LEBANON PLANNING BOARD
DECEMBER 19, 2022 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE

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1. Call to Order

2. Study Items

A. Discussion of Proposed Zoning Amendments

3. Public Hearing Items

A. **Jolin Salazar-Kish, 10 & 14 Bank Street (Tax Map 92, Lots 124 & 125), zoned LD:** Applicant requests an extension of time per Section 4.10.B of the Site Plan Review Regulations to obtain a building permit pursuant to an approved site plan for a 26-unit multi-family residential development (PB2019-13-SPR), originally approved by the Planning Board on January 11, 2021. PB2022-43-EXT - **Continued from November 21, 2022**

B. **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 - **Continued from December 12, 2022**

C. **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 - **Postponed from December 12, 2022**

D. **CP Centerra LLC, 12 Centerra Parkway (Tax Map 10, Lot 11, Plot 100), zoned IND-L:** Request for Site Plan Review to construct a +/-2,273 sq. ft. restaurant with a drive through (Starbucks) together with associated site improvements. PB2022-45-SPR - **Continued from December 12, 2022**

E. **Upper Valley Technology Park, LLC, 0 Plainfield Road (Tax Map 131, Lot 3), zoned IND-L:** Request for a Conditional Use Permit per Section 501.4 of the Zoning Ordinance and for Minor Subdivision approval of a proposed 3-lot Industrial Planned Unit Development (IPUD). PB2022-51-CUPMIN - **Postponed from December 12, 2022**

4. Discussion Items

A. **Site Plan Review Amendments** – Review of proposed amendments to Section 6.2 (landscaping requirements) and minor modifications to Section 4.3 (conceptual review) and Section 5.1 (submission requirements)

B. **Site Plan Review Amendments** - Review of proposed amendments to the minor site plan regulations set forth in Sections 3.1 and 3.2 of the Site Plan Review Regulations

5. Committee Reports

A. **Planning Board Subcommittees:**
--Planning Board Capital Improvement Program
--Planning Board Development Regulations Update

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. Other Business

7. Approval of Minutes

A. October 24, 2022

8. Adjournment

The order of agenda items is subject to change.

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

PLANNING BOARD

December 19, 2022 Meeting

Staff Memorandum – PB2022-48-SPR – *postponed from 12/12/22*

APPLICATION INFORMATION

Agenda Item: 3.C

Application ID: PB2022-48-SPR

Application Type:
Site Plan Review to construct additional parking

Property Location & Tax Map
16 Cavendish Court (Tax Map 10, Lot 11, Plot 3600)

Applicant/Property Owner:
North County Council / Grafton County Economic Development Council

Zoning District:
Light Industrial (IND-L)

Future Land Use Map: Mixed Use

Property Size (394 N Main St):
+/-5.67 acres *(per City Assessor's records)*

Overlay Districts:
- Wetlands Conservation District

LEGAL NOTICE

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

PLANS AND APPLICATION MATERIALS

New:

- Plan sheet titled, "Detail Grading Plan – North," prepared by Advanced Geomatics & Designs, dated October 10, 2022, last revised December 2, 2022

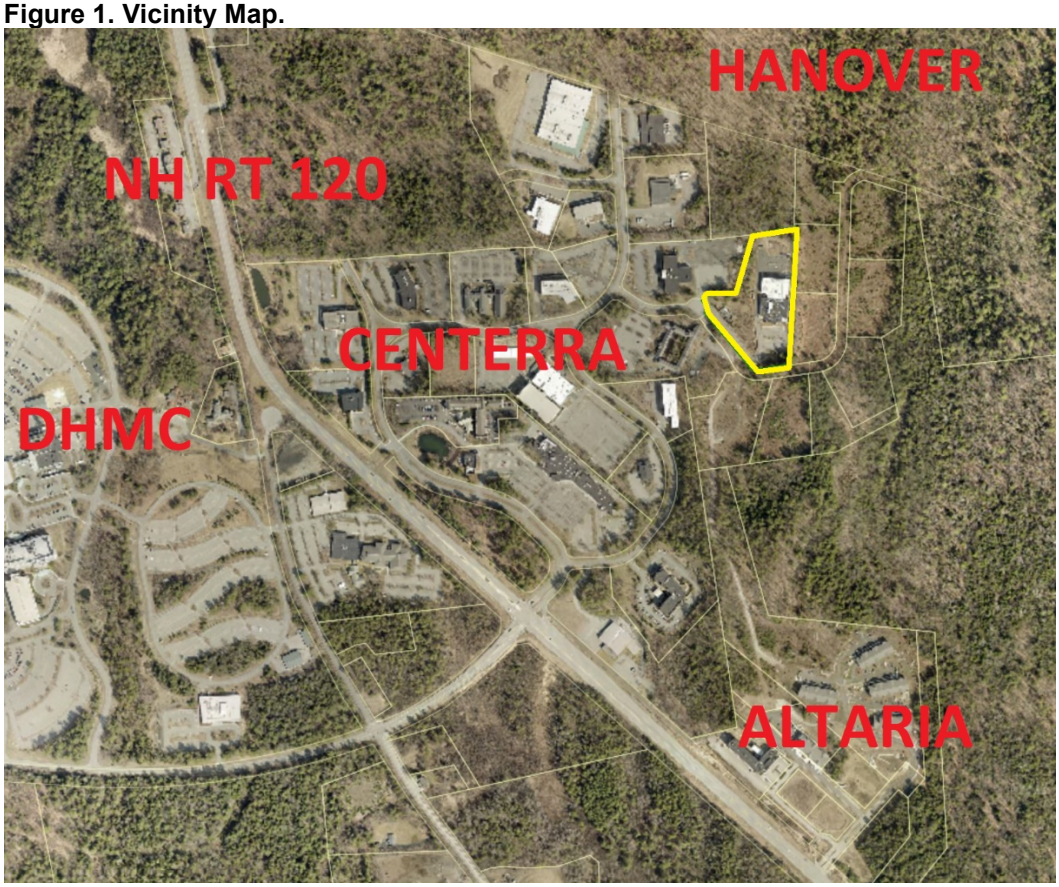
Included with agenda packet for the November 21, 2022 meeting:

- Application form
- Site Plan Review Regulations Technical Checklist dated November 2, 2022 (10 pages)
- Letter dated October 10, 2022, from Dan Nash, PE, or Advanced Geomatics & Design (project narrative, 2 pages)
- Letter dated October 10, 2022, from Dan Nash, PE, or Advanced Geomatics & Design (support statement, 1 page)
- Application for Waivers, dated October 10, 2022 (2 pages)
- Parking calculations table dated October 27, 2022 (1 page)
- Fire truck turning plans, prepared by WCG, dated October 19, 2022 (4 pages)
- Lighting specifications by RAB (8 pages)
- Plan set titled, "DRTC," prepared by Advanced Geomatics & Design, dated October 10, 2022, last revised November 2, 2022, PN: 22-011 (22 sheets)

On file at the Planning and Development Department and available for review upon request:

- Memo dated October 11, 2022, from Dan Nash, PE, of Advanced Geomatics & Design (drainage report; 22 pages)
- Memo dated December 12, 2022, from Dan Nash, PE, of Advanced Geomatics & Design ("partial update to drain report, 7 pages)

Figure 1. Vicinity Map.



