FINAL

LEBANON PLANNING BOARD
Regular Session
Monday, December 19, 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), Kathie Romano - remote, Jeremy Rutter, Laurel Stavis, Cori Hirai (Alternate), Thomas Jasinski (Alternate)

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

STAFF PRESENT: Nathan 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 was appointed in place of Bruce Garland, and Tom Jasinski was appointed in place of Gregorio Amaro.

Vice Chair Hall noted that the discussion of the proposed zoning amendments and site plan review amendments would not be open for public comment. The order of hearings was reordered.

Ms. Romano was attending remotely due to being out of town.

2. Study Items

A. Discussion of Proposed Zoning Amendments

Vice Chair Hall opened with a motion as a starting point for the discussion.

A MOTION by Matthew Hall that the Planning Board reviewed and discussed the proposed Zoning Amendments at its November 14, 2022, meeting. Based on this discussion, the Board recommends the Council not adopt Section 607.8 Electric Vehicles for the following reasons:

One. Recently, in reviewing numerous significant developments, the Board sees that developers are already installing electric vehicle infrastructure and increasingly doing so responding to the demand of the current electric vehicle market as it exists. Additionally, we have seen new electric vehicle charging stations appear – at the Wal Mart plaza for example, and the expansion of existing facilities -Tesla. Accordingly, there is no need to mandate its adoption. Property owners, business owners, and homeowners are the best judges of whether and to what extent they or their customers need electric vehicle infrastructure.

Two. There is a real question as to whether all of Lebanon has the practical technical ability to adopt these proposed regulations based on what is currently provided by Liberty Utilities. This needs to be fully understood citywide before any consideration of implementing so wide-reaching and comprehensive zoning changes.

Three. The Board opposes categorically mandating the installation of EV-ready spaces in one- and two-family homes. Lebanon's homeowners know their own circumstances, their own interests, and can make their own decisions.

Four. If the City of Lebanon desires to facilitate the adoption of electric vehicles, the Board proposes that more creative solutions be considered, solutions that offer positive opportunities, not restrictive regulations. Carrots, not sticks. Where are the municipal incentives for developers to install electric vehicle infrastructure? What would entice a landowner to install these facilities? The Board recommends the City to pursue this route.
The motion was seconded by Laurel Stavis.

Ms. Hirai commented that it would have been good to get the questions from the previous meeting answered before crafting a motion. Mr. Hall stated that he did get answers to the questions before making the motion. Mr. Corwin stated that they have had extensive conversations with Liberty Utilities, but there has not been a definitive response to whether it is a short term or long-term problem. Ms. Hirai suggested that putting in the requirement would push Liberty to meet demand faster than if they were left to their own devices, adding that as a governing body, the Board can influence the speed by which certain efforts can be moved along. Meeting the capacity means installing an additional 220V line for charging, and retrofitting is very expensive. It is important for the Board to use its leadership power to make it easier for lower-income members of the community to achieve equity.

Mr. Jasinski noted that developers are often forced to accommodate regulations at increased expense, and installation of EV charging capacity should be left up to the person paying for it. In the end, it will be up to the City Council to decide the issue.

As a member of the City Councill, Ms. Zook stated that she would abstain from voting on this recommendation.

Roll Call Vote:
Voting in Favor – Mr. Jasinski, Mr. Hall, Ms. Stavis, Ms. Romano, Mr. Rutter
Voting Against – Ms. Hirai
Abstaining – Ms. Zook
****The MOTION was approved (4-1-1).***

Vice Chair Hall made a second motion.

A MOTION by Matthew Hall that the Planning Board recommends adoption of proposed zoning amendments regarding cottage housing with an emphasis on the New England aesthetics and to consider the porch concept.
The motion was seconded by Tom Jasinski.

Ms. Hirai recommended a modification of the motion, as the porches are taxed in Lebanon and would be an unnecessary burden on developers and taxpayers. It would be better to incentivize it. Mr. Hall stated that he would like to see the New England vernacular emphasized in the construction of the cottages, but it would be up to the City Council to consider the adoption of the amendment. The discussion of the amendments concluded with a decision to include asking the City Council to consider the porch concept.

