



**LEBANON PLANNING BOARD
AUGUST 14, 2023 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

-
- 1. Call to Order**
 - 2. Notice of Regional Impact**
 - 3. Public Hearing Items**
 - A. XYZ Dairy, LLC, River Park Drive (Tax Map 44, Lots 3 & 7, and Tax Map 44, Lots 21-30), zoned CBD, IND-L and R-3:** Request to amend the conditions of approval for the River Park development, approved by the Planning Board pursuant to Notices of Action dated September 9, 2019 for PB2018-34-and October 12, 2012 for PB2021-29-EXT. **PB2023-22-SPA - Continued from July 10, 2023**
 - B. XYZ Dairy, LLC, River Park Drive (Tax Map 44, Lots 3 & 7, and Tax Map 44, Lots 21-30), zoned CBD, IND-L and R-3:** Appeal of administrative decision to require Minor Site Plan Review per Section 3.1.C of the Site Plan Review Regulations for a proposed restaurant use. **PB2023-23-AAD - Continued from July 10, 2023**
 - C. Mount Support Development, LLC (applicant/property owner) and Pat Lumber Jack, Inc. (property owner), 402 & 392 Mount Support Road (Tax Map 24, Lots 9 & 10), zoned R-1:** Request to amend the phasing schedule for a 4-building, 204-unit multi-family development originally approved on February 14, 2022 (PB2021-33-SPR). **PB2023-27-SPA**
 - D. Mary Hitchcock Memorial Hospital, 1 Medical Center Drive (Tax Map 10, Lot 8), zoned MC:** Request for a site plan amendment to amend the phasing schedule for an expansion of the Dartmouth Health Outpatient Surgery building at 32 Lahaye Drive, originally approved on June 13, 2022 (PB2022-23-SPR), and to install a temporary trailer per Section 211.4 of the Zoning Ordinance for additional breakroom space during construction. **PB2023-28-SPA**
 - 4. Other Business**
 - 5. Approval of Minutes**
 - A. July 10, 2023**
 - 6. Adjournment**

The order of agenda items is subject to change.

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note:

Lebanon Planning Board Agenda
August 14, 2023

Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

CITY OF LEBANON
APPLICATION FOR

SPECIAL EXCEPTION	☐	☐	SITE PLAN REVIEW
VARIANCE	☐	☐	SUBDIVISION
MOTION FOR REHEARING	☐	☐	LOT LINE ADJUSTMENT
APPEAL OF AN ADMIN. DECISION	☐	☐	CONDITIONAL USE PERMIT

☒ OTHER Amend Approval for Phased Site Plan**PROPERTY OWNER (APPLICANT):**

NAME: Mount Support Development LLC

TEL.#: 802-343-6300

MAILING ADDRESS: Braverman Co. 214 Barnes Hill Rd, Stowe, VT 05672 // Anaganost Invst, 1662 Elm St, Manchester, NH 03101

E-MAIL ADDRESS: kb@bravermancompany.com

CO-APPLICANT, AGENT, OR LESSEE:

NAME: Engineering Ventures (Adam Morse)

TEL.#: 603-727-7031

MAILING ADDRESS: 85 Mechanic St., Ste. E2-3, Lebanon, NH 03766

E-MAIL ADDRESS: adamm@engineeringventures.com

PROJECT LOCATION:

TAX MAP #: 24

LOT#: 9 & 10

PLOT #:

ZONE: R1

STREET ADDRESS OF PROJECT: 402 & 392 Mount Support Road

IS THIS PROPERTY LOCATED IN THE: **WETLANDS** ☒ YES ☐ NO **HISTORIC DISTRICT** ☐ YES ☒ NO
FLOOD PLAIN ☐ YES ☒ NO

SCOPE OF PROJECT:

Amend the 402 Mt. Support Multifamily Housing Development project phasing schedule. Infrastructure work has not commenced. An extension of the phasing schedule is requested.

TYPE OF OCCUPANCY:

EXISTING ☐ VACANT ☒ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL
 PROPOSED ☐ VACANT ☐ ONE FAMILY ☐ TWO FAMILY ☒ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL

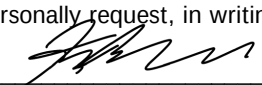
IF USE IS COMMERCIAL OR INDUSTRIAL, PLEASE NOTE SPECIFIC

USE: _____

SIGNATURE BLOCK:

FOR PLANNING BOARD APPLICATIONS ONLY: I, the undersigned, hereby submit this application on the date noted below with the knowledge and understanding that the Planning Board shall determine if the submitted application is complete according to its regulations at its next regularly scheduled meeting on August, 2023, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

PROPERTY

OWNER: 

DATE: 6/30/23

NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW: I hereby designate the person listed above as my agent for the purpose of procuring the necessary local permits for the proposed work as described herein. Representations made by my agent may be accepted as though made by me personally, and I understand that I am bound by any official decision made on the basis of such representation.

PROPERTY

OWNER: _____

DATE: _____

DATE RECEIVED	FILE # (MAP/LOT)	APPLICATION #	FEE - \$ AMOUNT	DATE PAID	VOUCHER #
7-10-2023	24-9&10	PB2023-27-SPA			

**CITY OF LEBANON
APPLICATION FOR**

SPECIAL EXCEPTION	☐	☐	SITE PLAN REVIEW
VARIANCE	☐	☐	SUBDIVISION
MOTION FOR REHEARING	☐	☐	LOT LINE ADJUSTMENT
APPEAL OF AN ADMIN. DECISION	☐	☐	CONDITIONAL USE PERMIT

☒ **OTHER** Amend Approval for Phased Site Plan

PROPERTY OWNER (APPLICANT):

NAME: Pat Lumber Jack Inc. TEL.#: 603.746.4923

MAILING ADDRESS: James P. Fredyma109 Carriage Ln, Contoocook, NH 03229

E-MAIL ADDRESS: fredymaj@comcast.net

CO-APPLICANT, AGENT, OR LESSEE:

NAME: Mount Support Development LLC TEL.#: 802-343-6300

MAILING ADDRESS: Braverman Co. 214 Barnes Hill Rd, Stowe, VT 05672 // Anaganost Invst, 1662 Elm St, Manchester, NH 03101

E-MAIL ADDRESS: kb@bravermancompany.com

PROJECT LOCATION:

TAX MAP #: 24 LOT#: 9 & 10 PLOT #: ZONE: R1

STREET ADDRESS OF PROJECT: 402 & 392 Mount Support Road

IS THIS PROPERTY LOCATED IN THE: **WETLANDS** ☒ YES ☐ NO **HISTORIC DISTRICT** ☐ YES ☒ NO
FLOOD PLAIN ☐ YES ☒ NO

SCOPE OF PROJECT:

Amend the 402 Mt. Support Multifamily Housing Development project phasing schedule. Infrastructure work has not commenced. An extension of the phasing schedule is requested.

TYPE OF OCCUPANCY:

EXISTING ☐ VACANT ☒ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL
PROPOSED ☐ VACANT ☐ ONE FAMILY ☐ TWO FAMILY ☒ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL

IF USE IS **COMMERCIAL** OR **INDUSTRIAL**, PLEASE NOTE **SPECIFIC**

USE:

SIGNATURE BLOCK:

J.P. Fredyma

FOR PLANNING BOARD APPLICATIONS ONLY: I, the undersigned, hereby submit this application on the date noted below with the knowledge and understanding that the Planning Board shall determine if the submitted application is complete according to its regulations at its next regularly scheduled meeting on _____, 20____, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

PROPERTY

OWNER: _____ DATE: _____

NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW: I hereby designate the person listed above as my agent for the purpose of procuring the necessary local permits for the proposed work as described herein. Representations made by my agent may be accepted as though made by me personally, and I understand that I am bound by any official decision made on the basis of such representation.

PROPERTY

OWNER: _____ DATE: _____

DATE RECEIVED	FILE # (MAP/LOT)	APPLICATION #	FEE - \$ AMOUNT	DATE PAID	VOUCHER #

(Last Revised 4/04/18)

208 Flynn Avenue, Suite 2A, Burlington, VT 05401 • Tel: 802-863-6225
85 Mechanic Street, Suite E2-3, Lebanon, NH 03766 • Tel: 603-442-9333
414 Union Street, Schenectady, NY 12305 • Tel: 518-630-9614

June 28, 2023

Lebanon Planning Board
51 North Park St
Lebanon, NH 03766

**RE: Site Plan Review Application #PB2021-33-SPR – Phasing Amendment
402 Mt Support Rd. Residential Development
Tax Map 24 Lots 9 & 10**

Dear Lebanon Planning Board,

On behalf of Mt Support Development LLC, we are writing to request an extension of the Project Phasing Plan, which was approved on December 13, 2021.