©2022 Google, https://lebanonnh.mapgeo.io/

Figure 2. Bird's Eye View of subject property (looking east).

©2021 Eagleview (image taken 4/4/2021)

- Stormwater Operation and Maintenance Plan (OMP) for DRTC – Centerra Park, by Advanced Geomatics & Design, dated October 11, 2022 (7 pages)

COMPLETENESS REVIEW

In order to accept jurisdiction and commence review of the applicant's proposal, the Planning Board must first determine that the application is complete. *See* NH RSA 676:4, I(c)(1) and Section 4.7.C.2 ("Initial Completeness Determination") of the Site Plan Review Regulations. The Planning and Development Department has reviewed the application for compliance with the Site Plan Review Regulations and recommends that the Board find that the application is complete enough to accept jurisdiction and to commence review.

STAFF COMMENTS

PLANNING

On December 2, 2022, the applicant submitted a revised site plan adding a treatment swale to on the east side of the northern parking lot expansion. The plan set – including but not limited to the landscaping plan and lighting plan – needs to be updated to reflect the addition of the treatment swale.

I. SITE PLAN REVIEW REGULATIONS:

The proposed development constitutes a "major change" to the property (as that term is defined in Article II of the Site Plan Review Regulations) and, therefore, requires Site Plan Review by the Planning Board and demonstration of compliance with the Article V submission requirements and Article VI design requirements.

Waiver Requests

Pursuant to Section 7.1 ("Waiver of Regulations"), the applicant has requested waivers from certain provisions of Article V ("Submission Requirements") and Article VI ("Design and Construction Requirements") of the Site Plan Review Regulations. Please see attached Application for Waivers for a discussion of each.

Pursuant to Section 7.1 of the Site Plan Review Regulations, the Board may grant a waiver of any part of the Regulations if it finds, by majority vote, that either:

A. Strict conformity would pose an unnecessary hardship to the Applicant and waiver would not be contrary to the spirit and intent of the regulations; or

B. Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

The applicant's basis for each waiver request is described in the attached Application for Waivers. Note that the granting of a waiver from a design requirement does not relieve an applicant from making the improvements that are depicted on the approved site plan, even if the depicted improvement would have been covered by the waiver had it not been included on the approved site plan.

SECTION 5 –SUBMISSION REQUIREMENTS

5.1 (Drawings and Other Submittals): The applicant has provided the attached materials pursuant to the submission requirements of Section 5.1 of the Site Plan Review Regulations. Please see the attached Application for Waivers for an explanation of the requested waivers.

SECTION 6 – DESIGN AND CONSTRUCTION REQUIREMENTS

6.9 (Premature and Scattered Development): This section provides that the Planning Board "may disapprove a site plan application that proposes development that is scattered or premature, so as to involve danger or injury to health, safety, or prosperity of the community. For purposes of this section, a development shall be considered scattered or premature if it will cause, or poses an undue risk of causing, a substantial or appreciable adverse impact upon any of the factors or parameters set forth in the General or Specific Purposes of Site Plan Review, as outlined in Sections 1.4 and 1.5 of these Regulations." Staff does not recommend a finding that the proposed development is scattered and premature as such a finding would appear to be without basis.

6.10 (Additional Regulations for the Lebanon Downtown District): *Not applicable.*

II. ZONING ORDINANCE:

The existing detention pond on the north end of the site constitutes a wetland, the filling of which will need to comply with NH DES wetland permitting requirements and Section 401.5 of the Zoning Ordinance.

CITY ASSESSOR
No comment at this time.

BUILDING INSPECTOR
No comment at this time.

ENGINEERING/PUBLIC WORKS
The City Engineer recommends that, as a condition of approval, the applicant provide a revised drainage report that includes the updated information provided under separate cover on December 12, 2022.

FIRE DEPARTMENT
No comment at this time.

POLICE DEPARTMENT
No comment at this time.

STAFF RECOMMENDATIONS

If the Planning Board moves to approve this request, then based on the information reviewed by City staff, the Planning and Development Department recommends that the Planning Board approve the application with the conditions noted below:

Conditions to be Satisfied Prior to Any Construction Activities

1. For review and approval by the City Engineer, the applicant shall provide a revised drainage report that includes the updated information provided under separate cover on December 12, 2022.

2. The applicant shall make the following revisions to the plan set to the satisfaction of the Planning and Development Department:
    a) Incorporate plan sheet titled, "Detail Grading Plan – North," prepared by Advanced Geomatics & Designs, dated October 10, 2022, last revised December 2, 2022, and update plan sheets as needed to reflect the addition of the treatment swale.
    b) Amend the cover sheet to provide description of all plan revisions (5.1.E.4.d).

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

4. The applicant shall obtain or update (if appropriate) any required State approvals, including but not limited to:
    a. NHDES wetlands permit, if necessary

5. *(TENTATIVE:)* In lieu of engaging a third-party, the applicant shall coordinate with the City Engineer to observe the installation of the stormwater system. Such coordination shall include preparing a tentative construction schedule and agreeing to provide the City Engineer a minimum of 7 days' notice prior to a required or requested inspection.

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

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

7. 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.

8. 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 Subdivision Regulations and Site Plan Review Regulations.

General Conditions

9. 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.

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

11. The property owner is responsible for the maintenance and operation of the stormwater management system in accord 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).

