

FINAL

**LEBANON PLANNING BOARD
Regular Session
Monday, October 10, 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 - remote), Kim Chewning, Kathie Romano, Jeremy Rutter, Cori Hirai (Alternate)

MEMBERS ABSENT: Laurel Stavis, Gregorio Amaro, Thomas Jasinski (Alternate)

STAFF PRESENT: Tim Corwin (Senior Planner), Nathen Reichert (Planning Director), Brian Vincent (City Engineer)

1. Call to Order

Chair Garland called the meeting to order at 6:32 PM and welcomed Nathan Reichert, the new Planning & Development Director.

Cori Hirai was appointed to serve in place of one of the absent members.

2. Notice of Regional Impact

The following applications were received by the Planning and Development Department on or before October 10, 2022.

Johanna Cicotte & Edwards Properties, LLC, Tax Map 78, Lots 54 and 61, zoned IND-L:
Request for a Boundary Line Adjustment. PB2022-42-BLA

Jolin Salazar-Kish, 10 & 14 Bank Street (Tax Map 92, Lots 124 & 125), zoned LD: Applicant requests an extension of an approved site plan for a 47-unit multi-family residential development. PB2022-43-EXT

Hanover Improvement Society Co & Trustees of Dartmouth College, 394 North Main Street (Tax Map 5, Lot 2 & Tax Map 8, Lots 27 & 28), zoned R-3 & RL-3: Request for Site Plan Review to construct a 4,235 square foot addition to the existing recreational ice rink together with associated site improvements. PB2022-44-SPR

CP Centerra LLC, 12 Centerra Parkway (Tax Map 10, Lots 11, Plot 100), zoned IND-L:
Request for Site Plan Review to construct a restaurant with a drive through together with associated site improvements. PB2022-45-SPR

Adam Hartford (applicant and property owner), James Laudate & Aleksandra Stark (property owners), and Adam Kahn & Masha Izakson (property owners), 0 Old Kings Highway (Tax Map 134, Lots 15), 23 Old Kings Highway (Tax Map 124, Lot 13), and 29 Old Kings Highway (Tax Map, 134, Lot 14), zoned RL-2: Request for an amendment to an approved Boundary Line Adjustment plan. PB2022-46-BLA

Chorro, LLC, 77 Bank Street (Tax Map 92, Lot 79), zoned R-O: Request for site plan approval to convert the existing building to a multi-family dwelling. PB2022-47-SPR

Grafton County Economic Development Council & North County Council, 16 Cavendish Court (Tax Map 10, Lot 11, Plot 3600), zoned IND-L: Request for a site plan amendment to construct additional parking. PB2022-48-SPR

Mr. Corwin stated that Planning Staff recommends that none of the above applications has the potential for regional impact. The hearing date for them will be Monday, November 21, 2022, at 6:30 PM due to other scheduling considerations.

A MOTION by Matthew Hall that none of the above applications has regional impact.

The motion was seconded by Kathie Romano.

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

3. Public Hearing Items

- A. **One Court Street Associates, 1 Court Street (Tax Map 91, Lot 244), zoned LD:** Applicant requests a Conditional Use Permit per Section 307.2 of the Zoning Ordinance to convert a portion of the existing building at 1 Court Street to a college/university educational facility use. PB2022-39-CUP

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

A MOTION by Kathie Romano that the Planning Board finds the application of One Court Street Associates for a Conditional Use Permit, PB2022-39-CUP, ***IS*** complete enough to accept jurisdiction and commence review.

The motion was seconded by Kim Chewning.

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

Clifton Below appeared in support of the application.

Mr. Below explained the background of the request and noted that the space was originally Lebanon College space. The space is to be used for the Osher Institute for Lifelong Learning.

Ms. Hirai inquired about the reason behind the need for this request since it was previously utilized by Lebanon College. Mr. Below explained that there was a period of time that the space was used for offices, and the zoning regulations have changed since that time.

