

FINAL

**LEBANON PLANNING BOARD
Work Session
Monday, June 27, 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), Gregorio Amaro, Kim Chewning, Kathie Romano, Thomas Jasinski (Alternate), Cori Hirai (Alternate)

MEMBERS ABSENT: Tom Martz, Jeremy Rutter, Laurel Stavis

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.

Mr. Jasinski and Ms. Hirai were appointed to fill in for two of the absent regular members.

2. 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 13, 2022

Tim Sidore of Recreo LLC, Jim Wasser of Studio Nexus, and Traffic Engineer Corey Mack appeared in support of the application.

Mr. Wasser reported on his communication with Chief Christopoulos of the Fire Department, who proposed a solution for the applicant to pave and stripe the parking lot to the rear of the fire station to control parking and provide an area reserved for the Fire Department staff.

Mr. Mack described a new assessment of the traffic pattern which was sent to the Planning Department.

Mr. Corwin explained two new proposed conditions of approval based on the Fire Department's recommendations. In addition, he noted additional proposed conditions regarding the phasing plan and drainage improvements. Jackie Menard's written comments were distributed to the Board members.

Mr. Vincent commented on the driveway access, noting that a single point of access is preferable. Mr. Hall inquired about the reasoning behind single access. Mr. Vincent stated that limited access is best practice and the most common, and the upper access on Hanover Street would be the better of the two.

Mr. Wasser stated that more study would be needed to determine the best access. Mr. Mack added that truck access may require the additional access. Mr. Brooks suggested that two access points would be needed initially.

Ms. Romano inquired if the relocation of the fire station would change the building arrangement. Mr. Sidore confirmed that it would.

Ms. Chewning asked for an explanation of the traffic flow on the site. Mr. Wasser explained the access to the parking garage and spaces along with the traffic flow.

Chair Garland invited questions regarding the waiver requests.

The parking for the project was discussed. Mr. Sidore explained the Water Street parking area agreement. Mr. Wasser noted the lease agreement is for three years. Mr. Corwin noted that the CUP requires that there must be a longer-term arrangement. Mr. Hall added that there is considerable public parking nearby. Ms. Romano inquired about the numbered spaces and the parking garage. Mr. Sidore stated that they would provide adequate parking for all tenants and functions on the property. Mr. Jasinski confirmed that the parking must be settled before occupancy but inquired if there would be recourse if the parking becomes an issue in the future. Ms. Romano inquired if the Board or Planning Department would monitor the parking. Mr. Brooks asked about the parking process. Mr. Sidore stated that they issue parking passes and assign spaces for the tenants. Mr. Brooks suggested that the applicant could provide data regarding parking issues. Mr. Amaro inquired about what would happen if parking became metered, and work schedules could have an impact. Mr. Sidore stated that other Recreo properties have spaces for people who work on different shifts.

Mr. Wasser recapped the details of the waivers.

A MOTION by Matthew Hall that for the application of Recreo, LLC, PB2022-17-SPR, the Lebanon Planning Board **APPROVE** a waiver from the following section of the Site Plan Review Regulations:

- **Section 6.2.B.1** – *to allow less than the minimum required 15 ft. buffer at the southeastern corner of the property between the buried propane tanks and the property line.*

Seconded by Kathie Romano

Mr. Jasinski inquired about the reason for designing the propane tanks in this area. Mr. Wasser explained why it would be the best location for the tanks.

The MOTION was approved (5-3), with Mr. Jasinski, Mr. Amaro, and Ms. Hirai voting against.

A MOTION by Matthew Hall that for the application of Recreo, LLC, PB2022-17-SPR, the Lebanon Planning Board **APPROVE** a waiver from the following section of the Site Plan Review Regulations:

- **Section 6.2.B.4** – *requiring all trees to be planted a minimum of 8 ft. from any property line.*

The motion was seconded by Cori Hirai.

***The MOTION passed (7-1), with Gregorio Amaro voting against.**

A MOTION by Matthew Hall that for the application of Recreo, LLC, PB2022-17-SPR, the Lebanon Planning Board **APPROVE** a waiver from the following section of the Site Plan Review Regulations:

- **Section 6.2.D.1** – landscaping around buildings requirements (with respect to the Village Market building).

