

FINAL

LEBANON PLANNING BOARD
Regular Session
Monday, March 20, 2023, 6:30 PM
Council Chambers, City Hall
or Remote Via Microsoft Teams
LebanonNH.gov/Live

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

MEMBERS ABSENT: Laurel Stavis

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

1. Call to Order

Chair Hall called the meeting to order at 6:37 PM.

Tom Jasinski was appointed for an absent member.

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

2. Notice of Regional Impact

The following applications were received by the Planning and Development Department on or before March 13, 2023:

Vincent & Tarah Cantore, 121 Slayton Hill Road (Tax Map 134, Lot 10), zoned RL-2: Request for approval of a proposed three (3)-lot Minor Subdivision. **PB2023-13-MIN**

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 per Section 213.8.B of the Zoning Ordinance to waive the public school impact fees for an approved 18-unit multi-family conversion (PB2020-29-SPR & PB2022-54-SPR). **PB2023-14-SPA**

Irving Oil Marketing (applicant), Rancho Lebanon, LLC & Cobalt Prop NH Corp (property owners), 200 South Main Street (Tax Map 114, Lot 5) & 206 South Main Street (Tax Map 115, Lot 1), zoned GC: Request for Site Plan Review to construct a +/- 4,465 sq. ft. convenience store on the site of a closed laundromat at 200 South Main Street and six (6) fuel dispenser islands with an overhead canopy on the site of a closed convenience store at 206 South Main Street, together with shared access and associated site improvements. **PB2023-15-SPR**

Mr. Corwin stated that none of the applications has the potential for regional impact.

A MOTION by Bruce Garland that the above applications do not have the potential for regional impact.

The motion was seconded by Jeremy Rutter.

Roll Call Vote:

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

Voting Against – None

****The MOTION was approved (7-0).***

3. Public Hearing Items

- A. 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 from February 13, 2023****

Mr. Corwin reminded the Board and those present that the Planning Board is reviewing the application as a governmental use, which meant there would be no decision on the application. The Board's role would be to provide feedback to the Lebanon School District regarding their plan.

Jeff Goodrich of Pathways Consulting appeared in support of the application.

Mr. Goodrich described the scope of the plan.

The Board members commented on:

- outdoor lighting (which will not be changed)
- following the landscaping regulations at the new entrance and the new band room
- correcting the labels on the surrounding roads
- the proposed demolition and paving

Chair Hall invited public comment.

David Kroner, who lives across the street, commented on the damage done to his property by past construction and changes to the parking area. He also noted the drainage issues from the school property and the loss of .5 acre of his property to date from erosion.

Marianne Peters of West Lebanon asked that consideration of safety and security be included in the plan.

Charles Depuy, a member of Tree Advisory Board, noted that the parking lot is the hottest place in the city. He noted the 30% canopy required by the Site Plan Regulations.

Mr. Reichert commented on the lack of traffic control for the site and ADA accessibility.

Chair Hall suggested recommending landscaping, parking lot shading, and traffic control.

A MOTION by Bruce Garland that the Planning Board recommend landscaping, parking lot shading, and traffic control be considered in the Lebanon School District site plan.

The motion was seconded by Jeremy Rutter.

Roll Call Vote:

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

Voting Against – None

****The MOTION was approved (7-0).***

- 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 to be postponed to April 10, 2023.**

Mr. Corwin and the Board members discussed the merits of postponing the application.

Mr. Corwin recommended postponing the application and requiring a second noticing of the hearing paid by the applicant.

A MOTION by Bruce Garland to postpone the hearing of Eric & Susan Cole, 162 Mechanic Street (Tax Map 105, Lot 14), zoned R-2, with the applicant covering the cost of a second notice for the hearing.

The motion was seconded by Kim Chewning.

Roll Call Vote:

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

Voting Against – Tom Jasinski

****The MOTION was approved (6-1).***

- C. 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 recommends the application is complete enough for the Planning Board to accept jurisdiction and commence review.

