

FINAL

LEBANON PLANNING BOARD
Regular Session
Monday, July 11, 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), Gregorio Amaro, Kim Chewning, Tom Martz, Kathie Romano, Jeremy Rutter, Laurel Stavis, Thomas Jasinski (Alternate), Cori Hirai (Alternate)

MEMBERS ABSENT: Karen Zook (City Council Rep)

STAFF PRESENT: Tim Corwin (Senior Planner), Brian Vincent (City Engineer)

1. Call to Order

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

Tom Jasinski was appointed to replace Karen Zook.

2. Notice of Regional Impact

Chiplin Enterprises, Inc., 18 South Street (Tax Map 107, Lot 18), zoned R-2: Request for a Minor Subdivision to create two parcels. PB2022-24-MIN

Mark & Princess Goldey, 0 Cross Road (Tax Map 165, Lot 13), zoned RL-2: Request for a Minor Subdivision to create two parcels. PB2022-27-MIN

Gordon Bagley Revocable Trust and Blanche Bagley Revocable Trust, 503 Dartmouth College Highway (Tax Map 82, Lot 9-100) and 511 Dartmouth College Highway (Tax Map 54, Lot 32), zoned RL-1 & RL-3: Request for a Boundary Line Adjustment. PB2022-28-BLA

City of Lebanon, 36 Poverty Lane (Tax Map 117, Lot 1), zoned R-3 ?INDL): Request for Site Plan Review to expand the parking lot at the Police Station and to install electric vehicle (EV) charging stations. PB2022-29-SPR

Upper Valley Mountain Bike Association (applicant), Dartmouth College Trustees (property owner), 0 Mascoma Street (Tax Map 74, Lot 8, Plot 200), zoned RL-3: Request for Site Plan Review to construct an open-air pavilion, parking, and associated site improvements in connection with the existing biking trail outdoor recreational use operated by the applicant. PB2022-30-SPR

Mr. Corwin stated that Staff has reviewed the above applications and recommends that none have 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 Kim Chewning.

****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 June 27, 2022

Tom Martz recused himself and was replaced by Cori Hirai for this application.

Jim Wasser of Studio Nexus and Tim Sidore of Recreo, LLC attended the meeting in support of the application.

Mr. Wasser stated that there was no new information for this meeting.

Mr. Corwin shared Chris Christopoulos' comments on the Fire Department's radio range, which would not be impacted by the height of the proposed buildings. A copy of a letter from the State Fire Marshall that grants the variance approval noted in prior hearings was shared with the Board. Three additional, citizen emails were received by the Planning Department with two being opposed to the project and one in favor.

Mr. Jasinski inquired about progress on the 99-year lease for the offsite parking. Mr. Sidore stated that there are ongoing discussions regarding the extended lease toward meeting the city's requirement. Ms. Romano inquired if any other length of time would be considered. Mr. Corwin stated that the 99-year lease would be required. Mr. Jasinski asked what would happen if the 99-year lease fails to be negotiated. Mr. Corwin reviewed the wording of the offsite parking requirement and explained the City attorney's role in determining if it is satisfied. Ms. Stavis inquired about the process with the City Attorney and additional review by the Planning Board. Mr. Corwin reviewed the administrative process. Ms. Romano noted that the public has expressed concern over the parking arrangements, and Mr. Corwin confirmed that the City Attorney's role is to confirm that the conditions of the CUP are satisfied. Mr. Jasinski suggested a straw poll to see if the Board wants to reconsider the granting of the CUP.

Chair Garland conducted a straw poll to determine if the members present were in favor of rescinding the decision on the CUP regarding the 99-year lease. The poll results were 6-3 in favor of reconsideration.

Mr. Wasser stated that the applicant would leave the meeting if the previously approved CUP was rescinded.

Mr. Corwin suggested a condition of site plan approval could be added regarding the parking agreement. Mr. Hall read the language of the CUP approved at the Board's June 27 meeting, which included conditions requiring compliance with the Zoning Ordinance's off-lot parking requirements. The Board members continued to comment on the issue. It was confirmed that the current conditions and legal review would be sufficient to satisfy the Board members' concerns.

Ms. Hirai inquired about the potential for expansion of electrical vehicle charging. Mr. Wasser stated that the electrical design is not complete, and additional conduit could be made available to enable additional stations based upon their expanding future use.

Chair Garland invited public comment.

Theresa Grigsby of Ward 2 stated that tonight she could not find a parking space in the area of the project. She spoke against the project.

