

FINAL

LEBANON PLANNING BOARD
Regular Meeting
Monday, November 23, 2020 – 6:30 pm
Remote Via Microsoft Teams
LebanonNH.gov/Live

ROLL CALL OF

MEMBERS PRESENT: Bruce Garland (Chair), Matthew Hall (Vice-Chair), Karen Liot Hill (Alt. Council Representative), Kim Chewning, Joan Monroe, Kathie Romano, Jeremy Rutter, Laurel Stavis

MEMBERS ABSENT: Jim Winny (Council Representative), Gregorio Amaro

STAFF PRESENT: David Brooks (Planning Director), Tim Corwin (Senior Planner), Brian Vincent, (City Engineer), Shaun Mulholland (City Manager)

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

A. Review of meeting procedures and NH RSA 91-A “Right-to-Know” requirements.

Mr. Corwin shared the State directive and participation details for the online meeting in Microsoft Teams. All members identified themselves.

2. Public Hearing Items

A. **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 for Site Plan Review to convert an existing three-story commercial building at 1 Mechanic Street (Tax Map 91, Lot 264) to an 18-unit multi-family dwelling, together with associated site improvements, and a request for a Conditional Use Permit per Section 607.5.A of the Zoning Ordinance to allow parking for the proposed multi-family use to be located at 0 Foundry Street (Tax Map 91, Lot 262). **PB2020-28-SPR** - Completeness Review and Opening of Public Hearing, Continued from November 9, 2020

Jeremy Katz, Manager of One Mechanic Street, and Doug Sonsalla and James Wasser of Studio Nexus attended online in support of the application.

Mr. Katz addressed the comments and concerns from the previous meeting, noting that several were pedestrian/bicyclist issues. Mr. Sonsalla described the new lighting design for the northeast tower, the crosswalk being added from the south stair tower to the Foundry St. Parking area, the snow storage area, and the additional wheel stops for Phase 2.

A number of items raised by the Board members were clarified:

- Outside lighting will be automatic with a sensor or timer.

- Trees between the parking area and the river would remain for filtration. Benches would not be placed there due to the steepness down to the river.
- The building height will remain the same.
- The right-of-way to the former Kleen property is private and will be monitored and worked out between the owners.
- The exit to Mechanic Street from Foundry Street will eventually be right turn only.
- Snow storage would not be pushed toward the river.
- A bench could be placed at the northwest corner of the building. It was suggested to switch the positions of the magnolia tree with the serviceberry shade tree.
- All exterior lighting should be 3000K as a condition of approval.

Mr. Corwin stated that Staff had no objections to the waiver requests.

There were no public comments.

Karen Liot Hill arrived at 6:50 PM.

Ms. Monroe noted that the applicants were planning a great reuse of the building.

A MOTION by Matthew Hall that the Lebanon Planning Board **APPROVE the following** waivers for the application of **One Mechanic Street, LLC and FSP LLC** regarding **1 Mechanic Street (Tax Map 91, Lot 264) and 0 Foundry Street (Tax Map 91, Lot 262), PB2020-28-SPR**, from the following sections of the Site Plan Review Regulations:

- Section 5.1.E.6 – *requiring topographic data prepared by a professional engineer*
- Section 5.1.E.7 – *requiring the plans to indicate the height of all existing structures located within 200 feet of the site*
- Sections 5.1.E.15 & partial waiver of 6.2.B – *requiring perimeter landscaping calculations and compliance with the perimeter landscaping requirements*
- Sections 5.1.E.15 & 6.2.E – *requiring parking lot shading calculations and compliance with parking area landscaping requirements*
- Sections 5.1.E.16, 5.1.E.17 & Section 6.6 – *requiring plan to show existing and proposed surface and subsurface storm drainage facilities within 200 ft. of the site, and requiring stormwater management plans in compliance with the stormwater design regulations*
- Partial waiver of Section 5.1.E.20 – *requiring construction detail drawings*
- Sections 5.1.E.21 & 6.7.G – *requiring plans for on-site recreational facilities for multi-family structures*
- Partial waiver of Section 6.2.D – *requiring compliance with the landscaping around buildings requirements*
- Section 6.5.B.4 – *requiring installation of sidewalks along the street frontages*
- Section 6.5.B.5 – *requiring a 50-foot turning radius at the rear of the building*
- Section 6.7.2.b – *establishing maximum light intensity of 1.0 foot-candles at the property lines*
- Section 6.7.3.a – *establishing a maximum lighting uniformity ratio for parking areas of no greater than 4:1*

- Section 6.10.C.4 – *requiring the screening of parking areas in the Lebanon Downtown District*

Seconded by Laurel Stavis.

