



**LEBANON PLANNING BOARD
SEPTEMBER 11, 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 August 14, 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 August 14, 2023**
 - C. MG Holdings, LLC, 200 Hanover Street Ext (Tax Map 48, Lot 7), zoned R-3:** Request for a Minor Subdivision of the subject property into three (3) lots. **PB2023-29-MIN**
 - D. Quail I, LP, 69 Lily Lane (Tax Map 8, Lot 2, Plot 200), zoned R-3:** Request for Site Plan Review to renew a previously approved Site Plan Approval (PB2019-13-SPR) to construct a new 32-unit, 50,000 square foot building for senior housing, together with associated site improvements, to be operated as part of the existing Quail Hollow Senior Living Community. **PB2023-30-SPR - Application to be postponed to September 25, 2023**
 - 4. Other Business**
 - 5. Approval of Minutes**
 - A. July 24, 2023
 - B. August 14, 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: 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 ~ PLANNING & DEVELOPMENT

PLANNING BOARD

September 11, 2023 Meeting

Staff Memorandum – PB2023-29-MIN

APPLICATION INFORMATION

Agenda Item: 3.C

Application ID:
PB2023-29-MIN

Application Type:
Minor Subdivision

Property Location & Tax Map:
200 Hanover Street Ext (Tax Map 48, Lot 7)

Property Owner/Applicant:
MG Holdings, LLC

Zoning District:
Residential Three (R-3)

Property Size (existing):
+/-0.70 acres (per City Assessing records)

Overlay District(s):
• Wetlands Conservation District

LEGAL NOTICE

MG Holdings, LLC, 200 Hanover Street Ext (Tax Map 48, Lot 7), zoned R-3: Request for a Minor Subdivision of the subject property into three (3) lots. PB2023-29-MIN

PLANS AND APPLICATION MATERIALS

- ▶ Application form (1 page)
- ▶ Project description (1 page)
- ▶ Subdivision Regulations - Technical Checklist (3 pages)
- ▶ Plat titled, "Minor Subdivision Plan of Land Owned by MG Holdings, LLC," prepared by Wayne McCutcheon Associates, Inc., dated July 5, 2023, project no: 1673223

COMPLETENESS REVIEW

This application has been reviewed in accordance with the Lebanon Subdivision Regulations. The Planning and Development Department recommends that the Board find that the application is complete enough to accept jurisdiction and to commence review.

APPLICATION OVERVIEW

The subject property is a +/-0.70 acre parcel owned by the applicant and located in the Residential Three (R-3) District across Hanover Street from the Lebanon High School. The property is currently improved with a one-family dwelling and a shed. The applicant proposes to subdivide the property into three (3) lots as follows:

- Lot 1: +/-0.26 acres; and
- Lot 2 (improved with the existing dwelling): +/-0.31 acres; and
- Lot 3: +/-0.58

The lots have frontage on Hanover Street and are or will be served by municipal water and sewer. Each lot is proposed to have its own driveway.

STAFF COMMENTS

ASSESSING

No comment at this time.

BUILDING INSPECTION

No comment at this time.

ENGINEERING / PUBLIC WORKS

No comment at this time.

FIRE

No comment at this time.



©2021 Eagleview (image taken 4/4/2021)

Figure 2. Bird's eye view of subject property (looking north).



©2021 Eagleview (image taken 4/4/2021)

PLANNING & ZONING:

The proposed lots comply with the minimum lot width and lot area requirements for Class 1 lots in the R-3 District, as set forth in Section 310.3 of the Zoning Ordinance.

The existing shed will need to be relocated to proposed Lot 2 in order to comply with the Zoning Ordinance (which prohibits off-site accessory uses).

The Planning and Development Department recommends certain changes to the plat which are identified in proposed condition of approval #1 below.

POLICE

No comment at this time.

STAFF RECOMMENDATIONS

If the Board moves to approve this application, then based on the information reviewed by City staff, the Planning and Development Department recommends that the Board approve the application with the following conditions:

Conditions to be Satisfied Prior to the Signing and Recording of the Plat

1. The applicant shall provide a revised plat depicting the following changes to the satisfaction of the Planning and Development Department:
 - a. Contact the Assessing Department to obtain the tax map/lot numbers for the new lots and add to the plat.
 - b. Contact the Police Department to obtain the street addresses for each new lot and add to the plat.
 - c. Add a note indicating that the plat was approved pursuant to the City of Lebanon Subdivision Regulations last revised June 28, 2021.
 - d. Add Planning Board number (PB2023-29-MIN).
 - e. Identify acreage and square footage of existing lot.
 - f. Depict the names and mailing addresses of the holders of any easements or other restrictions. (Section 9.5.A.2)
 - g. Identify date of the completion of the field survey. (9.5.A.5)
 - h. Add statement required by Section 7.11 of the Subdivision Regulations.
 - i. Provide the date and description of the plat revisions. (9.5.A.1)
2. The applicant shall provide a digital record drawing (Cad .dwg format using NH State Plane Coordinate system or an alternative approved by the City's GIS Coordinator).
3. Remove the existing shed from Lot 1 and obtain a demolition permit from the Planning and Development Department, if required. If relocating the shed to Lot 2, obtain a Building Permit.

