



**LEBANON PLANNING BOARD
SEPTEMBER 16, 2024 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

- A. To participate in this meeting, please [join live via Microsoft Teams](#) or call 929-229-5356 (access code: 541 923 879#). If you have trouble accessing this meeting, please [email tim.corwin@lebanonnh.gov](mailto:tim.corwin@lebanonnh.gov).

2. Notice of Regional Impact

3. Public Hearing Items

- A. **The Muse Lebanon, LLC (applicant), City of Lebanon (property owner), 20 Spencer Street (Tax Map 92, Lot 31), zoned LD:** Request for Site Plan Review for a proposed +/-76,064 sq. ft. multi-family building with 80 affordable housing units, together with parking, utilities, landscaping, access, and other related site improvements. Applicant also requests a Conditional Use Permit pursuant to Article III, Section 307.6.B.2 of the Zoning Ordinance to waive the requirement to reserve space within the street level story of the building for non-residential uses. **PB2024-36-SPR - Continued from the September 9, 2024 meeting**

4. Other Business

- A. Review of the draft Housing Opportunity Planning (HOP) Grant support letter.
- B. Planning Board representative to the Lebanon Housing Task Force.

5. Approval of Minutes

- A. August 6, 2024 - Site Walk
- B. August 7, 2024 - Site Walk
- C. August 12, 2024

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](https://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 16, 2024 Meeting

Staff Memorandum – PB2024-36-SPR – *con't from 9/9/24*

APPLICATION INFORMATION

Agenda Item: 3.A

Application ID: PB2024-36-SPR

Application Type:

Site Plan Review for a proposed 80-unit affordable housing development and related site improvements, and Conditional Use Permits to waive the requirements of 307.6.B.2 and 307.8.C (307.8.C CUP not yet noticed)

Property Location & Tax Map:

20 Spencer St (Tax Map 92, Lot 31)

Applicant: The Muse Lebanon, LLC

Property Owner:

City of Lebanon

Property Size:

+/-1.92 acres (83,729 sq. ft.)

Zoning District:

Lebanon Downtown (LD) District

Overlay District(s):

Floodplain District

Future Land Use Map:

Central Business District

Existing Use & Improvements:

Vacant; formerly occupied by the City's Department of Public Works facility

Proposed Use & Improvements:

+/-76,064 sq. ft. multi-family building with 80 affordable housing units, together with parking, utilities, and other related site improvements

Staff Attachments:

- Memo dated 9/9/24 from Duane Egner, Lebanon Fire Inspector
- Letter dated 9/9/24 from the UVLSRPC

LEGAL NOTICE

The Muse Lebanon, LLC (applicant), City of Lebanon (property owner), 20 Spencer Street (Tax Map 92, Lot 31), zoned LD: Request for Site Plan Review for a proposed +/-76,064 sq. ft. multi-family building with 80 affordable housing units, together with parking, utilities, landscaping, access, and other related site improvements. Applicant also requests a Conditional Use Permit pursuant to Article III, Section 307.6.B.2 of the Zoning Ordinance to waive the requirement to reserve space within the street level story of the building for non-residential uses. PB2024-36-SPR

APPLICATION MATERIALS

Included with agenda packet for 9/9/24 meeting:

- ▶ Application form (pg 1 of 226 of the staff memo attachment)
- ▶ Memo dated August 12, 2024 from Nicholas Golon, PE, of TFMoran, Inc. (project description; pgs 2-3)
- ▶ Site Plan Review Regulations Technical Checklist dated August 12, 2024 (pgs 4-13)
- ▶ Application for Waivers with supporting narratives (pgs 14-27)
- ▶ Application for Conditional Use Permit per Section 307.6.B.2 (to waive first floor commercial space requirement; pgs 28-33)
- ▶ Application for Conditional Use Permit per Section 307.8.C (to waive floor height requirements; pgs 34-40)
- ▶ Document titled "The Muse Lebanon – Section 6.10 Analysis," dated August 21, 2024 (pgs 41-48)
- ▶ Document titled "The Muse Lebanon – Impact Analysis," dated August 12, 2024 (pgs 49-51)
- ▶ Certified Notification List (pgs 52-54)
- ▶ Fee Schedule (pgs 55-56)
- ▶ Plan sheet exhibit titled "Surface Conditions Plan," prepared by TFMoran, Inc., dated August 12, 2024, last revised August 26, 2024 (colorized site plan; pg 57)
- ▶ Plan sheet exhibit titled "Wildland Urban Interface Plan," prepared by TFMoran, Inc., dated August 12, 2024, last revised August 26, 2024 (pg 58)

- ▶ Plan sheet exhibit titled “Turning Template Plan,” prepared by TFMoran, Inc., dated August 12, 2024, last revised August 26, 2024 (colorized site plan exhibit; pg 59)
- ▶ Plan sheet exhibit titled, “Muse Apartments – Architectural Renderings,” prepared by Embarc, undated (pg 60)
- ▶ Memo dated August 9, 2024, revised August 26, 2024, from Robert Duval, PE, of TFMoran, Inc. (traffic memorandum; pgs 61-64)
- ▶ Plan set titled “Muse Apartments,” prepared by TFMoran, Inc., dated August 12, 2024, last revised August 26, 2024, File 96202.01 (pgs 65-87)

Available on-line only:

- ▶ Document titled, “Stormwater Management Plan,” prepared by TFMoran, Inc., dated August 12, 2024, revised August 26, 2024, File 96202.01 (drainage report; pgs 88-226)

COMPLETENESS REVIEW

On September 9, 2024, the Planning Board determined that the application is complete enough to accept jurisdiction and to commence review. The public hearing was opened and the applicant began their presentation.

Figure 1. Bird’s Eye View of subject property (looking south).



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

APPLICATION OVERVIEW

The subject property is currently vacant and was formerly occupied by the City’s Department of Public Works facility. Following extensive environmental remediation, the City issued a Request for Proposals to redevelop the property as affordable housing. The City Council selected the applicant as the developer.

The applicant proposes to construct a +/-76,064 sq. ft. multi-family building with 80 affordable housing units, together with parking, utilities, landscaping, access, and other related site improvements. Additional project details can be found in the attached memo dated August 12, 2024 from Nicholas Golon, PE, of TFMoran, Inc. As discussed below, the Applicant also requests a Conditional Use Permit pursuant to Article III, Section 307.6.B.2 of the Zoning Ordinance to waive the requirement to reserve space within the street level story of the building for non-residential uses.

STAFF COMMENTS

PLANNING

I. SITE PLAN REVIEW REGULATIONS:

Jurisdiction

The proposed development constitutes a “major change” to the property (as that term is defined in Article II of the Site Plan Review Regulations) and, therefore, requires Site Plan Review by the Planning Board and demonstration of compliance with the Article V submission requirements and Article VI design requirements.

Waiver Requests

Pursuant to Section 7.1 (“Waiver of Regulations”), the applicant has requested waivers or partial waivers from certain provisions of Article V (“Submission Requirements”) and Article VI (“Design and Construction Requirements”) of the Site Plan Review Regulations, as set forth in the attached Application for Waivers and as listed below (in the order they appear on the Application for Waivers):

- **Section 5.1.G.2** – *requirement to prepare a traffic study (see letter from Nicholas Golon, PE, dated August 12, 2024, revised August 26, 2024, pages 16-19 of the application materials attachment)*
- **Section 6.2.B.1.a** – *perimeter landscaping requirements (see letter from Nicholas Golon, PE, dated August 12, 2024, revised August 26, 2024, pages 20-21 of the application materials attachment)*
 - As a reminder, per Section 6.2.B.1.a, in the LD District, buildings and parking areas may occupy any portion of the required 15 ft. perimeter landscaping, but the perimeter landscaping requirements apply to all portions of the landscaping buffer *not* occupied by buildings or parking areas.
- **Section 6.2.B.4** – *requiring all trees to be planted a minimum of 8 ft. from any property line (see letter from Nicholas Golon, PE, dated August 12, 2024, revised August 26, 2024, page 22 of the application materials attachment)*
- **Section 6.2.B.6** – *additional buffer requirements (see letter from Nicholas Golon, PE, dated August 12, 2024, revised August 26, 2024, page 23 of the application materials attachment)*
- **Section 6.2.D.1** – *landscaping around buildings requirements (see letter from Nicholas Golon, PE, dated August 12, 2024, revised August 26, 2024, page 24 of the application materials attachment)*

- **Section 6.6.C.1.2.K** – *requiring test pit data for stormwater management design (see letter from Nicholas Golon, PE, dated August 12, 2024, revised August 26, 2024, page 25 of the application materials attachment)*
- **Section 6.6.G** – *stormwater management design standards for redevelopment (see letter from Nicholas Golon, PE, dated August 12, 2024, revised August 26, 2024, pages 26-27 of the application materials attachment)*

Pursuant to Section 7.1 of the Site Plan Review Regulations, the Board may grant a waiver of any part of the Regulations if it finds, by majority vote, that either:

- A. Strict conformity would pose an unnecessary hardship to the Applicant and waiver would not be contrary to the spirit and intent of the regulations; or
- B. Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

The applicant's basis for each waiver request is described in the attached Application for Waivers. Note that the granting of a waiver from a design requirement does not relieve an applicant from making the improvements that are depicted on the approved site plan, even if the depicted improvement would have been covered by the waiver had it not been included on the approved site plan.

