



**LEBANON PLANNING BOARD
JULY 11, 2022 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

-
- 1. Call to Order**
 - 2. Notice of Regional Impact**
 - 3. Public Hearing Items**
 - A. Recreo, LLC, 2 Mascoma Street (Tax Map 91, Lots 254), zoned LD:** Request for Site Plan Review to construct two (2) multi-family dwellings containing a total of 152 units together with parking, landscaping, utilities, and other associated site improvements. Applicant also requests Conditional Use Permits pursuant to (i) Section 307.3 of the Zoning Ordinance to allow a reduced minimum required rear yard, (ii) Section 307.8.A to allow an increase in the maximum permitted building height, and (iii) Section 307.9.B to allow parking spaces to be located within the front yard. PB2022-17-SPR - Continued from June 27, 2022
 - B. William A. Browning and Charles F. & Janet S. Morgan Revocable Trust, 66 Orion Drive (Tax Map 12, Lot 5) and 188 Etna Road (Tax Map 12, Lot 5, Plot 100), Rural Lands Two (RL-2) and Rural Lands Three (RL-3):** Request for a Boundary Line Adjustment. PB2022-26-BLA
 - 4. Other Business**
 - 5. Approval of Minutes**
 - A. June 13, 2022**
 - 6. 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 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
July 11, 2022**

**Agenda Item #3B
Public Hearing Items**

**William A. Browning and Charles
F. & Janet S. Morgan Revocable
Trust, 66 Orion Drive (Tax Map 12,
Lot 5) and 188 Etna Road (Tax Map
12, Lot 5, Plot 100), RL-2 and RL-3
PB2022-26-BLA**



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

PLANNING BOARD

July 11, 2022 Meeting

Staff Memorandum – PB2022-26-BLA

APPLICATION INFORMATION

Agenda Item: 3.B

Application ID: PB2022-26-BLA

Application Type:
Boundary Line Adjustment

Property Location & Tax Map:

- 66 Orion Drive (Tax Map 12, Lot 5)
- 188 Etna Road (Tax Map 12, Lot 5, Plot 100)

Applicants/Property Owners:

William A. Browning and Charles F. & Janet S. Morgan Revocable Trust

Property Sizes (existing):

- 66 Orion Drive (Tax Map 12, Lot 5): +/-22.8 acres *per boundary line adjustment plat*
- 188 Etna Road (Tax Map 12, Lot 5, Plot 100): +/-10.0 acres *per boundary line adjustment plat*

Property Sizes (proposed):

- 66 Orion Drive (Tax Map 12, Lot 5): +/-12.88 acres *per boundary line adjustment plat*
- 188 Etna Road (Tax Map 12, Lot 5, Plot 100): +/-25.0 acres *per boundary line adjustment plat*

Zoning District:

Rural Lands Two (RL-2) and Rural Lands Three (RL-3)

Zoning Overlay District(s):

None

LEGAL NOTICE

William A. Browning and Charles F. & Janet S. Morgan Revocable Trust, 66 Orion Drive (Tax Map 12, Lot 5) and 188 Etna Road (Tax Map 12, Lot 5, Plot 100), Rural Lands Two (RL-2) and Rural Lands Three (RL-3): Request for a Boundary Line Adjustment. PB2022-26-BLA

PLANS AND APPLICATION MATERIALS

- ▶ Application forms (2 page)
- ▶ Letter dated June 17, 2022, from Timothy Rockwood, LLS, of Rockwood Land Services, LLC (project description and response to staff comments; 1 page)
- ▶ Subdivision Regulations - Technical Checklist (3 pages)
- ▶ Plat titled "Boundary Line Adjustment Plat for William A. Browning and Charles F. Morgan Revocable Trust & Janet S. Morgan Revocable Trust," prepared by Rockwood Land Services, LLC, dated June 11, 2022, last revised June 17, 2022, Project No. 1497-1.

COMPLETENESS REVIEW

This application has been reviewed in accordance with the Lebanon Subdivision Regulations. The Planning and Development Department recommends that the Board find that the application is complete enough to accept jurisdiction and to commence review.

APPLICATION OVERVIEW

This is a request for a Boundary Line Adjustment between lands located at 66 Orion Drive (Tax Map 12, Lot 5) and 188 Etna Road (Tax Map 12, Lot 5, Plot 100). As proposed, the changes resulting from the Boundary Line Adjustment are as follows:

- ▶ Map/Lot 12-5-100 will increase by a net of +/-10.0 acres, from +/-15.0 acres to +/-25.0 acres.
- ▶ Map/Lot 12-5 will decrease by a net of +/-10.0 acres, from +/-22.8 acres to +/-12.8 acres.

STAFF COMMENTS

ASSESSING

No comment.

BUILDING INSPECTION

No comment.

FIRE

No comment.

POLICE

No comment.

PUBLIC WORKS/CITY ENGINEER

No comment.

PLANNING & ZONING

Both lots currently conform to the applicable minimum lot sizes and dimensional requirements as set forth in the Zoning Ordinance and will continue to after reconfiguration.

STAFF RECOMMENDATIONS

If the Board moves to approve this application, then based on the information reviewed by City staff, the Planning and Development Department recommends that the Board approve the application with the following conditions prior to the signing and recording of the plat:

1. The applicant shall provide to the Planning and Development Department a digital record drawing (Cad .dwg Format using NH State Plane Coordinate system).
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.

Attachments

cc: William A. Browning
Charles F. & Janet S. Morgan Revocable Trust
Timothy Rockwood, LLS, of Rockwood Land Services, LLC
File

**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
☐ OTHER _____			

PROPERTY OWNER (APPLICANT):

NAME: Charles & Janet Morgan TEL.#: 603-448-6200

MAILING ADDRESS: Po Box 111, Lebanon, NH 03766

E-MAIL ADDRESS: chuck@lebanonnhcpa.com

CO-APPLICANT, AGENT, OR LESSEE:

NAME: TEL.#:

MAILING ADDRESS:

E-MAIL ADDRESS:

PROJECT LOCATION:

TAX MAP #: 12 LOT#: 5 PLOT #: 100 ZONE: RL2 & RL3

STREET ADDRESS OF PROJECT: 188 Etna Road

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

SCOPE OF PROJECT:

Description: Annexation of 10.0 acres from Lot 12-5 to Lot 12-5-100.

Support: This annexation is in compliance with current zoning regulations.

TYPE OF OCCUPANCY:

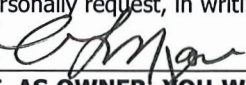
EXISTING ☐ VACANT ☒ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL
PROPOSED ☐ VACANT ☒ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL

IF USE IS COMMERCIAL OR INDUSTRIAL, PLEASE NOTE SPECIFIC

USE: _____

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:  DATE: 6/10/2022

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 #
6-13-22	12-5-100	PB2022-26-BLA			

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

☐ OTHER _____

PROPERTY OWNER (APPLICANT):

NAME: William Browning TEL.#: 603- 286-0381

MAILING ADDRESS: PO Box 113, ETNA, NH 03750

E-MAIL ADDRESS: n/a

CO-APPLICANT, AGENT, OR LESSEE:

NAME: TEL.#:

MAILING ADDRESS:

E-MAIL ADDRESS:

PROJECT LOCATION:

TAX MAP #: 12 LOT#: 5 PLOT #: - ZONE: RL2 & RL3

STREET ADDRESS OF PROJECT: 66 Orion Drive

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

SCOPE OF PROJECT:

Description: Annexation of 10.0 acres from Lot 12-5 to Lot 12-5-100.