Mary Ann Mastro read an opinion from an attorney regarding waivers and commented on the parking issue and variance requested from the State Fire Marshall. She read a personal statement regarding Recreo's project.

Jackie Leblanc of Lebanon inquired about some specifics of the proposed apartments. Chair Garland confirmed that the buildings would be sprinkled. Ms. Leblanc expressed concern over the appropriateness of the project.

Joan Monroe, Ward 3, expressed concern over the amount of residential parking and available parking for the grocery store. Ms. Monroe suggested progress reports as a way of the Board being able to monitor the project. Mr. Jasinski inquired if there was a way for the Board to define that process.

Robert More of Mason Street commented on the phrase, "...as long as the need exists." He added that the Board needs to ultimately take responsibility for the decision regarding parking.

Kathy Elfstrom, Ward 2, inquired about parking stickers. Chair Garland stated that parking would be assigned as stated in a previous meeting.

Ms. Chewning inquired about the details of a potential parking deck. Mr. Sidore stated that the parking deck could become part of creating vertical density, but it is only in the discussion stage with other developers. Ms. Chewning also inquired about the percentage of affordable housing and the calculation method. Mr. Sidore stated it would be 10% and would not be unit-specific but would be based upon HUD requirements. Ms. Stavis noted that affordable housing is not the same as workforce housing and pointed out the differences. Mr. Sidore stated that it would be a combination of both types of housing making up the 10%.

Mr. Hall inquired if there were any concerns of City Staff. Mr. Corwin stated that all staff's concerns are addressed with staff's recommended conditions of approval.

Mr. Amaro stated that the parking issue is a huge one, adding that planning for the future needs is a serious consideration. Mr. Sidore stated that they are cognizant of the parking concerns and are working to satisfy what is required. Mr. Hall noted that there are no parking requirements in the LD. Ms. Romano inquired about the automobile limit specified. Mr. Sidore stated that they established it as one per unit.

Laura Harris-Hirsch, a resident online, commented on the limit of one parking space per unit and the need for additional cars to find parking elsewhere. She noted that nothing is certain about another market deciding to locate on the site.

Chair Garland closed the Public Hearing.

Ms. Hirai inquired if the Board is satisfied with the conditions. Mr. Corwin stated that all issues are covered with the conditions as stated.

A MOTION by Matthew Hall that the Lebanon Planning Board **APPROVE** the application of Recreo, LLC 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 at 2 Mascoma Street (Tax Map 91, Lots 254), zoned LD, PB2022-17-SPR, as shown on a plan set titled "Village Market Redevelopment," dated March 14, 2022, revised April 22, 2022, prepared by Studio Nexus Architects & Planners, Project No.: 2119 (architectural plans; 37 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 and Prior to the Start of Any Construction Activities

1. The Boundary Line Adjustment plat approved by the Planning Board on April 11, 2022 (PB2022-16-BLA) shall be recorded pursuant to and in conformance with the Notice of Action.
2. The applicant shall address comments 1-3 in the letter dated April 29, 2022, from Steve Keach, PE, of Keach-Nordstrom Associates, Inc., to the satisfaction of the City Engineer.
3. The applicant shall address comments 2-4 in the memo dated May 9, 2022, from Duane Egner, Lebanon Fire Inspection, to the satisfaction of the Fire Department.
4. 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) Any changes made pursuant to Condition of Approval #2 and #3.
 - b) Identify the name of the county on the cover sheet.
 - c) Update zoning chart as follows:
 - i. Correct the number of proposed dwelling units to 152;
 - ii. Identify the building to be demolished as an existing use;
 - iii. Identify impervious coverage both in square feet and as a percentage (Section 5.1.E.10);
 - iv. For proposed lot area, include reference the approved boundary line adjustment plat;
 - v. For proposed parking, refer to requested Conditional Use Permits to allow off-lot parking and front yard parking;
 - vi. Identify 7 ft. proposed rear setback and refer to requested Conditional Use Permit;
 - vii. Indicate the parcel is subject to the NHDES Shoreland Water Quality Protection jurisdiction; and
 - viii. Refer to the requested Conditional Use Permit for the proposed height of building #2.
 - d) Provide specifications for all site signage.
 - e) Identify location of protected shoreland buffer (pursuant to the NH SWQPA).
 - f) Identify handicap accessible parking for building #1 and an accessible route.
 - g) Amend the cover sheet to provide description of plan revisions (5.1.E.4.d).
 - h) Amend the phasing plan to ensure that drainage infrastructure of sufficient capacity is in place to accommodate additional flows and to provide required treatment from all added impervious areas to be constructed as part of Phase 1.

