



**LEBANON PLANNING BOARD
JANUARY 27, 2025 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

- A. To participate in this meeting, please [join live via Microsoft Teams](#) or call 929-229-5356 (access code: 315 509 25#). If you have trouble accessing this meeting, please [email tim.corwin@lebanonnh.gov](mailto:tim.corwin@lebanonnh.gov).

2. Public Hearing Items

- A. **City of Lebanon, 0 Barrows Street, Tax Map (Tax Map 77, Lot 106), zoned R-3: Request for Site Plan Review, Major Subdivision approval, and a Conditional Use Permit per Sections 310.2 and 509 of the Zoning Ordinance for a proposed 5-unit cottage development. 2025-04-FMAJSPRCUP - Continued from January 13, 2025**

3. Study Items

- A. **Zoning Amendment Concise Statements:** Prepare concise statements of approval/disapproval per Section 1000.4.C of the Zoning Ordinance re: zoning amendments placed on the March ballot
- B. **Recap 2025 adopted Capital Budget, Commence 2026-2031 CIP process**
- C. **Strategic Plan - Annual Goals and Workplan**
- D. **Review of Proposed Amendments to Site Plan Review Regulations** re: Minor Site Plan Committee and Conceptual Review
- E. **Review of Proposed Amendments to the Site Plan Review Regulations** re: Article IV procedural requirements, Article V application submission requirements, and Article VII waiver requirements

4. Committee Reports

- A. **City Council Subcommittees:**
--Class VI Roads Advisory Committee
--Lebanon Energy Advisory Committee
- B. **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
- C. **Minor Site Plan Committee**
- D. **Housing Task Force**

5. Other Business

- A. **Planning Board process improvement/implementation of Rules of Procedure**

6. Approval of Minutes

- A. December 9, 2024
- B. December 17, 2024

7. 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.

SITE PLAN REVIEW REGULATIONS
MINOR SITE PLAN & CONCEPTUAL REVIEW
DRAFT AMENDMENTS

ARTICLE III – ADMINISTRATION

[...]

Section 3.2 – Minor Site Plan Review

A. MINOR SITE PLAN COMMITTEE

1. **Establishment.** A Minor Site Plan Committee is established in accordance with RSA 674:43, III, and the resolution passed by the City Council on September 1, 2021, for the purpose of reviewing minor site plan applications per Section 3.1.C.
2. **Membership.** The Minor Site Plan Committee consists of the [Director of Planning and Development](#), the [Chief Building Official](#), the [Director of Public Works](#), the [Fire Chief](#), and the [Police Chief](#) ~~Planning and Development Department's Senior Planner and Associate Planner, and a representative from each of the following City departments: Fire, Police, and Public Works.~~ The [Director of Planning and Development](#) ~~Senior Planner~~ shall serve as chair and may use ~~his or her~~ [their](#) reasonable discretion in coordinating the activity of the ~~C~~ommittee in an efficient and effective manner. ~~The Deputy Director of Planning and Development or designee shall serve as staff for the Committee.~~ The ~~Director of Planning and Development~~ [members of the Committee](#) may, at ~~his or her~~ [their](#) discretion, ~~appoint a substitute representative from their respective departments to the Committee for the Senior Planner or Associate Planner and may, at his or her discretion, serve as chair while substituting.~~ A majority of the [Committee](#) members shall constitute ~~the~~ [a](#) quorum necessary to transact business.

[...]

ARTICLE IV – PROCEDURE

[...]

Section 4.3 – Conceptual Review

- A. [Purpose.](#) Conceptual review pursuant to RSA 676:4, II(a) is recommended for all [land development](#) that requires Planning Board review pursuant to Section 3.1.D in order to help identify and resolve issues at an early stage and save the applicant the time and cost of changes at a later date. Conceptual review also allows the Board and applicant to identify available and qualified expertise within the City's boards and committees to help inform the variety and scope of studies or other activities that inform the project design and, in turn, the technical review of the submitted application.

B. Conceptual Review Required. Conceptual review shall be required for any land development that requires Planning Board review pursuant to Section 3.1.D and which involves any one or more of the following:

1. 50 or more new dwelling units;
2. Ten (10) or more detached one- and/or two-family dwellings;
3. More than one (1) principal multi-family, non-residential or mixed use building; and/or
4. Any new building of 5,000 sq. ft. or more.

C. Conceptual Review Optional. For any site land development other than those identified in Section 4.3.B., conceptual review shall be optional.

~~the Applicant may request an informal discussion with the Board, to be conducted in general terms, of the basic concept of the proposed development. The Applicant may end the conceptual discussion at any time.~~

D. Notice. Conceptual reviews shall only take place at a formal meeting of the Board. Public notice of a required ~~the conceptual discussion~~ review shall be provided pursuant to Section 4.8 and shall also be provided to the following:

1. Conservation Commission
2. Pedestrian & Bicyclist Advisory Committee
3. Tree Advisory Board
4. Heritage Commission (if located within the Historic District)

Public notice is not required for optional conceptual reviews. ~~is not required, but such discussions shall only take place at a formal meeting of the Board.~~ For

~~Such conceptual consultation shall not bind either the applicant or the Board in any manner, and statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken.~~

~~While a Conceptual Review is optional, it is strongly recommended, particularly for larger developments, as it can help identify and resolve issues at an early stage and save the applicant the time and cost of changes at a later date.~~

EB. Submission Requirements. ~~Not less than two weeks before the date of the scheduled conceptual review, the~~ The Applicant shall provide a project description, a written statement addressing how the concept conforms with the Master Plan, and a sketch plan of sufficient accuracy and quality, based on a United States Geological Survey map or similar map, showing the following:

1. Existing property lines of the parcel(s) under review;
2. General topography, to include highlight of slopes in excess of 25%;
3. Prominent natural features of the site, including but not limited to: tree lines, watercourses, flood plains, wetlands, and ledge outcrops;

4. The approximate location and size of existing and proposed buildings, parking areas, roadways, and other improvements.

5. When conceptual review is required:

a. A properly completed and signed application form.

b. The appropriate fees as established by the Board's fee schedule.

c. A list of the name(s) and address(es) of all persons to be notified by certified mail in accordance with RSA 676:4, I(d), including the following:

i. The Applicant(s):

ii. The Owner(s) of record of the site:

iii. The Owners of abutting properties:

iv. Every surveyor, engineer, architect, soil scientist, or wetlands scientist whose professional seal appears on any plan or document submitted to the Board:

v. All persons holding conservation, preservation, or agricultural preservation restrictions (as defined under RSA 477:45) on the subject property. (NOTE: When there are no such restrictions on the subject property, the applicant shall provide a definitive statement to that effect.):

vi. The holders of any easements, rights-of-way, or other restrictions on or over the subject property. (NOTE: When there are no such easements, rights-of-way, or other restrictions on the subject property, the applicant shall provide a definitive statement to that effect.).

FG. Procedures. Conceptual review shall be an informal discussion with the Board, conducted in general terms, of the basic concept of the proposed development ~~The conceptual review shall be limited to a discussion of the concept in general terms,~~ for the purpose of familiarizing the Board with the location and type of development, and familiarizing the Applicant with the issues and concerns of the Board. The Board shall consider whether the proposed development is an allowed use in the Zoning Ordinance and in accordance with the Master Plan. The Board shall determine whether the development is compatible with any plans for existing or future roads, utilities, and services. The Board shall focus on the characteristics of the site and its relationship to the surrounding area to determine how well the proposed development fits into the natural environment and the cultural landscape, including historical resources.

Discussions held during any conceptual review shall not bind either the applicant or the Board in any manner, and statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken.