Roll Call Vote:
Voting in Favor – Mr. Jasinski, Mr. Hall, Ms. Stavis, Ms. Romano, Mr. Rutter, Ms. Hirai, Ms. Zook
Voting Against – None

The MOTION was approved (7-0).

3. Public Hearing Items

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**

Mr. Corwin stated that the hearing was left open and continued to this meeting to allow time to look into the issue of a third-party engineer's role in the project. The applicant agreed that it would be useful to allow additional time to set a policy. Mr. Jasinski stated that he would strongly recommend following procedure and keeping to the standard third-party engineer process.

A MOTION by Laurel Stavis to continue the hearing of CP Centerra LLC, 12 Centerra Parkway (Tax Map 10, Lot 11, Plot 100), zoned IND-L, to January 23, 2023, at 6:30 PM.
The motion was seconded by Jeremy Rutter.
Roll Call Vote:
Voting in Favor – Mr. Jasinski, Mr. Hall, Ms. Stavis, Ms. Romano, Mr. Rutter, Ms. Hirai, Ms. Zook
Voting Against – None
The MOTION was approved (7-0).

Ms. Salazar-Kish was not present, so that the hearing for Agenda item 2.A was moved to later in the meeting.

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**

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

Mr. Corwin stated that there were still completeness concerns. A treatment swale was added to the plan but not the landscaping and lighting plan. Ideally, Staff would like those in hand. There is also a jurisdictional wetland that needs to be delineated on the plan and approved by the State DES. The written waiver requests have not been received. Mr. Nash stated that a detention pond can be dredged without a permit because it is considered part of the site maintenance facilities and not jurisdictional. Mr. Vincent stated that the City is having a similar problem and suggested the applicant should have the same conversation with DES.

A MOTION by Tom Jasinski to postpone this hearing to January 9, 2022, at 6:30 PM.
The motion was seconded by Jeremy Rutter.
Roll Call Vote:
Voting in Favor – Mr. Jasinski, Mr. Hall, Ms. Stavis, Ms. Romano, Mr. Rutter, Ms. Hirai, Ms. Zook
Voting Against – None
The MOTION was approved (7-0).

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**

Vice Chair Hall stated that he would need to recuse himself from this application and a Chair would need to be appointed for this hearing.

A MOTION by Laurel Stavis to appoint Tom Jasinski as chair for this application.
The motion was seconded by Jeremy Rutter.
Roll Call Vote:
Voting in Favor – Mr. Jasinski, Mr. Hall, Ms. Stavis, Ms. Romano, Mr. Rutter, Ms. Hirai, Ms. Zook
Voting Against – None
****The MOTION was approved (7-0).***

Vice Chair Hall recused himself from this application.

Nate Stearns as Attorney for Hanover, NH, and Project Engineer Jeff Goodrich of Pathways Consulting, LLC, appeared in support of the application.

Mr. Corwin stated that the hearing was continued because the applicant hadn't submitted formal waiver requests, which are now in official form and need to be discussed.

Ms. Romano stated that the issue was stormwater runoff into another property. Mr. Vincent stated that the stormwater system is sufficient for controlling the peak flow so that there is no increase in runoff. Mr. Goodrich described the drainage of the property in detail and confirmed that there would be no increase in runoff, and no erosion has been observed of the neighbor's property. Mr. Stearns noted that a condition in a Conditional Use Permit from the Zoning Board that was negotiated with the neighbor stated that the project shall not increase runoff to properties to the west, which is the reason why the parking lot modifications were made to redirect runoff to the east.

Mr. Jasinski invited public comment.

Dave Donley, 386 N Main St., stated that he has lived there for quite a while, and the previous promises are now being changed. Mr. Jasinski explained the current condition related to the previous application that did not go forward. Mr. Corwin stated that the previous agreement has nothing to do with the current application.

The Board members discussed the stormwater runoff.

Mr. Jasinski asked the Board members if they had sufficient information to make decisions on the waivers.

Ms. Hirai inquired if the Board could require screening. Mr. Corwin stated that a reasonable condition of approval could be added related to screening. Ms. Stavis inquired where the concern for screening came from. Mr. Stearns stated that several items related to screening were followed up even though the double rink project did not go forward.