Support: This annexation is in compliance with current zoning regulations.

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: _____

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: William G. Browning DATE: June 13, 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 #
6-13-22	12-5	PB2022-26-BLA			

Rockwood Land Services LLC

PO Box 347
Hartland, Vermont 05048

802-436-1039
rockls@vermontel.net

June 17, 2022

Tim Corwin, Senior Planner
City of Lebanon
51 North Park Street
Lebanon, NH 03766

Dear Tim:

I am providing you the following project narrative in support of the application by Charles& Janet Morgan to annex a 10.0 acre portion of Map 12, Lot 5 to their Lot 12-5-100. This 10.0 acres of land is located within the RL-3 Zoning District. In my opinion the post annexation parcels conform to the zone's requirements.

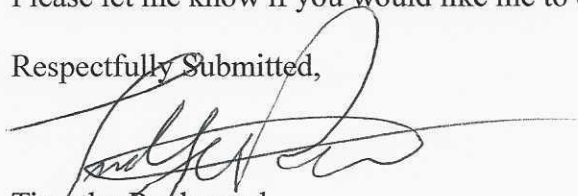
There are no improvement on Parcel B which is remote lands between Etna Road and Stevens Road. A deeded 50 ft ROW runs thru the site. Currently this ROW is not in use and the location is approximate.

Responses to the comments are addressed below:

1. Parcel B was used as Parcel A was used on a previous annexation.
2. A written description is included above.
3. Structures are shown on the Plan's Before/After inset.
4. a) The Zoning insets label's are correct. One added on Browning lands. Note 2 was edited to RL-3.
b) Note 1 language changed to Boundary Line Adjustment.
c) Square feet added, as requested
d) A revision date is added
e) Survey Plans are referenced within the abutter's information. The acreage computed note has been edited. The inset reference is to the Before/After sketches.

Please let me know if you would like me to expand or clarify any of this information.

Respectfully Submitted,



Timothy Rockwood,
Licensed Land Surveyor

CITY OF LEBANON, NH SUBDIVISION REGULATIONS – TECHNICAL CHECKLIST MINOR LOT LINE ADJUSTMENT / BOUNDARY LINE AGREEMENT	
PROJECT NAME: William Browning / Charles & Janet Morgan	
APPLICANT: Charles Morgan	DATE: June 10, 2022
GENERAL SUBMISSION REQUIREMENTS:	

All applications to the Planning Board for Subdivision Review must be submitted by 12:00 Noon on the day of the filing cutoff. [§7.7.C] Submissions must be accompanied by the following information or review of the application may be delayed:

- ☒ A properly completed and signed Application Form. [§7.7.A(1)]
- ☒ The appropriate filing fees. [§7.7.A(2)]
- ☒ A written project description. [§7.7.A(3)]
- ☐ A list of the names and mailing addresses of all persons to be notified, by certified mail, of the public hearing. [§7.7.A(4)]
- ☒ A completed and signed Technical Checklist. [§7.7.B]
[Applicants must complete the entire checklist to ensure that all necessary information and materials have been provided with the application or that written requests for waivers have been properly provided in accordance with Section 7.15 of the Subdivision Regulations, as appropriate.]
- ☒ Eight (8) sets of project plans to be distributed for Staff Review. [§8.2.A]
[A Staff Review meeting is held at City Hall one (1) week following the cutoff date. Staff Review meetings begin at 2:00PM, unless otherwise noted. All revised and/or additional information or materials must be submitted within one (1) week following the Staff Review meeting.]
- ☐ A digital copy of Subdivision plan in .PDF format. [§8.2.B]

NOTE: Applications shall contain sufficient information to enable the City Staff and the Planning Board to evaluate the proposed development for compliance with the Zoning Ordinance, the Planning Board's Regulations, and other applicable City Codes, and for the Planning Board to make an informed decision.

All required application materials shall be submitted as a single inclusive package, including any appropriate waiver requests as permitted by the Regulations. Submission of a complete application package ensures that the review process by City Staff is as efficient and effective as possible.

The purpose of the filing deadline is to provide adequate time for City review of the proposal. Submission of any altered, additional, or substitute application materials required by the Regulations, subsequent to the filing deadline, other than as directed by City Staff, shall cause the application to be deemed untimely filed, and such application shall not be heard until a subsequent month.

CITY OF LEBANON, NH
SUBDIVISION REGULATIONS - TECHNICAL CHECKLIST
MINOR LOT LINE ADJUSTMENT / BOUNDARY LINE AGREEMENT

PLAN SUBMITTAL TECHNICAL CHECKLIST:

NOTE: Minor Lot Line Adjustment / Boundary Line Agreement plans shall include the information described below pursuant to Section 8 of the Lebanon Subdivision Regulations. Plans shall be submitted on sheets no larger than 24" x 36". Plan sets with multiple sheets shall include sheets of uniform size and be bound on the left edge. When more than three (3) sheets are required, an additional cover sheet shall be attached including a table of contents. The scale of the plans shall be appropriate to the size of the overall development. All lettering shall be of a size and type that is legible.

In order to facilitate the use of the City's Geographic Information System (GIS) for planning purposes, all surveys and engineered plans submitted for Subdivision Review shall utilize the NH State Plane Coordinate system and shall reference the North American Vertical Datum of 1988 (NAVD 88), unless prior approval to use an alternate coordinate system and/or vertical datum is granted by the Planning Office.

A written request for waiver shall be required, pursuant to Section 7.15 of the Subdivision Regulations, for any submission requirement for which the information or data is not provided by the applicant. [§8.2.C]

Plan Requirements	Info. Provided	Waiver Sought
8.2.A(1) - - Name of the City and County in which the subdivision is proposed; - A Locus map; - North arrow; - Scale of the plat; - Date of the plat and of any revisions to the plat; (NOTE: The date on the plat at the time of initial submission for application review shall be included on all subsequent submissions to the City. Any subsequent change(s) to the plat shall include a revision date and description of the revision(s).)	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐
8.2.A(2) - Names and mailing addresses of Applicant(s); Owner(s) of Record of subject properties; Owners of abutting properties, including tax map and lot references; and Holders of any easements, rights-of-way, or other restrictions.	☒	☐
8.2.A(3) - Names and business addresses of the surveyor, including license number and seal, and of every engineer, architect, soil scientist, or wetlands scientist whose professional seal appears on any plan or document submitted to the Board.	☒	☐
8.2.A(4) - Zoning District in which the subject lots are located, including district boundaries if in more than one district.	☒	☐
8.2.A(5) - Location of all existing structures on the subject lots.	☒	☐
8.2.A(6) - Site location map showing the original boundaries of the subject lots and adjacent lots.	☒	☐
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.	☒	☐

CITY OF LEBANON, NH
SUBDIVISION REGULATIONS - TECHNICAL CHECKLIST
MINOR LOT LINE ADJUSTMENT / BOUNDARY LINE AGREEMENT

Plan Requirements (cont.)	Info. Provided	Waiver Sought
8.2.A(8) - The plat shall be titled to include the names of the owners of all lots altered by the application.	☒	☐
8.2.A(9) - A statement shall be placed on the plat as follows: "This plan shows Minor Lot Line Adjustments / Boundary Line Agreements and does not require the approval of the Lebanon Planning Board as a subdivision."	☒	☐

