

FINAL

**LEBANON PLANNING BOARD
MEETING ROOM ONE OR
REMOTE VIA MICROSOFT TEAMS
LEBANNONNH.GOV/LIVE
MONDAY, OCTOBER 28, 2024 6:30 PM**

MEMBERS PRESENT: Andrew Faunce (Chair), Richard Ford Burley (Vice Chair), Jeremy Rutter, Patrick Kennelly, Karen Zook (City Council Rep), Kellen Appleton, Brian Ceglarski (alt)

MEMBERS ABSENT: Eric Stacy (alt)

STAFF PRESENT: Tim Corwin (Deputy Planning Director)

1. CALL TO ORDER

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

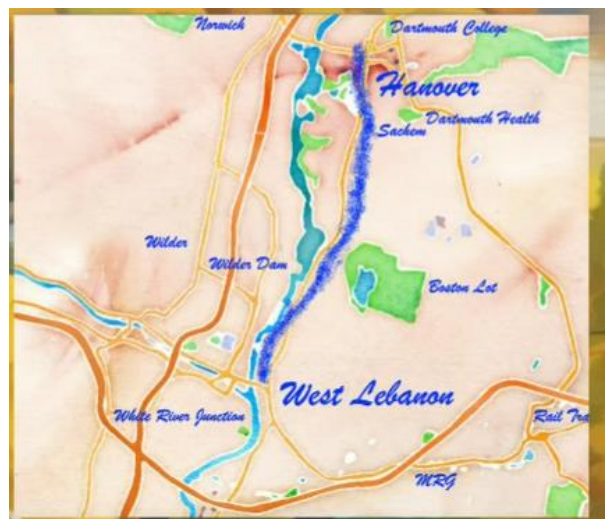
Mr. Corwin reviewed the City's meeting in-person and REMOTE attendance policies and procedures.

2. STUDY ITEMS

A. Presentation by the WaHG Community Group on the proposed West Lebanon and Hanover Greenway

Ms. Sue Painter, Mr. Tim Cox, and Ms. Jennie Chamberlain presented an overview of the proposed greenway project. Ms. Pinter explained that the WaHG is a community group of volunteers who want to provide a safe passage for people to get along the Route 10 corridor. She said the vision for the project is to connect one of the more populated areas in West Lebanon with Hanover.

She said the current focus of the project is to establish a three-mile stretch from Bridge St. to Sachem. She said the passage would meet a critical need identified by Lebanon's Bike/PED study, the Upper Valley Lake Sunapee Regional Planning Committee, and Lebanon's Master Plan.



Mr. Cox explained that the City Council supported the project when they presented it in May 2023.

[At 6:37pm, Ms. Zook arrived at the meeting.]

Mr. Cox said they've walked the area for the proposed passage, and they have presented the City with a proposal for a scoping study. He said his group is now actively engaged in raising funds for the scoping study. He said they recently received a commitment letter from Dartmouth College for \$25,000.

He said the scoping study is the first step to help them determine their plan going forward. He said once the study is completed, they will work with the City Manager and grant writers to apply for grants that will be appropriate for the project. Ms. Chamberlain said the scoping study will cost around \$66,000.

The group discussed the options that WaHG may have for the proposed route of the passage, particularly where it might cross Route 10. They also discussed the possible surface types that might be used for the passage. They discussed how the scoping study, which is a feasibility study, would break the path into four segments and suggest three options for each segment. The group discussed the idea of working with Advance Transit to provide transportation to users over the most dangerous or problematic portion of the proposed passage and then bring users to the safer parts of the passage to continue on foot or by bike.

Chair Faunce said Mr. Brandon Hill has resigned from the Planning Board. He introduced Mr. Ceglarski, who has joined the Planning Board as an alternate member.

B. Review of Draft Amendments to the Planning Board Rules of Procedure

The group reviewed the latest draft amendments to the Planning Board Rules of Procedure, which was included in the meeting agenda packet. The group discussed edits to the following sections:

2.2 Alternate Members

2.2 ALTERNATE MEMBERS. Alternate members of the Board shall be appointed by the City Council, by majority vote, upon nomination by the City Manager. Alternate members shall join the regular members in all presentations, public hearings, and discussions except that such alternates may not vote on any proposal or motion before the Board unless so directed by the Chair, and shall not participate in the Board's deliberations once the public hearing has closed. In the absence of any regular member, except the ex-officio member of the City Council, the Chair shall appoint an alternate member to fill such vacancy. Said alternate shall then act as a regular member. No members of the Planning Board shall serve as alternate members while there are vacancies open for regular members.