Attachments
cc: Grafton County Economic Development Council, Inc.
North Country Council Inc.
Jason Yehle, Hazen Hill Construction LLC
Dan Nash, PE
File

PROPOSED RET WALL

HEADWALL

PROPOSED DUMPSTER PAD

PROPOSED PARKING

(OUTLINE OF DRAIN SYSTEM SEE OTHER SHEET)

(BERM)

RET WALL

TREATMENT SWALE

LIMIT OF WORK

Lot
10-11-36
16 Cavendish Court

SNOW STORAGE

Existing SWTD

Existing Parking

SCALE: 1" = 10'

#	DATE	REVISIONS
1	11/02/2022	UPDATE
2	12/02/2022	TREATMENT SWALE
3		
4		
5		
6		
7		

DETAILED GRADING PLAN-NORTH
FOR
DRTC
IN
LEBANON, NEW HAMPSHIRE

ADVANCED GEOMATICS & DESIGN
105 BANK STREET - PO BOX 512
LEBANON, NEW HAMPSHIRE 03766
PHONE: (603) 448 6295
E-MAIL: advancedgeomatics@comcast.net

SURVEYED:	GIS
DESIGNED:	DAN
DRAWN:	DAN
CHECKED:	DAN
DATE:	10/10/2022

DRTC

DETAIL GRADING PLAN-NORTH

C-2

© 2022 ADVANCED GEOMATICS & DESIGN

SHEET 15 OF 23

WHEN RECORDED RETURN TO:

DECLARATION OF RESTRICTIVE COVENANT

This Declaration of Restrictive Covenant ("**Declaration**") is executed as of this ____ day of _____, 20__ (the "**Effective Date**"), by Upper Valley Technology Park, LLC ("**Owner**").

RECITALS

A. Owner is the owner of that certain parcel of land located in the County of Grafton, State of New Hampshire (the "State"), known as Tax Parcel 131-3 (the "**Property**").

B. In connection with the development of the Property, Owner has agreed to establish certain restrictions with respect to the use of property designated as open space ("Open Space") located on the Property that are intended to run with the land as more fully set forth herein.

C. The Open Space is depicted on a Subdivision Plat for Upper Valley Technology Park LLC, Planned Unit Development, Airpark Road Extension Road, Grafton County, Lebanon, NH, prepared by Latitudes Land Surveying, dated 12/2/2022.

D. The purpose of this Declaration is to provide for permanent preservation of the Open Space as set forth herein.

NOW THEREFORE, in consideration of the foregoing premises, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Owner declares as follows:

1. Use Restrictive Covenant.

(a) From and after the Effective Date, (i) no new structure, paving, or other improvements shall be constructed on, and no new modifications or landscaping activities (except for minor grubbing, clearing of debris, pruning, sodding or seeding, or other similar activities) shall be carried out within the Open Space; and (ii) the use of the Open Space shall be limited solely to passive open or green space.

(b) This Declaration and the covenants set forth herein restricting the use and occupancy of the Open Space (i) shall be and are covenants running with, touching, and encumbering the Property, binding upon the Owner and all successors in interest or title, transferees, vendees, lessees, mortgagees, and assigns who are owners and/or users of the Property, and (ii) are not merely personal covenants of the Owner.

(c) Any and all requirements of the laws of the State to be satisfied in order for the provisions of this Declaration to constitute deed restrictions and covenants running with the land shall be deemed to be satisfied in full, and any requirements or privileges of estate are intended to be satisfied, or in the alternate, an equitable servitude has been created to insure that these restrictions run with the land. Each and every contract, deed, or other instrument hereafter executed conveying the Property or portion thereof (excluding instruments granting security interests) shall expressly provide that such conveyance is subject to this Declaration, provided, however, that the covenants contained herein shall survive and be effective regardless of whether such contract, deed or other instrument hereafter executed conveying the Property or portion thereof provides that such conveyance is subject to this Declaration.

2. Enforcement. In the event of a breach or threatened breach of this Declaration, any party adversely affected by such breach, the county or municipality where the Property is located shall be entitled to institute proceedings at law or in equity for relief from the consequences of said breach including seeking injunctive relief to prevent a violation thereof. The prevailing party in any such action shall be awarded its costs and expenses, including reasonable attorneys' fees, which shall be deemed to have accrued on the commencement of such action and shall be awarded whether or not such action is prosecuted to judgment.

3. Superiority. The charges and burdens of this Declaration are, and shall at all times be, prior and therefore superior to the lien or charge of any mortgage or deed of trust hereafter made affecting the Property or any part thereof, including any improvements now or hereafter placed thereon, and notwithstanding a foreclosure or other voluntary or involuntary transfer of title pursuant to such instrument, shall remain in full force and effect, but are subordinate to the security interests of record on the Effective Date. Provided, however, that a breach of any of the restrictions hereof shall not defeat or render invalid the lien or charge of any mortgage or deed of trust. The charges and burdens of this Declaration are not intended to either create a lien upon the Property, or grant any right of foreclosure, to any person or party.

4. Release. Any person or entity having or acquiring fee or leasehold title to the Property or any portion thereof shall be required to comply with this Declaration only during the period such person or entity is the fee or leasehold owner of the Property, and thereafter shall be released therefrom, except that such person or entity shall continue to be liable for, and shall not be released from liability for, obligations, liabilities or responsibilities that accrue or accrued during said period of ownership. Although persons or entities may be released under this paragraph, the restrictions of this Declaration shall continue to be restrictions upon the Property, running with the land, and shall inure to the benefit of, and be binding upon, their successors and assigns in title or interest.

5. Notices. All notices provided for herein may be delivered in person, sent by overnight courier service, mailed in the United States mail postage prepaid, or sent by electronic transmission, and, regardless of the method of delivery used, shall be considered delivered upon the actual receipt or refusal of receipt thereof. The name, address and other information to be used in connection with such correspondence and notices to Owner shall be the then-current owner's name and address information maintained in the official real property tax records with respect to the Property.

6. Miscellaneous.

(a) Headings. The headings in this Declaration are for convenience only and do not in any way limit or affect the terms and provisions hereof.

(b) Unenforceability. If any provision of this Declaration is held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remainder of such provision or any other provisions hereof.

(c) Governing Law. This Declaration shall be construed and enforced in accordance with the laws of the State.

(d) No General Public Access. This Declaration does not establish any rights of access in favor of the general public for any purposes whatsoever.

(e) Entire Agreement. This Declaration constitutes the entire agreement of Owner with respect to the subject matter hereof and supersedes all prior negotiations or discussions, whether oral or written, with respect thereto.

IN WITNESS WHEREOF, the undersigned has caused this Agreement to be signed by its duly authorized representatives, as of the day and year first above written.