Due to unforeseen circumstances Active and Substantial Development is not anticipated to commence until after August 31, 2023, as required by condition 17 of the NOA. Therefore, an extension of the approved Project Phasing Plan is requested. The revised Project Phasing Plan has been provided with this submittal for your consideration.

We look forward to presenting this project to you at the next available hearing. If you have any questions or comments or require any additional information prior to the hearing, please give our office a call.

Sincerely,
ENGINEERING VENTURES, PC



Adam Morse, PE
Project Manager

cc: (via email): Dick Anagnost, Ken Braverman, Nik Fiore, Kevin Worden

July 27, 2023

Lebanon Planning Board
51 North Park St
Lebanon, NH 03766

**RE: Site Plan Review Application #PB2021-33-SPR – Phasing Amendment
402 Mt Support Rd. Residential Development
Tax Map 24 Lots 9 & 10**

Dear Lebanon Planning Board,

On behalf of Mt Support Development LLC, we are writing to request an extension of the Project Phasing Plan, which was approved on December 13, 2021. Due to the unforeseen circumstances outlined below, Active and Substantial Development is not anticipated to commence until after August 31, 2023, as required by condition 17 of the NOA. Therefore, an extension of the approved Project Phasing Plan is requested. The revised project phasing plan is included with this submission for your review.

The construction of the proposed project has not advanced as originally scheduled due to a combination of factors driven by the global pandemic including rapidly escalating construction costs, supply chain and labor challenges, and dramatic increases in financing costs / interest rates. We respectfully request that the Planning Board consider these unforeseen circumstances as “good cause” and a reasonable basis for considering the revised project schedule.

We look forward to presenting this project to you at the next available hearing. If you have any questions or comments or require any additional information prior to the hearing, please give our office a call.

Sincerely,
ENGINEERING VENTURES, PC



Adam Morse, PE
Project Manager

cc: (via email): Dick Anagnost, Ken Braverman, Nik Fiore, Kevin Worden

PROJECT PHASING

PHASE 1 - (INCLUDES SITE WIDE BASE PREPARATION TO BRING ALL BUILDINGS TO A "PAD READY" STATE)

PHASE 1 SCHEDULE	
SUBMIT BUILDING PERMIT	8/1/2025
COMMENCE ACTIVE & SUBSTANTIAL DEVELOPMENT	8/31/2025
SUBSTANTIAL COMPLETION	12/31/2026

- MOBILIZE ON SITE, INSTALL CONSTRUCTION ENTRANCE
- BASE LAYOUT, FLAG FOR CLEARING AND WETLANDS DELINEATION
- INSTALL EROSION CONTROL MEASURES
- CLEAR AND GRUB WOODED AREAS
- INSTALL UTILITY INFRASTRUCTURE FOR SEWER, WATER, STORM DRAINAGE AND UNDERGROUND
- PHONE/CABLE/ELECTRIC AND GAS
- INSTALL SITE LIGHTING
- RETAINING WALL CONSTRUCTION
- INSTALL SELECTED ROADWAY/PARKING GRAVELS
- BASE COAT PAVING
- CONSTRUCT FOUNDATIONS FOR BUILDINGS 1, 2, 3 AND 4
- CONSTRUCT BUILDING 1 (INCLUDING ASSOCIATED SIDEWALKS, LANDSCAPING, DUMPSTER PAD/ENCLOSURE, FENCING, MISC. CONCRETE PADS AND TEMPORARY PAVEMENT STRIPING)

PHASE 2

PHASE 2 SCHEDULE	
SUBMIT BUILDING PERMIT	8/1/2025
COMMENCE ACTIVE & SUBSTANTIAL DEVELOPMENT	8/31/2025
SUBSTANTIAL COMPLETION	12/31/2026

- CONSTRUCT BUILDING 3 (INCLUDING ASSOCIATED DRIVEWAYS, PARKING, SIDEWALKS, LANDSCAPING, DUMPSTER PAD/ENCLOSURE, FENCING, MISC. CONCRETE PADS AND TEMPORARY PAVEMENT STRIPING)

PHASE 3

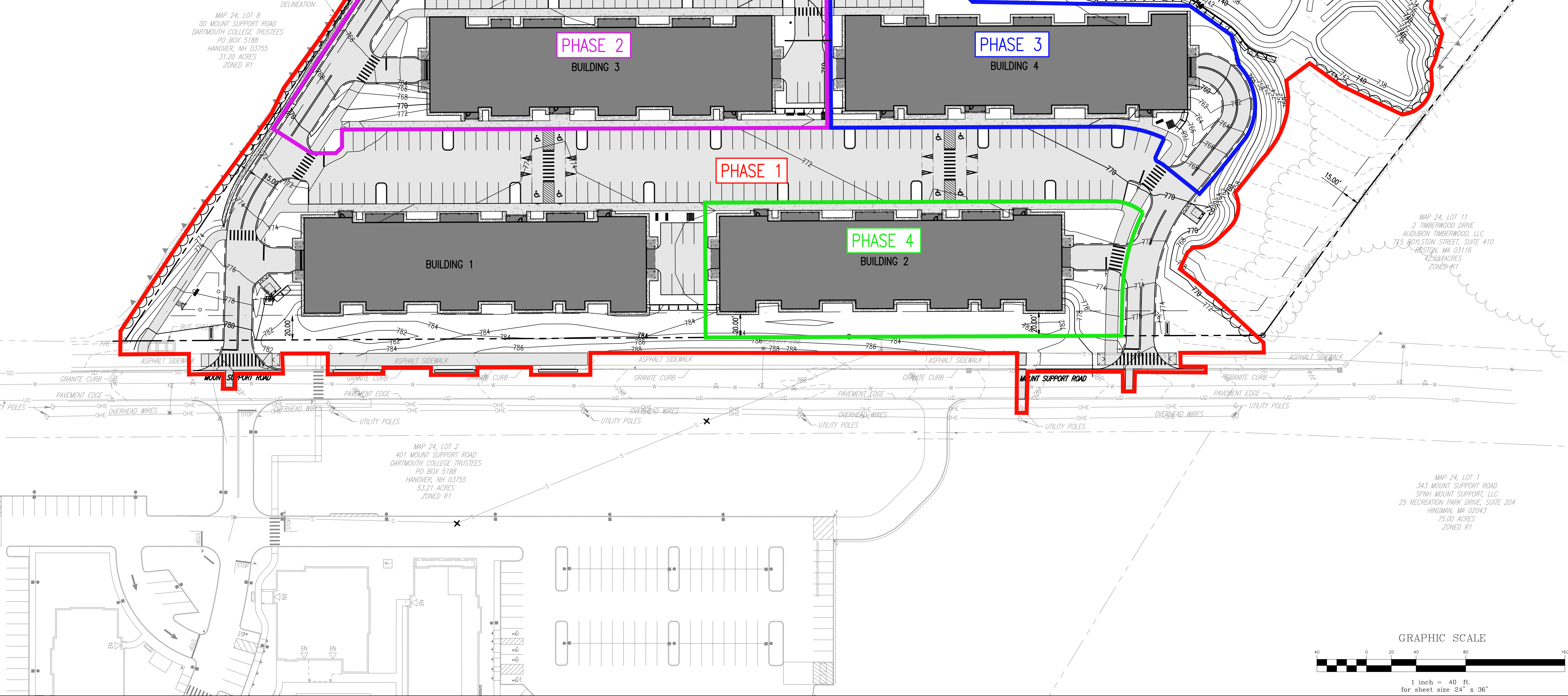
PHASE 3 SCHEDULE	
SUBMIT BUILDING PERMIT	4/1/2026
COMMENCE ACTIVE & SUBSTANTIAL DEVELOPMENT	5/1/2026
SUBSTANTIAL COMPLETION	9/1/2027

- CONSTRUCT BUILDING 4 (INCLUDING ASSOCIATED DRIVEWAYS, PARKING, SIDEWALKS, LANDSCAPING, DUMPSTER PAD/ENCLOSURE, FENCING, MISC. CONCRETE PADS AND TEMPORARY PAVEMENT STRIPING)