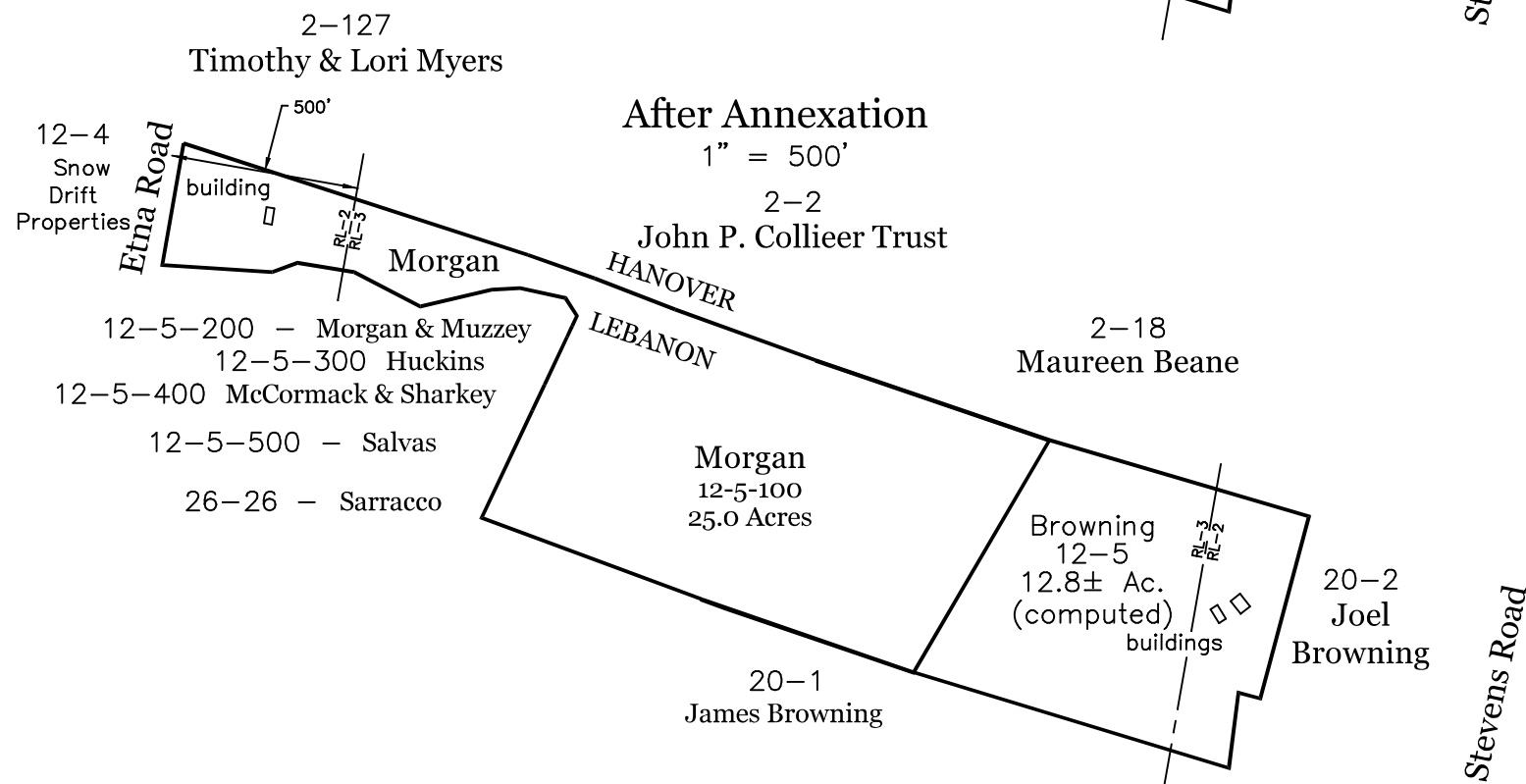
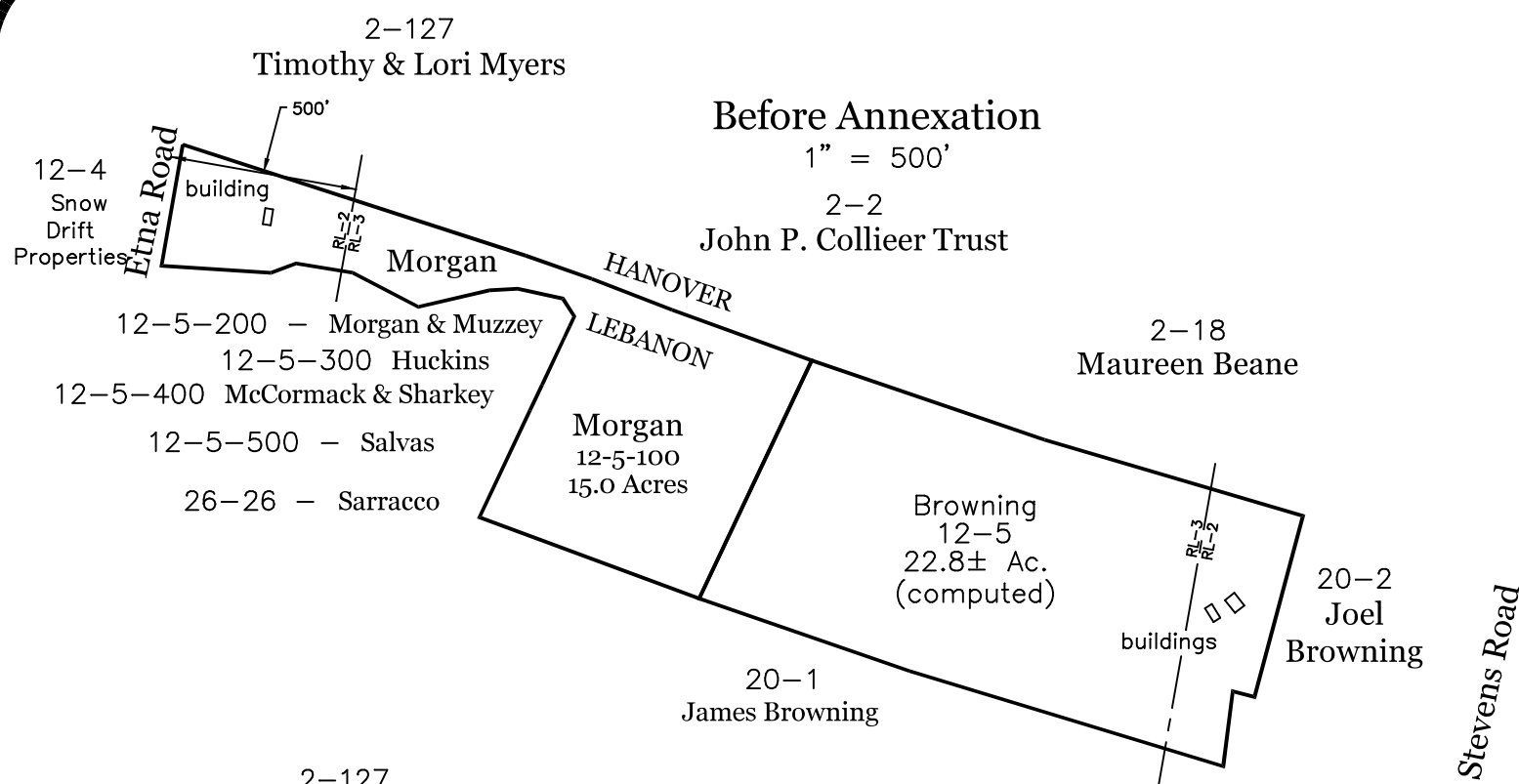
NOTE: THE APPLICANT IS RESPONSIBLE FOR PROVIDING THE REQUIRED INFORMATION PURSUANT TO SECTION 8 OF THE SUBDIVISION REGULATIONS. PLEASE BE AWARE THAT THIS CHECKLIST IS FOR INFORMATION AND GUIDANCE ONLY AND DOES NOT REPRESENT THE LAW DICTATING SUBMITTAL REQUIREMENTS NOR IS IT COMPLETE AND INCLUSIVE THEREOF.