OWNER

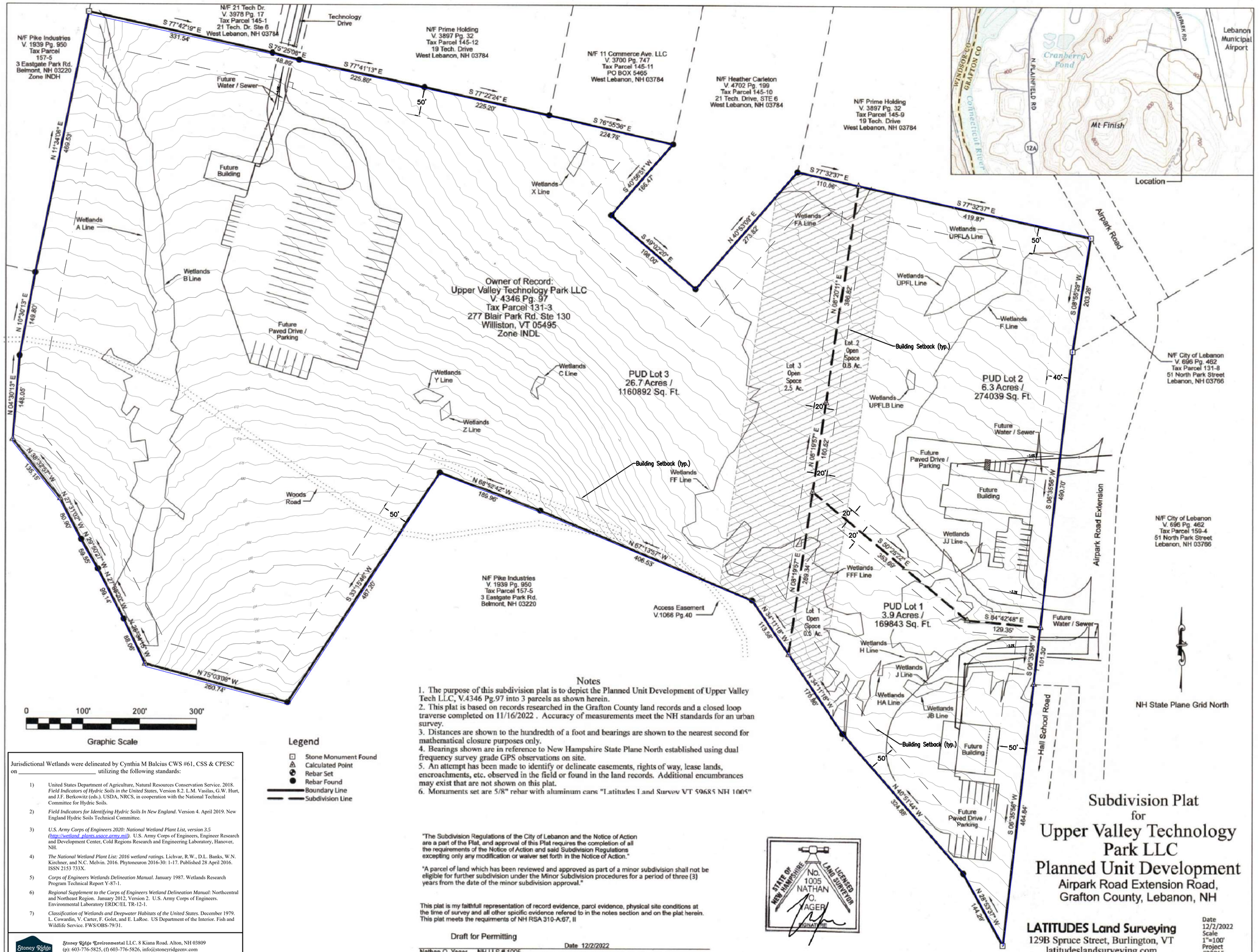
_____

By:_____
Printed Name:_____
Title:_____

STATE OF_____)
COUNTY OF_____)

On this_____ day of _____ , 20___, before me, a notary public, personally appeared _____ , the_____ of the _____ [the _____ of _____], a _____ , named in the foregoing instrument and acknowledged said instrument on behalf of the_____.

