

**FINAL**

**LEBANON PLANNING BOARD  
Regular Session  
Monday, February 13, 2023, 6:30 PM  
Community Room at Kilton Library  
80 Main Street, West Lebanon  
or Remote Via Microsoft Teams  
LebanonNH.gov/Live**

**MEMBERS PRESENT:** Matthew Hall (Chair), Jeremy Rutter (Vice Chair), Kim Chewning, Bruce Garland, Thomas Jasinski (Alternate), Kathie Romano - remote

**MEMBERS ABSENT:** Karen Zook (City Council Rep), Laurel Staviss

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

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**1. Call to Order**

Chair Hall called the meeting to order at 6:35 PM.

Tom Jasinski was appointed for a Board vacancy.

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

**2. Notice of Regional Impact**

**Basic Holdings, LLC, 5 & 11 Oak Ridge Road (Tax Map 4, Lots 5 & 6), zoned R-3:** Per Section 7.12.C of the Subdivision Regulations, a request for an extension of time to satisfy conditions of approval and to record the approved plat for a proposed Planned Unit Residential Development (PURD) at 5 & 11 Oak Ridge Road (Tax Map 4, Lots 5 & 6) (PB2020-31-FMAJ), and per Section 14.1.B.1.c for an extension of time to complete Active and Substantial Development. **PB2023-10-EXT**

Mr. Corwin stated that Staff reviewed the above application for the March 20, 2023, meeting and finds that it does not have the potential for regional impact.

***A MOTION by Bruce Garland that the application of Basic Holdings, LLC, 5 & 11 Oak Ridge Road (Tax Map 4, Lots 5 & 6), zoned R-3, does not have potential for regional impact.***

***The motion was seconded by Jeremy Rutter.***

***Roll Call Vote:***

***Voting in Favor – Mr. Jasinski, Ms. Chewning, Mr. Garland, Mr. Hall, Mr. Rutter, Ms. Romano***

***Voting Against – None***

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

**3. Public Hearing Items**

Chair Hall announced a revised order for the hearings at this meeting:

- G. Upper Valley Technology Park, LLC, 0 Plainfield Road (Tax Map 131, Lot 3), zoned IND-L
- H. Upper Valley Technology Park, LLC, 0 Plainfield Road (Tax Map 131, Lot 3), zoned IND-L
- D. NH Group, LLC (applicant), 369 Miracle Mile LLC (property owner), 369 Miracle Mile (Tax Map 103, Lot 11), zoned GC
- A. Chorro, LLC, 77 Bank Street (Tax Map 92, Lot 79), zoned R-O
- B. Cicotte Properties, LLC, 175 Heater Road (Tax Map 64, Lot 30), zoned IND-L
- E. Rock Ridge Lebanon, LLC, Old Pine Tree Cemetery Road (Tax Map 74, Lot 3, Plots 101-146), zoned RL-2 and RL-3
- I. The Marek Lebanon, LLC, 343 Mount Support Road (Tax Map 24, Lot), zoned R-1

Items 3B, 3F, and 3J would be postponed until the March 20, 2023, meeting.

*A MOTION by Jeremy Rutter that hearing items 3B, 3F, and 3J be postponed until the March 20, 2023, Planning Board meeting.*

*The motion was seconded by Kim Chewning.*

*Roll Call Vote:*

*Voting in Favor – Mr. Jasinski, Ms. Chewning, Mr. Garland, Mr. Hall, Mr. Rutter, Ms. Romano*

*Voting Against – None*

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

- G. 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 (110 Airpark Road) of a proposed 3-lot industrial planned unit development (PB2022-51-CUPMIN). Applicant also requests a Conditional Use Permit per Section 303.4 of the Zoning Ordinance to allow a proposed outdoor storage area to occupy an area greater than 20 percent of the footprint area of the proposed principal building. **PB2022-52-SPR (Milton Rents) - Continued from January 23, 2023.**

Paul Simon, landscape architect, and Michael Petrovick appeared in support of the application.

Mr. Corwin noted the outstanding items from the previous public hearing, stating that Staff addressed those items as additional conditions of approval. Mr. Vincent stated that the drainage plan was amended to eliminate issues.

Mr. Simon stated that the tree varieties were updated as recommended, and the review showed they can use one more tree. He added that the plant list would be updated.

