

FINAL

**LEBANON PLANNING BOARD
COUNCIL CHAMBERS, CITY HALL
OR REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE
MONDAY, FEBRUARY 26, 2024 6:30 PM**

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

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

STAFF PRESENT: Tim Corwin (Deputy Planning Director), Nate Reichert (Director of Planning & Development/Zoning Admin), Rod Finley (City Engineer)

1. CALL TO ORDER

Vice Chair Ford Burley called the meeting to order at 6:31pm. Ms. Romano said she is attending remotely because she is out of town.

Mr. Corwin reviewed the City's meeting in-person and REMOTE attendance policies and procedures. He noted that this was supposed to be Chair Hall's last meeting, but he was unable to make the meeting. Mr. Corwin thanked Matt Hall for his dedicated service to the City.

2. PUBLIC HEARING ITEMS

A. Oakes Storage, LLC and Oakes Real Estate SPE, LLC, 92 Riverside Drive (Tax Map 111, Lot 16), zoned RL-1: Pursuant to Section 9.1 of the Site Plan Review Regulations, applicants request a modification to a previously approved Site Plan (PB2022-06-SPR) to construct a +/-26,176 sq. ft. commercial self-storage unit facility together with related site improvements. Applicants propose to lower the site 4 ft. and to relocate the garage and entry drive. PB2024-05-SPA

Mr. Dan Nash, of Advanced Geomatics & Design, was present on behalf of the applicant. Mr. Nash said the Board now had a full set of plans for the project. Vice Chair Ford Burley reminded the group of last meeting's discussion about whether DES required a solid waste permit and if work should be suspended until the DES made its decision. Mr. Corwin said no new information had been received by staff whether that permit was, in fact, going to be required.

Mr. Rutter said the written documents provided to the Board still do not include an accurate plan. He said several items noted in the documentation, such as the bollards at the corners of the property, the entry control gate, and the security fencing were either missing from the plan or not

where they were supposed to be. He asked if supplying an accurate plan could be a condition of approval.

Mr. Ford Burley noted this was an unusual circumstance because the work had already begun before the Planning Board reviewed this request for modification to the site plans. He said if this project involved City permitting, work would be stopped while it was determined if the permit were required. He said this situation falls into a grey area. He suggested the Board should change its regulations to state that, if work in progress is determined to possibly require additional state permit(s), the City issues a stop order. The group discussed this suggestion at length. Mr. Corwin said that could be something discussed in an upcoming Planning Board work session.

Mr. Nash said it would be unjust for the Board to issue a stop work order if a permit might be required. Mr. Ford Burley said there is already a stipulation that if a state permit is required the City can issue a stop order, so it is within the City's jurisdiction to pause work.

Ms. Romano asked whether ample room was allowed for fire trucks to get all the way around the buildings, and it was noted the plans do not reflect that. She said the Board tries to avoid making decisions for applicants where incomplete plans are provided because, later, when the property is being sold, the plans on file are not accurate. She said they may need to add that the requirements for the plans will be depicted on the plans. She asked if the applicant could be required by staff to confirm whether a permit is required to receive a certificate of occupancy. Mr. Corwin said that could be an alternative to pausing the work in this case.

Vice Chair Ford Burley invited public comment. There was none. He closed the public hearing.

A motion was made by Patrick Kennelly to approve the application. It was seconded by Jeremy Rutter. Mr. Rutter noted there were two different "origin" dates on the plans: December 13, 2021 and January 12, 2021. Mr. Corwin said the correct date was December 13, 2021. He also noted the words "last amended" should be added before February 19, 2024. The motion was corrected to reflect those changes.

The following AMENDED motion was then presented:

A MOTION was made by Patrick Kennelly that the Lebanon Planning Board APPROVES the application of Oakes Storage, LLC and Oakes Real Estate SPE, LLC, PB2024-05-SPA, for a modification pursuant to Section 9.1 of the Site Plan Review Regulations to a previously approved Site Plan (PB2022-06-SPR) to construct a +/-26,176 sq. ft. commercial self-storage unit facility at 92 Riverside Drive (Tax Map 111, Lot 16), zoned RL-1. Applicants propose to lower the site 4 ft. and to relocate the garage and entry drive as set forth on a plan set titled, "Oakes Storage, LLC, Lebanon, Grafton County, New Hampshire, Construction Plans", prepared by Advanced Geomatics, dated December 13, 2021, last revised February 19, 2024, Project No. 20-001, and including any and all submissions and testimony provided for and during the public hearing.

In support of its decision, the Board finds that the applicant has submitted plans, testimony, technical data, information, reports, and studies that together satisfactorily demonstrate compliance with the applicable requirements of the Site Plan Review Regulations.

