FINAL

LEBANON PLANNING BOARD
Regular Session
Monday, August 22, 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), Tom Martz, Kathie Romano, Jeremy Rutter, Laurel Stavis, Thomas Jasinski (Alternate), Cori Hirai (Alternate)

MEMBERS ABSENT: Gregorio Amaro, Kim Chewning

STAFF PRESENT: David Brooks (Planning Director), Tim Corwin (Senior Planner)

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1. **Call to Order**

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

Tom Jasinski and Cori Hirai were appointed in place of Mr. Amaro and Ms. Chewning.

2. **Notice of Regional Impact**

Mr. Brooks stated that the following applications were received by the Planning and Development Department on or before August 15, 2022:

City of Lebanon, Lebanon Municipal Airport, 5 Airpark Road (Tax Map 105-1) and 0 Airpark Road (Tax Map 159, Lot 4), zoned IND-L: Request for a Boundary Line Adjustment. PB2022-32-BLA

City of Lebanon, 36 Poverty Lane (Tax Map 117, Lot 1), zoned IND-L: Request for Site Plan Review to reconstruct and expand the Police Station parking lot. PB2022-33-SPR (NOTE: This application will be reviewed as a Governmental Land Use pursuant to RSA 674:54)

LWM Residential LLC, 1 Foundry Street (Tax Map 91, Lot 263) and 43 Mechanic Street (Tax Map 106, Lot 34), zoned LD: Request for a Boundary Line Adjustment. PB2022-35-BLA

LWM Residential LLC, 1 Foundry Street (Tax Map 91, Lot 263), 25 Mechanic Street (Tax Map 91, Lot 267), and 43 Mechanic Street (Tax Map 106, Lot 34), zoned LD: Request for Site Plan Review of a phased, 196-unit multi-family development including a new 4-story, 27-unit multi-family building with a parking garage on the ground floor at 43 Mechanic Street; a new 4-story, 31-unit multi-family building with a lower-level parking garage at 25 Mechanic Street, to be merged with 1 Foundry Street; and, at 1 Foundry Street, the renovation of the existing Woolen Mill building into 49 dwelling units, the renovation of the existing commercial building and boiler building into amenity spaces, construction of a 2-story parking structure, and construction of a new 5-story, 89-unit multi-family building with a lower-level parking garage, together with associated site improvements. PB2022-36-SPR

Mr. Brooks stated that staff recommends the application of LWM Residential LLC, 1 Foundry Street (Tax Map 91, Lot 263), 25 Mechanic Street (Tax Map 91, Lot 267), and 43 Mechanic Street (Tax Map 106, Lot 34), zoned LD, has the potential for regional impact.

A MOTION by Matthew Hall that* LWM Residential LLC, 1 Foundry Street (Tax Map 91, Lot 263), 25 Mechanic Street (Tax Map 91, Lot 267), and 43 Mechanic Street (Tax Map 106, Lot 34), zoned LD: *has the potential for regional impact.
The motion was seconded by Jeremy Rutter.
****The MOTION was approved (9-0).***

3. Public Hearing Items

A. **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 - Continued from August 8, 2022

Matthew Hall recused himself from this hearing.

At the request of Ms. Stavis, Chair Garland reviewed the details of the public comment at the previous meeting.

Jon Criswell, an Upper Valley Mountain Bike Association (UVMBA) board member, appeared in support of the application.

Mr. Criswell described several changes to the site plan. The original plan located the pavilion on a slope, which necessitated a shift in the location and a change to the location of the parking spaces. There may be another small kiosk for the suggested signage. Mr. Criswell also commented on several of the proposed conditions discussed at the last meeting as well as aspects of the lighting plan.

Ms. Stavis inquired about the proximity to the Jewish cemetery and stated that the pavilion activities would have a negative impact on visits to the cemetery.

Ms. Hirai inquired about the solar power for lighting. Mr. Criswell stated that the battery would allow twelve hours of operation. Mr. Jasinski inquired about a timer function for the lights. Mr. Criswell stated that there were several options for continuous or motion-triggered lighting. Ms. Romano noted that most motion lights can impose a limit to the operation. Mr. Criswell stated that there are a few evening events. Mr. Martz noted that the area is already being used by groups without the benefit of a structure, and it is difficult to determine any increased activity with the on-site pavilion. Ms. Hirai inquired about the need for overnight lighting. Mr. Criswell noted that it was a suggestion of the Police Department. Mr. Jasinski inquired if there were other similar locations for comparison. Mr. Criswell stated that motion lights could be a solution to overnight lighting.

Chair Garland inquired about limiting late night usage of the facility. Mr. Criswell suggested the Police could take notice.