General Conditions

4. Future development on the new lots shall be subject to City of Lebanon Impact Fees, pursuant to Section 213 of the Zoning Ordinance. The Impact Fee shall be calculated at the time of Building Permit issuance based on the Impact Fee Schedule adopted on October 12, 2021, and such fees shall be due and payable at the time of issuance of a Certificate of Occupancy. In accordance with RSA 674:39, 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.

5. All future construction shall substantially conform with and shall be subject to the requirements and specifications of the recorded plat (Section 7.9.A.2), except that the proposed curb cut for Lot 3 and the gravel drives for Lots 1 and 2 may be relocated if approved by the Department of Public Works in connection with an application for a Driveway Permit.

Attachments

cc: MG Holdings, LLC, mike@gallorealty.com
Wayne McCutcheon, LLS, waynemcassoc@comcast.net
File

**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 _____

PROPERTY OWNER (APPLICANT):

NAME: MICHAEL GALLO MG Holdings LLC, TEL #: 603-785-4616

MAILING ADDRESS: P.O. BOX 10088 BEDFORD, N.H. 03110-0088

E-MAIL ADDRESS: MIKE@GALLO REALTY GROUP.COM

CO-APPLICANT, AGENT, OR LESSEE:

NAME: WAYNE MCCUTCHEON TEL #: 603-542-7352

MAILING ADDRESS: 492 WASHINGTON ST. CLAREMONT, N.H. 03743

E-MAIL ADDRESS: WAYNE MCASSOC@COMCAST.NET

PROJECT LOCATION:

TAX MAP #: 48 LOT #: 7 PLOT #: _____ ZONE: R3

STREET ADDRESS OF PROJECT: 200 HANOVER STREET

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

SCOPE OF PROJECT:

THREE LOT SUBDIVISION

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 _____, 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: Mike Gallo

DATE: 7/13/23

DATE RECEIVED	FILE # (MAP/LOT)	APPLICATION #		
<u>7/20/2023</u>	<u>48-7</u>	<u>PB2023-</u>		

29-MIN

(Last Revised 4/04/18)

PROJECT DESCRIPTION

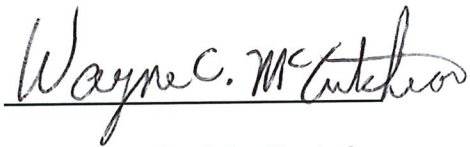
3 LOT SUBDIVISION AT 200 HANOVER STREET OWNED BY M G HOLDINGS,LLC IN R3 ZONE

Lot 1 – 11,300 sq. ft. 0.26 acre

Lot 2 - 13,597 sq. ft. 0.13 acre

Lot 3 - 25,346 sq. ft. 0.58 acre

with municipal water and sewer.

A handwritten signature in cursive script, reading "Wayne C. McCutcheon", written over a horizontal line.

Wayne C. McCutcheon

July 20, 2023

CITY OF LEBANON, NH SUBDIVISION REGULATIONS – TECHNICAL CHECKLIST MINOR SUBDIVISION	
PROJECT NAME: MINOR SUBDIVISION OWNED BY MG HOLDINGS LLC	
APPLICANT: WAYNE MCCUTCHEON	DATE: JULY 20, 2023
GENERAL SUBMISSION REQUIREMENTS:	

All applications to the Planning Board for Subdivision Review must be submitted by 12:00 Noon on the day of the filing cutoff. [§7.7.C] Submissions must be accompanied by the following information or review of the application may be delayed:

- ☒ A properly completed and signed Application Form. [§7.7.A(1)]
- ☒ The appropriate filing fees. [§7.7.A(2)]
- ☒ A written project description. [§7.7.A(3)]
- ☒ A list of the names and mailing addresses of all persons to be notified, by certified mail, of the public hearing. [§7.7.A(4)]
- ☒ A completed and signed Technical Checklist. [§7.7.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 Section 7.15 of the Subdivision Regulations, as appropriate.]
- ☒ Eight (8) sets of project plans to be distributed for Staff Review. [§9.5.A]
[A Staff Review meeting is held at City Hall one (1) week following the cutoff date. Staff Review meetings begin at 2:00PM, unless otherwise noted. All revised and/or additional information or materials must be submitted within one (1) week following the Staff Review meeting.]
- ☒ A digital copy of Subdivision plan in .PDF format. [§9.5.B]

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 the 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
SUBDIVISION REGULATIONS - TECHNICAL CHECKLIST
MINOR SUBDIVISION**

PLAN SUBMITTAL TECHNICAL CHECKLIST:

NOTE: Minor Subdivision plans shall include the information described below pursuant to Section 9 of the Lebanon Subdivision 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. The scale of the plans shall be appropriate to the size of the overall development. 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 Subdivision 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 Office.

A written request for waiver shall be required, pursuant to Section 7.15 of the Subdivision Regulations, for any submission requirement for which the information or data is not provided by the applicant. [§9.5.C(5)]

