

FINAL

**LEBANON PLANNING BOARD
REGULAR SESSION
COUNCIL CHAMBERS, CITY HALL
OR REMOTE VIA MICROSOFT TEAMS
LEBANNONNH.GOV/LIVE
MONDAY, JANUARY 08, 2024 6:30 PM**

MEMBERS PRESENT: Matthew Hall (Chair), Jeremy Rutter (Vice Chair), Richard Ford Burley, Andrew Faunce, Patrick Kennelly, Kathie Romano (REMOTE)

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

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

1. CALL TO ORDER

Chair Hall called the meeting to order at 6:30pm. Mr. Corwin reviewed the City's meeting in-person and REMOTE attendance policies and procedures.

2. ELECTION OF OFFICERS

Chair Hall moved the Election of Officers agenda item to later in the meeting.

He also said Agenda Item **4D. Lebanon Opera House (applicant), City of Lebanon (property owner), 51 North Park Street (Tax Map 91, Lot 246), zoned LD:** Request for Site Plan Review for proposed exterior building lighting. **PB2024-04-SPR** – would not be discussed at this meeting.

3. NOTICE OF REGIONAL IMPACT

Chair Hall said Notice of Regional Impact would be discussed at the next meeting.

4. PUBLIC HEARING ITEMS

- A. City of Lebanon (applicant), Mary Hitchcock Memorial Hospital (property owner), 1 Medical Center Drive (Tax Map 10, Lot 8), zoned MC:** Request for Site Plan Review to install a water system interconnection and a water booster pump station. **PB2024-01-GOV**

Chair Hall said he works on behalf of Dartmouth Hitchcock Medical Center (DHMC). He explained that, since application will be reviewed as a Governmental Land Use (pursuant to RSA 674:54), he planned to act as Chair but not to contribute to the discussion. No one had an objection to his continuing to participate as Chair. He noted that the Planning Board will not vote on this item but will offer its perspective and give members of the public a chance to speak on it.

Project Overview

Mr. Finley gave an overview of the project. He explained that the current water valve at the town line (near Jesse's restaurant) controls the pressure for water flow from Lebanon to Hanover as a backup emergency water source. He said Lebanon's water pressure is higher than Hanover's by about 50PSI.

He said DHMC is proposing this project, which includes a water booster pump and water connections, to provide a backup emergency water source from Hanover to Lebanon. He said he has completed a design of the pump station and system, which has been approved by the state and has gone out to contractor bid a few days ago. He said the station will include a manual transfer switch, which allows the City to use a portable generator to pump water in the event of a water and power loss.

Mr. Finley said the project is being funded by DHMC and by a grant provided by the Drinking Water and Groundwater Trust Fund, and will serve DHMC, the Centerra Market Place, the Altaria apartments, and the surrounding neighborhoods. He said, once a contractor has been selected, there would be a shop drawing review and then the pump would be ordered. He noted that it will probably be 6-8 months for the pump station to be delivered. He said he is working on getting an easement for the City from DHMC for the area around the station because the City will maintain the equipment and area.

Board Comments

Mr. Rutter asked about interruptions to traffic during work on the project. Mr. Finley said there are interconnections to the road that would affect traffic. He said the City will install message boards and hire flaggers and police officers (if needed) to direct traffic at those times. He said two-way traffic should be maintained at all times through the project.

Chair Hall invited Public Comment. There was none. Chair Hall closed the Public Hearing.

- B. Edwards Properties, LLC, 99 Heater Road (Tax Map 78, Lot 41), zoned IND-L:** Request for a Conditional Use Permit pursuant to Section 303.2 of the Zoning Ordinance for a proposed office use. **PB2024-02-CUP**

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

A MOTION by Jeremy Rutter that the application of Edwards Properties, LLC, 99 Heater Road (Tax Map 78, Lot 41), zoned IND-L: Request for a Conditional Use Permit pursuant to Section 303.2 of the Zoning Ordinance for a proposed office use is complete enough for the Planning Board to accept jurisdiction and commence review. The motion was seconded by Richard Ford Burley.