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, PB2022-52-SPR, for Site Plan Review of a +/-9,400 sq. ft. building for a proposed equipment and machinery sales, rental and service use, together with associated site improvements at 0 Plainfield Road (Tax Map 131, Lot 3), zoned IND-L, to be located on lot 2 (110 Airpark Road) of a proposed 3-lot industrial planned unit development (PB2022-51-CUPMIN), and as shown on a plan set titled “Milton Rents, Airpark Rd.,” prepared by Engineering Ventures, PC, dated December 27, 2022, last revised November 2, 2022, EV Project #22092 (19 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, licensed land surveyor, an architect, a licensed landscape architect, and certified wetlands scientist – 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:

#### **General Conditions**

1. It shall be the applicant’s responsibility to be familiar with and aware of these conditions of approval, and it shall be the applicant’s responsibility to satisfy these conditions of approval and to satisfy them within the relevant timeframes outlined below.
2. A building permit must be applied for *and issued* within two (2) years of the date of this approval (4.10.A), subject to an extension if applied for by the applicant and if approved by the Planning Board per Section 4.10.B.
3. “Active and substantial development,” as defined in Section 8.4.A.1 of the Site Plan Review Regulations, shall be achieved within two (2) years of the date of this approval (8.4.A.2), subject to an extension if applied for by the applicant and if approved by the Planning Board per Section 8.4.A.3. If active and substantial development is not achieved within two (2) years of the date of the Planning Board’s approval, the development shall be subject to any changes in the City’s land use regulations.
4. “Substantial completion,” as defined in Section 8.4.B.1 of the Site Plan Review Regulations, shall be achieved within five (5) years of the date of this approval. If substantial completion is not achieved within five (5) years of the date of the Planning Board’s approval, the development shall be subject to any changes in the City’s land use regulations.
5. 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.
6. The applicant shall implement and maintain NHDES Site Specific Best Management Practices before, during, and after construction.
7. 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).

**Conditions to be Satisfied Prior to Application for a Building Permit**

8. The applicant shall make the following revisions to the plan set to the satisfaction of the Planning and Development Department, the City Engineer, and the Fire Department:
  - a) A fire hydrant shall be installed in the area of the northern driveway.
  - b) A catch basin shall be added to the end of each driveway near the intersection with Airport Road.
  - c) Amend the cover sheet to provide description of plan revisions (5.1.E.4.d).
9. The applicant shall provide a letter or certification from the engineer of record or other qualified design professional confirming that the approved plan set meets the accessibility standards of the State of New Hampshire Building Code.
10. The applicant shall satisfy the Planning Board's conditions of approval #1-#4 for the Upper Valley Technology Park Planned Unit Development (PB2022-51-CUPMIN) as set forth in the Notice of Action dated December 19, 2022, and shall record the subdivision plat as revised per the Notice of Action and in accordance with Planning & Development Department procedures.
11. 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.
12. 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.
13. 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**

14. 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, 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.
15. 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.

16. All water and sewer fees shall be paid as set forth in City Code Chapter 68.
17. 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 wetlands permit, if necessary

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

18. The impact fee calculated pursuant to Condition of Approval #15 shall be paid.
19. Third-party 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.
20. 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.

*The motion was seconded by Kim Chewning.*

**Roll Call Vote:**

**Voting in Favor – Mr. Jasinski, Ms. Chewning, Mr. Garland, Mr. Hall, Mr. Rutter**

**Voting Against – None**

**Abstained – Kathie Romano**

**\*The MOTION was approved (5-0-1).**

- H. Upper Valley Technology Park, LLC, 0 Plainfield Road (Tax Map 131, Lot 3), zoned IND-L:** Request for Site Plan Review to construct a +/-6,000 sq. ft. building for a proposed food distribution and warehouse facility, together with associated site improvements. The development, which will be located on Lot 1 (134 Airpark Road) of a 3-lot industrial planned unit development approved on December 19, 2022, also requires an amendment to the Conditional Use Permit and Minor Subdivision approval for the Upper Valley Technology Park LLC Planned Unit Development (PB2022-51-CUPMIN). PB2022-07-SPR - **Completeness Review Only, Public Hearing to Commence on March 20, 2023.**

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

***A MOTION by Bruce Garland 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, Ms. Chewning, Mr. Garland, Mr. Hall, Mr. Rutter**

