



**LEBANON PLANNING BOARD
SEPTEMBER 30, 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: 427 751 23#). If you have trouble accessing this meeting, please email tim.corwin@lebanonnh.gov.

2. Public Hearing Items

- A. **REVISED NOTICE - 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 (i) 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, and (ii) a Conditional Use Permit pursuant to Article III, Section 307.7.C of the Zoning Ordinance to waive the maximum 15 ft. front yard requirement for residential buildings in the LD District. **PB2024-35-SPA**

3. Study Items

- A. Review of proposed amendments to the Zoning Ordinance including amendments related to the Route 120 Corridor Study and Pattern Zone Project – *discussion con't from 9/23*
- B. Review of draft amendments to the Planning Board Rules of Procedure

4. 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 30, 2024 Special Meeting

Staff Memorandum – PB2024-35-SPA – *postponed from 9/9/24*

APPLICATION INFORMATION

Agenda Item: 2.A

Application ID: PB2024-35-SPA

Application Type:

Amendment to Site Plan approval to construct a phased multi-building, multi-family development with associated public and private amenities, structured parking, and site improvements

Property Location & Tax Map:

- 1 Foundry St (91-263)
- 43 Mechanic St (106-34)

Applicant/Property Owner:

LWM Residential LLC

Zoning District: LD

Property Sizes:

Per boundary lined adjustment plat PB2022-35-BLA (not yet recorded):

- 1 Foundry Street: 4.23 acs
- 43 Mechanic Street: 0.52 acs

Overlay Districts:

- Floodplain District
- Riverbank Protection District
- Wetlands Conservation District

Future Land Use Map: CBD

Staff Attachments:

- 10/24/22 Notice of Action for PB2022-36-SPR
- 12/11/23 Notice of Action for PB2023-38-SPA
- 9/23/24 letter from Steve Keach, PE, the Reviewing Engineer (2 pgs)
- 9/9/24 memo from Duane Egner, Fire Inspector (1 pg)

LEGAL NOTICE

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 (i) 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, and (ii) a Conditional Use Permit pursuant to Article III, Section 307.7.C of the Zoning Ordinance to waive the maximum 15 ft. front yard requirement for residential buildings in the LD District. PB2024-35-SPA

PLANS AND APPLICATION MATERIALS

Materials attached to 9/30/24 Staff Memo:

- ▶ Application for Waivers, dated September 16, 2024 (2 pages)
- ▶ Application for Conditional Use Permit Support Statement per Section 307.7.C of the Zoning Ordinance (re: front yard setback; 3 pages)

Materials included in the 9/9/24 meeting agenda packet:

- ▶ Application form (page **1** of the attachment)
- ▶ Letter dated August 12, 2024, from Nicholas A. Fiore, PE, of Engineering Ventures, PC (project description; pgs **2-3**)
- ▶ Application for Conditional Use Permit Support Statement per Section 307.9.B of the Zoning Ordinance (re: front yard parking area; pgs **4-6**)
- ▶ Site Plan Review Regulations Technical Checklist dated August 12, 2024 (pgs **7-16**)
- ▶ Certified Notification List (pgs **17-19**)
- ▶ Fee Schedule (pgs **20-21**)
- ▶ Plan set titled "Lebanon Woolen Mill," dated August 15, 2022, last revised August 12, 2024 prepared by RODE Architects, EV Project: 22122 (pgs **22-76**)
- ▶ Drainage Analysis report for Lebanon Woolen Mill, dated November 23, 2022, revised August 12, 2023, prepared by Engineering Ventures, PC, EV Project #22122 (pgs **77-159**)

- ▶ Plan set titled “Lebanon Woolen Mill,” dated August 15, 2022, prepared by RODE Architects, EV Project: 22122 (pgs **17-58** of the attachment)

On file at the Planning Department and available for review upon request:

- ▶ Plan sheet titled, “Building 3 Floor Plans – Bike Room,” dated September 16, 2024, prepared by RODE
- ▶ Lighting Fixture Schedule for Lebanon Woolen Mill, dated September 9, 2024, prepared by LAM Partners, Project #22066 (2 pages)
- ▶ Memo dated September 16, 2024 from Nicholas Fiore, PE, of Engineering Ventures (response to staff comments; 11 pages)
- ▶ Plan set titled “Lebanon Woolen Mill,” dated August 15, 2022, last revised September 16, 2024 prepared by RODE Architects, EV Project: 22122

COMPLETENESS REVIEW

This application has been reviewed in accordance with the Lebanon Site Plan Review Regulations. The Planning and Development Department recommends that the Board find that the application is complete enough to accept jurisdiction and to commence review.

Figure 1. Bird's Eye View of subject properties (looking north).



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

BACKGROUND

Existing Conditions

At the time the project was originally approved on October 24, 2022 (PB2022-36-SPR), the proposed development included 3 properties - 1 Foundry Street, 25 Mechanic Street, and 43 Mechanic Street – which were improved with a total of 5 buildings:

- +/-57,732 sq. ft. 3-story mill building at 1 Foundry Street (identified as the “Existing Mill” in the plan set)
- +/-7,989 sq. ft. 2-story commercial building at 1 Foundry Street (identified as “Building 2” in the plan set)
- +/-2,323 sq. ft. 2-story industrial building at 1 Foundry Street (identified as the “Boiler Building” in the plan set)
- +/-7,989 sq. ft. 1-story commercial building at 25 Mechanic Street (identified as “25 Mechanic” in the plan set), formerly used as a dry cleaners
- +/-6,034 sq. ft. 4-story multi-family dwelling at 43 Mechanic Street (identified as “43 Mechanic” in the plan set)

Since the original approval of the proposed development, 25 Mechanic Street has been merged into 1 Foundry Street (PB2022-34-VLM) (such that 25 Mechanic Street no longer exists). Consequently, the project now involves only two properties: 1 Foundry Street and 43 Mechanic Street.

Note that an application for a boundary line adjustment between 1 Foundry Street (highlighted with a red number “1” on Figure 1 above and on Figure 2 below) and 43 Mechanic St (highlighted with a red number “43” on Figures 1 and 2) was approved by the Planning Board on October 10, 2022 (PB2022-35-BLA). That plat will need to be recorded by no later than October 10, 2024 or the Board’s approval will expire.

Figure 2. Bird’s Eye View of Subject Property (looking east).



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

Original Site Plan Approval (2022)

On October 24, 2022, the applicant obtained site plan approval to redevelop the properties with a multi-building, 196-unit multi-family complex named the “Lebanon Woolen Mill” (PB2022-36-SPR). A copy of the Planning Board’s October 24, 2022 Notice of Action is attached for reference. The original proposal was to replace the existing buildings at 25 Mechanic Street and 43 Mechanic Street, to renovate the three existing buildings at 1 Foundry Street, and to construct two new buildings at 1 Foundry Street. In total, the “Lebanon Woolen Mill” redevelopment as originally approved consisted of the following 7 buildings with a total of 196 dwelling units:

1. Existing Mill – 49 dwelling units with a health club intended to be open to the public located on the first floor
2. Building 2 – to be renovated and used as amenity space for the complex
3. Parking Garage – new construction to accommodate 72 parking spaces
4. Boiler Building - to be renovated and used as amenity space for the complex
5. Building 3 – new construction to include 89 dwelling units with 48 below-building parking spaces
6. 25 Mechanic – new construction to include 31 dwelling units with 19 below-building parking spaces
7. 43 Mechanic – new construction to include 27 dwelling units with 17 below-building parking spaces

In addition to the 156 structured parking spaces that to be provided in the parking garage and below buildings, an additional 58 surface spaces was to be provided (including 13 at 43 Mechanic) for a total of 214 spaces. Other site improvements included landscaping, utilities, lighting, and the construction of a central courtyard.