SECTION 5 – SUBMISSION REQUIREMENTS

5.1 (Drawings and Other Submittals): The applicant has provided the attached materials pursuant to the submission requirements of Section 5.1 of the Site Plan Review Regulations.

SECTION 6 – DESIGN AND CONSTRUCTION REQUIREMENTS

6.2 (Landscaping Standards): The applicant has submitted a landscaping plan in accordance with Section 5.1.E.15 of the Site Plan Review Regulations and the landscaping design standards set forth in Section 6.2. See Sheet C-10 of the plan set. As noted in the attached Application for Waivers, the applicant has requested several waivers from Section 6.2.B.

6.3 (Utilities & Fire Protection): The new buildings will be connected to the City's water and sewer systems.

6.4 (Fees and Assessments in Effect at time of Connection): The creation of new non-residential square footage will be subject to the City's Impact Fee Ordinance and fee schedule adopted by the Board on May 20, 2024.

6.7 (Lighting): The applicant has submitted a lighting plan in accordance with Section 5.1.E.12 of the Site Plan Review Regulations and the lighting design standards set forth in Section 6.7. See Sheet L-01 of the plan set.

6.9 (Premature and Scattered Development): Section 6.9 provides that the Planning Board "may disapprove a site plan application that proposes development that is scattered or premature, so as to involve danger or injury to health, safety, or prosperity of the community. For purposes of this section, a development shall be considered scattered or premature if it will cause, or poses an undue risk of causing, a substantial or appreciable adverse impact upon any of the factors or parameters set forth in the General or Specific Purposes of Site Plan Review, as outlined in Sections 1.4 and 1.5 of these Regulations, or as

set forth in Section 6.9.B if such information is required to be submitted per Section 5.1.G.4 or Section 5.2.D.” (emphasis added)

Section 5.1.G.4 of the Site Plan Review Regulations requires that, “[f]or multi-family dwelling developments and mixed-use developments resulting in a net increase of 50 dwelling units or more, the application shall include the information and impact statements identified in Section 6.9.B.” These include:

1. Statement of impact of the proposed development on natural resources and environmental quality including, but not limited to, water quality, air quality, wetlands, soil erosion and agricultural soils and a statement of pollution control and environmental impact mitigation measures.
2. Capacity of the school system; effect on school bus transportation and distance of the proposed subdivision from the nearest elementary school.
3. Adequacy of streets and/or sidewalks in the general area of the development including major intersections providing access, and such other areas as requested by the Board.
4. Sufficiency, availability and capacity of utility services to provide water, fire protection, and sewer, and further, the impact of the development on the municipal solid waste disposal facilities.
5. (If applicable) The impact of on-site subsurface sewage disposal systems as to adjacent wells, water supply systems, and any known aquifers so designated by the United States Geological Survey.
6. Any special fire, police and public safety problems due to location and/or special conditions related to the site’s proposed type of use.
7. Impact of storm drainage from the development on abutting properties and potential storm drainage problems both on the site of the development and downstream from the development.
8. Fiscal impact statement analyzing the impact of the development on municipal, school and county revenues and expenditures, including estimated potential tax revenue and estimated number of school children.

The applicant has addressed several of the Section 6.9.B areas of study and information in the attached document titled “The Muse Lebanon – Impact Analysis,” dated August 12, 2024 (pages 49-51 of the application materials attachment).

6.10 (Additional Regulations for the Lebanon Downtown District): The Section 6.10 LD District design regulations apply to all projects in the LD District that require site plan review, including new buildings, additions to existing buildings, site changes, and changes of use. The LD District design requirements include building design requirements set forth in Section 6.10.B and site design requirements set forth in Section 6.10.C. The applicant has addressed the Section 6.10 requirements in the attached document titled “The Muse Lebanon – Section 6.10 Analysis,” dated August 21, 2024 (pages 41-48 of the application materials attachment).

II. ZONING ORDINANCE:

Use: The proposed multi-family dwelling use is a permitted use in the LD District. See Section 307.2 of the Zoning Ordinance. The proposed artist studio space is an allowed accessory use to the principal multi-family dwelling use.

Density: Pursuant to Section 307.5 of the Zoning Ordinance, the Planning Board determines the allowed density for multi-family dwellings during the course of Site Plan Review. The Board's density determination should be "based on site specific conditions and factors such as the availability of parking and/or the ability to provide required parking, the availability of adequate water and sewer, and the ability to provide required site improvements and to meet all other requirements of the Site Plan Review Regulations and all other applicable City regulations."

Parking: The applicant proposes a total of 87 on-site parking spaces. There is no minimum number of parking spaces required in the LD District. Rather, per Section 607.4 of the Zoning Ordinance, parking requirements are determined by the Planning Board through Site Plan Review.

Conditional Use Permit Per Section 307.6.B.2 to Eliminate Street Level Story Non-Residential Use Requirement:

Section 307.6.B.1 of the Zoning Ordinance provides as follows:

If a **building** equal to or greater in size than 20,000 gross square feet is located on a **lot** with **principal frontage**¹ on a secondary **street**, a minimum of 1,000 square feet or 1/3 of the **gross floor area**, whichever is less, of the **street level story**² of the **building**, shall be reserved for a non-residential use or uses, and such combined uses shall have both a depth and width of not less than 20 feet along the secondary **street**.

The street level story of the proposed building needs to provide non-residential space as required per Section 307.6.B.1 but is proposed to be entirely residential. Therefore, the applicant has applied for a Conditional Use Permit pursuant to Section 307.6.B.2 to "waive" the street level story non-residential requirement.

Note that per Section 302.4.E of the Zoning Ordinance, for each requested Conditional Use Permit, the Planning Board "may impose conditions as it finds reasonably appropriate to safeguard the neighborhood and the general public or otherwise serve the purposes of this Ordinance, including such measures as set forth in Section 802.4 ("Special Conditions")."

Note that the above requirements are in lieu of demonstrating compliance with the Enhanced Performance Standards set forth in Section 302.4.D of the Zoning Ordinance, which are the general criteria for Conditional Use Permits.

¹ "Principal frontage" is defined in Appendix A as: "The side of the lot that abuts the street that generally functions as the primary orientation of residences, businesses, or other uses along the block. When a lot abuts more than one street, the principal frontage is situated along the street that carries the greatest volume of pedestrian and vehicle traffic."

² "Street level story" is defined in Appendix A as: "The story having its floor elevation closest to the elevation of the adjacent street or any story partially below the elevation of the adjacent street and having six (6) feet or more of its height above the elevation of the street."

CITY ASSESSOR

No comment at this time.

BUILDING INSPECTOR

No comment at this time.

ENGINEERING/PUBLIC WORKS

No comment at this time.

FIRE DEPARTMENT

See comments set forth in attached memo dated 9/9/24b from Duane Egner, Fire Inspector. Staff recommends that the applicant address the Fire Department's comments as a condition of site plan approval.

POLICE DEPARTMENT

No comment at this time.

OTHER COMMENTS

The Lebanon Pedestrian & Bicyclist Committee has reviewed the application and provides the following comments:

1. Install a rapid flashing beacon at the crosswalk.
2. Adding 80 units to Spencer Street will increase the amount of traffic coming from that area since there is only one way in and out.
 - a. Bring back the Spencer Street stop sign that was at the CCBA curve. This will slow down people as they are crossing the Norther Rail Trail cross.
 - b. Make Parkhurst, Spencer, and Campbell Streets a 3-way stop. It's currently a 2-way stop.
3. Make the Rail Trail Crossing safer:
 - a. Speed tables along that stretch of Spencer Street
 - b. Extend the blinking light signage further down to the Spencer Street curve so drivers are aware (blind curve to the NRT crossing)
 - c. Raise the Northern Rail Trail crossing.