DRAFT

DRAFT

**LEBANON PLANNING BOARD
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE
MONDAY, DECEMBER 09, 2024 6:30 PM**

MEMBERS PRESENT: Andrew Faunce (Chair), Richard Ford Burley (Vice Chair), Kathie Romano (REMOTE), Patrick Kennelly, Jeremy Rutter, Kellen Appleton, Eric Stacy (alt), Brian Ceglarski (alt)

MEMBERS ABSENT: Karen Zook (City Council Rep)

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

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. NOTICE OF REGIONAL IMPACT

The following applications were received by the Planning and Development Department on or before December 9, 2024:

- **Robert & Brenda Owens and Dustin & Tong Fei Meltzer, 163 Meriden Road (Tax Map 121, Lot 6), and 161 Meriden Road (Tax Map 107, Lot 213), zoned R-3: Request for approval of a Boundary Line Adjustment between Lot 121-6 and Lot 107-213 and a Voluntary Lot Merger of Lot 121-6 and 121-5. PB2025-01-BLAVLM**
- **CWM All Waste, LLC, 40 N Labombard Road (Tax Map 51, Lot 10), zoned IND-L: Request for a two-lot minor subdivision. PB2025-02-MIN**
- **Choice Storage, LLC, 0 Etna Rd (Tax Map 26, Lot 17), CWM All Waste, LLC, 40 N Labombard Rd (Tax Map 51, Lot 10), Chaloux Properties, LLC, 32 Labombard Rd (Tax Map 51, Lot 11), Route 120 Hotel, LLC, 35 Labombard Rd (Tax Map 64, Lot 21), Chaloux Properties, LLC, 25 Labombard Rd (Tax Map 64, Lot 25), Klubio, LLC, 39 Labombard Rd (Tax Map 51, Lot 14), TLL Realty, LLC, 41 Labombard Rd (Tax Map 51, Lot 1) & Notch Climbing Real Estate, LLC, 33 Labombard Rd (Tax Map 51, Lot 15) zoned IND-L and RL-3: Request for a Conditional Use Permit pursuant to Section 508 of the Lebanon Zoning Ordinance for a proposed Planned Business Park and for Preliminary Major Subdivision approval of a proposed 4-lot subdivision of 0 Etna Road (Tax Map 26, Lot 17). PB2025-03-PMAJCUP**

- City of Lebanon, 0 Barrows Street, Tax Map 77, Lot 106), zoned R-3: Request for a Conditional Use Permit, Site Plan Review, and Major Subdivision approval of a proposed 5-unit cottage development. [PB2025-04-FMAJSPRCUP](#)

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

A MOTION was made by Jeremy Rutter that the applications of Robert & Brenda Owens and Dustin & Tong Fei Meltzer, 163 Meriden Road (Tax Map 121, Lot 6), and 161 Meriden Road (Tax Map 107, Lot 213), zoned R-3, CWM All Waste, LLC, 40 N Labombard Road (Tax Map 51, Lot 10), zoned IND-L, Choice Storage, LLC, 0 Etna Rd (Tax Map 26, Lot 17), CWM All Waste, LLC, 40 N Labombard Rd (Tax Map 51, Lot 10), Chaloux Properties, LLC, 32 Labombard Rd (Tax Map 51, Lot 11), Route 120 Hotel, LLC, 35 Labombard Rd (Tax Map 64, Lot 21), Chaloux Properties, LLC, 25 Labombard Rd (Tax Map 64, Lot 25), Klubio, LLC, 39 Labombard Rd (Tax Map 51, Lot 14), TLL Realty, LLC, 41 Labombard Rd (Tax Map 51, Lot 1) & Notch Climbing Real Estate, LLC, 33 Labombard Rd (Tax Map 51, Lot 15) zoned IND-L and RL-3, and City of Lebanon, 0 Barrows Street, Tax Map 77, Lot 106), zoned R-3 do not have the potential for regional impact. The motion was seconded by Patrick Kennelly.

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. Romano, Ms. Appleton, Mr. Kennelly, Mr. Ford Burley, Mr. Faunce, Mr. Rutter

Voting Against – None

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

3. PUBLIC HEARING ITEMS

- A. Brickyard One Nominee Trust, 174 Hanover Street (Tax Map 48, Lot 4), 0 Hanover Street (Tax Map 48, Lot 2), 0 Hanover Street (Tax Map 48, Lot 1), and 238 Hanover Street (Tax Map 63, Lot 1), zoned R-1, R-O-1, R-3 & 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 November 12, 2024**

Mr. Dave Fenstermacher, ~~and~~ Mr. Jason Plourde (traffic engineer), [and Tom D'Aguiar](#) (all both of VHB) and Mr. Gil Alexio (Brickyard One Nominee Trust), were present on behalf of the applicant.

1 Walkability

2 The group discussed crosswalks at the intersection of
 3 Hanover Street and Old Etna Road and on the west side of
 4 Hanover Street near Evans Drive. Mr. Ford Burley said he'd
 5 like plans for the sidewalks and crosswalks area to be
 6 included in the plan set. Mr. Corwin said ~~these~~that could be
 7 made conditions of approval.

8
 9 Mr. Rutter said there are references to an island related to the
 10 crosswalk plan at Hanover and Old Etna, but he said he did
 11 not see it on the map. Mr. Fenstermacher added the drawing
 12 of the island in red (see image at right). He noted that the
 13 right of way for the property on that corner is for the garage.

14
 15 Mr. Corwin said they can craft conditions precedent where
 16 the applicant can come back to the Board with final designs
 17 related to one or more conditions. Chair Faunce noted he was
 18 not aware of a full walkability presentation being provided
 19 previously by the applicant. Mr. Fenstermacher said detailed
 20 plans for these crosswalk possibilities will be provided. The
 21 group discussed lighting and other safety considerations at
 22 these crosswalks.

23
 24 Mr. Ford Burley asked if the applicant could add some lighting, signage, or other improvements to
 25 make the pedestrian bridge more welcoming for the residents living in the new complex and
 26 encourage them to use the pedestrian bridge. The group discussed who the owner of the
 27 surrounding area is and what wetlands may be involved. Mr. Corwin said he'd investigate the
 28 specifics about the land at the entrance to the pedestrian bridge.

29
 30 Mr. Kennelly asked whether crossing guards will be added to both proposed crosswalk areas. He
 31 asked if this could be made a condition of approval. Mr. Corwin said he thought the City hires
 32 crossing guards, not the school.

33
 34 Mr. Sean Dietrich of the Lebanon Pedestrian & Bicycle Committee asked if the parking spaces
 35 that have been added for walkers to use the trails are open to the public. Mr. Fenstermacher
 36 confirmed they are open to the public. Mr. Fenstermacher asked if the applicant would commit to
 37 working with Dartmouth to clear a trail leading from the parking lot to the trails to make them
 38 more accessible. Mr. Dietrich said the applicant has committed to the 6 parking spaces for public
 39 access and a connector trail to the existing trail network. He said they have not committed to a trail
 40 beyond the property line.

41 Traffic

42
 43 Mr. Stacy asked why on Table 7 the level of service will drop from an E to an F for the westbound
 44 approach of Evans Drive at the intersection of Evans Drive and Hanover Street, when it appears
 45 that residents will drive straight out of the development and onto Evans Drive.



Mr. Plourde said an additional leg to the Evans Dr / Hanover St intersection will be added (to total four) and that affects the operations of the intersection. He said all the vehicles on that street will be in one lane, so if the lead vehicle at the intersection is turning left, that will affect all the cars behind it if the left turn is not easily attained. He said that is the reason they are proposing an all-ways stop at this intersection because it forces motorists to stop and allow cars in that single lane to proceed more quickly. Mr. Plourde explained the engineering complications related to widening the lanes at that intersection. The group discussed other possible alternative ways to design/engineer the intersection.

~~He~~ Mr. Plourde said the traffic study did take pedestrian activity at that intersection into consideration, but not the proposed crosswalk. He said the traffic volumes quoted in the study are most likely higher than what New Hampshire DOT would see. He said he feels comfortable saying that the current traffic volume may not be seen in the future.

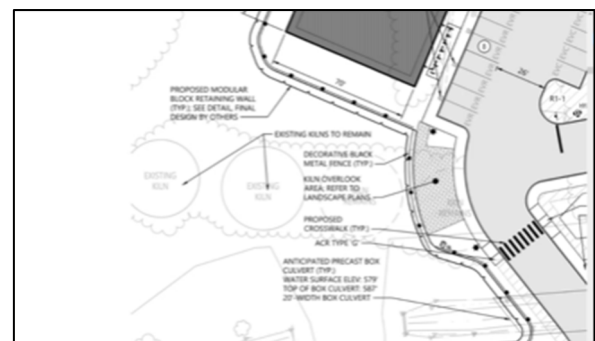
Mr. Douglas Ostler (Weston & Sampson) said his firm ~~has been~~ is contacted by the Planning Board to provide peer review and recommendations regarding the development. He said they did discuss the benefits of the all-ways stop versus adding additional lanes to this intersection. He said they agreed with the proposal that the all-ways stop was better, particularly for the safety of school-age pedestrians and bikers of any age.