Plan Requirements	Info. Provided	Waiver Sought
9.5.A(1) - - Name of the City and County in which the subdivision is proposed; - A Locus map; - North arrow; - Scale of the plat; - Date of the plat and of any revisions to the plat shall be shown on the first page or cover page, if applicable; (NOTE: The date on the plat at the time of initial submission for application review shall be included on all subsequent submissions to the City. Any subsequent change(s) to the plat shall include a revision date and description of the revision(s).)	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐
9.5.A(2) - Names and mailing addresses of Applicant(s); Owner(s) of Record of subject properties; Owners of abutting properties, including tax map and lot references; and Holders of any easements, rights-of-way, or other restrictions.	☒	☐
9.5.A(3) - Names and business addresses of the surveyor, including license number and seal, and of every engineer, architect, soil scientist, or wetlands scientist whose professional seal appears on any plan or document submitted to the Board.	☒	☐
9.5.A(4) - Zoning District in which the subdivision is located, including district boundaries if in more than one district.	☒	☐
9.5.A(5) - Boundary lines of the overall tract, and each of the proposed lots, including bearings and distances as determined by an actual field survey by a licensed land surveyor, including the date of the completion of the survey. All dimensions shall be shown in feet and decimals. Monuments shall be referenced on the plat as required under Section 13.5(A) of the Regulations.	☒	☐
9.5.A(6) - The area of all proposed lots shall be shown in square feet and acres.	☒	☐

CITY OF LEBANON, NH
SUBDIVISION REGULATIONS - TECHNICAL CHECKLIST
MINOR SUBDIVISION

Plan Requirements (cont.)	Info. Provided	Waiver Sought
9.5.A(7) - Location of all existing structures, easements, permanent and intermittent watercourses, flood plains and wetlands, rock outcrops, wooded areas, and other significant existing features on the property. Indicate those natural and man-made features to be removed, retained, or altered. Wetlands on the property, if any, shall be delineated by a NH Certified Wetlands Scientist, whose seal and signature shall appear on the plat.	☒	☐
9.5.A(8) - If the application covers only a part of the applicant's entire holding, a map of the entire tract shall be drawn at a scale of not smaller than 1" = 400', showing all existing streets and an outline of the platted area.	☐	☐
9.4 - A statement shall be placed on the plat as follows: "A parcel of land which has been reviewed and approved as part of a minor subdivision shall not be eligible for further subdivision review under the Minor Subdivision procedures for a period of three (3) years from the date of the minor subdivision approval."	☒	☐
Supporting Documents and Information, Where Applicable	Info. Provided	Not Applicable
9.5.C(1) - Proposed covenants or deed restrictions as may be intended to apply to the property in whole or in part to be recorded in the Registry of Deeds.	☐	☐
9.5.C(2) - Where private individual wastewater systems are proposed, the applicant shall perform soil tests complying with requirements of Section 13.4 of the Regulations. For all proposed lots less than 5 acres in size, the applicant shall have a soil investigation made and a report prepared to establish the existence of at least 4,000 square feet of contiguous area meeting NHDES requirements. NHDES approval of all subdivision lots less than 5 acres in size shall be obtained and provided to the Board prior to the recording of the approved plat. Soil maps and information shall be in accordance with the most current USDA Natural Resource Conservation Service County Soil Maps. Maps prepared by field investigation shall be stamped and signed by a Certified Soil Scientist.	☐	☐
9.5.C(3) - Any access driveway to a State highway shall be approved by the NHDOT and provided to the Board prior to the recording of the approved plat.	☐	☐
9.5.C(4) - Approvals, as prescribed by law, from any other City agency which may have jurisdiction, including but not limited to, wetland permits.	☐	☐

NOTE: THE APPLICANT IS RESPONSIBLE FOR PROVIDING THE REQUIRED INFORMATION PURSUANT TO SECTION 9 OF THE SUBDIVISION 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.

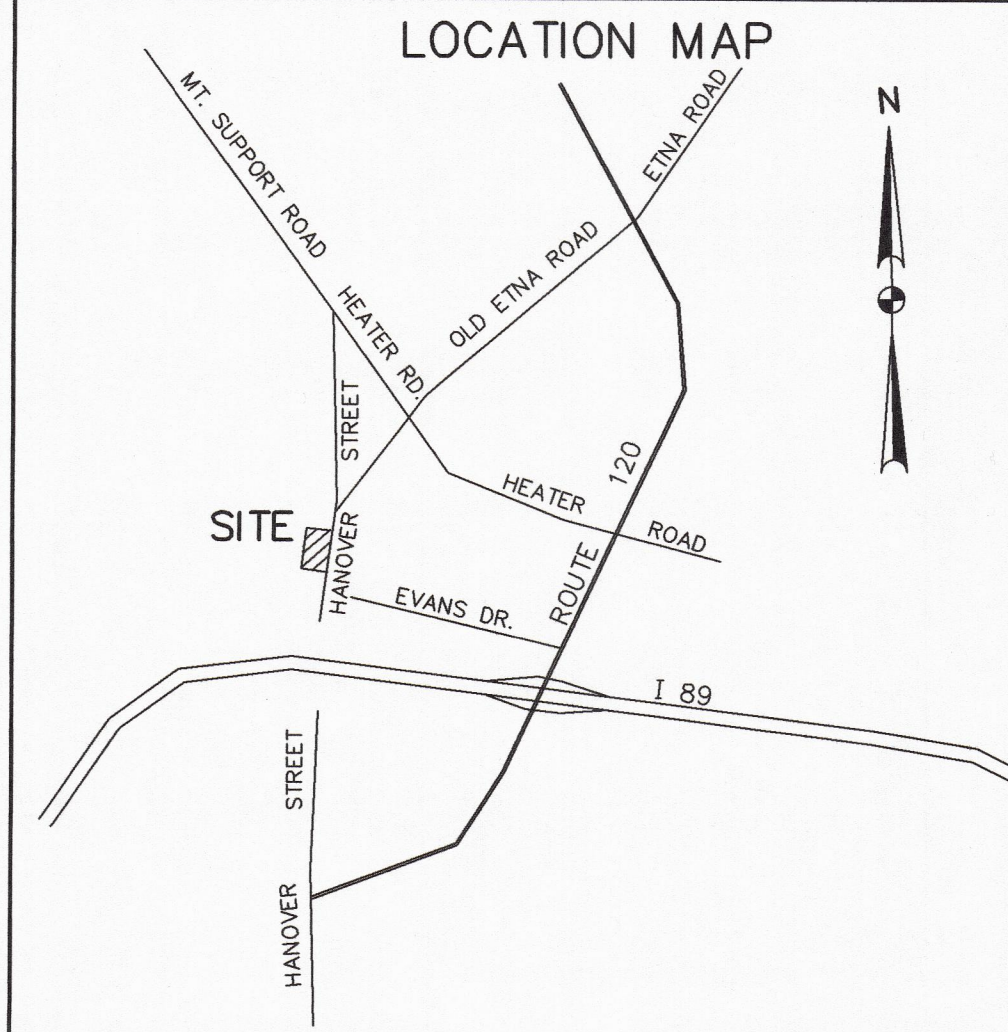
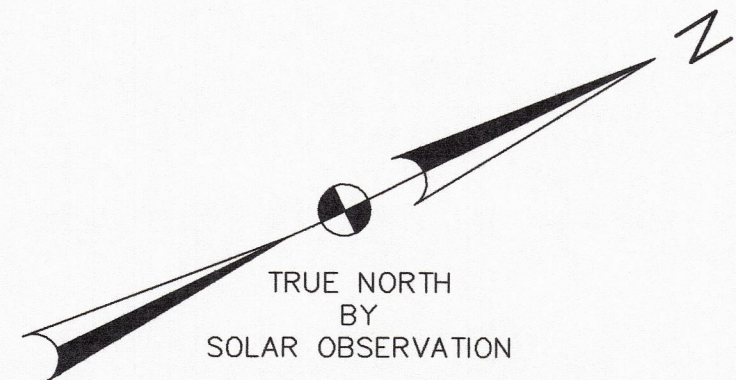
Completed By: Wayne C. McCutcheon