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.

5. 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.

6. 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.

7. All engineering review fees shall be paid in full as required by Section 4.7.E.1 of the Site Plan Review Regulations.

8. The applicant shall prepare a plan to the satisfaction of the Fire Department and the City Manager to re-pave and re-stripe the existing paved area at 12 South Park Street to the rear of the Fire Station and to provide pavement markings for the proposed access way to Church Street.

9. The applicant shall satisfy all conditions of the off-lot parking Conditional Use Permit approved by the Planning Board on June 27, 2022 (PB2022-22-CUP).

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

10. 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 City shall retain the services of an independent third-party inspector, for which the applicant shall be responsible for all inspection fees related to (a) on-site work related to sewer, water, temporary sedimentation and erosion control, and drainage improvements, and (b) all off-site work within the City's right-of-way (including but not limited to water, sewer, roadway, sidewalks, crosswalks, bus stops/shelters, driveways, 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 and shall sign a Water & Sewer Extension and Infrastructure Inspection Agreement in accordance with Chapters 136 and 182 of the City Code.

11. 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.

12. All water and sewer fees shall be paid as set forth in City Code Chapter 68.

13. Prior to the start of any construction activities on the property, the applicant shall obtain or update (if appropriate) any required State approvals, including but not limited to:

- a. NHDES Shoreland Permit
- b. NHDES Alteration of Terrain Permit
- c. NHDES Sewer Connection Permit, if necessary

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

14. The impact fee calculated pursuant to Condition of Approval #10 shall be paid.

15. Third-party engineer or design engineer inspection reports and as-built drawings provided by the applicants (PDF format and CAD .dwg format, using the NH State Plane Coordinate System), including tie sheets, shall be reviewed and approved by the City Engineer prior to acceptance of any utility improvements by the City.

16. 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.

17. The existing paved area at 12 South Park Street to the rear of the Fire Station shall be paved, striped, and marked pursuant to the plan prepared in accordance with Condition of Approval #8.

General Conditions

18. Pursuant to Section 4.9 of the Site Plan Review Regulation, the project may be constructed in phases per the phasing plan amended per Condition of Approval #4.g.

19. 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.

20. 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.

21. The applicant shall implement and maintain NHDES Site Specific Best Management Practices before, during, and after construction.

22. The applicant shall obtain an Excavation Permit, a Driveway Permit, and a Stormwater Permit from the Department of Public Works for any site work in the public right-of-way prior to undertaking any work in the right-of-way and prior to constructing any stormwater connections to the municipal system.

23. 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).

24. The applicant shall be responsible for maintaining all improvements constructed within the public right-of-way.

The motion was seconded by Kathie Romano.

The MOTION was approved (6-3). Mr. Amaro, Mr. Jasinski, and Ms. Hirai voted against.

- 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**

Matthew Hall recused himself.

Tom Martz returned to the Board.

Mr. Corwin stated that the application is complete enough for the Planning Board to accept jurisdiction and commence review.

A MOTION by Cori Hirai that the application of William A. Browning and Charles F. & Janet S. Morgan Revocable Trust is complete enough for the Planning Board to accept jurisdiction and commence review.

The motion was seconded by Jeremy Rutter.

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

Mr. Corwin explained that none of the applicants were present, but the applicants provided a letter describing the intended line adjustment and described the proposal.

Ms. Romano confirmed that the lot is of a conforming size.

Chair Garland closed the Public Hearing.

A MOTION by Jeremy Rutter that the Lebanon Planning Board **APPROVE** the application of William A. Browning and Charles F. & Janet S. Morgan Revocable Trust for a proposed 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), PB2022-26-BLA, as shown on a 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, including any and all supplemental submissions and testimony provided during the public hearing, with the following conditions to be satisfied prior to the recording of the plat:

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

The motion was seconded by Tom Martz.

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

A MOTION by Jeremy Rutter that the Lebanon Planning Board authorize the Chair to sign the Boundary Line Adjustment plat for William A. Browning and Charles F. & Janet S. Morgan Revocable Trust (PB2022-26-BLA).

The motion was seconded by Tom Martz.

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

Mr. Hall returned to the Board.

4. Other Business - None

5. Approval of Minutes

A. June 13, 2022

***A MOTION by Kathie Romano to approve the Planning Board Minutes of June 13, 2022, as presented.
The motion was seconded by Jeremy Rutter.
*The MOTION was approved (9-0).***

6. Adjournment

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

The meeting was adjourned at 8:20 PM.

Respectfully Submitted,

Holly Howes
Recording Secretary