FINAL

LEBANON PLANNING BOARD
Regular Session
Monday, December 12, 2022, 6:30 PM
City Council Chambers, City Hall
or Remote Via Microsoft Teams
LebanonNH.gov/Live

MEMBERS PRESENT: Matthew Hall (Vice-Chair), Karen Zook (City Council Rep), Thomas Jasinski (Alternate), Kathie Romano - remote, Jeremy Rutter, Cori Hirai (Alternate)

MEMBERS ABSENT: Bruce Garland (Chair), Kim Chewning, Laurel Stavis, Gregorio Amaro

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

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1. Call to Order

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

Cori Hirai and Tom Jasinski were appointed to serve in place of two absent members.

2. Notice of Regional Impact

The following applications were received by the Planning and Development Department on or before December 12, 2022:

Cicotte Properties, LLC, 175 Heater Road (Tax Map 64, Lot 30), zoned IND-L: Request for Site Plan Review to expand the paved area to increase the vehicle storage area for the existing dealership. **PB2023-01-SPR**

Eric & Susan Cole, 162 Mechanic Street (Tax Map 105, Lot 714), zoned R-2: Request for Site Plan Review to convert a portion of the existing multi-family dwelling to an office use. **PB2023-02-SPR**

NBKS, LLC, 68 Maple Street (Tax Map 73, Lot 7), zoned R-3: Request for a minor subdivision, applicant proposes to subdivide one (1) lot into two (2). **PB2023-03-MIN**

NH Group, LLC (Applicant), 369 Miracle Mile LLC (Property Owner), 369 Miracle Mile (Tax Map 103, Lot 11), zoned GC: Request for Site Plan Review to construct a 18,375 sq ft restaurant and charity gaming center in the location of the former auto dealership, together with associated site improvements. **PB2023-04-SPR**

Upper Valley Technology Park, LLC, 0 Plainfield Road (Tax Map 131, Lot 3), zoned IND-L: Request for Site Plan Review to construct a +/-9,400 sq. ft. building for a proposed equipment and machinery sales, rental and service use, together with associated site improvements. The building and improvements will be located on lot 2 of a proposed 3-lot industrial planned unit development (PB2022-51-CUPMIN). **PB2022-52-SPR**

Rock Ridge Lebanon, LLC, Old Pine Tree Cemetery Road, (Tax Map 74, Lot 3), zoned RL-2: Applicants requests an extension of an existing Planning Board Approval, to complete bonding and recording of the final plat. **PB2023-05-EXT**.

Mr. Corwin stated that Planning Staff reviewed the above applications and find that they have no potential for regional impact.

A MOTION by Jeremy Rutter that the applications above have no potential for regional impact.
The motion was seconded by Cori Hirai.
Roll Call Vote:
Voting in Favor – Ms. Hirai, Mr. Rutter, Mr. Hall, Ms. Zook, Mr. Jasinski, Ms. Romano
Voting Against – None
****The MOTION was approved (6-0)***

3. Public Hearing Items

A. **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 November 21, 2022**

Mr. Hall recused himself, which left four members and no quorum. The application was postponed to December 19, 2022, at 6:30 PM.

B. **Johanna Cicotte & Edwards Properties, LLC, 30 Little Heater Road (Tax Map 78, Lot 61) and 0 Edwards Street (Tax Map 78, Lot 54), zoned IND-L:** Request for a Boundary Line Adjustment. PB2022-42-BLA **- Postponed from November 21, 2022**

Dan Nash of Advance Geomatics & Design appeared in support of the application.

Mr. Hall explained the background to the completeness issue, which is affected by the plat not being recorded and the roads involved not being terminated. The boundary line cannot be adjusted without there being a recorded plat for the property.

Ms. Romano inquired about the lack of termination of the roads and the lack of a plat.

Mr. Vincent stated that Mr. Nash and the applicant have completed several items required to discontinue the roads, but the DPW would need to recommend to the City Council that all the items have been met for the streets to be discontinued.