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

Attorney Barry Schuster said he represents Edwards Properties in this matter. He said Ms. Amy Stebbins and Mr. Ben Stebbins, of Aslan's Maintenance company, would like to move their office from 5 Edwards Street in Lebanon to the 99 Heater Road location.

[Kathie Romano joined the meeting at 6:42pm]

Project Overview

Mr. Schuster said the building is currently two residential units. Ms. Stebbins said one side will remain residential and the other (the side next to the garage) will be used by Aslan's Maintenance as office space.

Mr. Schuster said there will be no exterior construction for this project but there will be interior renovations. He noted that there is an error in the plans included in the meeting agenda packet: he said the

plans include the availability of public services, but he said the site has its own approved septic system and has never been connected to the City's sewer line.

Mr. Dan Nash (Advanced Geomatics & Design) said the building will be renovated to include a one-bedroom apartment, office space, and storage space for supplies. He said he calculated it would require four parking places. He noted there are two spaces in the garage, which can be used by employees.

Ms. Stebbins said the business is a contract janitorial business and provides services to businesses in Lebanon, Hanover, and Hartford, Vt. She said three employees work during the day shift and then they are replaced by three employees who work the evening shift. She said their current location used to be mostly residential, so the employees are used to being quiet during the evening shift.

Staff Comments

Mr. Corwin noted that the size of the proposed residential and office space needs to be clarified. He said there is a 50-square-foot difference between the "livable space" identified in the City's assessing records and the combined area of the one-bedroom apartment and the office space in the 99 Heater Road location, as calculated in the application. He said the impact of the difference is that the applicants may be required to provide a minimum of five parking spaces and not four, as has been presented. He also explained that per the definition of "off-street parking space" in the Zoning Ordinance, the parking spaces will need to be striped and properly maintained by the applicant if the application for conditional use is approved.

Mr. Corwin read the proposed conditions of approval in the DRAFT motion, which was provided to the Board prior to the meeting:

1. *The applicant shall obtain a Zoning Permit per Section 901.1 of the Zoning Ordinance, and a Building Permit, if required by the Building Code.*
2. *Prior to application for a Zoning Permit, the applicant shall submit a floor plan identifying the 450 sq. ft. office space within the building and the 1,200 sq. ft. one-bedroom dwelling.*
3. *The 450 sq. ft. office space may be used only for uses that satisfy the definition of "office" as set forth in Appendix A of the Zoning Ordinance.*
4. *No outdoor storage is permitted.*
5. *No parking or equipment storage shall be permitted within the City's right-of-way depicted on the plot plan titled, "Site Plan for Lot 78-41," dated 12/21/23, prepared by Advanced Geomatics & Design.*
6. *Impact fees calculated pursuant to Section 213 of the Zoning Ordinance shall be assessed prior to the issuance of a building permit and shall be paid prior to the issuance of a Certificate of Occupancy.*
7. *Prior to the issuance of a Certificate of Occupancy, the applicant shall stripe the parking spaces depicted on the plot plan titled, "Site Plan for Lot 78-41," dated 12/21/23, prepared by Advanced Geomatics & Design.*
8. *The plot plan titled, "Site Plan for Lot 78-41," dated 12/21/23, prepared by Advanced Geomatics & Design is incorporated as a condition of approval and shall be attached to this decision as an exhibit. Any changes to the site plan that are made for any reason shall require*

approval by the Planning Board.

Board Comments

Chair Hall asked why impact fees would be charged. Mr. Corwin said the 99 Heater Road building was used as residential only and the proposed use is for office and residential. He said whenever a change of use is proposed, impact fees are imposed.

Mr. Ford Burley asked whether the sidewalk is included in the “City’s right-of-way” in reference to the condition that no parking or storage is permitted with the City’s right-of-way. Mr. Corwin confirmed the sidewalk is included. Mr. Nash said the applicant did order a boundary survey to determine the exact boundaries of the property. He said, as soon as they receive the report, they will let the City know if any changes need to be made to the site plan. Mr. Ford Burley said he was concerned that overflow parking may block the sidewalk.

