

FINAL

**LEBANON PLANNING BOARD
CITY COUNCIL CHAMBERS OR
REMOTE VIA MICROSOFT TEAMS
LEBANNONNH.GOV/LIVE
MONDAY, 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

STAFF PRESENT: Nate Reichert (Planning & Development Director); Tim Corwin (Deputy Planning & Development Director); 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 Use Permit pursuant to Article III, Section 307.2 of the Zoning Ordinance to allow an art studio use within the existing building. **PB2024-37-CUP**

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

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

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

3. OTHER BUSINESS

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

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

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

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

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

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

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

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.

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

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

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

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

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

Mr. Fenstermacher stated that, in terms of Section 501.2, the open space and conservation of open space, the project has an appropriate density and looks to protect important natural resources. The proposed 12 acres of open space will maintain and feature the remaining brick kilns to pay homage to the site's history. The project will hopefully provide additional access to the nearby mountain bike trail network. The proposed open space is in the area near an established connected network of conservation land and trails. The project was sited to minimize impacts, resulting in no fills of any wetlands. The project looks to encourage development of environmentally sensitive outdoor recreational land use and to protect the pond and areas around it. Regarding flexibility and residential development to provide for diversity of housing types, the buildings in this area are residential and the proposed mid-rise apartment buildings are consistent with the surrounding types of buildings. This project will provide opportunities for the development of workforce and affordable housing, adding up to 474 much needed residential units for the families of the Upper Valley. The project looks to avoid developing any areas of the

site that are ill suited for development, such as those with poor soil conditions, high water tables, etc. The plan is designed to work within the natural topography, to minimize ground and steep slope disturbance, utilize natural features, and minimize impacts to natural resources. The project will encourage more suitable forms of development by facilitating the design, construction, and maintenance of housing, streets, utilities, and public services in a more economic and efficient manner by integrating the new development into the existing built and natural environment. The intention is to complement the neighborhood and provide much needed housing to support the local economy. The scale of the buildings will be aesthetically pleasing, as most of the buildings are well set off Hanover Street. The project will promote reduction of impervious surface areas and sustainable stormwater management practices.

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

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

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

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

Mary Davis, Ward 2, stated that Evans Drive is a two-lane road and trying to get children to school is already a traffic nightmare. Adding 700 new cars to this area will impact Exit 18, Route 120, Evans Drive, Heater Road, Mt. Support Road, and Old Etna Road. There are safety issues for walkers and cyclists in this area. The impact fees will not begin to address the issues of

widening the roads, traffic lights, etc. Lebanon needs single-family homes with land, instead of McMansions and apartments.

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

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

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

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

There was no additional public comment at this time.

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

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

C. Edwards Properties, LLC, 135 Heater Road (Tax Map 78, Lot 41), zoned IND-L: To allow 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)

Motion in the Board's packet was as follows:

"On July 12, 2024, at a duly-noticed meeting of the Lebanon Planning Board, there appeared Chet Clem representing XYZ Dairy, LLC, regarding 0 Beyerle Street & 51 Crafts Avenue (Tax Map 58, Lot 18 & Tax Map 58, Lot 19), zoned R-3, requesting a Conditional Use Permit pursuant to Sections 310.2 and 509 of the Zoning Ordinance for a proposed cottage development with 16 dwelling units. PB2024-02-CUP

I. FINDINGS OF FACT

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

1. The properties are located within the Residential Three (R-3) District north of the West Lebanon Central Business District. The property at 51 Crafts Ave. fronts on the west side of the street across from the intersection of Crafts Ave. and Beyerle St. and is currently improved with

a two (2)-story, one-family dwelling constructed in 1941. The property at “0 Beyerle St.” lies immediately to the west of 51 Crafts Ave. and does not currently have frontage onto any existing roadway, as the extension of Beyerle St. to the west of Crafts Ave. and the creation of Lincoln Ave. (once planned to run parallel to Crafts Ave., to the west) never took place.

2. The applicant proposes to construct a 16-unit Cottage Development on “0 Beyerle St.”, as described in Section 509 of the Lebanon Zoning Ordinance.

3. The applicant, to this end, also proposes (separately but in advance of site plan approval) to amend the property boundaries of the 51 Crafts Ave. and 0 Beyerle St. properties to provide 0 Beyerle St. with 42 feet of frontage onto Crafts Ave., between the properties at 51 Crafts Ave. and the adjacent 43 Crafts Ave.

4. “Cottage Developments” are allowed in the R3 District by Conditional Use Permit from the Planning Board, in accordance with Section 302.4.D and the requirements of Section 509 of the Zoning Ordinance. The Planning Board may therefore grant a Conditional Use Permit for a cottage development use if it finds that the proposal meets the Enhanced Performance Standards set forth in Section 302.4.D and the additional requirements set forth in Section 509.