Ms. Romano noted that the project is a renovation, not new construction, and should not be held to the same standards

Roll Call Vote:

Voting in Favor – Ms. Romano, Ms. Chewning, Ms. Stavis, Mr. Hall, Mr. Garland, Mr. Rutter, Ms. Monroe, Ms. Liot Hill

****The MOTION was approved (8-0)***

A MOTION by Matthew Hall that the Lebanon Planning Board **APPROVE** the application of **One Mechanic Street, LLC and FSP LLC** regarding **1 Mechanic Street (Tax Map 91, Lot 264) and 0 Foundry Street (Tax Map 91, Lot 262), PB2020-28-SPR**, for a Conditional Use Permit per Section 607.5.A of the Zoning Ordinance to allow off-site parking at 0 Foundry Street to meet the parking needs of the 1 Mechanic Street residents. 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 607.5.A of the Zoning Ordinance:

1. Such off-street parking is in an appropriate location for the use served by the parking.
2. Such parking arrangements will be either permanently deeded and recorded or conveyed by an irrevocable 99-year lease or some other legal instrument, acceptable to an attorney representing the City, that will ensure that such parking arrangement will remain as long as the need exists.
3. Such shared parking arrangements do not constitute a hazard to traffic or pedestrians.

Seconded by Jeremy Rutter.

Roll Call Vote:

Voting in Favor – Ms. Romano, Ms. Chewning, Ms. Stavis, Mr. Hall, Mr. Garland, Mr. Rutter, Ms. Monroe, Ms. Liot Hill

****The MOTION was approved (8-0)***

Chair Garland closed the Public Hearing.

There was a discussion of the need for benches for outside seating. It was noted that the requirement for recreation space was waived. The issue of providing a bench was resolved by a straw poll of the members. The proposed condition that the applicant would provide two benches on the property for the relaxation of the residents was not approved due to a tie vote (4-4).

In favor – Mr. Garland, Ms. Monroe, Ms. Romano, Ms. Chewning

Against – Mr. Rutter, Ms. Liot Hill, Mr. Hall, Ms. Stavis.

The addition of benches would be a recommendation of the Board and not a condition of approval.

A MOTION by Matthew Hall that the Lebanon Planning Board **APPROVE** the application of **One Mechanic Street, LLC** regarding **1 Mechanic Street (Tax Map 91, Lot 264), zoned LD, PB2020-28-SPR**, for Site Plan Review to convert an existing three-story commercial building to an 18-unit multi-family dwelling, together with associated site improvements as shown on a plan set titled “1 Mechanic Street Apartments” prepared by Studio Nexus Architects + Planners, LLC, dated September 14, 2020, last revised November 16, 2020, Project No.: 1922 (9 Sheets), including any and all submissions and testimony provided for and during the public hearing, with the following conditions:

Conditions to be Satisfied Prior to Application for a Building Permit

1. The applicant shall schedule and hold a pre-building permit application meeting with the Planning & 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.
2. 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.
3. The applicant shall address the following to the satisfaction of the City Engineer:
 - a) The cover sheet shows a revised building elevation but does not appear from the plans that any such change is proposed. Please address.
 - b) Provide proposed retaining wall construction details, including 42-inch rail details.
 - c) Address the positive drainage problem (puddle) as shown on the elevation plans (Sheet G-9).
 - d) Confirm that the site is supplied with sufficient utilities to meet section 6.3 of the Site Plan Review Regulations.
4. The applicant shall make the following revisions to the plan set to the satisfaction of the Planning & Development Department and the City Engineer:
 - a) Finalize plans by removing all clouding and other markers used to identify changes to prior draft versions.
 - b) Any changes made pursuant to Condition of Approval #3.
 - c) Provide that all exterior lighting shall be 3,000K or warmer in CCT.
 - d) Add Sections 6.7.2.c and 6.7.2.d of the Site Plan Review Regulations as a plan note.
 - e) Add location of rear setback line as required by Section 307.3 of the Zoning Ordinance and as modified by Section 201.7 of the Zoning Ordinance.
 - f) Add a note to Sheet 5 to indicate that Phase 2 will be constructed in conjunction with the reconstruction of the High St/Mascoma St/Mechanic St intersection, that the design is subject to change depending on the final design of the intersection

reconstruction, and that the final Phase 2 design shall be submitted to the Planning & Development Department for review under Section 3.1 of the Site Plan Regulations at which time a decision will be made with respect to whether the final design requires Site Plan Amendment approval from the Planning Board.