**Voting Against – None**

**Abstained – Kathie Romano**

***\*The MOTION was approved (5-0-1).***

***A MOTION by Jeremy Rutter to continue the Public Hearing to March 20, 2023, at 6:30 PM.***

***The motion was seconded by Tom Jasinski.***

***Roll Call Vote:***

***Voting in Favor – Mr. Jasinski, Ms. Chewning, Mr. Garland, Mr. Hall, Mr. Rutter***

***Voting Against – None***

***Abstained – Kathie Romano***

***\*The MOTION was approved (5-0-1).***

- D. 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 convert the existing building into a +/-18,735 sq. ft. restaurant and indoor amusements use (charity gaming center), together with associated site improvements. PB2023-04-SPR - **Application postponed from January 9, 2023.**

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

***A MOTION by Bruce Garland that the application of NH Group, LLC (applicant), 369 Miracle Mile LLC (property owner), 369 Miracle Mile (Tax Map 103, Lot 11), zoned GC, is complete enough for the Planning Board to accept jurisdiction and commence review.***

***The motion was seconded by Kim Chewning.***

***Roll Call Vote:***

***Voting in Favor – Mr. Jasinski, Ms. Chewning, Mr. Garland, Mr. Hall, Mr. Rutter, Ms. Romano***

***Voting Against – None***

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

Mr. Corwin stated that a traffic study was submitted and is under review, and Staff recommends the hearing be continued until the results are confirmed, which may require a peer review.

Mr. Garland recommended a review toward improving the function of the center lane in the site area. He also requested a real rendering of the street view of the site.

Mr. Rutter requested several site details including the dumpster location, a recalculation of the parking spaces, and the location of bike storage.

Mr. Corwin suggested March 20, 2023, at 6:30 PM for the open hearing to discuss the traffic study, and he added that the necessity of a peer review could mean postponing to April 10, 2023. It was agreed to go forward without the peer review.

***A MOTION by Bruce Garland to postpone the hearing of NH Group, LLC (applicant), 369 Miracle Mile LLC (property owner), 369 Miracle Mile (Tax Map 103, Lot 11), zoned GC, to March 20, 2023, at 6:30 PM.***

***The motion was seconded by Jeremy Rutter.***

***Roll Call Vote:***

***Voting in Favor – Mr. Jasinski, Ms. Chewning, Mr. Garland, Mr. Hall, Mr. Rutter, Ms. Romano***

***Voting Against – None***

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

- A. 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 - Application postponed from January 9, 2023**

William Nartowicz of Studio Nexus, Tim Sidore of Choro, LLC, and Kevin Worden of Engineering Ventures appeared in support of the application.

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

***A MOTION by Bruce Garland that the Lebanon Planning Board finds the Site Plan Review application of Chorro, LLC, PB2022-47-SPR, IS complete enough to accept jurisdiction and commence review.***

***The motion was seconded by Jeremy Rutter.***

***Roll Call Vote:***

***Voting in Favor – Mr. Jasinski, Ms. Chewning, Mr. Garland, Mr. Hall, Mr. Rutter, Ms. Romano***

***Voting Against – None***

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

Mr. Nartowicz briefly described the conversion project, the site adjustments, and the each of the waivers.

Mr. Jasinski asked for clarification on the number of waivers. Mr. Corwin stated that the list changed prior to the meeting materials.

Mr. Garland commented on the lack of comment from the Fire Department. Mr. Sidore stated that they have started the sprinkling process. Mr. Vincent noted that the Fire Department receives the complete plans and provides input regarding their comments. Mr. Corwin noted that the lack of comment is generally because there are no concerns, and the Fire Department sees the application when it is filed. Mr. Jasinski asked if a written response is required. Mr. Corwin stated that written comments are not required.

Mr. Rutter inquired about pervious pavers. Mr. Corwin complimented the applicant on including them in the plan and stated that they also provided a maintenance plan for the stormwater management. Mr. Reichert agreed with the importance of the maintenance plan. Mr. Corwin stated that maintaining a site in the future is necessary. Mr. Reichert stated that changes in surface, impervious for pervious, cannot be made per Zoning requirements; and enforcement is difficult because there are not many triggers for a review.

The Board members discussed the issue of site requirements going forward.

Chair Hall invited public comment. There was none.