2.5 Remote Attendance

2.5 REMOTE ATTENDANCE. At the discretion of the Chair, a Board member may participate remotely, if: it is technologically feasible and reasonable to do so when the member's attendance is not reasonably practical; the reason for absence is stated in the minutes; the remote member states where they are physically located, and states who is present in that location with them. The Chair shall ask if any other Board member has a concern or objection regarding the absent member's virtual attendance. All participants, including the public, must be able to hear, read and discern the meeting discussion. Members participating remotely may vote, but shall not count toward quorum. All votes must be taken by roll call. The Chair shall be physically present at the meeting location specified in the meeting notice.

3.4 Clerk (edited to Duties of Staff)

3.4 CLERK. ~~With the approval~~ **DUTIES OF STAFF.** Staff shall be in attendance at every meeting of the Planning Board as defined by Article IV of these Rules and shall arrange for the City Manager, Engineer to be present at the Director of Planning & Zoning, through the Department of Planning & Zoning, shall function as the Clerk for the Board. The Clerk shall administer official correspondence, subject to these rules Board's regular meetings and as needed. Subject to these Rules and at the direction of the Board; staff shall issue the proper act to support the Board. This support shall take such forms, compile all as necessary to ensure that the Board's actions and decisions are made in an educated and well-informed manner, including but not limited to: preparing reports and other duties as directed by the Chair; preparing forms as necessary for the Board's functions; compiling relevant information, maps, and records for the Board's Board's review; shall send all sending such notices as required by law; shall keep keeping the minutes of all Board actions and proceedings; shall prepare reports and perform other duties as directed by the Chair; and, shall keep and keeping records of its examinations and other official actions.

The Clerk Staff shall direct take such steps as necessary for the recording secretary to take of meetings and the creation of complete and accurate minutes, to tape record all meetings, to prepare in writing the official minutes of all meetings; to including the provision of a recording secretary. Minutes shall, at a minimum: comply with the minimum requirements of NH RSA 91-A; show the vote of each regular member upon every question, or if absent, disqualified, or failing to vote so indicate; to include in the minutes the names and addresses of all witnesses, participants; and include a summary of the facts on which the decision is based and, as well as the decision rendered; and to deliver to the Clerk within 144 hours the completed document for submission. A draft of the meeting's minutes will be submitted to the Board for acceptance review and approval at the next regular meeting or planning session of the Board.

A MOTION was made by Richard Ford Burley to move the edited Planning Board Rules of Procedure to the November Planning Board Work Session for final reading and approval. The motion was seconded by Kathie Romano.

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

Mr. Corwin said he would send the final draft of the Rules of Procedure document to Board members via email.

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 procedure

Mr. Corwin said Article V and Article VI are the parts of the Site Plan Review Regulations that are referenced most often. He suggested the group also review Article IV (Procedural Requirements), which describes the Planning Board's procedural requirements that coordinate with the Rules of Procedure that had just been discussed.

He suggested the group review Article 5 very carefully to ensure submission requirements require the information that they want for a complete application for review.

Chair Faunce said, currently, the Board is presented with fairly detailed plans that applicants and Staff have invested a lot of time into, and that doesn't leave a lot of room for the Board to make suggestions that sometimes involve a lot of rescoping. He suggested that the Board have earlier involvement in the plans so applicants and Staff are not doing a lot of work that may get changed after the Board's review. The group discussed the possibility of introducing a conceptual review and/or site visit at an early phase to provide feedback and answer questions from the Planning Board (and other City boards/commissions, if appropriate) before the final plans are submitted.

Mr. Ford Burley said he stressed (with the edits he has suggested to these Articles) that clarity is part of the completeness and, if an application is submitted that the Planning Department doesn't think the Board will understand, Staff must inform the applicant that the application might not pass the Board's completeness review.

The group discussed edits to the following paragraphs in Article IV:

Section 4.7.3b:

b. If the Planning & Development Department finds that the application is not complete, ~~or~~ that one or more of the waiver requests do not meet the standards of Section 7.1, or that the changes to existing conditions are potentially lacking in clarity as per Section 5.1, the Planning & Development Department shall so advise the Applicant, who can elect to complete the missing submission requirements. Missing submission requirements, including any necessary waiver requests, shall be delivered to the Planning & Development Department by close of business on the fourth Monday of the month (or the following business day if the office is closed) for submission to the Board the following month. Submission of additional or revised materials by this date is necessary to ensure that the Planning & Development Department has

and a new paragraph c:

The group discussed creating a form that applicants could use to request to have their application considered at another meeting.

c. If an application requires multiple rounds of revision, there may be insufficient time for the Planning & Development Department to adequately review an application prior to scheduled review by the Planning Board. If an applicant has attempted to complete missing submission requirements and/or to address any potential clarity issues as advised by the Planning & Development Department, and if the Planning & Development Department determines that the application still has outstanding issues that, in the judgement of the Planning & Development Department, may lead to a potential determination of incompleteness by the Planning Board, the Planning & Development Department will advise the applicant of such in advance of the meeting of the Planning Board at which the application is scheduled to be discussed. At this time the applicant may choose to have their application considered at the following month's regular meeting with no penalty for doing so.