Amended Site Plan Approval (2023)

On December 11, 2023, the Planning Board approved an amendment to the site plan (PB2023-38-SPA) to eliminate the proposed +/-6,034 sq. ft. 4-story 27-unit multi-family dwelling at 43 Mechanic Street and to instead (a) convert the existing building at 43 Mechanic Street to a two-family dwelling and (b) utilize a portion the 43 Mechanic Street property as surface parking to serve the residents of 1 Foundry Street. As a result, the total number of dwelling units for the project decreased from 196 to 183. A Conditional Use Permit was also approved at the same time to allow the off-lot parking at 43 Mechanic Street. A copy of the Planning Board's December 11, 2023 Notice of Action is attached for reference.

Proposed Site Plan Amendment (2024)

The changes associated with the current site plan amendment request will reduce the number of units from 183 to 148. The proposed changes are summarized and described in the attached letter dated August 12, 2024, from Nicholas A. Fiore, PE, of Engineering Ventures, PC as follows:

- A new building at 25 Mechanic Street is no longer part of the project, and a parking lot is programmed for that space instead.
- The number of dwelling units changes from 183 to 148.
- Building 2 will be demolished instead of renovated and replaced with a parking lot.
- The parking garage is reconfigured.
- The number of parking spaces change from 213 to 239.
- The Mill Yard is reconfigured.
- Additional transformers are added to the site for a total of three (3).
- Additional ADA parking spaces are added along the Mill Building.
- A secondary egress and walkway is added to the Boiler Building.
- Site lighting is revised to complement the site layout revisions.
- Landscaping is revised to complement the site layout revisions.

STAFF COMMENTS**PLANNING****I. SITE PLAN REVIEW REGULATIONS:**

The applicant's request is a modification to an approved site plan pursuant to Section 9.1 of the Site Plan Review Regulations, as follows:

Section 9.1 – Modifications to an Approved Site Plan

Once a plan has received approval from the Board and prior to the issuance of a Certificate of Occupancy, no modification shall take place unless the modification of the plan has been approved by the Board, except as provided by Section 9.2 ("Minor Alternations to an Approved Site Plan") below. [...]

Modifications shall normally be treated by the Board as a new plan application, which will require notification of abutting property owners, a public hearing, staff review, and formal Board action. [...]

Note that Section 9.2 allows "minor alterations" to an approved plan that do not constitute a "material change" (Section 9.2.A also requires that the alterations are "necessitated by unforeseen or unanticipated circumstances"). Section 9.2.B.1 provides that a change shall be deemed a minor alteration only if, "it is relatively minor, in light of the overall scope of the proposal."

Planning staff reviewed the applicant's plan set and materials submitted on August 12, 2024 and provided comment to the applicant (a copy of staff's comments was provided to the Planning Board via e-mail on September 8, 2024). Subsequently, on September 16, 2024, the applicant provided a detailed response to staff's comments together with an updated and revised plan set. At the time of the writing of this memo, Planning staff has not yet completed its review of the applicant's revised plans; however, based on a preliminary review, it appears the comments have been substantially addressed. Consequently, staff recommends that an approval of the site plan amendment may be conditioned on confirmation that all outstanding staff comments have been satisfactorily addressed.

II. ZONING ORDINANCE:

The proposed site plan amendment – specifically the elimination of the proposed building at what was formerly 25 Mechanic Street and the construction of a surface parking lot at that location instead - requires two (2) Conditional Use Permits:

A. Conditional Use Permit Support Statement per Section 307.7.C

The applicant requests a Conditional Use Permit pursuant to Section 307.7.C of the Zoning Ordinance to waive the maximum 15 ft. front yard requirement for residential buildings in the LD District. Section 307.7.A.2 provides as follows:

2. Maximum Front Yard. No **front yard** shall be greater than 15 feet, except that a **front yard** with a depth greater than 15 feet may be provided when such **front yard** provides usable streetscape improvements, public ways, or other amenities on site that are accessible to the public and is approved by the

Planning Board through Site Plan Review and the Site Plan Review Regulations.

Because the proposed building at 25 Mechanic Street has been eliminated the setback of the existing and proposed buildings will be significantly farther set back than 15 ft. Section 307.7.C allows the Planning Board to “waive” the requirement of Section 307.7.A.2 by conditional use permit as follows:

- C. Notwithstanding the above requirements, the Planning Board may waive the additional **front yard**, **side yard**, and **rear yard** requirements by **conditional use** permit pursuant to Section 302.4 provided the applicant demonstrates that the proposed **yard**:
1. Will provide an adequate **buffer** to abutting residential properties through site layout, landscaping, or fencing.
 2. Meets the standards set forth in Section 302.4.

The applicant has addressed the Section 307.7.C Conditional Use Permit criteria in the attached Application for Conditional Use Permit Support Statement.

B. Conditional Use Permit Support Statement per Section 307.9.B

The applicant requests a Conditional Use Permit pursuant to Section 307.9.B of the Zoning Ordinance to allow a parking area in the front yard of the lot on the site of what was formerly 25 Mechanic Street. Section 307.9.B provides as follows:

- B. No **parking area** or circulation area for vehicles shall be located in the **front yard**. For improved surfaces in existence as of January 20, 2021, the Planning Board may waive these requirements by **conditional use** permit pursuant to Section 302.4 if the Board finds that there is no other location on the **lot** to provide parking. Where a **lot** abuts more than one **street**, this restriction shall only apply to the **front yard** along the **principal frontage**.

The applicant has addressed the applicable Conditional Use Permit criteria (found in Section 302.4.D of the Zoning Ordinance) in the Application for Conditional Use Permit Support Statement found on pages **4-6** of the materials included in the 9/9/24 Planning Board agenda packet.

CITY ASSESSOR

No comment at this time.

BUILDING INSPECTOR

No comment at this time.

ENGINEERING/PUBLIC WORKS

The Board's Reviewing Engineer, Steve Keach, PE, of Keach & Associates, has reviewed the applicant's revised plan set dated last revised September 16, 2024, and has provided comments as set forth in the attached memo dated September 23, 2024. Staff recommends that Mr. Keach's comments are addressed by the applicant as a condition of approval.

FIRE DEPARTMENT

As set forth in the attached memo from Duane Egner, dated September 9, 2024, the Fire Department provides the following comments which staff recommends be addressed by the applicant as a condition of approval:

- 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.

POLICE DEPARTMENT

No comment at this time.

STAFF RECOMMENDATIONS

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:

1. The applicant shall comply with the Planning Board Notices of Action for PB2022-36-SPR dated October 24, 2022, and for PB2023-38-SPA dated December 11, 2023, and shall satisfy and comply with all conditions of approval thereof except as may be superseded by the conditions below.
2. Within 45 days of the Planning Board's approval, the applicant shall address the comments set forth in the letter dated September 23, 2024, from Steve Keach, PE, of Keach-Nordstrom Associates, Inc., to the satisfaction of the City Engineer.
3. Within 45 days of the Planning Board's approval, the applicant shall, to the satisfaction of the Planning & Development Department, address the comments set forth in the e-mail sent September 8, 2024, from the Deputy Planning and Development Director to the applicant.
4. Within 45 days of the Planning Board's approval, the applicant shall address the comments set forth in the memo dated September 9, 2024, from Duane Egner, Fire Inspector, to the satisfaction of the Fire Department.
5. Prior to any construction activities and prior to the application for a Building Permit, the applicant shall make the following revisions to the plan set to the satisfaction of the Planning and Development Department and the City Engineer:
 - a. Any changes made pursuant to Conditions of Approval #2, #3 and #4 above.
 - b. Amend the cover sheet to provide description of plan revisions (Section 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.