See also comments from the Upper Valley Lake Sunapee Regional Planning Commission in the attached letter from Meghan Butts, Executive Director, dated 9/9/24.

STAFF RECOMMENDATIONS

A. Decision-Making

Staff recommends that the Board proceed as follows:

1. Prior to closing the public hearing, the Board should act on the following:
 - a. Request for waivers from the Site Plan Review Regulations.

- b. The Conditional Use Permit application pursuant to Section 307.6.B.2 of the ZO.
2. Once the public hearing has concluded, the Board should act on the Site Plan Review application, subject to the recommended conditions of approval below.

B. Conditions of Approval

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

General Conditions

1. It shall be the applicant's responsibility to be familiar with and aware of these conditions of approval, and it shall be the applicant's responsibility to satisfy these conditions of approval and to satisfy them within the relevant timeframes outlined below.
2. The development is subject to the Site Plan Review Regulations adopted May 13, 1991, last revised January 23, 2023, and the Zoning Ordinance adopted January 16, 2013, last amended April 3, 2024, which are the regulations in effect at the time the application was submitted.
3. A building permit must be applied for *and issued* within two (2) years of the date of this approval (4.10.A), subject to an extension if applied for by the applicant and if approved by the Planning Board per Section 4.10.B.
4. "Active and substantial development," as defined in Section 8.4.A.1 of the Site Plan Review Regulations, shall be achieved within two (2) years of the date of this approval (8.4.A.2), subject to an extension if applied for by the applicant and if approved by the Planning Board per Section 8.4.A.3. If active and substantial development is not achieved within two (2) years of the date of the Planning Board's approval, the development shall be subject to any changes in the City's land use regulations.
5. "Substantial completion," as defined in Section 8.4.B.1 of the Site Plan Review Regulations, shall be achieved within five (5) years of the date of this approval. If substantial completion is not achieved within five (5) years of the date of the Planning Board's approval, the development shall be subject to any changes in the City's land use regulations.
6. All required landscape plantings shall meet the minimum size requirements for such plantings set forth in Section 6.2.B of the Site Plan Review Regulations at the time of installation.
7. The applicant shall implement and maintain NHDES Site Specific Best Management Practices before, during, and after construction.
8. Prior to the start of any construction activities on the property, erosion control measures, including edge-of-disturbance fencing if applicable, shall be installed and maintained before and during any site work, to be verified by the City Engineer or City's third-party inspector on site.
9. The property owner is responsible for the maintenance and operation of the stormwater management system in accord with the O&M plan, and such responsibility shall run with the land. (Section 6.6.H.2.b of the Site Plan Review Regulations).

10. All service areas and facilities including garbage and waste disposal containers, recycling bins, electrical and mechanical equipment such as transformers and compressors, meter clusters, and other utility elements must be screened in accordance with Section 6.2.B.8 and Section 6.10.B.5 of the Site Plan Review Regulations.

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

11. Within 45 days of the Planning Board's approval, the applicant shall address comments set forth in the memo dated September 9, 2024, from Duane Egner, Lebanon Fire Inspector, to the satisfaction of the Fire Department.
12. Within 45 days of the Planning Board's approval, applicant shall make the following revisions to the plan set to the satisfaction of the Planning and Development Department:
- a) Any changes made pursuant to Condition of Approval #11 above.
 - b) Depict all off-site information required by Sections 5.1.E.7, 9, and 17, within 200 ft of the site.
 - c) Provide that all curbing shall be granite as required by Section 6.5.F.1.
 - d) Add plan note regarding the groundwater management permit for the property and any ongoing monitoring and reporting requirements.
 - e) On the cover sheet:
 - i. Identify proposed use and maximum permitted parking spaces per Section 607 of the Zoning Ordinance.
 - ii. Add sheet numbers to Table of Contents and add sheet numbers in the lower right-hand corner of all plan sheets with a prominent font size.
 - f) On Sheet C-05 (or additional plan sheet):
 - i. Remove snow storage areas that overlap with handicap accessible signage.
 - ii. Add dashed line on the inside of the curb to the legend.
 - iii. Add note indicating that on-site hydrant(s) will be dedicated to the City for ownership and maintenance.
 - g) On Sheets C-05 through C-10, depict outline of entrance features.
 - h) On Sheet C-05 or additional plan sheet, delineate easement area to be conveyed to the City for the purpose of maintaining the on-site hydrant(s) and accessing the water shut-off valve.
 - i) On Sheet C-06, amend Note 2 to provide that replacement of pipe shall require coordination with and approval by the City Engineer.
 - j) On Sheet C-10:
 - i. Ensure trees along rear property line are placed so that they will not encroach into the abutting property upon maturity.
 - ii. Provide landscaping for the freestanding sign landscaping as required by Section 608.4.A.4.b.i of the Zoning Ordinance.
 - o On Sheet A-200:
 - Amend to demonstrate compliance with the minimum story height requirements of Section 307.8.C of the Zoning Ordinance.
 - Identify length/width measurements for each elevation.
 - k) Amend the cover sheet to provide description of plan revisions (5.1.E.4.d).

The applicant 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.

13. The applicant shall obtain a Floodplain Permit from the Floodplain Administrator and shall verify with the Building Inspector that development complies with the applicable floodplain-related requirements of the Building Code.
14. The applicant shall provide a letter or certification from the engineer or record or other qualified design professional confirming that the approved plan set meets the accessibility standards of the State of New Hampshire Building Code.
15. The applicant shall schedule and hold a pre-building permit application meeting with the Planning and Development Department, City Building Inspectors, City Engineer/Department of Public Works, and Fire Department, in order to help streamline the building permit review process and to review applicable code requirements.
16. The applicant shall obtain approval from the City Council or the City Manager's office for any additional water and/or sewer flows in accordance with the applicable Chapter 136 and 182 of the City Code.
17. All engineering review fees shall be paid in full as required by Section 4.7.E.1 of the Site Plan Review Regulations. (*Note: applicant can request an invoice from the Department of Public Works*).
18. The applicant shall apply to the Department of Public Works for an Excavation Permit, Driveway Permit, and Stormwater Permit.

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

19. The applicant shall grant an easement or other authorization to the City in a form acceptable to the Department of Public Works to access the on-site water shut-off valve.
20. Prior to the start of any construction activities on the property, the applicant shall record in the Grafton County Registry of Deeds notice of the stormwater management and erosion and sediment control plans as required per Section 6.6.H.2.d of the Site Plan Review Regulations. Such notice shall be reviewed by the Planning & Development Department prior to recording.
21. Prior to the start of any construction activities on the property for which construction inspection is required pursuant to this decision or any applicable ordinance or code, the City shall retain the services of an independent third-party inspector, for which the applicant shall be responsible for all inspection fees related to (a) on-site work related to sewer, water, temporary sedimentation and erosion control, and drainage improvements, and (b) all off-site work within the City's right-of-way (including but not limited to water, sewer, driveways, drainage), in accordance with Section 8.2 of the Site Plan Review Regulations. The applicant shall provide funding for inspection services in a form and amount acceptable to the City and shall sign an Infrastructure Inspection Agreement.
22. The development 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 May 20, 2024. 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.

23. All water and sewer fees shall be paid as set forth in City Code Chapter 68.
24. The applicant shall obtain from the Department of Public Works an Excavation Permit, Driveway Permit, and Stormwater Permit.
25. Prior to the start of any construction activities on the property, the applicant shall obtain or update (if appropriate) any required Federal or State approvals, including but not limited to:
 - a) EPA Stormwater Pollution Prevention Plan (SWPPP)
 - b) NHDES Sewer Connection Permit

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

26. The applicant shall enter into an agreement with the City of Lebanon and the State of New Hampshire for the construction of the proposed 2,560 sq. ft. playground depicted on the Site Layout Plan sheet, dated August 12, 2024, last revised August 26, 2024, prepare by TFMoran, Inc., File 96202.01.
27. The applicant shall dedicate the on-site hydrant(s) to the City for ownership and maintenance, subject to appropriate easements. Said conveyance and easements shall be approved by the City Attorney and the Department of Public Works and recorded in the Grafton County Registry of Deeds.
28. The impact fee calculated pursuant to Condition of Approval #22 shall be paid.
29. Third-party engineer or design engineer inspection reports and as-built drawings provided by the applicants (PDF format and CAD .dwg format, using the NH State Plane Coordinate System), including tie sheets, shall be reviewed and approved by the City Engineer.
30. All improvements depicted on the plan shall be completed, and shall be constructed as depicted on the approved plan, including any modifications to the plan as may be approved by the Planning Board in accordance with the Site Plan Review Regulations.

