



**LEBANON PLANNING BOARD
OCTOBER 28, 2024 - 6:30 PM
MEETING ROOM 1, 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: 960 032 458#). If you have trouble accessing this meeting, please [email tim.corwin@lebanonnh.gov](mailto:tim.corwin@lebanonnh.gov).

2. Study Items

- A. Presentation by the WaHG Community Group on the proposed West Lebanon and Hanover Greenway [WaHG website Here](#)
- B. Review draft amendments to the Planning Board Rules of Procedure for adoption at the November work session
- C. Discussion of potential amendments to the Site Plan Review Regulations re: Article IV procedural requirements, Article V application submission requirements, and Article VII waiver requirements
- D. Housing Champion Program application update
- E. Planning Board training - screening of "Planning Board Basics" recorded presentation and discussion with staff

3. Committee Reports

- A. Minor Site Plan Committee
- B. **City Council Subcommittees:**
--Class VI Roads Advisory Committee
--Lebanon Energy Advisory Committee
- C. **Other Subcommittees:**
--City Council Representative
--Heritage Commission
--Pedestrian & Bicyclist Advisory Committee
--Upper Valley Lake Sunapee Regional Planning Commission
--UV Subcommittee of the Connecticut River Joint Commissions
--Upper Valley Transportation Management Association
--Mascoma River Local Advisory Committee
--West Lebanon Revitalization Advisory Committee
--Planning & Development Department – Task Status

4. Other Business

- A. Mascoma River Local Advisory Committee nominations
- B. Planning Board process improvement/implementation of Rules of Procedure

5. Approval of Minutes

- A. September 9, 2024
- B. September 16, 2024
- C. September 23, 2024
- D. September 30, 2024

6. Adjournment

The order of agenda items is subject to change.

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to LebanonNH.gov/Live 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.

DRAFT

**LEBANON PLANNING BOARD
COMMUNITY ROOM, KILTON LIBRARY OR
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE
MONDAY, SEPTEMBER 09, 2024 6:30 PM**

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

MEMBERS ABSENT: NONE

STAFF PRESENT: Nathan Reichert (Planning & Development Director), Tim Corwin (Deputy Planning Director), Brian Vincent (City Engineer)

OTHERS PRESENT: Christine Johnston, Esq. (Legal Counsel for the Planning Board)

1. CALL TO ORDER

Chair Faunce called the meeting to order at 6:30pm.

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

Mr. Rutter explained he was attending remotely because he is recuperating from knee replacement surgery. He said no one was in the room with him at the time of the meeting.

2. NOTICE OF REGIONAL IMPACT

The following application was received by the Planning and Development Department on or before March 11, 2024:

- **Mark & Susan Rose Sr. and Lebanon Housing Authority, 4 Waterman Avenue & 31 Romano Circle (Tax Map 101, Lot 17, and Tax Map 101, Lot 20), zoned R-2: Request for approval of a Boundary Line Adjustment. PB2024-39-BL**

Mr. Corwin said staff recommends the application does not have the potential for regional impact.

1 ***A MOTION was made by Richard Ford Burley that the application of Mark & Susan Rose Sr.***
2 ***and Lebanon Housing Authority, 4 Waterman Avenue & 31 Romano Circle (Tax Map 101,***
3 ***Lot 17, and Tax Map 101, Lot 20, zoned R-2 does not have the potential for regional impact.***
4 ***The motion was seconded by Kathie Romano.***

5
6 ***Roll Call Vote:***

7 ***Voting For – Mr. Rutter, Mr. Kennelly, Ms. Romano, Mr. Faunce, Mr. Ford Burley, Mr. Hill,***
8 ***Ms. Zook***

9 ***Voting Against – None***

10
11 ****The MOTION was approved (7-0).***

12 **3. PUBLIC HEARING ITEMS**
13

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

19
20 Ms. Romano recused herself from the discussion.
21

22 ***A MOTION was made by Richard Ford Burley that the application of XYZ Dairy, LLC, River***
23 ***Park Drive (Tax Map 44, Lots 21 - 30 & Tax Map 44, Lot 7), zoned CBD, IND-L and R-3:***
24 ***Applicant requests a 2-year extension of the River Park Subdivision approval (PB2011-01-***
25 ***FMAJ) and Site Plan approval (PB2010-25-SPR), as most recently amended on September 9,***
26 ***2019 (PB2018-34-SPA) and extended on October 12, 2021 (PB2021-29-EXT). PB2024-34-***
27 ***EXT is complete enough for the Planning Board to accept jurisdiction and commence review.***

28
29 ***The motion was seconded by Patrick Kennelly.***

30
31 ***Roll Call Vote:***

32 ***Voting For – Mr. Rutter, Mr. Kennelly, Mr. Faunce, Mr. Ford Burley, Mr. Hill, Ms. Zook***

33 ***Voting Against – None***

34
35 ****The MOTION was approved (6-0).***

36 Chair Faunce read the following opening statement:
37

38 *“Good evening. Before we invite the customary opening statement from the Staff and the*
39 *Applicant I would like to offer some framing for tonight’s conversation.*

40
41 *River Park is a complex phased development project for which the final subdivision plat was*
42 *approved and recorded on January 2, 2018 - which is the reference date for completing each*
43 *phase.*
44

1 The question before the Board tonight is whether to grant the applicant's request for a second
2 extension of the phasing deadlines in the Board's 2019 notice of action, with the potential to
3 increase the time for completing the first phase to nine years.

4
5 We'll ask questions of the applicant, seek clarification and corroboration from the staff, and
6 request guidance from legal counsel as necessary to arrive at a decision as framed by section
7 4.10 of the site plan review regulations which read:

8
9 "The Board shall consider the totality of the circumstances, including the extent and complexity
10 of the conditions-precedent, the extent of the progress made by the Applicant toward satisfying
11 the conditions-precedent and/or starting construction, and whether the need for more time is
12 attributable to unusual circumstances beyond the control of the Applicant, rather than to the
13 Applicant's neglect or failure to proceed with reasonable promptness. The Board shall indicate
14 in its minutes the reason(s) for its decision on an extension request under this Section.

15
16 Toward those ends I invite the Applicant, the Board, and the Staff to focus on the state of the
17 deliverables for Phase I and on the conditions and activity related to those deliverables.

18
19 I will also beg the indulgence of the Applicant and the Board to permit my leading off with a
20 series of questions intended to arrive at a shared context ahead of a more fulsome conversation
21 between the Applicant and the Board.

22
23 Seeing no objections, I will invite the Applicant Chet Clem to offer a brief opening statement
24 after which I will lead off with my questions to establish common context."

25
26 Mr. Chet Clem summarized efforts to date: XYZ had set out at the end of 2022 to do the
27 engineering work for Phase 1. They spent seven months dealing with regulatory challenges
28 before getting a building permit. They sought to recommence that work in August of 2023 and
29 got clearance from DPW on August 17, noting an issue with relocating a City pipe. He noted a
30 March 2023 decision of the building inspector. XYZ had made plans to begin construction in the
31 spring of 2024 and communicated this to the City on January 5th. That February they were
32 alerted that the building permit was deemed invalid and was suspended.

33
34 XYZ appealed the permit decision to the Zoning Board on the basis of some assumed earlier
35 assurances from the Planning Department. XYZ won the case and the City successfully appealed
36 to the State and the permit revocation was upheld. This matter is ongoing and unsettled. As
37 such, XYZ was unable to obtain an excavation permit to complete the remaining work.

38
39 Two years ago Mr. Clem contacted NH DOT to initiate work on the southern entrance. He was
40 initially advised this would need a new traffic study. On his citing two earlier studies he
41 perceived he had received NH DOT assurance no further study would be needed. On
42 reconnecting in July 2024, NH DOT advised they would require a new traffic study.

43
44 Chair Faunce thanked Mr. Clem for sharing this context. He then asked Mr. Clem to think back
45 to the extension granted in October 2021 to identify the "make or break" things needing early
46 attention.

1
2 Mr. Clem replied that, as chair of the West Lebanon Revitalization Advisory Committee, he
3 worked on a plan to bring the West Leb Advance Transit hub to River Park. He worked on trail
4 access to the parcel of land transferred in 2020. He sent a memo and introduced to City officials
5 a public/private partnership proposal to offset costs for providing access via River Park Drive.
6 He also attempted to revitalize a 2020 failed effort to cost-share relocating a City pipe. In 2021
7 and 2022 he proposed additional ways to offset higher post Covid construction costs, including a
8 TIF. Mr. Clem noted these efforts to encourage cost sharing were not successful.
9

10 Chair Faunce asked Mr. Clem to list the deliverables for phase 1.
11

12 Mr. Clem responded: phase 1 infrastructure related to the subdivision approval includes the
13 Crafts Ave extension, the cross country connector, the southern entrance, River Park Drive from
14 Route 10 to building 1 and 8, and lot 3 which will serve as temporary parking for building 8.
15 Mr. Clem noted an earlier unsuccessful attempt to get the Board's approval to change the work
16 sequencing.
17

18 Given no uptake on these proposals, earlier this year Mr. Clem shared that a decision was made
19 to "grit our teeth and bear it" to do the work that was already approved and to deliver the phase 1
20 infrastructure this year and to deal with that cost ahead of the building. He then noted that when
21 the permit was then revoked in February, it cast doubt on when/whether to invest in
22 infrastructure given ongoing uncertainty.
23

24 The Chair asked about construction documentation, which was a general condition of approval
25 for phase 1.
26

27 Mr. Clem presented that all documentation had been provided. As invited by the Chair, Staff
28 could not confirm that all materials had been provided and cited some outreach to the project
29 principals to confirm. Mr. Clem disagreed with the Staff's position and offered to provide any/all
30 of the submittals he felt had been previously provided. Mr. David Clem noted that the mylars
31 were filed and that a subdivision and site plan level of documentation is on record.
32

33 Chair Faunce noted that underground utilities are also a specific condition included in Phase 1
34 and asked about their status. Mr. Chet Clem noted that all utilities have been run underground to
35 the site from Crafts Avenue.
36

37 Chair Faunce asked the Staff to comment on inspection or other forms of acceptance of the
38 completed work. Staff confirmed the City had inspected the water and sewer cross country lines
39 from Crafts Ave. Mr. Clem also testified this work was signed off.
40

41 Chair Faunce asked Mr. Clem if the remaining work to complete phase 1 was in a ready state for
42 beginning work. Mr. Clem advised that the ongoing permit uncertainty complicates having
43 resources (partners) ready to begin. Their attorney has submitted a proposed performance bond
44 security agreement for the permit activation for the City to complete that portion of the
45 infrastructure. They are prepared to regroup/restart as soon as given the green light to do so. Mr.

1 David Clem reminded the board of the timeline between 9/9/24 and the current phase 1 deadline,
2 citing seasonal shifts in the availability of materials (asphalt.)

3
4 Chair Faunce invited Mr. Clem's comment on how effectively the initial project period and its
5 first two year extension were used. He noted that the 180 days prior to the February 2024 permit
6 revocation were not used for work on site. Mr. Clem suggested the Chair's reasoning more
7 appropriately applied to lesser projects, not to a \$64M Life Sciences Laboratory complex. The
8 Chair noted that the bar to clear for phase 1 was infrastructure only and not a building. Mr. Clem
9 advised that he would not put \$4M into the ground prior to [inaudible] a building that we're
10 trying to lease up. [Initial Chair response inaudible] you'd still own the property and could begin
11 again. Mr. Clem: That would ignore the substantial investments made to date. Chair Faunce:
12 What we're looking at is what is the state of the [progress?]? To what degree has the applicant
13 moved toward the [inaudible] and what actions have been taken? Those actions could be
14 favorable to you.

15
16 Mr. Clem recapped actions taken from 2019 forward which included: Vetting and hiring the
17 consultants and architects in fall 2019, bidding contracts to MEP and other professionals. He
18 cited exceptional cost escalation through to the present. And that any delay in the project makes
19 it harder to justify speculative investment. The Chair interjected to posit that the costs for
20 completing the infrastructure necessary to complete phase 1 relative to the overall investment
21 and stake XYZ has in the project, seemed relatively minor. Mr. Clem responded: "\$4M for
22 work that doesn't pay rent?" He further explained that the rent from a building is what helps carry
23 the costs for the project and that roads and other infrastructure do not. He asked, why would I
24 bury \$4M in the ground before I have a building happening, ideally before it? The Chair
25 responded because the notice of action requires those things to be completed within the phase 1
26 period.

27
28 Mr. Clem advised that they set out in 2023 with that intention. He then returned to the issue of
29 moving the City's pipe: that they had clearance from the state but were held up by the City. The
30 Chair invited Staff to comment. City Engineer Brian Vincent testified to at least two meetings
31 on site and that a temporary bypass solution had been arrived, and that the work had previously
32 been completed by XYZ's contractor. Mr. Vincent advised that DPW did not oversee the work
33 and would accept an "as built" drawing in place of that as assurance.

34
35 The Chair then invited questions from the Board, noting that members may individually consult
36 with the City's legal counsel if there were any concerns about a particular line of questioning.

37
38 Mr. Chet Clem (CEO of Lyme Properties) and Mr. David Clem were present on behalf of the
39 applicant. Mr. Chet Clem said that the project has been delayed over the last several years. He
40 said the setbacks were beyond his project team's control. He said the team cannot meet the
41 current January 2, 2025 deadline and said he is requesting a 2-year extension in order to
42 complete the project.

