

FINAL

**LEBANON PLANNING BOARD
CITY COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE
MONDAY, NOVEMBER 12, 2024 6:30 PM**

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

MEMBERS ABSENT: NONE

STAFF PRESENT: Tim Corwin (Deputy Planning Director)

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

1. CALL TO ORDER

Chair Faunce called the meeting to order at 6:36pm.

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

2. NOTICE OF REGIONAL IMPACT

The following applications were received by the Planning and Development Department on or before November 12, 2024:

- **Grafton County Senior Citizens Council, Inc. and City of Lebanon, 10-12 Campbell Street (Tax Map 92, Lot 23), 0 Flynn Street (Tax Map 92, Lot 17), and 0 Flynn Street (Tax Map 91, Lot 245), zoned L-D: Request for approval of a Boundary Line Adjustment between Lot 92-23 and Lot 92-17 and a Voluntary Lot Merger of Lot 92-17 and Lot 91-245. PB2024-46-BLAVLM**
- **Choice Storage LLC regarding 00 Etna Rd (Tax Map 26, Lot 17 L-D: zoned L-D and RO 3: Request for A 5-lot subdivision and a Conditional Use Permit pursuant to Article 5, Section 508.6A of the Lebanon Zoning Ordinance. PB 2024-47-MAJCUP.**
- **Cicotte Holdings, LLC, 51 Evans Drive (Tax Map 78, Lot 40, Plot 200), zoned R-O-1: Request for a Conditional Use Permit pursuant to Section 311A.2 of the Lebanon Zoning Ordinance and for Site Plan Review per Section 3.1.D of the Site Plan Review**

**Regulations to expand the outdoor vehicular storage area for an existing vehicular sales use together with associated site improvements including landscaping and lighting.
PB2024-48-SPRCUP**

Mr. Corwin said Staff recommends the applications do not have the potential for regional impact.

A MOTION was made by Richard Ford Burley that the applications of Grafton County Senior Citizens Council Inc. in the city of Lebanon regarding 1150 Campbell St. and 0 Flynn St. tax back 91 lot 245 and tax back 92 lot 23. Zoned Lebanon Downtown, Choice Storage LLC regarding 00 Aetna Rd. that is tax map 26, lot 17 zoned Light Industrial and RO 3, and Holdings LLC regarding 51 Evans Drive, Tax map 78, lot 40, plot 200, zoned RO1 do not have the potential for regional impact. The motion was seconded by Jeremy Rutter.

Ms. Romano confirmed that she's participating remotely because she is out of town and she is alone in the room while attending.

Roll Call Vote:

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

Voting Against – None

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

3. DELIBERATION

A. XYZ Dairy, LLC, River Park Drive (Tax Map 44, Lots 21 - 30 & Tax Map 44, Lot 7), zoned CBD, IND-L and R-3: Applicant requests a 2-year extension of the River Park Subdivision approval (PB2011-01-FMAJ) and Site Plan approval (PB2010-25-SPR), as most recently amended on September 9, 2019 (PB2018-34-SPA) and extended on October 12, 2021 (PB2021-29-EXT). PB2024-34-EXT – Continued from October 14, 2024.

Ms. Romano and Ms. Appleton recused themselves from the discussion. Chair Faunce said only Ms. Zook, Mr. Kennelly, Mr. Ford Burley, Mr. Rutter, and he would participate in the deliberation at this meeting because they were the Board members who have previously participated in this hearing item.

No one was present on behalf of the applicant.

Chair Faunce explained that a straw poll was taken at the October 14, 2024 meeting, which ended in a vote of 4-1, to deny the extension request. He said Staff developed a motion that was reviewed by the City's Legal counsel. Chair Faunce said he also participated in the drafting of the motion. He said the motion had been distributed via email to the Board members that will be deliberating at this meeting. He said participating Board members will have a chance to review and discuss the motion and then make a motion to either deny or approve the two-year extension.

Mr. Ford Burley noted that the draft motion is very long and suggested a motion be made that references that draft as a written decision.

A MOTION was made by Richard Ford Burley to deny the extension request because the applicant has not, in the opinion of the Board, demonstrated the need for more time is attributable to unusual circumstances beyond the control of the applicant or there is otherwise good cause to grant a two-year extension. A written decision, consistent with the draft prepared by Staff and discussed by the Board, including findings of fact and reasoning for this decision, and consistent with testimony and information submitted during the hearings, will be prepared for the Chair's signature.

The motion was seconded by Jeremy Rutter.

Mr. Rutter suggested the word “By” be added before NHDOT on Page 7 on the last line of paragraph 2 of the written draft decision. The correction was accepted by the Board and will be made to the written decision document.

Roll Call Vote:

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

Voting Against – None

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

3. PUBLIC HEARING ITEMS

A. 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 – Continued from October 14, 2024

Mr. Corwin said, following the October 14, 2024 Public Hearing, Planning Staff worked with the City Engineer to further review the record in relation to the conditions that Staff had asked about back on June 10, 2024 via an e-mail to the applicant. He said that Staff concluded that those conditions have been satisfied, except the requirement to install temporary erosion control measures and the requirement to obtain a third-party reviewer prior to the commencement of construction. He said Staff sent out an e-mail to the applicant earlier today detailing those findings and sent a copy to the Board.