6. Prior to the start of any construction activities on the property and prior to the issuance of a building permit, 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.
7. Condition #6 set forth in the Planning Board Notice of Action for PB2023-38-SPA, dated December 11, 2023, is hereby stricken and replaced with the following:
Pursuant to Section 4.9 of the Site Plan Review Regulations, the project may be constructed in phases per the phasing plan submitted for PB2024-35-SPA and per the conditions of approval set forth in the Planning Board Notices of Action for PB2022-36-SPR dated October 24, 2022, and for PB2023-38-SPA dated December 11, 2023, and as set forth above.

Attachments

cc: Jon Livadas, LWM Residential LLC (jon.livadas@outlook.com)
Nik Fiore, PE, Engineering Ventures, PC (nikf@engineeringventures.com)
File



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

NOTICE OF ACTION LEBANON PLANNING BOARD PB2022-36-SPR

Notice is hereby given that on **September 19, 2022**, the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations:

Cori Hirai moved that the application of **LWM Residential LLC**, 1 Foundry Street (Tax Map 91, Lot 263), 25 Mechanic Street (Tax Map 91, Lot 267), and 43 Mechanic Street (Tax Map 106, Lot 34), zoned LD, is complete enough for the Planning Board to accept jurisdiction and commence review.

The motion was seconded by Gregorio Amaro. The vote on the motion was approved, 7-0.

Notice is hereby given that on **October 24, 2022**, the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations:

Read by Matthew Hall:

At duly noticed meetings of the Lebanon Planning Board, there appeared representatives on behalf of LWM Residential LLC, regarding 1 Foundry Street (Tax Map 91, Lot 263), 25 Mechanic Street (Tax Map 91, Lot 267), and 43 Mechanic Street (Tax Map 106, Lot 34), zoned LD, requesting a Conditional Use Permit per Section 307.8.A of the Zoning Ordinance to allow an increase in the maximum permitted building height. PB2022-36-SPR

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. LWM Residential, LLC proposes to redevelop the subject properties as a multi-building, multi-family dwelling complex.
2. As part of the proposed redevelopment, the applicant proposes to construct a new +/- 75,347 sq. ft. 5-story building at 1 Foundry Street containing 89 dwelling units (known as "Building 3"). Building 3 has a proposed building height of 60 ft. 6 inches.
3. 55 ft. is the maximum building height in the LD District. However, per Section 307.8.A, the Planning Board may allow building height of up to 65 ft. by Conditional Use Permit per Section 302.4.D.
4. Pursuant to Section 307.8.A, the applicant requests a Conditional Use Permit to allow Building 3 to have a height of 60 ft. 6 in. and has submitted an Application for Conditional Use Permit Support Statement addressing the Section 302.4.D and Section 307.8.A criteria.
5. In order to grant the requested Conditional Use Permit, the Board must find the applicant's proposal satisfies the Enhanced Performance Standards set forth in Section 302.4.D as well as the specific requirements of Section 307.8.A.

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 Section 302.4.D and Section 307.8.A 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 **ARE** commensurate with the impacts of adjacent existing uses or other uses permitted in the zoning district. (§302.4.D.2)
3. The proposal **DOES** satisfy the criteria of Section 302.4.D.3:
The proposed layout and design of the site shall not be incompatible with the established character of the neighborhood and shall mitigate any external impacts on abutters, the neighborhood, and nearby public ways and infrastructure. This shall include, but not be limited to, the relationship of the building(s) to the street, the amount, location, and screening of off-street parking, the treatment of yards and setbacks, the buffering of adjacent properties, and provisions for vehicular and pedestrian access to and within the site.
4. The proposal **DOES** satisfy the criteria of Section 302.4.D.4:
The design of any new buildings or structures and the modification of existing buildings or structures on the site shall not be incompatible with the established character of the neighborhood. This shall include, but not be limited to, the scale, height, and massing of the building or structure, the roof line, locations of access, and visual compatibility with the area.
5. The proposal **DOES** satisfy the criteria of Section 302.4.D.5:
The proposed use and layout of the site, including all related development activities, shall to the greatest extent practicable preserve identified natural, cultural, historic, and scenic resources on the site and shall not degrade such identified resources on abutting properties. This shall include, but not be limited to, identified wetlands, floodplains, significant wildlife habitat and documented wildlife corridors, stonewalls, mature tree lines, identified historic buildings or sites, scenic views, and viewsheds.
6. The building front line of the top story **IS** set back at least ten (10) feet from the building front line of the story below when built within thirty feet of the front lot line. (Section 307.8.A.1)
7. The proposal **DOES** provide improvements to streetscapes, public ways, or public spaces that implement recommendations for downtown Lebanon in current plans, policies, or programs adopted by the City of Lebanon including but not limited to the Master Plan, Downtown Visioning Study, and the Capital Improvement Program. (Section 307.8.A.2)
8. The proposal **DOES** include a high-quality design with attention to architectural quality and detail, universal accessibility, and/or environmental sustainability. (Section 307.8.A.3)

III. **DECISION**

Now therefore be it resolved, the Planning Board, on this **24th day of October, 2022**, hereby **GRANTS** the request of LWM Residential, LLC for a Conditional Use Permit per Section 307.8.A, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The Conditional Use Permit is contingent on approval of the site plan application of LWM Residential, LLC, PB2022-36-SPR, currently pending before the Board.

The motion was seconded by Jeremy Rutter. The vote on the motion was approved, 6-1.

Notice is hereby given that on **October 24, 2022**, the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations:

Read by Matthew Hall:

At duly-noticed meetings of the Lebanon Planning Board, there appeared representatives on behalf of LWM Residential LLC, regarding 1 Foundry Street (Tax Map 91, Lot 263), 25 Mechanic Street (Tax Map 91, Lot 267), and 43 Mechanic Street (Tax Map 106, Lot 34), zoned LD, requesting a Conditional Use Permit per Section 307.6.B.2 of the Zoning Ordinance to to waive the requirement that a portion of the street level story of the proposed buildings at 25 Mechanic Street and 43 Mechanic Street is reserved for a non-residential use. PB2022-36-SPR

I. FINDINGS OF FACT

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

6. LWM Residential, LLC proposes to redevelop the subject properties as a multi-building, multi-family dwelling complex.

7. As part of the proposed redevelopment, the applicant proposes to construct new multi-family dwellings at 25 Mechanic Street and 43 Mechanic Street.

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

B. Buildings with Frontage on Secondary Streets.

1. If a **building** equal to or greater in size than 20,000 gross square feet is located on a **lot** with **principal frontage** 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** 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**. In the case of multiple **buildings** on a **lot** with **principal frontage** on a secondary **street**, the non-residential use shall be located in the **building** closest to the secondary **street**.