The members discussed issues of usage and safety. Mr. Jasinski suggested a six-month review of the operation of the facility. Mr. Corwin stated that the Board must do its best to mitigate future issues during the approval process. The Planning Board cannot monitor future usage. Mr. Rutter stated that hours and rules should be posted with oversight by the appropriate City department. Mr. Criswell stated that signs like those on the trail would be posted relating to issues like trash, open fires, and prohibition of motorized vehicles.

Chair Garland invited public comment. There was none.

Ms. Romano inquired of the need for a specific condition of approval regarding signage. Mr. Corwin suggested that the general topics be identified for the signage and not specific details.

The Board members discussed the issues around contact in the event of misuse of the pavilion.

Dan Justynski, Dartmouth College Director of Real Estate, spoke regarding the hours of operation for the pavilion and not the trails. He noted that the trails are open anytime, but safety and security would be supported by specified hours of pavilion operation. Having the pavilion closed from 10 PM to 5 AM would be preferable.

Chair Garland closed the Public Hearing.

A MOTION by Jeremy Rutter that the Lebanon Planning Board **APPROVE** the application of Upper Valley Mountain Bike Association and Dartmouth College Trustees 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 at 0 Mascoma Street (Tax Map 74, Lot 8, Plot 200), zoned RL-3, PB2022-30-SPR, as shown on a plan set titled "Nature Walk Trailhead – Proposed Pavilion – Preliminary Site Plan – Site Plan Review," prepared by Jon Criswell, dated July 11, 2022, revised July 25, 2022, 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 and the City Engineer:
    a. Update the site layout per the plan submitted by the applicant at the meeting of the Planning Board on August 22, 2022.
    b. Identify mailing address of the applicant and names and mailing addresses of all abutters. (5.1.E.2).
    c. Identify name and of the City and County (5.1.E.4.a).
    d. Identify zoning district, tax map and lot number, and use of abutting properties within 200 ft of the development site (5.1.E.9).
    e. Provide description of plan revisions (5.1.E.4.d).
    f. Provide written project description (5.1.C).
    g. Confirm ADA design requirements for handicap-accessible parking space and update plan as needed.
    h. Identify roof drip edge system on west side of the pavilion and provide a construction detail.
    i. Provide a sign attached to the pavilion as may be permitted by the Zoning Ordinance, containing the following information, at a minimum:
        i. Trash removal policy;
        ii. Prohibiting discharge of firearms;
        iii. Prohibiting open flame food preparation; and
        iv. Prohibiting use of the pavilion between the hours of 10 pm and 5 am.

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. 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 Certificate of Occupancy

3. 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

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

5. The applicant shall be responsible for keeping the parking areas and the vicinity of the pavilion free of trash.

6. Lighting fixtures in the pavilion shall be recessed under the roof and shall not be visible from adjacent properties and shall be operated on timers.

The motion was seconded by Tom Martz.

Ms. Romano inquired about timers on lighting versus motion sensors. Mr. Corwin stated that timers are preferable.

****The MOTION was approved (7-1).***

Mr. Hall returned to the Board.

4. Other Business

A. Continued Discussion of the Draft Strategic Plan

Mr. Brooks stated that the City Manager introduced the Draft Strategic Plan. There has been no public input in the work sessions at the Board/Committee level or the City Council. This plan would impact the beginning of the budget process, and the brainstorming spreadsheet is already online for public viewing. The Boards and Committees would be asked to provide input.

The Board members and Staff discussed the parameters of the process. Mr. Brooks clarified that the goal would be to define a list of goals that can be budgeted over a one to three-year period. Mr. Hall expressed concern over the history of similar processes around the country. Mr. Brooks explained the goals of the proposed process. Ms. Stavis commented on strategic plans, which often don't get used, and she shared Mr. Hall's concerns and does not believe the proposal will solve the communication problem. Mr. Martz agreed with Mr. Hall and Ms. Stavis. Ms. Romano suggested a limited number of projects. Mr. Jasinski stated that instituting one more board would not be helpful.

Ms. Zook asked for clarification of the overall process. Mr. Brooks noted that the Strategic Plan would be more specific and be shorter in term to address achievable goals or projects. The Board members continued to discuss the possibilities for the new process. Mr. Brooks explained that the Planning Board or its individual members may contribute ideas to the on-line Miro Board. Mr. Rutter commented that the maintenance items are routine and not needed in the plan. Ms. Zook stated that the staff and volunteer comments would be very useful.

B. Review of CIP Subcommittee discussions; adopt CIP and submit final recommendation for the 2022 capital budget

Mr. Corwin stated that the subcommittee members Kim Chewning, Cori Hirai, Jeremy Rutter, and Tom Jasinski met on July 28th and August 4th. The members were charged with prioritizing the projects and ranking them, and that information was provided to the Board members. Mr. Brooks explained that the CIP looks at a six-year period and ranks projects to verify that the project would achieve City goals.