Ms. Romano stated that it would have helped to see the videos of the water running onto the neighbor's property. Mr. Donley stated that he did not understand the changes being made to improve the situation on his property and asked about the goal of the screening and the problem that would be solved. Mr. Jasinski summarized the issues raised by Mr. Donley regarding screening and runoff. Ms. Stavis asked if there were ongoing discussions between lawyers. Mr. Goodrich stated that the new traffic pattern is intended to mitigate excessive light spill toward the neighbor's property. Ms. Hirai noted the windows on the side of the building facing Mr. Donley's property and suggested a line of shrubs to mitigate the lights. Mr. Stearns stated that evergreens can be installed to screen the windows on the building. Mr. Corwin stated that a condition would be added.

Mr. Jasinski closed public comment.

A MOTION by Jeremy Rutter to approve the waiver from **Section 5.1.E.5** ***–*** *requiring a current survey certified by a land surveyor licensed in New Hampshire*
The motion was seconded by Laurel Stavis.

Mr. Goodrich noted that a survey is registered with the Grafton County Registry of Deeds, which does not need to be updated.

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

A MOTION by Jeremy Rutter to approve the waiver from **Section 5.1.E.7** *– requiring plans to show structures within 200 ft.*
The motion was seconded by Kathie Romano.
Roll Call Vote:
Voting in Favor – Ms. Hirai, Mr. Rutter, Ms. Zook, Mr. Jasinski, Ms. Romano, Ms. Stavis
Voting Against – None
****The MOTION was approved (6-0).***

A MOTION by Jeremy Rutter to approve the waiver from **Section 5.1.E.13** *– lighting plan requirements*
The motion was seconded by Cori Hirai.
Roll Call Vote:
Voting in Favor – Ms. Hirai, Mr. Rutter, Ms. Zook, Mr. Jasinski, Ms. Romano, Ms. Stavis
Voting Against – None
****The MOTION was approved (6-0).***

A MOTION by Jeremy Rutter to approve the waiver from **Section 5.1.E.15 & Section 6.2.B & 6.2.E.1** *– perimeter landscaping and parking lot shading requirements*
The motion was seconded by Karen Zook.
Roll Call Vote:
Voting in Favor – Ms. Hirai, Mr. Rutter, Ms. Zook, Mr. Jasinski, Ms. Romano, Ms. Stavis
Voting Against – None
****The MOTION was approved (6-0).***

A MOTION by Jeremy Rutter to approve the waiver from **Section 6.2.D.1** *– landscaping around buildings requirements*
The motion was seconded by Laurel Stavis.
Roll Call Vote:
Voting in Favor – Ms. Hirai, Mr. Rutter, Ms. Zook, Mr. Jasinski, Ms. Romano, Ms. Stavis
Voting Against – None
****The MOTION was approved (6-0).***

A MOTION by Jeremy Rutter to approve the waiver from **Section 6.6** – *stormwater management requirements*
The motion was seconded by Laurel Stavis.
Roll Call Vote:
Voting in Favor – Ms. Hirai, Mr. Rutter, Ms. Zook, Mr. Jasinski, Ms. Romano, Ms. Stavis
Voting Against – None
****The MOTION was approved (6-0).***

Mr. Corwin previewed the additional conditions of approval. The Board members discussed the additional conditions regarding light infiltration to the abutter's property. Mr. Stearns asked for a specific number of trees that would be required. Ms. Stavis suggested that specific numbers of trees, rather than the purpose, be the focus as the outcome may not completely block all light. Mr. Corwin suggested the necessary wording. Mr. Stearns stated that three trees would be adequate given the deciduous trees already between the properties. The Board members discussed the number of trees needed for screening.

Mr. Jasinski closed the Public Hearing.