No one was present on behalf of the applicant.

Attorney Christine Johnson said the Board might conclude that the conditions that have been met are considered resolved. She said the Board can open the public comment portion now. She said, after that, the Board may conclude that the remaining two conditions (which have not been satisfied) and the appeal for those two conditions could possibly be denied.

Chair Faunce opened the public comment portion of the meeting. No one from the public made a comment. Chair Faunce closed the public comment portion of the meeting.

Mr. Corwin reminded the Board that Staff requested a status update for six conditions as set forth in the River Park Site Plan Approval of September 09, 2024 (Application **PB2018-34-SPA**), which are Conditions 1, 2, 4, 5, 7 and 14-4.

He said, of those conditions, Staff is satisfied that Conditions 1, 2, 7, and 14-4 have been met. He said Condition 4 (third-party inspections) and Condition 5 (edge of disturbance fencing) have not been met.

A MOTION was made by Richard Ford Burley that the Lebanon Planning Board grants the appeal for Conditions 1, 2, 7, and 14-4, and denies the appeal for Condition 4 and Condition 5. The Motion was seconded by Patrick Kennelly.

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

B. Irma Muzzy Estate & City of Lebanon, 192 Mascoma Street (Tax Map 90, Lot 19) and 0 Mascoma Street (Tax Map 90, Lot 20), zoned R-3: Request for approval of a Boundary Line Adjustment between lands located at 192 & 0 Mascoma Street. PB2024-43-BLA

Chair Faunce said all Board members present would participate in the discussion and vote for this Public Hearing, except Ms. Romano, who recused herself from this discussion.

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

A MOTION was made by Richard Ford Burley that the application of Irma Muzzy Estate & City of Lebanon, 192 Mascoma Street (Tax Map 90, Lot 19) and 0 Mascoma Street (Tax Map 90, Lot 20), zoned R-3 is complete enough for the Planning Board to accept jurisdiction and commence review. The Motion was seconded by Jeremy Rutter.

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

Mr. Corwin explained that, in 1968, the City and the Muzzy family, owners of two abutting properties on Mascoma Street, agreed to exchange small amounts of land between the two properties. He said, to effectuate the exchange, the parties would have needed City Council approval, Planning Board approval for the lot line adjustment, the land transfer plat and two deeds to be recorded: one from the Muzzys to the City and one from the City to the Muzzys.

He said the Muzzy Estate now wants to sell its property, but has discovered that, dating back to 1968, the deed from the City to the Muzzys was never recorded, and Planning Board approval was never obtained. He said the failure to convey the City's portion of its property to the Muzzy Estate is creating a title issue and is preventing the present sale transaction from moving forward.

He said the City Council has agreed to reauthorize the land transfer and authorize the City Manager to execute all necessary documentation, including the deed. He said the Planning Board is being asked to retroactively approve the plat that was recorded back in the 1960s. He said if the

Board does approve the plat, the Board's notice of action and the deed from the City to Muzzy will be recorded and the tax maps will be updated accordingly.

A MOTION was made by Richard Ford Burley that the Lebanon Planning Board approves the application of Irma Muzzy Estate & City of Lebanon for a proposed boundary line adjustment between 192 Mascoma Street (Tax Map 90, Lot 19) and 0 Mascoma Street (Tax Map 90, Lot 20), PB2024-43-BLA, as shown on a plat titled "Parcel Transfer – Donald A. & Irma W. Muzzy – City of Lebanon," dated September 19, 1967, prepared by K.A. LeClair Assoc., Inc., Proj. No. 67967, recorded in the Grafton County Registry of Deeds in Book 1060, Page 67, subject to the following conditions:

- 1. The applicants shall provide a draft copy of the land transfer from the City of Lebanon to the Irma Muzzy Estate for review to ensure the transfer will be completed properly for Assessing and recording purposes.***
- 2. The Planning Board Notice of Action for PB2024-43-BLA shall be recorded by the Planning & Development Department in accordance with Planning & Development Department recording procedures which the applicants are required to follow and complete.***
- 3. This approval shall be considered void unless all conditions precedent are met and the Notice of Action and deed of the land transfer from the City of Lebanon to the Irma Muzzy Estate is recorded in the Registry of Deeds within two (2) years from the date of approval.***

The Motion was seconded by Kellen Appleton.

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

C. Lebanon Housing Authority, 31 Romano Circle (Tax Map 101, Lot 20), zoned R-2: Request for Site Plan Review to construct a +/- 3,882 sq ft. two story accessory office building for the existing multi-family complex, together with associated site improvements, including relocating a basketball court and new parking spaces. PB2024-41-SPR

Chair Faunce noted this item will be postponed to the December 9, 2024 Planning Board meeting. Ms. Romano rejoined the meeting as an active participant.