A MOTION by Jeremy Rutter that the Planning Board finds the application of Johanna Cicotte & Edwards Properties, LLC, 30 Little Heater Road (Tax Map 78, Lot 61) and 0 Edwards Street (Tax Map 78, Lot 54), zoned IND-L to be incomplete.
The motion was seconded by Cori Hirai.

Roll Call Vote:
Voting in Favor – Ms. Hirai, Mr. Rutter, Mr. Hall, Ms. Zook, Mr. Jasinski, Ms. Romano
Voting Against – None
****The MOTION was approved (6-0).***

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 November 21, 2022**

Mr. Corwin stated that additional information was received, but Staff needs more time to review the information and asks that the hearing be postponed to December 19, 2022, at 6:30 PM.

A MOTION by Cori Hirai that the hearing of Grafton County Economic Development Council & North County Council, 16 Cavendish Court (Tax Map 10, Lot 11, Plot 3600), zoned IND-L, be postponed to December 19, 2022, at 6:30 PM.
The motion was seconded by Jeremy Rutter.
Roll Call Vote:
Voting in Favor – Ms. Hirai, Mr. Rutter, Mr. Hall, Ms. Zook, Mr. Jasinski, Ms. Romano
Voting Against – None
****The MOTION was approved (6-0).***

D. **Execusuite, LLC and Chorro, LLC, 75 Bank Street (Tax Map 92, Lot 78) and 77 Bank Street (Tax Map 92, Lot 79), zoned R-O:** Request for a boundary line adjustment. PB2022-55-BLA

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

A MOTION by Jeremy Rutter that the Lebanon Planning Board finds the Boundary Line Adjustment application of Execusuite, LLC and Chorro, LLC (PB2022-55-BLA) IS complete enough to accept jurisdiction and commence review.
The motion was seconded by Cori Hirai.
Roll Call Vote:
Voting in Favor - Ms. Hirai, Mr. Rutter, Mr. Hall, Ms. Zook, Mr. Jasinski, Ms. Romano
Voting Against – None
****The MOTION was approved (6-0).***

Jim Wasser of Studio Nexus appeared in support of the application.

Mr. Wasser explained that 75 and 77 Bank Street are involved in the project, but the existing building at 77 Bank Street is the main issue. The owner would like to convert the building to have 7 residential studio units and an executive suite. Additional land from 75 Bank Street would be needed to complete the project.

Mr. Corwin stated that Staff is recommending a number of conditions of approval in the Staff Memo, but there are no other concerns.

Ms. Romano stated that based upon a city ordinance, four unrelated people could inhabit a unit. The applicant may intend to limit the number of occupants, but additional inhabitants are allowed. Mr. Wasser stated that the leases do limit the number of people since the units would only be 300-400 sq. ft. Large families are not present at the other studio unit projects owned by the applicant.

Vice Chair Hall invited public comment, but there was none.

Ms. Hirai inquired about the additional parking and if EV charging infrastructure would be added. Mr. Wasser stated that they are planning to do both.

Ms. Romano inquired about a building that was to have been removed previously and wasn't. Mr. Corwin stated that it was addressed in the conditions.

Mr. Rutter inquired about the two parcels that are being shared with the building parcel. Mr. Wasser stated that an easement will be formalized for use of the driveway. Mr. Corwin stated it is included in the conditions.

Ms. Romano asked for clarification of ownership of the properties. Mr. Wasser reviewed the ownership.

Vice Chair Hall closed the Public Hearing.

A MOTION by Jeremy Rutter that the Lebanon Planning Board APPROVE the application of Execusuite, LLC and Chorro, LLC for a proposed Boundary Line Adjustment between lands located at 75 Bank Street (Tax Map 92, Lot 78) and 77 Bank Street (Tax Map 92, Lot 79), PB2022-55-BLA, as shown on a plat titled "Plan Showing Boundary Line Adjustment Between Property of Execusuite, LLC and Chorro, LLC", prepared by DiBernardo Associates, LLC, dated February 24, 2022, DWG. NO. 3433-1, including any and all supplemental submissions and testimony provided during the public hearing, with the following conditions to be satisfied prior to the recording of the plat:

1. The applicant shall provide a revised plat depicting the following changes to the satisfaction of the Planning and Development Department:
    a. If existing, add all parking spaces shown on the approved parking plan (PB2014-22-SPA) for 75 Bank Street. If not in existence, a site plan amendment shall be required.
    b. Revise the modular building note to clarify that the modular building is out of compliance with the approved parking plan (PB2014-22-SPA, approved on 8/11/14) and will be removed.
    c. Add a note indicating that the purpose of the proposed easement over 77 Bank Street in favor of 75 Bank Street is for vehicular access and for access to and use of the dumpster.
        i. Add a note indicating that the easement deed will be recorded simultaneously with the recording of the boundary line adjustment plat.
    d. Identify correct mailing address of each property owner. (8.2.A.2)
    e. Provide the date and description of the plat revisions. (8.2.A.1)

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

3. A copy of the easement deed shall be submitted to the Planning & Development Department for review.

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

The motion was seconded by Kathie Romano.
Roll Call Vote:
Voting in Favor – Ms. Hirai, Mr. Rutter, Mr. Hall, Ms. Zook, Mr. Jasinski, Ms. Romano
Voting Against – None
****The MOTION was approved (6-0).***

A MOTION by Jeremy Rutter that the Lebanon Planning Board authorize the Vice Chair to sign the revised Boundary Line Adjustment plat for Execusuite, LLC and Chorro, LLC, PB2022-55-BLA.
The motion was seconded by Kathie Romano.
Voting in Favor – Ms. Hirai, Mr. Rutter, Mr. Hall, Ms. Zook, Mr. Jasinski, Ms. Romano
Voting Against – None
****The MOTION was approved (6-0).***

E. **Chorro, LLC, 77 Bank Street (Tax Map 92, Lot 79), zoned R-O:** Request for site plan approval to convert the existing building to an 8-unit multi-family dwelling. PB2022-47-SPR

Mr. Corwin stated that this application will be heard in January to allow more time for the completion of the site plan.

A MOTION by Cori Hirai that the application of Chorro, LLC, 77 Bank Street (Tax Map 92, Lot 79), zoned R-O, is postponed to Monday, January 9, 2023, at 6:30 PM.
The motion was seconded by Jeremy Rutter.
Roll Call Vote:
Voting in Favor – Ms. Hirai, Mr. Rutter, Mr. Hall, Ms. Zook, Mr. Jasinski, Ms. Romano
Voting Against – None
****The MOTION was approved (6-0).***

F. **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

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

A MOTION by Cori Hirai that the Lebanon Planning Board finds the application of CP Centerra LLC, PB2022-45-SPR, IS complete enough to accept jurisdiction and commence review.
The motion was seconded by Jeremy Rutter.
Roll Call Vote:
Voting in Favor – Ms. Hirai, Mr. Rutter, Mr. Hall, Ms. Zook, Mr. Jasinski, Ms. Romano
Voting Against – None
****The MOTION was approved (6-0).***

Kerry McCormack of Crosspoint, Jeff Goodrich of Pathways Consulting, Axel Solberg of HFA, and Shaun Kelly appeared in support of the application.

Mr. McCormack introduced the company, whose primary focus is on food markets, and the project. They are proposing the addition of a Starbucks with a drive-thru on the Lebanon Co-Op property, and there would be no changes to the current shopping center. Outside patio seating is planned.

Mr. Solberg stated that the property is already well screened by the current landscaping. The typical Starbucks building design would not blend well with the setting, so the design was redone with a New England theme to blend with the rest of the shopping center. The elevations from each side were shown.

Mr. McCormack discussed the waiver requests related to aspects of the site. Mr. Goodrich confirmed the impact of the property as the need for waivers.

Mr. Corwin stated that Section 607.6.B of the Site Plan Regulations addresses the Conditional Use Permit (CUP) and recommended that they explain the need for the CUP. Mr. Goodrich stated that the site plan shows the 338 parking spaces, and he explained the way in which those spaces satisfy the requirements. Mr. Jasinski commented on the CUP and the study done for the required parking. Mr. Goodrich noted that they are using the alternative calculations. Mr. Corwin stated that the CUP provides flexibility when the actual traffic count supports the CUP rationale.