A MOTION by Jeremy Rutter that the Lebanon Planning Board **APPROVE** the application of Hanover Improvement Society and Town of Hanover for Site Plan Review to construct +/-4,385 sq. ft. additional building area onto the existing recreational ice rink at 394 N. Main Street (Tax Map 5, Lot 2), zoned RL-3 and R-3, together with associated site improvements including stormwater infrastructure to be located on adjacent properties owned by Dartmouth College (1-3 Field Road (Tax Map 5, Lot 1), 00 N. Main Street (Tax Map 8, Lot 27), 00 Indian Ridge Drive (Tax Map 8, Lot 28), PB2022-44-SPR, as shown on a plan set prepared for Hanover Improvement Society Campion Rink Renovations & Additions, by Pathways Consulting, LLC, dated October 10, 2022, last revised November 2, 2022, Proj. No. 10571 (10 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 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 address the following comments of the City Engineer to the satisfaction of the City Engineer:
    a) Given the nature of the native soils within the placement area of the proposed infiltration basin, it is recommended that the applicant provide a reinforced overflow weir and detail of how the weir reinforcing materials would be constructed.
    b) Confirm that the proposed relocated hydrant location is properly spaced from the building/proposed building addition.
    c) The O&M Manual refers to a Dunkin Donuts facility.

2. 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) Add a landscaping screen to help minimize light infiltration from the west side of the addition to the abutting property at 386 North Main Street.
b) 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.

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.

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

6. 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.

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

8. An easement over 1-3 Field Road (Tax Map 5, Lot 1), 00 N. Main Street (Tax Map 8, Lot 27), and 00 Indian Ridge Drive (Tax Map 8, Lot 28) for the operation and maintenance of the off-site stormwater infrastructure shall be recorded in a form acceptable to the City's legal counsel.

9. Actual measured saturated hydraulic conductivity test results, as well as estimated seasonal high water table elevation shall be provided to DPW for review prior to construction. The applicant shall also share any intent to add soil amendments to the site if required/applicable, as well as design details.

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

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

11. The impact fee calculated pursuant to Condition of Approval #6 shall be paid.

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 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).

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

Vice Chair Hall returned to the meeting.

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**

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

A MOTION by Laurel Stavis that the application of Upper Valley Technology Park, LLC, 0 Plainfield Road (Tax Map 131, Lot 3), zoned IND-L is complete enough for the Planning Board to accept jurisdiction and commence review.
The motion was seconded by Jeremy Rutter.
Roll Call Vote:
Voting in Favor – Mr. Jasinski, Mr. Hall, Ms. Stavis, Ms. Romano, Mr. Rutter, Ms. Hirai, Ms. Zook
Voting Against – None
****The MOTION was approved (7-0).***

Robert Wells, DEW Properties, and Adam Morse, Civil Engineer with Latitudes Land Surveying, appeared in support of the request.

Mr. Wells described the three-lot IPUD for Upper Valley Technology Park (UTVP) on Airpark Road, which is next to the runway. Lot #3 would remain regardless of the occupant. The other two lots have established businesses.

Mr. Corwin explained what is specifically being approved. Mr. Vincent stated that there are issues with the driveways and safety concerns. Mr. Corwin said that recommended conditions of approval would be included. The approval of the IPUD is all that is being addressed now.

Mr. Rutter inquired about the roads involved. Mr. Morse stated that there are Class IV roads which are not considered for frontage. Mr. Wells stated that the old dirt road is not considered frontage. Mr. Rutter also inquired about a stone wall at the south end of the open space. Mr. Morse stated that it is not on the plat. Mr. Corwin stated that it is important that it is included on the plat.

Ms. Hirai inquired about the wetlands. Mr. Wells stated that they are not involved. The Conservation Commission would review the application if requested by the Planning Board.

Vice Chair Hall closed the Public Hearing.

A MOTION by Jeremy Rutter that the Lebanon Planning Board **APPROVE** the application of Upper Valley Technology Park, LLC, 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, as shown on a plat titled "Subdivision Plat for Upper Valley Tech Park LLC Planned Unit Development," prepared by Latitudes Land Surveying, dated December 2, 2022, project no: 22015, including any and all supplemental submissions and testimony provided 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, and a licensed land surveyor – that together satisfactorily demonstrate compliance with the applicable requirements of the Subdivision Regulations and the Planned Unit Development regulations of the Zoning Ordinance, except as may reasonably be addressed through the imposition of certain conditions of approval, set forth below.