43
44 He said the Board has the ability to grant the extension (as it did in 2021) due to matters that
45 were beyond his control. He gave an overview of the project timeline, and cited reasons for the

1 ~~delays (which included delays caused by the pandemic). He said, after communicating with~~
2 ~~DPW in August 2023, they planned to begin construction in Spring 2024.~~

3
4 ~~He said he communicated the plans to the City in January of 2024 and received no response for a~~
5 ~~month. He said he then received notice from the City that their building permit had been deemed~~
6 ~~invalid and suspended. He said they appealed this decision to the Lebanon Building Code Board~~
7 ~~of Appeals, and he said the decision was overturned. He said the City appealed that decision,~~
8 ~~disputing the definition of “work.” He said the State Board overturned the Lebanon Board appeal~~
9 ~~ruling that their definition of “work” is wrong and that the City’s definition of “work” is~~
10 ~~wrong. He said the matter is ongoing.~~

11
12 ~~He thanked the DPW, who he said helped him obtain excavation permits for June after his~~
13 ~~successful appeal of the City’s decision with the intent to proceed in July when they had their~~
14 ~~contractors lined up, all in pursuit of an anchor tenant for the first phase. He said he was not able~~
15 ~~to get the excavation permit to complete the remaining Phase I infrastructure work.~~

16
17 ~~He said he contacted the State two years ago to coordinate Route 10 paving with the project, and~~
18 ~~he said the NHDOT asked for a new traffic study. He said he explained they had already done~~
19 ~~two traffic studies, and he said the NHDOT seemed to accept that. He said then in July 2024,~~
20 ~~they would not grant the excavation permit until he did new traffic analysis.~~

21
22 ~~Chair Faunce asked what the impact of the delays has been since the 2021 extension was~~
23 ~~granted. Mr. Clem said he has served as Chair of the West Lebanon Revitalization Advisory~~
24 ~~Committee, he said he worked to try to get trail access to River Park, and he said he got~~
25 ~~estimates to facilitate the moving of the City’s pipeline. He said he continued to try to work on~~
26 ~~the project through the pandemic.~~

27
28 ~~He noted that the infrastructure for Phase I included:~~

- 29 ~~●— Crafts Ave and Crafts Ave Ext and cross-country connector~~
30 ~~●— Route 10 / Southern entrance~~
31 ~~●— Service Building 1~~
32 ~~●— Building 8~~
33 ~~●— Parking Lot 3 (temporary parking)~~

34
35 ~~He said the Phase I infrastructure work that remains does not have to be completed until the~~
36 ~~Certificate of Occupancy is granted.~~

37
38 ~~He said he intended to continue infrastructure work last year but when the building permit was~~
39 ~~revoked, it made him question why he would invest \$4-5 million in infrastructure when the~~
40 ~~building permit is continually being jeopardized by the City’s Planning Department.~~

41
42 ~~Chair Faunce said the conditions of approval require that applicant will submit final designs,~~
43 ~~which include infrastructure work. Mr. Clem said all the drawings for the infrastructure have~~
44 ~~been submitted and approved by the City and NHDOT. He said the plans were resubmitted in~~
45 ~~early June with updates.~~

1 ~~Mr. Corwin noted that he had heard from sources other than the applicant that Phase I~~
2 ~~infrastructure work was going to commence, and so he requested confirmation (via email) from~~
3 ~~the applicant that certain conditions of approval have been met. He said Staff has received no~~
4 ~~response from the applicant, and, therefore, he cannot confirm the conditions of approval have~~
5 ~~been met.~~

6
7 ~~Mr. Clem said he would provide materials to Staff after the meeting. Mr. David Clem noted that~~
8 ~~the original mylars have been recorded with the City, which means they had been approved at~~
9 ~~that time. He said it is frustrating to have to resubmit documents and to hear current staff say~~
10 ~~these items have not been received. He said it is unfair for current staff to blame prior Planning~~
11 ~~Department staff for approving the plans.~~

12
13 ~~Chair Faunce asked if the installation of utilities has been done and is ready for inspection. Mr.~~
14 ~~Chet Clem said for the entrance off Route 10 and River Park Drive, all utilities are underground,~~
15 ~~and the intention is to extend those utilities for Crafts Ave and Crafts Ave extension. Mr. Corwin~~
16 ~~said the City inspected the installation of the water and sewer cross-county lines from the end of~~
17 ~~Crafts Ave to Lot 1.~~

18
19 ~~Chair Faunce asked if all remaining work for Phase I is ready to commence immediately. Mr.~~
20 ~~Clem said the delays in obtaining the permits have caused the project's construction manager to~~
21 ~~move on to other projects, so he would not be able to start work again right away. He said, if~~
22 ~~given the green light to begin work, work would restart.~~

23
24 ~~Chair Faunce asked if the permit would not have been questioned if work on-site showed the~~
25 ~~advance of deliverables. He said the requirements to demonstrate substantial completion and~~
26 ~~active development for Phase I involved infrastructure work. Mr. Clem said in September of~~
27 ~~2019, the project started reconstruction toward an April 1 construction start date. He said the~~
28 ~~challenges finding subcontractors and the escalating costs of construction were substantial. Mr.~~
29 ~~Clem said he was not willing to put \$4 million in the ground if the building may not get built.~~
30 ~~Chair Faunce said those actions meet the requirements of the order of operations for the project.~~

31
32 ~~City Engineer Brian Vincent said DPW met with the project team about constructing a temporary~~
33 ~~bypass line. Mr. Clem said when it became clear that the construction of the temporary bypass~~
34 ~~line would be contingent on the City's water line being moved from its location, he said the~~
35 ~~decision was made to not proceed with the temporary bypass line. Mr. Vincent said there were~~
36 ~~other stormwater issues on the project.~~

37
38 ~~Mr. Ford Burley asked for more details regarding the timeline of the conflicts with the~~
39 ~~intersection of Route 10 and the southern River Park entrance, and when the original traffic study~~
40 ~~was done, and when NHDOT wanted the new traffic study. Mr. Clem said the southern entrance~~
41 ~~falls on the line of Route 10 (owned by the State of NH) and the border of the City. He said, after~~
42 ~~the City approved the plans in 2010-2011, he submitted the plans to the State of NH for its~~
43 ~~approval. He said two traffic studies were done for the submittal to NHDOT at that time. He said~~
44 ~~he found out in 2021 that the state planned to pave Route 10 and was asked if any changes had~~
45 ~~happened to the project since 2011. He said he told NHDOT in 2022 that no substantial changes~~
46 ~~had been made to the project. He said he did not receive a response from NHDOT, so he~~

submitted the application for the work in 2022. He said that's when NHDOT said it required the additional traffic study.

Mr. Hill asked if any reasons for the denial of the permit were given, and Mr. Clem said the reason for the denial was that the time (deadline) had passed.

Mr. Kennelly asked why a traffic study was not completed when it was requested by the NHDOT in 2022. Mr. Clem said he didn't do it because he did not think he should have to. Mr. David Clem noted that the team was focused on the issues obtaining the building permit and not as much on NHDOT requests.

Chair Faunce asked if the NHDOT asked offered written documentation as to why it made its decision. Mr. Chet Clem said he has an email from NHDOT with its reasons. He said he would provide the email documentation from NHDOT to the Board.

The group discussed the possibility of reconvening at a future meeting to further deliberate the extension request. Mr. Chet Clem noted that he has a tenant who is awaiting the outcome of this decision and asked that the Board make a decision tonight.

At 7:41pm, Chair Faunce called for a 15-minute recess so the Board could discuss the request with the Board's legal counsel.

At 7:56pm, the meeting resumed. Mr. Corwin noted that the public hearing was still open.

A MOTION by Richard Ford Burley that discussion of the application of XYZ Dairy, LLC, River Park Drive (Tax Map 44, Lots 21 - 30 & Tax Map 44, Lot 7), zoned CBD, IND-L and R-3 for a 2-year extension of the River Park Subdivision approval (PB2011-01-FMAJ) and Site Plan approval (PB2010-25-SPR), be continued until the October 14, 2024 Planning Board meeting at 6:30pm in City Council Chambers.

The motion was seconded by Patrick Kennelly.

Roll Call Vote:

Voting For – Mr. Kennelly, Mr. Faunce, Mr. Ford Burley, Mr. Hill, Ms. Zook

Voting Against – Mr. Rutter

****The MOTION was approved (5-1).***

B. 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 & RL-3: Request for Site Plan Review and a Conditional Use Permit pursuant to Sections 308.2, 310.2, 311A.2, and 501.2 of the Zoning Ordinance for a proposed 474-unit multi-family Planned Unit Residential Development (PURD) totaling +/- 731,600 sq. ft. in size, consisting of 11 buildings together with parking, utilities, landscaping, access, and other related site improvements. Applicant also requests a Conditional Use Permit pursuant to

Section 308.4 of the Zoning Ordinance to allow an increase in the maximum permitted building height from 45 ft. to 55 ft. PB2024-22-CUPSPR

Ms. Romano rejoined the meeting.

SAU88 Superintendent Amy Allen spoke about the impact that the project would have on the school system. She said the 470+ unit housing project would add an estimated 200+ students to the district (elementary, middle, and high school), which the schools may not have the room to absorb.

She said expressed concerns about student safety related to increased traffic on Evans Drive from the development, which would impact walkers and bikers around the school grounds.

Chair Faunce allowed members of the public to ask questions of Superintendent Allen.

A resident of Ward 3 said she is a former City Council member and teacher at Hanover Street School. She said she understands the project will focus on three-bedroom units, which will probably result in a lot more kids in the school system. She said the project is a disaster waiting to happen and that children walking to school will not be safe. She said she drove around 20 miles and did not see any other buildings that resemble the proposed buildings. She said they do not fit in Lebanon.

A resident of Ward 3 asked if a traffic study had been done and what are the results. Chair Faunce said the results would be discussed in a subsequent hearing, but the result and the City's response to the results were included in the August 12 Planning Board meeting agenda packet, which is available via the City's website.

Mr. Eric Stacey (Ward 3) asked Superintendent Allen how the projected number of students had been calculated based on the number of apartment units in the proposed project. Ms. Allen explained how the figures were calculated, and said the ECM study information and report were available on the City's website.

A resident of Ward 3 asked how many students currently receive free or reduced lunch. Ms. Allen said just under 30% of the student population in the district receive free or reduced lunch.

A resident of Ward 3 asked how many students are currently enrolled in the Hanover Street School. Ms. Allen said 320 students are currently enrolled at Hanover Street School. Mr. Ford Burley clarified that the estimates are that 200+ would be added to the entire district, not just Hanover Street School. Ms. Allen said roughly 24 students are projected to be added to Hanover Street School as a result of the project.

A resident of Ward 3 expressed concern that the proposed project is within walking distance of Hanover Street School and the Lebanon High School, and therefore quite a few more kids (who live in the project) may be in the street once it has been built.

1 Chair Faunce said he has concerns that there is very little space between the buildings and how
2 that impacts congregation of residents. He said he also has concerns about the density of the
3 proposed project.

4
5 Mr. Dave Fenstermacher of VBH was present on behalf of the applicant. He gave an overview of
6 the project.

7
8 Ms. Romano said it is a complicated site and noted that the location of the project is convenient
9 to schools and downtown Lebanon. She said she had concerns about the following:

- 10 • Stormwater runoff and potential flooding – she said this would be discussed in detail at
11 another meeting
- 12 • The idea that three-bedroom-unit design attracts families is not necessarily so – she said
13 many three-bedroom units in the area are currently being rented to three or more Dartmouth
14 students
- 15 • Safety concerns about the outdoor congregation space and the safety of the pond

16
17 The group discussed the space and distribution of the units in the building structures, and
18 whether fire safety equipment would be able to navigate in and out of the site in the event of an
19 emergency.

20
21 Mr. Rutter said he is put off by the large rectangular blocks of the building structures and said he
22 thought earlier plans included horizontal rooflines that broke up the vertical facades, which are
23 not present in the current plans. He also said if a lot of water comes rushing down onto the
24 property, the pond water will rise and likely flood the east side of the property.

25
26 Chair Faunce opened the public comment portion of the public hearing.

27
28 A resident of Ward 2 asked the Planning Board to review the 1991 CIP, which he said included a
29 design for a Hanover Street bridge which was supposed to replace the footbridge. He asked the
30 Board to review the requirements of geography and alignment possibility for the bridge not be
31 impacted. He asked the Board to preserve the possibility of building the Hanover Street bridge.
32 He said he has concerns about fire safety and said he has no idea how emergency vehicles will be
33 able to access the property in the current configuration. He said the City needs a plan to make
34 this where the City locates the new fire station.

35
36 A resident of Ward 1 said she is a member of the Granite State Organizer Project. She read a
37 statement about affordable housing in the area.

38
39 Ms. Jennifer Lamb said she had a 2-page prepared statement, which she gave to the Board. She
40 said a recent Valley News article quoted Mr. Corwin as saying that the applicant's background is
41 irrelevant to an application and cannot factor into the Planning Board's consideration of an
42 application. She said she disagreed and discussed how a developer in Peabody, Mass., with the
43 same last name as the developer of this project, was ultimately shut down and bankrupted
44 because it did not have the funding to complete a residential project it had started. She said if the
45 developer is not the same person/LLC as the Peabody developer, he could let the City know. She
46 said either way, knowing something about the LLC of the developer is relevant.

1
2 She said she was an attorney in Annapolis who enforced controls on redevelopments and
3 pursuing violations. She said she does not recall a single project where buildings were placed at
4 the edge of a resource like the Densmore Brickyard.

5
6 Mr. Bill Lamb said he had previously developed properties in Baltimore. He said he always had
7 to get residents' approval before a development would be approved and suggested that Lebanon
8 do the same. He discussed the meaning of "conditions of approval" and said a lot of things
9 needed to be taken into consideration before approval should be granted.

10
11 A resident of Ward 2 said he lives in a Densmore House. He said he is concerned about the size
12 of the boulders on the property that will probably require blasting. He said he is concerned that
13 the school buildings will be impacted by the force of the blasting. He also noted that the
14 additional residential units will have a huge impact on the City's population.