Attachments

cc: The Muse Lebanon, LLC, applicant (jake.tamposi@gmail.com)
Jonathan Devine, EIT, TFMoran Inc. (jdevine@tfmoran.com)
File



LEBANON FIRE DEPARTMENT

12 South Park Street
Lebanon, NH 03766

Phone: 603-448-8810
FAX: 603-448-8811
James Wheatley,
Fire Chief

September 9, 2024

To: Tim Corwin, Senior Planner and Zoning Administrator
Lebanon Planning Board Members

From: Duane Egner, Fire Inspector

Re: September 9, 2024 Planning Board Application Review

Tim,

The Lebanon Fire Department has reviewed the below Lebanon Planning Board applications and the documents that were submitted to determine compliance with the various applicable fire codes adopted by the State of New Hampshire and City of Lebanon. Below are the results of the review.

LVM Residential, LLC, 1 Foundry Street (Tax Map 91, Lot 263) and 43 Mechanic Street (Tax Map 106, Lot 34), PB2024-35-SPA

- The Lebanon Fire Department requests an updated turning analysis since the site has been redesigned.
- The Lebanon Fire Department requests that the proposed fire hydrant on the south end of the existing building along the walking path be shifted closer to the parking lot so it is more readily accessible to fire apparatus. The Lebanon Fire Department will work with EV to relocate the hydrant to a more accessible location.
- The Lebanon Fire Department requests that no plantings of shrubs or trees be located within 3 feet of any fire department connection.

The Muse Lebanon, LLC (applicant), City of Lebanon (property owner), 20 Spencer Street (Tax Map 92, Lot 31), PB2024-36-SPR

- Sheet C-08, Utility Plan – This project will be required to connect to the municipal fire alarm system. If the applicant wishes for the connection to be underground, a dedicated 2 inch conduit shall be provided from the utility pole to the location of the traditional or electronic master box. The applicant shall work with the Lebanon Fire Department to determine the location of this equipment.
- On Sheet C-10, it appears that shrubbery is proposed for the area in front of the fire department sprinkler / standpipe connection. The Lebanon Fire Department requests that nothing be planted within 3 feet of this connection so that it remains readily accessible.

Please let me know if there are any questions.

Sincerely,

Duane E. Egner



Upper Valley Lake Sunapee
Regional Planning Commission

September 9, 2024

City of Lebanon Planning and Development Department
51 North Park Street
Lebanon, NH 03766

RE: Development of Regional Impact: The Muse Apartments, 20 Spencer Street, Lebanon, NH Tax Map 92 Lot 31

Dear Lebanon Planning Board:

Thank you for the Notice of Regional Impact and the opportunity to comment on this proposed development. The following comments for consideration by the City of Lebanon are based on review by the Upper Valley Lake Sunapee Regional Planning Commission's (Commission) Regional Planning Committee of the documents that you provided for this purpose:

- The Committee agrees this is a great project that fills a much-needed gap in the region.
- The Commission does not recommend waiving the traffic study. While the proposal states there will be a minimal impact to traffic, a study is recommended to confirm this assumption and include potential impacts to Taylor Street, Parkhurst, Elm, and Allen streets as vehicles generated may utilize these roadways to access Route 4 to avoid the route around Colburn Park. Additionally, if the main source of transportation that is intended for this development is bicycle and pedestrian, a traffic study that includes these modes will benefit the applicant and City in ensuring safety of these modes.
- The Commission recommends appropriate signage and access to the Northern Rail Trail that considers safety entering and exiting the trail.
- The Commission does not support the variance to not include Electric Vehicle charging equipment or EV ready status. Lebanon is requesting EV charging/EV readiness in their regulations to lead the City in transition to cleaner transportation options. The proposal's request for variance relates to the project being a 100% affordable housing community. The Commission believes that allowing this variance will further separate disadvantaged populations from accessing emerging technologies.
- The Commission advises confirmation the 50-year storm sump pumps are adequate based on the most recent climate predictions.
- The Commission advises that the Planning Board seek updated information on the local extent of Zone A or that the applicant to consider a mitigation strategy for potential first floor flooding.
- The Commission found that the affordability factor (30%-80% with average being 60% AMI) will be determined by the "Average Income Test". We would advise that this is continued to be reviewed and discussed as the project continues to keep the needs of the area current as possible.

Please notify us if there are substantial changes to this proposal so that we can take the opportunity to review their potential impacts on the region.

Thank you for affording us the opportunity to comment on this project.
Sincerely,

Meghan Butts

Meghan Butts
Executive Director



Lebanon Planning Board

City of Lebanon, NH
51 N. Park Street
Lebanon NH, 03766
www.lebanonnh.gov

September 16, 2024

Ms. Tiffany Tononi McNamara; Plan NH
PO Box 1105
Portsmouth, NH 03802

Re: The City of Lebanon, New Hampshire's HOP Grant Application 2024

Director Ms. McNamara,

On behalf of the City of Lebanon, New Hampshire Planning Board, I write to support the City of Lebanon's application for the Housing Opportunity Planning (HOP) Grant. Funds from this grant will help with the City's ongoing work to improve the housing availability and affordability crisis impacting residents and businesses throughout the Upper Valley of NH/VT.

Through this project the City will accomplish two key components to understand and plan for the community's current and future housing needs. The first effort is to complete a complete a Housing Market Analysis and Needs Assessment. The second step is to replace the now 13-year-old Housing Chapter of the Lebanon Master Plan with a new chapter based upon updated analysis, public engagement and community needs.

The Lebanon Planning Board highly recommends the application for the Housing Opportunity Planning Grant. I appreciate your consideration of this application and will work with City staff to respond to any questions you may have.

Sincerely,

Andrew Faunce, Chair
City of Lebanon, NH Planning Board

DRAFT

**LEBANON PLANNING BOARD
SPECIAL MEETING - SITE VISIT
0 BARROWS ST, LEBANON, NH
TUESDAY, AUGUST, 6th 2024 5:30 PM**

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

MEMBERS ABSENT: Karen Zook (City Council Rep),

STAFF PRESENT: Nathan Reichert (Planning and Development Director)

1. CALL TO ORDER

Chair Faunce called the meeting to order at 5:31pm.

2. PUBLIC HEARING ITEMS

A. City of Lebanon, 0 Barrows Street (Tax Map 77, Lot 106), zoned R-3: Applicant requests (i) a Conditional Use Permit per Sections 310.2 and 509 of the Zoning Ordinance for a proposed 5-unit cottage development and (ii) Site Plan Review for the first phase of the development. PB2024-33-CUPSPR

Chairman Faunce opened the public hearing for the 0 Barrows Street application on the pavement at the entrance to the site. Mayor McNamara and Rod Finley, PE represented the application for the site walk. Opening comments were made by Director Reichert explaining the process of the site walk.

Engineer Finley introduced the project, took several questions from the audience and discussion took place. Members of the Board, the Applicant and the Public participated.

The group moved around the property stopping to discuss the proposed infill project stopping at southwest property line to examine site conditions and to discuss the proposal.

The group then proceeded to walk and climb into and out of the 650 square foot wetland that the project proposes to fill. All members of the Board present traversed the wetland and returned to the parking area off of Barrow Street.

Discussion ensued once again and more questions were posed and answered by the Board, The Applicant, and the Public.

1 It was announced that further discussion of the project is scheduled at a public hearing at City
2 Hall on Monday August 12th 2024 at 6:30 PM in the City Council Chambers.

3
4 **2. ADJOURNMENT**

5
6 *A MOTION was made by Mr. Rutter to adjourn the meeting at 6:14pm. The motion was*
7 *seconded by Mr. Kennelly.*

8
9 **The MOTION was approved (6-0).*

10
11 The meeting was adjourned at 6:14pm.

12
13 Respectfully submitted,

14 Nathan Reichert

15 Director Planning and Development

DRAFT

**LEBANON PLANNING BOARD
SPECIAL MEETING - SITE WALK
WEDNESDAY, AUGUST 7, 2024 - 5:30 PM
174 HANOVER STREET EXTENSION**

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

MEMBERS ABSENT: Karen Zook (City Council Rep),

STAFF PRESENT: Nathan Reichert (Planning and Development Director), Tim Corwin Planning and Development Dept Director, Catheryn Hembree, Associate Planner.