Completed By: Timothy Rockwood, Land Surveyor

Planning office Use Only:

Date Received ___/___/___ Checklist Complete YES or NO Checked by: _____

(Last Revised 05/22/13)



CORNER MONUMENT DESCRIPTIONS

all dimension are outside diameter

No. 1 FOUND a 3/4" Capped Rebar with Red Plastic Cap and 7" of reveal firm, straight and in good condition in the center of the stonewall, Cap stamped NH 933

No. 3 FOUND a 1/2" Drill Hole in a large rock 8 ft from end of the stone wall in good condition

No. 4 FOUND a 3/4" Rebar with 14" of reveal firm, straight, firm and in good condition with rocks around the base

No. 5 FOUND a 3/4" Rebar with 28" of reveal firm, straight, firm and in good condition with rocks around the base

No. 6 FOUND a 3/4" Rebar with 13" of reveal firm, straight, firm and in good condition part way down a steep bank

No. 7 FOUND a 3/4" Rebar with 12" of reveal firm, slightly bent, firm and in good condition in an area with boulders

No. 8 FOUND a 3/4" Rebar with 5" of reveal firm, straight, firm and in good condition with rocks around the base

No. 9 SET a 5/8x 36" rebar with an Orange Plastic Cap straight, firm and 7" of reveal and placed rocks around the base

No. 10 SET a 5/8x 36" rebar with an Orange Plastic Cap straight, firm and 13" of reveal

No. 11 SET a 5/8x 36" rebar with an Orange Plastic Cap straight, firm and 10" of reveal

No. 12 SET a 5/8x 36" rebar with an Orange Plastic Cap straight, firm and 17" of reveal as a witness to the True Corner in the center of the stone wall, driven to refusal, places rocks around the base

No. 13 COMPUTED a Point in the center of the Stone Wall as the True Corner of Parcel A, stone wall was to high and unstable to place a corner

No. 14 SET a 5/8x 36" rebar with an Orange Plastic Cap straight, firm and 15" of reveal

Legend

Found Iron Pipe or Rebar

Set Capped Rebar

Computed Point

Boundary Line

Boundary Line Eliminated

Stone Wall

Right-of-Way

GCRD Deed Reference

GCRD Plan Reference

○ as described

⊙ as described

●

—————

=====

—————

Book, Page

Plan No.

Lebanon Abutters with Addresses

12-5-200 - Charles & Janet Morgan & Dorothy Muzzey, PO Box 111, Lebanon NH 03766

12-5-300 - David Huckins, 174 Etna Road, Lebanon NH 03766

12-5-400 - Kevin McCormack & Audrey Sharkey, 170 Etna Road, Lebanon NH 03766

12-6-500 - Karen Salvas, 164 Etna Road, Lebanon NH 03766

26-26 - Shaun & Jamie Sarracco, 160 Etna Road, Lebanon NH 03766

20-1 - James Browning, 91 Orion Drive, Lebanon, NH 03766

20-2 - Joel Browning, 48 Orion Drive, Lebanon, NH 03766

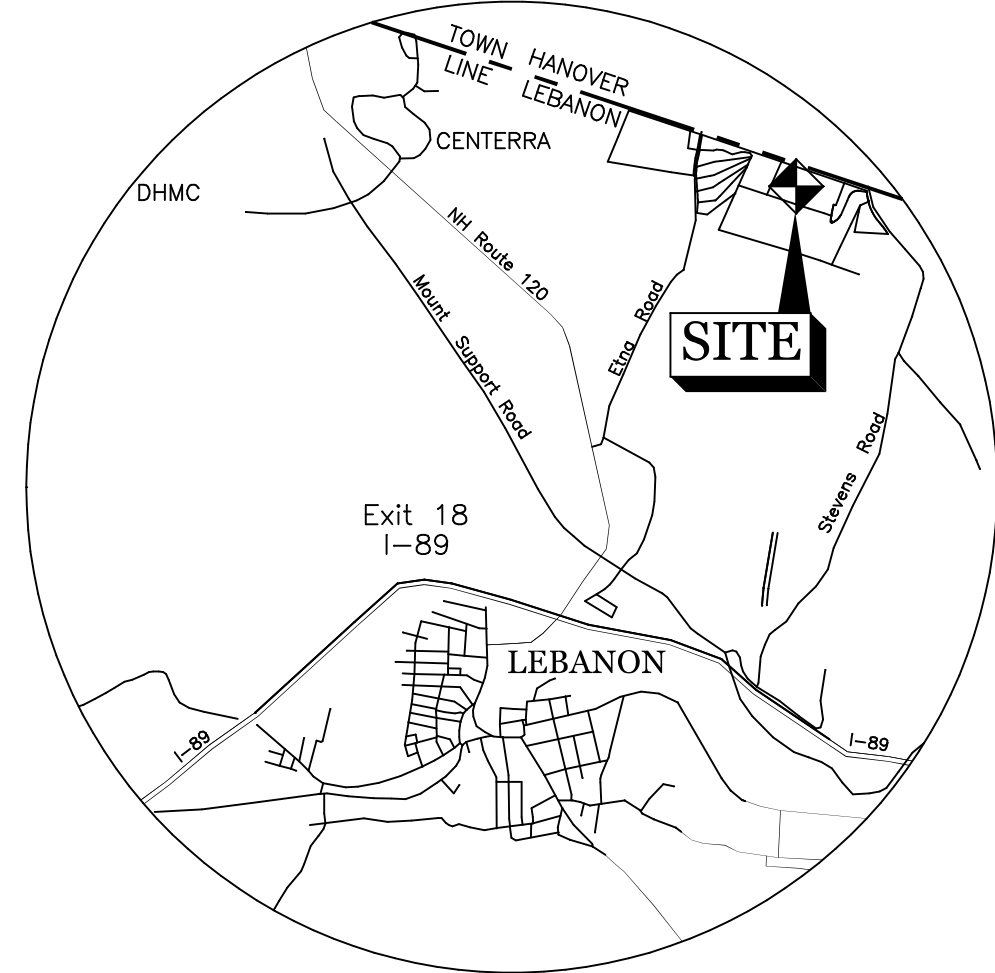
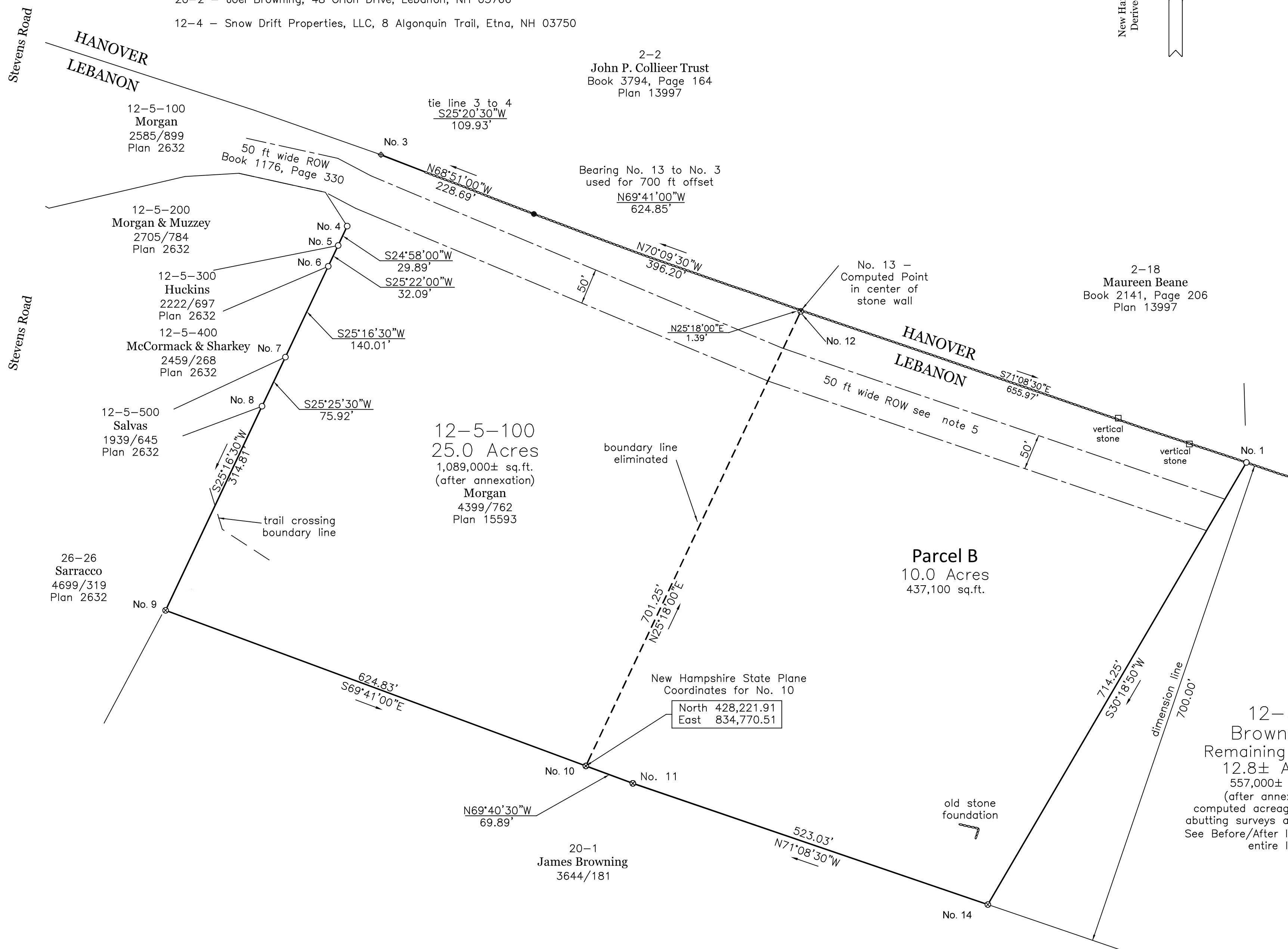
12-4 - Snow Drift Properties, LLC, 8 Algonquin Trail, Etna, NH 03750