15
16 A resident of Ward 3 asked that project developers consider aesthetics when designing the
17 project and noted that Mount Support Road is referred to as "Ugly Alley" by some residents.

18
19 Ms. Amy Stebbins (Ward 1) noted that, in the past, there had been a moratorium on water
20 consumption in order to limit water consumption. She said she wants to make sure the project
21 does not overstress the sewer treatment plant. She also noted that the project is close to the
22 airport and consideration should be given to the height of the buildings.

23
24 A resident of Ward 2 expressed her concerns about the impact on City services that adding an
25 additional 1,000 people to a City with a population of 15,000 will have.

26
27 Mr. Colin Smith (Ward 3), Chair of the Lebanon Pedestrian and Bicycle Committee, shared
28 concerns/comments related to sidewalk development and biker/walker safety considerations
29 from that committee about the project.

30
31 A resident of Ward 1 said the project looks like luxury apartments and he said the City doesn't
32 need that kind of housing. He said a lot of the people are struggling and he said he doesn't see
33 how this development will help our community.

34
35 Chair Faunce closed the public comment portion of the of the public hearing.

36
37 The group discussed what the rents might be for the proposed units.

38
39 Mr. Corwin suggested that discussion of this project could continue at another meeting.

40
41 ***A MOTION by Richard Ford Burley that discussion of the application of Brickyard One***
42 ***Nominee Trust, 174 Hanover Street (Tax Map 48, Lot 4), 0 Hanover Street (Tax Map 48, Lot***
43 ***2), 0 Hanover Street (Tax Map 48, Lot 1), and 238 Hanover Street (Tax Map 63, Lot 1), zoned***
44 ***R-1, R-O-1, R-3 & RL-3 be continued until the October 14, 2024 Planning Board meeting at***
45 ***6:30pm in City Council Chambers.***
46

1 ***The motion was seconded by Brandon Hill.***

2
3 ***Roll Call Vote:***

4 ***Voting For – Mr. Rutter, Mr. Kennelly, Ms. Romano, Mr. Faunce, Mr. Ford Burley, Mr. Hill,***
5 ***Ms. Zook***

6 ***Voting Against – None***

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

9 Chair Faunce said Agenda Items 3D and 3E will be postponed to the October 14, 2024 Planning
10 Board meeting.

11
12 ***A MOTION was made by Richard Ford Burley to extend the meeting to 10:00pm.***

13 ***The Motion was seconded by Kathie Romano.***

14 ***Roll Call Vote:***

15 ***Voting For – Mr. Rutter, Mr. Kennelly, Ms. Romano, Mr. Faunce, Mr. Ford Burley, Mr. Hill,***
16 ***Ms. Zook***

17 ***Voting Against – None***

18
19 ****The MOTION was approved (7-0).***

20
21 **C. Edwards Properties, LLC, 135 Heater Road (Tax Map 78, Lot 41), zoned IND-L: To**
22 **allow the conversion of a dwelling unit to an office use, applicant requests (i) a**
23 **Conditional Use Permit pursuant to Section 303.2 of the Zoning Ordinance to**
24 **expand the office use approved by Conditional Use Permit on April 15, 2024**
25 **(PB2024-02-CUP), and (ii) pursuant to Section 9.1 of the Site Plan Review**
26 **Regulations, a modification to the site plan approved on April 15, 2024 (PB2024-14-**
27 **SPR). PB2024-27-CUPSPA**

28
29 Mr. Corwin stated that Staff recommends that the application is complete enough for the
30 Planning Board to accept jurisdiction and commence review.

31
32 ***A MOTION was made by Richard Ford Burley Edwards Properties, LLC, 135 Heater Road***
33 ***(Tax Map 78, Lot 41) is complete enough for the Planning Board to accept jurisdiction and***
34 ***commence review.***

35
36 ***The motion was seconded by Kathie Romano.***

37
38 ***Roll Call Vote:***

39 ***Voting For – Mr. Rutter, Mr. Kennelly, Ms. Romano, Mr. Faunce, Mr. Ford Burley, Mr. Hill,***
40 ***Ms. Zook***

41 ***Voting Against – None***

42
43 ****The MOTION was approved (7-0).***

1 Mr. Dan Nash (Advanced Geomatics & Design) and Ms. Amy Stebbins (Aslan Maintenance)
2 were present on behalf of the applicant. Mr. Corwin gave an overview of the review and
3 approval process for this project since April 2024. He said the applicant is requesting a change
4 from the original plan to convert a second dwelling unit to accessory storage space.

5
6 Mr. Ford Burley asked if the change would result in a change in the required parking spaces and
7 Mr. Corwin confirmed it did not. Ms. Romao asked about the elevator and circuit system and Mr.
8 Nash said both have been installed.

9
10 Chair Faunce opened the public comment portion of the public hearing.

11 Chair Faunce closed the public comment portion of the of the public hearing.

12
13 Mr. Rutter said the June 10 plans for the property and building are inadequate. He said there is a
14 tree marked in the northeast end but there is no other information about the tree in the plans. Mr.
15 Corwin said these details are part of the original conditions of approval and will be addressed.

16
17 ***A MOTION was made by Richard Ford Burley that, on September 9, 2024, at a duly-noticed***
18 ***meeting of the Lebanon Planning Board, there appeared representatives of property owner***
19 ***Edwards Properties, LLC, regarding 135 Heater Road (Tax Map 78, Lot 41), zoned IND-L,***
20 ***regarding a requested Conditional Use Permit pursuant to §303.2 of the Zoning Ordinance to***
21 ***allow the conversion of a dwelling unit to accessory storage space for the previously approved***
22 ***office use (PB2024-04-CUP). PB2024-27-SPACUP***

23
24 ***I. FINDINGS OF FACT***

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

- 27
28 1. ***The property is located within the IND-L District on the south side of Heater Road and***
29 ***abuts the Hypertherm facility to the rear. The property is currently improved with a two***
30 ***(2)-story, two-family dwelling constructed in 1950 and containing 1,700 sq. ft. of net***
31 ***living area (per the City's Assessing records). The two-family dwelling is not an***
32 ***allowed use in the IND-L District and, therefore, is considered "legal non-***
33 ***conforming."***
34
35 2. ***On April 15, 2024, the Planning Board granted a Conditional Use Permit (PB2024-04-***
36 ***CUP) and Site Plan approval (PB2024-14-SPR) to convert the two-family dwelling to a***
37 ***mixed-use building containing (i) a one-bedroom apartment and (ii) an office use with***
38 ***accessory warehouse space in the garage. Approved exterior improvements include a***
39 ***parking area to the rear, stormwater treatment features, lighting, and landscaping. The***
40 ***Notices of Action for PB2024-02-CUP & PB2024-14-SPR are attached for reference.***
41
42 3. ***The applicant now proposes to convert the second dwelling unit to an office use –***
43 ***specifically, to accessory storage space for the previously approved office use and***
44 ***accessory office warehouse conversion of the first dwelling unit.***
45

4. *The applicant proposes to convert the existing two-family dwelling to a mixed-use building containing (i) a dwelling unit and (ii) an office use with accessory warehouse space in the basement and attached garage. Site improvements include a proposed parking lot to the rear.*
5. *“Office,” which is allowed in the IND-L District by Conditional Use Permit from the Planning Board. Per Section 302.2 of the Zoning Ordinance, uses that are accessory to uses allowed by conditional use (including the proposed office storage use of what is currently a dwelling unit) shall also require a conditional use permit. Per Section 302.4.B of the Zoning Ordinance, the Planning Board may grant a Conditional Use Permit if it finds that the proposal meets the Enhanced Performance Standards set forth in Section 302.4.D.*
6. *The applicant has submitted testimony addressing the Section 302.4.D criteria in their Application for Conditional Use Permit Support Statement.*

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:

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 criteria set forth in Section 302.4.D.3, 4 and 5 relate to new building construction and, since no new building construction is proposed, is inapplicable to the subject application.*

III. DECISION

Now therefore be it resolved, the Planning Board, on this 9th day of September, 2024, hereby grants the request of Edwards Properties, LLC, for a Conditional Use Permit per Section 303.2 of the Zoning Ordinance to convert the remaining dwelling unit at 135 Heater Road (Tax Map 78, Lot 41) to accessory storage space for the previously approved office use (PB2024-04-CUP) as set forth above and per testimony, plans, and materials submitted.

The Motion was seconded by Brandon Hill.

Roll Call Vote:

Voting For – Mr. Rutter, Mr. Kennelly, Ms. Romano, Mr. Faunce, Mr. Ford Burley, Mr. Hill, Ms. Zook

Voting Against – None

1
2 ****The MOTION was approved (7-0).***

3
4
5 ***A MOTION was made by Richard Ford Burley that the Lebanon Planning Board approves***
6 ***the Site Plan Amendment application of Edwards Properties, LLC, regarding 135 Heater***
7 ***Road (Tax Map 78, Lot 41), zoned IND-L, PB2024-27-SPACUP, for a conversion of the***
8 ***remaining dwelling unit the conversion of a dwelling unit to accessory storage space for the***
9 ***previously approved office use (PB2024-14-SPR), as shown on the cover sheet and site plan***
10 ***sheet from a plan set titled, "135 Heater Road," prepared by Advanced Geomatics and Design,***
11 ***dated January 30, 2024, last revised July 1, 2024, including any and all submissions and***
12 ***testimony provided for and during the public hearing.***

13
14 ***In support of its decision, the Board finds that the applicant has submitted plans, testimony,***
15 ***and information that together satisfactorily demonstrate compliance with the applicable***
16 ***requirements of the Site Plan Review Regulations, except as may reasonably be addressed***
17 ***through the imposition of certain conditions of approval, set forth below.***

18
19 ***This approval is subject to the following conditions:***

20
21 **General Conditions**

- 22
23 ***1. It shall be the applicant's responsibility to be familiar with and aware of these***
24 ***conditions of approval, and it shall be the applicant's responsibility to satisfy these***
25 ***conditions of approval and to satisfy them within the relevant timeframes outlined***
26 ***below.***
- 27
28 ***2. The applicant shall satisfy and comply with the Planning Board Notice of Action for***
29 ***PB2024-14-SPR, dated April 14, 2024, and all conditions of approval thereof except as***
30 ***may be superseded by the conditions herein.***
- 31
32 ***3. The conversion of the 2nd dwelling unit is approved for use as accessory storage space***
33 ***to the office use conversion of the 1st dwelling unit approved by Conditional Use Permit***
34 ***on April 15, 2024 (PB2024-02-CUP), subject to the following:***
- 35
36 ***a) An expansion of the principal office use into the accessory storage space shall***
37 ***require a Conditional Use Permit from the Planning Board for so long as the***
38 ***property continues to be subject to zoning regulations that require a***
39 ***Conditional Use Permit for an "office" use in the zoning district in which the***
40 ***property is located.***
- 41
42 ***b) Other changes of use shall be allowed pursuant to all applicable land use***
43 ***regulations and procedures. Any such future change to a "permitted use" (as***
44 ***identified in the Zoning Ordinance) shall not require Planning Board site plan***
45 ***approval unless the proposed use or any related proposed site improvements or***
46 ***changes requires site plan approval pursuant to the jurisdictional thresholds set***

forth in the Site Plan Review Regulations as determined by Planning & Development Department staff.

- 4. Within 30 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:**

a) Update the plan set cover sheet "Zoning Comparison" table to change the "warehouse" use to "accessory warehouse space for office use", and to add a note indicating that the total required 7.4 parking spaces is rounded down to 7 pursuant to the Table of Minimum Off-Street Parking Requirements; and

b) All other changes required pursuant to Conditions of Approval #10 of the April 15, 2024 Notice of Action for PB2024-14-SPR;

and shall provide the Planning and Development Department with a digital copy of the revised plan set saved in a PDF-A format for archival purposes.

- 5. Impact fees calculated pursuant to Section 213 of the Zoning Ordinance shall be assessed prior to the issuance of a building permit and shall be paid prior to the issuance of a Certificate of Occupancy.**

The Motion was seconded by Brandon Hill.

Roll Call Vote:

Voting For –Mr. Kennelly, Ms. Romano, Mr. Faunce, Mr. Ford Burley, Mr. Hill, Ms. Zook

Voting Against – None

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

-
- F. 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**

Ms. Zook said she represents the City as a member of the City Council, and asked if any members of the group had an objection to her participation in the discussion. No one had an objection.

Mr. Corwin stated that Staff recommends that the application is complete enough for the Planning Board to accept jurisdiction and commence review.

1
2 ***A MOTION was made by Richard Ford Burley that the application of The Muse Lebanon,***
3 ***LLC (applicant), City of Lebanon (property owner), 20 Spencer Street (Tax Map 92, Lot 31),***
4 ***zoned LD is complete enough for the Planning Board to accept jurisdiction and commence***
5 ***review.***

6
7 ***The Motion was seconded by Kathie Romano.***

8 ***Roll Call Vote:***

9 ***Voting For –Mr. Kennelly, Ms. Romano, Mr. Faunce, Mr. Ford Burley, Mr. Hill, Ms. Zook***

10 ***Voting Against – None***

11
12 ****The MOTION was approved (6-0, with Mr. Rutter abstaining).***

13 Deputy City Manager David Brooks said the City is the property owner for this project. Mr. Jake
14 Tamposi (Muse Lebanon, LLC), speaking on behalf of the applicant, and his project team gave
15 an overview of the project, the goals of which are:

- 16
17
 - Provide affordable housing
 - Create spaces for artists
 - Develop a site that is connects with the Spencer Street streetscape and the Rail Trail
 - Construct a building that is sustainable and lasting

21
22 Chair Faunce asked that the Board submit questions it may have to Mr. Tamposi via email and
23 suggested that the discussion of this project continue at a meeting on September 14, 2024 in City
24 Council Chambers at 6:30pm.