1. CALL TO ORDER

Chair Faunce called the meeting to order at 5:30pm.

2. PUBLIC HEARING ITEMS

A. Brickyard One Nominee Trust, 174 Hanover Street (Tax Map 48, Lot 4), 0 Hanover Street (Tax Map 48, Lot 2), 0 Hanover Street (Tax Map 48, Lot 1), and 238 Hanover Street (Tax Map 63, Lot 1), zoned R-1, R-O-1 & R-3: Site plan review for a proposed 474-unit multi-family residential development totaling +/- 731,600 sq. ft. in size, consisting of 11 buildings together with parking, utilities, landscaping, access, and other related site improvements. PB2024-22-SPR

Chairman Faunce made introductory comments about conducting the meeting and opened the public hearing for the 174 Hanover Street (Brick Yard) application on the green at the south entrance to the site off of Hannover Street.

David Fenstermacher, PE from VHB introduced his consulting team and the application to the meeting. He explained that the meeting would proceed from the entrance to the old Brick Kilns, up the slope to the area where the buildings are proposed to be built at the top of the rise overlooking the pond. At each stop the group would field questions about the site.

Several questions from the audience and discussion took place. Members of the Board, the Applicant and the Public participated.

The group moved and stopped 8 times on the site and answered various questions at each stop from the public and board members. Members of the VHB consulting team along with Engineer Fenstermacher sought to answer the questions to the satisfaction of the questioner with a focus

1 on questions focused on the site conditions. Questions about other topics of the application were
2 referred to the Public Hearing set to be conducted at the Planning Board's regular meeting
3 scheduled for August 12th 2024.

4
5 The group then proceeded to walk and climb over various obstacles along the way including a
6 large boulder field, dense trees and underbrush as well as a stream crossing. All members of the
7 Board present traversed the boulders, underbrush and wetlands exiting the property on the north
8 entrance to the site off of Hannover Street.

9
10 Discission ensued once again and more questions were posed and answered by the Board, The
11 Applicant, Abutters and the Public.

12
13 Planning Board members Rutter and Romano were excused by the Chair to depart the meeting.

14
15 Various members of the Public exited the meeting at the time that the Chair excused Rutter and
16 Romano. The Chair also announced that the meeting would continue to proceed back down
17 Hannover Street and to the walking bridge that crosses Interstate 89. Various members of the
18 public, the VHB consulting team and the remining Board members walked to the southern side
19 of the I89 pedestrian bridge.

20
21 On the south side of the I89 pedestrian bridge the group assembled for further discussion and
22 questions with the public, abutters, consultants, and board members participating.

23
24 It was announced that further discussion of the project is scheduled at a public hearing at City
25 Hall on Monday August 12th 2024 at 6:30 PM in the City Council Chambers.

26 27 **2. ADJOURNMENT**

28
29 *A MOTION was made by Mr. Ford-Burley to adjourn the meeting at 7:15pm. The motion was*
30 *seconded by Mr. Kennelly.*

31
32 **The MOTION was approved (5-0) With Faunce, Ford-Burley, Kennelly and Hill voting Aye.*

33
34 The meeting was adjourned at 7:15pm.

35
36 Respectfully submitted,
37 Nathan Reichert
38 Director Planning and Development

DRAFT

**LEBANON PLANNING BOARD
REGULAR MEETING MINUTES
Council Chambers, City Hall OR
Remote Via Virtual Platform
August 12, 2024
6:30 PM**

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

MEMBERS ABSENT: Doug Whittlesley (Alt Council Rep)

STAFF PRESENT: Nate Reichert (Planning & Development Director); Tim Corwin (Deputy Planning & Development Director); Mayor Timothy McNamara; Rod Finley (City Engineer)

1. CALL TO ORDER – Chair Faunce called the meeting to order at 6:30 PM

Mr. Corwin reviewed the City’s meeting in-person and remote attendance policies and procedures.

2. NOTICE OF REGIONAL IMPACT

Mr. Corwin reviewed the three applications received prior to the deadline for the September 9, 2024, Planning Board meeting.

- **LVM Residential, LLC, 1 Foundry Street (Tax Map 91, Lot 263) and 43 Mechanic Street (Tax Map 106, Lot 34), zoned LD:** Pursuant to Section 9.1 of the Site Plan Review Regulations, applicant requests modifications to a previously approved Site Plan (PB2022-36-SPR & PB2023-38-SPA) for a proposed multi-family housing development. Applicant proposes to reduce the number of dwelling units from 183 to 148 and to eliminate construction of 2 of the 4 proposed residential buildings, together with related modifications to parking, utilities, landscaping, access, and other site improvements. Applicant also requests a Conditional Use Permit pursuant to Article III, Section 307.9 of the Zoning Ordinance to allow a parking area in the front yard of the lot. **PB2024-35-SPA**
- **The Muse Lebanon, LLC (applicant), City of Lebanon (property owner), 20 Spencer Street (Tax Map 92, Lot 31), zoned LD:** Request for Site Plan Review for a proposed +/- 76,064 sq. ft. multi-family building with 80 affordable housing units, together with parking, utilities, landscaping, access, and other related site improvements. Applicant also requests a Conditional Use Permit pursuant to Article III, Section 307.6.B.2 of the Zoning Ordinance to waive the requirement to reserve space within the street level story of the building for non-residential uses. **PB2024-36-SPR**
- **Jennifer Caine Russell & Nick Russell (applicants), Spencer Street Storage, LLC (property owner), 10 Spencer Street (Tax Map 92, Lot 33), zoned LD:** Applicants request a Conditional

1 Use Permit pursuant to Article III, Section 307.2 of the Zoning Ordinance to allow an art
2 studio use within the existing building. **PB2024-37-CUP**
3

4 Mr. Corwin stated that staff recommends that the application for The Muse Lebanon, LLC, 20 Spencer
5 Street, does have the potential for regional impact and that the Regional Planning Commission and the
6 surrounding New Hampshire communities be notified accordingly, per statute. Staff recommends that the
7 other two applications do not have the potential for regional impact.
8

9 ***A MOTION was made by Richard Ford Burley that the applications for LVM Residential, LLC, 1***
10 ***Foundry Street (Tax Map 91, Lot 263) and 43 Mechanic Street (Tax Map 106, Lot 34), zoned LD, and***
11 ***Jennifer Caine Russell & Nick Russell (applicants), Spencer Street Storage, LLC (property owner), 10***
12 ***Spencer Street (Tax Map 92, Lot 33), zoned LD do not have the potential for regional impact; and that***
13 ***the application for The Muse Lebanon, LLC (applicant), City of Lebanon (property owner), 20 Spencer***
14 ***Street (Tax Map 92, Lot 31), zoned LD does have the potential for regional impact. The motion was***
15 ***seconded by Jeremy Rutter.***

16 ****The MOTION was approved (7-0)***
17

18 **3. OTHER BUSINESS**

19 **A. Marlee Dixon, 78 Bank Street (Tax Map 92, Lot 106), zoned R-O:** Request per Section 213.8.B
20 of the Zoning Ordinance to waive the impact fees assessed for the conversion of a previous office use
21 to a one-family dwelling. **PB2024-30-AAD**
22

23 The applicant explained that the building has historically been used as a single-family home and a law
24 office. For 83% of the structure's lifetime, it was used as a single-family home. Owners of the property
25 when it was a single-family home have paid the water and sewer bills for much longer than the law office
26 paid those same fees as a commercial building. The request is to waive the impact fees assessed with the
27 conversion of the structure as an office use back to a single-family dwelling use.
28

29 Mr. Corwin explained that the Planning Board is authorized to grant waivers from the assessment of
30 impact fees based on projects that include other contributions to public facilities, or when such fee would,
31 due to interference with constitutionally vested rights, pose an unnecessary hardship to the applicant and
32 the waiver would not be contrary to the spirit or intent of the Ordinance. Pursuant to Section 213.9.A., a
33 party aggrieved by a decision of the Zoning Administrator can appeal to the Planning Board.
34

35 The Board discussed that it believes the impact fees were assessed appropriately in this case. The spirit
36 and intent of the Ordinance is to pay for the addition of new people to the population of the City and the
37 services they will require. This seems to be coupled with the proposed change of use to a single-family
38 home.
39