Hanover Abutters with Addresses

2-2 John Collier, 26 Great Hollow Road, Hanover, NH 03755

2-18 Maureen Beane, 71 Stevens Road, Hanover, NH 03755

2-127 Timothy & Lori Meyers, 40 Great Hollow Road, Hanover, NH 03755



LOCUS

SURVEY NOTES AND REPORT

- The purpose of this Boundary Line Adjustment Plat is to identify Parcel B, the Subject Parcel, and annex the 10.0 Acre Subject Parcel from Lebanon Map 12, Lot 5 to Lebanon Map 12, Lot 5-100.
- The current zoning designation for the Parcel B is RL-3.
- Surveyor's Report: The 10 Acre Subject Parcel B is located on the westerly limits of Map 12 Lot 5. The original 47 acre Tract is deeded in Book 1176, Page 330 as a strip 700 ft from and parallel to the Hanover-Lebanon Town Line. A portion of the Parcel was subdivided with the 1989 Donald O. Goodwin Subdivision recorded in Grafton County as Plan 6506. Another portion was sold off as Parcel 20-2. The southerly boundary for the Subject Parcel was computed 700 foot parallel to the general alignment of the stone wall along the Town Line.
- Corner monuments noted as SET were placed on June 8, 2018. Monument sizes are outside dimensions.
- Parcel 12-5 is Benefitted with a 50 foot wide Right-of-Way from Etna Road over Parcel 12-5-100. This Right-of-Way is to be extended thru the Subject Parcel to the Remaining Lands of 12-5. This Right-of-Way only benefits Parcel 12-5.
- No conservation, preservation, or agriculture preservation restrictions were found on the subject parcel or abutting parcels.

Record Owner

Lebanon Parcel 12-5

William A. Browning

66 Orion Drive

Lebanon, NH 03784

Deed Reference: Book 3612, page 613

Record Owner

Lebanon Parcel 12-5-100

Charles S. Morgan Revocable Trust & Janet S. Morgan Revocable Trust

188 Etna Road

Lebanon, NH 03766

Deed Reference: Book 2585, Page 899

Plan No. 2632

Deed Reference: Book 4399, Page 762

(Parcel A) Plan No. 15593

Revised June 17, 2022, staff comments

Boundary Line Adjustment Plat

for

William A. Browning

and

Charles F. Morgan Revocable Trust & Janet S. Morgan Revocable Trust

66 Orion Drive & 188 Etna Road, Lebanon, Grafton County, New Hampshire

Project No. 1497-1 Date: June 11, 2022

0 100 200 300 400 500

Scale: 1" = 100'

ROCKWOOD LAND SERVICES, LLC

PO BOX 347, HARTLAND, VERMONT 05048

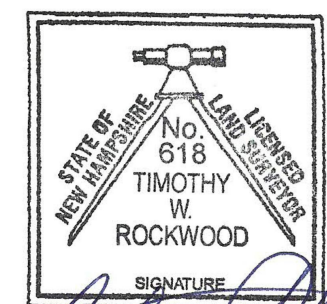
(802)436-1039 rocklis@vermontel.net

Lebanon Statements

The Subdivision Regulations of the City of Lebanon and the Notice of Action are a part of the Plat, and approval of this Plat requires the completion of all the requirements of the Notice of Action and said Subdivision Regulations excepting only any modification or waiver set forth in the Notice of Action.

This plan shows the Minor Lot Line Adjustments/Boundary Agreement and does not require the approval of the Lebanon Planning Board as a Subdivision.

I hereby certify to the best of my belief and knowledge this boundary survey for Parcel B a 10 Acre Portion of Lebanon Parcel 12-5 meets the New Hampshire Rural Survey Standard. The boundary lines and corner monuments shown are consistent with the referenced deeds and plan unless otherwise noted and are the basis for this Surveyor's opinion of the boundary lines locations.



Timothy W. Rockwood

LLS No. 618

**Agenda
Planning Board
July 11, 2022**

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

June 13, 2022

DRAFT

LEBANON PLANNING BOARD
Regular Session
Monday, June 13, 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), Karen Zook (City Council Rep), Kim Chewning, Kathie Romano, Jeremy Rutter, Laurel Stavis, Thomas Jasinski (Alternate), Cori Hirai (Alternate)

MEMBERS ABSENT: Gregorio Amaro, Tom Martz

STAFF PRESENT: David Brooks (Planning Director), Tim Corwin (Senior Planner), Brian Vincent (City Engineer)

1. Call to Order

Chair Garland called the meeting to order at 6:31 PM.

Tom Jasinski and Cori Hirai were appointed for the absent board members.