25
26 **4. OTHER BUSINESS**

27 None

28
29 **5. APPROVAL OF MINUTES**

30 None

31
32 **6. ADJOURNMENT**

33
34 The meeting adjourned at 10:00pm.

Suggested Edits for PB Meeting of September 16, 2024

p.3, lines 40: Change “sound proofing” to “soundproofing” (i.e. one word, no hyphen).

p.3, line 44: Insert “range” between “per month” and “(average \$1,300 or \$1,400 . . .”.

p.4, line 7: Change “an” to “and”.

p.4, line 31: Change “26” to “2026”.

p.4, lines 31-32: Change “. . . very little time to get the full understand what how active and substantial is defined today.” to “. . . very little time to gain a full understanding of how ‘active and substantial’ is defined today.” [The reference in single quotes is back to the end of the preceding paragraph, lines 23-24)

p.5, line 39: Insert “a” between “partial” and “waiver”.

p. 10, line 4: Change “engineer or record” to “engineer of record”.

p.12, line 41: Change “an” to **EITHER “a” OR “any”**.

p.13, line 1: Insert “be” between “not” and “because” (so as to read “. . . but could not be because there was not enough time.”).

DRAFT

**LEBANON PLANNING BOARD
COMMUNITY ROOM, KILTON LIBRARY OR
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE
MONDAY, SEPTEMBER 16, 2024 6:30 PM**

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

MEMBERS ABSENT: NONE

STAFF PRESENT: Tim Corwin (Deputy Planning Director), Brian Vincent (City Engineer)

1. CALL TO ORDER

Chair Faunce called the meeting to order at 6:30pm.

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

Mr. Rutter explained he was attending remotely because he is recuperating from knee replacement surgery. He said he was attending as an observer only and would not participate in any votes at this meeting.

2. NOTICE OF REGIONAL IMPACT

The following additional application was received by the Planning and Development Department on September 10, 2024:

- **XYZ Dairy, LLC, River Park Drive (Tax Map 44, Lots 21 - 30, and Tax Map 44, Lot 7), zoned CB, IND-L and R-3: Appeal of administrative decision made on September 10, 2024, that conditions 1, 2, 4, 5, 7 and 14-4 of the River Park development Site Plan approval as set forth in the Notice of Action dated September 9, 2019, for PB2018-34-SPA, have not yet been satisfied and, consequently, that construction of Phase 1 may not commence. PB2024-40-AAD**

Mr. Corwin said staff recommends the application does not have the potential for regional impact.

A MOTION was made by Richard Ford Burley that the application of XYZ Dairy, LLC, River Park Drive (Tax Map 44, Lots 21 - 30, and Tax Map 44, Lot 7), zoned CB, IND-L and R-3: Appeal of administrative decision made on September 10, 2024, that conditions 1, 2, 4, 5, 7 and 14-4 of the River Park development Site Plan approval as set forth in the Notice of Action dated September 9, 2019, for PB2018-34-SPA, have not yet been satisfied and, consequently, that construction of Phase 1 may not commence does not have the potential for regional impact.

The motion was seconded by Patrick Kennelly.

**The MOTION was approved (5-0, with Romano abstaining).*

3. PUBLIC HEARING ITEMS

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

Mr. Corwin noted this is a continuation of the discussion that began at the September 09, 2024 Planning Board meeting.

Deputy City Manager David Brooks introduced the team: Mr. Steve Tamposi, Mr. Daniel Riggs, Mr. Nick Olen, and Mr. Jake Tamposi, who were present on behalf of the applicant.

Mr. Olen outlined the benefits of the project and reviewed the goals:

- Provide affordable housing
- Create spaces for artists
- Develop a site that is connects with the Spencer Street streetscape and the Rail Trail
- Construct a building that is sustainable and lasting

He said the building would be renovated into an apartment building with live/work units on the upper floors and an artist gallery space on the ground floor. He explained that live/work units would be larger than typical apartments to accommodate a dedicated artist workspace.

Ms. Romano asked what research had been done to decide one-, two-, or three-bedroom units. Mr. Jake Tamposi said the breakdown of units is driven by both the market need and by certain scoring categories for the financing application with New Hampshire housing, where the state of New Hampshire has a demonstrated need for certain types of units.

1 Mr. Olen said the building has to be located above the floodplain. He said the east side of the
2 building is most closely located to the floodplain on the property. The group discussed the
3 stormwater requirements of the property, given that it is a brownfield site, and how water
4 treatment may be provided.

5
6 Ms. Romano asked about the security at the gallery entrance, where public bench seating is
7 planned. Mr. Steve Tamposi said an onsite manager will be present and a fob system will be
8 installed for secure entry.

9
10 Mr. Ford Burley asked where the accessible parking spots will be located, noting some southern
11 facing areas of parking lots can get quite hot in the sun which is challenging for persons with
12 certain disabilities. He asked if these parking spots could be shaded or located in shaded areas.
13 Mr. Olen noted that EV spaces have been added to the plans.

14
15 Mr. Hill asked if the fire department has reviewed the parking and turnaround plans to ensure
16 emergency vehicles are able to navigate those spaces. Mr. Steve Tamposi confirmed the plans
17 had been reviewed by the fire department.

18
19 The group discussed the height of the first floor, and Mr. Corwin stated that, for this application,
20 the first floor height must meet the 12-foot minimum height and 10-foot minimum height for the
21 other floors. He said if the floor heights change during the evolution of the design, the project
22 team can amend the application by requesting a conditional use permit.

23
24 The group discussed the type of artistry work that might be conducted by the residents, and if
25 special conditioning might be required to accommodate these activities. Mr. Jake Tamposi said
26 the types of artistic endeavors that could take place in those units will be restricted by the
27 building code for residential use and good housekeeping in terms of property management. He
28 said it would be unlikely that a sculptor with a kiln would reside here because the leases wouldn't
29 allow that type of use. He said the space would have acoustical standards to ensure that sound
30 pollution will not transfer from one unit to another. Mr. Corwin discussed how art studio use can
31 be quantified as a permissible accessory use to multi-family dwelling use, but he said specific
32 uses may have to be reviewed by the zoning administrator to ensure compliance with zoning
33 ordinances. He said the studio would also qualify for a home business permit in a residential
34 zone, and he noted that Downtown Lebanon is not purely residential zoning.

35
36 Mr. Corwin said fire safety and ventilation needs that resulted from specific art activities would
37 be addressed in the building permit application. Mr. Tamposi noted that the interior design plans
38 have not been finalized yet.

39
40 Mr. Kennelly noted that sound proofing is not easy and can be expensive. Ms. Romano noted
41 that these kinds of elements may greatly increase the cost of the renovation and reminded the
42 group that these are intended to be affordable residential units. Mr. Tamposi said the rent and
43 total housing cost should be no greater than 30% of the resident's income, which he said, based
44 on their estimates, would fall in the \$600-\$2,000 per month (average \$1,300 or \$1,400 per
45 month).

1 Mr. Olen gave an overview of the traffic research they conducted and submitted with the plan.
2 The group discussed how traffic peaks on Bank Street between 9:00am and 10:00am (618 trips)
3 on Saturdays, which is higher than the determined peak hours 3:00pm-5:00pm (427). He said this
4 volume of traffic does not approach the highest use and therefore they are requesting a waiver of
5 the traffic study requirement. The group discussed things that may impact traffic during the
6 different seasons of the year, and other plans that the City already has for changes to the signage
7 an traffic flow in and around the Colburn Park area.

8
9 Mr. Corwin noted that the Lebanon Pedestrian & Bicycle Committee reviewed the plans and
10 submitted some recommendations:

- 11 1. Install a rapid flashing beacon at the crosswalk
- 12 2. Bring back Spencer Street stop sign at the CCBA curve
- 13 3. Make Parkhurst, Spencer, and Campbell Streets a three-way stop.
- 14 4. Make the Rail Trail Crossing safer by adding speed tables to Spencer Street, extend
15 blinking light signage, or raise the Northern Rail Trail crossing.

16
17 Mr. Corwin said these suggestions would have to be reviewed by DPW and some or all of these
18 suggestions could be made conditions of approval if the Board desires.

19
20 Mr. Olen said the team wants to ask for a three-year extension to align the timing for the project
21 deadlines better with the overall development agreement. Mr. Corwin said the Board does have
22 the ability under City regulations and state statute to extend the two-year active and substantial
23 development timeline up to five years. He said it can also change the definition of what
24 constitutes active and substantial development.

25
26 Mr. Brooks said under the development agreement that was negotiated and approved by the City
27 Council, the team must get all of its entitlements and funding lined up before closing on the
28 property. He said a funding application deadline is approaching in the next few weeks, and if
29 funding isn't secured in this round the team may have to wait a full 12 months to be able to apply
30 for the funding again (Fall of 2025). He said that may mean construction would not start until the
31 spring of 26, which leaves very little time to get the full understand what how active and
32 substantial is defined today.

33
34 Mr. Jake Tamposi said competition for these funds is very strong and typically New Hampshire
35 housing has only been doing one funding round for each type of project per year, so it is
36 beneficial to have a little bit more time because some projects apply several times before being
37 funded. He said having that flexibility and having certainty around entitlements is very important
38 to keep the project on track and make sure it continues to be competitive in both the current
39 round and any potential future rounds.

40
41 The group agreed to extend the two-year timeframe for obtaining a building permit to five years.

42
43 The group discussed the landscaping and stormwater management waivers that are being
44 requested. They also discussed the playground area that would be adjacent to the Rail Trail
45 corridor space. Mr. Brooks confirmed this proposal is not prohibited by the terms of the 2003
46 agreement that the City has with the state regarding the Rail Trail.

1 Chair Faunce opened the public comment portion of the meeting.

2
3 Ms. Meg Carlton (Hanover) said she is the owner of an abutting property to 20 Spencer Street.
4 She said there is nothing in the City codes that addresses the issue of hydrostatic pressure and
5 what it does to the floodplain. She said this is a very large building that will add hydrostatic
6 pressure on the groundwater. She said, after the Spencer Street improvements were made last
7 year, the area had its first flood in a very long time when water came up through the drain and
8 the road had to be closed. She said she did not know how the additional flows from this project
9 may affect that.

10
11 She also said the images of the renovated mill building look to her like a really attractive
12 concrete prison building and it doesn't appear to be a place where creative endeavors will take
13 place.

14
15 Mr. Brian Vincent said he believed the foundation will be a shallow spread footing foundation
16 for this project, and said he advised the project team to limit the foundation depth to five feet
17 because the water table is so shallow in the area. He recommended that the Board see a
18 geotechnical review of the hydrostatic pressure and the water table. He noted that the flooding
19 last year was from the Mascoma River and not from stormwater. He said the stormwater
20 management plan for this project was designed to minimize the risk of stormwater flow
21 coinciding with peak water surface elevation to prevent the rise in water through the drains.

22
23 Mr. Kennelly asked if any plans were being made for embodied energy in the materials for the
24 project. Mr. Olen said the primary focus was on affordability and keeping energy, heating, and
25 cooling costs low for residents.

26
27 Ms. Chris Hidari (Ward 3) noted that, currently, bikers on the Rail Trail often do not follow
28 speed limits or even good biking practices. She said if this project is going to add even more
29 traffic to the Rail Trail, some consideration should be made to address speed and unsafe biking
30 activities.

31
32 Chair Faunce closed the public comment portion of the meeting.

33
34 The group discussed the waiver requests that are part of the application. The group agreed to
35 waive the traffic study requirement in favor of adding some of the suggestions of the Ped & Bike
36 committee.