The motion was seconded by Cori Hirai.

***The MOTION was approved (7-1), with Kim Chewning voting against.**

A MOTION by Matthew Hall that for the application of Recreo, LLC, PB2022-17-SPR, the Lebanon Planning Board **APPROVE** a waiver from the following section of the Site Plan Review Regulations:

- **Section 6.2.D.1** – landscaping around buildings requirements (with respect to multi-family building #2).

The motion was seconded by Kathie Romano.

Mr. Jasinski questioned the balance of a return on investment versus meeting the City requirements.

***The MOTION was approved (6-2), with Tom Jasinski and Kim Chewning voting against.**

A MOTION by Matthew Hall that for the application of Recreo, LLC, PB2022-17-SPR, the Lebanon Planning Board **APPROVE** a waiver from the following section of the Site Plan Review Regulations:

- **Section 6.5.E.8** – requiring parking lots with multiple drive aisles to be oriented perpendicular to the building to reduce the number of traffic aisles that a pedestrian must cross to reach the building.

The motion was seconded by Kathie Romano.

***The MOTION was approved (7-1), with Gregorio Amaro voting against.**

A MOTION by Matthew Hall that for the application of Recreo, LLC, PB2022-17-SPR, the Lebanon Planning Board **APPROVE** a waiver from the following section of the Site Plan Review Regulations:

- **Section 6.2.E.4** – requiring rows of parking longer than 100 feet to be dispersed every 100 feet or less by a landscaped bed.

The motion was seconded by Cori Hirai.

Kim Chewning asked about the impact of losing a parking space. Mr. Wasser stated that there is no minimum parking requirement in the LD.

***The MOTION was approved (5-3) with Tom Jasinski, Kim Chewning, and Gregorio Amaro voting against.**

A MOTION by Matthew Hall that for the application of Recreo, LLC, PB2022-17-SPR, the Lebanon Planning Board **APPROVE** a waiver from the following section of the Site Plan Review Regulations:

- **Section 6.2.E.1** – requiring landscaping to visually screen parking areas.

The motion was seconded by Kathie Romano.

***The MOTION was approved (5-3), with Mr. Jasinski, Ms. Chewning, and Mr. Amaro voting against.**

A MOTION by Matthew Hall that for the application of Recreo, LLC, PB2022-17-SPR, the Lebanon Planning Board **APPROVE** a waiver from the following section of the Site Plan Review Regulations:

- **Section 6.10.C.4.a** – requiring a landscaped buffer of at least 5 feet along the frontage of any accessory parking area and requiring that the buffer is designed to create an attractive streetscape and shall be provided through an appropriate combination of plantings, planters, benches, fences, public art, pedestrian-scale lighting, and low walls under four feet in height.

The motion was seconded by Kathie Romano.

Ms. Chewning inquired if the City must approve landscaping infringing on City property. Mr. Corwin stated that there is a proposed condition requiring an excavation permit.

Mr. Jasinski inquired if the City allows landscaping on City property. Mr. Vincent stated that he wouldn't object to the plantings, and he is the one who approves excavation permits. Ms. Romano asked about the maintenance of landscaping on City property. Mr. Vincent stated there are many different circumstances around the city. Mr. Corwin stated that a condition could be added.

****The MOTION was approved (7-1), with Mr. Jasinski voting against.***

Mr. Wasser explained the background of the CUP request per Section 307.3 of the Zoning Ordinance. Mr. Corwin noted that a CUP refers to something that is allowed.

Read by Matthew Hall:

On May 9, 2022, June 13, 2022, and June 27, 2022, at duly noticed meetings of the Lebanon Planning Board, there appeared Jim Wasser and Tim Sidore on behalf of Recreo, LLC, regarding 2 Mascoma Street (Tax Map 91, Lot 254), zoned LD, requesting a Conditional Use Permit per Section 307.3 of the Zoning Ordinance to allow a reduced minimum required rear yard. PB2022-17-SPR

I. FINDINGS OF FACT

Based on testimony given, application materials presented, and supporting documents submitted, the Planning Board makes the following findings of fact:

1. Recreo, LLC proposes to redevelop the property with the construction of two (2) new multi-family buildings containing a total of 152 dwelling units and proposes to construct the southernmost building 7 ft. from the rear lot line.
2. In the LD District, the minimum required rear yard of 10 ft. established per Section 307.3 may be reduced by conditional use permit per Section 302.4.
3. Pursuant to Section 307.3, the applicant requests a Conditional Use Permit to reduce the minimum required rear yard to 7 ft. and has submitted an Application for Conditional Use Permit Support Statement addressing the Section 302.4.D criteria.

II. CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Planning Board concludes the following with respect to the Enhanced Performance Standards set forth in §302.4.D of the Zoning Ordinance:

1. The site **IS** suitable for the proposal. (§302.4.D.1)
2. The external impacts of the proposed use on abutting properties and the neighborhood **ARE** commensurate with the impacts of adjacent existing uses or other uses permitted in the zoning district. (§302.4.D.2)
3. The proposal **DOES** satisfy the criteria of Section 302.4.D.3:

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

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

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

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

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

III. DECISION

Now therefore be it resolved, the Planning Board, on this **27^h day of June, 2022**, hereby **GRANTS** the request of Recreo, LLC for a Conditional Use Permit per Section 307.3, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The Conditional Use Permit is contingent on approval of the site plan application of Recreo, LLC for 2 Mascoma Street (Tax Map 91, Lots 254), PB2022-23-SPR, currently pending before the Board.

The motion was seconded by Mr. Amaro.

Ms. Romano inquired about item #4, which refers to the height of the building. Mr. Corwin noted that this is about the entirety of Building #1 and its compatibility with the LD.

****The Conditional Use Permit was approved (5-3), with Ms. Chewning, Mr. Amaro, and Ms. Hirai voting against.***

The Board members discussed the issue of building height in the LD as it relates to this project. The elevations were reviewed and compared with other LD buildings. Mr. Brooks noted the comparable heights of the other large buildings across the street.

Kim Chewning questioned the number of units and inquired about the impact of a lesser number of units. Mr. Sidore noted that the Visioning Study asks for the density, and the project would not be financially viable. Ms. Hirai advocated for a rooftop space on Building #1 as an important amenity for people in efficiency apartments. Mr. Wasser noted that the setback of the top floor of the building mitigates the impact of the size of the building. Ms. Romano agreed with Ms. Hirai regarding the rooftop amenities

and noted that there is considerable space between the proposed buildings and the residential neighborhoods.

Read by Matthew Hall:

On May 9, 2022 June 13, 2022, and June 27, 2022, at duly noticed meetings of the Lebanon Planning Board, there appeared Jim Wasser and Tim Sidore on behalf of Recreo, LLC, regarding 2 Mascoma Street (Tax Map 91, Lot 254), zoned LD, requesting a Conditional Use Permit per Section 307.8.A of the Zoning Ordinance to allow an increase in the maximum permitted building height. PB2022-17-SPR

1. Recreo, LLC proposes to redevelop the property with the construction of two (2) new multi-family buildings containing a total of 152 dwelling units and proposes a height of 65 ft. for the northernmost building.
2. 55 ft. is the maximum building height in the LD District. However, per Section 307.8.A, the Planning Board may allow building height of up to 65 ft. by Conditional Use Permit per Section 302.4.D.
3. Pursuant to Section 307.8.A, the applicant requests a Conditional Use Permit to allow building #2 to have a height of 65 ft. and has submitted an Application for Conditional Use Permit Support Statement addressing the Section 302.4.D and Section 307.8.A criteria.
4. In order to grant the requested Conditional Use Permit, the Board must find the applicant's proposal satisfies the Enhanced Performance Standards set forth in Section 302.4.D as well as the specific requirements of Section 307.8.A.

II. CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Planning Board concludes the following with respect to the Enhanced Performance Standards set forth in Section 302.4.D and Section 307.8.A of the Zoning Ordinance:

1. The site **IS** suitable for the proposal. (§302.4.D.1)
2. The external impacts of the proposed use on abutting properties and the neighborhood **ARE** commensurate with the impacts of adjacent existing uses or other uses permitted in the zoning district. (§302.4.D.2)
3. The proposal **DOES** satisfy the criteria of Section 302.4.D.3:
The proposed layout and design of the site shall not be incompatible with the established character of the neighborhood and shall mitigate any external impacts on abutters, the neighborhood, and nearby public ways and infrastructure. This shall include, but not be limited to, the relationship of the building(s) to the street, the amount, location, and screening of off-street parking, the treatment of yards and setbacks, the buffering of adjacent properties, and provisions for vehicular and pedestrian access to and within the site.
4. The proposal **DOES** satisfy the criteria of Section 302.4.D.4:
The design of any new buildings or structures and the modification of existing buildings or structures on the site shall not be incompatible with the established character of the neighborhood. This shall include, but not be limited to, the scale, height, and massing of the

building or structure, the roof line, locations of access, and visual compatibility with the area.

5. The proposal **DOES** satisfy the criteria of Section 302.4.D.5:
The proposed use and layout of the site, including all related development activities, shall to the greatest extent practicable preserve identified natural, cultural, historic, and scenic resources on the site and shall not degrade such identified resources on abutting properties. This shall include, but not be limited to, identified wetlands, floodplains, significant wildlife habitat and documented wildlife corridors, stonewalls, mature tree lines, identified historic buildings or sites, scenic views, and viewsheds.
6. The building front line of the top story **IS** set back at least ten (10) feet from the building front line of the story below when built within thirty feet of the front lot line. (Section 307.8.A.1)
7. The proposal **DOES** provide improvements to streetscapes, public ways, or public spaces that implement recommendations for downtown Lebanon in current plans, policies, or programs adopted by the City of Lebanon including but not limited to the Master Plan, Downtown Visioning Study, and the Capital Improvement Program. (Section 307.8.A.2)
8. The proposal **DOES** include a high-quality design with attention to architectural quality and detail, universal accessibility, and/or environmental sustainability. (Section 307.8.A.3)

III. DECISION

Now therefore be it resolved, the Planning Board, on this **27th day of June, 2022**, hereby **GRANTS** the request of Recreo, LLC for a Conditional Use Permit per Section 307.8.A, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The Conditional Use Permit is contingent on approval of the site plan application of Recreo, LLC for 2 Mascoma Street (Tax Map 91, Lots 254), PB2022-23-SPR, currently pending before the Board.

The motion was seconded by Cori Hirai.

Mr. Jasinski stated that the amenities are good and could be on a lower building, but the massiveness of the building is still an issue.

The CUP was approved (5-3), with Mr. Jasinski, Ms. Chewning, and Mr. Amaro voting against.

Mr. Wasser explained the rationale for the CUP per Section 307.9.B of the Zoning Ordinance.

Mr. Brooks inquired about the existing sign. Mr. Wasser stated it would be removed.

Read by Matthew Hall:

On May 9, 2022, June 13, 2022, and June 27, 2022, at duly noticed meetings of the Lebanon Planning Board, there appeared Jim Wasser and Tim Sidore on behalf of Recreo, LLC, regarding 2 Mascoma Street (Tax Map 91, Lot 254), zoned LD, requesting a Conditional Use Permit per Section 307.9.B of the Zoning Ordinance to allow parking spaces and a vehicular circulation drive to be located within the front yard. PB2022-17-SPR

I. FINDINGS OF FACT

Based on testimony given, application materials presented, and supporting documents submitted, the Planning Board makes the following findings of fact:

1. Recreo, LLC proposes to redevelop the property with the construction of two (2) new multi-family buildings containing a total of 152 dwelling units.
2. Section 307.9.B of the Zoning Ordinance prohibits parking areas and vehicular circulation areas within the front yard. However, “[f]or improved surfaces in existence as of January 20, 2021, the Planning Board may waive these requirements by conditional use permit pursuant to Section 302.4 if the Board finds that there is no other location on the lot to provide parking.”
3. Pursuant to Section 307.9.B, the applicant requests a Conditional Use Permit to allow a 20 ft. circulation drive and 8 parking spaces in the front yard and has submitted the attached Application for Conditional Use Permit Support Statement addressing the Section 302.4.D and Section 307.9.B criteria.
4. In order to grant the requested Conditional Use Permit, the Board must find the applicant’s proposal satisfies the Enhanced Performance Standards set forth in Section 302.4.D as well as the specific requirements of Section 307.9.B.

II. CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Planning Board concludes the following with respect to the Enhanced Performance Standards set forth in Section 302.4.D and Section 307.9.B of the Zoning Ordinance:

1. The site **IS** suitable for the proposal. (§302.4.D.1)
2. The external impacts of the proposed use on abutting properties and the neighborhood **ARE** commensurate with the impacts of adjacent existing uses or other uses permitted in the zoning district. (§302.4.D.2)
3. The proposal **DOES** satisfy the criteria of Section 302.4.D.3:
The proposed layout and design of the site shall not be incompatible with the established character of the neighborhood and shall mitigate any external impacts on abutters, the neighborhood, and nearby public ways and infrastructure. This shall include, but not be limited to, the relationship of the building(s) to the street, the amount, location, and screening of off-street parking, the treatment of yards and setbacks, the buffering of adjacent properties, and provisions for vehicular and pedestrian access to and within the site.
4. The proposal **DOES** satisfy the criteria of Section 302.4.D.4:
The design of any new buildings or structures and the modification of existing buildings or structures on the site shall not be incompatible with the established character of the neighborhood. This shall include, but not be limited to, the scale, height, and massing of the building or structure, the roof line, locations of access, and visual compatibility with the area.
5. The proposal **DOES** satisfy the criteria of Section 302.4.D.5:

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

6. The improved surface was in existence as of January 20, 2021, and there is no other location on the lot to provide parking. (Section 307.9.B)

III. DECISION

Now therefore be it resolved, the Planning Board, on this **27th day of June, 2022**, hereby **GRANTS** the request of Recreo, LLC for a Conditional Use Permit per Section 307.9.B, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The Conditional Use Permit is contingent on approval of the site plan application of Recreo, LLC for 2 Mascoma Street (Tax Map 91, Lots 254), PB2022-23-SPR, currently pending before the Board.

The motion was seconded by Cori Hirai.

Mr. Hall inquired about the condition that there is no other location for parking. Mr. Corwin read the related Zoning Ordinance requirement. Mr. Hall stated that it is an unusual location, and the exception is merited.

The CUP was approved (7-1), with Mr. Jasinski voting against.

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 June 13, 2022

Read by Matthew Hall:

On May 9, 2022, June 13, 2022, and June 27, 2022, at duly noticed meetings of the Lebanon Planning Board, there appeared Jim Wasser and Tim Sidore on behalf 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. 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

I. FINDINGS OF FACT

Based on testimony given, application materials presented, and supporting documents submitted, the Planning Board makes the following findings of fact:

1. Recreo, LLC is the owner of 2 Mascoma Street, currently improved with two commercial buildings (the former Village Market building and the Sunrise Buffet building). Recreo proposes a redevelopment of the property, the application for which (PB2022-17-SPR) will be heard by the Planning Board concurrently with this Conditional Use Permit application. The proposed redevelopment includes the razing of the Sunrise Buffet and the construction of two (2) new multi-family buildings containing a total of 152 dwelling units (148 studios and 4 one-bedrooms). The proposed redevelopment will include a total of 99 on-site parking spaces for both the commercial uses in the former Village Market building and the proposed multi-family dwellings.
2. Water Street Mill, LLC owns 0 Water Street which abuts 2 Mascoma Street to the west. 0 Water Street is developed as a 100-space parking lot and is currently used as off-lot parking for the tenants of 10 Water Street (Tax Map 91, Lot 259), located on the opposite side of Water Street. 10 Water Street, which is also owned by Water Street Mill, LLC, is occupied by a mix of office tenants.
3. 21 Agua Street, LLC, is the owner of 21 Water Street which abuts 0 Water Street to the south. The property is currently developed with a single-story multi-tenant commercial building with surrounding gravel surface parking. The building contains four (4) dwelling units and a commercial kitchen. According to the applicants' Conditional Use Permit Support Statement, the property contains 25 parking spaces.
4. The applicants request a Conditional Use Permit pursuant to Section 607.5 of the Zoning Ordinance to allow off-lot parking as follows:
 - Water Street Mill, LLC will lease the 100-space parking lot to Recreo, LLC for use by residents of 2 Mascoma Street on the evenings and weekends.
 - Recreo, LLC will lease 5 parking spaces at 2 Mascoma Street to Water Street Mill, LLC, for weekday use by tenants of 10 Water Street.
 - 21 Agua Street, LLC will lease the 25 parking spaces at 21 Water Street to Water Street Mill, LLC, for weekday use by tenants of 10 Water Street.
5. Per Section 607.4 of the Zoning Ordinance, the minimum parking requirements set forth in the Table of Minimum Off-Street Parking Requirements do not apply in the LD District. Rather, parking requirements in the LD District "shall be as required by the Planning Board through its Site Plan Review of new uses or changes or expansion of use."
6. Normally, required parking shall be provided on the same lot as the use for which the parking is required. However, Section 302.5 of the Zoning Ordinance allows parking areas to serve off-site uses by conditional use permit in accordance with the requirements of Section 607.5 ("Off-Lot Parking"). Section 607.5.A provides that in the LD District, the Planning Board may approve private off-lot parking by Conditional Use Permit.
7. In order to grant the requested Conditional Use Permit, the Board must find the applicants' proposal satisfies the requirements of Section 607.5.A, which are in lieu of demonstrating compliance with the Enhanced Performance Standards set forth in Section 302.4.D of the Zoning Ordinance.

II. CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Planning Board concludes the following with respect to the criteria for set forth in §607.5.A of the Zoning Ordinance:

1. The minimum number of required off-street parking spaces as calculated per Section 607.4 **CANNOT** feasibly be accommodated on-site (§607.5.A.1)
2. The off-lot uses to be served are allowed uses in the zoning district in which the off-lot parking areas will be located. (§607.5.A.2)
3. The off-lot parking areas **ARE** in an appropriate location for the uses served by the parking and will not be detrimental to abutting properties. (§607.5.A.3)
4. Such parking arrangements **WILL BE** either permanently deeded and recorded or conveyed by an irrevocable 99-year lease or some other legal instrument, acceptable to an attorney representing the City, that will ensure that such parking arrangement will remain as long as the need exists. (§607.5.A.4)
5. The off-lot parking **WILL NOT** constitute a hazard to traffic or pedestrians. (§607.5.A.5)

III. DECISION

Now therefore be it resolved, the Planning Board, on this **27th day of June, 2022**, hereby **GRANTS** the request of Recreo, LLC, Water Street Mill, LLC, and 21 Agua Street, LLC for a Conditional Use Permit per Section 607.5.A, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicants shall provide the Planning and Development Department with appropriate documentation in accordance with Section 607.5.A.4 of the Zoning Ordinance.
2. The Conditional Use Permit is contingent on approval of the site plan application of Recreo, LLC for 2 Mascoma Street (Tax Map 91, Lot 254), PB2022-17-SPR, currently pending before the Board.

The motion was seconded by Kathie Romano.

Mr. Jasinski asked for a change to the language regarding the 99-year lease for parking and suggested a condition. Mr. Corwin stated a slight change to the wording, and the other issues are addressed in the site plan approval conditions.

Ms. Romano inquired about the commercial tenant at 21 Water Street, which is owned by the applicant. Mr. Corwin adjusted the wording.

Ms. Hirai inquired about building access from off-site parking and improving the potential connection between the two buildings. Mr. Wasser confirmed the route to the buildings and stated that the terrain makes alternative routes unsafe.

Mr. Jasinski suggested a condition for permitted parking and the reporting of data. Mr. Corwin stated that the Planning Staff would regularly be reviewing completed projects and confirmed that a condition could be added that the parking spaces be numbered and assigned.

The CUP was approved (8-0).

Chris Hidari, Ward 3, commented on removing current free parking for area residents who attend the farmers market or downtown businesses when the project's residents use alternative downtown parking.

Robin Carpenter, Ward 3, commented on the lease for parking and the changes in setbacks and ability to change it with a waiver. Mr. Carpenter suggested scaling back the project and cited the potential future issues from granting too many waivers and CUP's for a project that should not be approved.

