FINAL

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 topography 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 was 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.
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> 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 to address the condition. Ms. Romano stated that this had been 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 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 from the Governor, and his response was shared with the Board members.

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 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).***

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