PHASE 4

- CONSTRUCT BUILDING 2 (INCLUDING ASSOCIATED SIDEWALKS, LANDSCAPING, DUMPSTER PAD/ENCLOSURE, FENCING, MISC. CONCRETE PADS AND TEMPORARY PAVEMENT STRIPING)
- ENTIRE SITE TOP COAT PAVING AND PERMANENT PARKING STRIPING
- AS-BUILT DRAWINGS

PHASE 4 SCHEDULE	
SUBMIT BUILDING PERMIT	4/1/2026
COMMENCE ACTIVE & SUBSTANTIAL DEVELOPMENT	5/1/2026
SUBSTANTIAL COMPLETION	9/1/2027



Stamp	
Date	12/20/21
Revised Per Staff Review Comments	02/14/22
Revised Per Owner	07/27/23
Revised Phasing Schedule	
No.	
Description	

ENGINEERING VENTURES PC

208 Flynn Avenue, Suite 2A, Burlington, VT 05401 • 802-863-6225
85 Mechanic Street, Suite E2-3, Lebanon, NH 03766 • 603-442-9333
414 Union Street, Schenectady, NY 12305 • 518-630-9614
www.engineeringventures.com

MT SUPPORT DEVELOPMENT, LLC
ANAGOST INVESTMENTS
& THE BRAVERMAN COMPANY
214 BARNES HILL ROAD
STOWE, VT 05672
802-343-6330

PROJECT PHASING PLAN

402 MT SUPPORT ROAD
RESIDENTIAL DEVELOPMENT
CITY OF LEBANON, GRAFTON COUNTY, NEW HAMPSHIRE

EV Project # 19324
Drawn By: JWF
Checked By: NAF
Scale: 1" = 40'
Date: 12/13/2021

C0.3

CITY OF LEBANON
APPLICATION FOR

SPECIAL EXCEPTION	☐	☒ SITE PLAN REVIEW AMENDMENT
VARIANCE	☐	☐ SUBDIVISION
MOTION FOR REHEARING	☐	☐ LOT LINE ADJUSTMENT
APPEAL OF AN ADMIN. DECISION	☐	☐ CONDITIONAL USE PERMIT
☐ OTHER _____		

PROPERTY OWNER (APPLICANT):

NAME: Mary Hitchcock Memorial Hospital TEL.#: (603) 650-5741

MAILING ADDRESS: Attn: David Stiger, One Medical Center Drive, Lebanon, NH 03756

E-MAIL ADDRESS: David.L.Stiger@hitchcock.org

CO-APPLICANT, AGENT, OR LESSEE:

NAME: Engineering Ventures, P.C. TEL.#: (603) 442-9333 603-727-7029

MAILING ADDRESS: Attn: Nicholas Fiore, 85 Mechanic Street, Suite B2-2, Lebanon, NH, 03766

E-MAIL ADDRESS: nikf@engineeringventures.com

PROJECT LOCATION:

TAX MAP #: 10 LOT#: 8 PLOT #: _____ ZONE: MC

STREET ADDRESS OF PROJECT: One Medical Center Drive, Lebanon, NH 03766

IS THIS PROPERTY LOCATED IN THE: **WETLANDS** ☐ YES ☒ NO **HISTORIC DISTRICT** ☐ YES ☒ NO
FLOOD PLAIN ☐ YES ☒ NO

SCOPE OF PROJECT:

Amendment to PB2022-23-SPR to place a temporary trailer on site for use as additional staff break room until Phase 2 of the large project begins construction.

TYPE OF OCCUPANCY:

EXISTING ☐ VACANT ☐ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☒ COMMERCIAL ☐ INDUSTRIAL
PROPOSED ☐ VACANT ☐ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☒ COMMERCIAL ☐ INDUSTRIAL
IF USE IS **COMMERCIAL** OR **INDUSTRIAL**, PLEASE NOTE **SPECIFIC**
USE: Medical Center

SIGNATURE BLOCK:

FOR PLANNING BOARD APPLICATIONS ONLY: I, the undersigned, hereby submit this application on the date noted below with the knowledge and understanding that the Planning Board shall determine if the submitted application is complete according to its regulations at its next regularly scheduled meeting on _____, 20____, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

PROPERTY OWNER: David Stiger
Digitally signed by David Stiger
DN: C=US, E=david.l.stiger@hitchcock.org, O=Mary Hitchcock Memorial Hospital, OU=Director Design and Construction, CN=David Stiger
Date: 2023.07.06 13:58:49-04'00'

DATE: _____

NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW: I hereby designate the person listed above as my agent for the purpose of procuring the necessary local permits for the proposed work as described herein. Representations made by my agent may be accepted as though made by me personally, and I understand that I am bound by any official decision made on the basis of such representation.

PROPERTY OWNER: David Stiger
Digitally signed by David Stiger
DN: C=US, E=david.l.stiger@hitchcock.org, O=Mary Hitchcock Memorial Hospital, OU=Director Design and Construction, CN=David Stiger
Date: 2023.07.06 13:59:11-04'00'

DATE: _____

DATE RECEIVED	FILE # (MAP/LOT)	APPLICATION #		
<u>7/10/2023</u>	<u>10-8</u>	<u>PB2023-28-SPA</u>		



208 Flynn Avenue, Suite 2A, Burlington, VT 05401 • Tel: 802-863-6225
85 Mechanic Street, Suite E2-3, Lebanon, NH 03766 • Tel: 603-442-9333
414 Union Street, Schenectady, NY 12305 • Tel: 518-630-9614

July 10, 2023

Chair Hall and the Lebanon Planning Board
via City of Lebanon Planning and Development Department
51 N. Park Street
Lebanon, NH 03766

RE: Site Plan Review Amendment Application
Dartmouth-Hitchcock Medical Center OSC Renovation
33 Medical Center Drive, Tax Map 10 Lot 8

Dear Chair Hall and the Lebanon Planning Board,

40'x10'

On behalf of Dartmouth-Hitchcock Medical Center (DHMC), Engineering Ventures is pleased to submit the enclosed application to amend an approved Site Plan for file number PB2022-23-SPR. The project is located at DHMC's Outpatient Surgery Center (OSC) which is within the DHMC campus at 36 Lahaye Drive, Tax Map 10 Lot 8.

Project Summary

The amendment to the approved Site Plan consists of two parts: 1) A revised construction phasing schedule, and 2) the temporary addition of a trailer for use as additional breakroom space.

Phasing:

The approved Site Plan included the following three phases:

- Phase 1A – Renovations and retrofits of existing interior spaces with no exterior work.
- Phase 1B – A 2-story addition off the northeast corner of the existing building.
- Phase 2 – An addition off the west side of the existing building.

Phases 1A and 1B are complete. Phase 2 was originally scheduled to begin in April 2023, and is now scheduled to begin in June 2024. The phasing plan is also adds a Phase 1C as described below.

Temporary Trailer (Phase 1C):

DHMC has installed a temporary trailer on the parking lot of the OCS site to provide additional breakroom space for employees of the facility. Building permit # 2022-0487 was issued for the structure on January 27, 2023. Lebanon Zoning Ordinance 211.4, C. states that a site plan application must be submitted for temporary structures within six months of receiving a zoning permit for said structure. This application is intended to satisfy that criterion. The trailer is located where Phase 2 is to be constructed, so it will be removed or relocated at the start of Phase 2 construction. DHMC is still weighing options, and relocating the trailer on site may require another site plan amendment.

Site Improvements

Placement of the trailer induced very minor site renovations. The trailer includes an elevated pedestrian access and a small asphalt ramp was added to the base of its ramp to connect to the OSC's sidewalk. One ADA parking space was also relocated from under the trailer's footprint. Overhead electrical and data services to the temporary structure come from the OSC. No new services will be added to the building.

This application is requesting waivers from landscaping and lighting requirements. As the structure is temporary, any landscaping would be removed before it got the chance to establish itself. Lighting is provided at the trailer's doors. These are prepackaged units of relatively low wattage. These lights will only be used during dark business hours of late Fall and Winter, and the temporary nature of these lights means they will have no long term or noticeable impact on night skies.

This project is also requesting a waiver from providing elevation drawings of the temporary structure as they were not readily available. Instead, this application includes photographs of the structure in place.

Current snow removal operations will not be significantly altered with the trailer in place.

On behalf of DHMC and the rest of the project team, thank you for your time and consideration with regard to this project and we look forward to reviewing this project with the Planning Board on August 14.