5. The applicant has submitted testimony addressing the Section 302.4.D criteria and Section 509 requirements in an application received by the Planning and Development Department on May 13, 2024, as well as in supplemental written materials provided by the applicant on May 31, 2024, July 5, 2024, and July 8, 2024, including a preliminary conceptual sketch of the proposed cottage development titled “Illustrative Site Plan – Sheet S-1,” dated July 8, 2024 (“illustrative site plan”).

II. CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Planning Board concludes the following with respect to the Enhanced Performance Standards set forth in §302.4.D of the Zoning Ordinance and the cottage development criteria set forth in §509 of the Zoning Ordinance:

1. The site is suitable for the proposal. (§302.4.D.1)

2. The external impacts of the proposed use on abutting properties and the neighborhood is commensurate with the impacts of adjacent existing uses or other uses permitted in the zoning district. (§302.4.D.2)

3. The proposed layout and design of the site is compatible with the established character of the neighborhood and shall mitigate any external impacts on abutters, the neighborhood, and nearby public ways and infrastructure. (§302.4.D.3)

4. The design of the new buildings are compatible with the established character of the neighborhood. (§302.4.D.4)

5. The proposed use and layout of the site, including all related development activities, to the greatest extent practicable will preserve identified natural, cultural, historic, and scenic resources on the site and will not degrade such identified resources on abutting properties. (§302.4.D.5)
6. The proposed use is allowed by conditional use on the proposed property. (§509.2)
7. The proposed number of cottages meets the number and arrangement of units requirements for cottage developments, with the number of cottages being between 3 and 16, located in one or more clusters of a minimum of 3 units each, making efficient use of land and encouraging a sense of community among residents. (§509.3)
8. The proposed lot has a lot size exceeding the 40,000 sq. ft. minimum lot size for cottage developments in the R-3 District. (§509.4)
9. The illustrative site plan accompanying the Conditional Use Permit application indicates that the proposed design meets the density requirement of 2,500 sq. ft. of lot area per cottage and the maximum building coverage requirement of 35%. (§509.5)
10. The illustrative site plan accompanying the Conditional Use Permit application delineates a building site for each detached cottage of no less than 1,500 sq. ft. (§509.6.A)
11. The illustrative site plan accompanying the Conditional Use Permit application indicates that at least 50% of the cottages in the development will be detached units. (§509.6.B)
12. The illustrative site plan accompanying the Conditional Use Permit application indicates that the minimum setback between units within the development will be 10 feet, measured from the nearest point of the exterior walls. (§509.6.C)
13. The illustrative site plan accompanying the Conditional Use Permit application indicates that the design will meet the common open space requirements for cottage developments, including that a minimum of 400 square feet of common open space per cottage and per cluster will be provided, that the common open space area for each cluster will be contiguous and will abut all of the cottages in the cluster, and that the cottages will be oriented around and have their main entry from the common open space. (§509.6.D)
14. The illustrative site plan and illustrative architectural renderings accompanying the Conditional Use Permit application indicate that the design will meet the roofs and porches requirements for cottage developments, with the highest point of a cottage not exceeding 24 feet, and with each cottage having an unenclosed, covered front primary entry and porch of at least 60 square feet in size, oriented toward a common open space. (§509.6.E)
15. The illustrative site plan accompanying the Conditional Use Permit application indicates that the design will meet the parking location and screening requirements for cottage developments, with (a) parking areas and driveways complying with applicable minimum yard requirements for the underlying zone, (b) parking areas screened from public streets and adjacent residential uses

by landscaping or architectural screening, (c) no parking areas within the minimum required front yard, and (d) parking areas separated from the common open space by landscaping or an architectural screen. (§509.6.F)

III. DECISION

Now therefore be it resolved, the Planning Board, on this 12th day of August, 2024, hereby GRANTS the request of XYZ Dairy, LLC, for a Conditional Use Permit per Sections 310.2 and 509 of the Zoning Ordinance for a proposed cottage development with 16 dwelling units at as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. In presenting preliminary conceptual sketches of a proposed cottage development, the Board finds that the applicant has demonstrated that the site is acceptable for a cottage development use (§302.4.D.1) so long as the finalized designs for the development, to be presented at the time of Site Plan Review, meet the requirements of Section 509 of the Lebanon Zoning Ordinance as well as all other relevant and applicable Zoning Ordinance and Site Plan Review Regulations. This determination relative to conditional use should not be taken as an endorsement of the sketches and designs as presented, the details of which will be subject to further review during the process of Site Plan Review.
2. The conditional use permit shall expire if a site plan review application is not submitted to the Planning and Development Department and accepted as complete by the Planning Board within two (2) years of the date of the conditional use permit approval. (Section 302. 4.H.1.a of the Zoning Ordinance) The applicant shall submit an application to the Planning Board for a boundary line adjustment between the subject lots either before or contemporaneously with the Site Plan application.”

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 41”

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”

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

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

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

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

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

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

The motion was seconded by Richard Ford Burley.

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

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**

The Board retook this item at this time.

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

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

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

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

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

The Board closed the public hearing for this item.

A MOTION was made by Richard Ford Burley that the Lebanon Planning Board finds the Site Plan 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