Update (M. Hall/K. Romano/J. Rutter/C. Hirai)
35 Mr. Hall stated that the committee would be meeting soon.

36
37 B. **City Council Subcommittees:**

- 38 --Class VI Roads Advisory Committee (VACANT)
39 --Lebanon Energy Advisory Committee (VACANT)

40
41 C. **Other Subcommittees:**

- 42 --City Council Representative (K. Zook/D. Whittlesey)
43 --Heritage Commission (J. Rutter)
44 --Pedestrian & Bicyclist Advisory Committee (G. Amaro)
45 --Upper Valley Lake Sunapee Regional Planning Commission (B. Garland)
46 --UV Subcommittee of the Connecticut River Joint Commissions (B. Garland)
47 --Upper Valley Transportation Management Association (VACANT)
48 --Mascoma River Local Advisory Committee (K. Romano)
49 --West Lebanon Revitalization Advisory Committee (L. Stavis)
50 --Planning & Development Department – Task Status (D. Brooks/ M. Goodwin/T. Corwin/R. Owens)

1 **4. Other Business**

2
3 Mr. Corwin updated the Board members on the Minor Site Plan Review Committee activities.

4
5 Mr. Brooks stated that a community meeting and walkabout in the West Lebanon area resulted in good
6 conversation and observations for the Main Street Streetscape improvement project. The goal is to bring
7 the plan forward to the City Council in the next month or two to seek authorization for additional steps
8 for the streetscape improvement project. The project is a top priority for funding and implementation.

9
10 Ms. Romano raised an issue of a property in West Lebanon that was razed and a plan for low-income
11 housing in its place. Mr. Brooks stated that there are several properties that may be used for such
12 workforce housing. Ms. Zook noted that the City Council learned the building on that property was full
13 of black mold, which made the building unsafe. Mr. Brooks commented on other projects under
14 consideration.

15
16
17 **5. Approval of Minutes**

18
19 A. March 28, 2022

20
21 *A MOTION by Matthew Hall to approve the Planning Board Minutes of March 28, 2022, as presented.*
22 *The motion was seconded by Cori Hirai.*
23 **The MOTION was approved (7-0).*

24
25 **6. Adjournment**

26
27 *A MOTION by Matthew Hall to adjourn the meeting.*
28 *The motion was seconded by Kathie Romano.*
29 **The MOTION was approved (7-0).*

30
31 The meeting was adjourned at 9:19 PM.

32
33 Respectfully Submitted,

34
35 Holly Howes

36 Recording Secretary