2. Notwithstanding the above requirements, the Planning Board may waive the requirement for non-residential uses on **the street level story** and permit residential uses on the entire **street level story** in these locations by **conditional use** permit pursuant to Section 302.4 provided the applicant demonstrates that:

a. Non-residential uses on the **street level story** are inappropriate given the unique characteristics of the subject property.

b. The proposed development provides improvements to streetscapes, public ways, or public spaces that implement recommendations for downtown Lebanon in current plans, policies, or programs adopted by the City of Lebanon including but not limited to the Master Plan, Downtown Visioning Study, and the Capital Improvement Program.

c. The proposed development includes a high-quality design with attention to architectural quality and detail, universal accessibility, and/or environmental sustainability.

9. Pursuant to Section 307.6.B.1, a portion of the street level story of the new buildings at 25 Mechanic Street and 43 Mechanic Street are required to be reserved for non-residential uses. Pursuant to Section 307.6.B.2, the applicant requests a Conditional Use Permit to waive the requirements of Section 307.6.B.1 as they relate to the proposed new construction at 25 Mechanic Street and 43 Mechanic Street.

10. In order to grant the requested Conditional Use Permit, the Board must find the applicant's proposal satisfies the Enhanced Performance Standards set forth in Section 302.4.D as well as the specific requirements of Section 307.6.B.2.

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 Section 302.4.D and the criteria set forth in Section 307.6.B.2 of the Zoning Ordinance:

9. The site **IS** suitable for the proposal. (§302.4.D.1)

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

11. The proposal **DOES** satisfy the criteria of Section 302.4.D.3:
The proposed layout and design of the site shall not be incompatible with the established character of the neighborhood and shall mitigate any external impacts on abutters, the neighborhood, and nearby public ways and infrastructure. This shall include, but not be limited to, the relationship of the building(s) to the street, the amount, location, and screening of off-street parking, the treatment of yards and setbacks, the buffering of adjacent properties, and provisions for vehicular and pedestrian access to and within the site.

12. The proposal **DOES** satisfy the criteria of Section 302.4.D.4:
The design of any new buildings or structures and the modification of existing buildings or structures on the site shall not be incompatible with the established character of the neighborhood. This shall include, but not be limited to, the scale, height, and massing of the building or structure, the roof line, locations of access, and visual compatibility with the area.

13. The proposal **DOES** satisfy the criteria of Section 302.4.D.5:
The proposed use and layout of the site, including all related development activities, shall to the greatest extent practicable preserve identified natural, cultural, historic, and scenic resources on the site and shall not degrade such identified resources on abutting properties. This shall include, but not be limited to, identified wetlands, floodplains, significant wildlife habitat and documented wildlife corridors, stonewalls, mature tree lines, identified historic buildings or sites, scenic views, and viewsheds.

14. Non-residential uses on the street level story **ARE** inappropriate given the unique characteristics of the subject property. (Section 307.6.B.2.a)

15. The proposal **DOES** provide improvements to streetscapes, public ways, or public spaces that implement recommendations for downtown Lebanon in current plans, policies, or programs adopted by the City of Lebanon including but not limited to the Master Plan, Downtown Visioning Study, and the Capital Improvement Program. (Section 307.6.B.2.b)

16. The proposal **DOES** include a high-quality design with attention to architectural quality and detail, universal accessibility, and/or environmental sustainability. (Section 307.6.B.2.c)

III. **DECISION**

Now therefore be it resolved, the Planning Board, on this **24th day of October, 2022**, hereby **GRANTS** the request of LWM Residential, LLC for a Conditional Use Permit per Section 307.6.B.2, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

2. The Conditional Use Permit is contingent on approval of the site plan application of LWM, LLC, PB2022-36-SPR, currently pending before the Board.

The motion was seconded by Kim Chewning. The vote on the motion was approved, 7-0.

Notice is hereby given that on **October 24, 2022**, the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations:

Matthew Hall moved to approve a waiver from Section 6.2.B.4 requiring all trees to be planted a minimum of 8 ft. from any property line.

The motion was seconded by Cori Hirai. The vote on the motion was approved, 7-0.

Notice is hereby given that on **October 24, 2022**, the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations:

Matthew Hall moved to approve a waiver from Section 6.2.B, the perimeter landscaping requirements.

The motion was seconded by Cori Hirai. The vote on the motion was approved, 7-0.

Notice is hereby given that on **October 24, 2022**, the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations:

Matthew Hall moved to approve a waiver from Section 6.2.D.1- landscaping around buildings requirements; and Section 6.2.E.4— requiring rows of parking longer than 100 feet to be dispersed every 100 feet or less by a landscaped bed.

The motion was seconded by Jeremy Rutter. The vote on the motion was approved, 7-0.

Notice is hereby given that on **October 24, 2022**, the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations:

Matthew Hall moved to approve a waiver from Section 6.7.B.2 – requiring that the light intensity at adjoining streets or commercial property boundaries shall not exceed 0.5 foot-candles at grade level; and Section 5.1.E.13 – requiring the lighting schedule to be included within the plan set.

The motion was seconded by Jeremy Rutter. The vote on the motion was approved, 7-0.

Notice is hereby given that on **October 24, 2022**, the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations:

Matthew Hall moved to approve a waiver from Section 6.6 - stormwater management requirements.

The motion was seconded by Kim Chewning. The vote on the motion was approved, 7-0.

Notice is hereby given that on **October 24, 2022**, the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations:

Matthew Hall moved that the Lebanon Planning Board **APPROVE** the application of LWM Residential, LLC for of a phased, 196-unit multi-family development including a new 4-story, 27-unit multi-family building with a parking garage on the ground floor at 43 Mechanic Street (Tax Map 106, Lot 34); a new 4-story, 31-unit multi-family building with a lower-level parking garage at 25 Mechanic Street (Tax Map 91, Lot 267), to be merged with 1 Foundry Street (Tax Map 91, Lot 263); and, at 1 Foundry Street, the renovation of the existing Woolen Mill building into 49 dwelling units, the renovation of the existing commercial building and boiler building into amenity spaces, construction of a 2-story parking structure, and construction of a new 5-story, 89-unit multi-family building with a lower-level parking garage, together with associated site improvements, PB2022-36-SPR, as shown on a plan set titled "Lebanon Woolen Mill," dated August 17, 2022, last revised October 17, 2022, prepared by RODE Architects, EV Project: 22122 (57 sheets), including any and all submissions and testimony provided for and during the public hearing.

In support of its decision, the Board finds that the applicant has submitted plans, testimony, technical data, information, reports, and studies – variously prepared by a professional civil engineer, professional traffic engineer, licensed land surveyor, an architect, and a licensed landscape architect – 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, and except as may have been waived pursuant to Section 7.1.

This approval is subject to the following conditions:

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

1. The Boundary Line Adjustment plat approved by the Planning Board on October 10, 2022 (PB2022-35-BLA) shall be recorded pursuant to and in conformance with the Notice of Action.
2. Within 30 days of the Planning Board's approval, the applicant shall address comments 1-4 under "Planning/Design Matters" as set forth in the letter dated October 20, 2022, from Steve Keach, PE, of Keach-Nordstrom Associates, Inc., to the satisfaction of the City Engineer. Any substantive changes to the approved site plan that result from applicant's response to the Reviewing Engineer's comments shall require review and approval by the Planning Board.
3. The applicant shall coordinate with the City Engineer and the Department of the Public Works to confirm the extent to which site water and sewer utilities shall be owned and/or maintained by the City.
4. The applicant shall make the following revisions to the plan set to the satisfaction of the Planning and Development Department and the City Engineer:
 - a) Any changes made pursuant to Conditions of Approval #2 and 3.
 - b) Incorporate revised plan sheets submitted for the October 24, 2022, hearing and provide sheets with pagination consistent with the Table of Contents.
 - c) Update zoning chart as follows:
 - i. Refer to the requested Conditional Use Permit for the proposed height of building #3.
 - d) Show striping on Blacksmith Street as recommended in the memo from Erica Wygonik, PE, dated October 14, 2022.
 - e) 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.