37
38 ***A MOTION was made by Richard Ford Burley that, for the application of The Muse Lebanon,***
39 ***LLC, PB2024-36-SPR, the Lebanon Planning Board approves partial waiver for Section***
40 ***5.1.G.2 in light of the discussion at the meeting.***

41
42 ***The motion was seconded by Kathie Romano.***

43
44 ****The MOTION was approved (6-0).***

1 ***A MOTION was made by Richard Ford Burley that, for the application of The Muse Lebanon,***
2 ***LLC, PB2024-36-SPR, the Lebanon Planning Board approves partial waivers for the***
3 ***following Sections of the Site Plan Regulations:***

- 4
- 5 ***· Section 6.2.B.1.a – perimeter landscaping requirements***
- 6 ***· Section 6.2.B.4 – requiring all trees to be planted a minimum of 8 ft. from any property line***
- 7 ***· Section 6.2.B.6 – additional buffer requirements***
- 8 ***· Section 6.2.D.1 – landscaping around buildings requirements***
- 9 ***· Section 6.6.C.1.2.K – requiring test pit data for stormwater management design***
- 10 ***· Section 6.6.G – stormwater management design standards for redevelopment***

11
12 ***The motion was seconded by Kathie Romano.***

13
14 ****The MOTION was approved (6-0).***

15
16
17 ***At 8:44pm, Mr. Hill left the meeting.***
18

19
20 ***A MOTION was made by Richard Ford Burley:***

21 ***At duly-noticed meetings of the Lebanon Planning Board held on September 9, 2024 and***
22 ***September 16, 2024, there appeared representatives on behalf of The Muse Lebanon, LLC***
23 ***(applicant) and the City of Lebanon (property owner) regarding 20 Spencer Street (Tax Map***
24 ***92, Lot 31), zoned LD, requesting a Conditional Use Permit per Section 307.6.B.2 of the Zoning***
25 ***Ordinance to waive the requirement that a portion of the street level story of the proposed multi-***
26 ***family building is reserved for a non-residential use. PB2024-36-SPR,***

27
28 ***I. FINDINGS OF FACT***

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

- 31 ***1. The Muse Lebanon, LLC proposes to redevelop the subject property with a +/-76,064 sq.***
32 ***ft. multi-family building containing 80 affordable dwelling units.***
- 33
- 34 ***2. Pursuant to Section 307.6.B.1, a portion of the street level story of the new building at***
35 ***the subject property is required to be reserved for non-residential uses.***
- 36
- 37 ***3. Pursuant to Section 307.6.B.2, the applicant requests a Conditional Use Permit to waive***
38 ***the requirements of Section 307.6.B.1.***
- 39
- 40 ***4. In order to grant the requested Conditional Use Permit, the Board must find the***
41 ***applicant's proposal satisfies the Enhanced Performance Standards set forth in Section***
42 ***302.4.D as well as the specific requirements of Section 307.6.B.2.***
- 43

44 ***II. CONCLUSIONS OF LAW***

45 ***As a result of the above findings of fact and based on testimony given, application materials***
46 ***presented, and supporting documents submitted, the Planning Board concludes the following***

1 *with respect to the Enhanced Performance Standards set forth in Section 302.4.D and the*
2 *criteria set forth in Section 307.6.B.2 of the Zoning Ordinance:*

- 3 1. *The site is suitable for the proposal. (§302.4.D.1)*
- 4 2. *The external impacts of the proposed use on abutting properties and the neighborhood*
5 *are commensurate with the impacts of adjacent existing uses or other uses permitted in*
6 *the zoning district. (§302.4.D.2)*
- 7 3. *The proposal does satisfy the criteria of Section 302.4.D.3*
- 8 4. *The proposal does satisfy the criteria of Section 302.4.D.4*
- 9 5. *The proposal does satisfy the criteria of Section 302.4.D.5*
- 10 6. *Non-residential uses on the street level story are not inappropriate given the unique*
11 *characteristics of the subject property. (Section 307.6.B.2.a)*
- 12 7. *The proposal does provide improvements to streetscapes, public ways, or public spaces*
13 *that implement recommendations for downtown Lebanon in current plans, policies, or*
14 *programs adopted by the City of Lebanon including but not limited to the Master Plan,*
15 *Downtown Visioning Study, and the Capital Improvement Program. (Section*
16 *307.6.B.2.b)*
- 17 8. *The proposal does include a high-quality design with attention to architectural quality*
18 *and detail, universal accessibility, and/or environmental sustainability. (Section*
19 *307.6.B.2.c)*

20 21 **III. DECISION**

22 *Now therefore be it resolved that the Planning Board, on this 16th day of September, 2024,*
23 *hereby grants the request of The Muse Lebanon, LLC for a Conditional Use Permit per Section*
24 *307.6.B.2, as set forth above and per testimony, plans, and materials submitted.*

25 *The motion was seconded by Kathie Romano.*

26
27 **The MOTION was approved (6-0).*

28 29 30 **MOTION ON THE SITE PLAN APPLICATION**

31 *A MOTION made by Richard Ford Burley that the Lebanon Planning Board approve the*
32 *application of The Muse Lebanon, LLC (applicant) and the City of Lebanon (property owner),*
33 *regarding 20 Spencer Street (Tax Map 92, Lot 31), zoned LD, PB2024-36-SPR, for Site Plan*
34 *approval to construct a +/-76,064 sq. ft. multi-family building with 80 affordable housing units,*
35 *together with parking, utilities, landscaping, access, and other related site improvements as*
36 *shown on a plan set titled "Muse Apartments," prepared by TFMoran, Inc., dated August 12,*
37 *2024, last revised August 26, 2024, File 96202.01, including any and all submissions and*
38 *testimony provided for and during the public hearing.*

39 *In support of its decision, the Board finds that the applicant has submitted plans, testimony,*
40 *technical data, information, reports, and studies that together satisfactorily demonstrate*
41 *compliance with the applicable requirements of the Site Plan Review Regulations, except as may*
42 *reasonably be addressed through the imposition of certain conditions of approval, set forth*
43 *below, and except as may have been waived pursuant to Section 7.1.*

44 *This approval is subject to the following conditions:*

General Conditions

1. *It shall be the applicant's responsibility to be familiar with and aware of these conditions of approval, and it shall be the applicant's responsibility to satisfy these conditions of approval and to satisfy them within the relevant timeframes outlined below.*
2. *The development is subject to the Site Plan Review Regulations adopted May 13, 1991, last revised January 23, 2023, and the Zoning Ordinance adopted January 16, 2013, last amended April 3, 2024, which are the regulations in effect at the time the application was submitted.*
3. *A building permit must be applied for and issued within three and a half (3.5) years of the date of this approval (4.10.A), subject to an extension if applied for by the applicant and if approved by the Planning Board per Section 4.10.B. This extension of 1.5 years from the usual two is granted by the Board due to the nature and timeline of the funding cycle for affordable housing grants from the New Hampshire Housing Finance Authority.*
4. *"Active and substantial development," as defined in Section 8.4.A.1 of the Site Plan Review Regulations, shall be achieved within five (5) years of the date of this approval (8.4.A.2). If active and substantial development is not achieved within five (5) years of the date of the Planning Board's approval, the development shall be subject to any changes in the City's land use regulations. This extension of three years from the usual two is granted by the Board due to the nature and timeline of the funding cycle for affordable housing grants for the New Hampshire Housing Finance Authority.*
5. *"Substantial completion," as defined in Section 8.4.B.1 of the Site Plan Review Regulations, shall be achieved within five (5) years of the date of this approval. If substantial completion is not achieved within five (5) years of the date of the Planning Board's approval, the development shall be subject to any changes in the City's land use regulations.*
6. *All required landscape plantings shall meet the minimum size requirements for such plantings set forth in Section 6.2.B of the Site Plan Review Regulations at the time of installation.*
7. *The applicant shall implement and maintain NHDES Site Specific Best Management Practices before, during, and after construction.*
8. *Prior to the start of any construction activities on the property, erosion control measures, including edge-of-disturbance fencing if applicable, shall be installed and maintained before and during any site work, to be verified by the City Engineer or City's third-party inspector on site.*
9. *The property owner is responsible for the maintenance and operation of the stormwater management system in accord with the O&M plan, and such responsibility shall run with the land. (Section 6.6.H.2.b of the Site Plan Review Regulations).*
10. *All service areas and facilities, including garbage and waste disposal containers, recycling bins, electrical and mechanical equipment such as transformers and compressors, meter clusters, and other utility elements must be screened in accordance with Section 6.2.B.8 and Section 6.10.B.5 of the Site Plan Review Regulations.*

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

- 1 **11. Within 45 days of the Planning Board's approval, the applicant shall address comments**
2 **set forth in the memo dated September 9, 2024, from Duane Egner, Lebanon Fire**
3 **Inspector, to the satisfaction of the Fire Department.**
- 4 **12. Within 45 days of the Planning Board's approval, the applicant shall make the following**
5 **revisions to the plan set to the satisfaction of the Planning and Development Department**
6 **and the City Engineer:**
- 7 a) **Any changes made pursuant to Condition of Approval #11 above.**
 - 8 b) **Depict all off-site information required by Sections 5.1.E.7, 9, and 17, within 200**
9 **ft of the site.**
 - 10 c) **Provide that all curbing shall be granite as required by Section 6.5.F.1.**
 - 11 d) **Add plan note regarding the groundwater management permit for the property**
12 **and any ongoing monitoring and reporting requirements.**
 - 13 e) **On the cover sheet:**
 - 14 i. **Identify the proposed use and the maximum number of permitted parking**
15 **spaces per Section 607 of the Zoning Ordinance.**
 - 16 ii. **Add sheet numbers to Table of Contents and add sheet numbers in the**
17 **lower right-hand corner of all plan sheets with a prominent font size.**
 - 18 f) **On the existing conditions plan, confirm/clarify use of "floodway" terminology**
19 **and associated elevations.**
 - 20 g) **On Sheet C-05 (or additional plan sheet):**
 - 21 i. **Remove snow storage areas that overlap with handicap accessible**
22 **signage.**
 - 23 ii. **Add dashed line on the inside of the curb to the legend.**
 - 24 iii. **Add note indicating that on-site hydrant(s) will be dedicated to the City**
25 **for ownership and maintenance.**
 - 26 h) **On Sheets C-05 through C-10, depict outline of entrance features.**
 - 27 i) **On Sheet C-05 or additional plan sheet, delineate easement area to be conveyed**
28 **to the City for the purpose of maintaining the sidewalk (if deemed necessary by**
29 **the City's legal counsel) and the on-site hydrant(s), and for the purpose of**
30 **accessing the water shut-off valve.**
 - 31 j) **On Sheet C-06, amend Note 2 to provide that replacement of pipe shall require**
32 **coordination with and approval by the City Engineer.**
 - 33 k) **On Sheet C-10:**
 - 34 i. **Provide landscaping for the freestanding sign as required by Section**
35 **608.4.A.4.b.i of the Zoning Ordinance.**
 - 36 l) **On Sheet A-200:**
 - 37 ▪ **Amend to demonstrate compliance with the minimum story height**
38 **requirements of Section 307.8.C of the Zoning Ordinance.**
 - 39 ▪ **Identify length/width measurements for each elevation.**
 - 40 m) **Amend the cover sheet to provide description of plan revisions (5.1.E.4.d).**
- 41 **The applicant shall provide the Planning and Development Department with one (1) full**
42 **size copy of the revised plan set, and a digital copy of the revised plan set saved in a PDF-**
43 **A format for archival purposes.**
44

- 1 **13. The applicant shall obtain a Floodplain Permit from the Floodplain Administrator and**
- 2 **shall verify with the Building Inspector that development complies with the applicable**
- 3 **floodplain-related requirements of the Building Code.**
- 4 **14. The applicant shall provide a letter or certification from the engineer or record or other**
- 5 **qualified design professional confirming that the approved plan set meets the**
- 6 **accessibility standards of the State of New Hampshire Building Code.**
- 7 **15. The applicant shall schedule and hold a pre-building permit application meeting with**
- 8 **the Planning and Development Department, City Building Inspectors, City**
- 9 **Engineer/Department of Public Works, and Fire Department, in order to help streamline**
- 10 **the building permit review process and to review applicable code requirements.**
- 11 **16. The applicant shall obtain approval from the City Council or the City Manager's office**
- 12 **for any additional water and/or sewer flows in accordance with the applicable Chapter**
- 13 **136 and 182 of the City Code.**
- 14 **17. All engineering review fees shall be paid in full as required by Section 4.7.E.1 of the Site**
- 15 **Plan Review Regulations.**
- 16
- 17 **18. The applicant shall apply to the Department of Public Works for an Excavation Permit,**
- 18 **Driveway Permit, and Stormwater Permit.**
- 19

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

- 21 **19. Prior to the start of any construction activities on the property, the applicant shall record**
- 22 **in the Grafton County Registry of Deeds notice of the stormwater management and**
- 23 **erosion and sediment control plans as required per Section 6.6.H.2.d of the Site Plan**
- 24 **Review Regulations. Such notice shall be reviewed by the Planning & Development**
- 25 **Department prior to recording.**
- 26 **20. Prior to the start of any construction activities on the property for which construction**
- 27 **inspection is required pursuant to this decision or any applicable ordinance or code, the**
- 28 **City shall retain the services of an independent third-party inspector, for which the**
- 29 **applicant shall be responsible for all inspection fees related to (a) on-site work related to**
- 30 **sewer, water, temporary sedimentation and erosion control, and drainage improvements,**
- 31 **and (b) all off-site work within the City's right-of-way (including but not limited to water,**
- 32 **sewer, driveways, drainage), in accordance with Section 8.2 of the Site Plan Review**
- 33 **Regulations. The applicant shall provide funding for inspection services in a form and**
- 34 **amount acceptable to the City and shall sign an Infrastructure Inspection Agreement.**
- 35 **21. The development shall be subject to City of Lebanon Impact Fees, pursuant to Section**
- 36 **213 of the Zoning Ordinance. The Impact Fee shall be calculated at the time of Building**
- 37 **Permit issuance based on the Impact Fee Schedule adopted on May 20, 2024. In**
- 38 **accordance with RSA 674:39, the approved site plan shall be exempt from any future**
- 39 **changes in impact fees and methodology for five years from the date of approval;**
- 40 **however, any building permits which are issued after the end of that five-year period**
- 41 **shall be fully subject to whatever impact fees and methodology are in effect at the time**
- 42 **of building permit issuance.**
- 43 **22. All water and sewer fees shall be paid as set forth in City Code Chapter 68.**
- 44

- 1 **23. The applicant shall obtain from the Department of Public Works an Excavation Permit,**
2 **Driveway Permit, and Stormwater Permit.**
3 **24. Prior to the start of any construction activities on the property, the applicant shall obtain**
4 **or update (if appropriate) any required Federal or State approvals, including but not**
5 **limited to:**
6 **a) EPA Stormwater Pollution Prevention Plan (SWPPP)**
7 **b) NHDES Sewer Connection Permit**
8

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

- 10 **25. The applicant shall enter into an agreement with the City of Lebanon and the State of**
11 **New Hampshire for the construction of the proposed 2,560 sq. ft. playground depicted**
12 **on the Site Layout Plan sheet, dated August 12, 2024, last revised August 26, 2024,**
13 **prepared by TFMoran, Inc., File 96202.01.**
14 **26. The applicant shall grant an easement or other authorization to the City in a form**
15 **acceptable to the Department of Public Works to access the on-site water shut-off valves**
16 **and, if deemed necessary by the City's legal counsel, to maintain the sidewalk along the**
17 **property frontage.**
18 **27. The applicant shall dedicate the on-site hydrant(s) to the City for ownership and**
19 **maintenance, subject to appropriate easements. Said conveyance and easements shall be**
20 **approved by the City Attorney and the Department of Public Works and recorded in the**
21 **Grafton County Registry of Deeds. The applicant shall also dedicate the sidewalk along**
22 **the property frontage for ownership and maintenance if deemed necessary by the City's**
23 **legal counsel.**
24 **28. The impact fee calculated pursuant to Condition of Approval #21 shall be paid.**
25 **29. Third-party engineer or design engineer inspection reports and contractor as-built**
26 **drawings provided by the applicants (PDF format and CAD .dwg format, using the NH**
27 **State Plane Coordinate System), including tie sheets, shall be reviewed and approved by**
28 **the City Engineer.**
29 **30. All improvements depicted on the plan shall be completed, and shall be constructed as**
30 **depicted on the approved plan, including any modifications to the plan as may be**
31 **approved by the Planning Board in accordance with the Site Plan Review Regulations.**
32 **31. The applicant shall work with the Department of Public Works to evaluate the feasibility**
33 **and desirability of implementing Recommendation 2A or 2B from the Pedestrian and**
34 **Bicyclist Advisory Committee included in the staff memo prepared for the 9/16/24**
35 **meeting and shall be responsible for implementing any such recommendations in**
36 **accordance with required city procedures.**
37

38 **The motion was seconded by Patrick Kennelly.**

39
40 ***The MOTION was approved (5-0).**
41

42 At 8:56pm, Chair Faunce called a three-minute recess.

43 At 9:05pm, the meeting resumed.

44 **9. OTHER BUSINESS**

A. Review of DRAFT Housing Opportunity Planning (HOP) Grant Support Letter

Chair Faunce shared a draft of the HOP Grant Support letter. Mr. Corwin said this grant is being sought to fund a consultant to help the Lebanon Housing Task Force update the Housing Chapter of the Master Plan.