- g) Identify original plan submission date of September 14, 2020, and add dates and a description of each plan revision as required by Section 5.1.E.4.d.

The applicant shall provide the Planning & Development Department with two (2) full size copies of the revised plan set, and a digital copy of the revised plan set saved in a PDF-A format for archival purposes.

- 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. For review and approval by the City's legal counsel, the applicant shall submit documentation to the Planning & Development Department to satisfy the requirements of Section 607.5.A.2 of the Zoning Ordinance.
- 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 August 13, 2018. 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.
- 9. All water and sewer fees shall be paid as set forth in City Code Chapter 68.
- 10. 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, the following:
 - a) NHDES Shoreland Permit, if necessary

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

- 11. The impact fee calculated pursuant to Condition of Approval #7 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.

The motion was seconded by Jeremy Rutter.

Roll Call Vote:

Voting in Favor – Ms. Romano, Ms. Chewning, Ms. Stavis, Mr. Hall, Mr. Garland, Mr. Rutter, Ms. Monroe, Ms. Liot Hill

***The MOTION was approved (8-0)**

4. Other Business (Change of item order)

- A. **The Braverman Company, LLC (Applicant), City of Lebanon (Property Owner),** 20 Spencer St. (Tax Map 92, Lot 31), zoned LD: Conceptual review per Section 4.3 of the Site Plan Review Regulations to redevelop the former DPW garage property. PB2020-35-CON

Ken Braverman, The Braverman Company Owner, spoke on behalf of the project for the conceptual review.

Mr. Brooks stated that The Braverman Company and the City entered into a development agreement following an RFP process. The City has begun to clean the site for transfer and redevelopment. Mr. Vincent has been overseeing the clean-up as well as the redesign and reconstruction of Spencer Street drainage and other issues. The street reconstruction work is part of a capital project that if approved, would be bid in early 2021 and completed in 2022. This would coincide with the timeframe of the Braverman project.

Mr. Mulholland explained that the project is a joint partnership and the first opportunity for a City-owned property to be redeveloped. If the project works out as expected, the City's redevelopment efforts will continue. The sale of the property is funding the upgrade of Spencer Street.

Mr. Braverman stated that he would be providing conceptual images and is looking forward to feedback and providing answers to questions from the Board. The project matches the City's vision for the site in the LD zone. The proposal is for about 94 units with about 146 parking spaces, some at street level and some under the building. It addresses the need for street activation as per the Downtown Visioning Study. The streetscape and infrastructure are being done by the City. A major area for feedback is the interface with the rail trail and the anticipated high usage. The building would be a four-story, wood frame structure over a parking deck with a row house feeling. There would be entries along the street with additional interior corridor entries. The applicant would be addressing significant soil and floodplain challenges. This would be the gateway to Spencer Street providing an industrial vibe, pedestrian connections, and walkability. The plan is to create a mixed-income project focused on downtown amenities, less driving, and use of public transit. City permits are expected in the Spring of 2021 with construction to start by the Fall of 2021.

Chair Garland inquired about the cost of parking. Mr. Braverman stated that surface parking would be free, but the management may charge for underground parking. Chair Garland expressed concern about traffic.

Mr. Hall asked whether there would be any commercial space on the first floor. Mr. Braverman said they have considered it and often do that, but commercial space is a challenge.

Ms. Liot Hill asked that “workforce and affordable housing” be defined. Mr. Brooks stated that affordable housing is defined as housing with costs for rent and utilities or principal, interest, taxes, and insurance of no more than 30% of gross income on a monthly basis as established by HUD. Each town has its own rates, and the median income for Grafton County is \$63K. Mr. Braverman added that they would work hard with NH State housing funders to secure funding to enable low income tax credits with 20% of units targeted for households with incomes at or below 50% of area median income or alternatively 40% of units targeted for households with incomes at or below 60% of area median income. Those rates could create a one-bedroom for \$997 monthly or a two-bedroom for \$1197 monthly. They think they can do it and will push for it. If they don’t get the funds, they would still have some level of affordability as “workforce housing.” Mr. Brooks noted that market rents in Lebanon are currently at around 120% of AMI. Chair Garland requested that Mr. Braverman provide the Board with a fiscal study for the next meeting.