40 Mr. Corwin explained that during any change of use of a structure, the impact fee assessed for the new
41 use is counted at the rate that the existing use would have paid. Utilizing the impact fee schedule that was
42 in place when the rates were set, the total fee assessed would have been \$6,421.88. The fee in this case
43 has been reduced to \$5,311.76.
44

45 ***A MOTION was made by Richard Ford Burley that the Planning Board not grant the waiver of impact***
46 ***fees in this case. The motion was seconded by Patrick Kennelly.***

47 ****The MOTION was approved (7-0)***
48

49 **4. PUBLIC HEARING ITEMS:**

A. Brickyard One Nominee Trust, 174 Hanover Street (Tax Map 48, Lot 4), 0 Hanover Street (Tax Map 48, Lot 2), 0 Hanover Street (Tax Map 48, Lot 1), and 238 Hanover Street (Tax Map 63, Lot 1), zoned R-1, R-O-1 & R-3: Site plan review for a proposed 474-unit multi-family residential development totaling +/- 731,600 sq. ft. in size, consisting of 11 buildings together with parking, utilities, landscaping, access, and other related site improvements. PB2024-22-SPR - Continued from July 8, 2024

Chair Faunce explained that this is a significant project for the City and will play out over several public hearings. Tonight, the Board will review a walkthrough of the site in plan-view and introduce sectional views of the plan. The Board may also walkthrough how the application confirms to the PURD requirements and a potential discussion regarding density of the project.

Dave Fenstermacher, PD, VHB, reviewed the PURD calculation of 423 units with an allowable 12% bonus. The site contains both 174 and 238 Hanover Street, with approximately 126 acres. There are natural resource areas located within the site. This was previously used as a brick manufacturing site, closed in 1974. There are three beehive kilns on the site and the applicant understands the historical importance of these, so they are not included within the limit of disturbance for the site. The conceptual site review was presented in November 2022, and comments were made regarding a desire for a unit mix diversity, the importance of the wetlands, and concerns were expressed regarding the geometry at Old Etna Road. Since then, a lot to the north was purchased to avoid larger wetland impacts. Revised plans show 474 units, focused on three-bedroom units, and 787 parking spaces with more than 500 of them in covered podium parking. The plan is proposed to be phased, which will be discussed further at a future meeting. Regarding site amenities, trails are shown around the pond and pavilions/playgrounds/etc. are proposed for community space. A fiscal impact study was submitted with the application, showing a net fiscal impact of \$1.4M for the City.

Mr. Fenstermacher reviewed the site cross sections. He then reviewed the PURD criteria. Regarding Section 501.1.E.1.A, which relates to the delineation of site resources and required open space, the natural resources were verified and delineated. Vernal pools were not found on site. There are slopes in excess of 25% that were mapped using the City of Lebanon GIS-based mapping system. The site does not contain any significant ecological areas. The project was submitted to the New Hampshire Natural Heritage Bureau and two wildlife species of concern were found. The applicant is working to address these with Fish & Game. Review of the Grafton County Natural Resources and Conservation Service website showed that the site does not contain any areas of agricultural soils of national or statewide significance. Although the Densmore Brick Company is part of the history for the site, no records were found that indicate protected historic or cultural structures. A floodplain study will be performed as part of the required State permitting and the site will be checked for wildlife corridors and associated species. Given the nature of the site, avoiding the impacts of the 25% slope were difficult but the applicant is prioritizing wetland and stream protection. The applicant purchased additional land to the north to protect the wetlands. Based on the calculations, the project will require 12.02 acres of open space dedicated for public benefit. The applicant is focused on open space that is large and continuous, with limited breaks. The open space conserves several wetland and stream areas, as well as some slopes in excess of 25%. The space contains wooded areas that could realistically be used for foresting activities. The open space also provides opportunities for outdoor recreation, such as existing trail networks, and will provide scenic enjoyment for the public. The plan provides street access to the historic resources of the site. The proposed open space includes the 1:1 slope being constructed behind some of the proposed buildings. This will not be forested or natural and so many need to be reconsidered for the calculation.

1 The Board suggested that the pond be mapped in order to know the general depths and bottom material.
2 The pond is part of the historical site of the brickyard. Mr. Fenstermacher stated that there is no intention
3 to touch the pond as part of this project. The pond is approximately 65' deep.
4

5 The Board asked if the existing single-family home on the site can be preserved and repurposed as it is
6 over 200 years old. Gil Aleixo, project architect, stated that he does not believe this building can be
7 preserved, as it is in the location where the facilities building is proposed with an apartment above it.
8

9 Mr. Fenstermacher stated that, regarding the proposed location of the buildings, these are generally
10 located on the west side of the pond to provide distance from Hanover Street and the abutters, and to
11 avoid impacts to resources. The trees and forest stands are being maintained to the maximum extent
12 possible in order to preserve natural views and screen both tenants and abutters from undesirable views.
13 Regarding alignment of roads and driveways, the project driveway loops through the development and
14 connects to Hanover Street at two locations, driven by minimizing impacts to wetlands. The applicant
15 purchased the additional parcel to the north to minimize impacts to the wetland. The PUD statement of
16 impact is that the proposed development will work to minimize wetland impacts and is not expected to
17 impact the floodplain. The project has been designed to minimize impacts on abutters and enhance the
18 community by providing much needed housing, mainly tucked away from the public road. The building
19 scale will be less noticeable and consistent with similar developments along the nearby Route 120
20 corridor. Landscaping will be in accordance with all applicable City requirements and is intended to
21 screen the development from abutting properties and the public right of way, in addition to aesthetically
22 enhancing the proposed site entrances and its interior.
23

24 Regarding the sufficiency of the proposed parking for the intended use, Mr. Fenstermacher stated that a
25 mix of covered parking and surface parking is proposed and is based on the 1.5 parking spaces per
26 apartment unit requirement. To help offset the additional impervious area resulting from the increased
27 parking below the building, the applicant is proposing the spots be 8'x18' to allow for more parking
28 under the buildings. The proposed 8' wide parking space is pending approval by the City Engineer. The
29 accessible spaces are provided in accordance with ADA requirements and there is a significant investment
30 being made in the compact electric vehicle charging spaces proposed. Regarding adequacy of streets and
31 sidewalks, a traffic study prepared was coordinated with the City and DOT to address some of the
32 comments previously made, including stop signs to help with traffic control. There is an active DOT
33 corridor improvement project in this area and the applicant has been part of those discussions.
34

35 Mr. Fenstermacher stated that, regarding the statement of sufficiency, availability, and capacity of utility
36 for water, fire protection, sewer and storm, all of these were coordinated with the City. The applicant will
37 complete a hydrant flow test for fire protection and will work with solid waste disposal companies for
38 removal of solid waste. The drainage design is proposed to meet the City and State AoT standards and is
39 focused on matching or reducing the existing peak flow rates. The applicant's sewer allocation
40 application is pending. Regarding the statement of impact on storm drainage from the site onto abutting
41 properties, the applicant's stormwater management is focused on mitigating stormwater quality and
42 quantity to make sure there is no impact to abutters. Regarding a statement of noise control, methods and
43 procedures, the proposed residential use noise levels are not proposed to be significant over the existing
44 conditions. Regarding a statement on capacity of the school system, this was part of the fiscal impact
45 study, and the school Superintendent does not expect that the potential increase in student population will
46 impact class sizes and did not express any capacity concerns. The site is located on Hanover Street across
47 from the Hanover Street School and Lebanon High School, so no busing impacts are anticipated. The
48 fiscal impact statement analyzing the impact of the development was previously reviewed, and a full
49 impact analysis was prepared showing the net benefit and the net impacts. The project is shown to result
50 in a net positive for the City. Regarding a statement on any special Fire, Police, and Public Safety
51 concerns due to location, no concerns are anticipated based on the site improvements and use.