2. Notice of Regional Impact

The following applications were received by the Planning and Development Department on or before June 13, 2022:

Recreo, LLC, Water Street Mill, LLC, and 21 Agua Street, LLC, regarding 2 Mascoma Street (Tax Map 91, Lot 254), 0 Water Street (Tax Map 91, Lot 255) and 21 Water Street (Tax Map 91, Lot 257), zoned LD: The applicants request a Conditional Use Permit pursuant to Section 607.5.A of the Zoning Ordinance to allow off-lot parking at 0 Water Street for the benefit of Recreo, LLC's proposed mixed use development at 2 Mascoma Street (PB2022-17-SPR), and to allow off-lot parking at 2 Mascoma Street and 21 Water Street for the benefit of the office building use at 10 Water Street (Tax Map 91, Lot 259). PB2022-22-CUP.

William A. Browning and Charles F. & Janet S. Morgan Revocable Trust, 66 Orion Drive (Tax Map 12, Lot 5) and 188 Etna Road (Tax Map 12, Lot 5, Plot 100), Rural Lands Two (RL-2) and Rural Lands Three (RL-3): Request for a Boundary Line Adjustment. PB2022-26-BLA

Mr. Brooks stated that the Planning Department recommends that neither of the above applications has the potential for regional impact.

A MOTION by Jeremy Rutter that the above applications do not have the potential for regional impact. The motion was seconded by Matthew Hall.

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

3. Public Hearing Items

1
2 A. **Recreo, LLC, 2 Mascoma Street (Tax Map 91, Lots 254), zoned LD:** Request for Site
3 Plan Review to construct two (2) multi-family dwellings containing a total of 152 units
4 together with parking, landscaping, utilities, and other associated site improvements.
5 Applicant also requests Conditional Use Permits pursuant to (i) Section 307.3 of the Zoning
6 Ordinance to allow a reduced minimum required rear yard, (ii) Section 307.8.A to allow an
7 increase in the maximum permitted building height, and (iii) Section 307.9.B to allow
8 parking spaces to be located within the front yard. PB2022-17-SPR - Continued from May
9 9, 2022

10
11 James Wasser, Studio Nexus; Tim Sidore, Recreo LLC and 21 Agua St.; Adam Portz and Elena
12 Juodisius, SE Group Landscape Architects; Nate Weeks, Project Manager; Will Davis, Horizons
13 Engineering; and Traffic Engineer Corey Mack appeared in support of the application.
14

15 Mr. Wasser provided details of the project based upon the questions of Board members from the previous
16 meeting. Images were provided showing the project to scale in the location. There were minor changes to
17 landscaping as requested by the Fire Department and necessary for traffic visibility.
18

19 Mr. Sidore addressed the issue of impact on schools, stating that most of their residents in other projects
20 do not have children and added that the project would provide additional tax revenue to the city and
21 would have a low impact on city services.
22

23 Mr. Corwin detailed two changes to the conditions of approval related to the Fire Department. The traffic
24 analysis regarding trip distribution was also noted.
25

26 Mr. Hall expressed concern over the traffic in the area and the need for a traffic study. Mr. Mack
27 addressed the need for a traffic study, stating that the prior use of the property compares equally with the
28 proposed development, but the conversation is still ongoing to address concerns. Mr. Vincent explained
29 the traffic review process to date, which indicated that there was not a substantial change in the impact on
30 traffic. He added that it is a very challenging area. Mr. Wasser agreed that it is a challenge that could be
31 improved with the planned roundabout. Mr. Mack added that there are other potential access points that
32 could be opened on Church Street. Mr. Wasser noted that they are hoping to use the Water Street parking,
33 which would help the traffic situation. Mr. Sidore noted that site access is an issue if there is another
34 grocery store on the site. Mr. Vincent stated that there is enough data to evaluate the impact on traffic, and
35 a new study is not required.
36

37 Ms. Hirai inquired about the expected number of residents with cars and the calculations for planned
38 space for bicycles. Mr. Sidore stated that about 30% of residents in the White River Junction sites do not
39 have cars due to the walkability of the downtown, and the walkability of Lebanon's downtown is much
40 the same. There would be adjustments to bicycle parking based on need. Ms. Hirai also inquired about
41 public transit on weekends. Mr. Sidore stated that they have not been in contact with Advance Transit.
42 Mr. Sidore also stated that they are in substantive discussions with a potential grocery store.
43

44 Mr. Jasinski inquired about people coming from the east and the impact on neighborhood traffic. He also
45 expressed concern about the shared parking situation, and the building height waiver.
46

47 Ms. Romano inquired about access to the market from the Water Street parking area. Mr. Sidore noted
48 that a parking deck for the 0 Water Street lot could be beneficial for access to the grocery site. Ms.
49 Romano noted that traffic on Church Street is awkward due to the narrowness of the street.
50

1 Ms. Stavis inquired about the timeline for the roundabout. Mr. Brooks stated that it is slated for 2023 but
2 may be later. It is difficult to determine the sequence of events since we are still relying on the state for a
3 significant portion of funding.

4
5 Ms. Chewning inquired about the city's role in solving the problem. Mr. Wasser shared several solutions
6 that are not solely the responsibility of the applicants. Mr. Sidore stated that it would be a public/private
7 collaboration that could address the challenges and create improvements.

8
9 Mr. Rutter suggested that an inspector be present on the site when earthmovers open the site. He also
10 requested that better comparative data be used rather than 2021 data during the pandemic, which was not
11 the normal situation. Mr. Sidore stated that they used the most recent data.

12
13 Ms. Romano noted that the Fire Department site is still in doubt and inquired if there was any progress on
14 finding a new site. Mr. Brooks stated that there is an identified property, and the City is doing its due
15 diligence review, but a resolution is years away. Ms. Romano also inquired about the amount of sewage
16 capacity would be required for the project. Mr. Vincent stated that any project cannot take more than 50%
17 of the available capacity.

18
19 Chair Garland invited public comment.

20
21 Robin Carpenter of Ward 3 commented on the idea of public/private partnership, which sounds nice, but
22 it requires thorough investigation.

23
24 Maryann Mastro of Ward 2 inquired about the issues expressed by the Fire Department. Mr. Corwin
25 noted that those issues are being addressed in the Conditions of Approval and that there has been progress
26 on the Fire Department issues since the last staff memo and meeting. One variance has been issued by the
27 local Fire Chief, and another from the State has not yet been received. Ms. Mastro expressed concern over
28 several aspects of the project and waiver requests. She suggested downsizing the project.

29
30 Judith Bastianelli of 34 Kimball St. commented on the need to have better access to groceries with better
31 traffic management.

32
33 Charlie Depuy of Ward 2 commented on the commercial structure of the original site as a strip mall,
34 which would not be the case given the move toward density. He suggested a different access to the
35 grocery store.

36
37 Chris Haidari of Ward 3 stated that the project is not enough to address housing issues of the last thirty
38 years and may create additional problems in the area. She added that there is no long term housing with
39 the project and doesn't address family housing.

40
41 Judy Jorgensen of Ward 2 stated that she appreciates the Board's consideration of the project and noted
42 that the project may be too large for the site. A grocery store is desired by most residents, and there is a
43 need for more low-income housing, particularly for seniors in a walkable area.

44
45 Frank Mastro of Ward 2 noted that there is a big picture issue regarding Benton Hill where multiple
46 traffic challenges already exist. Snow management is also a problem

47
48 Brian Ware, Ward 1, inquired about the standard Recreo is being held to in relation to the historic district.
49 The traffic issue is already a problem, and the size of the project will make that worse.