Planning office Use Only:		
Date Received ___/___/___	Checklist Complete YES or NO	Checked by: _____

(Last Revised 05/22/13)

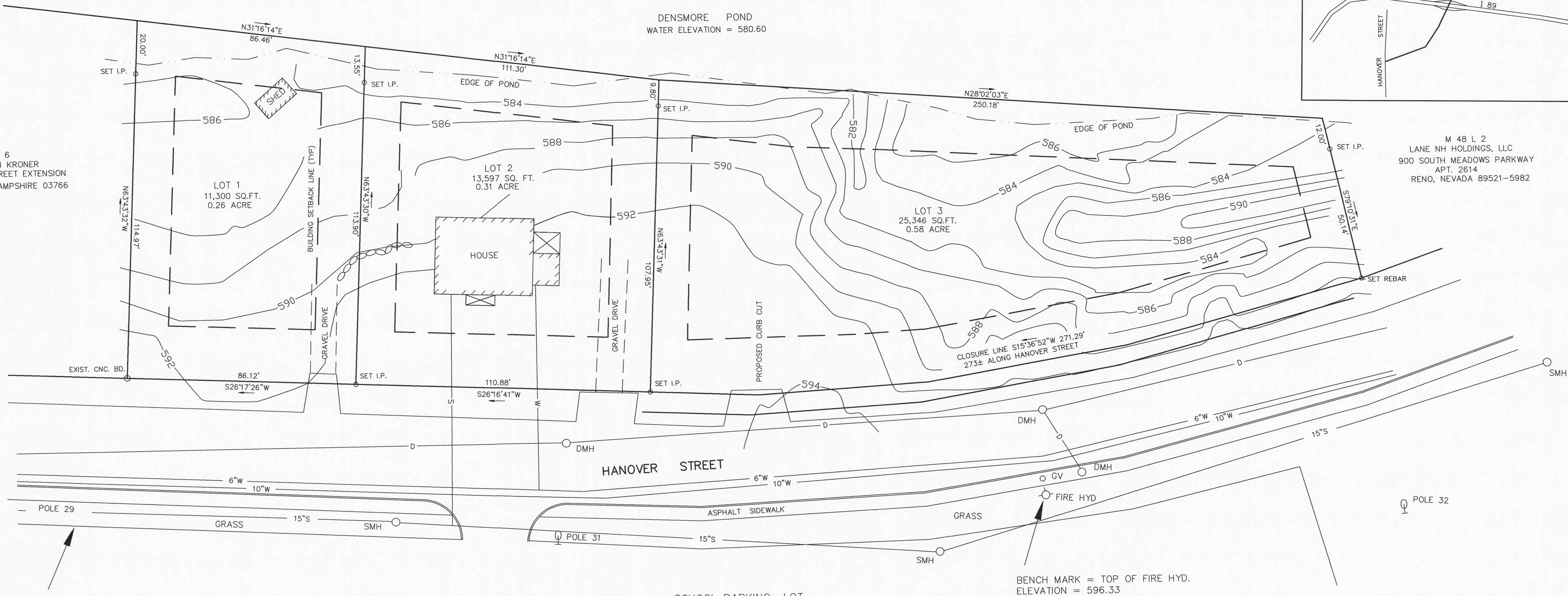
M 48 L 2
LANE NH HOLDINGS, LLC
900 SOUTH MEADOWS PARKWAY
APT. 2614
RENO, NEVADA 89521-5982