This approval is subject to the following conditions:

- 1. Within 14 days of the Planning Board's approval, the applicant shall update the plan set as follows to the satisfaction of the Planning & Development Department and Fire Department:***
 - a. remove the boundaries of the former Fellows Hill Road right-of-way from the landscaping plan;***
 - b. amend the site plan (Sheet C-1) as follows:***
 - i. identify location of bollards at building corners per plan note 5;***
 - ii. combine notes 7 and 9 into a new note 7 and eliminate note 9; and***
 - iii. relocate the note 6 marker to the proposed gate location;***

and shall provide the Planning and Development Department with one (1) full size copy of the revised plan set, and a digital copy of the revised plan set saved in a PDF-A format for archival purposes.
- 2. The applicant shall satisfy and comply with the Planning Board Notice of Action for PB2022-06-SPR, dated April 11, 2022, and all conditions of approval thereof.***
- 3. Prior to the issuance of a certificate of occupancy, the applicant shall verify whether a solid waste permit from the NH Department of Environmental Services is required, and if so, shall obtain such permit prior to the issuance of a Certificate of Occupancy.***

The MOTION was seconded by Jeremy Rutter.

Roll Call Vote:

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

Voting Against – None

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

- B. City of Lebanon, Layout of Additional Right-of-Way Areas for Trues Brook Road, 117 Trues Brook Road (Tax Map 186-Lot 37), 0 Hall Road (Tax Map 159-Lot 6), 133 Trues Brook Rd (Tax Map 186- Lot 38), 124 Trues Brook Rd (Tax Map 186- Lot 4), 136 Trues Brook Rd (Tax Map 186- Lot 3): Applicant requests a review per RSA 674:40, III, for the layout of additional areas of the existing Class V public highway known as "Trues Brook Road." The proposed additional highway areas are needed to enable construction of a new bridge to replace the existing Trues Brook Road Bridge together with related roadway approaches and associated improvements. PB2024-07-LAY***

Mr. Finley gave an overview of the project, which involves the construction of a temporary bridge to accommodate traffic during the construction of the new Trues Brook Road Bridge (to

2) and Easement Plan (2 of 2), (Sheets 8 and 9 of 47), prepared by Hoyle Tanner, dated January 2024, Project #21 point 906414.00 as contemplated by the City Council.

In approving, the Planning Board notes that an abutter has expressed concerns regarding the placement of the overhead wires, and the Council may wish to examine that aspect in greater detail.

The MOTION was seconded by Jeremy Rutter.

Roll Call Vote:

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

Voting Against – None

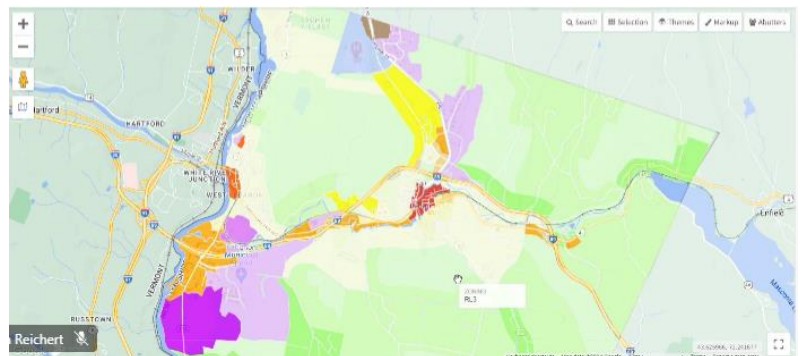
****The MOTION was approved (6-0).***

4. STUDY ITEMS

A. Cicotte Properties, LLC - Proposal to amend Section 303.2 of the Zoning Ordinance to add "vehicular sales" as a Conditional Use in the Light Industrial (IND-L) District

Mr. Corwin gave an overview of how zoning changes are typically made. He said this is an unusual situation because it is a citizen petition for a zoning change. He noted this particular change – to add “vehicular sales” as a Conditional Use in the IND-L – was a late addition to a batch of amendments proposed together last fall, and staff recommended more discussion was needed on this amendment. He said all three Land Use Boards would be asked for comment. He asked the Planning Board members to evaluate the proposed amendment from a policy perspective and recommend to the City Council on whether it would approve or not.

The group reviewed the map, which showed all the light purple areas in the City that are zoned IND-L. Mr. Corwin said the areas include (but are not limited to) the Lebanon Airport, Airpark Road, Plaza Heights, Novo Nordisk, Timkin, Etna Road, Altaria, the Centerra Business Park, and parts of the River Park area.



Attorney Barry Schuster was present on behalf of the applicant. He said the applicant wants the amendment so it doesn't need to seek a variance every time it wants to make a change on its property.

The group discussed at length the Route 120 Study, which should be completed within the next six months, and the impacts it could have on many properties that are currently zoned IND-L. Planning Director Nate Reichert said the results of the study may lead to zoning changes that could impact a change made now for this applicant.

Mr. Schuster said he did not know what had happened since this was first proposed last fall that should change the way the Board would view this amendment. Mr. Rutter said things have changed, notably: the Cicotte Properties, LLC has purchased a large portion of land in the Route 120 area that could be made into one large car dealership; and the Planning Board has just been made aware of the status of the Route 120 Study, which could have a potentially huge impact on this decision.

The group agreed to wait until the Route 120 Study has been completed before considering this zoning change.