Sincerely,
ENGINEERING VENTURES, PC



Nicholas A. Fiore, PE
Principal/Project Manager

ENC: Application for Site Plan Review
Fee Schedule
Site Plan Review Technical Checklist
Certified Notification List
Application for Waivers
Site Photos
Revised plan sheets C200, C201-1, and C201-2

CC: David Stiger, DHMC

CITY OF LEBANON, NH SITE PLAN REVIEW REGULATIONS TECHNICAL CHECKLIST

PROJECT NAME:	
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Outpatient Surgery Center Renovation	
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APPLICANT:	DATE:
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DHMC	07/10/2023
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GENERAL SUBMISSION REQUIREMENTS:

All applications to the Planning Board for Site Plan Review must be submitted by 12:00 Noon on the day of the filing cutoff. [§4.7.B] Submissions must be accompanied by the following information or review of the application may be delayed:

A properly completed and signed Application Form *(available at www.lebanonnh.gov)*. [§5.1.A]

The appropriate filing fees. [§5.1.B]

A written project description. [§5.1.C]

A list of the names and mailing addresses of all persons to be notified, by certified mail, of the public hearing. [§5.1.D]

A completed and signed Application for Waivers *(available at www.lebanonnh.gov)* [§5.1.G.3]

A completed and signed Technical Checklist *(available at www.lebanonnh.gov)*. [§4.7.B]
[Applicants must complete the entire checklist to ensure that all necessary information and materials have been provided with the application or that written requests for waivers have been properly provided in accordance with Article VII of the Site Plan Review Regulations, as appropriate.]

Two (2) full-size sets of the Site Plan set. [§5.1.E]

A digital copy of the Site Plan set in .PDF format. [§5.1.F]

NOTE: Applications shall contain sufficient information to enable the City Staff and the Planning Board to evaluate the proposed development for compliance with the Zoning Ordinance, the Planning Board's Regulations, and other applicable City Codes, and for the Planning Board to make an informed decision.

All required application materials shall be submitted as a single inclusive package, including any appropriate waiver requests as permitted by the Regulations. Submission of a complete application package ensures that the review process by City Staff is as efficient and effective as possible.

The purpose of the filing deadline is to provide adequate time for City review of the proposal. Submission of any altered, additional, or substitute application materials required by Article V of these Regulations, subsequent to the filing deadline, other than as directed by City Staff, shall cause the application to be deemed untimely filed, and such application shall not be heard until a subsequent month.

CITY OF LEBANON, NH
SITE PLAN REVIEW REGULATIONS
TECHNICAL CHECKLIST & STORMWATER CHECKLIST

PLAN SUBMITTAL TECHNICAL CHECKLIST:

NOTE: Site plan drawings shall include the information described below pursuant to Article V of the Lebanon Site Plan Review Regulations. Plans shall be submitted on sheets no larger than 24" x 36". Plan sets with multiple sheets shall include sheets of uniform size and be bound on the left edge. When more than three (3) sheets are required, an additional cover sheet shall be attached including a table of contents. A scale of not smaller than one (1) inch equals 40 feet is suggested. All lettering shall be of a size and type that is legible.

In order to facilitate the use of the City's Geographic Information System (GIS) for planning purposes, all surveys and engineered plans submitted for Site Plan Review shall utilize the NH State Plane Coordinate system and shall reference the North American Vertical Datum of 1988 (NAVD 88), unless prior approval to use an alternate coordinate system and/or vertical datum is granted by the Planning & Development Department.

A written request for waiver shall be required, pursuant to Article VII of the Site Plan Review Regulations, for any submission requirement for which the information or data is not provided by the applicant. [§5.1.G(4)] NOTE: The submission requirements described in paragraphs 5.1.E(1) through 5.1.E(4) shall not be waivable under the procedures of Article VII of the Site Plan Review Regulations. [§5.1.E]

[Checklist begins on following page]

**CITY OF LEBANON, NH
SITE PLAN REVIEW REGULATIONS
TECHNICAL CHECKLIST & STORMWATER CHECKLIST**

[illegible]

X = Included with PB2022-SPR plan set
O = Included with this application

CITY OF LEBANON, NH
SITE PLAN REVIEW REGULATIONS
TECHNICAL CHECKLIST & STORMWATER CHECKLIST

Plan Requirements (cont.)	Info. Provided	Waiver Sought
5.1.E(6) - Existing and proposed grades, including topographic contours, with spot elevations. Where the grade is less than 20%, the contours shall be at 2-foot intervals; otherwise they shall be at 5-foot intervals. All contours shall be referenced to USGS or FEMA Flood Insurance Rate Map (FIRM) datums, as appropriate. Existing topographic information shall be prepared by a professional engineer registered in New Hampshire or land surveyor licensed in New Hampshire.	X	☐
5.1.E(7) - Shape, size, height, and location of all existing structures located on site and within 200 feet of site.	X	☐
5.1.E(7) - Elevation views indicating shape, size, height, and location of all proposed structures, including expansions of or additions to existing buildings. Such elevation views shall provide sufficient detail to allow for review by the Board and City staff of the adequacy of proposed access and egress points, walkways, lighting, and other site-related improvements.	X O	☐
5.1.E(8) - Location of existing natural features such as streams, marshes, lakes, ponds, wetlands, rock outcrops, or wooded areas, and existing man-made features such as roads and structures. Indicate those natural and man-made features that are to be removed, retained, or altered.	X	☐
5.1.E(8) - Wetlands on the property shall be delineated by a NH Certified Wetlands Scientist, whose seal and signature shall appear on the plan. Documentation in the form of U.S. Army Corps of Engineers New England District Wetlands Delineation Data Sheets and/or other field notes and materials concerning the delineation shall be submitted.	X	☐
5.1.E(9) - Zoning District, Tax Map and Lot number, and use of abutting properties within 200 feet of property.	X	☐
5.1.E(9) - Location of streets, pedestrian paths/trails, and bicycle routes within 200 feet of the site boundary; and the location of curb cuts and vehicle accesses within 200 feet of the site boundary.	X	☐
5.1.E(10) - Proposed streets, driveways, emergency vehicle accesses, parking spaces, and sidewalks, with indication of dimensions and direction of travel. Show required sight distances at curb cuts and dimensions for the inside radii of all curves.	X	☐
5.1.E(10) - Vehicle and bicycle parking spaces shall be numbered.	X	☐
5.1.E(10) - Loading spaces and facilities used in connection with any structures on the site shall be shown	X	☐
5.1.E(10) - Total square footage and percentage of the lot covered by impervious cover shall be shown.	X	☐
5.1.E(11) - Parking area safety measures including raised crosswalks/speed tables, signage, walkway lighting, striping and similar markings such as dedicated pedestrian/bicycle crossings and lanes through parking areas, fire lanes, compact and/or electric vehicle parking/charging, parking wayfinding, ADA signage and access aisles.	X	☐
5.1.E(12) - Size and location of all existing and proposed public and private utilities. (Note: the applicant is encouraged to submit a Sewer Use Permit Application and obtain a Notice of Permitted Allocation, and to obtain a Water Use Permit prior to submission of the Site Plan Review application.)	X	☐