Mr. Nash asked the board to consider waiving the “stacking” parking requirement found in the zoning ordinance “off-street parking” definition because employees can move any vehicles that may be in front of the garage so other employees could use the parking spaces in the garage. Ms. Stebbins said the garage will actually be used for storage and not for parking.

[Ms. Romano said the reason she is attending remotely is she is out of town.]

Ms. Stebbins also said two, tow-behind trailers (widest one being about eight feet wide) will be parked parallel to the garage. Mr. Corwin said the trailer storage area should be included in the site plan, and that a conditional use permit for outdoor storage may also be required.

Ms. Romano asked if this might be a good time for the applicant to have this property connected to the public sewer line instead of using the private septic tank it currently uses. Mr. Corwin said he did not know if a change of use would trigger a requirement to connect to the sewer line, but he said he would find out. Mr. Nash said the closest sewer line runs across the street and it is not feasible to connect this property to it.

Ms. Romano also asked whether the proposed 1,200-square-foot one-bedroom apartment would be made into a two-bedroom space, and whether the parking requirements would be different if it were a two-bedroom apartment. Mr. Corwin said the floor plan should identify if the apartment is a one-bedroom or two-bedroom. He said a two-bedroom apartment would require two parking spaces.

The group discussed whether the application should be continued at the next meeting. Mr. Corwin stated that the January 29 meeting has a very full agenda. Several Board members said they thought this application could be discussed quickly.

Mr. Corwin said the following items should be submitted by the applicant before next meeting:

- Complete floor plan
- Updated parking analysis
- Updated site plan including outdoor storage and trailer parking

A MOTION by Jeremy Rutter that the discussion of the application of Edwards Properties, LLC, 99 Heater Road (Tax Map 78, Lot 41), zoned IND-L: Request for a Conditional Use Permit pursuant to Section 303.2 of the Zoning Ordinance for a proposed office use will be continued to the January 29, 2024 Planning Board meeting. The motion was seconded by Patrick Kennelly.

Roll Call Vote:

Voting in Favor – Mr. Ford Burley, Mr. Hall, Mr. Rutter, Mr. Kennelly, Mr. Faunce, Ms. Romano

Voting Against – None

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

- A. Pike Industries, Inc, 335 Plainfield Road (Tax Map 157, Lot 5), zoned IND-H:** Request for a Site Plan amendment and a Conditional Use Permit pursuant to Section 304.2 of the Zoning Ordinance to expand the existing asphalt plant with the installation of additional storage tanks and associated site work. **PB2024-03-CUPSPR**

Mr. Corey Gucwa and Mr. Justin Zdunczyk of Pike Industries, and Mr. Mark Antonia of Antonia Design, attended the meeting on behalf of the applicant.

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

A MOTION by Jeremy Rutter that the application of Pike Industries, Inc, 335 Plainfield Road (Tax Map 157, Lot 5), zoned IND-H: Request for a Site Plan amendment and a Conditional Use Permit pursuant to Section 304.2 of the Zoning Ordinance to expand the existing asphalt plant with the installation of additional storage tanks and associated site work is complete enough for the Planning Board to accept jurisdiction and commence review. The motion was seconded by Patrick Kennelly.

Roll Call Vote:

Voting in Favor – Mr. Ford Burley, Mr. Hall, Mr. Rutter, Mr. Kennelly, Mr. Faunce, Ms. Romano

Voting Against – None

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

Mr. Gucwa provided an overview of the project, which he said involves the expansion of the existing asphalt plant with the addition of two new 25,000-gallon tanks. He said one tank will hold asphalt cement and the other will hold either asphalt cement or #2 fuel or specification-used oil. He said the specs and plans have been approved by NH DES. He said the new tanks will not be visible to the road and he said the expansion does not represent any new use for the site.