A MOTION was made by Richard Ford Burley that, whereas the Planning Board is concerned that the proposal could make a potentially over-broad change, given that it involves the entire IND-L district, and

whereas the results of the Route 120 study is expected to be available in less than six months' time, and

whereas that study will provide significant guidance as to the question of whether it is appropriate to allow vehicular sales by conditional use in properties zoned as light industrial, and

whereas there is no evidence of an immediate pressing need to change the zoning, the Planning Board therefore recommends that the City Council postpone any decisions on the matter until after the Planning Board has had the time to read and interpret the results of the Route 120 study.

The MOTION was seconded by Brandon Hill.

Roll Call Vote:

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

Voting Against – None

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

B. Master Plan Chapter Update Process

Mr. Corwin said staff has been discussing the ideas that the Planning Board brought up at the last meeting regarding ways to make the Master Plan more usable. He said staff recommendations include condensing some chapters, tying some initiatives to Strategic Plan focus areas, etc. He said the discussion is ongoing.

Mr. Faunce said the issues that were raised were about the length of the document and the differences between chapters being created by different groups. He said the areas of conflict need to be addressed earlier in the process than during finalization of topics. He suggested a review involving the public early in the process, such as a kick-off event, to identify themes and establish a more collaborative approach to writing the Master Plan.

Mr. Reichert noted that the Planning Board has a second meeting each month designated as a work session to review policy initiatives. He said very often, application review spills over from the first meeting of the month into the second work session meeting of the month. He suggested the Planning Board needs to take a firmer stance on keeping the second meeting of each month for policy review only.

Vice Chair Ford Burley agreed and said if an application review is not completed during the first meeting of a month, the discussion should be continued at the first meeting of the next month. Ms. Romano said when the Board must dedicate two or three times as much time to review one incomplete application, it takes away from the time Board members have for other things. She said she would be in favor of having the Board not consider plans that are not fully ready for review. Mr. Corwin said streamlining the process could be a future agenda topic. He also said the Board could dedicate an entire work session meeting to discussing the Master Plan. Mr. Faunce suggested more meetings could be added for a brief period to provide more time for discussion of the Master Plan. Mr. Kennelly asked if the Planning Department requires applicants to submit “As Built” plans. Mr. Reichert said that the Board could require “As Built” plans as a Condition of Approval.

The group agreed to add an extra Planning Board meeting in April, and confirmed the Board will hold meetings on April 8, 22, and 29.

C. CIP - Recap 2024 adopted Capital Budget, Commence 2025-2030 CIP Process
Vice Chair Ford Burley said this would be discussed at a future meeting.

D. Strategic Plan - Annual Goals and Workplan

Mr. Reichert discussed a spreadsheet of all the Strategic Plan items (26 in number) that involved the Planning / Zoning Department. He said he would share the spreadsheet with the Board members.

He identified the following initiatives that he felt impacted policy changes and fell under the purview of the Planning Board:

- Review/Revise CIP Process
- Review City Planning / Zoning Policies and Procedures
- Complete Street Policy

The group briefly discussed the Housing Plan, and whether a Housing Master Plan should be created. They agreed to discuss it further at a future meeting. The members also discussed city-owned parcels and potential uses for them.

A MOTION was made by Richard Ford Burley to extend the meeting by 15 minutes to 9:45pm. The MOTION was seconded by Jeremy Rutter.

Roll Call Vote:

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

Voting Against – None

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

5. ELECTION OF OFFICERS

A MOTION was made Kathie Romano to nominate Andrew Faunce as Chair of the Lebanon Planning Board. The MOTION was seconded by Richard Ford Burley.

Roll Call Vote:

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

Voting Against – None

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

6. COMMITTEE REPORTS

Vice Chair Ford Burley said subcommittees would be discussed at the second March meeting. He said each Board member should be on at least one of the subcommittees as Planning Board Representative. Mr. Corwin noted that the Conservation Commission could have a Planning Board Representative, but staff would have to amend the codes to do that. He said he would find out more about that.

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**

C. Minor Site Plan Committee

7. OTHER BUSINESS

A. Vacant subcommittee appointments

8. APPROVAL OF MINUTES – January 29, 2024

Amendments: Change “Jeremy Rutter (Vice Chair)” to “Richard Ford Burley (Vice Chair)”
Page 3 Line 15: Change “Communities” to “Community”
Page 4 Line 27: Change “Synergized” to “Subordinated”
Page 5 Line 20: Correct spelling of ADJOURNMENT

A MOTION was made by Patrick Kennelly to approve the Planning Board Minutes of January 29, 2024, as amended. The motion was seconded by Kathie Romano.

Roll Call Vote:

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

Voting Against – None

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

9. ADJOURNMENT

A MOTION was made by Richard Ford Burley to adjourn the meeting at 9:30pm. The motion was seconded by Andrew Faunce.

Roll Call Vote:

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

Voting Against – None

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

The meeting was adjourned at 9:30pm.

Respectfully submitted,
Paula Roux
Recording Secretary