Mr. Plourde said that the traffic study has been submitted to Chris Turgeon at the NHDOT District Office. The group discussed the impact that the Route 120 Study and the improvements that are proposed ~~therein~~ may have on the project.

Historic Resources

The group discussed the kilns and how to make them safely accessible to the public. Mr. Ford Burley said he did not feel like an overlook was enough and ground-level access would be better. The group discussed whether the applicant would ~~provide~~ preserve the kilns and commit to maintenance of the kilns in perpetuity. Ms. Romano suggested a condition of approval ~~specifying that~~ these historic resources will not be destroyed after the project is completed.

Mr. Alexio said two kilns will be preserved and cared for and agreed to a condition of approval for maintenance of these kilns. He said they were looking into adding glass doors so the public can look into them, ~~but that so~~ residents will not be ~~allowed~~ inside. He said they are also considering QR codes on the signage so people can access an app to learn more about the history of the kilns and the brickyard. Mr. Ford Burley said a condition of approval could be to ask for a comprehensive plan for maintenance and care. Mr. Alexio said some of the brick from the kilns that had collapsed may be considered for use in the lobby of the buildings. Ms. Romano noted that some of the people who may have worked at the brickyard may still be living in the area and they could be consulted regarding the work that may need to be done on the site.



1 Natural Resources

2 Chair Faunce said there have been concerns raised regarding the inflow and outflow of the pond
3 on the site and suggested a condition of approval related to the maintenance and inspection of the
4 pond could be added. ~~Mr.~~ Mr. Fenstermacher said this [project](#) will have an AOT Permit associated
5 with it and, as part of the AOT permit, there are regular operation and maintenance inspections
6 required.
7

8 Chair Faunce asked if an access management [plan](#) (for recreational use of the pond) has been
9 developed. Mr. Alexio confirmed that they do not want people in the pond. He noted that deeds
10 for the houses directly in front of the pond (on Hanover St) include access to the pond. He said
11 they use the pond at their own risk, and he cannot stop them from using it. He said he will be
12 talking to their attorneys regarding liability for the use of the pond (if it is as an ice rink or for
13 fishing). Mr. Corwin said they could discuss at another time whether the City should be concerned
14 whether the developer has a risk management plan related to the pond.
15

16 Mr. Rutter asked if there was any garbage in the pond. Mr. D'Aguiar said they will analyze the
17 hydraulic connection of these streams, the overall watershed, the pond, and the outlet culvert to the
18 south as it goes to the adjacent property. He said they will be submitting the bathymetric cross
19 sections to the state as part of a larger study that the state will look at, which will help determine
20 the final size and design of these wildlife crossings and culverts. He said the City will receive a
21 copy of this study. Mr. Rutter noted that he has not seen any comments about the soil conditions.
22 Mr. Fenstermacher said ~~they did~~ [the applicant had performed](#) a Phase I [environmental](#) review.
23

24 Mr. Ford Burley asked about ownership of the open space. He said the regulations seem to require
25 specified ownership of the open space. Mr. Fenstermacher said the [applicant](#) ~~y~~ would [provide](#) ~~do~~ a
26 defined easement. Mr. Ford Burley said the site plan needs to include how the open space is
27 delineated and defined. Mr. Fenstermacher said signage will be added and those details will be
28 added to the site plan.
29

30 Mr. Fenstermacher said there is no real development plan right now for the lot above the
31 development that has been defined. Mr. Ford Burley asked if the townhouse construction could
32 begin after Phase 3A instead of 3D. Mr. Fenstermacher said the phasing plan is being updated.
33

34 Chair Faunce said the next meeting will cover the following:

- 35 • Clarification of waivers still in place
 - 36 • ~~Cleaning up~~ [clarifying](#) the phasing
 - 37 • Crafting language of the conditions of approval
- 38

39 Chair Faunce suggested that the Board should read the information provided about the waivers,
40 phasing plan, and the draft conditions of approval and be ready to discuss them at the next
41 meeting.
42

43 The results of a straw poll showed that enough members of the Board would be available to make
44 a quorum if they met on December 17, 2025. The group decided to hold a special meeting on
45 December 17, 2025 at 7:00pm ~~in~~ [at](#) City Council Chambers to discuss these items.
46

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

2 Chair Faunce closed the public comment portion of the meeting.

3 Mr. Fenstermacher said he will submit a written request for a 40-day extension to Staff.

5 At 8:05pm, Chair Faunce called for a brief recess.

6 At 8:14pm, the meeting resumed.

8 **B. 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 - Postponed from November 12, 2024**

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

17 *A MOTION was made by Richard Ford Burley that the application of Lebanon Housing Authority, 31 Romano Circle (Tax Map 101, Lot 20), zoned R-2 is complete enough for the Planning Board to accept jurisdiction and commence review. The Motion was seconded by Jeremy Rutter.*

22 **Roll Call Vote:**

23 ***Voting For – Ms. Romano, Ms. Appleton, Mr. Kennelly, Mr. Ford Burley, Mr. Faunce, Mr. Rutter***

25 ***Voting Against – None***

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

29 Mr. Jeff Merritt (Granite Engineering), [Ms. Ditha Alonzo](#) (Executive Director of LHA), [Mr. Jerry Wuebbolt](#) (Right Track Design), [and Mr. Justin Daniel](#) (Granite Engineering) were present on behalf of the applicant.

33 Mr. Merritt gave an overview of the project. He said the City Council voted to make Romano Circle a private road. He said the Lebanon Housing Authority is seeking to build an office building on the campus. He noted the applicant is requesting a waiver of Section 6.2.D, which requires 10 feet of landscaping around the building. He said they are requesting the waiver because there is not 10 feet of space [available for plantings](#) on one side of the building.

39 Ms. Romano noted that it was revealed during a past project that the LHA did not realize that stormwater mitigation areas were not being properly maintained. Mr. Merritt confirmed that those areas (which have since been reconstructed and rehabilitated) will now be maintained for their intended purpose.

44 ***A MOTION was made by Richard Ford Burley that, for the application of Lebanon Housing Authority, PB2024-41-SPR, the Lebanon Planning Board approves partial waivers from the following sections of the Site Plan Review Regulations:***

- 1 • **Section 6.2.B – perimeter landscaping requirements**
- 2 • **Section 6.2.D – landscaping around buildings requirements**
- 3 • **Article VI – design requirements as applied to the property outside of the proposed**
- 4 **development area**

5

6 ***The Motion was seconded by Eric Stacy.***

7

8 ***Roll Call Vote:***

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

10 ***Rutter***

11 ***Voting Against – None***

12

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

14

15

16 Mr. Corwin noted that a draft motion, prepared for the approval of the site plan, has been provided

17 to the Board. He said a few exceptions have been highlighted in yellow that are related to third-

18 party review.

19

20 He said the following sentence has been added to Condition #15:

21 *“If the City Engineer performs the on-site inspection as set forth in Condition 18, the reviewing*

22 *engineer fees shall be paid prior to the issuance of a Certificate of Occupancy.”*

23

24 He read the following second paragraph, which was added to the General Condition #18:

25 *“Alternatively, at the discretion of the Department of Public Works, the applicant shall coordinate*

26 *with the City Engineer to observe the installation of the site infrastructure. Such coordination*

27 *shall include preparing a tentative construction schedule and agreeing to provide the City*

28 *Engineer a minimum of 7 days’ notice prior to a required or requested inspection. The City*

29 *Engineer’s time shall be billed to the applicant in accordance with Section 4.7.E.1 of the Site Plan*

30 *Review Regulations and shall be paid pursuant to Condition 15.”*

31

32 And he read a new Condition #24:

33 *“The applicant shall provide digital as built plans (PDF format and CAD .dwg format using NH*

34 *State Plane Coordinate system) to the satisfaction of the Department of Public Works and to the*

35 *Planning & Development Department.”*

36

37 ***A MOTION was made by Richard Ford Burley that the Lebanon Planning Board approve the***

38 ***application of Lebanon Housing Authority regarding 31 Romano Circle (Tax Map 101, Lot 20),***

39 ***zoned R-2, PB2024-41-SPR, for Site Plan approval to construct a +/- 3,882 sq ft. two story***

40 ***accessory office building for the existing multi-family complex together with associated site***

41 ***improvements, as shown on a plan set titled “Residential Site Plan – Lebanon Housing***

42 ***Authority,” prepared by Granite Engineering, LLC, dated 10/14/24, revised 11/25/24 (15***

43 ***sheets), including any and all submissions and testimony provided for and during the public***

44 ***hearing.***

45

In support of its decision, the Board finds that the applicant has submitted plans, testimony, technical data, information, reports, and studies – variously prepared by a professional civil engineer, a licensed land surveyor, an architect, and a licensed landscape architect – that together satisfactorily demonstrate compliance with the applicable requirements of the Site Plan Review Regulations, except as may reasonably be addressed through the imposition of certain conditions of approval, set forth below, and except as may have been waived pursuant to Section 7.1.

