

FINAL

LEBANON PLANNING BOARD
Work Session
Monday, May 23, 2022, 6:30 PM
City Council Chambers, City Hall
or Remote Via Microsoft Teams
LebanonNH.gov/Live

MEMBERS PRESENT: Bruce Garland (Chair), Karen Zook (City Council Rep), Gregorio Amaro, Tom Martz, Kathie Romano, Jeremy Rutter, Laurel Stavis, Thomas Jasinski (Alternate), Cori Hirai (Alternate)

MEMBERS ABSENT: Matthew Hall (Vice-Chair), Kim Chewning

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

1. Call to Order

Chair Garland called the meeting to order at 6:30 PM. Mr. Jasinski and Ms. Hirai were appointed to fill in for the absent regular members.

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

Mr. Corwin stated that the application was withdrawn.

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

Connor Regan attended virtually as the appellant and spoke in favor of the proposed take-out food establishment but had some concerns as an abutting landowner regarding noise at night and a fence. Keith Bell of KAB Properties also attended virtually. Dan Nash of Advanced Geomatics appeared to support the application.

There was a discussion of the basis for the appeal. Mr. Corwin explained the background of the KAB Properties, LLC minor site plan review approval.

Ms. Romano expressed concern that the application was not referred to the full Planning Board once the original building that was to be renovated had to be razed.

Mr. Bell explained that there is a mutual agreement between himself and Mr. Regan regarding the property, but there is no written agreement.

Mr. Nash stated that the Minor Site Plan Committee did an appropriate job regarding the KAB application.

A MOTION by Jeremy Rutter that the Lebanon Planning Board GRANT the appeal of Connor Regan regarding the approval by the Minor Site Plan Committee of a proposed 1,972 sq. ft. building at 45 Mechanic Street (Tax Map 106, Lot 36), zoned LD, owned by KAB Properties, LLC (PB2022-20A-MSP).

The motion was seconded by Tom Jasinski.

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

A MOTION by Jeremy Rutter that the application of Connor Regan (appellant), KAB Properties, LLC (applicant), 45 Mechanic Street (Tax Map 106, Lot 36), zoned LD does not have the potential for regional impact and is complete enough for the Planning Board to accept jurisdiction and commence review.

The motion was seconded by Tom Martz.

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

Mr. Nash described the materials presented in support of the application and the basis of the Minor Site Plan Committee's original approval.

Mr. Corwin stated that there is a motion prepared that is the same as the one approved by the Minor Site Plan Committee, which can be adjusted based upon the discussion of the full Planning Board.

Ms. Stavis inquired about the ownership of the Dominos location. Mr. Bell stated that he is the franchisee for the site.

Ms. Romano noted several items that may change following the razing of the original building.

Mr. Corwin stated that the submission requirements were satisfied.

Ms. Romano inquired about any changes in stormwater management. Mr. Vincent stated if there is no change to the building footprint and impervious surface, there isn't any change in the stormwater situation. Mr. Nash agreed. Chair Garland noted that the current location could be changed to eliminate disturbance to the abutters. Mr. Nash stated that the foundation is still present, and it would involve a new site plan to move the building location. Mr. Jasinski expressed his understanding of the plan that nothing would change except the appearance of the

building and suggested the full Planning Board endorse the Minor Site Plan Committee's approval with small changes if needed.

Mr. Corwin stated that there is no substantial change to any of the usual criteria.

***A MOTION by Tom Jasinski that the Planning Board endorse the Minor Site Plan Committee approval of KAB Properties, LLC, regarding 45 Mechanic Street.
The motion was seconded by Tom Martz.***

Ms. Hirai inquired about the drainage from the roof, which is to the south on the former building. Mr. Nash said the drainage could be moved to a better location.

Ms. Romano noted that the approval should include mitigation of lighting and the fencing with added conditions.

Mr. Corwin suggested that the hearing process could proceed by amending the original decision instead of making two separate motions.

Mr. Jasinski withdrew his motion, and Mr. Martz agreed.

Mr. Jasinski inquired about the details of the agreement between Mr. Regan and Mr. Bell.

Mr. Regan stated that his primary concern is regarding light into his home. Mr. Bell stated that he would do what he can to regulate where the employee drivers park. Mr. Nash described the location and height of a fence to block the light from headlights. Mr. Regan spoke in favor of an appropriate, appealing 8' fence from the corner of the building along the full parking area and expressed his willingness to cooperate with the construction process.

Mr. Bell explained that the concrete retaining wall failed, which is why the building and wall both need to be replaced. Mr. Regan stated that he is fine with a plain, concrete, retaining wall. Mr. Nash suggested that they could provide a row of lilacs along Mr. Regan's side of the wall.

Chair Garland spoke to the issue of the building itself. Mr. Bell stated that the outside of the building would be gray textured rock and wood domino tile. The signage would be blue, white, and red in the size dictated by zoning. Mr. Nash stated that the size of the previous sign would dictate the size of the new sign.