Ms. Stavis noted that the rail trail would become crowded with the addition of this project. She inquired how they might manage the increase. Mr. Braverman noted that there is a public piece of land adjacent to the recreational trail. It would be a good site for some benches. They are open to ideas. Ms. Stavis inquired about the State Housing Authority tax credits. Mr. Braverman stated that resources are scarce and many communities have a shortage of affordable housing. It is a competitive process, and he believes they would score well. Mr. Brooks noted that part of the rail trail is being paved, and a wider portion of the rail right-of-way may be cleared for a linear park, which would be an asset and help address concerns about overcrowding.

Ms. Chewning suggested that bike storage is needed. She also inquired about the possibility of a partnership with an electric car company. Mr. Braverman agreed, but said they haven’t gotten there yet. Residents could be making a lifestyle choice of no car or only one per couple. It’s possible to live well with public transit and the rail trail. He sees this project as very different from the others currently being proposed along Mt. Support Road for instance. They have a great site, and downtown is continuing to develop. Walkability is what makes this different.

Ms. Romano inquired about stormwater management relating to the floodplain location. Mr. Braverman stated that there would be a formal plan to show elevations and the floodplain. They are lifting the building so there won’t be a full story of parking underground.

Ms. Romano also inquired about affordable housing. Mr. Brooks reiterated that “affordable housing” is defined as a household not spending more than 30% of gross income for rent and utilities. Workforce housing applies to a family of four earning 100% of AMI for ownership units, or 60% for a three-person household for rental units. Area median income is established by HUD, and the State Housing Authority publishes the rates for each county.

Mr. Vincent gave a description of the work being done on Spencer Street by the city. It will be a 22’-wide roadway with granite curbing from Taylor St. to Kendrick Street. Spencer Street will become the through street, and Taylor would get a stop sign. An elevated crossing is proposed for the rail trail. It will be paved 10’ wide from Spencer Street to Bank Street Extension, with 500’ of shared pedestrian/bicyclist use going west toward the tunnel along Taylor Street. There are right-of-way challenges on Spencer Street,

with the street currently 30'-wide but 32' when finished, and easements with abutters are needed. There is a new, closed drainage system for this project. The current system doesn't function well, but the sewer and water are in good condition. The light poles are being upgraded.

Ms. Monroe expressed concern over the floodplain. She recommended warm lighting LED's, which would help with night vision in the garage. High-efficiency appliances, windows that open, and bike storage were also recommended. A green roof would help with water on the property. Outside grilling areas and gardens were also suggested.

Mr. Hall noted that having any and all images is best and makes discussion easier.

Chair Garland closed the discussion.

3. Committee Reports

A. Planning Board Subcommittees:

- Planning Board Capital Improvement Program (VACANT/VACANT/Garland/L. Stavis)
- Planning Board Development Regulations Update (M. Hall/K. Romano/ J. Rutter / J. Monroe)

Mr. Hall reported there have been several meetings, and the subcommittee has reviewed a number of issues. Recommendations will be coming to the full Board for review.

B. City Council Subcommittees:

- Class VI Roads Advisory Committee (J. Monroe)

The most controversial roads are proving to be a challenge. Three roads have been completed so far and there are several more to go.

- Lebanon Energy Advisory Committee (J. Monroe)

Solar panels and electric car charging are under discussion. The elimination of the energy management person's position is of major concern. LEAC members voted unanimously to recommend maintaining the position.

C. Other Subcommittees:

- City Council Representative (J. Winny/K. Liot Hill)

Councilor Liot Hill noted that the budget work sessions are finished. On Dec. 16 the budget will be decided, including the controversial issue of the position of energy facilities manager. She has received dozens of emails, and LEAC is supporting the continuation of the position. There was a discussion of a proposal to reduce the Police Department's budget by 50% in 2022. There were 150 people online at last week's City Council meeting. There was general Council consensus around putting additional funds toward social services, but there was little support for cutting the Police Department budget to that degree. It is a matter of balancing community needs with public opinion.

- Heritage Commission (VACANT)
- Pedestrian & Bicyclist Advisory Committee (VACANT)

- Upper Valley Lake Sunapee Regional Planning Commission (B. Garland/L. Stavis)
- UV Subcommittee of the Connecticut River Joint Commissions (B. Garland)
- Upper Valley Transportation Management Association (VACANT)
- Mascoma River Local Advisory Committee (K. Romano)
- Steering Committee for the Implementation of the Master Plan (B. Garland/K. Chewning /VACANT/J. Monroe)

Chair Garland noted that the Board should be reviewing impact fees. Mr. Brooks stated he had reached out to Bruce Mayberry for assistance with updating the impact fees. It is usually done every 2-3 years, and it has been 3-years since the last update. In 2021, SCIMP could work toward a fresh approach to tallying up what has been accomplished and considering next steps.