Section 4.8 C Actions of the Board:

The Board shall act to approve, approve with conditions, or disapprove the proposed site plan within 65 calendar days following the completeness finding by the Board, or within 95 calendar days if the plan is found to have regional impact, ~~except that the Board may apply to the City Council for an additional 90 calendar days within which to act upon the application.~~ A waiver of the time period may be agreed to by the Applicant. If the Planning Board feels it does not have enough information to make a decision within the allotted time period, and the Applicant has not agreed to a waiver in writing, then pursuant to RSA 676:4, I(c)1, the Board may, at its discretion, disapprove the proposed site plan "without prejudice," in which case the Applicant may resubmit the same or a substantially similar application. If the Board has not acted within the 65-day period, and the Applicant has not agreed to a waiver, the Applicant may obtain from the City Council an order directing the Board to act within 30 calendar days, then pursuant to RSA 676:4, I(c)1, the City Council will approve the proposed site plan.

The group discussed edits to the following paragraphs in Article IV:

Section 5.1 Drawings and Other Submittals

Applications reviewed by the Planning Board shall contain sufficient information and be of sufficient clarity to enable the City Staff and the Planning Board to evaluate the proposed development for compliance with the Zoning Ordinance, the Planning Board's Regulations, and other applicable City Codes, ~~and for t.~~ Because it is in the best interests of the City of Lebanon and its residents that the Planning Board be able to make an informed decisions, all proposed changes to existing conditions must be reasonably clear to a layperson, as determined by the Planning Board. Applications that are sufficiently lacking in clarity as to inhibit an informed decision by the Planning Board may be deemed incomplete as per Section 4.7 of these Regulations.

Mr. Ford Burley said the Board really needs applicants to provide present conditions and proposed conditions on two separate documents to facilitate its review of their plans.

Section 5.1 E: Site Plan Drawings Shall Include

The group suggested adding "with the exception of legal nonconforming" to this paragraph

Site plan drawings shall include (i) a drawing depicting only the existing conditions on the site at the time of application, (ii) a drawing of the same scale and dimensions depicting only the proposed conditions on the site after the completion of the proposed work, and (iii) such information and plans as requested in E.1 through E.24 below or waiver requests therefor. In the event that the existing conditions are in violation of these Regulations or the Zoning Ordinance, a drawing of the same scale and dimensions depicting only the initial conditions on the site before the violations took place will also be required.

Section 5.1.5

The group discussed the use of the word "current" and what that means. Mr. Corwin said he would do more research on what "current" means in relation to surveys.

5. A current, dated survey certified by and bearing the seal and/or signature of a land surveyor licensed in New Hampshire, depicting the perimeter boundaries of the lot(s) of the proposed site, including compass bearings, distances, and lot areas, and depicting the location of any existing improvements on the property and the width and location of any rights-of-way and/or easements on the property.

Section 5.1.6

The group discussed whether more generic language related to the intervals of contours would be more appropriate.

6. A plan showing the ~~Existing-existing~~ and proposed grades, including topographic contours, with spot elevations. Where the grade is less than 20%, the contours shall be at 2-foot intervals; otherwise they shall be at 5-foot intervals. All contours shall be referenced to USGS or FEMA Flood Insurance Rate Map (FIRM) datums, as appropriate. Existing topographic information shall be prepared by a professional engineer registered in New Hampshire or land surveyor licensed in New Hampshire, and the plan shall bear said engineer's or land surveyor's name and signature.

The group discussed providing applicants with a checklist of items needed for completeness.

Section 5.1.7 – new sentence added to last paragraph (underlined text):

size, height, and location of all proposed structures, including expansions of or additions to existing buildings. Such elevation views shall provide sufficient detail to allow for review by the Board and City staff of the adequacy of proposed access and egress points, walkways, lighting, and other site-related improvements. If the interior layout of an existing structure may have a bearing on proposed exterior changes to the site, for example regarding parking, accessibility, or other considerations, drawings of the interior of existing buildings should be provided, with sufficient detail to allow for informed decision-making by the Board and City staff.