Ms. Hirai inquired if there was a color rendering of the proposed building. Mr. Bell shared a picture of the type of exterior that is planned. Ms. Stavis stated that she is uncomfortable with dictating aesthetics to a corporate entity. Chair Garland noted that there are regulations in the Lebanon Downtown District.

Mr. Jasinski inquired about the regulations for building design. Mr. Brooks noted that Section 6.10.B relates to building design. Chair Garland stated that the regulations should guide the building materials. Mr. Nash suggested wording related to the percentage mix of wood and

masonry. Mr. Brooks noted that Section 6.10.B.2 refers to material requirements, and color is not specified.

Ms. Romano inquired about the condition regarding foundation drains. Mr. Corwin described the current condition. Ms. Romano also inquired about the lighting. Mr. Brooks read the condition related to lighting. Mr. Rutter noted that there is a requirement for screening. Mr. Corwin stated that the minor site plan process does not cover screening. Mr. Rutter expressed concern over the building fitting into the neighborhood, adding that landscaping screening across the front of the building would be desirable. Mr. Amaro recommended that the details need to be presented. Mr. Jasinski stated that he agrees with Mr. Amaro. Ms. Romano stated that the suggested conditions would satisfy the issues raised.

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

A MOTION by Jeremy Rutter that the Lebanon Planning Board **APPROVE** the application of KAB Properties, LLC, regarding 45 Mechanic Street (Tax Map 106, Lot 36), zoned LD, PB2022-20A-MSP, for Site Plan Review 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 appropriate location of roof and foundation drainage and discharge point(s).
 - 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 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(b) 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.
- n. Identify an 8 ft. opaque fence to be installed on the top of the retaining wall along the southern property line, to extend from the southwest corner of the property to the southwest corner of the building.
- o. Applicant shall prepare building plans that conform with Section 6.10.B.2 with respect to proposed building materials.

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 and identify 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 Tom Martz. *The MOTION was approved (7-2). Tom Jasinski and Gregorio Amaro voted against the motion.

3. Study Items

A. Introduction to 2022-2023 Zoning Ordinance amendments

Mr. Corwin introduced some of the potential zoning amendments that the Department is working on.. The City Council has been discussing including “cottage cluster” housing developments to fill a void in housing options. Mr. Brooks stated that the units would be smaller, and circulation is around the outside with common space inside the cluster.

Mr. Corwin also introduced another amendment regarding manufactured home development to reflect current homes being produced and better feasibility for developments. Mr. Brooks provided clarification as to manufacturing housing versus modular housing and the location of current manufactured home parks in Lebanon. The Board members discussed features of the homes and current practices.

Mr. Corwin described the amendment regarding a density bonus and the completion of the table in the ordinance that currently has unspecified values. Accessory dwelling units may also be addressed.

Ms. Romano noted that the open space designation happens automatically on remaining space after development rather than as a percentage of the property that allows future development. Mr. Brooks noted that the regulations already allow undeveloped areas to be reserved for future use as long as the minimum requirements are met and cited Rock Ridge as an example of a development has space that isn’t designated as open space in perpetuity.

Ms. Stavis noted that the governor is making funds available for affordable housing. Mr. Brooks stated that Lebanon is planning to apply for those funds.

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)

B. 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)
- There is a virtual tour of the Glen Road Dam, which is up for FERC renewal, this Wednesday from 10-11 am. There is a link available from Chair Garland for anyone who wishes to view the tour.
- 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

Mr. Brooks stated that CIP proposals have been received and are being reviewed and compiled, and the subcommittee should receive them in July.

Chair Garland asked for updates on several projects.

Mr. Brooks stated that River Park has had a building permit for two and a half years and another extension request has been submitted. There has been discussion of a TIF district to move that project forward.

Mr. Corwin stated that Brady Sullivan has entered into new agreements with the City, including a security agreement for Phase 2. Inspections are needed, and Planning Staff is waiting for a schedule from Brady Sullivan.

Mr. Corwin noted that Edwards cannot do any new construction but has a zoning permit to use the building as a car wash, and all conditions of approval must be satisfied before the full facility can be used.

Mr. Brooks noted that building costs are exploding, and schedules are being impacted.

6. Approval of Minutes

A. April 25, 2022

Page 3, line 10 to read, “Ms. Romano raised an issue of a property in West Lebanon that was rezoned and then razed and a possible plan for low-income housing in its place.”

A MOTION by Laurel Stavis to approve the Planning Board minutes of April 25, 2022, as amended.

The motion was seconded by Cori Hirai.

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

7. Adjournment

A MOTION by Tom Martz to adjourn the meeting.

The motion was seconded by Laurel Stavis.

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

The meeting was adjourned at 9:17 PM.

Respectfully Submitted,

Holly Howes
Recording Secretary