

FINAL

**LEBANON PLANNING BOARD
Regular Session
Monday, August 8, 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, Kim Chewning, Kathie Romano, Jeremy Rutter

MEMBERS ABSENT: Matthew Hall (Vice-Chair), Tom Martz, Laurel Stavis, Cori Hirai (Alternate), Thomas Jasinski (Alternate)

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.

2. Notice of Regional Impact

Mr. Brooks noted that the application deadline was extended to August 15th and that the notice of regional impact for new applications will be addressed at the August 22nd work session.

3. Public Hearing Items

- A. **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

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

A MOTION by Jeremy Rutter that the Lebanon Planning Board finds the application of Mark & Princess Goldey, for a proposed two (2)-lot Minor Subdivision of 0 Cross Road (Tax Map 165, Lot 13), PB2022-27-MIN, IS complete enough to accept jurisdiction and commence review.

The motion was seconded by Kathie Romano.

****The MOTION was approved (6-0).***

Scott Sanborn, Surveyor, appeared in support of the application.

Mr. Sanborn provided a description of the details of the request.

Ms. Romano inquired about the woods trails. Mr. Sanborn stated it is an existing condition of the property from previous farming.

Mr. Corwin explained the wetland delineation waiver request. Mr. Sanborn stated that the waiver is needed due to the wetlands consisting of merely a small area of poorly drained soil, which is not a critical wetland site as confirmed by the septic engineer.

A MOTION by Jeremy Rutter that a waiver be granted from Section 9.5.A(7) requiring that wetlands on the property shall be delineated by a NH Certified Wetlands Scientist.

The motion was seconded by Gregorio Amaro.

****The MOTION was approved (6-0).***

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

A MOTION by Jeremy Rutter that the Lebanon Planning Board **APPROVE** the application of Mark & Princess Goldey, for a proposed two (2)-lot Minor Subdivision of 0 Cross Road (Tax Map 165, Lot 13), PB2022-27-MIN, as shown on a plat titled “Conveyance Plan - Proposed Subdivision for Mark & Princess Goldey,” prepared by Cardigan Mountain Land Surveys, LLC, dated July 5, 2022, last revised July 22, 2022, project no: 22-4054,8317, including any and all supplemental submissions and testimony provided during the public hearing, with the following conditions:

Conditions to be Satisfied Prior to the Signing and Recording of the Plat

1. The applicant shall provide a digital record drawing (Cad .dwg format using NH State Plane Coordinate system or an alternative approved by the City’s GIS Coordinator).
2. Subdivision approval from the New Hampshire Department of Environmental Services shall be obtained for Lot 1 and a copy of such approval shall be provided to the Planning and Development Department. (Section 9.5.C.2)

General Conditions

3. Future development on the new lots 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, and such fees shall be due and payable at the time of issuance of a Certificate of Occupancy. 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.
4. All future construction shall substantially conform with and shall be subject to the requirements and specifications of the recorded plat. (Section 7.9.A.2)

The motion was seconded by Kim Chewing.

****The MOTION was approved (6-0).***

A MOTION by Jeremy Rutter that the Lebanon Planning Board authorizes the Chair to sign the Minor Subdivision plat for Mark & Princess Goldey, PB2022-27-MIN, titled “Conveyance Plan - Proposed Subdivision for Mark & Princess Goldey,” prepared by Cardigan Mountain Land Surveys, LLC, dated July 5, 2022, last revised July 22, 2022, project no: 22-4054,8317.

The motion was seconded by Gregorio Amaro.

****The MOTION was approved (6-0).***

- B. **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**

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

A MOTION by Jeremy Rutter that the application of 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, is complete enough for the Planning Board to accept jurisdiction and commence review.

The motion was seconded by Kim Chewning.

****The MOTION was approved (6-0).***

Dylan Spencer of Pathways Consulting appeared online in support of the application.

Mr. Spencer described the details of the request.

Mr. Rutter inquired about a driveway on the property; Mr. Corwin explained the location of the driveway will comply with applicable setbacks.

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

A MOTION by Jeremy Rutter that the Lebanon Planning Board **APPROVE** the application of Gordon Bagley Revocable Trust and Blanche Bagley Revocable Trust for a proposed Boundary Line Adjustment between lands located at 503 Dartmouth College Highway (Tax Map 82, Lot 9-100) and 511 Dartmouth College Highway (Tax Map 54, Lot 32), PB2022-28-BLA, as shown on a plat titled “Lot Line Adjustment Plan for Gordon E. Bagley Jr Revocable Trust and Blanche M. Bagley Revocable Trust of 2007,” prepared by Pathways Consulting, LLC, dated July 11, 2022, last revised July 22, 2022, Project No. 12744, 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 applicant shall provide a revised plat depicting the following change to the satisfaction of the Planning and Development Department:
 - a. To correct a mathematical error, update the proposed area of 511 Dartmouth College Highway (Tax Map 54, Lot 32) from 3,257,852 sq. ft. to 3,257,220 sq. ft.
 - b. Provide revision date and description of revision (8.2.A.1).