- West Lebanon Revitalization Advisory Committee (L. Stavis)
- Planning & Development Department – Task Status (D. Brooks/ M. Goodwin/T. Corwin/R. Owens)

Mr. Brooks noted that Staff sent out the meeting and review schedule for 2021, which is a continuation of the present schedule for meetings and development review.

A MOTION by Kathie Romano to adopt the proposed meeting schedule for 2021.

Seconded by Joan Monroe

Roll Call Vote:

Voting in Favor – Mr. Rutter, Ms. Liot Hill, Ms. Monroe, Ms. Romano, Ms. Chewning, Ms. Stavis, Mr. Hill, Mr. Garland

****The MOTION was approved (8-0).***

Ms. Monroe suggested that a one-page printout of the definitions of workforce housing and affordable housing would be helpful to the Board.

A MOTION by Kathie Romano to extend the meeting to 9:45 PM.

Seconded by Jeremy Rutter

Roll Call Vote:

Voting in Favor – Mr. Rutter, Ms. Liot Hill, Ms. Romano, Ms. Chewning, Ms. Stavis, Mr. Garland

Voting Against – Ms. Monroe, Mr. Hall

****The MOTION was approved (6-2).***

4. Other Business

- B. Zoning Ordinance Amendments: Review and comment to City Council on proposed amendments to the Zoning Ordinance - Continued Discussion

Mr. Corwin addressed the Board's feedback regarding the rehabilitation facilities discussion and the staff had prepared a new proposed definition for an inpatient rehabilitation facility:

INPATIENT REHABILITATION FACILITY: A medical facility licensed by the State of New Hampshire to provide intensive rehabilitative services to patients with complex conditions requiring daily therapy and, in some instances, overnight stays. Such facilities must be primarily focused on providing hospital-level care and intensive rehabilitation after an illness, injury or surgery. The term “inpatient rehabilitation facility” shall not include a *hospital* or *nursing home*.

Mr. Corwin suggested such facilities be allowed in the same zones where a hospital is currently allowed including in the R3 zone and the Medical Center districts. He also suggested that they be allowed in the GC1 district.

Chair Garland inquired about this type of facility in regard to parking and traffic.

Chip Brown, who is a realtor in Lebanon, stated that there is no large amount of traffic. A typical facility would have 25-40 beds, with patients staying for roughly two weeks at a time. He was approached to find a site in Lebanon, but DHMC has tied up the Medical Center District, and few parcels in the R3 are large enough. It made sense to consider the Route 120 corridor which is mostly light industrial and provides larger sites.

Ms. Romano expressed the concern over bringing in a drug rehab facility and asked if there is a short-term definition that precludes long term treatment of a month or more. Mr. Brown stated that the operator he is working with is developing these facilities around the country, and they have nothing to do with drug rehabilitation. Typically, they are concerned with stroke, intensive therapy, and a high level of care. The City should define it. Ms. Stavis suggested that the City could craft something that would preclude substance abuse rehabilitation. Mr. Corwin stated that Staff could explore ways of doing that in consultation with legal counsel. It was agreed that Staff would pursue it.

5. Approval of Minutes

A. October 26, 2020

Page 2, line 28 –correlated color temperature, or CCT

Page 2, line 41 – change homeowners to property owners

Page 3, lines 23-24, add local and state officials, and stakeholders

Page 3, lines 30-31 – to read, “There is a question of the status of funds approved for demolition that has not happened.”

A MOTION by Matthew Hall to approve the minutes of the October 26, 2020 meeting as amended. Seconded by Jeremy Rutter.

Roll Call Vote:

Voting in Favor – Mr. Garland, Mr. Hall, Ms. Romano, Mr. Rutter, Ms. Chewning, , Ms. Monroe. Mr. Winny, Ms. Stavis

****The MOTION was approved (8-0).***

6. Adjournment

***A MOTION by Matthew Hall to adjourn the meeting.
Seconded by Laurel Stavis.***

Roll Call Vote:

Voting in Favor – Mr. Garland, Mr. Hall, Ms. Romano, Mr. Rutter, Ms. Chewning, Ms. Monroe. Ms. Stavis, Ms. Liot Hill

****The MOTION was approved (8-0).***

The meeting was adjourned at 9:35 PM.

Respectfully submitted,
Holly Howes
Recording Secretary