*A MOTION was made by Richard Ford Burley to authorize Andrew Faunce as the Chair of the Lebanon Planning Board to sign the Housing Opportunity Planning (HOP) Grant Support Letter on behalf of the Lebanon Planning Board.
The motion was seconded by Kathie Romano.*

**The MOTION was approved (5-0).*

B. Planning Board Representative to the Lebanon Housing Task Force

Chair Faunce said he has an interest in the goals of the committee, but he would support another member who may also have an interest in working on the committee.

A MOTION was made by Richard Ford Burley to nominate Andrew Faunce as the Planning Board Representative to the Lebanon Housing Task Force.

The motion was seconded by Kathie Romano.

**The MOTION was approved (5-0).*

10. APPROVAL OF MINUTES

August 6, 2024 Site Walk

August 7, 2024 Site Walk

August 12, 2024 Meeting

*A MOTION was made by Richard Ford Burley to approve the August 6, 2024 and August 7, 2024 Site Walk Minutes, and the August 12, 2024 Meeting Minutes as amended.
The motion was seconded by Patrick Kennelly.*

**The MOTION was approved (5-0).*

Mr. Corwin shared these reminders:

- At the City Council meeting on Wednesday, September 18, 2024 the results of the Route 120 Corridor study and findings of the Pattern Zone project will be presented. Mr. Corwin encouraged members of the Board to attend
- The Planning Board agenda for the September 23, 2024 work session will include zoning amendments related to the outcomes of the Route 120 Corridor Study and the Pattern Zoning project
- The Housing and Economy Conference will be held on October 23, 2024 by the New Hampshire Housing Authority. He said the Planning Department will cover the registration fee for an Planning Board member who would like to attend

Mr. Corwin asked if the Board would be willing to meet at a special meeting on September 30, 2024 to discuss the application for One Foundry Street, Applicant LWM Residential LLC, which

1 was supposed to be heard at the September 09, 2024 meeting but could not because there was not
2 enough time. The group agreed to hold the September 30, 2024 meeting at 6:30pm in Council
3 Chambers.

4
5 At 9:22pm, Mr. Hill rejoined the meeting.

6
7 **11. ADJOURNMENT**

8
9 *A MOTION was made by Richard Ford Burley to adjourn the meeting at 9:23pm.*
10 *The motion was seconded by Brandon Hill.*

11
12 **The MOTION was approved (6-0).*

13 The meeting was adjourned at 9:23pm.

14
15 Respectfully submitted,
16 Paula Roux
17 Recording Secretary
18

Suggested Edits for PB Meeting of September 23, 2024

p.2, line 42: Change “that additional Planning Boar review is required, or a new conditional use permit is required.” to “**whether** additional Planning **Board review or a new conditional use permit may be required.**”

p.3, line 15: Change “. . . commercial building to the City’s assessing records.” to “. . . commercial building **in** the City’s assessing records.”

p.3, line 44: Change “is” to “**are**” [subject of sentence is “The external impacts”].

p.4, line 3: Change “is” to “**are**” [subject of sentence is “The criteria”].

p.5, line 15: Insert hyphen between “decision” and “making” (i.e. change to “**decision-making**”).

p.5, line 4: Change “Proc” in heading to “**Procedures**”.

p.5, lines 30-32: Change “Mr. Corwin said it may not be helpful for the Board to review the projects that this point be3causwe the information may be subject to change over the next two months because the Planning Department provides comments and asks questions so the information changes as departments address Staff input.” to “Mr. Corwin said it may not be helpful for the Board to review the projects **at this point. The information** may be subject to change over the next two months because the Planning Department provides comments and asks **questions,** so the information changes as departments address Staff input.”

p.5, line 43: Change “. . . so understand what is happening as it is happening and said the Board did not realize . . . “ to “. . . so **as to** understand what is happening as it is **happening. He noted that the Board** did not realize . . . “.

p.6, line 2: Change “they” to “**the Board**”.

p.6, lines 9-10: Change “. . . but is often what may drives how the CIP list develops and changes because grant opportunities may arise. Mr. Reichert also said what the City really wants . . . ” to “. . . but is often what may **drive** how the CIP list develops and changes because grant opportunities may arise. Mr. Reichert also **noted that** what the City really wants . . . ”.

p.6, lines 17-19: “Mr. Corwin said it is a recommendation that Form 1 (description of project) and Form 2 (financial information – cost and how funded).” **INCOMPLETE AND UNINTELLIGIBLE SENTENCE**

p.6, line 28: Change “he sent” to “**he had circulated**”.

p.7, line 16: “Change “he was” to “**she had been**”.

p.7, lines 17-19: Change “two active members resigned” to “two active members **had** resigned” [17]. Capitalize “Committee” three times to conform with usage of the term in lines 13 and 16; insert “**finally**” after the first of these capitalizations.

p.7, line 28: Insert “General Commercial 1” after “GC1” (to conform with parenthesis after CBD in preceding line).

p.7, lines 30-31: Capitalize zoning designations for General Commercial and Light Industrial (three times in these two lines).

p.7, lines 37-39: “Mr. Reichert said rezoning the area around the proposed Central Business District at GC1 give the area a more neighborhood feel and a centralized downtown. He said feedback from residents is that the area currently doesn’t have a sense of place and allowing the central business district zoning should promote that type of development (similar to Downtown Lebanon).” Change to “Mr. Reichert said rezoning the area around the proposed Central Business District to General Commercial 1 will give the area more of a neighborhood feeling as well as a centralized downtown. He said feedback from residents is that the area currently doesn’t have a sense of place and allowing the Central Business District zoning should promote that type of development (similar to Downtown Lebanon).”

p.8, line 10: Change “preserved” to “conserved”.

p.8, line 16: Insert “the” between “cover” and “entirety”.

p.8, line 21: Change “residential single and multi-family” to “residential single- and multi-family”.

p.8, line 23: Change “. . . as a model . . .” to “. . . as models to . . .”.

p.8, line 31: Change “Develop an incorporate . . .” to ““Develop and incorporate . . .”.

p.8, line 39: Change “Reduce the size required for a lot & Reduce setback requirements” to “Reduce the size required for a lot and reduce setback requirements”.

p.8, line 42: Change “He said one question is whether the City should require owners . . .” to “He said one question that remains unresolved is whether the City should require owners . . .”

DRAFT

**LEBANON PLANNING BOARD
CITY COUNCIL CHAMBERS OR
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE
MONDAY, SEPTEMBER 23, 2024 6:30 PM**

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

MEMBERS ABSENT: NONE

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

1. CALL TO ORDER

Chair Faunce called the meeting to order at 6:30pm.

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

Mr. Rutter and Ms. Zook said they were attending as members of the public and would not participate in any votes.

2. PUBLIC HEARING ITEMS

- **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**

A MOTION was made by Richard Ford Burley that the application of Jennifer Caine Russell & Nick Russell (applicants), Spencer Street Storage, LLC (property owner), 10 Spencer Street (Tax Map 92, Lot 33), zoned LD is complete enough for the Planning Board to accept jurisdiction and commence review. The Motion was seconded by Kathie Romano.

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

Mr. Corwin said the applicant is requesting a conditional use permit for a proposed art studio use

1 at 10 Spencer St., which just happens to be next door to another application that the Board
2 recently decided for a multifamily development at 20 Spencer St., also for art studio use. He
3 noted the use is allowed by conditional use permit, provided that the applicant demonstrates
4 compliance with the applicable criteria. He read the criteria set forth in Section 302.d.4 of the
5 zoning ordinance. He noted this Conditional Use Permit request does not automatically trigger a
6 site plan review, but the Board could require it if it desires. Mr. Corwin said a site plan (with
7 proposed improvements) had been submitted earlier in the day and had not been fully reviewed
8 by Staff.

9
10 Mr. Frank J. Barrett (Jay) was present on behalf of the client. He said he is the architect on the
11 project. Mr. Nicholas Russell, Ms. Jennifer Cane Russell, and Mr. Enrico Riley were also present
12 as the applicants. Mr. Russell said Ms. Russell and Mr. Riley would occupy 50-60% of the
13 building and rent the rest to two or three other tenants. He said their plan is to fully renovate and
14 restore the building.

15
16 Mr. Ford Burley gave a brief history of the building at 10 Spencer Street. Mr. Barrett gave an
17 overview of the design plans for the renovation. The group discussed landscaping and parking
18 spaces planned as part of the project.

19
20 Ms. Romano said a roof overhang over the loading dock area, which was included in previous
21 plan documents but not in the plans currently submitted for this meeting, will be included. Mr.
22 Barrett said the overhang may not be included in the final plans.

23
24 Ms. Romano noted a down staircase which seems to lead to a basement and asked whether the
25 floodplain impacted the project plans. Mr. Corwin said a Building Permit and a Flood Plain
26 Permit will be required. Mr. Reichert gave an overview of the requirements for the building code
27 for flood zone work. Mr. Barrett said flood vents may be added, if needed, or the owners may
28 discontinue use of the basement, based on the decision of the Building Inspector.

29
30 Mr. Ford Burley asked if the building would have a storefront or a display in the front of the
31 building. Mr. Russell said the building is not intended as a gallery space but for office use.

32
33 Chair Faunce opened the public comment portion of the hearing.

34
35 Mr. Reichert asked what type of art would be created in the building and asked about the
36 processes and materials that might be used. Mr. Russell said drawing and painting are the types
37 of art anticipated and that non-toxic paint would be utilized.

38
39 Chair Faunce asked Mr. Corwin what if the artistic use of the space changed over time. Mr.
40 Corwin said the zoning administrator would determine whether the change in the use is
41 consistent with the conditional use permit approval given by the Planning Board and can decide
42 that additional Planning Board review is required, or a new conditional use permit is required. He
43 said the Planning Board could make it a condition of approval. The group discussed at length
44 whether changes in artist activity would be governed by the Planning Board's condition of
45 approval or if that is already regulated by the Building Code. Mr. Corwin suggested using
46 language from the anti-nuisance provisions in Section 212.1 of the Zoning Ordinance.