Frank Mastro, Ward 2, commented on the parking and the lack of discussion about snow removal and future issues. He inquired about the reasoning behind the proposed height of the buildings and the actual generation of power from the solar panels. He suggested that the communication tower by the Fire Department may be affected by the height and composition of the buildings. Mr. Hall inquired if the tower issue should be explored. Mr. Brooks stated that the Fire Department reviewed the project. Mr. Vincent offered to investigate it.

Mary Ann Mastro, Ward 2, noted that the State Fire Marshall report has not been received and wondered if the project should be going forward without it. The Historic District character could be affected by the addition of the buildings.

A MOTION by Matthew Hall to extend the meeting to 9:45 PM.

The motion was seconded by Katie Romano.

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

Sherry Boschert, a LEAC member, encouraged the Planning Board and developers to install EV charging stations, noting that 30% of new vehicles are EV's, and a minimum of 11 chargers would be needed. It would be important that adequate conduit and chargers are provided.

Karen Liot-Hill, Ward 3, explained the numerous safety-valve measures built into the Zoning requirements, noting that it is not possible to include every possible circumstance in Zoning. The goal is to have less paved area, and the shared parking is important. The project will be an improvement to the site, and the efforts of the Planning Board are appropriate and appreciated.

Simone Whitecloud, online, inquired about the possibility for additional affordable housing and the lack of a gate.

Chair Garland ended the discussion and asked for a suggested meeting date. Mr. Brooks stated that the next meeting is on July 11, 2022, at 6:30 PM.

A MOTION by Kathie Romano to continue the hearing of Recreo, LLC, 2 Mascoma Street (Tax Map 91, Lots 254), zoned LD to July 11, 2022, at 6:30 PM.

The motion was seconded by Kim Chewning.

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

3. Committee Reports

A. Planning Board Subcommittees:

--Planning Board Capital Improvement Program (J. Rutter/C. Hirai/T. Jasinski/K. Chewning)

Mr. Brooks reported that Staff has been meeting with the departments and will be reaching out to the four subcommittee members soon.

--Planning Board Development Regulations Update (M. Hall/K. Romano/J. Rutter/ VACANT)

B. City Council Subcommittees:

--Class VI Roads Advisory Committee (VACANT)

--Lebanon Energy Advisory Committee (VACANT)

C. Other Subcommittees:

--City Council Representative (K. Zook/D. Whittlesey)

--Heritage Commission (J. Rutter)

--Pedestrian & Bicyclist Advisory Committee (G. Amaro)

--Upper Valley Lake Sunapee Regional Planning Commission (B. Garland)

--UV Subcommittee of the Connecticut River Joint Commissions (B. Garland)

--Upper Valley Transportation Management Association (VACANT)

--Mascoma River Local Advisory Committee (K. Romano)

Ms. Romano noted that Glen Road Dam is up for renewal.

--West Lebanon Revitalization Advisory Committee (L. Stavis)

--Planning & Development Department – Task Status (D. Brooks/ M. Goodwin/T. Corwin/R. Owens)

4. Other Business

A. Site Plan Review and Subdivision amendments procedure

Mr. Hall announced changes to the site plan committee. Individual members could work with Planning Staff to discuss edits to sections they are interested in, and then the comments would go to the subcommittee and later the whole Board. Mr. Corwin noted that the subcommittee would be a sounding board for the possible changes. Mr. Jasinski inquired about the schedule for the subcommittee. Mr. Corwin said it would be ongoing. The Board members can contact Mr. Corwin to inquire about topics being edited.

B. Minor Site Plan Committee jurisdiction

Chair Garland noted that the areas to discuss for assignment would be instances when buildings are being torn down and appeals are being considered. He invited the members to review the regulations to be sure they convey what the Planning Board wants them to state.

Ms. Hirai suggested that the Ped/Bike Committee's opinion of the Recreo project would be helpful.

5. Approval of Minutes

A. May 23, 2022

A MOTION by Matthew Hall to approve the Planning Board minutes of May 23, 2022, as presented. The motion was seconded by Kathie Romano.

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

7. Adjournment

A MOTION by Matthew Hall to adjourn the meeting.

The motion was seconded by Kim Chewning.

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

The meeting was adjourned at 9:39 PM.

Respectfully Submitted,

Holly Howes
Recording Secretary