

FINAL

**LEBANON PLANNING BOARD
COUNCIL CHAMBERS, CITY HALL
OR REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE
MONDAY, APRIL 22, 2024, 6:30 PM**

MEMBERS PRESENT: Andrew Faunce (Chair), Richard Ford Burley (Vice Chair), Jeremy Rutter, Patrick Kennelly, Brandon Hill, Kathie Romano, Karen Zook (City Council Rep)

MEMBERS ABSENT: None

STAFF PRESENT: Tim Corwin (Deputy Planning Director), Nate Reichert (Director of Planning & Development/Zoning Admin), Catheryn Hembree (Associate Planner)

1. CALL TO ORDER

Chair Faunce called the meeting to order at 6:31pm.

Mr. Corwin reviewed the City's meeting in-person and REMOTE attendance policies and procedures.

2. NOTICE OF REGIONAL IMPACT

The following applications were received by the Planning and Development Department on or before April 8, 2024:

- **The Notch Climbing Real Estate, LLC & Chaloux Properties, LLC, 33 & 25 Labombard Road (Tax Map 51, Lot 15, and Tax Map 64, Lot 25), zoned IND-L: Request for approval of a Boundary Line Adjustment. PB2024-17-BLA**
- **CP Centerra LLC, 12 Centerra Parkway (Tax Map 10, Lot 11, Plot 100), zoned IND-L: Pursuant to Section 9.1 of the Site Plan Review Regulations, applicant requests a modification to a previously approved site plan (PB2022-45-SPR) for a restaurant with a drive-through together with associated site improvements. Applicant proposes changes to the site circulation, parking, landscaping, and utilities. PB2024-18-SPA**

Mr. Corwin said staff recommends the applications do not have the potential for regional impact.

A MOTION was made by Richard Ford Burley that the applications of The Notch Climbing Real Estate, LLC & Chaloux Properties, LLC, 33 & 25 Labombard Road (Tax Map 51, Lot 15, and Tax Map 64, Lot 25), zoned IND-L, and CP Centerra LLC, 12 Centerra Parkway (Tax

Commented [TC1]: Please double check property owner names, address and M/L numbers (I did not...)

Commented [CT2R1]: Ok, I did when I wrote it up, but I will check one more time just to be safe

Commented [TC3]: Same comment.

Also, are the applicant and property owner one and the same?

Commented [CT4R3]: They are. I double checked that. Thats how they filled out the application. I can double check w Jeff Goodrich if you want.

Commented [TC5]: Please double check property owner names, address and M/L numbers (I did not...)

Commented [CT6R5]: Ok, I did when I wrote it up, but I will check one more time just to be safe

Map 10, Lot 11, Plot 100), zoned IND-L do not have the potential for regional impact. The motion was seconded by Patrick Kennelly.

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

3. STUDY ITEMS

A. Review and Comment for the Proposed Zoning Amendment for Section 214 (Governmental Uses) of the Zoning Ordinance

Mr. Corwin said Section 214 (Governmental Uses) of the zoning ordinance currently states that governmental use projects are (by default) subject to the zoning ordinance unless exempted by the City Council. He said some recent public works projects that have a general benefit to the City have had impacts on adjacent properties that triggered review by the Zoning Board of Adjustments under the City's wetlands regulations. He said the additional review/approval process creates delays and additional costs, particularly when the City Public Works employees are not aware that the review is needed and must get the wetlands permit after work has started. He said the Planning Department also had to get a wetlands permit for an Airport expansion project that was well underway, which he said added more than \$16,000 to that project.

He said the proposed zoning amendment would exempt Public Works projects that are for the public good from compliance with the City's zoning ordinance. He said these projects would still require state wetland approval and all other state and local regulations if the zoning ordinance is changed.

The group discussed the differences between the City's and the state's wetlands regulations. Mr. Corwin said the City requires a 150-foot buffer to be maintained for all wetlands areas and the state does not. He noted that wetlands impacts identified on projects are reviewed by the Conservation Commission. He said the City Council can vote to grant an exemption of the zoning ordinance for these projects. Chair Faunce said that Lebanon and Nashua are the only New Hampshire cities that require local ZBA review. Mr. Corwin noted that public improvement projects provide ample chances for public hearing through public hearings.

The group discussed how detrimental this additional level of review might be to Public Works projects. Mr. Ford Burley asked, if the Board decides in favor of amending the zoning ordinance, if that decision could be revisited in 24 months, so the impact of the decision could be assessed. Mr. Corwin said that could be included in the Board's recommendation to the City Council.

A MOTION was made by Richard Ford Burley that the Planning Board authorizes the Planning Board's City Council Representative to convey that, in the Planning Board's discussion of the proposed Zoning Amendment [to Section 214 (Governmental Uses)], the Members expressed concerns over the potential impact of removing a step in the regulatory review process, and suggested that, if the City Council were to pass the proposed amendment, it should revisit the language of Section 214 in no more than two years' time, taking into account any new data that arises. The motion was seconded by Jeremy Rutter.

Commented [TC7]: Same comment.