A MOTION was made by Richard Ford Burley to postpone Agenda Item 4C: Lebanon Housing Authority, 31 Romano Circle (Tax Map 101, Lot 20), zoned R-2 PB2024-41-SPR to December 9, 2024. The Motion was seconded by Jeremy Rutter.

Roll Call Vote:

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

Voting Against – None

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

D. 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 - Continued from October 14, 2024

Mr. Corwin said the applicant presented a revised site layout to the Planning Board at the October 14, 2024 meeting and, following that discussion, the applicant submitted a revised plan set reflecting those changes that were presented at the October 14 meeting. He said the revised plan set, along with an updated traffic memorandum, stormwater report, and two Conditional Use permit applications were submitted on October 25, 2024. He said those documents were included with the Board's agenda packet, as well as the following:

- comments from the Lebanon Fire Department
- a letter from the Lebanon Conservation Commission
- a Weston & Samson peer review of the updated traffic memorandum (dated October 25, 2024).

He said the applicant intends to submit an updated Impact Study. He suggested the discussion at this meeting could focus on the comments made by various City boards and committees:

- Conservation Commission
- Heritage Commission
- Pedestrian Bicyclist Advisory Committee
- Tree Advisory Board

Mr. Corwin suggested that the full technical presentation could be made by the applicant at this meeting, which has not been presented in full at any previous meetings.

Mr. Dave Fenstermacher, Mr. Jason Plourde (traffic engineer), Mr. Rich Whitehouse, Mr. Tom D'Aguiar, Mr. Erik Bednarek (landscape architect), Ms. Quinn Stuart (director of cultural resources) – all of VHB – and Mr. Gil Aleixo (Brickyard One Nominee Trust), were present on behalf of the applicant.

Overview of how project meets PURD criteria

Mr. Fenstermacher gave an overview of the concerns and comments that have been made and the design changes that have been made.

He discussed the criteria for a PURD (Planned Unit Residential Development) and how building the development to meet that criteria will allow them to build a better project. He outlined the ways that the project design meets the criteria for a PURD.

Historical presentation

Ms. Stuart said her specialty is architectural history. She said they partnered with Dr. Bob Goodby of Monadnock Archeology Consulting LLC to complete a walk-over and sensitivity assessment of the site. She said Dr. Goodby provided a report on his findings in September.

She provided an overview of the results of the archeology study, the site visit, and other research they have conducted:

- no structures prior built prior to 1900 were identified during the site visit
- over the course of 200 years of use, most buildings have been replaced over time
- At its peak, the site contained 7 buildings, 5 kilns that were built in the 1940s, 10 stable storage buildings
- the company closed its brick making portion of the business in 74 due to the oil embargo
- 1985 began the history of the site being purchased

She said, currently, there are several buildings still standing that appear to be ancillary structures with no specific use associated with them. She said there are three kilns, in varying degrees of condition, that remain on the site. Ms. Stuart discussed the report's observations about subsurface disturbances, such as drainpipes, utilities, buried pavement, public dumping, etc.

She said there is evidence of the quarry on the site but there was no evidence of machinery, landing sites, or processing facilities associated with them.

PUD/PURD Criteria

501.2 Planned Unit Residential Development (PURD)

A. **Objectives.** The objectives of the PURD provisions of this ordinance are as follows:

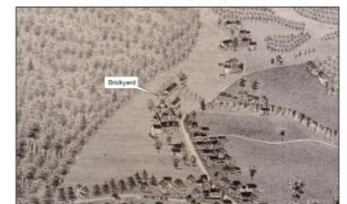
1. To encourage conservation of Open Space to effect appropriate density and protect important natural resources such as agricultural soils, forested land, wildlife habitat, water resources, other natural resources, including geologic and scenic, and historical and archeological resources.
2. To establish a connected network of conservation lands, trails, and working farm and forest land throughout the City by linking the Open Spaces and trails within the development, to conservation lands, important natural resources and trails on adjoining lands whenever possible, and as particularly found in the Lebanon Master Plan and Natural Lebanon.
3. To preserve those areas of the property that have the highest ecological value, including, for example, wildlife habitat, large un-fragmented blocks of undeveloped land, and areas of co-occurring resources as shown in Natural Lebanon, and water resources, such as drinking water supply areas, wetlands, streams and rivers.
4. To encourage the development of environmentally sensitive outdoor recreation land uses.
5. To allow flexibility in residential development to provide for a diversity of housing types, densities, and styles.
6. To provide opportunities for the development of workforce or affordable housing.
7. To locate buildings and structures on those portions of the property which are the most appropriate for development and avoiding developing in areas ill-suited for development, including, for example, areas with poor soil conditions, a high water table, that are subject to frequent flooding or that have excessively steep slopes.
8. To encourage a more suitable form of development by facilitating the design, construction, and maintenance of housing, streets, utilities and public services in a more economic and efficient manner and by integrating the new development into the existing built and natural environment.
9. To promote the reduction of impervious surface areas and sustainable stormwater management.