DENSMORE POND
WATER ELEVATION = 580.60



M 48 L 2
LANE NH HOLDINGS, LLC
900 SOUTH MEADOWS PARKWAY
APT. 2614
RENO, NEVADA 89521-5982

M 48 L 6
CONSTANCE I KRONER
194 HANOVER STREET EXTENSION
LEBANON, NEW HAMPSHIRE 03766



TBM = HORIZ. SPIKE IN POLE
ELEVATION = 593.61

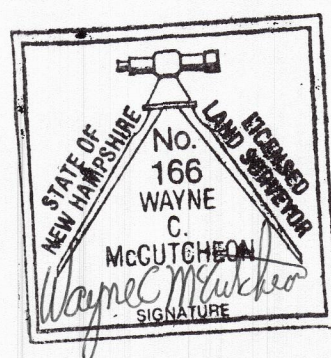
SCHOOL PARKING LOT

M 64 L 33
LEBANON SCHOOL DISTRICT
20 SEMINARY HILL WEST
LEBANON, NEW HAMPSHIRE 03784

M 48 L 7
ZONED - R3
FRONT & REAR SETBACKS - 20'
SIDE SETBACK - 15'

— DEED REFERENCE —
CITIZENS BANK, N.A. TO MG HOLDINGS, LLC DATED: MARCH 28, 2023
RECORDED IN THE GRAFTON COUNTY REGISTRY OF DEEDS IN BOOK
4790 PAGE 851.

- PLAN REFERENCES —
1. PLAN ENTITLED " DENSMORE BRICK CO., INC. HANOVER STREET, LEBANON, N.H. " DATED: NOVEMBER 21, 1982, REVISED: DECEMBER 10, 1982 & OCTOBER 4, 1983 PREPARED BY: K.A.LECLAIR ASSOC., INC. RECORDED IN THE GRAFTON REGISTRY OF DEEDS AS PLAN # 2089.
 2. PLAN ENTITLED " R.O.W. TO DENSMORE POND DEVELOPMENT, HANOVER STREET, LEBANON, N.H. " DATED: SEPTEMBER 4' 1986 PREPARED BY K.A.LECLAIR ASSOC., INC. RECORDED IN THE GRAFTON COUNTY REGISTRY OF DEEDS AS PLAN # 5626.



MINOR SUBDIVISION PLAN OF LAND
OWNED BY
MG HOLDINGS LLC
200 HANOVER STREET
LEBANON, NEW HAMPSHIRE
SCALE: 1" = 30' JULY 5, 2023



— LEGEND —

- Q DENOTES UTILITY POLE
- SMH DENOTES SEWER MANHOLE
- 15"S- DENOTES SEWER MAIN
- DMH DENOTES DRAIN MANHOLE
- D- DENOTES DRAINAGE MAIN
- GV DENOTES WATER GATE VALVE
- DENOTES GRANITE CURB

I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THE TRACT SHOWN HEREON, AND THIS PLAT IS MADE IN ACCORDANCE WITH THE FIELD NOTES OF SAID SURVEY.

Wayne C. McCutcheon

— OWNER OF RECORD —
MG HOLDINGS, LLC
P. O. BOX 10088
BEDFORD, NEW HAMPSHIRE
03110-0088

WAYNE McCUTCHEON ASSOCIATES, INC
492 WASHINGTON STREET
CLAREMONT, NEW HAMPSHIRE
PROJECT NO. 1673223

DRAFT

LEBANON PLANNING BOARD
Regular Session
Monday, July 24, 2023, 6:30 PM
Council Chambers, City Hall
or Remote Via Microsoft Teams
LebanonNH.gov/Live

MEMBERS PRESENT: Jeremy Rutter (Vice Chair), Karen Zook (City Council Rep), Kim Chewning, Andrew Faunce, Kathie Romano

MEMBERS ABSENT: Matthew Hall (Chair), Bruce Garland, Patrick Kennelly, Laurel Stavis

STAFF PRESENT: Nathan Reichert (Planning Director), Tim Corwin (Deputy Planning Director), Brian Vincent (City Engineer), Shaun Mulholland (City Manager), Carl Gross (Airport Manager), David Brooks (Deputy City Manager – Administrative Services), Jay Cairelli (Assistant Director – Public Works), Nik Coates (Deputy City Manager – Public Services), Patrick McCarthy (Cemetery Sexton), Paul Coats (Director – Recreation, Arts, & Parks), Tad Montgomery (Energy & Facilities Manager), Vicki Lee (Finance Director)

1. Call to Order

Vice Chair Rutter called the meeting to order at 6:31 PM.

2. Study Items

A. Review of CIP; adopt CIP and submit final recommendation for 2023 capital budget

Mr. Corwin provided context for the Board regarding the CIP changes and process. A prepared statement outlining the current role of the Planning Board and the review process was read into the record. A list of projects was displayed and discussed. A document describing projects for the Lebanon School District was provided.

City Manager Mulholland spoke regarding the plans for the replacement of the fire stations. The Board members discussed the fire stations. Mr. Mulholland explained the prioritization of the projects and the impact of climate change.

Mr. Corwin displayed the Lebanon School District information.