Mr. Gucwa explained the waivers being requested with the application, which were included in the meeting agenda materials. He said stormwater changes to the site (as a result of the project) would be minimal because the site is already paved with an impervious surface, but they are planning to add a dike area to contain water on the site.

Staff Comments

Mr. Corwin said the DRAFT motion, included in the meeting agenda materials, was edited to include only the sections that required waivers.

Mr. Vincent asked if the storage area will have a roof. Mr. Gucwa said there would not be a roof. Mr. Vincent asked if rainwater would be contained. Mr. Gucwa said rainwater would collect in the 2.5-foot-deep dike area. He said the expulsion of rainwater is controlled via a valve with a lock on it, which he said they would use to let water out per SPCC regulations. He said the area may freeze during the winter, but the site gate is locked and public access is prohibited.

Board Comments

Mr. Ford Burley asked if this expansion would lead to an increase in the amount of RFOs being burned. Mr. Gucwa said the expansion will lead to an increase in the amount of fuel or oil that can be stored (and fewer deliveries) at the facility, but not in what is burned at the site. He said Pike Industries has a state permit to operate and is regulated for what types of fuel it can burn.

Chair Hall invited Public Comment. There was none.

A MOTION by Jeremy Rutter that the application of PIKE INDUSTRIES INC., PB2024-03-CUPSPR, the Lebanon Planning Board APPROVE partial waivers from the following sections of the Site Plan Review Regulations:

- **Section 5.1.E.5 – requiring a current survey of the property**
- **Section 5.1.E.13 – requiring a lighting plan**
- **Section 5.1.E.16 – requiring a landscaping plan**
- **Section 6.6 – stormwater design requirements**

The motion was seconded by Patrick Kennelly.

Mr. Corwin noted that the waiver in the DRAFT motion, included in the meeting agenda materials, as “**Section 5.1.E.13 – requiring a landscaping plan**” should be “**Section 5.1.E.16 – requiring a landscaping plan.**” Mr. Rutter amended the motion to include this change.

Roll Call Vote:

Voting in Favor – Mr. Ford Burley, Mr. Hall, Mr. Rutter, Mr. Kennelly, Mr. Faunce, Ms. Romano

Voting Against – None

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

Chair Hall closed the Public Hearing.

A MOTION by Jeremy Rutter that the Lebanon Planning Board APPROVE the application of PIKE INDUSTRIES INC. for a Conditional Use Permit and Site Plan Amendment to expand the existing asphalt plant with the installation of additional storage tanks and associated site work, located at 335 Plainfield Road, Tax Map 157 Lot 5, in the IND-H zone, PB2018-02-CUP, as shown on a plan set titled “Proposed Aboveground Oil Storage Tank Site Review Plans”, prepared by Antonia Design, LLC, dated December 29 2023, Project No. 22336, and including any and all supplemental submissions and testimony provided during the public hearing.

I. FINDINGS OF FACT

Based on testimony given, application materials presented, and supporting documents submitted, the Planning Board makes the following findings of fact:

- 1. The subject property, containing approximately 323.5+/- acres, is currently operated as a sand and gravel mine and also provides bulk materials and paving products on a wholesale and retail basis. The property is developed with many small buildings and an asphalt plant, as well as associated access, parking, landscaping and lighting improvements.**
- 2. The applicant requests a Conditional Use Permit and site plan amendment to allow an expansion of the existing asphalt plant with the installation of additional storage tanks, as described and as depicted in the application materials.**
- 3. Per §302.4.B of the Zoning Ordinance, the Planning Board may grant a Conditional Use Permit if it finds that the approval standards of §302.4.D have been met.**

II. CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted:

1. ***The Board finds that the applicant has submitted plans, testimony, technical data, information, reports, and studies that together satisfactorily demonstrate compliance with the applicable requirements of the Site Plan Review Regulations, except as may have been waived pursuant to Section 7.1.***
2. ***The Board concludes the following with respect to the Enhanced Performance Standards set forth in §302.4.D of the Zoning Ordinance:***
 - a. ***The site IS suitable for the proposal. (§302.4.D.1)***
 - b. ***The external impacts of the proposed use on abutting properties and the neighborhood IS commensurate with the impacts of adjacent existing uses or other uses permitted in the zoning district. (§302.4.D.2)***
 - c. ***The criteria set forth in Section 302.4.D.3, 4 and 5 relate to new construction and, since no new construction is proposed, are inapplicable to the subject application.***