***A MOTION by Jeremy Rutter that for the application of Chorro, LLC, PB2022-47-SPR, the Lebanon Planning Board APPROVE waivers from the following sections of the Site Plan Review Regulations:***

- Section 5.1.E.7 – building height comparison within 200' of site
- Section 6.6.G.2 – impervious surface requirements
- Section 5.1.E.17 & Section 6.6.C.1 & 2 – changes to the building and site
- Section 5.1.E.23 – on-site recreational facilities
- Section 6.2.D – 10-foot perimeter buffer (partial)

**The motion was seconded by Bruce Garland.**

**Roll Call Vote:**

**Voting in Favor – Mr. Jasinski, Ms. Chewning, Mr. Garland, Mr. Hall, Mr. Rutter**

**Voting Against – None**

**Abstaining – Ms. Romano**

**\*The MOTION was approved (5-0-1).**

**A MOTION by Jeremy Rutter that for the application of Chorro, LLC, PB2022-47-SPR, the Lebanon Planning Board APPROVE a waiver from the following section of the Site Plan Review Regulations:**

- Section 6.2.B.6 – opaque perimeter landscaping (partial)

**The motion was seconded by Bruce Garland.**

Mr. Jasinski expressed the need for additional trees for the opaque buffer. Mr. Simon stated that they are filling in between existing trees to create a semi-opaque buffer. Kevin Worden stated that landscaping isn't feasible, but there is robust existing landscaping that meets the intent of the section.

**Roll Call Vote:**

**Voting in Favor – Mr. Garland, Mr. Hall, Mr. Rutter, Ms. Romano**

**Voting Against – Mr. Jasinski, Ms. Chewning**

**\*The MOTION was approved (4-2).**

**A MOTION by Jeremy Rutter that for the application of Chorro, LLC, PB2022-47-SPR, the Lebanon Planning Board APPROVE a waiver from the following section of the Site Plan Review Regulations:**

- Section 6.2.B – 15-foot perimeter landscaping requirement (partial)

**Roll Call Vote:**

**Voting in Favor – Mr. Jasinski, Ms. Chewning, Mr. Garland, Mr. Hall, Mr. Rutter, Ms. Romano**

**Voting Against – None**

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

**Chair Hall invited public comment. There was none.**

**Chair Hall closed the Public Hearing.**

**A MOTION by Jeremy Rutter** that the Lebanon Planning Board **APPROVE** the application of Chorro, LLC, LLC, PB2022-47-SPR, for site plan approval to convert the existing building to an 8-unit mixed use, multi-family dwelling at 77 Bank Street (Tax Map 92, Lot 79), zoned R-O, as shown on a plan set titled “77 Bank St. Apartments”, prepared by Studio Nexus, dated December 5, 2022, last revised February 6, 2023, Proj. No. 2114 (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:

**General Conditions**

1. It shall be the applicant’s responsibility to be familiar with and aware of these conditions of approval, and it shall be the applicant’s responsibility to satisfy these conditions of approval and to satisfy them within the relevant timeframes outlined below.
2. A building permit must be applied for *and issued* within two (2) years of the date of this approval (4.10.A), subject to an extension if applied for by the applicant and if approved by the Planning Board per Section 4.10.B.
3. “Active and substantial development,” as defined in Section 8.4.A.1 of the Site Plan Review Regulations, shall be achieved within two (2) years of the date of this approval (8.4.A.2), subject to an extension if applied for by the applicant and if approved by the Planning Board per Section 8.4.A.3. If active and substantial development is not achieved within two (2) years of the date of the Planning Board’s approval, the development shall be subject to any changes in the City’s land use regulations.
4. “Substantial completion,” as defined in Section 8.4.B.1 of the Site Plan Review Regulations, shall be achieved within five (5) years of the date of this approval. If substantial completion is not achieved within five (5) years of the date of the Planning Board’s approval, the development shall be subject to any changes in the City’s land use regulations.
5. 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.
6. The property owner is responsible for the maintenance of the permeable pavers in accord with the Operation & Maintenance Guide for Belgard Permeable Interlocking Concrete Pavement Systems submitted with the application, and such responsibility shall run with the land.

**Conditions to be Satisfied Prior to Application for a Building Permit**

7. The applicant shall modify the site plan to replace all ash trees with shade trees that are not susceptible to emerald ash tree borer, to the satisfaction of the Planning & Development Department.
8. The applicant shall satisfy the Planning Board's conditions of approval #1-#4 for the boundary line plat between the subject property and 75 Bank Street (PB2022-55-BLA) as set forth in the Notice of Action dated December 12, 2022, and shall record the boundary line plat as revised per the Notice of Action and in accordance with Planning & Development Department procedures.
9. 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.
10. 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.
11. 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**

12. 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.
13. All water and sewer fees shall be paid as set forth in City Code Chapter 68.
14. 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**

15. The impact fee calculated pursuant to Condition of Approval #11 shall be paid.
16. 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.