Stephen Muszynski, Director of Facilities for the Lebanon School District, provided background on the process used by the school district and the projects planned for 2024. The spreadsheet of projects was displayed. The Board members had an opportunity to inquire about the 2024 impact.

Ms. Romano inquired about the cost increases. Mr. Mulholland explained the additional funding sources that mitigate the overall cost to the taxpayers.

Mr. Gross explained the airport projects and funding.

Mr. Mulholland provided the rationale for the fire department facility priorities.

1
2 Mr. Reichert provided an explanation of the impact fee calculations.

3
4 The Board members received clarification regarding the individual projects on the CIP plan.

5
6 Ms. Chewning expressed her thoughts about the previous CIP process being more comprehensive and
7 understandable.

8
9 The Board members discussed the other projects on the list.

10
11 Vice Chair Rutter asked the members if they had additional questions regarding the projects.

12
13
14 ***A MOTION by Jeremy Rutter*** that the Lebanon Planning Board **APPROVES AND ADOPTS** the Capital
15 Improvement Program for the six-year period (2024-2029) as presented in the July 24, 2023 agenda packet,
16 and hereby **SUBMITS** Year 1 (2024) of the CIP as the Board's recommendation to the City Council for
17 capital budget funding for 2024. The Planning Board also wishes to acknowledge and highlight the
18 importance of the CIP program and process as an essential component of the City's overall financial and
19 community planning effort and as a mechanism for anticipating future facility and infrastructure
20 requirements in order to ensure that they are funded in a responsible and systematic fashion.

21
22 ***The motion was seconded by Kathie Romano.***

23 ****The MOTION was approved (5-0).***

24
25
26 B. Review of proposed amendments to the Site Plan Review Regulations re: electric vehicle
27 (EV) charging infrastructure - **Continued from June 26, 2023**

28
29 The Board members did not receive a copy of the proposed design regulations. Mr. Corwin stated that the
30 proposed regulations would be included in the next agenda packet.

31
32 Mr. Montgomery described the three EV charging levels. Mr. Corwin noted that there has not been any
33 feedback on the regulations passed by the City Council earlier in the year.

34
35 Mr. Corwin stated that the Board could schedule a public hearing for September.

36
37 ***A MOTION by Kathie Romano to continue the discussion to August 28, 2023, at 6:30 PM.***

38
39 ***The motion was seconded by Andrew Faunce.***

40 ****The MOTION was approved (5-0).***

41
42 C. Rules of Procedure/Planning Board Meeting Procedures - **Continued from May 22, 2023**

43
44 Mr. Corwin stated that the Board members could offer any feedback at this time with the final approval at
45 the August 28, 2023 work session.

46
47 Vice Chair Rutter suggested a minor change in wording to Section 1.4.

48
49 The Board's consideration will continue at the August 28, 2023 work session.

50
51 D. Zoning Ordinance Amendments

Mr. Reichert provided an overview of the annual amendment process. He invited the Board members to provide direction to Staff for the next round of amendments.

The Board members commented on references to steep slopes and certain types of housing.

Vice Chair Rutter inquired about the scenic corridors noted in Section 405. Mr. Corwin stated that he was not aware of any specific regulations.

Mr. Reichert commented on several special zoning topics including accessory dwelling units.

Ms. Romano inquired about the description of cottage development. Mr. Corwin stated that Section 509 of the Zoning Ordinance details cottage development. He noted that any minor edits should be emailed to Staff.

3. Committee Reports

A. City Council Subcommittees

- Class VI Roads Advisory Committee
- Lebanon Energy Advisory Committee

B. Other Subcommittees

- City Council Representative
- Heritage Commission
- Pedestrian & Bicyclist Advisory Committee
- Upper Valley Lake Sunapee Regional Planning Commission
- UV Subcommittee of the Connecticut River Joint Commissions
- Upper Valley Transportation Management Association
- Mascoma River Local Advisory Committee
- West Lebanon Revitalization Advisory Committee
- Planning & Development Department – Task Status

C. Minor Site Plan Committee

4. Other Business

5. Approval of Minutes all three together

- A. May 22, 2023
- B. June 12, 2023
- C. June 26, 2023

A MOTION by Kathie Romano to approve the Planning Board Minutes of May 22, 2023; June 12, 2023; and June 26, 2023, as presented.

The motion was seconded by Kim Chewning.

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

6. Adjournment

A MOTION by Kathie Romano to adjourn the meeting.

1
2 ***The motion was seconded by Andrew Faunce.***
3 ****The MOTION was approved (5-0).***
4
5 The meeting was adjourned at 8:52 PM.
6
7 Respectfully submitted,
8
9 Holly Howes
10 Recording Secretary

DRAFT

LEBANON PLANNING BOARD
Regular Session
Monday, August 14, 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, Laurel Stavis

MEMBERS ABSENT: Kim Chewning, Kathie Romano

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

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 August 14, 2023:

MG Holdings, LLC, 200 Hanover Street Ext (Tax Map 48, Lot 7), zoned R-3: Request for a Minor Subdivision of the subject property into three (3) lots. **PB2023-29-MIN**

Quail I, LP, 69 Lily Lane (Tax Map 8, Lot 2, Plot 200), zoned R-3: Request for Site Plan Review to renew a previously approved Site Plan Approval (PB2019-13-SPR) to construct a new 32-unit, 50,000 square foot building for senior housing, together with associated site improvements, to be operated as part of the existing Quail Hollow Senior Living Community. **PB2023-30-SPR**

Gordon E. Bagley, Jr. TTEE, 695 Dartmouth College Hwy (Tax Map 99, Lot 8), zoned RL-1: Request for Site Plan Approval to relocate Units 1, 8 and 9, replacing Unit 15 and connecting these units, along with Unit 20, to new, compliant, on-site wastewater disposal systems. **PB2023-31-SPR**

Mr. Corwin stated that only the application of Quail I, LP, has the potential for regional impact.