A MOTION by Jeremy Rutter that the Lebanon Planning Board finds the application of Basic Holdings, LLC, PB2023-10-EXT, is complete enough to accept jurisdiction and commence review.

The motion was seconded by Bruce Garland.

Roll Call Vote:

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

Voting Against – None

****The MOTION was approved (7-0).***

Atty. Nate Stearns and Jeff Shapiro of Basic Holdings, LLC, appeared in support of the application.

Mr. Stearns updated the Board on the progress to date and the need for an extension.

Mr. Corwin noted that the project is a subdivision and subject to the regulations, and the extension would be for recording of the plat.

Chair Hall reviewed the requirements for granting an extension.

Mr. Stearns stated that several conditions have been completed to date. The items not completed by the two-year date are submission of the final plans, coordinating the plan for a sidewalk with NH DOT, and the need for a general contractor before 2024. Mr. Shapiro stated that there was a contractor initially, but that person was not able to continue. A new contractor is in the process of pricing the project and would be ready to work.

Mr. Jasinski inquired how not having the general contractor could affect the recording of the plat. Mr. Stearns explained that having the general contractor's input for the final plans would be important.

Mr. Corwin explained the dates specified in the approval motion.

Chair Hall invited public comment.

Steve Arcone of 40 Oak Ridge Road inquired about the sewage issue and the drainage due to the warmer temps this year and several thaws. He noted the previous plans for snow storage and drainage. Mr. Stearns stated that the Hanover tie-in for sewage was approved and the permit from the NH DES was received. With respect to drainage, there is an Alteration of Terrain Permit from DES, and the stormwater plans were reviewed.

Chair Hall closed the public hearing.

A MOTION by Jeremy Rutter that the Lebanon Planning Board **APPROVE** the application of Basic Holdings, LLC for an extension of time per Section 7.12.C of the Subdivision Regulations 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), originally approved by the Planning Board on May 17, 2021, PB2020-31-FMAJ, 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 7.12.C of the Subdivision 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. 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. The approved plat shall be recorded in the Grafton County Registry of Deeds by no later than **June 28, 2025**, subject to Section 7.11 of the Subdivision Regulations requiring completion of the required improvements or acceptance of security for the construction and installation of such required improvements prior to the recording of the plat, and subject to all conditions precedent set forth in the Planning Board Notice of Action (PB2020-31-FAMJ).
3. “Active and substantial development,” as defined in Section 14.1.B.1.a of the Subdivision Regulations, shall be achieved within two (2) years from the date of the recording of the plat (14.1.B.1.b), subject to an extension if applied for by the applicant and if approved by the Planning Board per Section 14.1.B.1.b. If active and substantial development is not achieved within two (2) years from the date of the recording of the plat, the plat may be revoked pursuant to Section 14.1.C (“Default of the Applicant”).
4. “Substantial completion,” as defined in Section 14.1.B.2.a of the Subdivision Regulations, shall be achieved within five (5) years from the date of the recording of the plat. If substantial completion is not achieved within five (5) years from the date of the recording of the plat, the plat may be revoked pursuant to Section 14.1.C (“Default of the Applicant”).
5. The applicant shall update all Subdivision Agreements, Security Agreements, and other documents, as necessary, to reflect the dates of the extended approval (per Section 14.1.B.1.c of the Subdivision Regulations).
6. Except as modified by this approval, the applicant shall satisfy and comply with the Planning Board Notice of Action for PB2020-31-FMAJ, and all conditions of approval thereof.

The motion was seconded by Bruce Garland.

Chair Hall noted that the Board may want to state the reasons for granting the request.

Roll Call Vote:

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

Voting Against – None

****The MOTION was approved (7-0).***

- 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 to be postponed to April 10, 2023.****

Mr. Corwin stated that the Board recommended that a third-party reviewer be hired to comment on the traffic study. The applicant wanted time to review the study and make any changes necessary.