Mr. Vincent stated that the stormwater is being handled adequately.

Ms. Romano inquired about traffic and the site distance when departing the site and the ability to turn left onto Centerra Parkway. Mr. Kelly stated that there would be trimming of the trees at that point. The reported crashes at that location have been very low over the prior three-year period. The trimming will improve the site lines. They have made recommendations related to pedestrians and site lines. The improvements are expected to enhance safety. Mr. Hall noted that this would be the only coffee shop between I89 and DHMC. Mr. Kelly stated that some of the traffic will be going to Starbucks and then on to DHMC from a new direction, thereby reducing the lengthy wait for those turning left off Rte. 120 to DHMC.

Ms. Hirai inquired about the pharmacy traffic conflicting with the Starbucks traffic and the possibility of a traffic study. Mr. Vincent stated that traffic flow to the two sites would likely not peak at the same time.

Mr. Rutter inquired about the coloring of glass and other exterior features in the elevations such as the lights on the outside of the building. Mr. McCormack explained which entrances and exits were for the public and stated that the patio area will be sufficiently screened. Mr. Rutter also inquired about the snow storage. Mr. McCormack stated that the snow would be pushed out into the parking area or hauled away when it is a significant amount.

Mr. Jasinski inquired about certain landscaping. Mr. Kelly stated that it is ornamental grass.

Ms. Hirai inquired about the changes to the impervious surface. Mr. McCormack stated that there is little change in the flow on the site.

Ms. Romano inquired about the shading of the sidewalk area and the access to utilities. Mr. McCormack stated that there will be several different utilities in the screened area. Mr. Solberg stated that the sidewalk area is on the north side and does not need additional shading.

Mr. Goodrich briefly explained the reasons for the various waivers.

Ms. Hirai inquired why they were not taking the opportunity to do a survey to confirm that they are meeting the requirements. Mr. Corwin stated that the applicant has demonstrated that they are satisfying the standards. This is the redevelopment of a portion of a site, and the regulations don't address that. If something is not being addressed, the Board can request additional surveys. Mr. Goodrich stated that they did all the calculations regarding shading and met the regulations.

Ms. Romano stated that it would be important for the applicant to state what is being proposed for the landscaping. Mr. Corwin noted that the list of plantings is in the site plan. Mr. Vincent stated that there is a slight increase in impervious surface, and the entire site underwent a review by the State DPW.

Alan Saucier stated that there is a very detailed plant list on Page 6 of the site plan with strong consideration for native and appropriate plantings.

Sarah Riley stated that the plantings include both Norway Maples and Ash trees, which are prohibited species. The shading of the patio areas may be inadequate in summer, and additional shading may be needed.

Andrew Garthwaite of the Tree Advisory Board noted that they are narrowing the planted islands, and the trees may die and need replacement. He added that it is not realistic to move the trees. Alan Saucier stated that they are not moving the existing Norway Maple trees. They are being removed and new Red Maples will be planted.

A MOTION by Jeremy Rutter to approve the waiver from <u>Section 5.1.E.5</u> – *requiring a current survey certified by a land surveyor licensed in New Hampshire*
The motion was seconded by Tom Jasinski.
Roll Call Vote:
Voting in Favor – Ms. Hirai, Mr. Rutter, Mr. Hall, Ms. Zook, Mr. Jasinski, Ms. Romano
Voting Against – None
****The MOTION was approved (6-0).***

A MOTION by Jeremy Rutter to approve the waiver from **<u>Section 5.1.E.12</u>** *– requiring a lighting plan.*
The motion was seconded by Tom Jasinski.
Roll Call Vote:
Voting in Favor – Ms. Hirai, Mr. Rutter, Mr. Hall, Ms. Zook, Mr. Jasinski, Ms. Romano
Voting Against – None
****The MOTION was approved (6-0).***