Also, are the applicant and property owner one and the same?

Commented [CT8R7]: They are. I double checked that. Thats how they filled out the application. I can double check w Jeff Goodrich if you want.

Roll Call Vote:

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

Voting Against – Ms. Romano

Abstaining from the Vote: Ms. Zook

***The MOTION was approved (5-1, with Ms. Zook abstaining).**

B. Master Plan Discussion

Ms. Hembree gave an overview of the current Master Plan update process, and the group reviewed the outline and update timeframes of the Master Plan Chapters. She said the plan is to update a small number of chapters each year and to do a complete rewrite of the Master Plan in 2030. She said the following chapters are under review this year:

- Natural Resources (by the Conservation Commission)
- Energy (by the Lebanon Energy Advisory Committee)
- Economic Development (by the Lebanon Economic Development Committee)

She said each committee can decide how it solicits public input; for example, she said LEAC plans to have a kiosk at the Lebanon Farmers Market to encourage the public to provide input.

The group discussed the importance of the Housing and Land Use Chapters at length, and whether those chapters/sections should be reviewed sooner and before other chapters. Ms. Hembree noted that, since the Housing Chapter will need a complete overhaul, the Planning Department has already begun contacting consultants to help in that effort. Mr. Ford Burley said the Land Use Chapter review needs to start much earlier than 2029. Chair Faunce said Land Use review should be ongoing and the Master Plan should be an interactive, living document. He noted that the public's ability to access and comment on the Master Plan has been a challenge. Mr. Reichert said the City needs to encourage increased and consistent public engagement in the Master Plan process. Mr. Rutter asked if the Board could receive status/updates on the huge housing projects that have been approved by the City Council in recent years.

The group discussed the upcoming Route 120 Corridor Study. Ms. Hembree said there is a Route 120 Corridor Study meeting on April 24 at 5:00pm at DHMC in Auditorium E (3rd Floor), which will include a public charrette.

C. Discussion and Set Public Hearing: Impact Fees

Mr. Corwin provided the following to the Board members:

- Red line comparison of 2024 supportable Impact Fee rates compared with existing Impact Fee rates (adopted in October 2021)
- Impact Fee schedules for 2018, 2016, and 2010
- Community comparison of Impact Fee rates (assembled by consultant Bruce Mayberry) including Thedford, Dover, Newmarket, Rochester, and Salem

Chair Faunce reminded Board members that their decision affects either the people developing property, who will pay the full and fair impact fee, or taxpayers, who will pay instead down the road. He said, in the current climate of rising tax rates for residents, he proposes that the former is a more favorable result than the latter. Mr. Kennelly said raising development fees will probably cause developers to increase rates for renters and owners.

Mr. Hill said he thought these fees may not be high enough to meet the increased costs due to inflation. Mr. Ford Burley said he believed consultant Bruce Mayberry did his best to calculate a good, justifiable set of Impact Fees and the Board's options are either accept them or try to calculate a lower amount, which is not favorable. Mr. Corwin confirmed that the fees, which are assessed on new developments in the City, go to the departments identified and not to the general fund for the City. Ms. Zook explained the fees are assessed based on the anticipated use of City services.

A MOTION was made by Richard Ford Burley that the Planning Board sets the Public Hearing to discuss the Impact Fees for May 28, 2024, at 6:30pm. The motion was seconded by Kathie Romano.

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

The group realized that there would not be enough members to achieve a quorum for that date and time.

A MOTION was made by Richard Ford Burley that the Planning Board sets the Public Hearing to discuss the Impact Fees for May 20, 2024, at 6:30pm. The motion was seconded by Patrick Kennelly.

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

4. COMMITTEE REPORTS

A MOTION was made by Kathie Romano that Chair Faunce of the Planning appoint Mr. Patrick Kennelly as the Planning Board Representative for the Lebanon Energy Advisory Committee. The motion was seconded by Richard Ford Burley.

****The MOTION was approved (6-0, with Mr. Kennelly abstaining).***

Ms. Romano noted that the Mascoma Advisory Committee no longer has members and no longer meets. She said it is an important committee and should be reinstated.

Mr. Ford Burley suggested that members of subcommittees could come to a Planning Board meeting and talk about their committees. Mr. Corwin said other committees that do not have Planning Board representatives are the Pedestrian & Bike Committee and the Regional Planning Committee.

5. OTHER BUSINESS

Mr. Corwin said the Planning Department received a site plan application for 7 Lucent Drive several weeks ago that is ready to come before the Board on May 13. He said the applicants have submitted a waiver request for a paved parking lot and suggested a site visit prior to the meeting so the Board members can understand the reasons for the waiver request. The group agreed to conduct a site visit on May 6, 2024, at 5:30pm at 7 Lucent Drive.

6. APPROVAL OF MINUTES

None

7. ADJOURNMENT

A MOTION was made by Richard Ford Burley to adjourn the meeting at 9:05pm. The motion was seconded by Jeremy Rutter.

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

The meeting was adjourned at 9:05pm.

Respectfully submitted,
Paula Roux
Recording Secretary