A MOTION by Jeremy Rutter that the application of Quail I, LP, 69 Lily Lane (Tax Map 8, Lot 2, Plot 200), zoned R-3 has the potential for regional impact.

The motion was seconded by Laurel Stavis.

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

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

1 River Park development, approved by the Planning Board pursuant to Notices of Action
2 dated September 9, 2019 for PB2018-34-and October 12, 2012 for PB2021-29-EXT.
3 **PB2023-22-SPA - Continued from July 10, 2023**

4 Laurel Stavis recused herself from this hearing.

5
6 Chet Clem and David Clem of Lyme Properties and Attorney Phil Hastings appeared in support of the
7 application.

8
9 Mr. Rutter commented on the vesting issue, stating that it is not a typical request before the Planning
10 Board, and the Board would need more information. Chet Clem provided an explanation of the
11 background for the request and shared concerns that have been expressed by bankers and potential
12 tenants.

13
14 Chair Hall shared his belief that all applicants must be fairly evaluated based upon the regulations and
15 asked the applicant for an explanation of the potential for setting a precedent regarding vesting. Chet
16 Clem provided a statement to explain the benefits of the project and reasons for vesting considering the
17 major monetary investments made to date and the need to provide security for the partners in the project.
18 Chair Hall noted that this was not a common issue to come before the Planning Board.

19
20 The Board members inquired about the work completed to date and the potential for setting a precedent
21 regarding vesting. Chet Clem noted the benefits to the City based upon work that has been completed to
22 date. David Clem spoke regarding the original application and stated that, there would be no precedent
23 set. He stated that the infrastructure for Phase 1 was completed, which provided the basis for vesting. It
24 did not require the infrastructure for the entire project, and Mr. Clem described the elements of vesting,
25 noting that several additional items were completed at the request of the previous City Engineer.

26
27 Mr. Rutter expressed his appreciation for the explanation and his belief that the applicants' request was
28 valid based upon the uniqueness of the project.

29
30 David Clem explained the conditions that had to be met, the extent of work completed, and the attempts
31 to work with Staff to determine the amount of security with the delays involved.

32
33 A lengthy discussion regarding requirements for vesting and phased projects continued.

34
35 Chair Hall invited public comment. There was none.

36
37 Mr. Garland inquired about the securitization process. David Clem provided an explanation regarding the
38 process and the need for vesting at this point to justify a productive path forward for the project. He added
39 that real time investors have backed out due to the uncertainty. Mr. Clem provided a detailed account of
40 the financial and procedural items to date that provide the reasoning behind the vesting request.

41
42 Chair Hall inquired about the consequences of XYZ Dairy deciding to abandon the project and sell the
43 properties. Chet Clem commented on the likely circumstance of another owner of the property facing the
44 same issues that they have faced with the lot transfer restriction's negative impact on financing.

45
46 The Notice of Restriction from 2011 was discussed regarding its impact on the sale of lots.

47
48 There was a discussion of the questions the Board needs answered before next meeting. A written
49 explanation of the work to date by the applicant regarding bonding or security work done by the applicant

1 to date was requested. Mr. Corwin stated that the applicant may need to provide the Board with findings
2 of fact and conclusions of law for their position.

3
4 Mr. David Clem asked for a straw poll of the Board members regarding their position of the vesting issue.
5 Chair Hall explained that the Board members were still considering all the statements made and may
6 require additional time to respond to a poll.

7
8 ***A MOTION by Bruce Garland to continue the hearing to September 11, 2023, at 6:30PM.***

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

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

- 11
12
13
14 B. **XYZ Dairy, LLC, River Park Drive (Tax Map 44, Lots 3 & 7, and Tax Map 44, Lots**
15 **21-30), zoned CBD, IND-L and R-3:** Appeal of administrative decision to require Minor
16 Site Plan Review per Section 3.1.C of the Site Plan Review Regulations for a proposed
17 restaurant use. **PB2023-23-AAD - Continued from July 10, 2023**

18
19 ***A MOTION by Bruce Garland to continue the hearing to September 11, 2023, at 6:30PM.***

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

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

22
23 Laurel Stavis returned to the Board.

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

30
31 Mr. Corwin stated that the application is complete enough for the Planning Board to accept jurisdiction
32 and commence review.

33
34 ***A MOTION by Jeremy Rutter that the application of Mount Support Development, LLC***
35 ***(applicant/property owner) and Pat Lumber Jack, Inc. (property owner), 402 & 392 Mount Support***
36 ***Road (Tax Map 24, Lots 9 & 10), zoned R-1, is complete enough for the Planning Board to accept***
37 ***jurisdiction and commence review.***

38 ***The motion was seconded by Andrew Faunce.***

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

40
41 Dick Anagnost of Anagnost Realty and Development, Tim Braverman of the Braverman Company, and
42 Engineer Adam Morse appeared in support of the application.