***The motion was seconded by Bruce Garland.***

Mr. Jasinski suggested adding the condition to replace all ash trees with ones not as susceptible to disease. Ms. Romano noted that the applicant stated it would be an 8-unit mixed-use, multi-family dwelling. Both

changes were accepted and included in the motion.

**Roll Call Vote:**

**Voting in Favor – Mr. Jasinski, Ms. Chewning, Mr. Garland, Mr. Hall, Mr. Rutter, Ms. Romano**

**Voting Against – None**

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

- B. Eric & Susan Cole, 162 Mechanic Street (Tax Map 105, Lot 14), 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 - Application postponed from January 9, 2023 - Applicant has requested the application be postponed to the March 20, 2023 meeting.**

- C. 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 vehicular sales use. **PB2023-01-SPR - Application postponed from January 9, 2023.**

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

***A MOTION by Bruce Garland the application of Cicotte Properties, LLC, 175 Heater Road (Tax Map 64, Lot 30), 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, Ms. Chewning, Mr. Garland, Mr. Hall, Mr. Rutter**

**Voting Against – None**

**Abstained – Kathie Romano**

**\*The MOTION was approved (5-0-1).**

Dan Nash of Advanced Geomatics and Design, Landscape Engineer Mara Robinson, and Atty. Barry Schuster appeared in support of the application.

Mr. Nash explained that additional pavement was added for storage of vehicles but without a permit. He noted that this improvement adds value and increases the tax value of the property.

Mr. Nash explained the waiver requests.

Mr. Corwin commented on the proposed sidewalk and noted that a third-party inspection would be required. Mr. Vincent commented on the use of test pit data from an adjoining property and stated that a condition requiring new test pit data submitted later would be acceptable.

Mr. Nash commented on the necessity for landscape islands in the parking area. It is a storage area, not a retail area. Mr. Corwin stated that the landscaping would be required.

Mr. Garland noted that the site plan submission was confusing because Edward's Properties made changes to the terrain.

Ms. Romano stated she would like to see valid test pit results on the lot in question because it is a very wet area. Mr. Nash stated that a wetlands specialist determined that it was not wetlands. There is invalid data being used to override the wetland specialist's determination. The swale is behind the lot and dealership. The Alteration of Terrain Permit is being held up due to the confusion over the wetland issue.

Mr. Garland noted that DES did not give approval in the past. Mr. Nash stated that they did a site soil report which is on file with the City.

Chair Hall noted that the DES response has not been submitted at this time. Mr. Corwin stated that there is a disagreement between the applicant and the State DES. The question is around the wetlands issue and the State's jurisdiction. Wetlands must be delineated on the plan, but there has been no determination. The area in question by DES is not the same area as the site in this application. A condition of approval was included to address this issue.

Mr. Schuster stated that he is not aware that there is a violation. This application is not part of that discussion, which is about paving. Mr. Nash stated that they applied for an Alteration of Terrain Permit, but something was sent to the State that delayed the process. It has not been resolved but all the necessary data has been provided.

The Board members continued to discuss the terrain issues.

Ms. Chewning noted that it is the Board's option to wait for the test pit data. Mr. Nash stated that appropriate material was put in to replace the old material in the area. Mr. Vincent stated that it would be important for the test pit to be closer to the paved area. Mr. Corwin stated that he would be willing to modify Condition #11. Ms. Romano noted that there is history, but this is about one lot and the information presented is not relevant. A new test pit should be dug to provide the correct data.

Chair Hall invited public comment. There was none.

The Board members discussed the waiver requests related to landscaping and paving.

Mr. Corwin stated that most waiver requests are partial waivers based upon specific site issues. He added that the improvements in this application are for things not there today. The existing violation is not relevant to this application. It is not relevant that the pavement is already there. What is there now can be utilized by this site plan. Mr. Vincent stated that any new work would be reviewed.

Mr. Hall summarized the information that is required to move forward.

Mr. Corwin stated that the applicant is willing to postpone the application until they have the test pit data, and that is acceptable to the City Engineer.

Mr. Nash stated that the test pit data cannot be completed until May 8, 2023.

Sarah Riley (online) noted that Section 6.2.A is relevant to this application. The trees provided would reduce erosion, protect surface water, and promote conservation, which are benefits.