This approval is subject to the conditions as set forth in the December 09, 2025 Planning Board meeting agenda packet, and subject to the amendments read out by Mr. Tim Corwin.

The Motion was seconded by Jeremy Rutter.

Roll Call Vote:

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

Voting Against – None

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

C. 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 - Postponed to January 13, 2025

D. 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 - Postponed to January 13, 2025

A MOTION was made by Andrew Faunce to postpone Agenda Items 3C and 3D (Grafton County Senior Citizens Council, Inc., ~~Lincoln's~~ City of Lebanon, and ~~Psychotic~~ Cicotte Holdings LLC, ~~Council Chambers~~ 51 Evans Drive) to the January 13, 2025 Planning Board meeting at City Council Chambers at 6:30pm. The Motion was seconded by Richard Ford Burley.

Roll Call Vote:

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

Voting Against – None

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

4. CONCEPTUAL REVIEW

A. Choice Storage, LLC, 0 Etna Rd (Tax Map 26, Lot 17), CWM All Waste, LLC, 40 N Labombard Rd (Tax Map 51, Lot 10), Chaloux Properties, LLC, 32 Labombard Rd (Tax Map 51, Lot 11), Route 120 Hotel, LLC, 35 Labombard Rd (Tax Map 64, Lot 21), Chaloux Properties, LLC, 25 Labombard Rd (Tax Map 64, Lot 25), Klubio, LLC, 39 Labombard Rd (Tax Map 51, Lot 14), TLL Realty, LLC, 41 Labombard Rd (Tax Map 51, Lot 1) & Notch Climbing Real Estate, LLC, 33 Labombard Rd (Tax Map 51, Lot 15) zoned IND-L and RL-3: Conceptual Review of a proposed Planned Business Park and Major Subdivision. PB2024-47-CON

Mr. Jay Champion and Mr. Dan Nash (Advanced Geomatics & Design) were present on behalf of the applicant.

Mr. Champion gave an overview of the project, which he confirmed he has presented for conceptual review to the Planning Board at a previous meeting. He said the project location has been “flipped around” on the site to accommodate the topography.

Mr. Champion explained the privately funded TIF that has been proposed for this project. The group discussed what may be involved in a TIF at length. The Board agreed that it will need a lot more information about this type of funding arrangement and agreed to discuss this in more detail at another meeting.

Mr. Champion explained why the project is proposed as a Planned Business Park. He said the plan is to include some owned properties in the residential portion.

Ms. Romano noted that, during previous presentations of this project, there was some discussion about the fact that the wildlife corridors run directly through the proposed recreation sites for children. She said Mr. Champion said he would do some further research into how to deal with that situation. Mr. Champion said there are proposed clarifications in the zoning amendments package that clarify exactly how that is to be treated. Mr. Champion said the land identified for recreation areas would be given to the City and it would be the City’s decision on how to use that land.

The group discussed the possible feedback that the Conservation Commission will provide after it reviews the location of the wildlife corridor as related to this project site. They also discussed the impact that the zoning amendments may have on how the project progresses. Mr. Champion said he would submit a formal application for the Board to review for completeness in January.

5. STUDY ITEMS

A. Review of Proposed Amendments to the Zoning Ordinance and Zoning Map

Mr. Reichert explained why changing the zoning to GC1 for the area near Route 120 (as proposed) would be good for the area. He said the GC1 zoning would create more of a neighborhood in the area, as opposed to the Industrial character that exists today. The group discussed possibly changing the allowed uses for the GC1 zones. The group agreed to review the latest amendments and discuss them at the December 17 Special Planning Board meeting.

6. OTHER BUSINESS**A. Review of 2025 Planning Board Meeting Calendar**

Mr. Corwin reminded the group about the annual meeting ~~is~~ in January. He said this is the meeting when Board elections and committee appointments take place. He also noted the following:

- The March 10 meeting was moved to March 17 because of a conflict
- May 27 is Memorial Day so no meeting will be held that day
- October 13 is Columbus Day but City Hall is open so the meeting can be held
- A work session is proposed for the third Monday in August (Aug 18) because Board members are usually not available for the last Monday in August

MEETING DATE* (completeness review & commencement of public hearing)	APPLICATION DEADLINE*	STAFF REVIEW*
JANUARY 13, 2025	DECEMBER 9, 2024	DECEMBER 16, 2024
FEBRUARY 10, 2025	JANUARY 13, 2025	JANUARY 21, 2025* (Tuesday)
MARCH 17, 2025**	FEBRUARY 10, 2025	FEBRUARY 18, 2025* (Tuesday)
APRIL 14, 2025	MARCH 10, 2025	MARCH 17, 2025
MAY 12, 2025	APRIL 14, 2025	APRIL 21, 2025
JUNE 9, 2025	MAY 12, 2025	MAY 19, 2025
JULY 14, 2025	JUNE 9, 2025	JUNE 16, 2025
AUGUST 11, 2025	JULY 14, 2025	JULY 21, 2025
SEPTEMBER 8, 2025	AUGUST 11, 2025	AUGUST 18, 2025
OCTOBER 13, 2025***	SEPTEMBER 8, 2025	SEPTEMBER 15, 2025
NOVEMBER 10, 2025	OCTOBER 13, 2025	OCTOBER 20, 2025
DECEMBER 8, 2025	NOVEMBER 10, 2025	NOVEMBER 17, 2025

*All dates are Mondays except where otherwise noted

**March 10th meeting room conflict for Election Day; meeting moved to March 17th

***Columbus Day – City Hall Open

A MOTION was made by Richard Ford Burley to adopt the 2025 Planning Board Meeting Calendar. The Motion was seconded by Kellen Appleton.

Roll Call Vote:

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

Voting Against – None

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

A MOTION was made by Richard Ford Burley to extend the meeting to 9:40pm. The Motion was seconded by Jeremy Rutter.

Roll Call Vote:

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

Voting Against – None

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

B. Adoption of Proposed Planning Board Rules of Procedure

A MOTION was made by Richard Ford Burley to approve the Planning Board Rules of Procedure as presented. The Motion was seconded by Jeremy Rutter.

Roll Call Vote:

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

Voting Against – None

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

7. APPROVAL OF MINUTES

- October 14, 2025
- November 12, 2025
- November 25, 2025

A MOTION was made by Richard Ford Burley to approve the proposed ~~additions~~ paragraph to the October 14, 2024 Planning Board meeting minutes, written and submitted by Chair Faunce. The Motion was seconded by Jeremy Rutter.

Ms. Romano recused herself from the vote, because she had recused herself from the discussion (during the October 14, 2025 meeting) of the item for which Chair Faunce had written the proposed paragraph. Ms. Romano noted her name was misspelled.

Roll Call Vote:

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

Voting Against – None

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

Mr. Rutter noted several other edits to the rest of the meeting minutes, which had been reviewed by Staff.

A MOTION was made by Richard Ford Burley to accept the additional suggested edits from ~~Jeremy~~ Rutter to the October 14, 2024 Planning Board meeting minutes. The Motion was seconded by Andrew Faunce.

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

A MOTION was made by Richard Ford Burley to approve the October 14, 2024 Planning Board meeting minutes as amended. The Motion was seconded by Jeremy Rutter.