X = Included with PB2022-SPR plan set
O = Included with this application

CITY OF LEBANON, NH
SITE PLAN REVIEW REGULATIONS
TECHNICAL CHECKLIST & STORMWATER CHECKLIST

Plan Requirements (cont.)	Info. Provided	Waiver Sought
<u>5.1.E(13)</u> - Plan for outdoor lighting showing proposed location, mounting height, fixture type, lamp type, color correlated temperature (CCT), and wattage of all exterior free-standing lighting or building-mounted fixtures.	☐	☒
<u>5.1.E(13)</u> - Analyses and illuminance-level diagrams, to include average and minimum foot-candle measurements, showing that proposed installation conforms to the lighting-level standards in Site Plan Review Regulations.	☐	☒
<u>5.1.E(13)</u> - Manufacturer's specification information for each proposed light fixture and lamp (NOTE: This information may be provided on the plan or as a separate attachment).	☐	☒
<u>5.1.E(13)</u> - Drawings of all relevant building elevations showing location and height of all building-mounted fixtures, the portions of any walls or architectural features to be illuminated, illumination levels of walls or architectural features, and aiming points for any remote light fixtures.	☐	☒
<u>5.1.E(14)</u> - Plan for location of free-standing or building-mounted signs, including location, mounting, aiming, and shielding of any remote light fixtures for externally-lit signs.	☐ NA	☐
<u>5.1.E(14)</u> - For internally-lit signs, relevant information concerning the method of illumination and the opacity of the sign background, showing that the proposed installation conforms to the requirements of the Regulations.	☐ NA	☐
<u>5.1.E(15)</u> - The location and boundaries of any Overlay Districts established pursuant to Article IV of the Zoning Ordinance (including but not limited to the Wetlands Conservation District, Riverbank Protection District; Steep Slopes District, and Floodplain District) and, if applicable, protected shorelands pursuant to the Shoreland Water Quality Protection Act (NH RSA 483-B).	☒	☐
<u>5.1.E(15)</u> - For properties located within the Floodplain District, the 100-year flood elevation, floodway, shoreland protection zone, and flood plain limits shall be identified.	☐ NA	☐
<u>5.1.E(16)</u> - Landscaping plan showing proposed new plantings to be installed and existing natural vegetation to be retained. Plan shall show in detail the number, size (height and/or caliper), and species (botanical and common names) of all proposed shrubs and trees.	☐	☒
<u>5.1.E(16)</u> - Existing trees over 12 inches in diameter (measured 4.5 feet above ground surface) within 25 feet of the disturbed area, must be counted and shown on the plan, if included towards fulfilling landscaping requirements.	☐	☒
<u>5.1.E(16)</u> - Calculations for square footage of perimeter landscaping.	☐	☒
<u>5.1.E(16)</u> - Parking lot shading calculations shall be provided by depicting new trees and shrubs at 10-year crown size.	☐	☒
<u>5.1.E(17)</u> - Existing and proposed surface and subsurface storm drainage facilities, including City storm drainage facilities located within 200' of site.	☒	☐
<u>5.1.E(17)</u> - Plans for retention, detention, slow release, and treatment of storm water shall be provided shall be provided in accordance with the requirements of Section 6.6.	☒	☐
<u>5.1.E(18)</u> - Section 6.6. Stormwater Management submission requirements.	See Stormwater Checklist.	
<u>5.1.E(19)</u> - Plans for snow removal and storage.	☒	☐

X = Included with PB2022-SPR plan set
O = Included with this application

CITY OF LEBANON, NH
SITE PLAN REVIEW REGULATIONS
TECHNICAL CHECKLIST & STORMWATER CHECKLIST

Plan Requirements (cont.)	Info. Provided	Waiver Sought
5.1.E(20) - A plan for the development showing provisions for automobile, transit, bicyclist, and pedestrian access and circulation. Such plan shall show both existing and proposed means of access to the site including connections with, public streets, sidewalks, transit stops, and formal paths/trails. Plans shall include any traffic calming and traffic control devices necessary in conjunction with the site development, as well as the location of all existing transit routes and transit stops located or passing within 1/4 mile (1,320 feet) of the property.	☒	☐
5.1.E(21) - Construction detail drawings including, but not limited to, pavements, walks, steps, curbing, drainage structures, water and/or sewer utilities, ground-mounted signage (e.g., fire lanes, ADA parking, commercial), surface treatments, transit shelters, energy generation units (e.g., solar), bike rack style, electric vehicle charging, outdoor lighting, outdoor furniture, retaining walls, tree boxes and other site systems or structures. Accompanying specifications and cutsheets may be required.	☒	☐
5.1.E(21) - Where applicable, roadway, drainage, water and sewer utility profile drawings shall be provided at a scale of 1"=40 feet (horizontal) and 1"=4 feet (vertical) and typical cross-section drawings shall be provided at a scale of 1"=5 feet (horizontal and vertical), unless prior approval to use an alternate scale is granted by the Reviewing Engineer. (NOTE: Ordinarily, only two (2) sets of such construction drawings shall be provided to the Planning and Development Department with the application submission.)	☐ NA	☐
5.1.E(22) - Depict any current and proposed easements, rights-of-way, and deed restrictions including those related to sewer, electrical utility, shared access, etc.	☒	☐
5.1.E(23) - For multi-family structures, plans for on-site recreational facilities.	☐ NA	☐
5.1.E(24) - Where a fire, emergency equipment, or similar vehicle turnaround area is provided, it must have an adequate turn radius. Provide CAD Autoturn data or a similar basis of design for the turn radius, if requested by Lebanon Fire or Engineering staff. City staff may also ask for this information at any time.	☒	☐
Supporting Documents and Information, Where Applicable	Info. Provided	Not Applicable
5.1.G(1) - An estimated timetable, to include phasing schedules, for construction and completion of buildings, parking, facilities, landscaping, and other required improvements.	☐ 0	☐
5.1.G(2) - Any development estimated to generate a net increase of 100 peak hour trips or 1,000 average daily trips (based upon the most current edition of the ITE Trip Generation Manual) shall prepare and submit a Traffic Impact Study in accordance with standard traffic analysis conventions as set forth by the NHDOT. The Board may, at its discretion, require the submission of a Traffic Impact Study for developments estimated to generate less than 100 peak hour trips or 1,000 average daily trips if the Board has reason to believe such development could adversely affect levels of service or have other adverse impacts.	☐	☒
5.1.G(3) - Written requests for waivers from all applicable provisions of these Regulations shall be provided pursuant to Article VII - "Waiver Procedure". (note: use Application for Waivers form).	☒	☐
5.1.G(4) - For multi-family dwelling developments and mixed-use developments resulting in a net increase of 50 dwelling units or more, the application shall include the information and impact statements identified in Section 6.9.B.	☐	☒

NOTE: THE APPLICANT IS RESPONSIBLE FOR PROVIDING THE REQUIRED INFORMATION PURSUANT TO ARTICLE V OF THE SITE PLAN REVIEW REGULATIONS. PLEASE BE AWARE THAT THIS CHECKLIST IS FOR INFORMATION AND GUIDANCE ONLY AND DOES NOT REPRESENT THE LAW DICTATING SUBMITTAL REQUIREMENTS NOR IS IT COMPLETE AND INCLUSIVE THEREOF.

X = Included with PB2022-SPR plan set
O = Included with this application

Completed By: Nicholas A. Fiore, PE



City of Lebanon, New Hampshire APPLICATION FOR WAIVERS

Office Use Only

Date Received: _____

File No.: _____

PROJECT INFORMATION

Name of Applicant: Dartmouth-Hitchcock Medical Center

Project Name: DHMC OSC Renovation

Project Address: 33 Medical Center Drive, Lebanon, NH 03756

WAIVER REGULATIONS

In order to grant a Waiver from a requirement of the City of Lebanon Site Plan Review or Subdivision Regulations, the Planning Board must find that the Waiver is justified under one of the following criteria (See Article VII of the Site Plan Review Regulations and Section 7.15 of the Subdivision Regulations):

Criteria A. Strict conformity would pose an unnecessary hardship to the Applicant and waiver would not be contrary to the spirit and intent of the regulations;

OR

Criteria B. Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

WAIVER REQUEST(S)

I (we) hereby request a Waiver from:

[You can respond in the space provided, or attach a separate statement. Please be prepared to address each request during your public hearing. You must show that you have justified granting the Waiver(s).]

5.1.E(5)

1. Section ____ of the (circle one) Site Plan Review / Subdivision Regulations. A Waiver of this Section meets (circle one) Criteria A / Criteria B because The temporary trailer will be placed on a existing asphalt and be set well away from property lines, and there will be no ground altering activities.

5.1.E(13)

2. Section ____ of the (circle one) Site Plan Review / Subdivision Regulations. A Waiver of this Section meets (circle one) Criteria A / Criteria B because The trailer includes 2 exterior lights, one at each door. These are pre-packaged fixtures and will not have long term effect on the lighting levels This project is not proposing any other lighting.