5. 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.
6. 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.
7. All engineering review fees shall be paid in full as required by Section 4.7.E.1 of the Site Plan Review Regulations.
8. The applicant shall apply to the Lebanon Fire Department for a waiver from 2021 IFC Section D105, if deemed by the Fire Department to be necessary, and shall obtain such waiver.

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

9. 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, roadway, sidewalks, crosswalks, bus stops/shelters, driveways, drainage), in accordance with Chapters 136 and 182 of the City Code and 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 a Water & Sewer Extension and Infrastructure Inspection Agreement in accordance with Chapters 136 and 182 of the City Code.
10. 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 October 12, 2021. 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.
11. All water and sewer fees shall be paid as set forth in City Code Chapter 68.
12. 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) NHDES Shoreland Permit
 - b) NHDES Alteration of Terrain Permit
 - c) NHDES Sewer Connection Permit

Conditions to be Satisfied Prior to the Issuance of a Temporary Certificate of Occupancy for Each Phase

13. The impact fee calculated pursuant to Condition of Approval #10 shall be paid.
14. The applicant shall provide security for the completion of required site improvements associated with the next phase in an amount and form acceptable to the City.
15. Prior to the issuance of a temporary Certificate of Occupancy for Phase 1, the applicant shall work with Advance Transit to identify and construct bus stop improvements and related

right-of-way improvements within the vicinity of the project site. The location of any new or improved bus stops should consider sightlines for traffic, turning movements, and convenience as well as coordination of access (i.e., safe and accessible facilities). The development of the proposed improvements shall be coordinated with the Planning & Development Department and the Department of Public Works. Construction may be postponed as may be permitted by DPW to accommodate roundabout construction.

16. Prior to the issuance of a temporary Certificate of Occupancy for Phase 1, the applicant shall demonstrate to the satisfaction of the City Engineer that the development site has been cleared of any environmental contamination to the extent necessary for safe habitation.

17. 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 prior to acceptance of any utility improvements by the City.

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

18. 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.

General Conditions

19. Pursuant to Section 4.9 of the Site Plan Review Regulation, the project may be constructed in phases per the phasing plan on page 7 of the approved plan set (Sheet C-003, last revised October 18, 2022) and per the conditions of approval above.

20. 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.

21. 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.

22. The applicant shall obtain an Excavation Permit, a Driveway Permit, a Floodplain Permit, and a Stormwater Permit from the Department of Public Works for any work in the public right-of-way prior to undertaking any such work in the right-of-way and prior to constructing any stormwater connections to the municipal system.

23. The property owner is responsible for the maintenance and operation of the stormwater management system in accordance 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).

24. Unless otherwise agreed to by the Department of Public Works, the applicant shall be responsible for maintaining all improvements constructed within the public right-of-way, which may or may not include water and sewer mains as noted above.

The motion was seconded by Jeremy Rutter. The vote on the motion was approved, 7-0.

THE CITY OF LEBANON

By: _____
Planning Board Chair

DATE: _____



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

NOTICE OF ACTION LEBANON PLANNING BOARD PB2023-38-CUPSPA

Notice is hereby given that on **November 13, 2023**, the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations:

“Bruce Garland moved that the application of LVM Residential, LLC, 1 Foundry Street, 25 & 43 Mechanic Street (Tax Map 91, Lots 263 & 267 & 106-34) zoned LD, is complete enough for the Planning Board to accept jurisdiction and commence review.

The motion was seconded by Richard Ford Burley. The vote on the motion was unanimous in favor, 9-0.”

Notice is hereby given that on **December 11, 2023**, the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations:

The following was read into the record by **Jeremy Rutter**:

“On **November 13, 2023**, and **December 11, 2023**, at duly-noticed meetings of the Lebanon Planning Board, there appeared Jon Livadas and Nik Fiore, PE, on behalf of LVM Residential LLC, regarding 1 Foundry Street (Tax Map 91, Lot 263) and 43 Mechanic Street (Tax Map 106, Lot 34), zoned LD, requesting a Conditional Use Permit pursuant to Section 607.5.A of the Zoning Ordinance to allow off-lot parking at 43 Mechanic Street for the benefit of the proposed multi-family complex at 1 Foundry Street. PB2023-38-CUPSPA

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. On October 24, 2022, the applicant obtained site plan approval to redevelop the properties with a multi-building, 196-unit multi-family complex named the “Lebanon Woolen Mill” (PB2022-36-SPR).
2. On October 9, 2023, the applicant submitted an application to amend the October 24, 2022 site plan approval. Per the proposed amendment, the existing multi-family dwelling at 43 Mechanic Street will be converted to a two-family dwelling, and the balance of the property will be utilized as a parking lot for the 1 Foundry Street dwelling units.
3. 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.

4. Normally, parking shall be located on the same lot as the use for which the parking is provided. However, Section 607.5 of the Zoning Ordinance allows parking areas to serve off-site uses by Conditional Use Permit in accordance with the requirements of Section 607.5 ("Off-Lot Parking").
5. Pursuant to the applicant's proposed site plan amendment, a total of 215 parking spaces will be provided, of which 30 spaces will be located at 43 Mechanic Street, including 4 parking spaces reserved for the two-family dwelling use.
6. Pursuant to Section 607.5 of the Zoning Ordinance, the applicant requests a Conditional Use Permit to utilize 26 parking spaces at 43 Mechanic Street to help meet the parking needs for the proposed multi-family complex at 1 Foundry Street.
7. In order to grant the requested Conditional Use Permit, the Board must find the applicant's proposal satisfies the requirements of Section 607.5.A, which are in lieu of demonstrating compliance with the Enhanced Performance Standards set forth in Section 302.4.D of the Zoning Ordinance.
8. No one other than the applicant's representatives spoke at the public hearing regarding the requested Conditional Use Permit.

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 criteria set forth in §607.5.A of the Zoning Ordinance:

1. The minimum number of required off-street parking spaces as calculated per Section 607.4 CANNOT feasibly be accommodated on-site (§607.5.A.1)
2. The off-lot uses to be served are allowed uses in the zoning district in which the off-lot parking areas will be located. (§607.5.A.2)
3. The off-lot parking areas ARE in an appropriate location for the uses served by the parking and will not be detrimental to abutting properties. (§607.5.A.3)
4. Such parking arrangements WILL BE either permanently deeded and recorded or conveyed by an irrevocable 99-year lease or some other legal instrument, acceptable to an attorney representing the City, that will ensure that such parking arrangement will remain as long as the need exists. (§607.5.A.4)
5. The off-lot parking WILL NOT constitute a hazard to traffic or pedestrians. (§607.5.A.5)

III. **DECISION**

Now therefore be it resolved, the Planning Board, on this 11th day of December, 2023, hereby **GRANTS** the request of LWM Residential LLC for a Conditional Use Permit per Section 607.5.A, as set forth above and per testimony, plans, and materials submitted, and per the following condition:

1. The applicant shall provide the Planning and Development Department with appropriate documentation in accordance with Section 607.5.A.4 of the Zoning Ordinance to ensure that the off-lot parking arrangement at 43 Mechanic Street for the benefit of 1 Foundry Street will remain for as long as the need exists.