Roll Call Vote:

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

Voting Against – None

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

1
2
3 *A MOTION was made by Richard Ford Burley to postpone review of the November 12, 2024*
4 *and November 25, 2025 Planning Board meeting minutes to the January 13~~7~~, 2025 Planning*
5 *Board meeting. The Motion was seconded by Eric Stacy.*
6

7 *Roll Call Vote:*

8 *Voting For – Mr. Kennelly, Ms. Appleton, Mr. Ford Burley, Mr. Faunce, Mr. Rutter, and Ms.*
9 *Romano*

10 *Voting Against – None*
11

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

14
15 **8. ADJOURNMENT**
16

17 *A MOTION was made by Richard Ford Burley to adjourn the meeting at 9:32pm. The Motion*
18 *was seconded by Eric Stacy.*
19

20 *Roll Call Vote:*

21 *Voting For – Mr. Kennelly, Ms. Appleton, Mr. Ford Burley, Mr. Faunce, Mr. Rutter, and Ms.*
22 *Romano*

23 *Voting Against – None*
24

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

27 The meeting adjourned at 9:32pm.

28 Respectfully submitted,

29 Paula Roux

30 Recording Secretary
31

DRAFT

**LEBANON PLANNING BOARD
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE
TUESDAY, DECEMBER 17, 2024 7:00 PM**

MEMBERS PRESENT: Andrew Faunce (Chair), Richard Ford Burley (Vice Chair), Patrick Kennelly, Jeremy Rutter, Eric Stacy (alt), Brian Ceglarski (alt)

MEMBERS ABSENT: Karen Zook (City Council Rep), Kathie Romano, Kellen Appleton

STAFF PRESENT: Tim Corwin (Deputy Planning Director), Nate Reichert (Director of Planning & Development / Zoning Administrator), Brian Vincent (City Engineer)

1. CALL TO ORDER

Chair Faunce called the meeting to order at 7:02pm. Mr. Corwin reviewed the City's meeting in-person and REMOTE attendance policies and procedures.

2. PUBLIC HEARING ITEMS

- A. Brickyard One Nominee Trust, 174 Hanover Street (Tax Map 48, Lot 4), 0 Hanover Street (Tax Map 48, Lot 2), 0 Hanover Street (Tax Map 48, Lot 1), and 238 Hanover Street (Tax Map 63, Lot 1), zoned R-1, R-O-1, R-3 & 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 December 9, 2024**

Mr. Dave Fenstermacher (VHB) and Mr. Gil Aleixo (Brickyard One Nominee Trust), were present on behalf of the applicant. Mr. Fenstermacher noted that the most significant change to the site plans since the last meeting was the addition of signage and delineation of the site's Open Spaces. He also noted that the team did receive the peer review of the December 05, 2024 plan.

Conditions of Approval

Mr. Corwin stated that draft conditions of approval had been sent to the Board members two hours prior to the meeting. Chair Faunce suggested a recess to give the Board members time to review the document.

1
2 At 7:12pm, Chair Faunce called for a recess.

3 At 7:30pm, the meeting resumed.

4
5 The Board reviewed each draft Condition of Approval. They discussed each and made edits as
6 needed. Chair Faunce noted that, in the absence of Board Members Zook and Romano, Mr. Stacy
7 and Mr. Ceglarski would participate as voting members for any decisions at this meeting.

8
9 Mr. Corwin said the first two conditions were related to the PURD:

10 1. Prior to application for a Building Permit and prior to the start of any construction activities:

- 11
12 a. In order to better aesthetically harmonize the development with the surrounding area and
13 historical character of the site, no less than 20% of the buildings' cladding will have the
14 appearance of red brick; or in the alternative the applicant shall provide final architectural
15 renderings and designs for review by the Planning Board and Heritage Commission to
16 ensure that the legacy of the Densmore Brickyard is appropriately honored.
- 17 b. The applicant shall construct and maintain in perpetuity to a reasonable standard of
18 access the trail listed on Sheet C2.3 "Layout and Materials Plan 3" as "Approx. Upper
19 Valley Bike Association Trail Connection" and shall work with the City and relevant
- 20 c. The applicant shall work with the City and, as needed, the NH Department of
21 Transportation, to design and implement landscaping and other aesthetic changes to the
22 pedestrian access from the southern access road, due south along Hanover Street, to the
23 pedestrian bridge over I-89, in order to better integrate the development into the
24 surrounding neighborhood per Section 501.1.G.1 of the Zoning Ordinance, as well as to
25 create a visual sense of connection with the Lebanon downtown.
- 26 d. The applicant shall provide satisfactory responses to any/all outstanding Planning &
27 Development Department Staff comments or requests conveyed by Staff memo, email, or
28 other documentation, including but not limited to the applicable PURD comments made
29 via e-mail sent on November 11, 2024, and comments made regarding the project's
30 compliance with the PURD open space regulations as set forth in an e-mail sent on
31 December 8, 2024 from the Planning & Development Department to the applicant.
- 32 e. Per Section 501.1.F.7.b of the Lebanon Zoning Ordinance, the applicant shall, in the
33 absence of lot lines delineating the open space as depicted on Sheet C1.2 "Open Space
34 Plan," amend Sheet C1.2 to show the means of physical delineation and distinguishing of
35 the open space from the other areas of the development.

36 Mr. Fenstermacher said brick will be used for the buildings, perhaps in the lobbies and accent
37 walls in the interior of the buildings. Resident Margie Godfrey (Dartmouth Ave) said she was glad
38 to see the use of brick for the project, which honors the former Brickyard. She said the trails and
39 wildlife patterns in the area have been adversely impacted in recent years. She said maintenance
40 of the trails has been less than conducive to nurturing. She suggested the Board ensure that the
41 Conservation Commission and NH Fish & Game are aware of the activity related to this project.

42 Mr. Corwin noted that Condition #2 (below) was suggested by the Heritage Commission and has
43 been discussed with Staff and the applicant prior to this meeting:

44 2. Prior to issuance of a Certificate of Occupancy:

- 45 a. The applicant shall prepare and record an open space covenant or deed restriction
46 for the open space as depicted on the approved plan set. The open space
47 covenant or restriction shall satisfy the requirements of Section 501.1.F of the
48 Zoning Ordinance and shall be in a form and content acceptable to the Planning
49 and Development Department and the City Attorney. The open space boundaries
50 shall be described in metes and bounds.

- 1
2 b. The applicant shall adequately document the structure and current condition of the
3 kilns. The applicant (and any subsequent property owner) shall make reasonable
4 efforts to maintain the structural integrity of the kilns (labeled "Existing Kilns" in the
5 PURD approved plan set) in perpetuity. The applicant and any subsequent
6 property owner shall allow and maintain pedestrian access to the kiln area, and
7 such access shall be open to the public. In collaboration with the city, the applicant
8 shall produce interpretive materials to document the history of the site and to
9 educate the public.

10
11 Resident Jenny Lamb asked what the commitment of the applicant is to ensure the safety and
12 integrity of the kilns. She asked what happens if they do not uphold their commitment. Chair
13 Faunce said interior access to the kilns by the public has been requested but is not a Condition of
14 Approval. Mr. Corwin said penalties/fees would be enforced if the applicant violates any
15 conditions of approval. Mr. Fenstermacher said it has been a desire of the applicant to preserve the
16 kilns and make them accessible to the public.

17
18 The group reviewed the proposed General Conditions of Approval.