***A MOTION by Bruce Garland to continue the hearing to May 8, 2023, at 6:30 PM.***

***The motion was seconded by Jeremy Rutter.***

***Roll Call Vote:***

***Voting in Favor – Mr. Jasinski, Ms. Chewning, Mr. Garland, Mr. Hall, Mr. Rutter, Ms. Romano***

***Voting Against – None***

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

**E. Rock Ridge Lebanon, LLC, Old Pine Tree Cemetery Road (Tax Map 74, Lot 3, Plots 101-146), zoned RL-2 and RL-3:** Applicant requests an extension of time for the completion of the required infrastructure improvements for Phase 3 of the Rock Ridge planned unit residential development, originally approved by the Planning Board on July 7, 2005. **PB2023-05-EXT - Continued from January 9, 2023.**

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 Bruce Garland that the application of Rock Ridge Lebanon, LLC, Old Pine Tree Cemetery Road (Tax Map 74, Lot 3, Plots 101-146), zoned RL-2 and RL-3, 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, Ms. Chewning, Mr. Garland, Mr. Hall, Mr. Rutter, Ms. Romano***

***Voting Against – None***

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

Atty. Barry Schuster, Dan Nash of Advanced Geomatics and Design, and Project Manager Don Hirst appeared in support of the application.

Mr. Schuster stated that there is additional time needed to determine the bond and complete Phase 3.

Mr. Corwin stated that due to the uniqueness of this project and progress to date, the Board can move forward with the application as written. The date by which to complete improvements is needed, and he recommends that the Board set a date for completion of improvements.

Mr. Hall inquired about the project being vested. Mr. Corwin stated that it is vested and has proceeded in an extremely unique way. He added that it behooves the Board to grant the extension, and Staff has no reservations.

Mr. Hirst stated that they can complete seven houses per year, and 42 houses remain. Mr. Schuster stated that this project is bonded, which protects the City.

The timeframe was discussed to complete the project, and five years was recommended.

Chair Hall invited public comment. There was none.

Mr. Corwin inquired if the extension is based on the phasing plan. Mr. Hirst stated that it is.

***A MOTION by Jeremy Rutter*** that the Lebanon Planning Board **APPROVE** the application of Rock Ridge Lebanon LLC, PB2023-05-EXT, for an extension of time for the completion of the required infrastructure improvements for Phase 3 of the Rock Ridge development (formerly Sleeper Village), a

140-unit Planned Unit Residential Development at Old Pine Tree Cemetery Road, Tax Map 74, Lot 3, in the RL-3 zone, as requested in the applicant's application materials, and including any and all submissions and testimony provided for and during the public hearing, with the following conditions:

1. The applicant shall be required to complete Phase 3 site improvements by December 31, 2028, pursuant to all applicable conditions of all of the Planning Board's Notices of Action for the Rock Ridge (f/k/a Sleeper Village) development, including but not limited to, the original Subdivision and Conditional Use approval dated July 7, 2005 and the Notice of Partial Suspension of Final Subdivision Approval dated January 26, 2009.
2. Prior to the start of construction activities for Phase 3, the applicant shall address all questions and comments from the NHDES in a letter to the City of Lebanon dated September 12, 2017 and a memorandum from Assistant City Engineer to Peter Bull dated September 22, 2017 to the satisfaction of the Department of Public Works.
3. The performance security for all required Phase 3 infrastructure improvements shall be in place prior to commencement of any site work in that phase, and in any case by no later than December 31, 2023. The applicant shall execute a new Performance Bond/Security Agreement to accompany the performance security.
4. A "Removal of Hold" document for Phase 3, approved by the City's attorney, shall be executed by the Planning Board Chair and recorded in the Registry of Deeds prior to the commencement of any site work and prior to the sale or transfer of any lots or units within Phase 3, and in any case by no later than December 31, 2023.
5. The applicant shall execute a new Water and Sewer Extension and Inspection Agreement in accordance with Chapters 136 and 182 of the City Code and Section 14 of the Subdivision Regulations for Phase 3 of the development.
6. Prior to the start of any construction activities in Phase 3 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 construction and installation of roadways, sidewalks, water and sewer utilities, storm drainage systems, and erosion control, in accordance with Chapter 181 of the City Code and Section 14 of the Subdivision Regulations. The applicant shall provide funding for inspection services in a form acceptable to the City. As-built drawings provided by the applicant (using the NH State Plane Coordinate system), including tie sheets and Northing and Easting coordinates and elevations of underground utilities, and third-party engineer inspection reports shall be reviewed and approved by the City Engineer, prior to acceptance of any utility improvements by the City, and all such Inspection reports shall be made available to the applicant, upon request.