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

2. The applicant shall provide to the Planning and Development Department a draft copy of the deed of the land transfer for review to ensure the transfer will be completed properly for Assessing and recording purposes.

The motion was seconded by Kathie Romano.

****The MOTION was approved (6-0).***

A MOTION by Jeremy Rutter that the Lebanon Planning Board authorize the Chair to sign the Boundary Line Adjustment plat for Gordon Bagley Revocable Trust and Blanche Bagley Revocable Trust, PB2022-28-BLA.

The motion was seconded by Kathie Romano.

****The MOTION was approved (6-0).***

- C. **Upper Valley Mountain Bike Association (applicant), Dartmouth College Trustees (property owner), 00 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 recommends that the application 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 Upper Valley Mountain Bike Association and Dartmouth College Trustees for 0 Mascoma Street (Tax Map 74, Lot 8, Plot 200), PB2022-30-SPR, IS complete enough to accept jurisdiction and commence review.

The motion was seconded by Kim Chewning.

****The MOTION was approved (6-0)***

John Criswell of the Upper Valley Mountain Bike Association appeared in support of the application.

Mr. Criswell described the details of the request.

Mr. Vincent stated that a detail of the proposed stormwater management improvements must be provided. Mr. Corwin noted additional proposed conditions of approval.

Ms. Romano inquired if the facility would be rented by other groups. Mr. Criswell stated that it could be reserved, but it would not be rented. Ms. Romano also inquired about sanitation facilities. Mr. Criswell stated that there would be a screened porta-potty.

Ms. Chewning inquired about the purpose of the pavilion facility. Mr. Criswell described the public use of the pavilion and added that the trails would be groomed for winter use. Mr. Brooks inquired about accessibility for the porta-potty. Mr. Criswell stated that it could be upgraded. Mr. Amaro inquired about bike racks. Mr. Criswell noted that there would be bike racks. Ms. Romano inquired if anyone from the public could use the facility. Mr. Criswell stated that they could. Mr. Rutter inquired about the waiver requests and asked about limitations to certain uses such as food preparation. Mr. Criswell stated that no grilling or fire use would be allowed.

Ms. Romano inquired about trash collection at other public recreation locations. Mr. Brooks stated that they were not aware of those arrangements.

Mr. Rutter commented on the first waiver request and whether there would be a marker on the site. Mr. Criswell stated that property lines exist. Mr. Rutter inquired about the boulders at the edge of the property. Mr. Criswell stated that they were coming from different locations and would prevent inappropriate parking.

Chair Garland outlined the comments of the Conservation Commission. Mr. Corwin stated that the pavilion was in an alternate location when that comment was made, and the other comments related to zoning.

Chair Garland invited public comment.

Richard Reynolds of the Nature Walk condo community across from the location expressed the residents' concerns.

Bob Gronauer representing the Jewish Cemetery stated that the pavilion could create a nuisance and a haven for those drinking at night and leaving trash. Damage may also be done to the cemetery.

Devora Gronauer noted the porta-potty location being too close to the wetlands. A major concern is about lighting at night and an increase in trash.

Susan Pinckney, a resident of Nature Walk, noted that trash is a concern due to ongoing use of the condominium dumpster. Ms. Pinckney inquired if there was a number to call in case of issues other than the police and requested an update on what is happening.

Daniel Justynski, Director of Leadership at Dartmouth, spoke in support of the Upper Valley Mountain Bike Association and noted the ongoing care and responsibility for the location. That group is looking for a place to start and end their rides and has demonstrated their stewardship of the property.

Kimberly House spoke in support of the association but agreed with the comments of others regarding trash and encroachment on the condominium property.

Mr. Criswell stated that he noted the concerns and does not believe they are reasons to keep the pavilion from going forward. Lighting could be controlled with timers or motion sensors. Hours of operation could be posted. Mr. Brooks noted that the lighting is up under the roof and would not be shining outward. A timer would be preferable.

Ms. Romano inquired about the additional lands for future use by the Jewish Cemetery. Mr. Brooks stated that it is being used for city snow dump presently.

Susan Pinckney spoke about the lights being seen from the upper floors of the condominium units.