This approval is subject to the following conditions:

<u>Conditions to be Satisfied Prior to the Signing and Recording of the Plat</u>

1. The applicant shall revise the subdivision plat to the satisfaction of the Planning and Development Department and the City's legal counsel, as follows:
    a. Contact the Assessing Department to confirm the tax map/lot numbers for the new lots and add to the plat.
    b. Add metes and bounds to the proposed open space area.
    c. Identify how the open space will be physically delineated in accordance with Section 501.1.F.7.b of the Zoning Ordinance.
    d. Add open space calculations;
    e. Add a note indicating how the open space will be owned, protected, and managed;
    f. Add a note indicating that the development of each lot shall require Site Plan approval per the Lebanon Site Plan Review Regulations and that the driveway locations and design are subject to review and approval from the Lebanon Department of Public Works.

g. Provide date and description of any revisions made (9.5.A.1)

2. The applicant shall provide a digital record drawing of the revised subdivision plat (Cad .dwg format using NH State Plane Coordinate system or an alternative approved by the City's GIS Coordinator).

3. All outstanding 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 prepare and record an open space covenant or deed restriction in accordance with Section 501.1.F.5, 6 & 7 of the Zoning Ordinance and this shall be in form and content acceptable to the Planning and Development Department and the City Attorney.

General Conditions

5. Future development on the new lots 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, and such fees shall be due and payable at the time of issuance of a Certificate of Occupancy. In accordance with RSA 674:39, future development shall be exempt from any 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.

6. All future construction shall substantially conform with and shall be subject to the requirements and specifications of the recorded plat. (Section 7.9.A.2)

The motion was seconded by Tom Jasinski.
Roll Call Vote:
Voting in Favor – Mr. Jasinski, Mr. Hall, Ms. Stavis, Ms. Romano, Mr. Rutter, Ms. Hirai, Ms. Zook
Voting Against – None
****The MOTION was approved (7-0).***

A MOTION by Jeremy Rutter that the Lebanon Planning Board authorizes the Vice Chair to sign the subdivision plat for Upper Valley Technology Park, LLC, PB2022-51-CUPMIN, as revised pursuant to the Board's conditions of approval.

The motion was seconded by Tom Jasinski.

Mr. Rutter inquired about the covenant shared with the Board. Mr. Corwin stated that it does not impact the decision.

Roll Call Vote:
Voting in Favor – Mr. Jasinski, Mr. Hall, Ms. Stavis, Ms. Romano, Mr. Rutter, Ms. Hirai, Ms. Zook
Voting Against – None
****The MOTION was approved (7-0).***

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**

Jolin Salazar-Kish, owner, and Sue Reed, Architect, appeared in support of the application.

Ms. Salazar-Kish stated that they are close to completing the building permit application, but approval will occur after the current approval date. The delay occurred because they needed to add entrances and deal with a number of other delays.

Mr. Corwin stated that the Board may want to include their reasons for the decision.

Ms. Stavis noted that there are mitigating circumstances beyond the applicant's control that kept her from meeting the two-year limit.

Mr. Hall stated that the Board would need a date by which the building permit should be obtained. Mr. Corwin stated that they should allow enough time. Ms. Salazar-Kish stated that six months would allow enough time.

Mr. Rutter noted that there were leases in place and wondered if that was a reason for the extension. Ms. Salazar-Kish stated that they should all be resolved by the summer. Mr. Rutter suggested 9 - 12 months would be appropriate.

Mr. Jasinski stated that two years is too long a time for this size application. Mr. Corwin stated that there is no way to know when the building permit would be obtained. The project was submitted and approved just before the Lebanon Downtown District was approved, so it is under the old regulations.

Ms. Romano inquired about whether the extension would only be for the building permit or the entire project. Mr. Corwin stated that a two-year extension would mean that by December 19, 2024, active and substantial completion must be made. An 18-month extension would be reasonable.

Vice Chair Hall invited public comment. Hearing none, Vice Chair Hall closed the Public Hearing.

A MOTION by Jeremy Rutter that the Lebanon Planning Board **APPROVE** the application of Jolin Salazar-Kish for 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 (PB2019-39-SPR), originally approved by the Planning Board on January 11, 2021, PB2022-43-EXT, including any and all submissions and testimony provided for and during the public hearing.