A MOTION by Jeremy Rutter to postpone the application of NH Group, LLC (applicant), 369 Miracle Mile LLC (property owner), PB2023-04-SPR to April 10, 2023 at 6:30 PM.

The motion was seconded by Bruce Garland.

Roll Call Vote:

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

Voting Against – None

****The MOTION was approved (7-0).***

- E. ***REVISED NOTICE - 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). Applicant also requests a Conditional Use Permit pursuant to per Section 607.3.B.2 of the Zoning Ordinance to provide off-street parking spaces in excess of 120% of the minimum number required to be provided for the proposed use. - ***Continued from February 13, 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 Jeremy Rutter that the Lebanon Planning Board finds the application of Upper Valley Technology Park, LLC, PB2023-07-SPR, is complete enough to accept jurisdiction and commence review.

The motion was seconded by Bruce Garland.

Roll Call Vote:

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

Voting Against – None

****The MOTION was approved (7-0).***

Civil Engineer and owner Adam Morse, property representative Robert Wells, and landscape architect Paul Simon appeared in support of the application.

Mr. Morse described the project as a food distribution center for Frito Lay and provided the details of the proposed site plan. He also gave the background for several of the waivers. Mr. Wells and Mr. Simon commented on the circumstances requiring the other waivers.

Mr. Corwin stated that Staff recommends hiring a third-party reviewer for on-site work and off-site work in the city's right of way to be specified in a condition of approval. Mr. Vincent noted that snow storage is now located outside the swale area, but the new location would be difficult to access. There is also a drainage pipe that crosses the property line. Mr. Morse described the snow storage plan to avoid the swale. Mr. Wells explained that both properties are owned by the same entity. Mr. Vincent suggested an easement. Mr. Wells stated that it will be addressed in their purchase and sale agreement.

The Board members discussed hours of operation, landscaping, and traffic flow.

Chair Hall invited public comment. There was none.

A MOTION by Jeremy Rutter that the Lebanon Planning Board **APPROVE** partial waivers for the application of Upper Valley Technology Park, LLC, PB2023-07-SPR, as follows:

- **Section 6.5.C.1** – requiring buildings and building facades to be visually and physically oriented to public ways
- **Section 6.5.C.2** – requiring at least one primary entrance to the building to face the public way on which the lot has frontage
- **Section 6.7.B.2** – requiring that the light intensity at adjoining streets or commercial property boundaries shall not exceed 0.5 foot-candles
- **Section 6.5.D.5** – requiring construction of a sidewalk along the property's frontage
- **Section 6.2.D** – landscaping around buildings requirements
- **Section 6.2.B.1** – perimeter landscaping requirements
- **Section 6.2.E.2** – requiring an 8 ft.-wide landscape bed at the end of each parking row

The motion was seconded by Bruce Garland.

Roll Call Vote:

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

Voting Against – None

***The MOTION was approved (7-0).**

A MOTION by Jeremy Rutter that based on testimony given, application materials presented, and supporting documents submitted, the Planning Board makes the following findings of fact:

1. The applicant proposes to construct a +/-6,000 sq. ft. building for a proposed food distribution and warehouse facility, together with associated site improvements. The development will be located on Lot 1 (134 Airpark Road) of a 3-lot industrial planned unit development approved on December 19, 2022 (PB2022-51-CUPMIN).
2. Applicant requests a Conditional Use Permit pursuant to Section 607.3.B.2 of the Zoning Ordinance to provide off-street parking spaces in excess of 120% of the minimum number required to be provided for the proposed use.
3. The applicant's proposed parking and parking calculations as set forth on the plan set titled, "Frito-Lay Product Exchange Center, Airpark Rd.," prepared by Engineering Ventures, PC, dated January 9, 2023, EV Project #22060.04 (18 sheets)

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Planning Board concludes that the applicant has demonstrated compliance with the criteria set forth in Section 607.3.B.2 of the Zoning Ordinance.