19
20 **General Conditions**

- 21
22 1. This approval is based on all plans and materials provided by the applicant and included in the
23 July 8, 2024, August 12, 2024, September 9, 2024, October 14, 2024, November 12, 2024,
24 December 9, 2024 Planning Board meeting agenda packets. The materials included with the
25 agenda packet for the December 17, 2024 special meeting of the Planning Board will be reviewed
26 by staff to verify the project's compliance with the conditions below, in addition to any other revised
27 materials submitted by the applicant following the issuance of this decision in response to the
28 conditions of approval set forth below.
- 29 2. This approval shall automatically expire and be deemed void upon failure to meet any of the
30 conditions of approval set forth herein within the timeframes specified. It shall be the applicant's
31 responsibility to be familiar with and aware of these conditions of approval, and it shall be the
32 applicant's responsibility to satisfy these conditions of approval and to satisfy them within the
33 relevant timeframes outlined below.
- 34 3. The development is subject to the Site Plan Review Regulations adopted May 13, 1991, last
35 revised January 23, 2023, and the Zoning Ordinance adopted January 16, 2013, last amended
36 April 3, 2024, which are the regulations in effect at the time the application was submitted.
- 37 4. Pursuant to Section 4.10.A of the Site Plan Review Regulations which permits the Board, for good
38 cause, to specify an alternative timeframe for obtaining a Building Permit, a building permit must
39 be applied for *and issued* for each building by the following dates, subject to an extension if
40 applied for by the applicant and if approved by the Planning Board per Section 4.10.B:
- 41
42
43
44

- a) Maintenance Building: February 1, 2026
 - b) Building 1: March 1, 2026
 - c) Building 2: March 1, 2027
 - d) Building 3: March 1, 2028
 - e) Building 4: March 1, 2029
 - f) Building 5: March 1, 2030
 - g) Townhouse Cluster 8: March 1, 2027
 - h) Townhouse Cluster 7: September 1, 2027
 - i) Townhouse Cluster 6: March 1, 2028
 - j) Townhouse Cluster 5: September 1, 2028
 - k) Townhouse Cluster 4: March 1, 2029
 - l) Townhouse Cluster 3: September 1, 2029
 - m) Townhouse Cluster 2: March 1, 2030
 - n) Townhouse Cluster 1: September 1, 2030
5. "Active and substantial development," as defined in Section 8.4.A.1 of the Site Plan Review Regulations, shall be achieved within two (2) years of the date of this approval (8.4.A.2), subject to an extension if applied for by the applicant and if approved by the Planning Board per Section 8.4.A.3. If active and substantial development is not achieved within two (2) 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. "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.
7. 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.
8. The applicant shall implement and maintain NHDES Site Specific Best Management Practices before, during, and after construction.
9. 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.
10. 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).
11. 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 of the Site Plan Review Regulations.
12. Changes to underground utilities that do not impact surface conditions may be approved administratively unless determined by the City Engineer and the Planning & Development Department to materially alter the development and the approved site plan, in which case such changes shall be reviewed pursuant to Article IX of the Site Plan Review Regulations.
13. Pursuant to Section 5.1.E.14 of the Site Plan Review Regulations, any future proposed ground-mounted / freestanding signage for the development that does not appear on the approved plan set shall require an amendment to the approved site plan set pursuant to Article IX of the Site Plan Review Regulations, as well as compliance with Section 608 of the Zoning Ordinance.
14. The developer's contractor shall limit off site construction activities during school arrival in the mornings (typically between 7:00 am to 8:15 am) and school dismissal in the afternoons, while school is in session, and shall coordinate with the office of the school district superintendent.

1 15. In lieu of installing sidewalks along the entire property's frontages as required by Section 6.5.D.5
2 of the Site Plan Review Regulations, the applicant shall:

3 a) Construct sidewalks as proposed on the approved site plans, prepared by VHB and as
4 amended based on comments received from the Reviewing Engineer. These comments
5 include extending the proposed sidewalk an additional 200 feet south along the west side
6 of Hanover Street Extension terminating at a painted crosswalk which extends to existing
7 sidewalk on the easterly side of Hanover Street Extension immediately adjacent to the site
8 driveway to Lebanon High School.

9 b) Contribute funds to an amount to be determined by the City to be equal to the cost of the
10 sidewalk no longer than the balance of the frontage of the applicant's property along
11 Hanover Street Extension. Said monies may be pooled with other funds from properties
12 within the corridor to pay for the development of a coordinated plan for or construction or
13 rehabilitation of pedestrian facilities in the vicinity of Hanover Street Extension.

14 16. The applicant shall coordinate the final proposed design of the Old Etna Rd/Hanover St Ext and/or
15 the Hanover Street crossing recommended by the Reviewing Engineer, and Evans Dr/Hanover
16 St Ext intersection improvements (as conceptually depicted in the approved plan set) with the
17 Department of Public Works and the Planning & Development Department, with review and
18 advisory comment by the Lebanon Pedestrian and Bicyclist Advisory Committee.

19 17. The applicant shall make and maintain reasonable improvements (landscaping, signage, street
20 striping/graphics, etc.) between the development's southern entrance to the I-89 Pedestrian
21 Bridge to improve the aesthetic and promote public recognition of that important means of
22 connection into Lebanon Downtown. The applicant shall develop a plan in coordination with the
23 Department of Public Works, the Planning & Development Department, and as needed, the NH
24 Department of Transportation, to contribute to the enhancement of the aesthetics of the existing
25 Pedestrian Bridge. Unless otherwise agreed to by the Department of Public Works, the applicant
26 shall be responsible for maintaining all such improvements.

27 18. The applicant shall address any outstanding comments from Weston & Sampson regarding the
28 applicant's traffic study and related design improvements, including but not limited to the
29 recommendation that the driveways shall be designed to allow any garbage trucks and firetrucks
30 that may arrive southbound on Hanover Street Extension to turn right into the site without being
31 required to stop and wait for exiting traffic to move.

32 19. A water pressure and flow test on Hanover Street Extension shall be completed by the applicant
33 to be witnessed and approved by the Lebanon Fire Department and the Department of Public
34 Works.

35 20. The applicant shall address all comments set forth in the letter dated December 9, 2024, from
36 Steve Keach, PE, of Keach-Nordstrom Associates, Inc., to the satisfaction of the City Engineer.
37 Any substantive changes to the approved site plan that result from the applicant's response to
38 the Reviewing Engineer's comments shall require review and approval by the Planning Board.

39 21. The applicant shall provide satisfactory responses to any/all outstanding Planning Staff comments
40 or requests conveyed by Staff memo, email, or other documentation, including but not limited to
41 the 32 comments made via e-mail sent on November 11, 2024.

42 22. The applicant shall demonstrate satisfactory compliance with the requirements of Section 6.2
43 (landscaping) and Section 6.7 (lighting) of the Site Plan Review Regulations.

44 23. The interior access drive shall be named and the buildings and dwelling units shall be given
45 addresses in accordance with City of Lebanon policies and procedures.

24. The applicant shall satisfactorily address the following comments of the Lebanon Fire Department:
 - a) Sheet 9.1: the Fire Department Vehicle Tracking does not show any tracking path into or out of Building 1. The applicant shall confirm that the entrance/parking design continues to conform to all applicable Fire Code requirements.
 - b) Sheet 9.1: the Applicant shall confirm that a fire engine is able to access the rear parking lot behind Building 4 in the event of a car fire.
25. The applicant shall verify whether the US Postal Service will require a mail kiosk and, if so, shall update the plan set accordingly.
26. Condition #1 of the concurrent PURD Conditional Use approval shall be satisfied.
27. Within 45 days of the Planning Board's approval, the applicant shall make the following revisions to the plan set to the satisfaction of the Planning and Development Department and the City Engineer:
 - a) Any changes necessitated in response to Condition #1 of the concurrent PURD Conditional Use approval.
 - b) Any changes necessitated in response to any of the preceding Site Plan conditions of approval (i.e. #1-#26), as applicable.
 - c) Add plan notes and update plan set as needed to memorialize and reflect the preceding conditions of approval (i.e. #1-#26), as applicable.
 - d) Provide a 5 ft. wide easement along the property frontage for potential future sidewalk improvements. (Section 6.5.C.5.c)
 - e) Add a plan note indicating that the trailhead parking will be available for use by the general public.
 - f) Replace phasing plan sheets with a building permit schedule sheet in accordance with Condition of Approval #3.
 - g) Conferring with the Heritage Commission, identify names of multi-family buildings utilizing historic names associated with the Densmore Brickyard.
 - h) Amend the cover sheet to provide description of plan revisions (5.1.E.4.d).
- The applicant shall provide the Planning and Development Department a digital copy of the revised plan set saved in a PDF-A format for archival purposes.
28. The applicant shall provide a letter or certification from the engineer or record or other qualified design professional confirming that the approved plan set meets the accessibility standards of the State of New Hampshire Building Code.
29. Prior to any construction activities and prior to the application for a Building Permit, the applicant shall apply to the Planning and Development Department for a voluntary merger of the subject properties. Upon approval, the voluntary merger shall be recorded at the Grafton County Registry of Deeds.
30. The applicant shall schedule and hold a pre-building permit application meeting with the Planning and Development Department, City Building Inspectors, City Engineer/Department of Public Works, and Fire Department, in order to help streamline the building permit review process and to review applicable code requirements.
31. The applicant shall obtain approval from the City Council or the City Manager's office for any additional water and/or sewer flows in accordance with the applicable Chapter 136 and 182 of the City Code.
32. All engineering review fees shall be paid in full as required by Section 4.7.E.1 of the Site Plan Review Regulations. (Note: applicant can request an invoice from the Department of Public Works).
33. If required by the Department of Public Works, the applicant shall apply for and obtain an Excavation Permit, Driveway Permit, and Stormwater Permit.