1 Julie Couture, Ward 2, inquired if the grocery store and laundromat would remain on the site. She
2 suggested that the Ped/Bike Committee be consulted regarding safety. Mr. Sidore stated that the
3 laundromat will remain, and they are in talks regarding a grocery store.

4
5 Lorraine Kelly expressed her opposition to the project in an email.

6
7 Ms. Romano noted that there is a 4-person limit to the number of occupants in a unit and inquired if four
8 people could occupy one of these small units. Mr. Corwin clarified the definition of "family" in the
9 zoning ordinance but noted that other regulations may apply. He stated that Staff could investigate it. Mr.
10 Sidore stated that they follow state and federal fair housing guidelines and stated that they can restrict the
11 number of occupants in their lease agreements. Mr. Corwin noted that the State's stricter standard would
12 apply.

13
14 Ms. Hirai expressed concern over the building height when solar panels are added. She noted that there is
15 no common area for Building 1 and suggested that there should be space available for small group
16 meetings, adding that the amenities provided for Building 2 should be added to Building 1.

17
18 Chair Garland suggested that the waivers be discussed.

19
20 Mr. Wasser reviewed the landscaping being provided and the need for the landscaping waivers. The
21 parking lot drive aisle requirement would remove twenty-three spaces, so the waiver is being requested.

22
23 Ms. Romano inquired about the width of the driveway between buildings. Mr. Wasser stated it is eighteen
24 feet wide.

25
26 Mr. Jasinski noted the number of waivers related to the size and location of the project and inquired about
27 the decision to make it this size. Mr. Wasser noted that any project in the LD would need multiple
28 waivers, adding that Recreo is meeting the spirit of the regulations.

29
30 Mr. Brooks suggested that the hearing be continued to the work session on June 27.

31
32 *A MOTION by Matthew Hall to continue the hearing of Recreo, LLC, Water Street Mill, LLC, and 21*
33 *Agua Street, LLC, regarding 2 Mascoma Street (Tax Map 91, Lot 254), 0 Water Street (Tax Map 91,*
34 *Lot 255) and 21 Water Street (Tax Map 91, Lot 257), zoned LD to June 27, 2022, at 6:30 PM.*

35 *The motion was seconded by Kathie Romano.*

36 **The MOTION was approved (9-0).*
37
38

- 39 B. **Recreo, LLC, Water Street Mill, LLC, and 21 Agua Street, LLC, regarding 2**
40 **Mascoma Street (Tax Map 91, Lot 254), 0 Water Street (Tax Map 91, Lot 255) and 21**
41 **Water Street (Tax Map 91, Lot 257), zoned LD:** The applicants request a Conditional Use
42 Permit pursuant to Section 607.5.A of the Zoning Ordinance to allow off-lot parking at 0
43 Water Street for the benefit of Recreo, LLC's proposed mixed use development at 2
44 Mascoma Street (PB2022-17-SPR), and to allow off-lot parking at 2 Mascoma Street and 21
45 Water Street for the benefit of the office building use at 10 Water Street (Tax Map 91, Lot
46 259). PB2022-22-CUP. - Continued from May 9, 2022
47
48
49

- 50 C. **Mary Hitchcock Memorial Hospital, 1 Medical Center Dr (Tax Map 10, Lot 8), zoned**
51 **MC:** Request for Site Plan Review for a phased expansion of the Outpatient Surgery Center.

1 Phases to include construction of a +/-3,272 sq. ft. addition at the northeast corner of the
2 existing building together with associated site improvements, and a +/-9,960 sq. ft. addition
3 to the west side of the existing building, together with associated site improvements
4 including the alteration of the existing parking. PB2022-23-SPR
5

6 Mr. Hall recused himself.
7

8 David Stiger, Mary Hitchcock Memorial Hospital; Nik Fiore, Engineering Ventures; Dale Taglienti, e4h
9 Architecture; and David Duncan, Dartmouth Hitchcock Administration, appeared in support of the
10 application.
11

12 Mr. Corwin stated that Staff has reviewed the application and recommends that it is complete enough for
13 the Planning Board to accept jurisdiction and commence review.
14

15 ***A MOTION by Jeremy Rutter that the Lebanon Planning Board find the Site Plan Review application***
16 ***of Mary Hitchcock Memorial Hospital for 1 Medical Center Dr (Tax Map 10, Lot 8), PB2022-23-SPR,***
17 ***IS complete enough to accept jurisdiction and commence review.***

18 ***The motion was seconded by Kathie Romano.***

19 ****The MOTION was approved (8-0).***
20

21 Mr. Stiger described the expansion of the Outpatient Surgery Center. Two of the original ORs have been
22 used for storage, but they would be going online as ORs, which requires additional storage space. Mr.
23 Fiore explained that the project would be in two phases with a change to Phase 1B. There would be an
24 expanded stormwater micro pool. Certain aspects of the plan were explained in detail.
25

26 Mr. Corwin noted some proposed conditions of approval. Mr. Corwin stated that an additional condition
27 of approval was added related to third party inspection. Mr. Stiger commented on several of the waivers
28 being requested.
29

30 Chair Garland inquired about the reasoning behind the phasing. Mr. Stiger explained the closeness of the
31 phasing, which will allow the project to move more quickly. Mr. Corwin stated that there is a proposed
32 condition of approval related to the phasing.
33

34 Mr. Rutter inquired about an additional waiver request regarding the 10-foot buffer. Mr. Stiger explained
35 the background of the waiver.
36

37 Mr. Jasinski inquired why they couldn't meet the landscaping requirements. Mr. Stiger stated that they
38 would lose required parking, and the utility lines go through the area. Mr. Jasinski also questioned the
39 number of parking spaces being provided. Mr. Corwin noted that some requirements need waivers based
40 upon regulations for entire properties without considering redevelopment of a site. Mr. Stiger stated that
41 the original building was created for 8 ORs in 2008, and the original plans for storage quickly became
42 inadequate necessitating two of the ORs being used for storage. The unused ORs are now needed due to
43 expanded demand, so new storage must be created for all of the instruments required for the various
44 operations. Ms. Hirai noted that there are employee parking spaces available in nearby lots.
45

46 Chair Garland inquired about the need for the additional ORs. Mr. Duncan stated that more operations are
47 being done on an outpatient basis, which is driving the need to open the two ORs by providing a sterile
48 instrument storage space.
49

50 Sarah Riley, Ward 2 and Chair of the Conservation Commission, inquired about the possible impact on

1 wetlands based on the proximity of the planned expansion. Mr. Fiore stated that none of the original
2 wetlands would be impacted. Ms. Riley also noted there are several amphibian crossings on the loop road
3 and suggested incorporating those crossings into future designs.
4
5

6 *A MOTION by Jeremy Rutter* that for the application of Mary Hitchcock Memorial Hospital, PB2022-
7 23-SPR, the Lebanon Planning Board **APPROVE** waivers from the following sections of the Site Plan
8 Review Regulations:
9

- 10 • Section 5.1.E.5 – *requiring a current survey certified by a land surveyor licensed in New*
11 *Hampshire.*
- 12
- 13 • Section 5.1.E.13 – *requiring a lighting plan.*
- 14
- 15 • Partial Waiver of Article V and Article VI – *The applicant requests a general waiver from*
16 *having to comply with the Article V submission requirements and Article VI design requirements*
17 *as they may apply outside of the specific area of the lot proposed to be redeveloped.*
- 18
- 19 • Section 6.2.D – *landscaping around buildings requirement.*
20