Now therefore be it resolved, the Planning Board, on this **20th day of March, 2023**, hereby **GRANTS** the

request of Upper Valley Technology Park, LLC for a Conditional Use Permit per Section 607.3.B of the Zoning Ordinance, as set forth above and per testimony, plans, and materials submitted in connection with PB2023-07-SPR, and per the following condition:

1. The Conditional Use Permit is contingent on approval of the site plan application of Upper Valley Technology Park, LLC for 0 Plainfield Road (Tax Map 131, Lot 3), PB2023-07-SPR, currently pending before the Board.

The motion was seconded by Kim Chewning.

Roll Call Vote:

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

Voting Against – None

****The MOTION was approved (7-0).***

Mr. Garland noted that there were no comments from the Fire Department. Mr. Corwin stated that no building permit would be issued unless the site plan is approved by the Fire Department. Several Board members agreed it would be important to see written comments from the Fire Department.

Chair Hall invited public comment. There was none.

Mr. Wells noted that the drainage plans may change after feedback from the DES.

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, regarding Lot 1 of a 3-lot industrial planned unit development at 0 Plainfield Road (Tax Map 131, Lot 3), zoned IND-L, PB2023-07-SPR, for Site Plan approval to construct a +/-6,000 sq. ft. building for a proposed food distribution and warehouse facility, together with associated site improvements as shown on a plan set titled “Frito-Lay Product Exchange Center, Airpark Rd.,” prepared by Engineering Ventures, PC, dated January 9, 2023, EV Project #22060.04 (18 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 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 and the City Engineer:
 - a) Update the tree planting detail on Sheet 17 that shows 3” of shredded bark mulch installed up to and covering the trunk flare to instead show the trunk flare above grade.
 - b) Identify an easement area over Lot 2 of the PUD in favor of Lot 1 for any portion of the stormwater management system proposed to be located on Lot 2, and add a note indicating that the easement deed will be recorded prior to construction.
 - 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 or 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.
14. Notification of the wetland impact shall be provided to the Zoning Administrator as required by Section 401.5 of the Zoning Ordinance.
15. A copy of the draft easement deed for any portion of the stormwater management system on Lot 2 of the PUD shall be submitted to the Planning & Development Department for review prior to signing and recording.

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

16. 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.
17. 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.
18. All water and sewer fees shall be paid as set forth in City Code Chapter 68.
19. 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

20. The impact fee calculated pursuant to Condition of Approval #17 shall be paid.

21. 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.
22. 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.

Roll Call Vote:

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

Voting Against – None

****The MOTION was approved (7-0).***

- 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 February 13, 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 Jeremy Rutter that the application of Grafton County Economic Development Council & North County Council, PB2022-48-SPR, is complete enough for the Lebanon Planning Board to accept jurisdiction and commence review.

The motion was seconded by Bruce Garland.

Roll Call Vote:

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

Voting Against – None

****The MOTION was approved (7-0).***

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

Mr. Nash explained the changes to the parking, which may require a site plan amendment. He provided the background for the waiver requests.

Mr. Corwin noted that it was difficult to understand the presentation of the plan, which would require a condition of approval to provide symbology to provide a clearer definition of what is existing and what is proposed. Mr. Vincent agreed. Mr. Corwin added that additional conditions of approval were proposed, but Staff has no comments on the waiver requests.

Chair Hall invited public comment. There was none.

Ms. Romano inquired about a change to the parking shown in the site plan. Mr. Nash stated that there would be a request to change the parking in phase two and clarified the location of the sidewalk. Mr. Garland asked about fire truck access. Mr. Nash explained the access for fire trucks.