The motion was seconded by Richard Ford Burley. The vote on the motion was unanimous in favor, 6-0."

Notice is hereby given that on **December 11, 2023**, the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations:

"Richard Ford Burley moved that the Lebanon Planning Board **APPROVE** the application of LWM Residential, LLC, PB2023-38-CUPSPA, for a modification pursuant to Section 9.1 of the Site Plan Review Regulations to a previously approved Site Plan (PB2022-36-SPR) for a phased, 196-unit multi-family complex at 1 Foundry Street (Tax Map 91, Lot 263) and 43 Mechanic Street (Tax Map 106, Lot 34), zoned LD. Applicant proposes to reduce the number of dwelling units to 183 and to revise the building site configuration, together with related modifications to parking, utilities, landscaping, access, and other site improvements, as set forth on a plan set titled, "Lebanon Woolen Mill," prepared by RODE Architects, dated October 17, 2022, last revised December 6, 2023, EV Project: 22122 (38 sheets), and including any and all submissions and testimony provided for and during the public hearing.

In support of its decision, the Board finds that the applicant has submitted plans, testimony, technical data, information, reports, and studies – variously prepared by a professional civil engineer, professional traffic engineer, licensed land surveyor, an architect, and a licensed landscape architect – 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 satisfy and comply with the Planning Board Notice of Action for PB2022-36-SPR, dated October 24, 2022, and all conditions of approval thereof except as may be superseded by the conditions below.
2. Within 45 days of the Planning Board's approval, the applicant shall prepare a full and complete revised plan set consistent with the "SUMMARY OF SUBMISSIONS TO CITY FOR SITE PLAN PERMIT REVIEW APPLICATION" document submitted at the December 11th hearing. The revised plan set shall:
 - a. Address the comments set forth in the letter dated November 3, 2023, from Steve Keach, PE, of Keach-Nordstrom Associates, Inc., to the satisfaction of the Reviewing Engineer. The applicant shall submit a cover letter that corresponds to the Keach comment letter and describe in detail how each item was addressed.
 - b. Address the required changes set forth in Condition of Approval #5 below.

The applicant shall be responsible for the Reviewing Engineer's fees in accordance with Section 4.7.E.1 of the Site Plan Review Regulations. Any substantive changes to the approved site plan that result from the additional changes outlined in the "SUMMARY OF SUBMISSIONS TO CITY FOR SITE PLAN PERMIT REVIEW APPLICATION" document

and/or that result from the applicant's response to the Reviewing Engineer's comments shall require review and approval by the Planning Board.

3. Within 45 days of the Planning Board's approval, the applicant shall address comments set forth in the memo dated November 13, 2023, from Duane Egner, Lebanon Fire Inspector, to the satisfaction of the Fire Department. Any substantive changes to the approved site plan that result from applicant's response to the Fire Department's comments shall require review and approval by the Planning Board.
4. Within 45 days of the Planning Board's approval, the applicant shall submit the Emergency Vehicle Turning Analysis, prepared by Engineering Ventures, dated December 6, 2023, to the Lebanon Fire Department for review and approval.
5. Within 45 days of the Planning Board's approval, the applicant shall make the following revisions to the plan set to the satisfaction of the Planning and Development Department and the Reviewing Engineer:
 - a. Any changes made pursuant to Conditions of Approval #2 and #3 above.
 - b. Add in all plan sheets from the approved plan set that were excluded from the plan set dated last revised December 6, 2023, and update Table of Contents and pagination.
 - c. Remove out-of-date illustrative plan from plan set and update the Table of Contents and pagination.
 - d. Revise the date of the plan set to August 15, 2022, to match the original approved plan, and provide all subsequent revision dates and descriptions thereof (5.1.E.4.d).
 - e. Identify the parking spaces at 43 Mechanic Street that will be reserved for use by 1 Foundry Street.
 - f. Correct the sewer plan and profile pagination in the Table of Contents.

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.

6. Condition #19 set forth in the Planning Board Notice of Action for PB2022-36-SPR, dated October 24, 2022, is hereby stricken and replaced with the following:

Pursuant to Section 4.9 of the Site Plan Review Regulations, the project may be constructed in phases per the phasing plan submitted for PB2023-38-SPA and per the conditions of approval set forth in the Planning Board Notice of Action for PB2022-36-SPR, dated October 24, 2022, and as set forth above.
7. Prior to the issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the conditions of approval for the off-lot parking Conditional Use Permit.

The motion was seconded by Patrick Kennelly. The vote on the motion was unanimous in favor, 6-0."

September 23, 2024

Mr. Brian A. Vincent, P.E.; City Engineer
City of Lebanon – Department of Public Works
193 Dartmouth College Highway
Lebanon, New Hampshire 03766

Subject: **Amended Site Plan Review Application – Lebanon Woolen Mill
1 Foundry Street (Map 91 Lot 263); 25 Mechanic Street (Map 91 Lot 267);
and 43 Mechanic Street (Map 106 Lot 34); Lebanon, New Hampshire**
Lebanon Planning Board Application PB2024-35-SPA
KNA Project No. 22-0819-1

Dear Mr. Vincent:

As you may recall, on October 24, 2022, the Planning Board granted conditional final site plan approval for redevelopment of the subject premises (PB2022-36-SPR). Later, on December 11, 2023, the board granted conditional final approval for site plan amendments (PB2023-38-SPA). Most recently, the owner/applicant filed an application (2024-35-SPA) seeking approval for a second series of amendments. On September 06, 2024, we issued a short letter report in response to Site Plan Drawings and a Drainage Analysis Report last revised August 12, 2024. On September 17th we received a subsequent submittal consisting of copies of the following documents:

- A cover letter (with attachments), addressed to the City of Lebanon Planning & Development Department, prepared by the applicant's consultant on September 16, 2024.
- A site plan (53 drawings) dated August 15, 2022; last revised September 16, 2024.

Based upon careful consideration and review of the cited information we offer the following comments and recommendations at this time:

General Comments

1. Recall that planned development activities necessitate owner/applicant receipt of a series of NHDES permits including: (a) a Shoreland Permit; (b) an Alteration of Terrain Permit; and (c) a Sewer Connection Permit. Accordingly, we continue to recommend receipt of each required permit, or permit amendment, prior to or as condition of amended site plan approval.
2. Also recall building improvements planned under this application will be serviced by municipal water and sewer utilities. Accordingly, we continue to recommend the applicant obtain local utility permits, from the Department of Public Works, prior to or as a condition of site plan approval.