A MOTION by Jeremy Rutter to approve the waiver from **<u>Section 5.1.E.15</u>** *– requiring a landscaping plan.*
The motion was seconded by Tom Jasinski.
Roll Call Vote:
Voting in Favor – Mr. Rutter, Mr. Hall, Ms. Zook, Mr. Jasinski, Ms. Romano
Voting Against – Ms. Hirai
****The MOTION was approved (5-1).***

A MOTION by Jeremy Rutter to approve the waiver from **<u>Section 5.1.E.17</u>** *– requiring drainage facilities information within 200 ft. of the site.*
The motion was seconded by Tom Jasinski.
Roll Call Vote:
Voting in Favor – Ms. Hirai, Mr. Rutter, Mr. Hall, Ms. Zook, Mr. Jasinski
Voting Against – Ms. Romano
****The MOTION was approved (5-1).***

A MOTION by Jeremy Rutter to approve the waiver from **Section 5.1.E.20** *– requiring road, water, sewer and drainage profiles.*
The motion was seconded by Tom Jasinski.
Roll Call Vote:
Voting in Favor – Mr. Rutter, Mr. Hall, Ms. Zook, Mr. Jasinski
Voting Against – Ms. Hirai, Ms. Romano
****The MOTION was approved (4-2).***

A MOTION by Jeremy Rutter to approve the waiver from Section VI *– design requirements*.
The motion was seconded by Tom Jasinski.
Roll Call Vote:
Voting in Favor – Ms. Romano, Mr. Rutter, Mr. Hall, Ms. Zook, Mr. Jasinski
Voting Against – Ms. Hirai
****The MOTION was approved (5-1).***

Vice-Chair Hall raised the issue of the parking. Mr. Goodrich stated that there are 39 parking spaces that have been land-banked and can be unearthed if needed. Mr. Corwin noted that the applicant would need to come back to the Planning Board for site plan review if those 39 spaces were to be added to the project, which would impact the impervious surface and stormwater management.

Vice-Chair Hall invited public comment. There was none.

Ms. Romano inquired if there would be indoor seating, and Mr. McCormack stated that there would be both indoor and outside seating.

A MOTION by Jeremy Rutter that the Planning Board **APPROVE** the application of **CP Centerra LLC** regarding **12 Centerra Parkway (Tax Map 10, Lot 11, Plot 100)**, **PB2022-45-SPR**, for a Conditional Use Permit per Section 607.6.B of the Zoning Ordinance to allow 302 parking spaces to be provided where 358 are required to be provided per Section 607.6.A. Based on testimony given, application materials presented, and supporting documents submitted, the Planning Board concludes the following with respect to the criteria set forth in Section 607.6.B of the Zoning Ordinance:

1. The applicant has provided a detailed description of the proposed uses, hours of operation, anticipated peak parking demand, and anticipated hours that such peak parking demand will occur.

2. The applicant has demonstrated that the Table 607.6 Shared Parking Ratio Reduction Factors do not adequately account for circumstances unique to the development.

3. The applicant has demonstrated that the peak parking demand for the proposed uses will not coincide.

The motion was seconded by Cori Hirai.
Roll Call Vote:
Voting in Favor – Ms. Hirai, Mr. Rutter, Mr. Hall, Ms. Zook, Mr. Jasinski, Ms. Romano
Voting Against – None
****The MOTION was approved (6-0).***

Ms. Hirai inquired about EV charging infrastructure being installed. Mr. McCormack stated that they have worked with ChargePoint before, but in this case the charging stations would be near the perimeter and not near Starbucks. It would be more centrally located elsewhere in the shopping center. Ms. Hirai expressed concern over the pharmacy drive-up. Mr. Corwin stated that the peak hour usage between the pharmacy and Starbucks doesn't coincide, but it could be addressed if issues arise. Mr. Kelly stated that the data collected includes the pharmacy use, for which the peak usage is midday while Starbucks is early in the morning.

Ms. Romano inquired about the traffic on Morgan Road turning left to Centerra Drive and the need for additional traffic control. Mr. Corwin stated that the Board can require that the applicant study the traffic once the business is open. Otherwise, this would be evaluated like any other site in the city. Mr. McCormack stated that they can adjust the traffic pattern as needed.