_____
Notary Public


N/F Pike Industries
V. 1939 Pg. 950
Tax Parcel
157-5
3 Eastgate Park Rd.
Belmont, NH 03220
Zone INDH
N/F 21 Tech Dr.
V. 3978 Pg. 17
Tax Parcel 145-1
21 Tech. Dr. Ste 6
West Lebanon, NH 03784
Technology Drive
N/F Prime Holding
V. 3897 Pg. 32
Tax Parcel 145-12
19 Tech. Drive
West Lebanon, NH 03784
N/F 11 Commerce Ave. LLC
V. 3700 Pg. 747
Tax Parcel 145-11
PO BOX 5465
West Lebanon, NH 03784
N/F Heather Carleton
V. 4702 Pg. 199
Tax Parcel 145-10
21 Tech. Drive, STE 6
West Lebanon, NH 03784
N/F Prime Holding
V. 3897 Pg. 32
Tax Parcel 145-9
19 Tech. Drive
West Lebanon, NH 03784
Lebanon Municipal Airport
Cranberry Pond
Mt Finish
N. PLAINFIELD RD
AIRPARK RD
12A
WINDSOR CO
GRAFTON CO
Connecticut River
Location
Airpark Road
Owner of Record:
Upper Valley Technology Park LLC
V. 4346 Pg. 97
Tax Parcel 131-3
277 Blair Park Rd. Ste 130
Williston, VT 05495
Zone INDL
PUD Lot 3
26.7 Acres /
1160892 Sq. Ft.
PUD Lot 2
6.3 Acres /
274039 Sq. Ft.
PUD Lot 1
3.9 Acres /
169843 Sq. Ft.
Lot 1 Open Space 0.6 Ac.
Lot 2 Open Space 0.8 Ac.
Lot 3 Open Space 2.5 Ac.
Future Building
Future Paved Drive / Parking
Future Water / Sewer
Future Water / Sewer
Wetlands A Line
Wetlands B Line
Wetlands C Line
Wetlands F Line
Wetlands FA Line
Wetlands FF Line
Wetlands H Line
Wetlands HA Line
Wetlands J Line
Wetlands JB Line
Wetlands JJ Line
Wetlands UPFL Line
Wetlands UPFLA Line
Wetlands UPFLB Line
Wetlands X Line
Wetlands Y Line
Wetlands Z Line
Building Setback (typ.)
Woods Road
Hall School Road
Airpark Road Extension
Access Easement V.1066 Pg.40
N/F City of Lebanon
V. 696 Pg. 462
Tax Parcel 131-8
51 North Park Street
Lebanon, NH 03766
N/F City of Lebanon
V. 696 Pg. 462
Tax Parcel 159-4
51 North Park Street
Lebanon, NH 03766
S 77°42'19" E 331.54'
S 76°25'06" E 48.89'
S 77°41'13" E 225.80'
S 77°22'24" E 225.20'
S 76°55'36" E 224.78'
S 40°58'51" W 186.47'
S 49°02'20" E 198.00'
S 77°32'37" E 110.06'
S 77°32'37" E 419.87'
N 40°53'08" E 273.62'
N 11°34'08" E 469.53'
N 10°30'13" E 149.80'
N 04°30'13" E 148.05'
N 08°20'11" E 386.82'
S 08°35'29" W 203.26'
N 08°19'57" E 160.02'
N 08°19'57" E 289.34'
S 30°26'22" E 353.69'
S 84°42'48" E 129.35'
S 08°35'58" W 101.30'
S 08°35'58" W 464.84'
S 08°35'56" W 490.70'
N 34°11'16" W 113.58'
N 34°11'16" W 176.86'
N 40°51'44" W 324.88'
N 28°53'37" W 144.29'
N 68°39'42" W 185.96'
N 67°13'57" W 406.53'
S 33°15'46" W 487.20'
N 75°03'06" W 260.74'
N 38°39'57" W 135.15'
N 27°31'02" W 80.90'
N 29°30'27" W 59.65'
N 37°58'02" W 99.14'
N 62°34'54" W 88.06'
50'
40'
20'
0 100' 200' 300'
Graphic Scale
NH State Plane Grid North
Legend
Stone Monument Found
Calculated Point
Rebar Set
Rebar Found
Boundary Line
Subdivision Line
Notes
1. The purpose of this subdivision plat is to depict the Planned Unit Development of Upper Valley Tech LLC, V.4346 Pg.97 into 3 parcels as shown herein.
2. This plat is based on records researched in the Grafton County land records and a closed loop traverse completed on 11/16/2022 . Accuracy of measurements meet the NH standards for an urban survey.
3. Distances are shown to the hundredth of a foot and bearings are shown to the nearest second for mathematical closure purposes only.
4. Bearings shown are in reference to New Hampshire State Plane North established using dual frequency survey grade GPS observations on site.
5. An attempt has been made to identify or delineate easements, rights of way, lease lands, encroachments, etc. observed in the field or found in the land records. Additional encumbrances may exist that are not shown on this plat.
6. Monuments set are 5/8" rebar with aluminum caps "Latitudes Land Survey VT 59685 NH 1005"
"The Subdivision Regulations of the City of Lebanon and the Notice of Action are a part of the Plat, and approval of this Plat requires the completion of all the requirements of the Notice of Action and said Subdivision Regulations excepting only any modification or waiver set forth in the Notice of Action."
"A parcel of land which has been reviewed and approved as part of a minor subdivision shall not be eligible for further subdivision under the Minor Subdivision procedures for a period of three (3) years from the date of the minor subdivision approval."
This plat is my faithfull representation of record evidence, parcl evidence, physical site conditions at the time of survey and all other spicific evidence refered to in the notes section and on the plat herein. This plat meets the requirments of NH RSA 310-A:67, II
Draft for Permitting
Nathan O. Yager NH LLS # 1005
Date 12/2/2022
STATE OF NEW HAMPSHIRE No. 1005 NATHAN O. YAGER LICENSED LAND SURVEYOR SIGNATURE
Jurisdictional Wetlands were delineated by Cynthia M Balcius CWS #61, CSS & CPESC on _____ utilizing the following standards:
1) United States Department of Agriculture, Natural Resources Conservation Service. 2018. *Field Indicators of Hydric Soils in the United States*, Version 8.2. L.M. Vasilas, G.W. Hurt, and J.F. Berkowitz (eds.). USDA, NRCS, in cooperation with the National Technical Committee for Hydric Soils.
2) *Field Indicators for Identifying Hydric Soils In New England*. Version 4. April 2019. New England Hydric Soils Technical Committee.
3) *U.S. Army Corps of Engineers 2020: National Wetland Plant List, version 3.5 (http://wetland_plants.usace.army.mil)*. U.S. Army Corps of Engineers, Engineer Research and Development Center, Cold Regions Research and Engineering Laboratory, Hanover, NH.
4) *The National Wetland Plant List: 2016 wetland ratings*. Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X.
5) *Corps of Engineers Wetlands Delineation Manual*. January 1987. Wetlands Research Program Technical Report Y-87-1.
6) *Regional Supplement to the Corps of Engineers Wetland Delineation Manual*: Northcentral and Northeast Region. January 2012, Version 2. U.S. Army Corps of Engineers. Environmental Laboratory ERDC/EL TR-12-1.
7) *Classification of Wetlands and Deepwater Habitats of the United States*. December 1979. L. Cowardin, V. Carter, F. Golet, and E. LaRoe. US Department of the Interior. Fish and Wildlife Service. FWS/OBS-79/31.
Stoney Ridge Environmental LLC. 8 Kiana Road, Alton, NH 03809
(p): 603-776-5825, (f) 603-776-5826, info@stoneyridgeenv.com
Subdivision Plat
for
Upper Valley Technology Park LLC
Planned Unit Development
Airpark Road Extension Road,
Grafton County, Lebanon, NH
LATITUDES Land Surveying
129B Spruce Street, Burlington, VT
latitudeslandsurveying.com
Date 12/2/2022
Scale 1"=100'
Project #22015
Sheet 1of 1

DRAFT

LEBANON PLANNING BOARD
Work Session
Monday, October 24, 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), Kim Chewning, Kathie Romano-remotely, Jeremy Rutter, Cori Hirai (Alternate), Thomas Jasinski-remotely (Alternate)

MEMBERS ABSENT: Gregorio Amaro, Laurel Stavis

STAFF PRESENT: Tim Corwin (Senior Planner), Rebecca Owens (Associate Planner)

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1. Call to Order

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

Chair Garland updated the Board members on the CIP deliberations of the City Council.

Cori Hirai was appointed to replace an absent member.

2. Public Hearing Items

A. SECOND REVISED NOTICE - 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, and a Conditional Use Permit per Section 307.6.B.2 of the Zoning Ordinance to waive the requirement that a portion of the street level story of the proposed buildings at 25 Mechanic Street and 43 Mechanic Street is reserved for a non-residential use. PB2022-36-SPR

John Livadas representing ownership, Ruthie Kuhlman and Eric Robinson with Rode Architects, Nik Fiore of Engineering Ventures, Erica Wygonik of WCG, and Andrew Cridlin of OJB Landscape Architecture attended in support of the application.