III. DECISION

Now therefore be it resolved, the Planning Board, on this 8th day of January, 2024, hereby GRANTS the request of Pike Industries Inc. for a Conditional Use Permit per Article III, §302.4 and §304.2 of the Zoning Ordinance and a Site Plan Amendment to expand the existing asphalt plant with the installation of additional storage tanks and associated site work, located at 335 Plainfield Road, Tax Map 157 Lot 5, in the IND-H zone, PB2024-02-CUP, as set forth above and per testimony, plans, and materials submitted, with the following conditions of approval:

1. ***The applicant shall obtain a Zoning Permit per Section 901.1 of the Zoning Ordinance, and a Building Permit.***
2. ***Prior to the start of any construction activities on the property, the applicant shall obtain or update (if appropriate) any required State approvals.***

The motion was seconded by Andrew Faunce.

Roll Call Vote:

Voting in Favor – Mr. Ford Burley, Mr. Hall, Mr. Rutter, Mr. Kennelly, Mr. Faunce, Ms. Romano

Voting Against – None

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

2. ELECTION OF OFFICERS

Mr. Corwin asked the Board for nominations for Chair of the Planning Board for the next 12 months.

A MOTION by Andrew Faunce to nominate Matthew Hall as Chair of the Planning Board for 2024. The motion was seconded by Patrick Kennelly.

Roll Call Vote:

Voting in Favor – Mr. Ford Burley, Mr. Rutter, Mr. Kennelly, Mr. Faunce, Ms. Romano

Abstained – Mr. Hall

Voting Against – None

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

Mr. Hall announced that he is not planning to continue once his term ends in February 2024. Ms. Romano suggested that a member who may want to take over as Chair in February be elected as Vice Chair now.

Mr. Ford Burley said he is willing to be Vice Chair of the Planning Board, but not Chair.

A MOTION by Andrew Faunce to nominate Richard Ford Burley as Vice Chair of the Planning Board for 2024. The motion was seconded by Jeremy Rutter.

Roll Call Vote:

Voting in Favor – Mr. Hall, Mr. Rutter, Mr. Kennelly, Mr. Faunce, Ms. Romano

Abstained – Mr. Ford Burley

Voting Against – None

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

Ms. Romano asked any member considering being Chair of the Planning Board to speak to Mr. Corwin after the meeting. Chair Hall noted he has been telling the City Council that the Planning Board needs more members for a year. He encouraged members to ask people they know to join.

5. OTHER BUSINESS

None

6. APPROVAL OF MINUTES - December 11, 2023

Amendments: Page 1: Remove Bruce Garland from MEMBERS ABSENT list

Page 9, Line 33 & 34: Strike sentence that begins “No allowance was made...”

Page 9, Line 42: Clarify sentence that begins “Ms. Romano stated”

Page 10, Line 15 Add “be” after “should”

A MOTION by Andrew Faunce to approve the Planning Board Minutes of December 11, 2023, as amended. The motion was seconded by Richard Ford Burley.

Roll Call Vote:

Voting in Favor –Mr. Ford Burley, Mr. Hall, Mr. Rutter, Mr. Kennelly, Mr. Faunce, Ms. Romano

Voting Against - None

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

6. Adjournment

A MOTION by Jeremy Ruter to adjourn the meeting at 7:41pm. The motion was seconded by Patrick Kennelly.

Roll Call Vote:

Voting in Favor –Mr. Ford Burley, Mr. Hall, Mr. Rutter, Mr. Kennelly, Mr. Faunce, Ms. Romano

Voting Against - None

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

The meeting was adjourned at 7:41pm.

Respectfully submitted,

Paula Roux

Recording Secretary