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

34. The applicant shall create and support a scheduled maintenance plan in accordance with state and local regulations for maintaining inflow and outflow of water from the pond, paying particular attention to those sections over which new driveways will be constructed.
35. The applicant and future landowners shall put in place and maintain reasonable controls for regulating access to the pond perimeter and the pond itself.
36. Prior to the start of any construction activities on the property, the applicant shall provide a performance guarantee pursuant to Section 8.3 of the Site Plan Review Regulations in an amount and form acceptable to the Department of Public Works and the City's legal counsel, to serve as a financial surety for: site restoration in the event of abandonment; installation and maintenance of appropriate erosion and sedimentation controls throughout construction; and full and final completion of public improvements and/or work within the public right-of-way at Hanover Street.
35. The applicant shall put in place and maintain reasonable controls for regulating access to the pond perimeter and the pond itself.
36. Prior to the start of any construction activities on the property, the applicant shall provide a performance guarantee pursuant to Section 8.3 of the Site Plan Review Regulations in an amount and form acceptable to the Department of Public Works and the City's legal counsel, to serve as a financial surety for: site restoration in the event of abandonment; installation and maintenance of appropriate erosion and sedimentation controls throughout construction; and full and final completion of public improvements and/or work within the public right-of-way at Hanover Street.
37. Prior to the start of any construction activities on the property for which construction inspection is required pursuant to this decision or any applicable ordinance or code, the City shall retain the services of an independent third-party inspector, for which the applicant shall be responsible for all inspection fees related to (a) on-site work related to sewer, water, temporary sedimentation and erosion control, and drainage improvements, and (b) all off-site work within the City's right-of-way (including but not limited to water, sewer, driveways, drainage), in accordance with Section 8.2 of the Site Plan Review Regulations. The applicant shall provide funding for inspection services in a form and amount acceptable to the City and shall sign an Infrastructure Inspection Agreement.
38. The applicant shall request approval pursuant to City Code Chapter 182, Section 182-40.B, to extend the water main from Hanover Street Extension through the development. The applicant shall request that the City Council, at the time of approval of the connection of the utilities, delegate to the City Manager the authority to accept on the City's behalf, a conveyance, which would include the water mains and hydrants within the development, excluding service connections beyond the curb shut-off valves, and all appropriate easements for their continued maintenance by the City, such conveyance to be recorded prior to acceptance of any utility improvements by the City.
39. The applicant shall sign a Water Extension Agreement in accordance with Chapter 182 of the City Code.
40. Prior to the start of any construction activities on the property, the applicant shall record in the Grafton County Registry of Deeds notice of the stormwater management and erosion and sediment control plans as required per Section 6.6.H.2.d of the Site Plan Review Regulations. Such notice shall be reviewed by the Planning & Development Department prior to recording.
41. The development shall be subject to City of Lebanon Impact Fees, pursuant to Section 213 of the Zoning Ordinance. The Impact Fee shall be calculated at the time of Building Permit issuance based on the Impact Fee Schedule adopted on May 20, 2024. In accordance with RSA 674:39, the approved site plan shall be exempt from any future changes in impact fees and methodology for five years from the date of approval; however, any building permits which are issued after the end of that five-year period shall be fully subject to whatever impact fees and methodology are in effect at the time of building permit issuance.

- 1 42. All water and sewer fees shall be paid as set forth in City Code Chapter 68.
- 2
- 3 43. If required by the Department of Public Works, the applicant shall obtain an Excavation Permit,
- 4 Driveway Permit, and Stormwater Permit.
- 5
- 6 44. Prior to the start of any construction activities on the property, the applicant shall obtain or update
- 7 (if appropriate) any required Federal or State approvals, including but not limited to:
- 8 a) EPA Stormwater Pollution Prevention Plan (SWPPP)
- 9 b) NHDES Sewer Connection Permit
- 10 c) NHDES Wetlands Permit
- 11 d) NHDES Alteration of Terrain Permit

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

- 13 45. Condition #2 of the concurrent PURD Conditional Use approval shall be satisfied.
- 14
- 15 46. The applicant shall dedicate the completed water mains and the on-site hydrant(s), excluding
- 16 service connections beyond the curb shut-off valves, to the City for ownership and maintenance,
- 17 subject to appropriate easements. Said conveyance and easements shall be approved by the
- 18 City Attorney and the Department of Public Works and recorded in the Grafton County Registry
- 19 of Deeds prior to the issuance of a final Certificate of Occupancy for the project and prior to the
- 20 acceptance of the utility improvements. The easement shall be described in metes and bounds in
- 21 the easement deed and on the easement plan. Said easement shall not be recorded until
- 22 satisfactory completion of Condition of Approval #51 requiring the provision of as built plans.
- 23
- 24 47. The Applicant shall perform maintenance on the existing 48" CMP culvert that will be used for
- 25 stormwater discharge of the project site, which also extends across Hanover Street Extension, to
- 26 include both clearing of the culvert inlet and outlet of debris, and restore the condition of the
- 27 headwall, to minimize the risk of culvert failure (capacity) to the satisfaction of the City Engineer
- 28 and the Planning & Development Department. In addition, the applicant shall perform an
- 29 inspection of the invert of the existing culvert and report its condition, in writing, to the City
- 30 Engineer for review. The City will coordinate access to the right-of-way and any abutting property
- 31 for maintenance. Maintenance activities shall be in accordance with NHDES standards.
- 32
- 33 48. The applicant shall implement all recommendations set forth in the applicant's traffic study.
- 34
- 35 49. One (1) year following the issuance of a certificate of occupancy of Building 3 and then again one
- 36 (1) year after the issuance of a certificate of occupancy of the final building in the development,
- 37 the applicant shall prepare a post-construction traffic study. Based on the traffic evaluation results,
- 38 the applicant shall be required to work with the Lebanon Police Department, the Department of
- 39 Public Works, and the Planning & Development Department to identify and provide additional
- 40 mitigation to ensure safe and efficient traffic patterns at the intersections studied. The applicant
- 41 shall post a performance security with the City of Lebanon in an amount adequate to cover the
- 42 cost of traffic evaluation to ensure its satisfactory completion pursuant to this condition. Pursuant
- 43 to the recommendation of the Lebanon Pedestrian and Bicyclist Advisory Committee,
- 44 traffic/pedestrian/bicycle counts for the post-construction traffic studies shall be performed in
- 45 September or May.
- 46
- 47 50. The impact fee calculated pursuant to Condition of Approval #41 shall be paid.
- 48
- 49 51. Third-party engineer or design engineer inspection reports and as-built drawings provided by the
- 50 applicants (PDF format and CAD .dwg format, using the NH State Plane Coordinate System),
- 51 including tie sheets, shall be reviewed and approved by the City Engineer.
- 52
- 53 52. All improvements depicted on the plan shall be completed, and shall be constructed as depicted
- 54 on the approved plan, including any modifications to the plan as may be approved by the Planning
- 55 Board in accordance with the Site Plan Review Regulations.

1 The group discussed what “active and substantial” development and completion mean (**Conditions**
2 **5&6**). Mr. Stacy asked what happens if the market turns after the first few buildings are built -
3 could Buildings 4 & 5 not be built because of adverse market conditions. Mr. Alexio said it is hard
4 to say because they do not know what the market will be like in the future.

5
6 The group discussed how to determine the appropriate hours to limit construction (**Condition 14**).
7 Resident Margie Godfrey suggested the Board consult the School Board. Resident Bill Lamb
8 suggested mandatory penalties be enforced if work is done outside permitted hours.

9
10 Mr. Colin Smith, Chair of the Lebanon Pedestrian & Bicycle Committee, said the conditions
11 related to sidewalks (**Condition 15**) are what was suggested by his committee.

12
13 Mr. Corwin said lighting is not specifically addressed in **Condition 16**, but the Board can add
14 specifications. He suggested a review of lighting designs for the crosswalks could be conducted.