Mr. Fiore responded to comments based upon Board and public feedback, which included changes to the waiver requests. Several images were shown indicating the flood plain, snow storage, and phasing. Mr. Cridlin, OJB described the details of the landscape waivers.

Dan Weissman from Lamb Partners in Cambridge, MA, explained the plans for lighting.

Mr. Corwin noted that a memo was received on October 20, 2022, from Steve Keach. Comments were received from the Upper Valley Lake Sunapee Regional Planning Commission, and an email was received from Mr. Jeffrey Katz. The draft motions were distributed to the Board members, and changes to the conditions of approval were included. Mr. Vincent spoke regarding some of Mr. Keach's comments. Mr. Corwin noted the reporting deadlines for some of the information.

Chair Garland noted that Jeffrey Katz had inquired about the sewer system. Mr. Vincent described how the sewage flow would pass through the property.

Mr. Hall commented on the traffic study, which presumed that the roundabout would be built. Mr. Vincent stated that the applicant agrees that there would be right only turns out of the properties if the roundabout is not built. Ms. Wygonik noted that the traffic is divided among the different exits, and there would be fewer trips generated based upon those divisions and the typical trips generated from multi-family housing. Her only concern is about left turns out of Foundry Street, which should only be allowed once the roundabout is built. Mr. Vincent stated that the situation would be assessed once the roundabout is completed.

Chair Garland reported on a visit to the property and agreed that rather than making a left turn, using the roundabout to go in the other direction would be preferable.

Ms. Chewning asked if Mr. Keach's comments were included in the conditions of approval. Mr. Vincent stated that they were. Ms. Chewning also inquired about how a TIF district works. Mr. Corwin explained the basic fiscal details. Ms. Chewning asked for confirmation that the Planning Board does not have any authority to require some amount of affordable housing. Mr. Corwin stated that the Board could not require it.

Mr. Rutter expressed concern over the presentation of financial data and the lack of appropriate comparisons. He also inquired about safety considerations for the increased bicycle traffic and the future of the "bridge to nowhere". Mr. Livadas discussed the different aspects of the bridge's future, which has not been determined at this point.

Mr. Hall inquired about the meetings with the Fire Department. Ruthie Kuhlman stated that everything is on track with the Fire Department and no waiver should be required. Mr. Hall also inquired about the possible location of another Advance Transit stop. Mr. Vincent stated that coordination would be required among departments.

The Board members had several additional questions. Mr. Jasinski inquired if the additional traffic from the Recreo project was taken into consideration. Ms. Wygonik stated that it was. Ms. Romano inquired about lights at the crosswalk, bicycle parking for visitors, and the blind spot at Blacksmith Street. Mr. Fiore stated that crosswalk lights would be part of the traffic plans, and there are many bicycle parking locations throughout the property. Mr. Livadas stated that the blind spot will be addressed with the abutter. Ms. Romano inquired about a shelter for those waiting for Advance Transit and the possibility for additional benches at the southern end and northern end of the property. Mr. Livadas stated that they would be putting benches in all appropriate locations. Ms. Romano asked about requiring a performance guarantee and the left turn out of Foundry Street, which she is against. Chair Garland stated that requiring

a performance guarantee is up to the city. Mr. Livadas stated that they are willing to go with whatever the traffic pattern may be and have no control over that decision.

Chair Garland invited public comment.

Chuck Dickerson, 5 Brookside Drive, expressed concern over ambient lighting from all the new projects being proposed. Ms. Kuhlman stated that they hired a lighting designer to assure there is safe lighting at low levels. Dan Weissman from Lamb Partners in Cambridge noted that they have worked to make lighting as low level and targeted as possible from a dark sky perspective.

Dale Flynn, an abutter, inquired if the Advance Transit stop would be indented or on the road. On Blacksmith Street, the tree is an issue, but the cars coming out of the River Mill Plaza add to it. Mr. Flynn also inquired about visitor parking for access to the river walk and whether right hand turns may impact the center of town. Mr. Livadas stated that they want people to walk through the property, but only tenants have parking spaces. The bus stop is outside their control and would not be indented. Mr. Livadas will continue to work together with Advance Transit.

Maryann Mastro of Ward 2 commented on affordable housing, landscaping, etc. that are important to the City. She expressed concern over the traffic impact and the need for review of the combined number of units planned for the area.

Sarah Riley of Ward 2 expressed concern over up lighting, stormwater and the impact of salt water, lack of diversity of trees for landscaping, and riverbank protection. Mr. Weissman stated that there should not be any up lighting in the project unless there is a cultural desire to light the smokestack for some period each evening. Mr. Fiore responded to the concerns. The underground stormwater facilities are a standard process. Mr. Cridlin agreed that they would go along with recommendations on the urban foresting species diversification.

Chair Garland began the discussion of the Conditional Use Permits.

Ms. Kuhlman addressed the building height issue. Mr. Hall stated that the City wants to see density and taller buildings, and he is in favor of the height of the buildings. Ms. Chewning noted that the typography is affecting the perception of building height. Ms. Kuhlman stated that the increased height increases the number of units and the density. Mr. Livadas noted that the use of underground parking instead of surface parking allows for more feasibility in the number of units.

Ms. Hirai inquired about the height of the smokestack as related to the buildings. An image was shown illustrating the comparative heights.

Mr. Rutter inquired about the lowest level of the garage in relation to the river. Mr. Fiore stated that the garage was in no danger of flooding.

Chair Garland opened the discussion of the Conditional Use Permits.

Read by Matthew Hall:

At duly noticed meetings of the Lebanon Planning Board, there appeared representatives on behalf of LWM Residential LLC, regarding 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, requesting a Conditional Use Permit per Section 307.8.A of the Zoning Ordinance to allow an increase in the maximum permitted building height. PB2022-36-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. LWM Residential, LLC proposes to redevelop the subject properties as a multi-building, multi-family dwelling complex.

2. As part of the proposed redevelopment, the applicant proposes to construct a new +/- 75,347 sq. ft. 5-story building at 1 Foundry Street containing 89 dwelling units (known as "Building 3"). Building 3 has a proposed building height of 60 ft. 6 inches.

3. 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.

4. Pursuant to Section 307.8.A, the applicant requests a Conditional Use Permit to allow Building 3 to have a height of 60 ft. 6 in. and has submitted an Application for Conditional Use Permit Support Statement addressing the Section 302.4.D and Section 307.8.A criteria.

5. 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 **24th day of October, 2022,** hereby **GRANTS** the request of LWM Residential, 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 LWM Residential, LLC, PB2022-36-SPR, currently pending before the Board.