1
2 Mr. Fenstermacher stated that, in terms of Section 501.2, the open space and conservation of open space,
3 the project has an appropriate density and looks to protect important natural resources. The proposed 12
4 acres of open space will maintain and feature the remaining brick kilns to pay homage to the site's history.
5 The project will hopefully provide additional access to the nearby mountain bike trail network. The
6 proposed open space is in the area near an established connected network of conservation land and trails.
7 The project was sited to minimize impacts, resulting in no fills of any wetlands. The project looks to
8 encourage development of environmentally sensitive outdoor recreational land use and to protect the pond
9 and areas around it. Regarding flexibility and residential development to provide for diversity of housing
10 types, the buildings in this area are residential and the proposed mid-rise apartment buildings are
11 consistent with the surrounding types of buildings. This project will provide opportunities for the
12 development of workforce and affordable housing, adding up to 474 much needed residential units for the
13 families of the Upper Valley. The project looks to avoid developing any areas of the site that are ill suited
14 for development, such as those with poor soil conditions, high water tables, etc. The plan is designed to
15 work within the natural topography, to minimize ground and steep slope disturbance, utilize natural
16 features, and minimize impacts to natural resources. The project will encourage more suitable forms of
17 development by facilitating the design, construction, and maintenance of housing, streets, utilities, and
18 public services in a more economic and efficient manner by integrating the new development into the
19 existing built and natural environment. The intention is to complement the neighborhood and provide
20 much needed housing to support the local economy. The scale of the buildings will be aesthetically
21 pleasing, as most of the buildings are well set off Hanover Street. The project will promote reduction of
22 impervious surface areas and sustainable stormwater management practices.

23
24 Mr. Corwin suggested that the Board consider the criteria in Section 501.1.J.1.A.2. when evaluating the
25 open space and granting the Conditional Use Permit. He noted that the applicant should also address the
26 501.1.G. 1-9 design guidelines at some point. Chair Faunce suggested that the applicant consider
27 addressing those guidelines at a future meeting. He asked for comments from other Land Use
28 boards/commissions and the public at this time.

29
30 Nicole Ford Burley, Chair Heritage Commission, presented a brief history of the Brickyard. The site has
31 been recognized as a Lebanon Historic Landmark. In reviewing the project, the Commission posed
32 several preliminary questions largely regarding how the site has been researched for this project,
33 including what research has been conducted, how the kilns were evaluated, and what sort of
34 documentation will be completed. VHB has in-house architectural historians and will also be consulting
35 with Monadnock Archaeology in assessing the historic nature of the site. She stated that she believes
36 further research is necessary. She asked that the Commission continue to be allowed to comment on this
37 project.

38
39 Bill Lamb, Ward 3, stated that the Brickyard is the last and most impactful step that could be taken to
40 cause damage to the City. This proposed development does not adequately respect the land. The owners
41 of this property have squished the units into a small portion of land that would better suit approximately
42 100 units. It is unclear if in approving this plan, the Planning Board will set a precedent for future
43 development. This project needs to be reduced in size and set back further from the pond. Based on other
44 recently approved developments in the City, there are new units allowing in excess of 2,000 renters. If
45 built as proposed, this project would house another 1,000 renters. The City should consider how this
46 concentration of new rental units will impact the health of the City. Once new residents have filled these
47 units, fewer than 35% of citizens will own their homes. Approval of these rental apartment units will seal
48 the fate for this City. The request is a reduction in units and a move toward more owner-occupied homes
49 for the City.

1 David Kroner, 194 Hanover Street, stated that he is concerned that the drainage from this project will
2 overflow the surrounding land. There are existing beavers in this area. The holding tanks proposed may
3 be inadequate.

4
5 Mary Davis, Ward 2, stated that Evans Drive is a two-lane road and trying to get children to school is
6 already a traffic nightmare. Adding 700 new cars to this area will impact Exit 18, Route 120, Evans
7 Drive, Heater Road, Mt. Support Road, and Old Etna Road. There are safety issues for walkers and
8 cyclists in this area. The impact fees will not begin to address the issues of widening the roads, traffic
9 lights, etc. Lebanon needs single-family homes with land, instead of McMansions and apartments.

10
11 Mary Ann Masto, Ward 2, stated that the developer has requested relief regarding the building restrictions
12 from 45' to 55' for eight buildings of four stories each. The developer has stated that the design is
13 intended to be similar to other multifamily developments built along the Mt. Support corridor. Any
14 continuation of this same type of development should be avoided, as it is not a visual asset to Lebanon.
15 Regarding drainage, she asked about the stormwater runoff impact during the last heavy storm from this
16 site. Due to climate change, the rainfall per storm will likely only increase. She asked why Hanover is
17 encouraging this apartment development, as it is generally more selective in its own Town than Lebanon
18 is. She stated that it is unclear if a Wildland Fire Hazard assessment has been completed. She requested
19 that the proposed development be completely rejected.

20
21 Ernst Oidtmann, Ward 2, stated that this is all about money. This is a disastrous project in terms of the
22 natural environment. It will endanger wildlife corridors. People driving in this area will wonder if they are
23 in Los Angeles and it will not be an attractive development. He asked where the drainage and utilities will
24 be on the site. If approved, the remaining acreage should be protected with a conservation easement. He
25 asked if there will be any blasting as part of this project. The City should consider working on alternative
26 affordable housing in the center instead of tearing up pieces of land.

27
28 Nicole Barns, 269 Hanover Street, stated that she has children that attend the elementary school that this
29 proposed project would be across from. Construction was just completed at the elementary school to
30 make it large enough to fit the needs of the existing children, so she finds it interesting that the
31 Superintendent does not believe there would be an influx from this additional housing. There would also
32 be an impact to busing, as the children from this new development would eventually go to middle school.
33 Traffic in this area is already a major issue to the point that the neighbors must regularly notify the Police
34 Department as the area is used as a cut through. She does not see how adding stop signs will change
35 anything. There is a lot of wildlife in this area and building would destroy it. Some years ago, another
36 project was shut down due to all the trash bins that were proposed close to the School and she asked how
37 that would be handled for this project. She stated that she is firmly against this project.

38
39 Bethany Truell, Hanover Street Extension, echoed the concerns already expressed. There are additional
40 concerns with safety for pedestrians and cyclists. Stop signs may not be in the best interest of the traffic
41 plan. She asked about the proposed dumpsters for the site. Mr. Fenstermacher stated that the dumpsters
42 are planned to be screened.

43
44 There was no additional public comment at this time.

45
46 ***A MOTION was made by Richard Ford Burley to continue this hearing to Monday, September 9, 2024,***
47 ***at 6:30pm, at the Kilton Library. The motion was seconded by Jeremy Rutter.***

48 ****The MOTION was approved (7-0)***
49

50 **C. Edwards Properties, LLC, 135 Heater Road (Tax Map 78, Lot 41), zoned IND-L: To allow**
51 **the conversion of a dwelling unit to an office use, applicant requests (i) a Conditional Use Permit**

pursuant to Section 303.2 of the Zoning Ordinance to expand the office use approved by Conditional Use Permit on April 15, 2024 (PB2024-02-CUP), and (ii) pursuant to Section 9.1 of the Site Plan Review Regulations, a modification to the site plan approved on April 15, 2024 (PB2024-14-SPR). **PB2024-27-CUPSPA - Postponed from July 8, 2024**

The Board addressed this item at this time.

Mr. Corwin noted that the applicant is requesting an additional postponement.

***A MOTION was made by Chair Faunce to continue this hearing to Monday, September 9, 2024, at 6:30pm, at the Kilton Library. The motion was seconded by Richard Ford Burley.
*The MOTION was approved (7-0)***

B. XYZ Dairy, LLC, 0 Beyerle Street & 51 Crafts Avenue (Tax Map 58, Lot 18 & Tax Map 58, Lot 19), zoned R-3: Request for a Conditional Use Permit pursuant to Sections 310.2 and 509 of the Zoning Ordinance for a proposed cottage development with 16 dwelling units and a community building, together with related site improvements. **PB2024-31-CUP - Continued from July 8, 2024**

Mr. Corwin stated that the Board was previously interested in making a motion which was then drafted by Richard Ford Burley. This was drafted as a positive motion and submitted to the Board for review.

***A MOTION was made by Richard Ford Burley to pass the motion presented in the Board's packet regarding Agenda Item 4.B., with the date in 2. revised from July 12, 2024, to July 8, 2024; and to change the word in II. 4. from "design" to "designs", otherwise entirely as found in the publicly available packet. The motion was seconded by Jeremy Rutter.
*The MOTION was approved (7-0)***

D. XYZ Dairy, LLC, River Park Drive (Tax Map 44, Lots 21 - 30 & Tax Map 44, Lot 7), zoned CBD, IND-L and R-3: Applicant requests a 2-year extension of the River Park Subdivision approval (PB2011-01-FMAJ) and Site Plan approval (PB2010-25-SPR), as most recently amended on September 9, 2019 (PB2018-34-SPA) and extended on October 12, 2021 (PB2021-29-EXT). **PB2024-34-EXT**

Kathie Romano recused herself from this item.