Ms. Chewning inquired about the marking of the parking area. Mr. Criswell described the area to be used for the parking.

Mr. Brooks inquired if the boulders could be extended south for better protection of adjoining property. Ms. Romano inquired about the surface for parking. Mr. Criswell described hard pack for the existing and handicap accessible spaces and any additional spaces will be located on grass.

Chair Garland opened a discussion of the waivers. There were no further comments.

A MOTION by Jeremy Rutter that for the application of Upper Valley Mountain Bike Association and Dartmouth College Trustees, PB2022-30-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

- **Section 5.1.E.6** – requiring topographic information prepared by a licensed land surveyor or professional engineer
- **Section 5.1.E.8** – requiring a wetland delineation prepared by a certified wetland scientist
- **Section 5.1.E.16** – requiring a landscaping plan
- **Section 6.6** – stormwater management requirements

The motion was seconded by Gregorio Amaro.

**The MOTION was approved (6-0).*

A MOTION by Jeremy Rutter that for the application of Upper Valley Mountain Bike Association and Dartmouth College Trustees, PB2022-30-SPR, the Lebanon Planning Board **APPROVE** a waiver from the following section of the Site Plan Review Regulations:

- **Section 6.5 E.2** - Requiring parking areas to be finished with improved materials.

Seconded by Gregorio Amaro.

**The MOTION was approved (4-2).*

Mr. Amaro noted the need to educate those who use the space as stewards of the property and provide signage.

Chair Garland closed the Public Hearing.

After continued discussion of possible conditions to be added, Chair Garland reopened the Public Hearing.

Mr. Criswell noted that signage could be useful to indicate parking and rules. Additional boulders could be added for the entire parking area. Mr. Corwin suggested “No Parking” signs to control parking.

Ms. Zook noted that the Glen Road area could provide a model for the pavilion area.

Chair Garland invited public comment.

Mrs. Gronauer commented on the responsibility of the association members to maintain and clear the area.

Ms. Romano suggested a condition, which would state that the members are responsible for keeping the area free of trash.

Mr. Rutter noted that additional boulders would delineate the parking area. The Board members continued to discuss the delineation of the parking. Ms. Zook suggested signage for contact in case of issues that arise. Ms. Romano suggested providing dog waste bags.

Mr. Gronauer noted that maintenance around the boulders would be difficult if they go all the way to Mascoma Street. A sign indicating where the UVMBA members need to park would suffice.

Mr. Corwin suggested that the meeting could be continued until August 22, 2022 to give the applicant time to consider proposed conditions of approval to address the various concerns raised.

A MOTION by Jeremy Rutter that the hearing of Upper Valley Mountain Bike Association (applicant), Dartmouth College Trustees (property owner), 00 Mascoma Street (Tax Map 74, Lot 8, Plot 200), zoned RL-3, be continued to August 22, 2022, at 6:30 PM.

The motion was seconded by Kim Chewning.

****The MOTION was approved (5-1).*** Ms. Romano voted against.

4. Other Business

A. Bruce E. Conrad (Applicant), Anson V. & Genevieve C. Smith (Property Owners), 77 South Main Street (Tax Map 101, Lot 26), zoned R-O: Conceptual Review of a proposed house of worship. PB2022-31-CON

Bruce Conrad and Michael White appeared in support of the proposal.

Mr. Conrad described the size of the project.

Mr. Corwin noted that a new State bill may impact the purview of the Planning Board regarding a worship space.

Ms. Romano inquired about the zoning for the property, which Mr. Corwin stated is RO. Mr. Brooks noted that a previous structure burned on the property. Mr. Conrad stated that Hanover Friends always has small attendance, and they are thinking of fifteen parking spaces. He added that they have met some of the nearby residents. Mr. Amaro stated that meeting area residents ahead of building is a good practice.

Jerry Barcelo, a church member, noted that they don't want to buy the property if they can't use it. Mr. Corwin stated that they can meet with Staff this week.

5. Approval of Minutes

A. July 11, 2022

Page 4, line 29 to read "...Permits to allow off-lot parking and front yard parking;"

A MOTION by Kathie Romano to approve the Planning Board Minutes of July 11, 2022, as amended.

The motion was seconded by Gregorio Amaro.

****The MOTION was approved (6-0).***

6. Adjournment

A MOTION by Jeremy Rutter to adjourn the meeting.

The motion was seconded by Kathie Romano.

****The MOTION was approved (6-0).***

The meeting was adjourned at 9:00 PM.

Respectfully Submitted,

Holly Howes
Recording Secretary