In support of its decision, the Board finds that:

1. The applicant **HAS** submitted a complete and timely request for an extension pursuant to Section 4.10.B of the Site Plan Review Regulations; and

2. Considering the totality of the circumstances, including the extent and complexity of the conditions precedent, the extent of the progress made by the Applicant toward satisfying the conditions-precedent and/or starting construction, and whether the need for more time is attributable to unusual circumstances beyond the control of the Applicant, rather than to the Applicant's neglect or failure to proceed with reasonable promptness, the applicant **HAS** demonstrated that the extension is warranted.

This approval is subject to the following conditions:

1. The applicant shall be required to obtain a Building Permit from the Planning and Development Department by June 19, 2024.

2. The applicant shall satisfy and comply with the Planning Board Notice of Action for PB2019-39-SPR, dated January 11, 2021, and all conditions of approval thereof.

The motion was seconded by Laurel Stavis.
Roll Call Vote:
Voting in Favor – Mr. Jasinski, Mr. Hall, Ms. Stavis, Ms. Romano, Mr. Rutter, Ms. Hirai, Ms. Zook
Voting Against – None
****The MOTION was approved (7-0).***

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

A MOTION by Cori Hirai for a Public Hearing of the proposed Site Plan Review Amendments on January 23, 2023, at 6:30 PM.
The motion was seconded by Laurel Stavis.
Roll Call Vote:
Voting in Favor – Mr. Jasinski, Mr. Hall, Ms. Stavis, Ms. Romano, Mr. Rutter, Ms. Hirai, Ms. Zook
Voting Against – None
****The MOTION was approved (7-0).***

Mr. Hall opened a discussion of the landscaping regulations and the number of waivers that have been granted toward generalizing the regulations for flexibility and individualizing the review process. Mr. Corwin stated that this is important and can enhance a site, but perhaps the current regulations are rather prescriptive and causing many waivers. Mr. Hall stated that it would be helpful to have a public hearing in February to obtain comments. The members of the Board should be in touch with Staff if there are clarifications needed.

Ms. Romano suggested giving the Board time to review the suggested amendments. Mr. Corwin stated that the Board should agree on the proposed amendments before a public hearing is scheduled. Ms. Romano commented on the need for guidelines for applicants and loosening regulations may not be the best action. Mr. Jasinski stated that updating and making the regulations more streamlined and appropriate is a good idea. Mr. Hall stated that the proposal is a starting point for the discussion. Ms. Stavis stated that it is important to treat all applicants alike. It is also important that the Board stop granting so many waivers or change the regulations to avoid the large number of waivers being requested at the current level.

Ms. Hirai stated that it is important for the Board to have this conversation. Ms. Stavis stated that parking lot shading is also an important issue.

Mr. Rutter commented that there must be a background to all the regulations, and it is important to define the goals and simplify them.

Mr. Corwin stated that the Board members could share their feedback with Staff. The discussion will be continued at the February work session.

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

Mr. Jasinski brought up the issue of abstaining from voting. He has reviewed information on abstaining and believes it should be a member's option. Mr. Corwin stated that if a Board member was absent from a meeting and wishes to abstain from approving the minutes, he has no issue with that. If a Board member has been present at all the meetings regarding an application, abstaining from voting on the application is not appropriate. It is the job of the Board member to vote once all the information is presented. Minutes are a different matter, and abstaining should be allowed.

Mr. Jasinski stated that there has been public comment on the number of waivers granted by the Board.

Ms. Stavis commented that it would be important to schedule a review of the State laws regarding planning and zoning, as she is on the Municipal Planning and Zoning Committee.

Mr. Corwin noted that the Master Plan sections on Housing and Economic Development are up for review this year. It is important that the Planning Board be involved in that process.

7. Approval of Minutes

A. October 24, 2022

A MOTION by Cori Hirai to approve the Planning Board Minutes of October 24, 2022, as presented.
The motion was seconded by Laurel Stavis.
Roll Call Vote:
Voting in Favor – Ms. Hirai, Mr. Rutter, Ms. Romano, Mr. Hall, Mr. Jasinski, Ms. Zook, Ms. Stavis
Voting Against – None
****The MOTION was approved (7-0).***

8. Adjournment

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

The meeting was adjourned at 9:30 PM.

Respectfully submitted,

Holly Howes
Recording Secretary