FINAL

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

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 May 9, 2022

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

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

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

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

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

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

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

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

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

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

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

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

Chair Garland invited public comment.

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

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

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

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

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

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

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

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

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

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

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

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

Chair Garland suggested that the waivers be discussed.

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

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

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

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

A MOTION by Matthew Hall to continue the hearing of 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 to June 27, 2022, at 6:30 PM.
The motion was seconded by Kathie Romano.
****The MOTION was approved (9-0).***

B. **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. - Continued from May 9, 2022

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

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

Mr. Hall recused himself.

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

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

A MOTION by Jeremy Rutter that the Lebanon Planning Board find the Site Plan Review application of Mary Hitchcock Memorial Hospital for 1 Medical Center Dr (Tax Map 10, Lot 8), PB2022-23-SPR, IS complete enough to accept jurisdiction and commence review.
The motion was seconded by Kathie Romano.
****The MOTION was approved (8-0).***

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

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

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

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

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

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

Sarah Riley, Ward 2 and Chair of the Conservation Commission, inquired about the possible impact on wetlands based on the proximity of the planned expansion. Mr. Fiore stated that none of the original wetlands would be impacted. Ms. Riley also noted there are several amphibian crossings on the loop road and suggested incorporating those crossings into future designs.

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

- **Section 5.1.E.5** – *requiring a current survey certified by a land surveyor licensed in New Hampshire.*

- **Section 5.1.E.13** – *requiring a lighting plan.*

- **Partial Waiver of Article V and Article VI** – *The applicant requests a general waiver from having to comply with the Article V submission requirements and Article VI design requirements as they may apply outside of the specific area of the lot proposed to be redeveloped.*

- **Section 6.2.D** – *landscaping around buildings requirement.*

The motion was seconded by Kim Chewning.
****The MOTION was approved (8-0).***

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

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

The motion was seconded by Kim Chewning.
****The MOTION was approved (7-1).*** Tom Jasinski voted against.

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

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

Chair Garland closed the Public Hearing.

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

Conditions to be Satisfied Prior to Application for a Building Permit

1. 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.

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

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

9. The impact fee calculated pursuant to Condition of Approval #6 shall be paid.

10. All improvements depicted on the plan shall be completed and shall be constructed as depicted on the approved plan, including any modifications to the plan as may be approved by the Planning Board in accordance with the Site Plan Review Regulations.

General Conditions

11. The Site Plan for the Outpatient Surgery Center approved by the Planning Board on September 8, 2008 (PB2008-17) and all conditions thereto shall remain in force and in effect, except as such plan and conditions may be modified by this approval.

12. Pursuant to Section 4.9 of the Site Plan Review Regulation, the project may be constructed in phases per the phasing plan, attached hereto as Exhibit A.

13. Edge-of-disturbance fencing shall be installed and maintained before and during any site work, to be verified by the City Engineer or City's third-party inspector on site.

14. The property owner is responsible for the maintenance and operation of the stormwater management system in accordance with the O&M plan, and such responsibility shall run with the land. (Section 6.6.H.2.b of the Site Plan Review Regulations).

The motion was seconded by Kim Chewning.
****The MOTION was approved (8-0).***

Matthew Hall returned to the Board.

D. **Chiplin Enterprises, Inc., 18 & 18 1/2 Street (Tax Map 107, Lot 38), zoned R-2:** Applicant proposes a minor subdivision for 18 & 18 ½ South Street, currently on one parcel, the applicant would like to subdivide the property. PB2022-24-MIN - Continued to August 8, 2022

A MOTION by Kathie Romano to extend the meeting to 9:45 PM.
The motion was seconded by Jeremy Rutter.
****The MOTION was approved (8-1).*** Matthew Hall voted against.

4. Other Business

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

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

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

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

5. Approval of Minutes

A. May 9, 2022

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

6. Adjournment

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

The meeting was adjourned at 9:27 PM**.**

Respectfully Submitted,

Holly Howes
Recording Secretary