21 *The motion was seconded by Kim Chewning.*

22 **The MOTION was approved (8-0).*
23
24

25 *A MOTION by Jeremy Rutter* that for the application of Mary Hitchcock Memorial Hospital, PB2022-
26 23-SPR, the Lebanon Planning Board **APPROVE** a waiver from the following section of the Site Plan
27 Review Regulations:

- 28 • Section 5.1.E.16 – *requiring a landscaping plan.*
29

30 *The motion was seconded by Kim Chewning.*

31 **The MOTION was approved (7-1). Tom Jasinski voted against.*
32

33 Mr. Brooks noted that there were no wetlands impacted in the 2008 project.
34

35 Mr. Corwin discussed the proposed condition for third party review. Mr. Stiger noted that DHMC is
36 comfortable with the requirement.
37

38 Chair Garland closed the Public Hearing.
39
40

41 *A MOTION by Jeremy Rutter* that the Lebanon Planning Board **APPROVE** the application of Mary
42 Hitchcock Memorial Hospital for Site Plan Review of a phased expansion of the Outpatient Surgery Center
43 at 1 Medical Center Dr (Tax Map 10, Lot 8), zoned MC, PB2022-23-SPR, as shown on a plan set titled
44 “Dartmouth-Hitchcock Medical Center Outpatient Surgery Center Renovation” prepared by Engineering
45 Ventures, PC, dated May 23, 2022, EV Project #21147 (13 Sheets), including any and all submissions and
46 testimony provided for and during the public hearing, subject to the following conditions:
47

48 Conditions to be Satisfied Prior to Application for a Building Permit
49

1. The applicant shall make the following revisions to the plan set to the satisfaction of the Planning and Development Department:
 - b) Incorporate the changes depicted on the plan set sheets submitted at the hearing on June 13, 2022;
 - c) Revise the phasing plan so that the times to obtain building permits are consistent with projected completion dates;
 - d) On the cover sheet zoning chart:
 - i. Clarify existing required parking; and
 - ii. Clarify discrepancy between gross building area identified on prior DHMC site plan (PB2020-34-SPR) and update parking calculations, if needed; and
 - e) Amend the cover sheet to provide original date of submission and 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.

2. The applicant shall schedule and hold a pre-building permit application meeting with the Planning and Development Department, City Building Inspectors, City Engineer/Department of Public Works, and Fire Department, in order to help streamline the building permit review process and to review applicable code requirements.
3. The applicant shall obtain approval from the City Council or the City Manager's office for any additional water and/or sewer flows in accordance with the applicable Chapter 136 and 182 of the City Code.
4. All engineering review fees shall be paid in full as required by Section 4.7.E.1 of the Site Plan Review Regulations.

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

5. The City shall retain the services of an independent third-party inspector, for which the applicant shall be responsible for all inspection fees related to the construction of sewer, water and stormwater improvements both on-site and work within the City's right-of-way (water, sewer, road, drainage), in accordance with Chapters 136 and 182 of the City Code and Section 8.2 of the Site Plan Review Regulations. The applicant shall provide funding for inspection services in a form and amount acceptable to the City. Prior to the start of any construction activities on the property for which construction inspection is required pursuant to this decision or any applicable ordinance or code, the applicant shall sign a Water & Sewer Extension and Infrastructure Inspection Agreement in accordance with Chapters 136 and 182 of the City Code.
6. The development shall be subject to City of Lebanon Impact Fees, pursuant to Section 213 of the Zoning Ordinance. The Impact Fee shall be calculated at the time of Building Permit issuance based on the Impact Fee Schedule adopted on October 12, 2021. In accordance with RSA 674:39, the approved site plan shall be exempt from any future changes in impact fees and methodology for five years from the date of approval; however, any building permits which are issued after the end of that five-year period shall be fully subject to whatever impact fees and methodology are in effect at the time of building permit issuance.
7. All water and sewer fees shall be paid as set forth in City Code Chapter 68.

- 1 8. Prior to the start of any construction activities on the property, the applicant shall obtain or update
2 (if appropriate) any required State approvals.
3

4 **Conditions to be Satisfied Prior to the Issuance of a Certificate of Occupancy**
5

- 6 9. The impact fee calculated pursuant to Condition of Approval #6 shall be paid.
7
8 10. All improvements depicted on the plan shall be completed and shall be constructed as depicted
9 on the approved plan, including any modifications to the plan as may be approved by the Planning
10 Board in accordance with the Site Plan Review Regulations.
11

12 **General Conditions**
13

- 14 11. The Site Plan for the Outpatient Surgery Center approved by the Planning Board on September
15 8, 2008 (PB2008-17) and all conditions thereto shall remain in force and in effect, except as
16 such plan and conditions may be modified by this approval.
17
18 12. Pursuant to Section 4.9 of the Site Plan Review Regulation, the project may be constructed in
19 phases per the phasing plan, attached hereto as Exhibit A.
20
21 13. Edge-of-disturbance fencing shall be installed and maintained before and during any site work,
22 to be verified by the City Engineer or City's third-party inspector on site.
23
24 14. The property owner is responsible for the maintenance and operation of the stormwater
25 management system in accordance with the O&M plan, and such responsibility shall run with
26 the land. (Section 6.6.H.2.b of the Site Plan Review Regulations).
27

28 *The motion was seconded by Kim Chewning.*

29 **The MOTION was approved (8-0).*
30

31 Matthew Hall returned to the Board.
32
33

- 34 D. **Chiplin Enterprises, Inc., 18 & 18 1/2 Street (Tax Map 107, Lot 38), zoned R-**
35 **2:** Applicant proposes a minor subdivision for 18 & 18 1/2 South Street, currently on one
36 parcel, the applicant would like to subdivide the property. PB2022-24-MIN - Continued to
37 August 8, 2022
38
39

40 *A MOTION by Kathie Romano to extend the meeting to 9:45 PM.*

41 *The motion was seconded by Jeremy Rutter.*

42 **The MOTION was approved (8-1). Matthew Hall voted against.*
43
44

45 **4. Other Business**
46

47 Mr. Corwin stated that the CIP Subcommittee is being formed, and volunteers are being sought. One of
48 the former members, Kim Chewning, will participate. Tom Jasinski and Jeremy Rutter volunteered. One
49 additional member is being sought. Cori Hirai also volunteered.
50

1 Mr. Brooks noted that the September 12, 2022 meeting will be moved to September 19, 2022 due to
2 conflicts with the meeting room availability.

- 3
4 A. **St. Johnsbury Automobile Group (applicant) and ORQT, LLC (property owner), 425**
5 **Miracle Mile (Tax Map 103, Lot 15), zoned GC:** Review of a minor alteration to an
6 approved site plan (PB2021-19-SPR) per Section 9.2 of the Site Plan Review Regulations.
7

8 Chair Garland summarized the proposed minor alteration to the project. No board members expressed any
9 concerns.

10
11 **5. Approval of Minutes**

- 12
13 A. May 9, 2022

14
15 *A MOTION by Kathie Romano to approve the Planning Board Minutes of May 9, 2022, as presented.*
16 *The motion was seconded by Cori Hirai.*
17 **The MOTION was approved (9-0).*
18

19 **6. Adjournment**

20
21 *A MOTION by Matthew Hall to adjourn the meeting.*
22 *The motion was seconded by Jeremy Rutter.*
23 **The MOTION was approved (9-0).*
24

25
26 The meeting was adjourned at 9:27 PM.

27
28 Respectfully Submitted,

29
30 Holly Howes
31 Recording Secretary