The motion as seconded by Jeremy Rutter.
Roll Call Vote:
Voting in Favor – Mr. Hall, Mr. Garland, Ms. Hirai, Mr. Rutter, Ms. Zook, Ms. Romano
Voting Against – Ms. Chewning
****The MOTION was approved (6-1).***

Read by Matthew Hall:

At duly-noticed meetings of the Lebanon Planning Board, there appeared representatives on behalf of LWM Residential LLC, regarding 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, requesting a Conditional Use Permit per Section 307.6.B.2 of the Zoning Ordinance to to waive the requirement that a portion of the street level story of the proposed buildings at 25 Mechanic Street and 43 Mechanic Street is reserved for a non-residential use. PB2022-36-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:

6. LWM Residential, LLC proposes to redevelop the subject properties as a multi-building, multi-family dwelling complex.

7. As part of the proposed redevelopment, the applicant proposes to construct new multi-family dwellings at 25 Mechanic Street and 43 Mechanic Street.

8. Section 307.6.B of the Zoning Ordinance provides as follows:

> B. Buildings with Frontage on Secondary Streets.
>
> 1. If a ***building*** equal to or greater in size than 20,000 gross square feet is located on a ***lot*** with ***principal frontage*** on a secondary ***street***, a minimum of 1,000 square feet or 1/3 of the ***gross floor area***, whichever is less, of the ***street level story*** of the ***building***, shall be reserved for a non-residential use or uses, and such combined uses shall have both a depth and width of not less than 20 feet along the secondary ***street***. In the case of multiple ***buildings*** on a ***lot*** with ***principal frontage*** on a secondary ***street***, the non-residential use shall be located in the ***building*** closest to the secondary ***street***.
>
> 2. Notwithstanding the above requirements, the Planning Board may waive the requirement for non-residential uses on ***the street level story*** and permit residential uses on the entire ***street level story*** in these locations by ***conditional use*** permit pursuant to Section 302.4 provided the applicant demonstrates that:
>
> a. Non-residential uses on the ***street level story*** are inappropriate given the unique characteristics of the subject property.
>
> b. The proposed development provides 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.
>
> c. The proposed development includes a high-quality design with attention to architectural quality and detail, universal accessibility, and/or environmental sustainability.

9. Pursuant to Section 307.6.B.1, a portion of the street level story of the new buildings at 25 Mechanic Street and 43 Mechanic Street are required to be reserved for non-residential uses. Pursuant to Section 307.6.B.2, the applicant requests a Conditional Use Permit to waive the requirements of Section 307.6.B.1 as they relate to the proposed new construction at 25 Mechanic Street and 43 Mechanic Street.

10. 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 307.6.B.2.

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 the criteria set forth in Section 307.6.B.2 of the Zoning Ordinance:

9. The site **IS** suitable for the proposal. (§302.4.D.1)

10. 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)

11. 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.

12. 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.

13. 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.

14. Non-residential uses on the street level story **ARE** inappropriate given the unique characteristics of the subject property. (Section 307.6.B.2.a)

15. 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 307.6.B.2.b)

16. The proposal **DOES** include a high-quality design with attention to architectural quality and detail, universal accessibility, and/or environmental sustainability. (Section 307.6.B.2.c)

III. DECISION

Now therefore be it resolved, the Planning Board, on this **24th day of October, 2022,** hereby **GRANTS** the request of LWM Residential, LLC for a Conditional Use Permit per Section 307.6.B.2, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

2. The Conditional Use Permit is contingent on approval of the site plan application of LWM, LLC, PB2022-36-SPR, currently pending before the Board.

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).***

Mr. Fiore explained the background of the waiver requests. The Board members inquired about the landscaping and setbacks.

The following individual votes were taken on the waivers or partial waivers from sections of the Site Plan Review Regulations as requested for the application of LWM Residential, LLC, PB2022-36-SPR:

A MOTION by Matthew Hall to approve a waiver from 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.
Roll Call Vote:
Voting in Favor – Mr. Hall, Mr. Garland, Ms. Hirai, Mr. Rutter, Ms. Zook, Ms. Romano, Ms. Chewning
Voting Against – None
****The MOTION was approved (7-0).***

Mr. Fiore explained the background for the waiver request from the perimeter landscaping requirement. The Board members commented on the boundaries and landscaping.

Mr. Flynn inquired about the need for requirements if an applicant can have a waiver. Mr. Livadas responded with an explanation of the amount of landscaping being provided. Charlie Depew, Ward 2, suggested that rather than granting waivers, the landscaping could be increased somewhere else on the property.

A MOTION by Matthew Hall to approve a waiver from Section 6.2.B, the perimeter landscaping requirements.
The motion was seconded by 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).***

Mr. Fiore provided information on the waiver request regarding the 10' landscaping requirement. Mr. Jasinski expressed concern over the site placement.

A MOTION by Matthew Hall to approve a waiver from Section 6.2.D.1- landscaping around buildings requirements; and 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 Jeremy Rutter.
Roll Call Vote:
Voting in Favor – Ms. Hirai, Mr. Rutter, Ms. Zook, Ms. Romano, Ms. Chewning, Ms. Hall, Mr. Garland
Voting Against – None
****The MOTION was approved (7-0).***

A MOTION by Matthew Hall to approve a waiver from Section 6.7.B.2 – requiring that the light intensity at adjoining streets or commercial property boundaries shall not exceed 0.5 foot-candles at grade level; and Section 5.1.E.13 – requiring the lighting schedule to be included within the plan set.
The motion was seconded by Cori Hirai.
Roll Call Vote:
Voting in Favor – Ms. Zook, Ms. Romano, Ms. Chewning, Mr. Hall, Mr. Garland, Ms. Hirai, Mr. Rutter
Voting Against - None
****The MOTION was approved (7-0).***

A MOTION by Matthew Hall to approve a waiver from Section 6.6 - stormwater management requirements.
The motion was seconded by Kim Chewning.
Roll Call Vote:
Voting in Favor – Mr. Hall, Mr. Garland, Ms. Hirai, Mr. Rutter, Ms. Zook, Ms. Romano, Ms. Chewning
Voting Against – None
****The MOTION was approved (7-0).***

Chair Garland opened the discussion to review the conditions of approval. Ms. Hirai reiterated that it would be less expensive to put in additional conduit for future EV charging stations. The Board members reviewed the conditions for completeness and necessity.