***The motion was seconded by Bruce Garland.***

***Roll Call Vote:***

***Voting in Favor – Mr. Jasinski, Ms. Chewing, Mr. Garland, Mr. Hall, Mr. Rutter, Ms. Romano***

***Voting Against – None***

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

***A MOTION by Bruce Garland to extend the meeting to 9:50 PM.***

***The motion was seconded by Matthew Hall.***

***Roll Call Vote:***

***Voting in Favor – Mr. Jasinski, Ms. Chewning, Mr. Garland, Mr. Hall, Mr. Rutter, Ms. Romano***

***Voting Against – None***

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

- F. 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 - Application postponed from January 9, 2023. Applicant requests to be continued to the March 20, 2023 meeting.**
- I. The Marek Lebanon, LLC, 343 Mount Support Road (Tax Map 24, Lot), zoned R-1: Pursuant to Section 4.9 of the Site Plan Review Regulations, Applicant requests approval to occupy the multi-family building under construction at 343 Mount Support Road in phases. Site Plan approval for the development was originally granted on October 13, 2020 (PB2020-11-SPR). PB2023-08-SPR**

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 Bruce Garland that the application of The Marek Lebanon, LLC, 343 Mount Support Road (Tax Map 24, Lot), zoned R-1, 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, Ms. Chewning, Mr. Garland, Mr. Hall, Mr. Rutter, Ms. Romano***

***Voting Against – None***

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

Dave Fenstermacher of VHB and Brendan Gilmore of Saxon Partners appeared in support of the application.

Mr. Fenstermacher stated that there are three component buildings, and they want to occupy them in phases. Phase 1 would be Building B for business only as a leasing office in August 2023. Phase 2 would include Building A and site utility improvements by October 2023. Phase 3 would be Building A by January 2024 with all parking completed. All infrastructure would be in place while occupying the buildings in phases.

Mr. Corwin stated that the dates were based on the information provided and modeled after another project. Mr. Fenstermacher stated that August 31, 2023, for occupancy of Building B was acceptable. Mr. Gilmore added that there is an amenity space in Building B.

Mr. Jasinski inquired about the phases. Mr. Corwin stated that without the phasing, they would not be able to occupy part of Building B for a leasing office. Mr. Garland asked about the Temporary Certificate of Occupancy. Mr. Corwin stated there would be a Temporary Certificate of Occupancy for Phase 1, with a final Certificate of Occupancy once all site improvements are completed per the site plan. If there are improvements that can't be installed due to weather, an extension could be granted.

Chair Hall invited public comment. There was none.

**A MOTION by Jeremy Rutter** that for the application of The Marek Lebanon, LLC, PB2023-08-SPR, the Lebanon Planning Board **APPROVE** a waiver from the submission requirements set forth in Article V of the Site Plan Review Regulations.

**The motion was seconded by Bruce Garland.**

**Roll Call Vote:**

**Voting in Favor – Mr. Jasinski, Ms. Chewning, Mr. Garland, Mr. Hall, Mr. Rutter**

**Voting Against – None**

**Abstaining – Ms. Romano**

**\*The MOTION was approved (5-0-1).**

Chair Hall closed the Public Hearing.

**A MOTION by Jeremy Rutter** that the Lebanon Planning Board **APPROVE** the application of The Marek Lebanon, LLC, PB2023-08-SPR, regarding the multi-family building under construction at 343 Mount Support Road (Tax Map 24, Lot 1) [originally approved by the Planning Board on October 13, 2020 (PB2020-11-SPR)], requesting approval pursuant to Section 4.9 of the Site Plan Review Regulations to occupy the building in phases as shown on the plan set titled, "The Marek at Lebanon, NH - Phasing Plans," prepared by VHB, dated January 3, 2023, Project Number 52616 (3 sheets), including any and all supplemental submissions and testimony provided during the public hearing, with the following conditions:

1. Within 60 days of this approval, the applicant shall, to the satisfaction of the Planning and Development Department, revise the Plan set titled, "The Marek at Lebanon, NH - Phasing Plans," prepared by VHB, dated January 3, 2023, Project Number 52616 (3 sheets) ("Phasing Plan") to:
  - a. Clarify that a Certificate of Occupancy for Phase 3 shall be issued only upon completion of all required site improvements for the development.
  - b. Identify October 15, 2023, or by no later than the date the temporary Certificate of Occupancy for phase 1 is issued as the date by which security for the Phase 2 improvements will be posted, and December 15, 2023, or by no later than the date the temporary Certificate of Occupancy for Phase 2 is issued as the date by which security for the Phase 3 improvements will be posted.
2. The applicant shall comply with all applicable conditions of the Planning Board's Notice of Action dated October 13, 2020, PB2020-11-SPR, except that the development shall be constructed in phases pursuant to and in accordance with the Phasing Plan.
3. With respect to the **Phase 2** site improvements, the applicant shall be required to (a) achieve Active and Substantial Development or Building, as defined in Section 8.4.A.2 of the Site

Plan Review Regulations, by October 15, 2023; and (b) achieve Substantial Completion, as defined in Section 8.4.B.2, by May 15, 2024.

4. With respect to the **Phase 3** site improvements, the applicant shall be required to (a) achieve Active and Substantial Development or Building, as defined in Section 8.4.A.2 of the Site Plan Review Regulations, by December 15, 2023; and (b) achieve Substantial Completion, as defined in Section 8.4.B.2, by July 15, 2024.
5. Prior to the issuance of a temporary certificate of occupancy for Phase 1, the applicant shall enter into a Performance Security Agreement pursuant to Section 8.3.C & D of the Site Plan Review Regulations and shall provide security necessary for the completion of all Phase 2 required improvements and utilities. The Agreement shall specify that security for Phase 3 shall be posted by no later than December 15, 2023.

*The motion was seconded by Bruce Garland.*

*Roll Call Vote:*

*Voting in Favor – Mr. Jasinski, Ms. Chewning, Mr. Garland, Mr. Hall, Mr. Rutter, Ms. Romano*

*Voting Against – None*

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

*A MOTION by Bruce Garland to extend the meeting to 10:00 PM.*

*The motion was seconded by Jeremy Rutter.*

*Roll Call Vote:*

*Voting in Favor – Mr. Jasinski, Ms. Chewning, Mr. Garland, Mr. Hall, Mr. Rutter, Ms. Romano*

*Voting Against – None*

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

- J. **Lebanon School District SAU #88, 195 Hanover St Ext (Tax Map 64, Lot 33), zoned R-3:** Request for Site Plan Review to construct additions to the Lebanon High School and Elementary School building, together with associated site improvements. This application will be reviewed as a governmental use per NH RSA 674:54. PB2022-09-SPR.  
**Postponed to March 20, 2023**

#### **4. Other Business**

Mr. Garland shared information regarding the airport and added that it would be useful to have a discussion regarding updates to the Master Plan.

Mr. Hall asked the Board members to look at the proposed changes to the landscaping requirements for a discussion at the next meeting. Mr. Corwin agreed to send the proposed changes to the Board members.

Mr. Corwin asked the Board members to sign the verification of the site plan amendments.

#### **5. Approval of Minutes**

- A. December 19, 2022

***A MOTION by Bruce Garland to approve the Planning Board Minutes of December 19, 2022, as amended in agenda packet.***

***The motion was seconded by Tom Jasinski.***

***Roll Call Vote:***

***Voting in Favor –Mr. Jasinski, Ms. Chewning, Mr. Garland, Mr. Rutter, Mr. Hall, Ms. Romano***

***Voting Against – None***

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

Ms. Romano reported on the difference in EV charging stations. It would be important to learn more before recommending requirements.

B. January 9, 2023

***A MOTION by Bruce Garland to approve the Planning Board Minutes of January 9, 2023, as presented.***

***The motion was seconded by Jeremy Rutter.***

***Roll Call Vote:***

***Voting in Favor –Mr. Jasinski, Ms. Chewning, Mr. Garland, Mr. Rutter, Mr. Hall, Ms. Romano***

***Voting Against – None***

***Abstaining –***

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

## **6. Adjournment**

***A MOTION by Bruce Garland to adjourn the meeting.***

***The motion was seconded by Jeremy Rutter.***

***Roll Call Vote:***

***Voting in Favor – Mr. Rutter, Ms. Romano, Mr. Garland, Mr. Hall, Mr. Jasinski, Ms. Chewning***

***Voting Against – None***

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

The meeting was adjourned at 9:56 PM.

Respectfully submitted,

Holly Howes

Recording Secretary