A MOTION by Jeremy Rutter that the Lebanon Planning Board **APPROVE** partial waivers for the application of Grafton County Economic Development Council & North County Council, PB2022-48-SPR, as follows:

- **Section 5.1.E.7** – requiring the plans to depict the shape, size, height, and location of all existing structures, located on the site and within 200 feet of the site
- **Section 5.1.E.16** – requiring a landscaping plan

The motion was seconded by Kim Chewning.

Ms. Romano asked for confirmation that this is a partial request regarding landscaping in the parking area. Mr. Nash stated that it was.

Roll Call Vote:

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

Voting Against – None

***The MOTION was approved (7-0).**

Chair Hall closed the Public Hearing.

A MOTION by Jeremy Rutter that the Lebanon Planning Board **APPROVE** the application of Grafton County Economic Development Council & North County Council, regarding 16 Cavendish Court (Tax Map 10, Lot 11, Plot 3600), zoned IND-L, PB2022-48-SPR, for Site Plan approval to construct additional parking as shown on a plan set titled “DRTC,” prepared by Advanced Geomatics & Design, dated October 10, 2022, last revised February 27, 2023, PN: 22-011 (16 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 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 Any Construction Activities

8. 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. Provide additional call outs (notes) for the features proposed to be added to the site. For example, curb type(s) and locations, curb/pavement radii, catch basin rim, inverts, and sump elevations, pipe types, diameters, lengths, and slopes, parking spaces and aisle dimensions, and any other site features that are ‘shown’ as lines or symbols.
 - b. Provide deep sump catch basins in the two catch basin structures (3 or 4 feet deep) for stormwater pre-treatment.
 - c. Update the “Zoning Comparison” chart and the information required by Section 5.1.E.4 of the Site Plan Review Regulations to remove data based on the proposed future northern parking lot expansion.
 - d. On the cover sheet, provide all parking figures and calculations as required by Section 5.1.E.4.e.5.
 - e. On the cover sheet, identify minimum required number of handicap accessible parking spaces and calculations, and update relevant plan sheets accordingly.
 - f. Update the number of existing and proposed parking spaces identified on the cover sheet to match the number of existing and proposed parking spaces shown on the remaining sheets in the plan set.
 - g. Identify color correlated temperature (CCT) for proposed lighting in compliance with Section 6.7.B.9.
9. Submit an updated stormwater management system operations & maintenance plan to the satisfaction of the City Engineer.

10. All engineering review fees shall be paid in full as required by Section 4.7.E.1 of the Site Plan Review Regulations.
11. The applicant shall obtain or update (if appropriate) any required State approvals.
12. All water and sewer fees shall be paid as set forth in City Code Chapter 68.

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

13. 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.

Roll Call Vote:

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

Voting Against – None

**The MOTION was approved (7-0).*

4. Other Business

Mr. Reichert reported on a recent grant, which allows three city representatives to attend a Housing Academy. Mayor McNamara and Mr. Reichert will be attending, and Kim Chewning volunteered to be the third attendee. Mr. Reichert described the scope of the project.

Mr. Reichert noted that a Housing Master Plan Update Committee would be coming soon.

Mr. Rutter shared the opportunity for attending a workshop on March 31, 2023, and Ms. Owens stated that an email was sent that day regarding the workshop.

5. Approval of Minutes

A. February 13, 2023

Page 1, line 3 – Delete “Vice” before Chair Hall.

Page 18, line 31 – Replace one instance of Ms. Romano voting, which should be Ms. Chewning.

A MOTION by Bruce Garland to approve the Planning Board Minutes of February 13, 2023, as amended.

The motion was seconded by Jeremy Rutter.

Roll Call Vote:

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

Voting Against – None

**The MOTION was approved (7-0).*

6. Adjournment

A MOTION by Bruce Garland to adjourn the meeting.

The motion was seconded by Jeremy Rutter.

Roll Call Vote:

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

Voting Against – None

****The MOTION was approved (7-0).***

The meeting was adjourned at 9:24 PM.

Respectfully submitted,

Holly Howes
Recording Secretary