43
44 Mr. Anagnost explained that they are asking for an extension due to title issues and environmental issues,
45 along with financing and escalation coming from increased interest rates. They are very close to the end
46 of the approval date and need more time. They must extend the time to allow for funding approval and are
47 proposing 8/1/2025 as the date for obtaining the building permit.

48
49 Mr. Corwin noted that this is a modification to the conditions of approval to extend the dates. The bus
50 stop is a needed public improvement that remains outstanding. Mr. Anagnost stated that they took on the
51 bus stop as part of their Phase 1, and all the site work will be completed.

Ms. Stavis inquired about assurance that lower income housing would be offered when the financial environment becomes favorable. Mr. Anagnost stated that their target audience is workforce and affordable housing.

Chair Hall invited public comment.

Hearing none, he called for a motion.

A MOTION by Jeremy Rutter that the Lebanon Planning Board **APPROVE** the application of Mount Support Development, LLC (applicant) and at Lumber Jack, Inc. (property owner) to amend the phasing schedule for a 4-building, 204-unit multi-family development originally approved on February 14, 2022 (PB2021-33-SPR) at 402 & 392 Mount Support Road (Tax Map 24, Lots 9 & 10), zoned R-1, PB2023-27-SPA, per application materials submitted and including any and all submissions and testimony provided for and during the public hearing, subject to the following conditions:

1. The applicant shall satisfy and comply with the Planning Board Notice of Action for PB2021-33-SPR, dated February 14, 2022, and all conditions of approval thereof except as provided in Conditions of Approval #2 and #3 below.
2. The applicant shall make the following changes to the revised phasing plan:
 - a) Regarding Phase 1:
 - i.remove the word “commence” from the “active and substantial development” label; and
 - ii.include construction of northbound bus stop on Mount Support Rd; and
 - b) Remove active and substantial development dates from Phases 2, 3, and 4.
3. Condition #17 set forth in the Planning Board Notice of Action for PB2021-33-SPR, dated February 14, 2022, is hereby stricken and replaced with the following:

Pursuant to Section 4.9 of the Site Plan Review Regulations, the project may be constructed in phases per the phasing plan submitted for PB2023-27-SPA, as revised per Condition of Approval #2 above and per the conditions of approval set forth in the Planning Board Notice of Action for PB2021-33-SPR, dated February 14, 2022.

The motion was seconded by Bruce Garland.

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

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**

Chair Hall recused himself.

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

3
4 ***A MOTION by Bruce Garland that the application of Mary Hitchcock Memorial Hospital, 1 Medical
5 Center Drive (Tax Map 10, Lot 8, zoned MC, is complete enough for the Planning Board to accept
6 jurisdiction and commence review.***

7 ***The motion was seconded by Andrew Faunce.***

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

9
10 David Stiger, DHMC Director of Project Management, and Dave Duncan, DHMC VP of Facilities,
11 appeared in support of the application.

12
13 Mr. Stiger stated that they opened up two OR's and were unable to begin the project, which must now
14 start next summer. The trailer is needed for a break space.

15
16 The Board members had no comments.

17
18 Vice Chair Rutter invited public comment. Hearing none, he closed the Public Hearing.

19
20
21 ***A MOTION by Jeremy Rutter*** that the Lebanon Planning Board **APPROVE** the application of Mary
22 Hitchcock Memorial Hospital to amend the phasing schedule for an expansion of the Dartmouth Health
23 Outpatient Surgery building at 32 Lahaye Drive, originally approved on June 13, 2022 (PB2022-23-SPR),
24 and to install a temporary trailer per Section 211.4 of the Zoning Ordinance for additional breakroom
25 space during construction, PB2023-28-SPA, per application materials submitted and including any and all
26 submissions and testimony provided for and during the public hearing, subject to the following
27 conditions:

28
29 1. The applicant shall satisfy and comply with the Planning Board Notice of Action for
30 PB2022-23-SPR, dated June 13, 2022, and all conditions of approval thereof except as provided
31 in Condition of Approval #2 below.

32
33 2. Condition #10 set forth in the Planning Board Notice of Action for PB2022-23-SPR,
34 dated June 13, 2022, is hereby stricken and replaced with the following:

35
36 Pursuant to Section 4.9 of the Site Plan Review Regulations, the project may be constructed
37 in phases per the phasing plan submitted for PB2023-28-SPA, and per the conditions of
38 approval set forth in the Planning Board Notice of Action for PB2022-23-SPR, dated June 13,
39 2022.

40
41 ***The motion was seconded by Patrick Kennelly.***

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

43
44 Chair Hall returned to the Board.

45
46
47 **4. Other Business**

48
49 Mr. Corwin stated that they are looking for Planning Board representatives for Ped/Bike and LEAC,
50 which are important roles that have been unfilled for a long time.

1 Mr. Garland asked for an update on the Master Plan. Mr. Corwin stated that there have been no changes
2 since the recent update. The new Associate Planner will be taking on the Master Plan update process.

3
4 **5. Approval of Minutes**

5
6 A. July 10, 2023

7
8 *A MOTION by Jeremy Rutter to approve the Planning Board Minutes of July 10, 2023, as presented.*

9 *The motion was seconded by Laurel Stavis.*

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

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13 **6. Adjournment**

14
15 *A MOTION by Bruce Garland to adjourn the meeting.*

16
17 *The motion was seconded by Laurel Stavis.*

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

19
20 The meeting was adjourned at 8:52 PM.

21
22 Respectfully submitted,

23
24 Holly Howes

25 Recording Secretary