The following MOTION was made by Richard Ford Burley:

On September 23, 2024, at a duly-noticed meeting of the Lebanon Planning Board, there appeared applicants Jennifer Caine Russell & Nick Russell and their representative, Jay Barrett, AIA, of Barrett Architecture, regarding 10 Spencer Street (Tax Map 92, Lot 33), zoned LD, requesting a Conditional Use Permit pursuant to §307.2 of the Zoning Ordinance to allow an art studio use within the existing building. PB2024-37-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 subject property is +/-0.31 acres and is improved with a 13,503 sq. ft. (gross) one-story commercial building to the City's assessing records. According to the applicant, the building is currently vacant.*
- 2. The prior use of the building was a "rug cleaning" business which was approved by Special Exception from the Zoning Board of Adjustment on January 17, 1996 (ZB92-33-96).*
- 3. The applicant now proposes to utilize the building for a proposed "art studio" use.*
- 4. "Art studio" – an undefined use - is allowed in the Lebanon Downtown (LD) District by Conditional Use Permit from the Planning Board pursuant to Section 307.2 of the Zoning Ordinance.*
- 5. Per Section 302.4.B of the Zoning Ordinance, the Planning Board may grant a Conditional Use Permit if it finds that the proposal meets the Enhanced Performance Standards set forth in Section 302.4.D.*
- 6. The applicant submitted testimony addressing the Section 302.4.D criteria in a letter from Frank J. Barrett, AIA, of Barrett Architecture, dated August 11, 2024.*

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:

- 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)*

- 1
2 **3. The criteria set forth in Section 302.4.D.3, 4 and 5 relate to new building construction and,**
3 **since no new building construction is proposed, is inapplicable to the subject application.**
4
5

6 **III. DECISION**
7

8 **Now therefore be it resolved, the Planning Board, on this 23rd day of September, 2024, hereby**
9 **grants the request of Jennifer Caine Russell & Nick Russell for a Conditional Use Permit per**
10 **Section 307.2 of the Zoning Ordinance to allow an art studio use within the existing building**
11 **at 10 Spencer Street (Tax Map 92, Lot 33) as set forth above and per testimony, plans, and**
12 **materials submitted, and per the following conditions:**
13

- 14 **1. The applicant shall obtain a zoning permit and building permit from the Planning &**
15 **Development Department.**
16
17 **2. Prior to applying for a zoning permit and building permit, the applicant shall provide a**
18 **site plan to the Planning & Development Department which shall be substantially**
19 **similar to the site plan submitted by the applicant at the public hearing in order to**
20 **determine compliance with the Zoning Ordinance and to make a site plan review**
21 **jurisdictional determination per Section 3.1 of the Site Plan Review Regulations.**
22
23 **3. Prior to application for a zoning permit and building permit, the applicant shall revise**
24 **the floor plan for consistency with the site plan, as may be amended per condition of**
25 **approval #2.**
26
27 **4. The applicant shall apply for a floodplain permit at the time of application for a zoning**
28 **permit and building permit.**
29
30 **5. Prior to issuance of a Certificate of Occupancy, the applicant shall make the**
31 **improvements as shown on the site plan submitted by the applicant at the public**
32 **hearing, as may be amended per condition of approval #2.**
33
34 **6. Impact fees calculated pursuant to Section 213 of the Zoning Ordinance shall be**
35 **assessed prior to the issuance of a zoning permit and shall be paid prior to the issuance**
36 **of a Certificate of Occupancy.**
37
38 **7. The art studio use may occupy the entire building or any portion thereof.**
39
40 **8. The art studio use shall not emit noise, odors, dust, and smoke that is obnoxious,**
41 **harmful or a nuisance to abutting properties or the neighborhood.**
42

43 **The Motion was seconded by Kathie Romano.**
44

45 ***The MOTION was approved (6-0).**
46

1 Chair Faunce introduced Kellan Appleton as a regular member of the Planning Board.

2
3 **3. STUDY ITEMS**

4 **A. CIP Policies & Proc Discussion**

5
6 Chair Faunce said the Board had suggested a few changes to the CIP process:

- 7 • Have materials submitted to the Board in time enough for review & to identify questions /
8 areas for discussion
9 • Board to schedule a second meeting with those departments with which the Board has those
10 interests
11 • Encourage / require information of the ongoing expense of the improvement to help City
12 Council better understand ongoing implications / costs carried by either taxes or fees
13 • Provide the Board with the “spend” over the last three years from the CIP to know how much
14 of the activity actually happens
15 • Make the Board’s time for decision making an opportunity for comment from the Board to
16 the City Council
17

18 Chair Faunce suggested the group discuss the process step by step.
19

20 **Step 1: January Planning Board Work Session – Prepare preliminary CIP project list**

21 Chair Faunce noted this Planning Board has not been doing this step.
22

23 **Step 2: End of March/early April – Delivery of CIP instructions to City Staff Department Heads**

24 Departments provide all CIP projects and complete Forms 1&2
25
26

27 **Step 3: Mid-May – Submission of CIP projects to City Manager/Planning & Development Department**

28 The suggestion was made that the Planning Board could receive this information at this time as
29 well. Mr. Corwin said it may not be helpful for the Board to review the projects at this point
30 because the information may be subject to change over the next two months because the
31 Planning Department provides comments and asks questions so the information changes as
32 departments address Staff input. He suggested that a project list be provided to the Board to be
33 discussed at the May Planning Board work session.
34
35

36 **Step 4: Late June: Planning Director, City Manager, Finance Director meet to discuss CIP items**

37 It was suggested that a member of the Planning Board could be included in that meeting. Mr.
38 Corwin said he would present the idea to the City Manager’s office and get feedback and provide
39 a response at the next Planning Board work session.
40
41

42 Mr. Ford Burley said he’s thinking of ways the Planning Board could follow the process more
43 closely so understand what is happening as it is happening and said the Board did not realize
44 how the process worked by the time it got involved in the process last year.
45

Mr. Corwin explained why the process had been streamlined in the past to the steps currently used. He said they could review the way the rules and procedures were written prior to the revisions in April 2023. He expressed concern over balancing the work the Board must do at its regular meeting with the additional time it will need to be more involved in the CIP process.

Ms. Romano asked how many new items appear on the list that were not on previous lists. Mr. Corwin said he could analyze the past lists, but he said there are maybe four or five new projects each year. The group discussed how funding CIP projects is not in the purview of the Planning Board but is often what may drives how the CIP list develops and changes because grant opportunities may arise. Mr. Reichert also said what the City really wants to get done will get prioritized on the list.

Mr. Hill asked if the Planning Board could be asked if it has something to add to the CIP list for consideration. Mr. Corwin said there is an opportunity to do that when the capital budget (as adopted by the City Council) is presented to the Planning Board in January/February.

Mr. Ford Burley asked when the Board gets the longer-term costs of projects. Mr. Corwin said it is a recommendation that Form 1 (description of project) and Form 2 (financial information – cost and how funded). He suggested that perhaps the Board can add a step to the procedures to officially adopt the forms as part of the discussion in January/February when it reviews the previous year's CIP and adopted capital budget.

Mr. Corwin said he will edit the existing policies and procedures to include the Board's suggestions and make them available for review/adoption by the Board in January/February.

B. Review of updated Conditional Use Permit Application

Mr. Corwin said he sent a draft of the updated CUP Application. He reviewed the edits that had been made to the existing form. The group discussed what information/documentation should be required to apply for a Conditional Use Permit.

The suggestion was made to make the following edit to the first page of the draft application that was included in the meeting agenda packet (see highlighted portion of image):

The image shows a screenshot of a Conditional Use Permit Application form. It contains a checklist with the following items:

- ☐ Filing fee
- ☐ This form, fully completed
- ☐ A written narrative providing responses to the information required per sections II, III.A, and III.B below
- ☐ A scaled site plan identifying existing and proposed conditions and improvements including but not limited to buildings, structures, relevant setbacks and measurements, natural features, utilities, parking, access drives, landscaping, and lighting

Below the checklist, there is a note: "Note: existing and proposed conditions shall normally be shown on separate plan sheets unless otherwise approved by Planning & Development Department staff, with the same orientation and scale (i.e. sheets should appear as if layered upon the same base drawing)." The text "with the same orientation and scale (i.e. sheets should appear as if layered upon the same base drawing)" is highlighted in yellow.

At the bottom, there is an optional item: ☐ Optional: photos and any other materials in support of the application

A MOTION was made by Richard Ford Burley to adopt the updated Conditional Use Permit Application as amended. The Motion was seconded by Brandon Hill.

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

C. Review of Proposed Amendments to Zoning Ordinance RE: Rte 120 Corridor Study & Pattern Zone Project

1 Mr. Corwin gave an overview of the proposed zoning amendments which will be proposed to the
2 City Council. He said this is an initial review for the Planning Board to give feedback before the
3 amendments go to the City Council; he said the amendments will be officially presented to the
4 Board in November.

5
6 He said there are three “buckets” of proposed zoning amendments:

- 7 1. Related to Route 120 Corridor study
- 8 2. Related to Route 120 Corridor study
- 9 3. Related to Pattern Zone project

10
11
12 [Chair Faunce suggested that the Board discuss item **5A: OTHER BUSINESS: Mascoma**
13 **River Local Advisory Committee Nominations** while the zoning amendment presentation was
14 being accessed because there may not be time to discuss it after the presentation.

15
16 Ms. Romano said he was the representative on the Committee in the past. She said it has been
17 difficult to find members to participate and two active members resigned. She said the committee
18 just stopped meeting. She spoke about the activities and aims of the committee. Chair Faunce
19 asked Board members to think of others who could be on the committee.]

20
21
22 Mr. Reichert gave an overview of the Route 120 Corridor study. He said housing of all shapes
23 and forms is needed to meet the demand in the community. He said the study involved public
24 engagement with people who live in the area. He said consultants were hired to give feedback on
25 zoning changes that could make the area more accessible:

- 26
- 27 • Rezone part of Northern Lebanon to CBD (Central Business District)
- 28 • Rezone the area around the central business district to GC1

29
30 He said rezoning the areas to general commercial (as opposed to the current light industrial
31 zones) will allow for more residential development. He said full general commercial zoning
32 allows for multi-family dwellings and dwelling units above the first floor. He said this change in
33 zoning would also allow another fire station to be built in the area.

34
35 He said another major part of the study was related to the large Wildlife Corridor and how to
36 make an interconnected animal passageway in the area.

37 Mr. Jay Campion said he wants to develop his own mixed-use park/development and rezoning
38 the area to the general commercial zone would enable him to do that. He discussed the
39 challenges of development in the area under the current zones. He discussed the planning work
40 that has been done on his project so far, including a “zone swap” for two areas that will enable
41 his planned business park project to move forward.

42
43 Mr. Reichert said rezoning the area around the proposed Central Business District at GC1 give
44 the area a more neighborhood feel and a centralized downtown. He said feedback from residents
45 is that the area currently doesn’t have a sense of place and allowing the central business district
46 zoning should promote that type of development (similar to Downtown Lebanon).

Ms. Hembree shared the following recommendations:

Recommendation 1.1: Formalize and map a 100-ft wide Wildlife Corridor Passage Overlay District that connects the three existing wildlife corridors, preserving the existing natural features and landscape to allow for the safe passage of wildlife...

Recommendation 1.4: If a parcel of developable land borders conservation lands, consider requiring a 100-foot wooded or landscaped buffer between the property line and any new development to maintain a natural buffered area between existing preserved lands and any new development.

Recommendation 1.8: Require that any future development within 250 feet of wetlands include a certain percentage of total site land cover as permeable surfaces.

Recommendation 1.9: Expand the coverage area of the Steep Slopes District to cover entirety of the Study Area where slopes greater than or equal to 25 percent are located in order to preserve the natural character of neighboring conservation lands, ridgelines, and rock formations. Consider special exceptions...

Recommendation 3.4: Upon the completion of the City's public residential single and multi-family construction projects on City-owned land at Barrows Street, Hanover Street Extension, Seminary Hill, and South Main Street, consider using these projects as a model to guide future development in the Study Area....

Ms. Hembree explained that the consultants recommended a Pattern Zones Overlay District and shared the following recommendation:

Recommendation 3.6: As recommended in the Lebanon Open Space Plan (2021), consider implementing the following measures:

- Develop an incorporate a maximum lot coverage limitation to ensure that a portion of all lots remains as greenspace
- Allow for reductions in parking provided on site
- In addition to encouraging adjoining properties to share parking to reduce the creation of new or expanded impervious surfaces, amend Section 607.5...

Mr. Reichert said some recommendations related to the Pattern Zoning concept are basically legalizing what is already being done:

- Reduce the size required for a lot & Reduce setback requirements
- Change the width of driveway/street access

He said one question is whether the City should require owners to use designs that have been approved for Pattern Zoning or let owners create their own designs.

A MOTION was made by Richard Ford Burley to extend the meeting to 9:45pm. The Motion was seconded by Kathie Romano.

1
2 ****The MOTION was approved (6-0).***

3
4 The group discussed the other possible lot and parking requirements that could be made part of
5 the Pattern Zoning requirements. Mr. Ford Burley asked Mr. Reichert to send all the proposed
6 amendments to Board members for review and feedback.
7

8 **D. Review of Draft Amendments to Planning Board Rules of Procedure**

9 Postponed to the October 28 Planning Board Work Session

10
11 **4. COMMITTEE REPORTS**

12 None

13
14 **5. OTHER BUSINESS**

15
16 **B. Planning Board Process Improvement / Implementation of Rules of Procedure**

17 Postponed to the October 28 Planning Board Work Session

18 **C. Planning Board Training – “Planning Board Basics”**

19 Postponed to the October 28 Planning Board Work Session

20
21 **6. APPROVAL OF MINUTES**

22 None

23
24 The Board members agreed to meet at a special meeting on September 30 at 6:30 in City Council
25 Chambers to review the application by LVM Residential, LLC 1 Foundry Street (Tax Map 91,
26 Lot 263) and 43 Mechanic Street (Tax Map 106, Lot 34), zoned LD: Pursuant to Section 9.1 of
27 the Site Plan Review Regulations, applicant requests modifications to a previously approved Site
28 Plan (PB2022-36-SPR & PB2023-38-SPA).
29

30 **7. ADJOURNMENT**

31
32 ***A MOTION was made by Richard Ford Burley to adjourn the meeting at 9:40pm.***
33 ***The motion was seconded by Brandon Hill.***

34
35 ****The MOTION was approved (6-0).***

36 The meeting was adjourned at 9:40pm.

37
38 Respectfully submitted,

39 Paula Roux

40 Recording Secretary

Suggested Edits for PB Meeting of September 30, 2024

p.1, line 22: Insert “SPA” after “PB2024-35-”.

p.2, lines 22-23: Change “He said the new plan shows how the fire trucks can move through the parking lot. He said, when needed, collapsable bollards will be used . . . ” to “He said the new plan shows how the fire trucks can move through the parking lot: when needed, collapsable bollards will be used . . . ”.

p.2, line 34: Change “. . . the number transformers . . . ” to “. . . the number of transformers . . . ”.

p.2, line 42” Change “is” to “are” [subject of clause is “parking lots”].

p.3, line 8: Change “. . . that was on previous plans was removed . . . ” to “. . . that was on previous plans had been removed . . . ”.

p.3, line 36 and p.4, line 26: **Insert missing wording between “Based” and “the Planning Board concludes the following” (something like “the evidence presented” . . . ??).**

p.3, line 46 to p.4, line 1 and again on p.4, line 37: Insert “LD” between “in the” and “zoning district”.

p.4, lines 32, 34, and 38: Replace “sigill sign” with the word “Section” as in the rest of this motion?