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

The following was read by Matthew Hall:

On October 10, 2022, at a duly noticed meeting of the Lebanon Planning Board, there appeared Clifton Below on behalf of One Court Street Associates regarding 1 Court Street (Tax Map 91, Lot 244), zoned LD. Applicant requests a Conditional Use Permit per Section 307.2 of the Zoning Ordinance to convert a portion of the existing building at 1 Court Street to a college/university educational facility use. PB2022-39-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. The property is a +/-26,227 sq. ft. (finished) three-story multi-use commercial building constructed in 1988. The applicant proposes to use a portion of the building for a college/university educational facility. The scope and nature of the proposed use is more thoroughly described in the attached application materials.
2. A “college/university educational facility” is defined in Appendix A of the Zoning Ordinance as, “an educational institution authorized by the state of New Hampshire to award associate, baccalaureate, or higher degrees,” and, pursuant to Section 307.2 of the Zoning Ordinance, is allowed within the LD District by Conditional Use Permit from the Planning Board
3. Per Section 302.4.B of the Zoning Ordinance, the Planning Board may grant a Conditional Use Permit if it finds that the proposal meets the Enhanced Performance Standards set forth in Section 302.4.D.

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 **IS** commensurate with the impacts of adjacent existing uses or other uses permitted in the zoning district. (§302.4.D.2)
3. The criteria set forth in Section 302.4.D.3, 4 and 5 relate to new construction and, since no new construction is proposed, are inapplicable to the subject application.

III. DECISION

Now therefore be it resolved, the Planning Board, on this **10th day of October, 2022**, hereby **GRANTS** the request of One Court Street Associates for a Conditional Use Permit per Section 307.2 of the Zoning Ordinance to convert a portion of the existing building at 1 Court Street (Tax Map 91, Lot 244) to a college/university educational facility use as set forth above and per testimony, plans, and materials submitted.

The motion was seconded by Kathie Romano.

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

B. 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

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 finds the Boundary Line Adjustment application of the City of Lebanon (PB2022-35-BLA) **IS** complete enough to accept jurisdiction and commence review.

The motion was seconded by Kathie Romano.

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

Nick Fiore of Engineering Ventures appeared to speak on behalf of the Boundary Line Adjustment (BLA) application.

Mr. Fiore described the details of the adjustment and a related voluntary merger of 1 Foundry Street and 25 Mechanic Street.

Mr. Corwin clarified that the proposed BLA is the subject of the hearing, not the voluntary lot merger.

Ms. Romano inquired about the reason for the adjustment. Mr. Fiore explained that it is for additional room for parking.

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

Ms. Zook arrived online at 6:49 PM to participate in the meeting. Ms. Zook noted that she was unable to attend the meeting in person to take care of a sick pet. Chair Garland asked the Board members if anyone had any objections or concerns with respect to Ms. Zook participating remotely. Hearing none, Chair Garland noted that a roll call vote would be required for future votes.

A MOTION by Matthew Hall that the Lebanon Planning Board **APPROVE** the application of LWM Residential LLC for a proposed Boundary Line Adjustment between lands located at 1 Foundry Street (Tax Map 91, Lot 263) and 43 Mechanic Street (Tax Map 106, Lot 34), PB2022-35-BLA, as shown on a plat titled "Lot line Adjustment Plan prepared for LWM Residential LLC", prepared by Vivre Libre Geomatics, dated September 1, 2022, Drawing: 22028-bo, 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 to the Planning and Development Department a digital record drawing of the revised plat (Cad .dwg Format using NH State Plane Coordinate system).

The motion was seconded by Kathie Romano.

Roll Call Vote:

Voting in Favor – Mr. Garland, Ms. Hirai, Mr. Rutter, Ms. Zook, Ms. Romano, Ms. Chewning, Mr. Hall

Voting Against – None

***The MOTION was approved (7-0).**

A MOTION by Matthew Hall that the Lebanon Planning Board authorize the Chair to sign the Boundary Line Adjustment plat for LWM Residential LLC, PB2022-35-BLA.

The motion was seconded by Jeremy Rutter.

Roll Call Vote:

Voting in Favor – Mr. Hall, Ms. Chewning, Ms. Romano, Ms. Zook, Mr. Rutter, Ms. Hirai, Mr. Garland

***The MOTION was approved (7-0).**

- B. REVISED - 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. Applicant also requests a Conditional Use Permit pursuant to Section 307.8.A to allow an increase in the maximum permitted building height. PB2022-36-SPR - Continued from September 19, 2022 & October 6, 2022 Site Visit meetings.

John Livadas representing ownership, Nick Fiore of Engineering Ventures, Ruthie Kuhlman and Eric Robinson of Rode Architects appeared in support of the application.