- 5.1.E(16)
3. Section ____ of the (circle one) Site Plan Review / Subdivision Regulations. A Waiver of this Section meets (circle one) Criteria A / Criteria B because No new landscaping is proposed for this project. The trailer is temporary and in a location that will soon be the Phase 2 addition. Any landscaping added around the trailer would be removed within a year.
-
4. Section 6.2.D of the (circle one) Site Plan Review / Subdivision Regulations. A Waiver of this Section meets (circle one) Criteria A / Criteria B because No new landscaping is proposed for this project. The trailer is temporary and in a location that will soon be the Phase 2 addition. Any landscaping added around the trailer would be removed within a year.
-
5. Section 6.6 of the (circle one) Site Plan Review / Subdivision Regulations. A Waiver of this Section meets (circle one) Criteria A / Criteria B because This project consists of placing a temporary structure on existing asphalt with no ground disturbing activities. It will have no impact on the site stormwater management systems.
-
6. Section All of the (circle one) Site Plan Review / Subdivision Regulations. A Waiver of this Section meets (circle one) Criteria A / Criteria B because This project is limited to a very small portion of a large property. The Applicant request a general waiver from having to satisfy the Site Plan Review Regulations outside the portion of the property that is proposed to be redeveloped.
-
7. Section ____ of the (circle one) Site Plan Review / Subdivision Regulations. A Waiver of this Section meets (circle one) Criteria A / Criteria B because _____
-
8. Section ____ of the (circle one) Site Plan Review / Subdivision Regulations. A Waiver of this Section meets (circle one) Criteria A / Criteria B because _____
-

SIGNATURE

I (we) hereby submit this application to the Planning Board and attest that to the best of my (our) knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As the applicant or as the agent of the applicant, I attest that I am duly authorized to act in this capacity.

Signature of Applicant:  Date: 07/10/23

OSC Temporary Trailer Site Photos



Photo 1



Photo 2



Photo 3



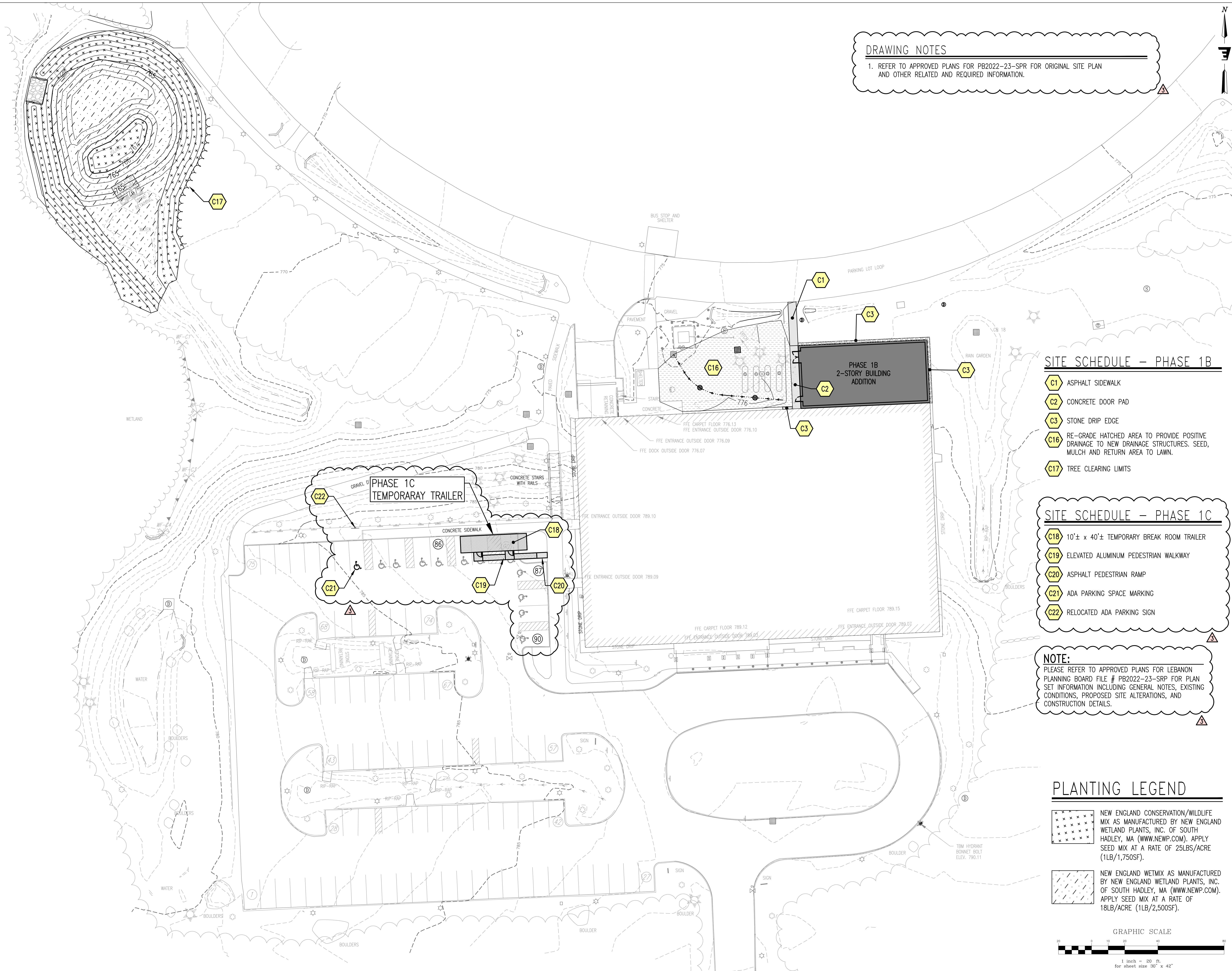
Photo 4



Photo 5



Photo 6



DRAWING NOTES

1. REFER TO APPROVED PLANS FOR PB2022-23-SPR FOR ORIGINAL SITE PLAN AND OTHER RELATED AND REQUIRED INFORMATION.

**DARTMOUTH-HITCHCOCK MEDICAL CENTER
OUTPATIENT SURGERY CENTER RENOVATION**

36 Lahaye Drive
Lebanon, NH 03766

[illegible]

SEAL:	
PROJECT NUMBER:	EV 21147
DATE:	06/13/2022
SHEET TITLE AND NUMBER:	

C201-2

PHASE 2
SITE LAYOUT PLAN



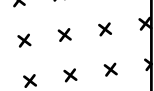
SITE SCHEDULE - PHASE 2

- C4** CONCRETE SIDEWALK
- C5** CONCRETE STAIRS WITH HANDRAILS
- C6** VERTICAL CONCRETE CURB
- C7** RELOCATED VAN ACCESSIBLE ADA PARKING SPACES
- C8** FLUSH GRANITE CURB
- C9** ADA PARKING ONLY SIGN, TYP.
- C10** GRAVEL DRIVE
- C11** SAWCUT EDGE OF EXISTING PAVEMENT. MATCH FINISH PAVEMENT TO EXISTING.
- C12** ASPHALT PAVEMENT
- C13** PAINTED STALL STRIPING, TYP.
- C14** BIKE RACK ON CONCRETE PAD
- C15** REPLANT EXISTING SHRUBS, PLANT NEW IN-KIND SHRUBS TO REPLACE THOSE THAT COULD NOT BE SALVAGED. AT THE TIME OF PLANTING, ALL NEW SHRUBS SHALL BE 24 TO 30 INCHES IN HEIGHT AND/OR 18 TO 24 INCHES IN SPREAD.
- C17** TREE CLEARING LIMITS

NOTE:

PLEASE REFER TO APPROVED PLANS FOR LEBANON
PLANNING BOARD FILE # PB2022-23-SRP FOR PLAN
SET INFORMATION INCLUDING GENERAL NOTES, EXISTING
CONDITIONS, PROPOSED SITE ALTERATIONS, AND
CONSTRUCTION DETAILS.

PLANTING LEGEND

-  NEW ENGLAND CONSERVATION/WILDLIFE MIX AS MANUFACTURED BY NEW ENGLAND WETLAND PLANTS, INC. OF SOUTH HADLEY, MA (WWW.NEWP.COM). APPLY SEED MIX AT A RATE OF 25LBS/ACRE (1LB/1,750SF).
-  NEW ENGLAND WETMIX AS MANUFACTURED BY NEW ENGLAND WETLAND PLANTS, INC. OF SOUTH HADLEY, MA (WWW.NEWP.COM). APPLY SEED MIX AT A RATE OF 18LB/ACRE (1LB/2,500SF).