Site History and Archaeology

- Area was relatively undeveloped until Hanover Street was established in the late 1700s.
- The brickyard in the project area was first established around 1806 by Comfort Goff, a miller who began digging deep clay beds at the then north end of Hanover Street.
- The brickyard was taken over by Samuel Storrs Barrows in 1810; the Barrows and extended family operated the yard until 1881.
- Jason Densmore purchased the yard in 1881, and it remained in the Densmore family for 3 generations.
- "Brickyard" is first labeled on the 1860 Map (upper right) but not depicted on a map until 1884 (bottom right).



Project Area on the 1860 Walling Map of Grafton County. Scale = 2:70,000



View of the Site on the Norris 1884 Bird's Eye Map of Lebanon

Site History and Archaeology

- No structures built prior to 1900 were identified during the site visit, most likely due to the high risk of fire associated with the kilns. A fire in 1906 consumed many buildings (upper right).
- At its peak, the site contained 7 buildings and 5 kilns on Lot 48-4 and 10 stables and storage buildings on Lot 48-2 (see photo at bottom right).
- The Densmore Brick Company was driven out of business in 1974 due to the rising cost of oil, which was used to run the kilns.
- In 1985 the lots were purchased by Hodges Development Corp; a 2-acre piece of Lot 48-4 was acquired separately by "The Burning Log" store and subsequently sold in 1989.
- Ownership of the remainder of the brickyard property was transferred to C.R. Wilson Properties but was left abandoned until the most recent purchase in 2004.
- Buildings along Hanover Street, including three residences and a barn, were acquired by multiple owners.



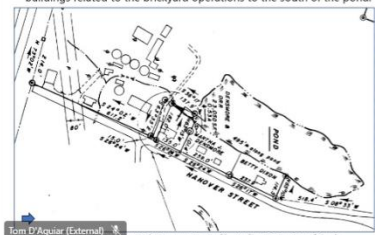
View of the Site on the Norris 1884 Bird's Eye Map of Lebanon



View of the Site Facing North Before the Interstate was Built in the 1960s. From Carroll, 1984: 45.

Site History and Archaeology

- The historical background research indicated that the bulk of the brickyard footprint was located south of the pond where several standing buildings are still visible and that much of the west side of the pond where the majority of construction will occur remained undeveloped.
- Evidence of subsurface disturbance for drainage pipes, utilities, and buried pavement most likely disrupted evidence of the earliest foundations for wooden structures that appear in historic photos.
- Plan from 1982 when the property was being sold shows the concentration of buildings related to the brickyard operations to the south of the pond.



1982 Plan of Densmore Brick Company, Inc. On file, Grafton Co. Registry of Deeds



Looking East at One of the Preserved Brick Kilns.



Facing North at Current Hodges and Adjacent Facing that Obscures the Historic Landscape

She said the Freeto House dates as far back as 1836. She said it was a single-family home until the property was purchased by the Chandler family in 1950. She said after that, it was listed as Chandler's cabins which were rented as resort cottages to vacationers. She said the fact that the cottages are more than 50 years old is worthy of study in NH under the Division of Historical Resources. She said there are three historical zones associated with the property.

[At 7:36pm, Mr. Kennelly left the meeting.]

She said they are filing a request for project review with the Division of Historical Resources, which initiates that division's involvement, and will include the archaeology report and their above-ground findings. She said they've included quite a large study area surrounding the property to make sure that any historic resources that are further afield that may be impacted visually, or "vibration-wise," – anything that may be indirectly impacted – are captured as well.

Traffic Study

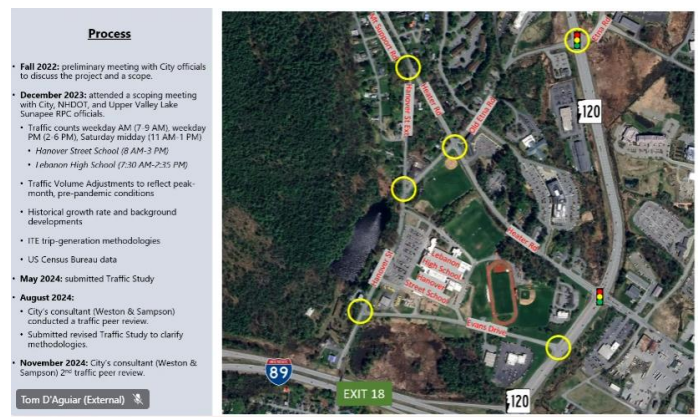
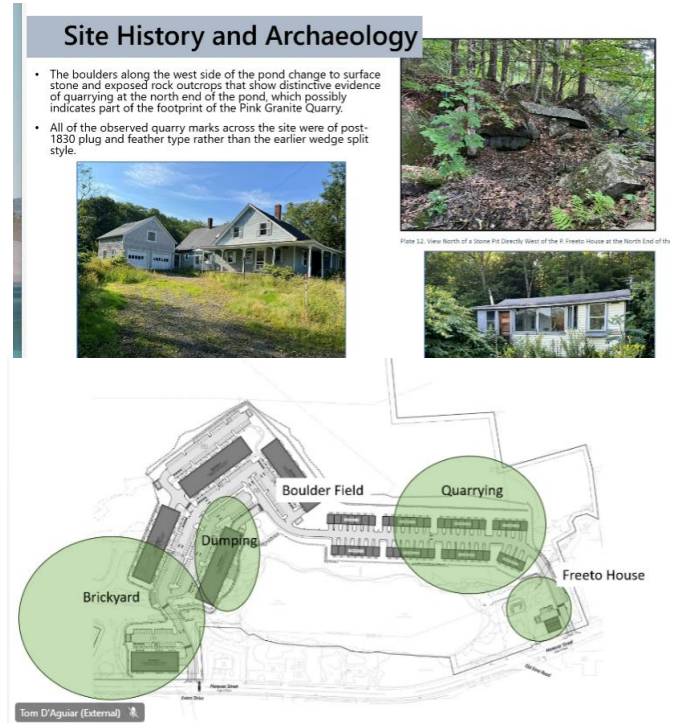
Mr. Plourde gave an overview of the process behind the traffic study, the planning for which he said began in Fall 2022.