Mr. Livadas described the background of the group and their goals for the project.

Mr. Robinson explained the progress on the plan and noted others present, including Andrew Cridlin of OJB Landscape Architecture and Sarah Fisher of Lamb Partners for lighting.

Ms. Kuhlman gave an overview of the plan and noted the proximity to downtown, the river, and the rail trail, which are all important to the plan. Building locations and connectivity to a river walk and the surrounding area were explained. A layered presentation described buildings, parking, and landscaping.

Mr. Robinson emphasized the effort taken to respect the original buildings and sites. A detailed description of the different buildings, access, and parking was given. Public access to the River Walk and mill yard were shown.

Mr. Fiore described the five-phase plan and the utility plans for water, sewer, and stormwater management.

Erica Wygonik of WCG participated online to explain the traffic impact study. The results showed minimal impact on the current traffic levels. The roundabout project, which is due to be completed in 2024, will mitigate the traffic on Mechanic Street. The location is considered ideal for accessing the downtown area and modes of travel. No mitigation is warranted or recommended.

Mr. Fiore explained the waiver requests for landscaping and lighting.

Ms. Kuhlman explained the need for the conditional use permits.

Mr. Corwin noted that City Engineer Brian Vincent was present, and Steve Keach was online as the reviewing engineer for the application. Mr. Corwin stated that no comment has been received yet from the Upper Valley Lake Sunapee Regional Planning Commission. The proposed phasing needs additional explanation to indicate the completion of each phase as a standalone project. Easements need to be indicated. The Fire Department commented on one item in the fire code that needs to be addressed. There will be updated conditions of approval at the next meeting.

Mr. Keach of Keach Nordstrom, the reviewing engineer for this project, provided his comments following his review of the project. The second submission by the applicant reduced the number of comments in his subsequent report. He noted that thoughtful consideration has been made by the applicants thus far, and a very good plan has been presented.

Mr. Vincent noted that he spoke with the design team for the roundabout and confirmed that turns in both directions would be possible from Foundry Street onto Mechanic Street. The roundabout should provide a calming effect to traffic. There are some environmental issues on the property, and those issues need to be explained.

Mr. Fiore stated that the environmental review will take place over the next few weeks. Mr. Livadas noted that they understand what is involved and will be addressing it during demolition and soil work.

Chair Garland noted that a site visit took place on October 6, 2022, and it was easy to walk the site.

Mr. Hall expressed his interest in knowing what the traffic situation would be if the roundabout is not completed as expected. In addition, he inquired about the amount of parking. Mr. Fiore stated that the parking will be assigned for residents. Mr. Hall inquired about the landscaping. Andrew Cridlin of OJB Landscape, described the landscape counts for both tree species, shrubs, and plantings. Mr. Hall inquired if the City has a performance requirement. Mr. Corwin stated that following completion of the first phase of the development, performance security will be required for each remaining phase of the development.

Ms. Romano noted that there will be a large amount of traffic leaving the properties in the morning. Crosswalks will also be required given the current traffic.

Ms. Hirai noted the need for EV charging and the coming requirements along with the location of snow storage, which was not indicated. Ms. Kuhlman stated that there will be the recommended number of EV spaces and installation for future locations. Opportunities for solar will also be considered. Mr. Fiore indicated the spaces planned for snow storage. Ms. Hirai inquired about salt mix being used near the river. Mr. Fiore noted that the direction of flow would be handled with additional vegetation and slope.

Ms. Chewning inquired about the financial analysis and who might indicate the impacts on the schools and other city services. Mr. Fiore stated that the financial person would be available later.

Mr. Rutter inquired about the landscaping and lighting waivers and noted some inconsistencies in the information and lack of detail. He suggested an updated version of the plans would be helpful for understanding the waivers. Mr. Livadas noted that the bridge between the buildings may be renovated.

Chair Garland noted that the property access is split and could impact commuters.

Mr. Hall stated that the completion of the roundabout is important, but it is important to consider what will happen if it is not completed as presently scheduled. Mr. Livadas stated that they would not lobby for a left-hand turn from Foundry Street onto Mechanic Street, and right-hand turns only would fine.

Chair Garland invited public comment.