GRAPHIC SCALE



1 inch = 20 ft.
 or sheet size 30" x 42"

DRAFT

LEBANON PLANNING BOARD
Regular Session
Monday, July 10, 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), Andrew Faunce, Bruce Garland, Patrick Kennelly, Kathie Romano, Laurel Stavis

MEMBERS ABSENT: Kim Chewning

STAFF PRESENT: Nathan Reichert (Planning Director), Tim Corwin (Deputy Planning Director), Brian Vincent (City Engineer), Matthew Isham (Deputy Police Chief), and Alan Lowe (Captain, Lebanon Police Department)

1. Call to Order

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

2. Notice of Regional Impact

The following applications were received by the Planning and Development Department on or before July 10, 2023:

Mount Support Development, LLC (applicant/property owner) and Pat Lumber Jack, Inc. (property owner), 402 & 392 Mount Support Road (Tax Map 24, Lots 9 & 10), zoned R-1: Request to amend the phasing schedule for a 4-building, 204-unit multi-family development originally approved on February 14, 2022 (PB2021-33-SPR). **PB2023-27-SPA**

Mary Hitchcock Memorial Hospital, 1 Medical Center Drive (Tax Map 10, Lot 8), zoned MC: Request for a site plan amendment to amend the phasing schedule for an expansion of the Dartmouth Health Outpatient Surgery building at 32 Lahaye Drive, originally approved on June 13, 2022 (PB2022-23-SPR), and to install a temporary trailer per Section 211.4 of the Zoning Ordinance for additional breakroom space during construction. **PB2023-28-SPA**

Mr. Corwin stated that neither application has the potential for regional impact.

A MOTION by Jeremy Rutter that the above applications do not have the potential for regional impact.

The motion as seconded by Bruce Garland.

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

Laurel Stavis joined the meeting.

3. Public Hearing Items

1 A. **NH Group, LLC (applicant), 369 Miracle Mile LLC (property owner), 369**
2 **Miracle Mile (Tax Map 103, Lot 11), zoned GC: Request for Site Plan Review to**
3 convert the existing building into a +/-18,735 sq. ft. restaurant and indoor
4 amusements use (charity gaming center), together with associated site
5 improvements. **PB2023-04-SPR - Continued from June 26, 2023**
6

7 Mr. Corwin reviewed the Board's progress to date on the application. He noted that the hearing was
8 continued to consider safety concerns cited by the public and added that third-party consultant Jeff
9 Santacruce of Weston & Sampson who reviewed the traffic study was online.
10

11 Dick Anagnost of Anagnost Investments, Stefan Huba of NH Group, LLC, and Adam Morse of
12 Engineering Ventures appeared in support of the application.
13

14 Mr. Anagnost noted that Mr. Huba met with members of the Police Department to review the internal
15 security plan. Mr. Huba noted that most of the calls for police service were related to alcohol and parking
16 issues in the general area, which are not within the control of the facility. The facility does control its own
17 alcohol service and parking areas and seeks to mitigate problems. The Police Department reviewed the
18 security plan and found it to be very thorough.
19

20 Mr. Faunce inquired about the arrest warrant for an employee. Chief Isham stated that it was not related to
21 employment. Mr. Anagnost noted that all employees go through background checks, but any employee
22 who is arrested would no longer be employed.
23

24 Chair Hall invited public comment.
25

26 Bart Guetti inquired about the membership of the LLC. Mr. Anagnost stated that there are multiple
27 members of the board and multiple locations. Chair Hall stated that the LLC membership is not under the
28 Board's purview.
29

30 Mr. Faunce inquired about staff security training. Mr. Huba stated that all employees are extensively
31 trained on de-escalation of problems. Mr. Anagnost noted that they use internal staff to de-escalate and
32 call on the police as needed. There is a blacklist of people with previous issues who are barred from the
33 facility.
34

35 Chair Hall closed the public hearing.
36

37 **A MOTION by Jeremy Rutter** that the Lebanon Planning Board **APPROVE** the application of NH
38 Group, LLC (applicant), 369 Miracle Mile LLC (property owner), regarding 369 Miracle Mile (Tax Map
39 103, Lot 11), zoned GC, PB2023-04-SPR, for Site Plan Review to convert the existing building into a +/-
40 18,735 sq. ft. restaurant and indoor amusements use (charity gaming center), together with associated site
41 improvements, as shown on a plan set titled "369 Miracle Mile Restaurant/Charity Gaming Center,"
42 prepared by Engineering Ventures, PC, dated January 23, 2023, revised March 20, 2023, EV Project
43 #22506 (15 sheets), including any and all submissions and testimony provided for and during the public
44 hearing.
45

46 In support of its decision, the Board finds that the applicant has submitted plans, testimony, technical
47 data, information, reports, and studies that together satisfactorily demonstrate compliance with the
48 applicable requirements of the Site Plan Review Regulations, except as may reasonably be addressed
49 through the imposition of certain conditions of approval, set forth below, and except as may have been
50 waived pursuant to Section 7.1.

1
2 This approval is subject to the following conditions:
3

4 **General Conditions**
5

- 6 1. It shall be the applicant's responsibility to be familiar with and aware of these conditions of
7 approval, and it shall be the applicant's responsibility to satisfy these conditions of approval
8 and to satisfy them within the relevant timeframes outlined below.
9
- 10 2. The development is subject to the Site Plan Review Regulations adopted May 13, 1991, last
11 revised January 23, 2023, and the Zoning Ordinance adopted January 16, 2013, last amended
12 January 18, 2023, which are the regulations in effect at the time the application was
13 submitted.
14
- 15 3. A building permit must be applied for *and issued* within two (2) years of the date of this
16 approval (4.10.A), subject to an extension if applied for by the applicant and if approved by
17 the Planning Board per Section 4.10.B.
18
- 19 4. "Active and substantial development," as defined in Section 8.4.A.1 of the Site Plan Review
20 Regulations, shall be achieved within two (2) years of the date of this approval (8.4.A.2),
21 subject to an extension if applied for by the applicant and if approved by the Planning Board
22 per Section 8.4.A.3. If active and substantial development is not achieved within two (2)
23 years of the date of the Planning Board's approval, the development shall be subject to any
24 changes in the City's land use regulations.
25
- 26 5. "Substantial completion," as defined in Section 8.4.B.1 of the Site Plan Review Regulations,
27 shall be achieved within five (5) years of the date of this approval. If substantial completion is
28 not achieved within five (5) years of the date of the Planning Board's approval, the
29 development shall be subject to any changes in the City's land use regulations.
30
- 31 6. All required landscape plantings shall meet the minimum size requirements for such plantings
32 as set forth in Section 6.2.B of the Site Plan Review Regulations at the time of installation.
33
- 34 7. The applicant shall implement and maintain NHDES Site Specific Best Management
35 Practices before, during, and after construction.
36
- 37 8. Edge-of-disturbance fencing shall be installed and maintained before and during any site
38 work, to be verified by the City Engineer or City's third-party inspector on site.
39
- 40 9. The property owner is responsible for the maintenance and operation of the stormwater
41 management system in accord with the O&M plan, and such responsibility shall run with the
42 land. (Section 6.6.H.2.b of the Site Plan Review Regulations).
43
- 44 10. The ramp constructed located within the Miracle Mile right-of-way providing pedestrian
45 access from the sidewalk to the site shall be maintained by the applicant in the event that the
46 Department of Public Work determines that it is unable to do so for any reason.
47
- 48 11. The applicant shall comply with the Security Improvement Plan submitted at the July 10,
49 2023 Planning Board meeting.
50

Conditions to be Satisfied Prior to Application for a Building Permit and Prior to the Start of Any Construction Activities

12. Applicant shall satisfy all conditions of the off-lot parking Conditional Use Permit approved by the Planning Board on June 12, 2023 (PB2023-18-CUP), except to the extent any such conditions are required to be satisfied prior to the issuance of a Certificate of Occupancy per the Conditional Use Permit Notice of Action.
13. Finalize the design of the sidewalk and ramp to the satisfaction of the City Engineer. The sidewalk shall be designed to allow a future sidewalk connection to the east of the subject property.
14. The applicant shall make the following revisions to the plan set to the satisfaction of the Planning and Development Department, City Engineer, and the Fire Department:
 - a) Depict the automatic fire sprinkler system fire department connection in a location that is readily visible and accessible.
 - b) Update the stormwater plan(s) to include all symbol descriptions.
 - c) Identify an ADA-accessible connection from the sidewalk ramp to the building.
 - d) Provide construction details for the sidewalk and ramp.
 - e) Incorporate all site-related recommendations of the traffic study.
 - f) Incorporate all other revised plan sheets and changes submitted during the course of the hearing and update all other plan sheets as necessary to reflect the changes.
 - g) Amend the cover sheet to provide description of all plan revisions (5.1.E.4.d).
15. 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.
16. 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.
17. 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.
18. All engineering review fees shall be paid in full as required by Section 4.7.E.1 of the Site Plan Review Regulations. (*Note: applicant can request an invoice from the Department of Public Works*).