Chair Faunce noted that the application as submitted was absent some information that was presented to the Board this evening and was also absent a phasing plan. These are necessary components. He suggested a motion to continue this hearing to allow for the recently submitted information to be reviewed.

Chet Clem, Principal, XYZ Dairy, LLC, stated that the phasing plan has not changed. He included the 2021 extension as that is exactly what is being requested.

***A MOTION was made by Chair Faunce to continue this hearing to Monday, September 9, 2024, at 6:30pm, at the Kilton Library. The motion was seconded by Richard Ford Burley.
*The MOTION was approved (6-0)***

Kathie Romano retook her seat.

E. City of Lebanon, 0 Barrows Street (Tax Map 77, Lot 106), zoned R-3: Applicant requests (i) a Conditional Use Permit per Sections 310.2 and 509 of the Zoning Ordinance for a proposed 5-unit

cottage development and (ii) Site Plan Review for the first phase of the development. **PB2024-33-CUPSPR**

Mr. Corwin explained that the Site Plan Review regulations regulate land development. ‘Land Development’ is a defined term in the regulations, including site work, grading, clearing, and filling associated with proposed development. In this case, as outlined in the Deputy City Manager's letter that was included with the application materials, the City intends to prep the land but the design for the proposed future residential development is still in progress. Mr. Corwin stated that he added into the legal notice a request for a Conditional Use Permit early in the process, but this should have been removed. The City is not asking for a Conditional Use Permit for a proposed cottage development. All that is being requested is permission to engage preliminary site work for a proposed future cottage development. This development would then have to come back to the Board in the future when the designs are ready for a Conditional Use Permit demonstrating compliance with all criteria. The Board should consider determining if the proposed site work is being done in the correct manner.

The Board agreed to table this item until later in the meeting when Mayor McNamara was available.

5. APPROVAL OF MINUTES: July 8, 2024; July 22, 2024; June 24, 2024

A MOTION was made by Jeremy Rutter to approve the meeting minutes of June 24, 2024, as amended.

AMENDMENTS:

Page 8, Line 17: Change the documentary film name from “Hand to Brick” to “Brick of Hand.”

To remove the additional “n” from “Lebanon” throughout the document.

The motion was seconded by Richard Ford Burley.

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

A MOTION was made by Richard Ford Burley to approve the meeting minutes of July 8, 2024, as amended.

AMENDMENTS:

Page 4, Line 10 – XYZ Dairy application was identified as agenda item 3.F. but was moved up to 3.A. and should be noted as such, with a note that items were taken out of order.

Page 7, Line 1 – change the word “is” to “are identified in”

Page 6, Line 24 – redact the number of units listed as 4”

Page 8, Line 28 – change “extensions” to “extension”

Page 8, Line 40 – change “the motion was approved 7-0,” to “the original motion, as amended, was approved 7-0”

The motion was seconded by Jeremy Rutter.

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

A MOTION was made by Jeremy Rutter to approve the meeting minutes of July 22, 2024, as amended.

AMENDMENTS:

Page 1, Line 18 – insert “The Board,” after “reminded”

Page 2, Line 43 – change “M” to “Mayor McNamara”

Page 2, Line 44 – change “tired,” to “underground”

Page 3, Line 4 – delete the word “that”

1 *Page 3, Line 17 – insert the word “asked”*

2 *Page 3, Line 19 – change the word “hangers” to “hangars”*

3 *Page 3, Line 21 – change the word “save” to “cut”*

4 *Page 3, Line 40 – insert “Road” after “Meriden”*

5 *Page 5, Lines 28 and 34 – change “Committee” to “Commission”*

6 *Page 5, Line 35 – delete the word “Committee”*

7
8 *The motion was seconded by Richard Ford Burley.*

9 **The MOTION was approved (6-0-1, with K. Romano abstaining)*

10
11 **E. City of Lebanon, 0 Barrows Street (Tax Map 77, Lot 106), zoned R-3:** Applicant requests (i) a
12 Conditional Use Permit per Sections 310.2 and 509 of the Zoning Ordinance for a proposed 5-unit
13 cottage development and (ii) Site Plan Review for the first phase of the development. **PB2024-33-**
14 **CUPSPR**

15
16 *The Board retook this item at this time.*

17
18 Rod Finley, PE, City Engineer, explained that this property was two lots owned by the City which have
19 been merged. The piece of right of way of Barrows Street has also been merged into the lots, making a
20 large enough property to propose a cottage development. The entire northern section of the lot is a large
21 wetland complex, and there is a small, isolated wetland on the southern side of the property. The site will
22 need to be brought up in grade to make a potential building platform for the cottages. As there were
23 multiple other projects going on in the City, there was additional material available that has been
24 stockpiled and could be used for this project. A wetlands application has been filed with the State to fill in
25 645 square feet of the isolated wetland and staff has spoken to the Conservation Commission about this
26 proposal. Erosion and sediment controls have been detailed in the packet. The permit will allow trees to
27 be cut on site. Staff will come back to the Board regarding the full site plan layout for the cottages and all
28 the items required by the site plan.

29
30 Mayor McNamara stated that the intention is to sell these cottages at cost to Lebanon City and School
31 District employees, with any resales at a capped price to keep them perpetually affordable. The City owns
32 additional land of this nature that could be used for similar projects. The initial round of sales will likely
33 be done through a lottery, but future sales will try to focus on Lebanon City and School District
34 employees.

35
36 There was discussion regarding some of the cottages proposed to face the road frontage instead of into the
37 common open space. Mayor McNamara stated that the draft design was only to prove the concept. A
38 finalized architectural design will orient the cottages as required.

39
40 Brandon Hill asked about proposed land development that eliminates wetlands for a potential good cause.
41 Mr. Corwin stated that any applicant could proceed in the way the City is requesting to proceed but would
42 have to come before the Board for all preliminary site work. The Board can address concerns relating to
43 such a development, such as bonding for certain improvements. Richard Ford Burley stated that, if this
44 project does not move forward, the City will still own the land, and it could be used in a different way.

45
46 Wanda Bachmann, 29 Winter Street, expressed support for the project.

47
48 The Board closed the public hearing for this item.

49
50 *A MOTION was made by Richard Ford Burley that the Lebanon Planning Board finds the Site Plan*
51 *Review application for the City of Lebanon PB2024-33-SPR regarding 0 Barrows Street (Tax Map 77*

Lot 106) is complete enough to accept jurisdiction and commence review, if belatedly. The motion was seconded by Jeremy Rutter.

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

A MOTION was made by Richard Ford Burley that the Lebanon Planning Board approve the Site Plan Review application of the City of Lebanon, regarding 0 Barrows Street (Tax Map 77, Lot 106), zoned R-3, PB2024-33-SPR, to complete preliminary site work including clearing, grading, and filling for a proposed future residential development, as shown on a plan set titled, "NHDES Wetland Application Plans for the City of Lebanon Residential Development Project – 0 Barrows Street," dated April 5, 2024, prepare by Pathways Consulting, LLC, Pathways Project No. 13377, 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, and information that together satisfactorily demonstrate compliance with the applicable requirements of the Site Plan Review Regulations, except as may reasonably be addressed through the imposition of certain conditions of approval set forth below.

This approval is subject to the following conditions:

- 1. The applicant shall implement and maintain NHDES Site Specific Best Management Practices before, during, and after construction.*
- 2. Edge-of-disturbance fencing shall be installed and maintained before and during any site work, to be verified by the City Engineer or City's third-party inspector on site.*
- 3. Prior to the start of any construction activities on the property, the applicant shall obtain or update (if appropriate) any required State approvals including but not limited to a wetland impact permit from the NH Department of Environmental Services.*
- 4. This approval is for the site work depicted in the plan set only. It does not approve the conceptual 5-unit cottage development depicted on Sheet 4 of the plan set. Any such cottage development will require a Conditional Use Permit per Sections 310.2 and 509 of the Zoning Ordinance. Likewise, any site work conducted on the property other than the work depicted on Sheet 3 of the plan set will require additional site plan review from the Planning Board.*

The motion was seconded by Jeremy Rutter.

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

6. ADJOURNMENT:

A MOTION was made by Brandon Hill to adjourn the meeting. The motion was seconded by Kathie Romano.

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

The meeting automatically adjourned at 9:01 PM.

Respectfully submitted,
Kristan Patenaude
Recording Secretary