Ms. Romano inquired if Centerra Parkway and Morgan Drive are city roads. Mr. Corwin stated that they are city roads. Ms. Romano inquired about actions that could be taken if traffic becomes a major issue. Mr. Corwin stated that the Board could require the applicant to do a specific traffic study.

Ms. Hirai inquired about plans for solar panels. Mr. McCormack stated that there are no plans at present.

Vice Chair.Hall closed the Public Hearing.

A MOTION by Jeremy Rutter that the Lebanon Planning Board **APPROVE** the application of CP Centerra LLC regarding 12 Centerra Parkway (Tax Map 10, Lot 11, Plot 100), zoned IND-L, PB2022-45-SPR, for Site Plan Review to construct a +/-2,273 sq. ft. restaurant with a drive through (Starbucks) together with associated site improvements as shown on a plan set titled "Centerra Marketplace 'Starbucks'" prepared by Pathways Consulting, LLC, dated October 10, 2022, last revised November 28, 2022 (17 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 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

1. The applicant shall provide a temporary stormwater and erosion control management plan (in plan view) for review and approval by the City Engineer.

2. The applicant shall make the following revisions to the plan set to the satisfaction of the Planning and Development Department:
    a) Remove references to "Orange Theory" tenant.
    b) Identify the height of the existing buildings (5.1.E.4.e.8).

c) Add the temporary stormwater and erosion control management plan required by condition of approval #1.
d) Amend the cover sheet to provide description of plan revisions (5.1.E.4.d).

3. 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.

4. 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.

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

<u>Conditions to be Satisfied Prior to the Issuance of a Building Permit</u>

6. 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.

7. 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 13, 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.

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

9. Prior to the start of any construction activities on the property, the applicant shall obtain or update (if appropriate) any required State approvals.

<u>Conditions to be Satisfied Prior to the Issuance of a Certificate of Occupancy</u>

10. The impact fee calculated pursuant to Condition of Approval #7 shall be paid.

11. 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.

12. 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

13. 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.

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

15. 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)**.**

Vice Chair Hall reopened the Public Hearing for discussion of Condition #6.

Mr. McCormack noted that the discussion is related to condition #6 regarding third-party inspection services and limited utilities. Mr. Reichert stated that they are very close by water connections and sidewalks already. Mr. Vincent stated that it's possible that the engineer of record could do the review, but the city would need assurance via reporting during the work. There must also be reporting of any issues during construction and as-built plans at the end of construction with certification that it was built according to the plans and subject to review by the project engineer.

Ms. Hirai asked for clarification that the request is for no third-party engineer and allowing the engineer of record to certify. Mr. Hall suggested requiring ongoing reporting and certification at the end of the project. The Board discussed the need for a third-party engineer as opposed to using a City Engineer. Mr. Vincent stated that the applicant should follow the usual third-party procedure.

Ms. Romano stated that being fair and consistent in treatment of applicants is very important and waiving the requirement for a third-party engineer has not previously been done. Mr. Corwin commented that it would require well-crafted language if this were to come up again.

Vice Chair Hall recommended that the hearing be continued to the following week to allow consideration of Condition #6. Ms. Zook clarified that the third-party process was intended to reduce the work of the City Engineer, and that should be considered. Mr. Vincent stated that it was important for the applicant to follow the third-party engineer procedures so the workload would remain similar, but the onus would fall on the engineer of record. The certification process would be reviewed. Mr. Corwin stated that it would be important to take more time considering this condition.

Mr. McCormack stated that this has come up before, and they always have the engineer of record certify that all the site plan specifications have been met. Mr. Goodrich and his team would report to Mr. Vincent as needed.