He said the circled intersections were identified as sites for data collection:

- Route 120 at Evans Dr
- Evans Dr at Hanover St.
- Hanover St at Old Etna
- Mt. Support Rd at Heater Rd
- Heater Rd at Old Etna
- Old Etna Rd at Route 120

He said, after some delays, they conducted a scoping meeting with NHDOT, City officials and UVLSRPC officials. He said the study area that was agreed upon by the City was approved by the other officials. He said they were asked to look at land development projects in NH and to take the traffic counts, adjust them to peak month conditions, and take the pandemic into account.

He said they used pre-pandemic conditions at peak months to establish a baseline to compare to more current data. He noted that NH DOT did not take those factors into consideration during the Route 120 Corridor Study. He said for this reason, the traffic volumes in their study could be a lot higher than NHDOT's projections for the Route 120 Corridor. He said NHDOT asked them to



show traffic counts without any adjustments and the numbers they had to use show worse operations than the regular traffic counts.

He said the other part of the scoping meeting was to determine what improvement alternatives could be considered along the Route 120 Corridor. He described the improvements proposed for that area.

He said the traffic counts were conducted at the following times:

- Weekdays 7:00am to 9:00am
- Weekdays 4:30pm to 5:30pm
- Saturdays 11:00am and 1:00pm

He said they also needed to project the future traffic volume conditions for the area. He said, in NH, they needed to estimate traffic volumes and conditions for the project's opening year (2025) and opening year plus ten (2035). He said NHDOT requires no less than 1% compounded annual growth rate for estimating future traffic volume. He said the City provided a list of developments that have not yet been constructed or occupied. He said they used all these factors to evaluate what the future conditions would be and estimated the number of site trips coming to and from their site to determine the estimated traffic volume in 2025 and 2035.

Mr. Plourde said the traffic study was submitted in May 2024 and the City's peer review consultant, Weston and Sampson, reviewed the study and made a few comments for clarification. He said they updated the study report and reissued it in August 2024. He said on November 1, 2024, after the changes to the number and nature of the units in the development were made in response to City and resident comments/concerns, Weston and Sampson conducted a peer review. He said from an engineering perspective, there was not much change to the traffic estimations even with fewer units and the addition of townhouses to the development.

He noted there are long delays at the Evans Dr and Hanover St intersection in the morning, when students are driving to school and students are parking on campus or along Hanover St. He said the traffic counts and observations were conducted and based on the Manual on Uniform Traffic Control Devices (MUTCD). He said one consideration is to have an all-way stop at that intersection.

He said they do not need a NHDOT permit but they need to submit their information to NHDOT so NHDOT can include the traffic volume in their own projections to ensure that any traffic generated from this development would not force them to make even more improvements along the Route 120 Corridor.

He said they worked with engineers at VHB to figure out the best locations for driveways for the development. He said that is important because they need to prevent all the traffic coming in and out at the same time in one spot.



He said they also considered an all-way or three-way stop at the intersection of Old Etna Rd and Hanover St. He said they determined, after speaking with City Staff, that it would not work.

Landscape Plan / Site Amenities

Mr. Bednarek gave an overview of the landscaping plans for the site. He said they include:

- Landscape strips in the parking areas with shade trees
- Canopy structures that meet perimeter shrub requirements around each building
- Screens for dumpster areas
- Native grasses and perennials
- Plants to provide a buffer along Hanover St
- Plants and trees around the Maintenance Building and Building 1 to provide a screen between them and the residential buildings
- Cover on sloped areas to minimize erosion

He noted other amenities planned for the site:

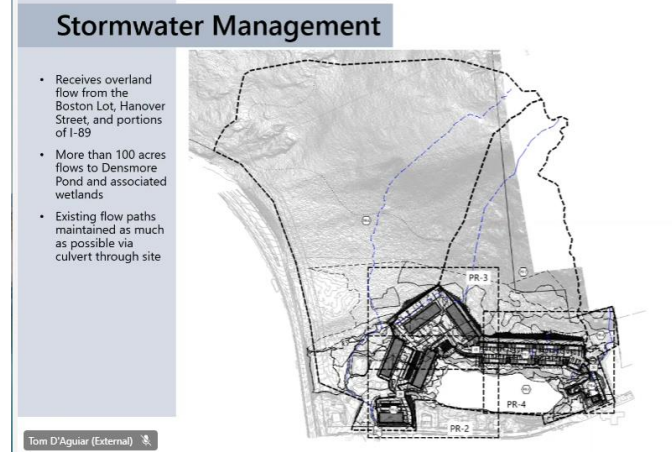
- Bicycle parking and bike racks
- Private patios behind the townhouses
- Path system to provide connectivity throughout the site
- Open spaces (see orange circles in image)
- Terrace overlooking the pond on north side of Building 2
- Overlook facing the historic portion of the site (may include seating and interpretative signage)

He also outlined the lighting plan. He said the location of lighting will result in a minimal amount of spillage into roadways or near property lines. He said the amenity spaces could have light bollards.

Stormwater Management

Mr. Fenstermacher said they have met with DES and developed a stormwater management plan, which will be reviewed by the third-party engineer.

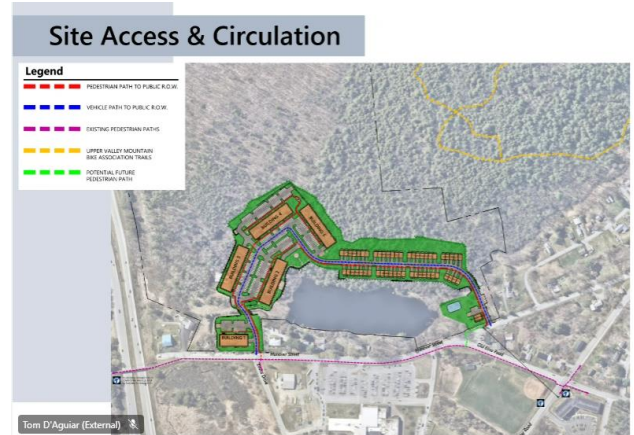
He gave an overview of their plan to reduce peak runoff rates per City and DES regulations. He said they are planning to implement subsurface detention basins and box culverts to divert the water and prevent flooding on the site.



He said they wanted to plan for more than just current rainfall conditions, and he said they are designing for 100-year storms and increased rainfall rates. He said the intent of the site is not to infill wetlands areas. He said residents had concerns about flooding on the site, and that will be part of the state's review, which includes a significant flood study and hydraulic study that will be included with the project team's wetlands permit application.

Circulation

Mr. Fenstermacher said the plan includes opportunities to walk around to the back of the site and access the bike trails. He said they are working with the City to provide a crosswalk across Hanover St and sidewalk extensions at the intersection at Old Etna Rd.



He noted they are also considering implementing some brick into the look of the building architecture.

City Boards and Commissions Comments

Mr. Bruce James, Vice Chair of the **Conservation Commission**, said he composed a letter on behalf of the Commission with items that they believe the Planning Board should be considering:

- Planning Board review the Alteration of Terrain application – Mr. James said the alteration of terrain is significant for this project and the Planning Board should review and provide input on the application. Mr. Fenstermacher said the application has not been submitted yet. Mr. James said it is not clear what the disturbances of this glacial hillside will be.
- Wetlands – Mr. James said wetlands are important for their ecological value but also as support to terrain water flowing down to the Mascoma River.
- Soil Properties – Mr. James said soil properties play an important role from a structural engineering point of view
- Groundwater Hydrology – Mr. James said a lot of attention should be given to groundwater hydrology and flows – more than the normal control of stormwater
- Wildlife Habitat Forest Ecosystem – Mr. James said more detail is needed on the amount and impact of the disruption of the landscape

Mr. Fenstermacher said they have a certified soil scientist who will work with them to compose a response to the letter submitted by the Conservation Commission and get that to Mr. Corwin to give to the Commission.

Ms. Sarah Riley, Chair of the **Conservation Commission**, said a major objective of the PURD is to encourage conservation of open space. She encouraged the project team to conserve even more open space than what has been proposed in the plans. She said the zoning ordinance states that “the characteristics of a property have to be studied and described to best ensure that impacts on natural resources are minimized and that the development should occur in the areas of lowest natural resource value.” She said she’d like to see that mapped out and the layers of natural resources for this project demonstrated visually. She asked if all the site’s natural resources have

been delineated. She said there is an amphibian migration corridor across Hanover St just south of Evans Dr that should be considered because it is an important natural component of this location. She said she thinks the Impact Statement (that is required by Section 501 of the Zoning Ordinance) will show there are many impacts to natural resources associated with this project.

She said wetlands would benefit from adjacent buffers and the pond would benefit also from vegetative buffers. She said she would love to see if best management practices for riparian buffers will be used to protect the pond from runoff and increased heat. She asked if floodplains will be impacted by the project. Ms. Riley noted that the Board has the authority to require the applicant to pay for an independent consultant to review and verify the conclusions of an Impact Statement.