Mr. Jasinski noted that the subcommittee did not specifically address the 2023 funding year. He also inquired if the City Council uses the information. Ms. Zook affirmed that the information is useful, but there are other considerations that the City Council incorporates. Ms. Stavis inquired about the origin of the statute requiring the CIP process. Mr. Corwin stated that he doesn't know the details of HR674:6, and the CIP document is important as approved by the Planning Board. Mr. Rutter suggested that a discussion is needed among the Board members to make the CIP process more meaningful. Mr. Hall agreed with Mr. Rutter, who suggested that the new members of the CIP committee report on their experience to the full Board. Ms. Zook noted that it would be very useful for the Planning Board to make a presentation to the City Council based upon the experience of the CIP review and provide strategic information.

A MOTION by Matthew Hall that the Lebanon Planning Board APPROVES the Capital Improvement Program for the six-year period (2023-2028) as presented in the August 22, 2022 agenda packet, and hereby SUBMITS Year 1 (2023) of the CIP as the Board's recommendation to the City Council for capital budget funding for 2023.

The motion was seconded by Tom Martz.
****The MOTION was approved (9-0).***

C. Legislative update: HB 1021, HB1661

Mr. Corwin stated that HB 1661 requires findings of fact to be provided by the Board regarding both denials and approvals. The findings of fact must be provided based upon the new statute in all cases. Guidance will be provided in the fall for the approvals. It is already being done for denials. The 65-day review period is also impacted by the new statute. There are new requirements for elderly housing, making them equal to workforce or low-income housing.

Mr. Jasinski inquired about the requirements for the Planning Board related to religious groups and the Site Plan Regulations. Mr. Corwin noted HB 2021 states that they do not have to provide a site plan.

Mr. Rutter inquired about projects that are denied and later reapply and whether they must pay duplicate fees. Mr. Corwin stated that it could be a future topic for the Board.

D. Adopt new fee schedule

Mr. Corwin stated that there was just one change regarding the application fee for a boundary line adjustment be specified as $100.

A MOTION by Kathie Romano to approve the adoption of the new fee schedule.
The motion was seconded by Matthew Hall.
****The MOTION was approved (8-1).*** Matthew Hall voted against.

5. Committee Reports

A. **Planning Board Subcommittees:**
--Planning Board Capital Improvement Program (K. Chewning, C. Hirai, T. Jasinski, J. Rutter)
--Planning Board Development Regulations Update (M. Hall, K. Romano, T. Jasinski, C. Hirai)
Mr. Jasinski inquired about the role of a member of the committee. Mr. Hall stated that the committee will meet when there is enough to consider. Ms. Romano stated that in previous years, the committee met regularly to review individual sections of the regulations. Mr. Corwin stated that Mr. Hall is working on an update to the landscape regulations. Mr. Jasinski suggested that the procedures need to be written to accommodate the priority of specific items.

B. **City Council Subcommittees:**
--Class VI Roads Advisory Committee
--Lebanon Energy Advisory Committee

C. **Other Subcommittees:**
--City Council Representative
--Heritage Commission
--Pedestrian & Bicyclist Advisory Committee
--Upper Valley Lake Sunapee Regional Planning Commission
--UV Subcommittee of the Connecticut River Joint Commissions
--Upper Valley Transportation Management Association
--Mascoma River Local Advisory Committee
--West Lebanon Revitalization Advisory Committee
--Planning & Development Department – Task Status

6. Approval of Minutes

A. July 25, 2022

A MOTION by Matthew Hall to approve the Planning Board Minutes of July 25, 2022, as presented.
The motion was seconded by Jeremy Rutter.
****The MOTION was approved 9(-0).***

B. July 28, 2022 – CIP
Change the arrival of Cori Hirai to before the voting, not after.

A MOTION by Matthew Hall to approve the Planning Board CIP Subcommittee Minutes of July 28, 2022, as amended.
The motion was seconded by Jeremy Rutter.
****The MOTION was approved (9-0)***

C. August 4, 2022 – CIP

Page 4, line 47, to remove the fragmented sentence

Reflect that Cori Hirai and Jeremy Rutter made and seconded the Motion to Adjourn.

A MOTION by Hall to approve the Planning Board Minutes of August 4, 2022, as amended.
The motion was seconded by Hirai.
****The MOTION was approved (9-0)***

Chair Garland noted that this would be David Brooks' last scheduled meeting and expressed the Board's Appreciation for his many years of service to the Board and wished him well in his new position. A round of applause followed.

7. 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 9:22 PM.

Respectfully Submitted,

Holly Howes
Recording Secretary