A MOTION by Cori Hirai to continue the hearing to December 19, 2022, at 6:30 PM.
The motion was seconded by Tom Jasinski
Roll Call Vote:
Voting in Favor – Ms. Hirai, Mr. Rutter, Mr. Hall, Ms. Zook, Mr. Jasinski, Ms. Romano
Voting Against – None
****The MOTION was approved (6-0).***

G. **One Mechanic Street, LLC and FSP LLC, 1 Mechanic Street (Tax Map 91, Lot 264) and 0 Foundry Street (Tax Map 91, Lot 262), zoned LD:** Request to amend required site improvements for an approved 18-unit multi-family conversion (PB2020-29-SPR). PB2022-54-SPA

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

A MOTION by Jeremy Rutter that the application of One Mechanic Street, LLC and FSP LLC, 1 Mechanic Street (Tax Map 91, Lot 264) and 0 Foundry Street (Tax Map 91, Lot 262), zoned LD, is complete enough for the Planning Board to accept jurisdiction and commence review.
The motion was seconded by Tom Jasinski.
Roll Call Vote:
Voting in Favor – Ms. Hirai, Mr. Rutter, Mr. Hall, Ms. Zook, Mr. Jasinski, Ms. Romano
Voting Against – None
****The MOTION was approved (6-0).***

Jeremy Katz, manager of One Mechanic Street, LLC appeared in support of the application.

Mr. Katz noted that two years ago the site plan was approved, but they have had supply chain issues and other obstacles and are now updating the site plan with current minor changes. The utilities are in the northeast corner of the building that had landscaping planned, but the available space is now narrower than originally thought. They would therefore like to put planters in that location. On the east side, there is an overhanging roof, which would prevent sun for plantings. They are therefore asking to push the plantings out a few feet. The streetlight that was planned has not been installed, but they would like to install a building-mounted light. The storage units planned for the rear of the building would be replaced by additional parking spaces and they would phase in the storage later. The proposed dumpster location is no longer feasible, and they have plans for future solar.

Mr. Corwin noted that the waiver from Section 6.11.C is not needed. The level and scope of changes are not very significant, but as a group they added up to additional waivers.

A MOTION by Jeremy Rutter to extend the meeting to 9:45 PM.
The motion was seconded by Cori Hirai.
Roll Call Vote:
Voting in Favor – Ms. Hirai, Mr. Rutter, Mr. Hall, Ms. Zook, Mr. Jasinski, Ms. Romano
Voting Against – None
****The MOTION was approved (6-0).***

Vice Chair Hall stated that there are no significant issues, and the waivers make sense. Mr. Rutter inquired about the landscaping that is being deferred and the timeframe for implementation. Mr. Katz stated that they can’t work on landscaping between April and June. Mr. Rutter inquired about the location of the landscaping mulch. Mr. Katz stated that the landscaping mulch would be going on the east side that abuts Foundry Street. Mr. Rutter also inquired if the long-term lease was negotiated for parking. Mr. Katz stated that it was negotiated.

Ms. Hirai inquired about EV charging outside each apartment. Mr. Katz stated that it is something he would want to do in the future. Space against the building it is incredibly tight, which may be even tighter once the roundabout is constructed. Ms. Hirai suggested that outside 120V receptacles be installed for tenants to use for EV charging. Mr. Katz stated that it would be possible, and there is enough capacity to provide EV charging in the future.

Mr. Jasinski inquired if the new changes would be incorporated in the site plans. Mr. Corwin stated that they have been included in the current site plan.

Ms. Romano inquired about the dumpster location and the transformer location. Mr. Katz indicated the location of the transformer on the projected site plan and stated that the dumpster has moved several feet for better access and would not have an enclosure.

Vice Chair Hall invited public comment. There was none.

A MOTION by Jeremy Rutter that the Lebanon Planning Board **APPROVE** waivers for the application of One Mechanic Street, LLC and FSP LLC, PB2022-54-SPR, as follows:

- All waivers identified in the attached Notice of Decision dated November 23, 2020, for PB2020-38-SPR.
- The Article V submission requirements.
- Section 6.7.C – *parking lot lighting requirements*
- Section 6.10.B.5 – *screening requirements for electrical transformer*

The motion was seconded by Kathie Romano.
Roll Call Vote:
Voting in Favor – Ms. Hirai, Mr. Rutter, Mr. Hall, Ms. Zook, Mr. Jasinski, Ms. Romano
Voting Against – None
****The MOTION was approved (6-0).***

Alice Dansby of Ward 2 inquired about the replacement of the previously planned landscaping. Mr. Katz stated that the design of the planters has been submitted, and they are attractive.