She said the Conditional Use Permit applications repeatedly use the term that “work will minimize revenue tax to the maximum extent practical.” She said, given that this is a PURD and PURDs have higher standards, she hoped they would do better than just minimizing to the maximum extent practical.

Mr. Corwin said an Impact Study has been submitted. He said the applicant is preparing an updated impact study to reflect the revised layout design.

Ms. Nicole Ford Burley, Chair of the **Heritage Commission**, said the Commission sent a letter with recommendations to the Planning Board. She said it seems like some of those recommendations are already in progress. Mr. Matt Smith, Vice Chair of the Heritage Commission, said the site contains some very valuable historic resources and the Commission hopes that those resources will be preserved and (preferably) made accessible to residents.

Mr. Colin Smith, Chair of the **Pedestrian & Bicycle Advisory Committee**, said it seems like there has been a little progress on a crosswalk at the north entrance to help walkers safely across Hanover St. He said the Committee is concerned about kids getting across Hanover St safely to get to the school area. He said another comment the Committee made was about public access to the trail system and development in the Boston Lot area. He said it does not seem like anything has been done on that yet.

Mr. Fenstermacher said the updated plans include parking spaces near the north entrance that can be used by trail walkers/hikers who want to access the trails behind the proposed buildings and to the network of trails near and around Boston Lot. He said the crosswalk could not be added to the plans yet because it is part of the public right of way and they’re working with City engineers to see what is feasible.

No one was present from the **Tree Advisory Board** to address the project applicant.

Planning Board Questions and Comments

Mr. Ford Burley asked if the kilns can be restored to the point where they can be accessible to the public for more than viewing from a distance. He also asked if the owner would commit to maintaining the kilns in perpetuity.

Mr. Fenstermacher said a structural analysis will be done. Ms. Stuart said, because there is a federal permit and the potential for DHR resources to be involved, if they are to be restored, there could be another layer of review for accessibility. Chair Faunce said the kilns are visually and experientially impactful and suggested they be given priority over some of the other interests on the site.

Mr. Rutter said this is an extraordinary opportunity (that may not exist otherwise in NH) to have as many as five kilns available (if remediation takes place) to present the various stages of brick making to residents and nearby high school children. He said it is incredibly important for residents to see inside the kilns. He said he would also love to see Building 1 and the brickyard there with a park for the whole City. Ms. Stuart said two of the kilns may have to be used to restore the other three to make them available for public viewing.

Ms. Romano said she is concerned about stormwater runoff. She said there are other developments in the area that have extremely wet sites and those project teams employed some of the ideas presented tonight for this site. She said the idea to retain rainwater and release it slowly, so it doesn't just flood Mount Support road into the Mascoma River did not really solve the problem – it just channeled the water more slowly. She said there needs to be some means of increasing the retention capacity or of preventing the City from being flooded with increasing amounts of water flow due to increased impervious surfaces from all the developments being built.

Mr. Ford Burley said he noted that (per C8.1 of the Phasing Plan) the townhouses will be built after Phase II, but Buildings B, C, and D will be built based on occupancy and market. He asked if the applicant could provide a commitment to build those townhouses regardless of the market for studio apartments and one-bedroom units. He asked if they have explored whether the townhouses could be made into condominiums. Mr. Fenstermacher said they did look at it, but he thought they would have to have subdivision approval to do that. Mr. Corwin said there may be another way and Mr. Fenstermacher said they will continue to work with Staff to try to accomplish it.

The group discussed the traffic study and the numbers of vehicles entering and exiting the area during peak hours. Mr. Plourde confirmed the study indicated the predicted number of additional cars on Hanover St and Evans Dr in the morning is 18 entering, 61 exiting onto Evans Dr and 45 going to the north. Mr. Plourde explained how the number of cars is determined, based on trip generation calculations and the number of dwelling units. Mr. Ford Burley asked about emergency vehicle access to the school during peak hours and asked if a risk analysis could be done to determine how the increased traffic will impact response times. Mr. Plourde said the police and fire departments may have a way to determine that, but it was not part of the traffic study.

Mr. Stacy asked what the capacity is of the four-way stop intersection per hour. Mr. Plourde said he did not have that information at hand, but many things impact capacity, such as arrival patterns, number of heavy vehicles, number of pedestrian crossings and bicyclists coming through the intersection.

The group discussed the traffic volume and the intersections in the area in great detail. Mr. Stacy asked why the intersection of Heater Rd and Route 120, as well as the intersection of Old Etna Rd and Wolfe Rd, were not included as data points in the traffic study and suggested data should be

collected at peak hours at those intersections. Chair Faunce suggested Mr. Stacy direct his more detailed traffic questions to Staff off-line to make sure there is time to answer questions from the public at this meeting.

Mr. Ford Burley asked about the sizes of the open space areas in relation to the number of people who live in the development to ensure the size is adequate to serve that number of people. Mr. Bednarek said the spaces were determined based on similar spaces from other designs. He said they will look at how these spaces may be used and will work with the client to provide amenities (ex: barbeque grills) for the open spaces that best meet the needs of the residents.

Public comment portion

Chair Faunce opened the public comment portion of the public hearing. He asked that each speaker keep their comments to two minutes.