Planning/Design Matters

1. We continue to recommend expansion of Sheets C-201 & C-202 to specify design radius dimensions for pavement curves and flares that are not currently identified.
2. Sheets C-203 & C-204 illustrate the design of proposed on-site storm sewer system improvements. Based on consideration and review of these drawings we offer the following remarks:
 - We continue to recommend the design engineer revise the vertical alignment of a short segment of storm drain exiting Forebay Tank FB01. Based on elevations currently specified on Sheets C-203 & C-204 this segment will discharge through the face of a retaining wall at an invert-out elevation of 521.34. This invert is located 5.34-feet vertically above the floor elevation of Rain Garden RG01 (516.0). We are concerned stormwater discharging at an elevation over 5-feet above may damage the rain garden surface.
 - The Stormwater Schedule (SWS) provided on Sheets C-203 & C-204 specify an inflowing 4-inch PVC underdrain at Outlet Structure OS1. The plan image on Sheet C-204 specifies a 6-inch diameter, while various details provided on Sheet C-406 specify both 4 and 6-inch diameters. We recommend revising the drawings for consistency throughout.
 - The SWS specifies an invert-out elevation of 523.31 for Building Drain D01 exiting a proposed parking structure. Discharge from Building Drain D01 is to flow to catch basin CB03 having a reported invert-in elevation of 524.25 (0.94-feet higher). We recommend the design engineer recheck and revise accordingly.
 - The SWS reports an 18-inch diameter drain with an invert-in elevation of 520.47 at DM07. We believe this actually an invert-out condition.
 - We recommend revision of the Outlet Structure – OS1 detail on Sheet C-406 to specify rim elevation (527.37) and outflowing pipe diameter (18-inch) values consistent with the SWS. An identical remark is offered relative to outflowing pipe diameter specified in the Cultec Storage Chamber System – SC03 provided on Sheet C-406.

We trust you will find remarks provided in the foregoing letter report useful in its continued consideration and review of the subject application. As always, please contact this writer in the event you should have specific questions or further instructions related to this matter.

Sincerely:

Steven B. Keach, P.E.
President
Keach-Nordstrom Associates, Inc.



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



City of Lebanon, New Hampshire APPLICATION FOR WAIVERS

Office Use Only

Date Received: _____

File No.: _____

PROJECT INFORMATION

Name of Applicant: LWM Residential LLC

Project Name: Lebanon Woolen Mill

Project Address: 1 Foundry Street

WAIVER REGULATIONS

In order to grant a Waiver from a requirement of the City of Lebanon Site Plan Review or Subdivision Regulations, the Planning Board must find that the Waiver is justified under one of the following criteria (See Article VII of the Site Plan Review Regulations and Section 7.15 of the Subdivision Regulations):

Criteria 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

Criteria 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.

WAIVER REQUEST(S)

I (we) hereby request a Waiver from:

[You can respond in the space provided, or attach a separate statement. Please be prepared to address each request during your public hearing. You must show that you have justified granting the Waiver(s).]

6.2.B.8

1. Section ____ of the (circle one) Site Plan Review / Subdivision Regulations. A Waiver of this Section meets (circle one) Criteria A / Criteria B because _____
A partial waiver is requested with related to screening of electrical transformers. The site has three (3) transformers and non of them area visible from a public right-of-way. All are backed up to site walls or vegetated areas. Adding screening screening to the sides would remove valuable parking spaces. Their fronts cannot be screened because Liberty utility requires clear access.

6.2.B & 6.10.C.3

2. Section ____ of the (circle one) Site Plan Review / Subdivision Regulations. A Waiver of this Section meets (circle one) Criteria A / Criteria B because _____
A partial waiver is requested regarding landscaping for perimeters E on plan sheet L600.

The pedestrian connection from Mechanic Street to the Mill Yard prevents compliance along perimeter E.

3. Section ____ of the (*circle one*) **Site Plan Review / Subdivision Regulations**. A Waiver of this Section meets (*circle one*) **Criteria A / Criteria B** because _____
- _____
- _____
4. Section ____ of the (*circle one*) **Site Plan Review / Subdivision Regulations**. A Waiver of this Section meets (*circle one*) **Criteria A / Criteria B** because _____
- _____
- _____
5. Section ____ of the (*circle one*) **Site Plan Review / Subdivision Regulations**. A Waiver of this Section meets (*circle one*) **Criteria A / Criteria B** because _____
- _____
- _____
6. Section ____ of the (*circle one*) **Site Plan Review / Subdivision Regulations**. A Waiver of this Section meets (*circle one*) **Criteria A / Criteria B** because _____
- _____
- _____
7. Section ____ of the (*circle one*) **Site Plan Review / Subdivision Regulations**. A Waiver of this Section meets (*circle one*) **Criteria A / Criteria B** because _____
- _____
- _____
8. Section ____ of the (*circle one*) **Site Plan Review / Subdivision Regulations**. A Waiver of this Section meets (*circle one*) **Criteria A / Criteria B** because _____
- _____
- _____

SIGNATURE

I (we) hereby submit this application to the Planning Board and attest that to the best of my (our) knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As the applicant or as the agent of the applicant, I attest that I am duly authorized to act in this capacity.

Signature of Applicant:  Date: 09/16/2024



City of Lebanon, New Hampshire

APPLICATION FOR CONDITIONAL USE PERMIT

SUPPORT STATEMENT

Office Use Only Date Received: _____ Application No.: _____

I. APPLICATION CHECKLIST

- [Application form](#)
- [Public Hearing Notification List](#)
- [Filing fee](#)
- This form, including written responses to the Section 302.4.D requirements, outlined below
- A site plan
- Optional: photos and any other materials in support of your application

II. PROJECT DESCRIPTION

I (we) hereby request a Conditional Use Permit as provided for in Article(s) III,
Section(s) 307.7, C, of the Lebanon Zoning Ordinance.

Please describe your proposed project with as much detail as possible. You can respond in the space provided below or on a separate sheet of paper.

[As part of the redevelopment of the Lebanon Woolen Mill site at 1 Foundry Street \(Lot 93-263\), the building closest to Mechanic Street is the parking structure at 92+/- feet from Mechanic Street resulting in a front yard larger than the 15-foot limit set in Section 307.7.A.2. It is not feasible to build a structure close to Mechanic Street at this time, and the parking structure will serve the residents of the existing Mill Building which is 200+ feet from Mechanic Street.](#)

III. CONDITIONAL USE PERMIT CRITERIA

In order to obtain a Conditional Use Permit, you must demonstrate to the Planning Board that the proposal satisfies the applicable criteria set forth in Sections A and B below. You must address each criteria in the space provided or on a separate sheet of paper.

A. Specific Criteria

The Conditional Use Permit is authorized by Article III, Section 307.7, C of the Zoning Ordinance which requires the applicant to demonstrate that (*please address any criteria set forth in the Zoning Ordinance that specifically apply to your proposed use or project*):

[An adequate buffer to abutting residential properties is provided and the standards set forth in Section 302.4 are met.](#)

B. General Criteria per Section 302.4.D

A conditional use permit shall be granted only if the Planning Board determines that the proposal conforms to all of the following standards:

1. The site is suitable for the proposal. This includes:

- a. Adequate vehicular and pedestrian access for the intended use.

The site plan includes adequate vehicle and pedestrian access to area they need to go.

A front yard larger than 15 feet will not affect these accesses.

- b. The availability of adequate public services to serve the intended use including emergency services, pedestrian facilities, safe access, and other municipal services.

Adequate public services already exist in proximity to the site. A front yard larger than 15 feet will have no effect on public services.

- c. The absence of environmental constraints (floodplain, steep slope, etc.) proposed to be impacted by the intended use.

Man-made steep slopes will be impacted by this piece of the project. They were created when the 25 Mechanic Street and 1 Foundry Street sited were developed. They will be rebuilt at similar slopes. All necessary erosion control measures will be installed and maintained during construction. This will be the case regardless of whether or not this CUP is granted. Floodplain, wetlands, and other environmental constraints are not present on the site.