A MOTION by Matthew Hall to extend the meeting to 9:45 PM.
The motion was seconded by Jeremy Rutter.
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).***

Mr. Livadas noted that there is an unresolved issue with a third party requiring a condition. Mr. Corwin stated that it would be possible to work with the applicant the address the condition. Ms. Romano stated that this was required of several other applicants.

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

Mr. Hall suggested removing the condition regarding Advance Transit. Ms. Chewning stated that she agrees with Mr. Hall. Mr. Corwin stated that this is a related public improvement and is standard for the size of the project. Ms. Hirai and Ms. Romano noted that it was for the benefit of the City and promoting the use of public transit.

A MOTION by Matthew Hall to extend the meeting to 10:00 PM.
The motion was seconded by Jeremy Rutter.
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 **APPROVE** the application of LWM Residential, LLC for 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 (Tax Map 106, Lot 34); a new 4-story, 31-unit multi-family building with a lower-level parking garage at 25 Mechanic Street (Tax Map 91, Lot 267), to be merged with 1 Foundry Street (Tax Map 91, Lot 263); 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, as shown on a plan set titled "Lebanon Woolen Mill," dated August 17, 2022, last revised October 17, 2022, prepared by RODE Architects, EV Project: 22122 (57 sheets), including any and all submissions and testimony provided for and during the public hearing.

In support of its decision, the Board finds that the applicant has submitted plans, testimony, technical data, information, reports, and studies – variously prepared by a professional civil engineer, professional traffic engineer, licensed land surveyor, an architect, and a licensed landscape architect – that together satisfactorily demonstrate compliance with the applicable requirements of the Site Plan Review Regulations, except as may reasonably be addressed through the imposition of certain conditions of approval, set forth below, and except as may have been waived pursuant to Section 7.1.

This approval is 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 October 10, 2022 (PB2022-35-BLA) shall be recorded pursuant to and in conformance with the Notice of Action.

2. Within 30 days of the Planning Board's approval, the applicant shall address comments 1-4 under "Planning/Design Matters" as set forth in the letter dated October 20, 2022, from Steve Keach, PE, of Keach-Nordstrom Associates, Inc., to the satisfaction of the City Engineer. Any substantive changes to the approved site plan that result from applicant's response to the Reviewing Engineer's comments shall require review and approval by the Planning Board.

3. The applicant shall coordinate with the City Engineer and the Department of the Public Works to confirm the extent to which site water and sewer utilities shall be owned and/or maintained by the City.

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 Conditions of Approval #2 and 3.

b) Incorporate revised plan sheets submitted for the October 24, 2022, hearing and provide sheets with pagination consistent with the Table of Contents.

c) Update zoning chart as follows:

i. Refer to the requested Conditional Use Permit for the proposed height of building #3.

d) Show striping on Blacksmith Street as recommended in the memo from Erica Wygonik, PE, dated October 14, 2022.

e) Amend the cover sheet to provide description of plan revisions (5.1.E.4.d).

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 apply to the Lebanon Fire Department for a waiver from 2021 IFC Section D105, if deemed by the Fire Department to be necessary, and shall obtain such waiver.

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

9. 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.

10. 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.

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

12. 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

Conditions to be Satisfied Prior to the Issuance of a Temporary Certificate of Occupancy for Each Phase

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

14. The applicant shall provide security for the completion of required site improvements associated with the next phase in an amount and form acceptable to the City.

15. Prior to the issuance of a temporary Certificate of Occupancy for Phase 1, the applicant shall work with Advance Transit to identify and construct bus stop improvements and related right-of-way improvements within the vicinity of the project site. The location of any new or improved bus stops should consider sightlines for traffic, turning movements, and convenience as well as coordination of access (i.e., safe and accessible facilities). The development of the proposed improvements shall be coordinated with the Planning & Development Department and the Department of Public Works. Construction may be postponed as may be permitted by DPW to accommodate roundabout construction.

16. Prior to the issuance of a temporary Certificate of Occupancy for Phase 1, the applicant shall demonstrate to the satisfaction of the City Engineer that the development site has been cleared of any environmental contamination to the extent necessary for safe habitation.

17. 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.

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

18. 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

19. Pursuant to Section 4.9 of the Site Plan Review Regulation, the project may be constructed in phases per the phasing plan on page 7 of the approved plan set (Sheet C-003, last revised October 18, 2022) and per the conditions of approval above.

20. 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.

21. 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.

22. The applicant shall obtain an Excavation Permit, a Driveway Permit, a Floodplain Permit, and a Stormwater Permit from the Department of Public Works for any work in the public right-of-way prior to undertaking any such 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. Unless otherwise agreed to by the Department of Public Works, the applicant shall be responsible for maintaining all improvements constructed within the public right-of-way, which may or may not include water and sewer mains as noted above.

The motion was seconded by Jeremy Rutter.

Mr. Hall asserted that this is a very worthwhile project.

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. Amendments to the Site Plan Review Regulations: The Lebanon Planning Board will hold a public hearing for the purpose of receiving input and taking action on proposed amendments to Sections 3.1 and 3.2 of the Site Plan Review Regulations to modify the minor site plan jurisdictional thresholds and review procedures. Copies of the proposed amendments are available for review at the Planning and Development Department and will be made available online at the City's website, lebanonnh.gov.

3. Study Items

A. Discussion re: Site Plan Review Amendments – Review of proposed amendments to Section 6.2 (landscaping requirements) and minor modifications to Section 4.3 (conceptual review) and Section 5.1 (submission requirements)

Chair Garland opened the Public Hearing.

A MOTION by Cori Hirai to continue the discussion to December 12, 2022, at 6:30 PM.
The motion was seconded by Kim Chewning.
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).

4. Committee Reports

A. Planning Board Subcommittees:
--Planning Board Capital Improvement Program
--Planning Board Development Regulations Update

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

5. Other Business

Chair Garland noted that a letter was received

6. Approval of Minutes

A. September 26, 2022 Work Session and October 5, 2022 Site Walk

A MOTION by Matthew Hall to accept the Planning Board Minutes of September 26, 2022, and October 5, 2022, as presented.
The motion was seconded by ? .
****The MOTION was approved (-).***

7. Adjournment

A MOTION by Cori Hirai to adjourn the meeting.
The motion was seconded by Kim Chewning.
Roll Call Vote:
Voting in Favor – Mr. Garland, Ms. Hirai, Mr. Rutter, Ms. Chewning, Mr. Hall, Ms. Zook, Ms. Romano
Voting Against – None
****The MOTION was approved (7-0).***

The meeting was adjourned at 9:53 PM**.**

Respectfully Submitted,
Holly Howes
Recording Secretary