Mr. Bill Lamb (Ward 3) said there is only one way out of Wolf Rd and that there are four major developments on Wolf Rd. He asked what the basis legally is for not allowing any comments that are negative about the developer. Mr. Corwin said he believes they are only allowed to take into consideration the project itself and not the people responsible for it. He said there's nothing in the site plan review regulations that relates to the background or status of the developer. Mr. Lamb said if the Board makes a decision that supports this development and has refrained from allowing any comments about the developer, it has opened itself up to an appeal which can be very expensive. He suggested the Board get a legal basis for that and then decide.

Mr. Lamb said this developer says they will give up some things in order to do something that the greater community needs, wants, or requires. He said there have been suggestions that that they're giving the City something, but he said there aren't any gifts. He said there are 135 acres that they want to develop. He said he has not heard any suggestion that they will not develop the other acreage and leave it for open space or to the greater good of the of the Lebanon community.

Ms. Maryann Levin said the north access road goes right down her property line. She said she has lived there since 1987 on the corner of Dartmouth Ave and Hanover St. She said the kids walk down the road so they will need to build sidewalks. She said the area is biologically, environmentally, and historically beautiful that has not really been developed. She said there are foxes and deer and other wildlife in her yard. She said if they change the waterways, it will make a big difference on the stream behind her house.

Ms. Mary Davis (Ward 2) asked if anyone has consulted the Lebanon Police Department regarding the increased traffic projected for the area. She said additional crossing guards will be needed at some of the intersections that have been identified as busy ones. She said she understands the numbers have been calculated, but for anyone sitting in that traffic trying to bring a child to school, it can be very frustrating. She said the traffic study did not really discuss the walkers and bikers and how they're impacted by the extra traffic. She asked who will take responsibility for maintaining the kilns if they are made accessible to the public. She said if they are going to encourage people to go inside the kilns, they need to make sure someone will take responsibility to keep them safe.

Ms. Janet LaHaye (Ward 2) asked how the sewer impact fees are determined for a development like this. Mr. Fenstermacher said there is a worksheet that the City provides to calculate the impact fees. Ms. LaHaye said Lebanon currently sends approximately 20% of its sewer to Hanover, and if Hanover decides it doesn't want to handle it anymore, that comes back to the City, which is already close to capacity, and what will the impact be of a huge development like this one.

Ms. Sarah Riley (Ward 2) suggested that bike storage on the site should be covered with access to power so ebikes can be charged. She said the walkers in her area (near Wolf Rd and Heater Rd) are many and should be taken into account in the traffic study. She said the development has to show its aligned with the character of the existing neighborhood (for the conditional use permit) and she recommended that they think about which neighborhood they are comparing the development to. She said there are smaller communities much closer to the school and the site. She also said it would be great if they started looking at designing for beyond the 100-year flood event because we are having these events already.

Ms. Cindy LaHaye (Ward 2) said traffic is horrible when one is trying to get across Route 120 and onto Evans Dr in the afternoons. She said she understands the numbers that were presented, but she does not agree with the data from the study.

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

Mr. Rutter asked whether the elevator shafts were included in the waiver for the height requirement. Mr. Corwin said there is a provision in the zoning ordinance (Section 203.1) that allows that certain features, like equipment enclosures (ex: elevator shafts) can exceed the maximum permitted height by up to 20 percent. Mr. Fenstermacher confirmed the height increase requests are for Buildings 4 and 5 only.

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

Roll Call Vote:

***Voting For – Ms. Romano, Ms. Zook, Ms. Appleton, Mr. Ford Burley, Mr. Faunce, Mr. Rutter,
Voting Against – None***

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

Chair Faunce asked if the rooftops might provide additional recreational space for residents. Mr. Aleixo said they are considering solar panels for the rooftops, so may not be available for recreational space.

A MOTION was made by Richard Ford Burley to continue this matter to the December 9, 2024 Planning Board meeting at 6:30pm in City Council Chambers in City Hall, and, currently for the Planning Board to direct the Planning Department Staff to work with the applicant to get in writing their OK to the extension. The Motion was seconded by Andrew Faunce.

Roll Call Vote:

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

Voting Against – None

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

1. OTHER BUSINESS

None

2. APPROVAL OF MINUTES

- September 16, 2024
- September 23, 2024
- September 30, 2024
- October 14, 2024

A MOTION was made by Mr. Ford Burley to approve the September 16, 2024, September 23, 2024, and September 30, 2024 Planning Board meeting minutes as amended. The Motion was seconded by Jeremy Rutter.

Roll Call Vote:

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

Voting Against – None

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

Chair Faunce said the October 14, 2024 Planning Board meeting minutes would be reviewed at the next meeting.

3. ADJOURNMENT

A MOTION was made by Richard Ford Burley to adjourn the meeting at 9:34pm. The motion was seconded by Andrew Faunce.

Roll Call Vote:

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

Voting Against – None

****The MOTION was approved (6-0).*** The meeting was adjourned at 9:34pm.

Respectfully submitted,
Paula Roux
Recording Secretary