Vice Chair Hall closed the Public Hearing.

A MOTION by Jeremy Rutter that the Lebanon Planning Board **APPROVE** the application of One Mechanic Street, LLC regarding 1 Mechanic Street (Tax Map 91, Lot 264), zoned LD, PB2022-54-SPR, for Site Plan Review to amend required site improvements for an approved 18-unit multi-family conversion (PB2020-28-SPR) as shown on a plan set titled "1 Mechanic Street Apartments" prepared by Studio Nexus Architects + Planners, LLC, dated November 17, 2022, Project No.: 1922 (10 Sheets), including any and all submissions and testimony provided for and during the public hearing, with the following conditions:

<u>Conditions to be Satisfied Prior to Application for an Occupancy Permit</u>

1. The applicant shall satisfy and comply with the Planning Board Notice of Action for PB2020-28-SPR, dated November 23, 2020, and all conditions of approval thereof.

2. The applicant shall ensure that the proposed landscaping mulch is prevented from floating on-site and into adjacent street(s)/properties during rain events.

3. The applicant shall provide a final plan set to the Planning & Development Department that removes all bubbles and corrects the plan revision dates (which currently predate the date of the plan).

4. All engineering review fees shall be paid in full as required by Section 4.7.E.1 of the Subdivision Regulations.

Mr. Katz noted that a building permit has already been issued, so the conditions would apply to an application for an occupancy permit. The wording of the motion was adjusted.

The motion was seconded by Cori Hirai.
Roll Call Vote:
Voting in Favor – Ms. Hirai, Mr. Rutter, Mr. Hall, Ms. Zook, Mr. Jasinski, Ms. Romano
Voting Against – None
****The MOTION was approved (6-0).***

H. **Altaria Lebanon Park, LLC, NH Route 120 & Cavendish Court (Tax Map 10, Lots 26-34), zoned IND-L:** Pursuant to Section 7.13 of the Subdivision Regulations, Applicant requests approval to construct the 11-lot Altaria Planned Business Park development in phases. PB2022-53-FMAJA

Mark Rosenchein stated that he approved postponing the hearing to January 9, 2023, at 6:30 PM.

A MOTION by Cori Hirai to postpone the hearing of Altaria Lebanon Park, LLC, NH Route 120 & Cavendish Court (Tax Map 10, Lots 26-34), zoned IND-L, to January 9, 2022, at 6:30 PM.
The motion was seconded by Jeremy Rutter.
Voting in Favor – Ms. Hirai, Mr. Rutter, Mr. Hall, Ms. Zook, Mr. Jasinski, Ms. Romano
Voting Against – None
****The MOTION was approved (6-0).***)

I. **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

Mr. Corwin stated that this hearing is postponed to December 19, 2022, at 6:30 PM.

4. Other Business

A. Discussion of Proposed Zoning Amendments

It was agreed that this would be the first item on the December 19, 2022, agenda.

5. Approval of Minutes

A. November 21, 2022

A MOTION by Kathie Romano to approve the Planning Board Minutes of November 21, 2022, as presented.
The motion was seconded by Jeremy Rutter.
Roll Call Vote:
Voting in Favor – Ms. Hirai, Mr. Rutter, Ms. Romano, Mr. Hall, Mr. Jasinski, Ms. Zook
Voting Against – None
****The MOTION was approved (6-0).***

6. Adjournment

A MOTION by Kathie Romano to adjourn the meeting.
The motion was seconded by Jeremy Rutter.
Roll Call Vote:
Voting in Favor –Ms. Hirai, Mr. Rutter, Ms. Romano, Mr. Hall, Mr. Jasinski, Ms. Zook
Voting Against – None
****The MOTION was approved (6-0).***

The meeting was adjourned at 9:45 PM.

Respectfully submitted,

Holly Howes
Recording Secretary