The group discussed edits to the following paragraphs in Article VII:

Section 1 General Requirements
7.1.B added new paragraphs (see underlined text):

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

With regard to item A, higher costs for the Applicant shall not, per se, constitute an unnecessary hardship to the Applicant, though they may factor into a larger justification for the request of the waiver.

All written requests for waiver or modification of these Regulations shall address items A and/or B above, depending on which criteria are being relied upon to justify the request.

In order for the Planning Board to make informed decisions about requested waivers, in the case of waiver requests concerning distance or area measurements (e.g. landscape spacing, parking, etc.), Applicants shall provide a plan that includes the relevant measurements.

For waivers from a submission requirement (Article V), when the Planning Board accepts an application as sufficiently complete to invoke jurisdiction and commence review pursuant to Section 4.7 of these Regulations, the Board, in effect, makes a tentative finding that the above criteria have been met. If, during the course of its review, the Planning Board determines that the waived information is necessary to complete its review, then the Applicant shall provide that information.

Mr. Ford Burley suggested the Board members review the changes and send any suggestions to Mr. Corwin.

D. Housing Champion Program Application Update

Mr. Corwin said the NH state legislature created a housing champion program that's funded with \$5 million. He said municipalities can apply to the NH BEA / OPD (Office of Planning Development) to obtain Housing Champion designation. He said applications are due by November 15, 2024. He said the City is actively preparing applications to obtain this designation. He said the value of the designation would be that the City would have preferential ranking for certain future funding and grant opportunities as well as qualify to participate in specific, housing-related programs (as described in RSA 12-O73).

He explained how applications are weighted, based on demonstrated regulations and infrastructure support (and many other qualifiers). He said one of the things the City should demonstrate is Land Use Board training (that each Land Use Board member has had at least two hours of training). He suggested the Board view Planning Board Basics (noted as **Item 2E** in the meeting's agenda).

Mr. Corwin said he would send an email asking the Board members to document any training or conferences they have attended while they've been on the Planning Board.

E. Planning Board Training - Screening of "Planning Board Basics" recorded presentation and discussion with staff

The Board members watched the Planning Board Basics video training.

3. COMMITTEE REPORTS

None

4. OTHER BUSINESS

None

5. APPROVAL OF MINUTES – September 09, 2024

Amendments

Page 4, Line 7: Add hyphen to "post Covid"

Page 4, Line 13 & 38: Add hyphen to "cross country"

Page 4, Line 14: Add "s" to "building"

Page 4, Line 19: Add comma after "bear it"

Page 5, Line 5: Add hyphen to "two year"

Page 5, Line 7: Change "\$64M" to "64,000 square-foot"

Page 5, Line 8: Edit to read after "prior" – "to investing in a building that they're trying to lease up" and remove rest of paragraph.

Page 5, Line 12: Add "At the Chair's invitation" before "Mr. Clem recapped actions..."

Page 5, Line 14: Change period after present to a comma to combine sentences

Page 5, Line 15: Add "speculate" after "interjected to"

Page 5, Line 17: Add "project" after "has in the"

Page 7, Line 46: Change "time" to "(deadline)"

Page 8, Line 7: Delete “asked”

Page 9, Line 6: Delete “said”

Page 9, Line 23: Change Stacey to Stacy

Page 9, Line 25: Change “ECM” to “BCM impact fee”

Page 9, Line 45: Change “VBH” to “VHB”

Page 10, Line 22: Change “A resident” to “Mark Farnham”

Page 10, Line 24: Delete sentence starting with “He asked the Board”

Page 11, Line 6: Delete “he lives in a Densmore House”

Page 13, Line 2: Edit to read: “Ms. Romano asked if the elevator has been installed.”

Page 13, Line 3: Edit to read “Mr. Nash said it has been installed.”

Page 13, Line 41: Remove entire paragraph “4. The applicant proposes”

Page 17: Line 16: Remove “is”

A MOTION was made by Richard Ford Burley to extend the meeting by five minutes to 9:35pm. The motion was seconded by Andrew Faunce.

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

A MOTION was made by Richard Ford Burley to approve the September 09, 2024 Planning Board meeting minutes as amended. The motion was seconded by Jeremy Rutter.

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

6. ADJOURNMENT

A MOTION was made by Richard Ford Burley to adjourn the meeting at 9:30pm. The motion was seconded by Patrick Kennelly.

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

The meeting was adjourned at 9:30pm.

Respectfully submitted,
Paula Roux
Recording Secretary