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

19. 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.

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

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

22. The applicant shall obtain an Excavation Permit from the Department of Public Works for any site work in the public right-of-way prior to any work in the right-of-way, and construction or installation of any new driveway(s) shall also require a Driveway Permit from the Department of Public Works.

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

23. The trees at and along the access drive shall be pruned to the satisfaction of the Fire Department to help ensure safe and efficient access of emergency vehicles.

24. Third-party engineer or design engineer inspection reports and as-built drawings provided by the applicants (PDF format and CAD .dwg format, using the NH State Plane Coordinate System), including tie sheets, shall be reviewed and approved by the City Engineer prior to acceptance of any utility improvements by the City.

25. 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 Laurel Stavis.

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

B. XYZ Dairy, LLC, River Park Drive (Tax Map 44, Lots 3 & 7, and Tax Map 44, Lots 21-30), zoned CBD, IND-L and R-3: Request to amend the conditions of approval for the River Park development, approved by the Planning Board pursuant to Notices of Action dated September 9, 2019 for PB2018-34 and October 12, 2012 for PB2021-29-EXT.
PB2023-22-SPA - Continued from June 26, 2023

Kathie Romano and Laurel Stavis recused themselves for this hearing.

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

A MOTION by Jeremy Rutter that the application of XYZ Dairy, LLC, River Park Drive (Tax Map 44, Lots 3 & 7, and Tax Map 44, Lots 21-30), zoned CBD, IND-L and R-3, is complete enough for the Planning Board to accept jurisdiction and commence review.

The motion was seconded by Bruce Garland.

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

Chet Clem with Lyme Properties appeared in support of the application.

1
2 Mr. Clem reviewed the history of the project and described the items relevant to the Board regarding the
3 River Park project, noting that there have been significant cost increases since the project was proposed.
4 Mr. Clem provided a redline of the Staff Memo provided to the Board and explained the suggested
5 changes. He also detailed the progress on the project to date and the specific phases related to the
6 application. Phase 1 would be broken into five segments, three of which have been completed. The final
7 two phases involving completing the roads would be done just prior to the certificate of occupancy.

8
9 Mr. Corwin addressed the details of the redline and the notice of action and suggested that a legal opinion
10 be sought from the City's legal counsel regarding vesting. Mr. Clem noted that XYZ Dairy's attorney
11 advised that the Board can approve the changes he is requesting.

12
13 The Board members, Staff, and the applicant had a lengthy discussion regarding changes to phasing and
14 vesting.

15
16 Chair Hall invited public comment.

17
18 Kathie Romano, speaking as a W. Lebanon resident, commented on the need for clear information upon
19 which to base a decision. She noted that the City Council is taking responsibility for the roads through
20 River Park to allow for state and federal grant opportunities and the increase in units with a high demand
21 for housing. Mr. Clem acknowledged the change from 85 to 125 units due to 2019 phasing changes asked
22 for by the City Manager and the creation of a TIF district.

23
24 Brian Malloy, owner of the Irving Gas Station property, commented on the site being ready for
25 development with \$22K spent for a site plan and waiting for the Board to support it and move it forward.
26 He voiced his support for the River Park project.

27
28 Chair Hall invited comments from the Board. There was general agreement that legal counsel should be
29 sought regarding the Board's role vis a vis vesting. The need to resolve conflicting information between
30 Staff and the developer was also noted.

31
32 David Clem joined the hearing in support of the application and provided his view of the vesting issue.

33
34 Sarah Vaughn stated that the developer was trying to benefit West Lebanon, suggesting it would be a
35 waste not to take advantage of a broader approach to overcome hurdles and help a developer who wants
36 to help the City.

37
38 Chair Hall asked the Board members how they would like to proceed. There was general agreement that a
39 review by legal counsel would be requested.

40
41 ***A MOTION by Jeremy Rutter that the hearing be continued to August 14, 2023, at 6:30 PM.***

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

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

44
45
46 **C. XYZ Dairy, LLC, River Park Drive (Tax Map 44, Lots 3 & 7, and Tax Map 44, Lots**
47 **21-30), zoned CBD, IND-L and R-3: Appeal of administrative decision to require Minor**
48 **Site Plan Review per Section 3.1.C of the Site Plan Review Regulations for a proposed**
49 **restaurant use. PB2023-23-AAD - Continued from June 26, 2023**

50
51 Kathie Romano and Laurel Stavis recused themselves from the hearing.

1
2 Mr. Corwin stated that the application is complete enough for the Planning Board to accept jurisdiction
3 and commence review.
4

5 ***A MOTION by Bruce Garland that the application of XYZ Dairy, LLC, River Park Drive (Tax Map***
6 ***44, Lots 3 & 7, and Tax Map 44, Lots 21-30), zoned CBD, IND-L and R-3, is complete enough for the***
7 ***Planning Board to accept jurisdiction and commence review.***
8

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

10 ****The MOTION was approved (6-0).***
11

12 Chet Clem of Lyme Properties appeared representing XYZ Dairy, LLC.
13

14 Mr. Corwin asked for copies of the materials distributed by Mr. Clem and the digital items for display.
15

16 Mr. Clem stated that the dining car could be attached to sewer and water and provided a history of the
17 dining car. He outlined the issues to date, the problems encountered, and the delay that jeopardized an
18 event.
19

20 Mr. Corwin stated that there was nothing to add to the information in the Staff Memo.
21

22 Chair Hall invited comments from the Board members.
23

24 Mr. Garland inquired what prevented the connections required to be ready for the Hootenanny event.
25

26 Mr. Corwin stated that the regulations require Minor Site Plan Review for this type of project. The
27 applicant would like to connect the River Park Diner to the water and sewer for events, which would be a
28 minor project.
29

30 Ms. Zook noted similar conversations regarding this site and the issue of a temporary structure. She added
31 that the use seems reasonable and asked if revision is needed for the regulations. Mr. Clem stated that
32 there was discussion about temporary use, but the regulations have not been adjusted. Ms. Zook inquired
33 if there could be an exception for an event.
34

35 Chair Hall stated that this would fall under Minor Site Plan Review and asked Mr. Clem why it was not
36 done. Mr. Clem stated that they couldn't get it done in time, and they had to protect the work already
37 done. He asked if it conflicted with a previous approval for retail use on the lot with water and sewer
38 access and added that events had been taking place.
39

40 Mr. Reichert stated that if the applicant had gone through with the Minor Site Plan approval process, the
41 work could have been done in time for the Hootenanny. A restaurant must meet site requirements, and a
42 sewer connection involves public safety and public health. It could have been permitted with Minor Site
43 Plan approval, and they had an option to get the permit in time. Instead, they chose to wait and appear
44 after the event before the full Planning Board for the Board to decide whether Mr. Corwin made an error
45 in judgment with the referral to the Minor Site Plan Review Committee.
46

47 Mr. David Clem noted that they are trying to do things to benefit the residents.
48

49 Chair Hall stated that he was receiving emergency reports of power and water damage in both West
50 Lebanon and other parts of Lebanon and suggested that the Board adjourn the meeting as soon as
51 possible.

Laurel Davis of Ward 1 inquired about the difference between the closed area of Court Street to accommodate Three Tomatoes and Salt Hill Pub and the area under discussion. Mr. Reichert stated that the Court Street area was a public right of way as opposed to private property.

Mr. Clem expressed his dissatisfaction with the Site Plan Review Regulations and the functioning of the Planning Department. Mr. Reichert took exception to the remarks and noted the applicant's choice to appear before the full Board and miss the scheduled event.

Chair Hall asked for a motion to continue the hearing.

A MOTION by Bruce Garland to continue the hearing on August 14, 2023, at 6:30 PM.

The motion was seconded by Jeremy Rutter.

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

4. Study Items

- A. Review of proposed amendments to the Site Plan Review Regulations re: electric vehicle (EV) charging infrastructure - **Continued from May 22, 2023 & June 26, 2023**

5. Other Business

6. Approval of Minutes

- A. May 22, 2023

7. Adjournment

A MOTION by Bruce Garland to adjourn the meeting.

The motion was seconded by Jeremy Rutter.

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

The meeting was adjourned at 9:17 PM.

Respectfully submitted,

Holly Howes

Recording Secretary