- d. The availability of appropriate utilities to serve the intended use including water, sewage disposal, stormwater treatment, electricity, and similar utilities.

The site plan includes adequate and appropriate utility services. A front yard larger than 15 feet will not affect these services.

2. External impacts: The external impacts of the proposed use on abutting properties and the neighborhood shall be commensurate with the impacts of adjacent existing uses or other uses permitted in the zoning district. This shall include, but not be limited to, water runoff, drainage, traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare. In addition, the location, nature, design, and height of the structure and its appurtenances, its scale with reference to its surroundings, and the nature and intensity of the use, shall not have an adverse effect on the surrounding environment nor discourage the appropriate and orderly development and use of land and buildings in the neighborhood. The proportion of the site proposed to be occupied by impervious surfaces shall be minimized to the extent necessary to preclude unreasonable risk of runoff, erosion, sedimentation, and other potentially adverse on-site or off-site effects.

Use of the area in question will be residential in nature and be used in the same way as many of the abutting properties. Stormwater will be routed through the 1 Foundry site which will result in positive impacts to

Mechanic Street and preclude excess runoff and risk of erosion, sedimentation, and other potentially adverse on-site or off-site effects.

3. Character of the site development: The proposed layout and design of the site shall not be incompatible with the established character of the neighborhood and shall mitigate any external impacts on abutters, the neighborhood, and nearby public ways and infrastructure. This shall include, but not be limited to, the relationship of the building(s) to the street, the amount, location, and screening of off-street parking, the treatment of yards and setbacks, the buffering of adjacent properties, and provisions for vehicular and pedestrian access to and within the site.

The Mechanic Street neighborhood has ample instances of front yards larger than 15 feet. Examples in the LD district close the project are at 18 Mascoma St (Lot 91-260), 2 Mascoma St (Lot 91-254), 0 Water St (Lot 91-255), 17 Mascoma St (Lot 91-228), and 0 Hanover St (Lot 91-230). Examples outside of the LD district but close to the project include 6 Mechanic St (Lot 91-281) and 85 Mechanic St (Lot 106-46). 39 Mechanic St (Lot 91-269) is adjacent to location of this request. It may technically meet the requirements of 307.7, c because the front on the building is on the ROW line. All of these properties have unscreened parking lots adjacent to the ROW. This project will provide a setback to the ROW and ample vegetative screening between the parking and the ROW.

4. Character of the buildings and structures: The design of any new buildings or structures and the modification of existing buildings or structures on the site shall not be incompatible with the established character of the neighborhood. This shall include, but not be limited to, the scale, height, and massing of the building or structure, the roof line, locations of access, and visual compatibility with the area.

The parking structure, which will be the structure closest to Mechanic Street, will have one sub-grade parking level and one open parking level above it. The upper parking level will be adequately screened from Mechanic Street by topography and vegetation.

5. Preservation of natural, cultural, historic, and scenic resources: The proposed use and layout of the site, including all related development activities, shall to the greatest extent practicable preserve identified natural, cultural, historic, and scenic resources on the site and shall not degrade such identified resources on abutting properties. This shall include, but not be limited to, identified wetlands, floodplains, significant wildlife habitat and documented wildlife corridors, stonewalls, mature tree lines, identified historic buildings or sites, scenic views, and viewsheds.

No natural, cultural, historic, or scenic resources exist on the front yard of the site.



City of Lebanon, New Hampshire

APPLICATION FOR WAIVERS

Office Use Only

Date Received: _____

File No.: _____

PROJECT INFORMATION

Name of Applicant: LWM Residential LLC

Project Name: Lebanon Woolen Mill

Project Address: 1 Foundry Street

WAIVER REGULATIONS

In order to grant a Waiver from a requirement of the City of Lebanon Site Plan Review or Subdivision Regulations, the Planning Board must find that the Waiver is justified under one of the following criteria (See Article VII of the Site Plan Review Regulations and Section 7.15 of the Subdivision Regulations):

Criteria 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

Criteria 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.

WAIVER REQUEST(S)

I (we) hereby request a Waiver from:

[You can respond in the space provided, or attach a separate statement. Please be prepared to address each request during your public hearing. You must show that you have justified granting the Waiver(s).]

6.2.B.8

1. Section ___ of the (circle one) Site Plan Review / Subdivision Regulations. A Waiver of this Section meets (circle one) Criteria A / Criteria B because _____
A partial waiver is requested with related to screening of electrical transformers. The site has three (3) transformers and non of them area visible from a public right-of-way. All are backed up to site walls or vegetated areas. Adding screening screening to the sides would remove valuable parking spaces. Their fronts cannot be screened because Liberty utility requires clear access.

6.2.B & 6.10.C.3

2. Section ___ of the (circle one) Site Plan Review / Subdivision Regulations. A Waiver of this Section meets (circle one) Criteria A / Criteria B because _____
A partial waiver is requested regarding landscaping for perimeters E on plan sheet L600.

The pedestrian connection from Mechanic Street to the Mill Yard prevents compliance along perimeter E.

3. Section ____ of the (*circle one*) **Site Plan Review / Subdivision Regulations**. A Waiver of this Section meets (*circle one*) **Criteria A / Criteria B** because _____
- _____
- _____
4. Section ____ of the (*circle one*) **Site Plan Review / Subdivision Regulations**. A Waiver of this Section meets (*circle one*) **Criteria A / Criteria B** because _____
- _____
- _____
5. Section ____ of the (*circle one*) **Site Plan Review / Subdivision Regulations**. A Waiver of this Section meets (*circle one*) **Criteria A / Criteria B** because _____
- _____
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6. Section ____ of the (*circle one*) **Site Plan Review / Subdivision Regulations**. A Waiver of this Section meets (*circle one*) **Criteria A / Criteria B** because _____
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- _____
- _____
8. Section ____ of the (*circle one*) **Site Plan Review / Subdivision Regulations**. A Waiver of this Section meets (*circle one*) **Criteria A / Criteria B** because _____
- _____
- _____

SIGNATURE

I (we) hereby submit this application to the Planning Board and attest that to the best of my (our) knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As the applicant or as the agent of the applicant, I attest that I am duly authorized to act in this capacity.

Signature of Applicant:  Date: 09/16/2024



City of Lebanon, New Hampshire

APPLICATION FOR CONDITIONAL USE PERMIT

SUPPORT STATEMENT

Office Use Only Date Received: _____ Application No.: _____

I. APPLICATION CHECKLIST

- [Application form](#)
- [Public Hearing Notification List](#)
- [Filing fee](#)
- This form, including written responses to the Section 302.4.D requirements, outlined below
- A site plan
- Optional: photos and any other materials in support of your application

II. PROJECT DESCRIPTION

I (we) hereby request a Conditional Use Permit as provided for in Article(s) III,
Section(s) 307.7, C, of the Lebanon Zoning Ordinance.

Please describe your proposed project with as much detail as possible. You can respond in the space provided below or on a separate sheet of paper.

[As part of the redevelopment of the Lebanon Woolen Mill site at 1 Foundry Street \(Lot 93-263\), the building closest to Mechanic Street is the parking structure at 92+/- feet from Mechanic Street resulting in a front yard larger than the 15-foot limit set in Section 307.7.A.2. It is not feasible to build a structure close to Mechanic Street at this time, and the parking structure will serve the residents of the existing Mill Building which is 200+ feet from Mechanic Street.](#)

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