Jeremy Katz, owner of the NAPA property, stated that he is in favor of the project. The height approval would be an advantage given the topography. The commercial use waiver makes sense given the traffic and lack of parking potential. The sewers servicing other properties go through the properties, and the service should not be interrupted. The traffic pattern does not allow for lefthand turns onto Mechanic Street. There may an impact of access to light for the building to the north of the Foundry Street building and possible blocking of views of Storrs Hill.

Maryann Mastro of Green Street noted the parking ratio of 1.1 space per unit and stated that it is too little. She suggested that builders should plan based upon the City ordinances and avoid waiver requests.

Dale Flynn, an abutter to the property on Blacksmith Street, commented on the difficulty in turning out from Blacksmith Street. The height waiver is an issue for him, and the water and sewer are already taxed in the area. There should be a crosswalk for 25 Mechanic Street, and there will be a big impact on the flood plain. The lighting impact should be kept at a minimum, and any impact on wildlife should be considered. A right of way may be needed for access to Blacksmith Street.

Chair Garland inquired about a date for the continuation of the hearing. The applicant expressed the need for at least two weeks to respond to concerns. Mr. Corwin stated that October 24, 2022 could work if it is noticed tomorrow.

A MOTION by Matthew Hall to continue the hearing to October 24, 2022, at 6:30 PM.

The motion was seconded Cori Hirai.

Roll Call Vote:

Voting in Favor – Mr. Garland, Ms. Hirai, Mr. Rutter, Ms. Zook, Ms. Romano, Ms. Chewning, Mr. Hall

Voting Against – None

****The MOTION was approved (7-0).***

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

The motion was seconded by Kim Chewning.

Roll Call Vote:

Voting in Favor – Mr. Hall, Ms. Chewning, Ms. Romano, Ms. Zook, Mr. Rutter, Ms. Hirai, Mr. Garland

Voting Against – None

****The MOTION was approved (7-0).***

4. Other Business

- A. **William Misha Rosoff, 387 N. Main Street (Tax Map 8, Lot 12), zoned R-3:** Conceptual review per Section 7.3 of the Subdivision Regulations for a proposed 7 lot major subdivision. PB2022-41-CON

William Misha Rosoff, property owner, appeared in support of the potential project.

Mr. Rosoff stated that he was looking for ideas for developing the property, which includes seven lots without wetlands or ledge. It is served by city water and sewer and is located between two streets.

Chair Garland inquired about the ownership of the common space. Mr. Rosoff stated that it could be under an owners' association, but he would like to avoid that. He is looking for suggestions of things that could be shared.

Ms. Hirai inquired if there could be any cottage clusters. Mr. Rosoff agreed it could be a combination of single family and cottage cluster.

Ms. Romano said she was glad to hear about single family homes, and there is a good market for them. Perhaps the open space could be part of each lot. Mr. Corwin said staff would look into it.

Mr. Hall said he is also glad to hear about single family homes.

Chair Garland suggested that Mr. Rosoff should spend time with Staff to see what other options there may be.

5. Approval of Minutes

A. August 22, 2022

A MOTION by Matthew Hall to approve the Planning Board Minutes of August 22, 2022, as presented.

The motion was seconded by Kim Chewning.

Roll Call Vote:

Voting in Favor – Mr. Rutter, Ms. Zook, Ms. Romano, Ms. Chewning, Mr. Hall, Mr. Garland, Ms. Hirai

Voting Against – None

****The MOTION was approved (7-0).***

B. September 19, 2022

Page 4, line 23 to read, "Ms. Hirai added that public EV charging would be desirable..."

A MOTION by Matthew Hall to approve the Planning Board Minutes of September 19, 2022, as amended.

The motion was seconded by Kathie Romano.

Roll Call Vote:

Voting in Favor – Ms. Hirai, Mr. Rutter, Ms. Zook, Ms. Romano, Ms. Chewning, Mr. Hall, Mr. Garland

****The MOTION was approved (7-0).***

Mr. Corwin noted that there would be only one meeting in November on the 21st as a regular meeting. There will be no work session, but tentatively there would be an additional meeting on December 19, 2022, as a work session.

6. Adjournment

A MOTION by Matthew Hall to adjourn the meeting.

The motion was seconded by Kim.

****The MOTION was approved (7-0).***

Bruce, Cori, Jerry, Karen, Kathie, Kim, Matt

The meeting was adjourned at 9:28 PM.

Respectfully submitted,

Holly Howes
Recording Secretary