DRAFT

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

MEMBERS PRESENT: Andrew Faunce (Chair), Kathie Romano, Patrick Kennelly, Karen Zook (City Council Rep), Jeremy Rutter (REMOTE), Kellan Appleton

MEMBERS ABSENT: Richard Ford Burley (Vice Chair), Brandon Hill

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

1. CALL TO ORDER

Chair Faunce called the meeting to order at 6:32pm.

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

2. PUBLIC HEARING ITEMS

A. REVISED NOTICE - LWM 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 155 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-

A MOTION was made by Patrick Kennelly that the application of LWM Residential, LLC, 1 Foundry Street (Tax Map 91, Lot 263) and 43 Mechanic Street (Tax Map 106, Lot 34,

PB2024-35-SPA is complete enough for the Planning Board to accept jurisdiction and commence review. The Motion was seconded by Kellan Appleton.

Mr. Rutter, who is attending remotely, confirmed he is attending as a member of the public and would not participate in any votes.

****The MOTION was approved (5-0).***

Mr. Jon Livadas and Mr. Nik Fiore (Engineering Ventures) were present on behalf of the applicant.

Mr. Fiore gave an overview of the changes that have been made to the project plans, and the group discussed the following:

- Removal of the new building at 25 Mechanic St.
- Building 2 (two-story brick building) at One Foundry no longer being renovated into apartments – will be demolished and made into parking/landscaping
- The reduction in unit counts from 184 to 155 (He noted the Staff memo included in the agenda packet incorrectly stated the number was reduced to 148 units)
- Parking spaces increased from 213 to 239 spaces

The group discussed the Fire Department's request for an updated plan to provide enough space for fire trucks to navigate through the site. He said the new plan shows how the fire trucks can move through the parking lot. He said, when needed, collapsable bollards will be used in the pedestrian plaza to provide access for fire trucks.

Mr. Kennelly asked why the number of units was reduced but the number of parking spaces increased in the new plan. Mr. Livadas said they do not want to have insufficient parking.

The group discussed how parking spots would be assigned and if signage will discourage people other than residents from parking in the lots. Mr. Livadas said a property manager will be onsite to ensure assigned spaces are adhered to. He said residents may have to pay for additional spaces if needed. It was noted that the current number of spaces allotted for each unit is 1.6/unit.

The group discussed the number transformers on the site and the applicant's request for a waiver from screening around the transformers.

The group discussed how the new floodplain designation may impact the project. Mr. Fiore said they have not received any information that the new designation would change the site.

The group discussed the landscaping plan and the location of the parking lots that now will basically be in the "front yard" of the site. Chair Faunce said, while parking lots located close to the street is not unprecedented in the area, the regulations now call for a different configuration. Mr. Fiore noted the landscaping would provide a greenspace buffer between the parking lots and the street.

Mr. Corwin reviewed the parts of the Staff memo, noting that the Board did not have a chance to

1 review it prior to the meeting. He said Staff had provided the applicant with a list of comments in
2 a September 8, 2024 document, and the applicant provided detailed responses and an updated
3 site plan.

4
5 Chair Faunce opened the public comment portion of the meeting.
6 Chair Faunce closed the public comment portion of the meeting.
7

8 Ms. Romano asked if the gathering space that was on previous plans was removed and suggested
9 incorporating benches or a seating wall in the design for the public to use and to encourage
10 public gathering to enjoy downtown Lebanon and the river.

11
12 Mr. Livadas said the timeline for the project is that demolition work would be done first and
13 construction could possibly begin a year from now.
14

15
16 ***A MOTION was made by Andrew Faunce that for the application of LWM Residential, LLC,***
17 ***PB2024-35-SPA, the Lebanon Planning Board approves partial waivers from the following***
18 ***sections of the Site Plan Review Regulations:***

- 19 • ***Section 6.2.B.8 – requirement to screen electrical transformers***
20 • ***Section 6.2 and 6.10.C.3 – perimeter landscaping requirements***
21

22 ***The Motion was seconded by Kellan Appleton.***

23
24 ****The MOTION was approved (5-0).***
25
26

27
28 ***A MOTION was made by Patrick Kennelly:***
29

30 ***At a duly noticed meeting of the Lebanon Planning Board held on September 30, 2024, there***
31 ***appeared representatives on behalf of LWM Residential, LLC, regarding 1 Foundry Street***
32 ***(Tax Map 91, Lot 263), zoned LD, requesting a Conditional Use Permit per Section 307.7.C of***
33 ***the Zoning Ordinance to waive the maximum 15 ft. front yard requirement for buildings in the***
34 ***LD District. PB2024-35-SPA***
35

36 ***Based on the Planning Board concludes the following with respect to the Enhanced***
37 ***Performance Standards set forth in Section 302.4.D and the criteria set forth in Section***
38 ***307.7.C of the Zoning Ordinance:***
39

- 40 ***1. The proposed front yard area will provide an adequate buffer to abutting residential***
41 ***properties through site layout, landscaping, or fencing. (§307.7.C.1)***
42
43 ***2. The site is suitable for the proposal. (§302.4.D.1)***
44
45 ***3. The external impacts of the proposed use on abutting properties and the neighborhood are***
46 ***commensurate with the impacts of adjacent existing uses or other uses permitted in the zoning***

1 *district. (§302.4.D.2)*

2
3 *4. The proposal does satisfy the criteria of Section 302.4.D.3.*

4
5 *5. The proposal does satisfy the criteria of Section 302.4.D.4.*

6
7 *6. The proposal does satisfy the criteria of Section 302.4.D.5.*

8
9 *Now therefore be it resolved that the Planning Board, on this 30th day of September 2024,*
10 *hereby grants the request of LWM Residential, LLC for a Conditional Use Permit per Section*
11 *307.7.C, as set forth above and per testimony, plans, and materials submitted.*

12
13 *The Motion was seconded by Kathie Romano.*

14
15 **The MOTION was approved (5-0).*

16
17
18
19 *A MOTION was made by Patrick Kennelly:*

20
21 *At a duly noticed meeting of the Lebanon Planning Board held on September 30, 2024, there*
22 *appeared representatives on behalf of LWM Residential, LLC, regarding 1 Foundry Street*
23 *(Tax Map 91, Lot 263), zoned LD, requesting a Conditional Use Permit per Section 307.9.B of*
24 *the Zoning Ordinance to allow a parking area in the front yard of the lot. PB2024-35-SPA*

25
26 *Based on the Planning Board concludes the following with respect to the Enhanced*
27 *Performance Standards set forth in Section 302.4.D and the criteria set forth in Section*
28 *307.9.B of the Zoning Ordinance:*

29
30 *1. The proposed parking lot at the front of the property along Mechanic Street is an improved*
31 *surface in existence as of January 20, 2021, and there is no other location on the lot to provide*
32 *parking. (§307.9.B)*

33
34 *2. The site is suitable for the proposal. (§302.4.D.1)*

35
36 *3. The external impacts of the proposed use on abutting properties and the neighborhood are*
37 *commensurate with the impacts of adjacent existing uses or other uses permitted in the zoning*
38 *district. (§302.4.D.2)*

39
40 *4. The proposal does satisfy the criteria of Section 302.4.D.3.*

41
42 *5. The proposal does satisfy the criteria of Section 302.4.D.4.*

43
44 *6. The proposal does satisfy the criteria of Section 302.4.D.5.*

45
46 *Now therefore be it resolved that the Planning Board, on this 30th day of September 2024,*

1 *hereby grants the request of LWM Residential, LLC for a Conditional Use Permit per Section*
2 *307.9.B, as set forth above and per testimony, plans, and materials submitted.*

3
4 *The Motion was seconded by Kellan Appleton.*

5
6 **The MOTION was approved (5-0).*
7
8

9 *A MOTION was made by Kellan Appleton that the Lebanon Planning Board approve the*
10 *application of LWM Residential, LLC, PB2024-35-SPA, for a modification pursuant to*
11 *Section 9.1 of the Site Plan Review Regulations to a previously approved Site Plan (PB2022-*
12 *36-SPR & PB2023-38-SPA) for a phased, 183-unit multi-family complex at 1 Foundry Street*
13 *(Tax Map 91, Lot 263) and 43 Mechanic Street (Tax Map 106, Lot 34), zoned LD. Applicant*
14 *proposes to reduce the number of dwelling units to 148 and to eliminate construction of 2 of*
15 *the 4 proposed residential buildings, together with related modifications to parking, utilities,*
16 *landscaping, access, and other site improvements, as set forth on a plan set titled, "Lebanon*
17 *Woolen Mill," prepared by RODE Architects, dated August 12, 2024, last revised September*
18 *16, 2024, EV Project: 22122, and including any and all submissions and testimony provided*
19 *for and during the public hearing.*
20

21 *In support of its decision, the Board finds that the applicant has submitted plans, testimony,*
22 *technical data, information, reports, and studies that together satisfactorily demonstrate*
23 *compliance with the applicable requirements of the Site Plan Review Regulations, except as*
24 *may reasonably be addressed through the imposition of certain conditions of approval, set*
25 *forth below, and except as may have been waived pursuant to Section 7.1.*
26

27 *This approval is subject to the following conditions:*
28

- 29 *1. The applicant shall comply with the Planning Board Notices of Action for PB2022-36-*
30 *SPR dated October 24, 2022, and for PB2023-38-SPA dated December 11, 2023, and*
31 *shall satisfy and comply with all conditions of approval thereof except as may be*
32 *superseded by the conditions below.*
33
- 34 *2. Within 45 days of the Planning Board's approval, the applicant shall address the*
35 *comments set forth in the letter dated September 23, 2024, from Steve Keach, PE, of*
36 *Keach-Nordstrom Associates, Inc., to the satisfaction of the City Engineer.*
37
- 38 *3. Within 45 days of the Planning Board's approval, the applicant shall, to the*
39 *satisfaction of the Planning & Development Department, address the comments set*
40 *forth in the e-mail sent September 8, 2024, from the Deputy Planning and*
41 *Development Director to the applicant.*
42
- 43 *4. Within 45 days of the Planning Board's approval, the applicant shall address the*
44 *comments set forth in the memo dated September 9, 2024, from Duane Egner, Fire*
45 *Inspector, to the satisfaction of the Fire Department.*
46

1 **5. Prior to any construction activities and prior to the application for a Building Permit,**
2 **the applicant shall make the following revisions to the plan set to the satisfaction of the**
3 **Planning and Development Department and the City Engineer:**

- 4 a. *Any changes made pursuant to Conditions of Approval #2, #3 and #4 above.*
5 b. *Amend the cover sheet to provide description of plan revisions (Section*
6 *5.1.E.4.d).*

7
8 *The applicant shall provide the Planning and Development Department with one (1)*
9 *full size copy of the revised plan set, and a digital copy of the revised plan set saved in a*
10 *PDF-A format for archival purposes.*

11
12 **6. Prior to the start of any construction activities on the property and prior to the issuance**
13 **of a building permit, the applicant shall record in the Grafton County Registry of**
14 **Deeds notice of the stormwater management and erosion and sediment control plans as**
15 **required per Section 6.6.H.2.d of the Site Plan Review Regulations. Such notice shall**
16 **be reviewed by the Planning & Development Department prior to recording.**

17
18 **7. Condition #6 set forth in the Planning Board Notice of Action for PB2023-38-SPA,**
19 **dated December 11, 2023, is hereby stricken and replaced with the following:**

20
21 *Pursuant to Section 4.9 of the Site Plan Review Regulations, the project may be*
22 *constructed in phases per the phasing plan submitted for PB2024-35-SPA and per*
23 *the conditions of approval set forth in the Planning Board Notices of Action for*
24 *PB2022-36-SPR dated October 24, 2022, and for PB2023-38-SPA dated December*
25 *11, 2023, and as set forth above.*

26
27 ***The Motion was seconded by Patrick Kennelly.***

28
29 It was noted that the number of units in paragraph one of the Motion should be 155 and not 148.

30
31 ***A MOTION was made by Kellan Appleton to amend the previous Motion to correct the***
32 ***number of units from 148 to 155.***

33
34 ***The Motion was seconded by Patrick Kennelly.***

35
36 ****The AMENDED MOTION was approved (5-0).***

37
38 **3. STUDY ITEMS**

39
40 **A. Review of Proposed Amendments to Zoning Ordinance RE: Rte 120 Corridor Study**
41 **& Pattern Zone Project (Continued from 09-23-24 meeting)**

42
43 Mr. Reichert gave an overview of the goals of the proposed amendments to the zoning ordinance
44 related to Pattern Zone Project.

45
46 The group discussed the following recommendations / ideas at length:

- Reduce Minimum Lot Sizes & Widths
- Reduce Setbacks
- Review Current Parking Requirements
- Increase Maximum Building Coverage
- Allow More Homes Per Lot
- Eliminate Lot Area Per Unit
- Cottage Court Style Land Division
- Eliminate Lot Frontage
- Allow Small Multi-Dwellings
- Dense Housing (Roommates)
- Create a Medical Center Two Zoning District

In addition to the general discussion about the proposed zoning ideas to facilitate the development of pattern zone projects, Mr. Reichert asked the Board to consider the following:

- Change the zoning for Romano Circle (owned by the Lebanon Housing Authority) from R2 to RO to allow them to make changes without having to seek an expansion of non-conforming use from the Zoning Board.
- A resident request to rezone a property in RL1 to General Commercial to allow the resident to build a storage unit facility in a primarily residential area

4. ADJOURNMENT

*A MOTION was made by Kathie Romano to adjourn the meeting at 9:28pm.
The motion was seconded by Patrick Kennelly.*

**The MOTION was approved (5-0).*

The meeting was adjourned at 9:28pm.

Respectfully submitted,
Paula Roux
Recording Secretary