15
16 Resident Margie Godfrey said it would be a wonderful commitment of the applicant to rehabilitate
17 the pedestrian bridge (with more than just aesthetic changes) near the project site (**Condition 17**).
18 The group discussed whether the bridge is owned/maintained by the City or the state. Chair Faunce
19 said he had no concrete idea about how to craft a condition for a commitment by the applicant to
20 maintain more than the aesthetic aspects of the bridge.

21
22 The group discussed the traffic study (**Condition 18**) completed by the applicant. Mr. Stacy said
23 he conducted his own study at the intersection of Wolf Road and Old Etna Road from 7am to 8am
24 on a Friday. He said he was surprised to see there was little to no traffic at that time at that
25 intersection. He said he no longer has concerns about that intersection not being included in the
26 traffic study. Resident Kathy Harrington said she lives on Mt. Support Rd. and she said traffic
27 backs up from Evans Dr. all the way to Hanover Street, almost to the Hypertherm during the 5pm
28 hour. She said it would be a good idea to study the traffic in that area in the evening. Mr.
29 Fenstermacher said the traffic study did include those areas at rush hour.

30
31 Chair Faunce suggested that the access road leading to the development be named Densmore Dr.
32 and that the buildings within the site be named after important persons to the Brickyard operation,
33 such as Moffitt and Smith (**Condition 23**). Mr. Corwin added these suggestions to **Condition 27**.

34
35 Resident Margie Godfrey asked about safety around the pond on the site. Chair Faunce noted the
36 pond would be addressed in **Condition 35**.

37
38 Resident Eugene Boisvert said he is the property owner at 237 Hanover Street (where Gilly’s Auto
39 is). He said there are already traffic problems in his area in the mornings, afternoons, during school
40 functions and during the commuter times from DHMC. (**Condition 15**). He said he did not think
41 the proposed crosswalk (at Old Etna Rd and Hanover St) is going to help, but he did think the
42 design with the extension of the sidewalk and crossing just Hanover St is better than the design
43 with the island. He said the City should focus on the development’s entrance on the North side,
44 which is near his property, because trucks can’t make the corner and have to go through the store’s
45 parking lot. He said the problem will only get worse with more traffic.

46
47 Resident Bill Lamb asked if the lots that the site would occupy will be combined into one zone
48 (**Condition 29**). Mr. Corwin said all zones for the site will remain.

1 The group discussed the timing of when a post-construction traffic study would be completed.
2 **(Condition 49)**. They agreed to include language that two studies will be done one year after the
3 issuance of a certificate of occupancy of Building 3 and after issuance of a certificate of occupancy
4 of the final building. Mr. Fenstermacher said their plan is to build a new building each year.

5
6 Mr. Stacy said in the financial data, there was a Nexus challenge to the school's Impact Fees
7 **(Condition 50)**. He asked if the Planning Board needed to address that challenge when calculating
8 its Impact Fee. Mr. Corwin explained that the City Council authorized the Planning Board to adopt
9 Impact Fees, which are collected from new developments for capital impacts (namely to police,
10 fire, school, and recreation facilities) necessitated by the new developments. He said the public-
11 school portion of the Impact Fees can be waived for age-restricted residential units and
12 studios/one-bedroom units with a gross living area of 500 square feet or less. He said the challenge
13 that has been presented is claiming that there won't be any Impact Fees collected for the
14 studio/one-bedroom units in the Brickyard development because they are less than 500 square feet.
15 It was agreed the Planning Board did not need to address this challenge at this time.

18 **Board Questions to Applicant RE: Waivers Requested**

19 Chair Faunce asked about the heights of Buildings 2, 4, and 5. Mr. Fenstermacher said the height
20 is measured from the front of the buildings, so all are 45 feet tall. He said the design for the other
21 buildings is higher (for which the variance is requested) because they are built into the hill.

22
23 Mr. Ceglarski asked if a fence would be erected around the pond. Mr. Fenstermacher said there
24 would not be a fence but there would be signage. Chair Faunce noted that signage is considered
25 "reasonable" safety measures. It was suggested the owner could make safety rules for the pond a
26 part of the contract that tenants sign when they lease the units.

27
28 The group discussed the density bonus and confirmed that the density bonus is the size of the 51
29 townhomes, and if the bonus is not granted, the townhomes will not be built. Mr. Fenstermacher
30 said they would have to redesign the plan to what would be feasible financially.

31
32 The group discussed the rents that would be imposed for the units. Mr. Fenstermacher said they
33 are planning to ask \$2000/month for the studio apartments. He said they will have 12-month lease
34 terms. Mr. Stacy suggested a third-party evaluation to assess the units and the rents being proposed,
35 based on comparable units that already exist in Lebanon.

36
37 Mr. Rutter said the numbers do not seem to be accurate in the Financial Impact Statement and Mr.
38 Kennelly agreed the statement appears to be sloppy. Mr. Corwin said, in the past, the City Assessor
39 had reviewed other applicants' Impact Studies. He said a project's Impact Study provides
40 information to the Board that does not provide much that can be used to alter the project. Mr.
41 Corwin suggested the role of the Impact Study would be a good topic for a future work session.
42 He noted that Mr. Mark Frazier, who is a reputable professional, wrote the Impact Study report for
43 this project.

45 **Public Comment**

46 Chair Faunce opened the public comment portion of the public hearing.

47
48 Mr. Bill Lamb (Ward 3) explained the assessment process to the Board. He noted that corporately
49 owned residential developments are assessed differently from condominium owners and pay half

1 the taxes. He said this applicant is asking for conditional use concessions, but it is within the power
2 of the Planning Board to say no and not grant those exceptions. He asked the Board members to
3 reconsider what the revenue of the project to the City will be. He said the real question is whether
4 the taxes this owner will pay will really cover the services that they're going to use.

5
6 ***A MOTION was made by Richard Ford Burley to extend the meeting to 10:30pm. The MOTION***
7 ***was seconded by Eric Stacy.***

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

10
11 At 9:45pm, Chair Faunce called for a recess.

12 At 9:58pm, the meeting resumed.

13
14 Chair Faunce closed the public comment portion of the public hearing.

15
16
17 **Waiver Requests Discussion & Approval**

18
19
20 ***A MOTION was made by Richard Ford Burley that, for the application of Brickyard One***
21 ***Nominee Trust, PB2024-22-SPRCUP, the Lebanon Planning Board approves***
22 ***partial waivers from the following sections of the Site Plan Review Regulations:***

- 23 • ***Section 5.1.E.7 – Requirement to provide information relative to buildings within 200 feet***
24 ***of the site.***
25 • ***Section 5.1.E.16 – Requirement to count existing trees if used to meet landscape***
26 ***requirements.***
27 • ***Section 6.6.C.1.2.K – Requiring test pit data for stormwater management design.***
28 • ***Section 6.5.D.5 – Requiring construction of a sidewalk along length of property's frontage.***
29

30 ***The MOTION was seconded by Eric Stacy.***

31
32 ****The MOTION was approved (6-0).***

33 The group discussed the waiver request to increase the maximum permitted building height from
34 45 feet to 55 feet for Buildings 4 and 5. The group agreed that the additional 10 feet would not
35 make a noticeable difference. They discussed the impact of the structures to the line of view. Chair
36 Faunce noted that the most prominent building (Building 2) is the one closest to the pond and is
37 not one of the buildings that would be 55 feet tall if the waiver is approved. The group noted that
38 they have never received renderings from ground level. The group discussed the surrounding area
39 and whether abutters would be impacted by the taller height of Buildings 4 and 5 (if the waiver is
40 approved).

41
42 The group also discussed the residential characteristics of the project and site, and the meaning of
43 the density bonus at length. Mr. Corwin explained Section 501.2.D:

44
45 ***"The PUD provisions of this ordinance provide applicants with a development approach intended***
46 ***to promote flexibility and innovation in land planning. Within this context, the density regulations***
47 ***that are established are intended to be maximum allowable densities each tract of land possesses***
48 ***different unique development characteristics and limitations. What is allowed on any particular***
49 ***track will be a function of innovative land planning and building design, interacting with the***

1 *special characteristics and limitations of the property. The density regulation set forth below or*
2 *intended support development on areas most suitable for development while conserving the site*
3 *resources.”*

4
5 The group discussed the median income for single people in a household (\$95,000 per year) and
6 the median income for a married couple in a household (\$133,000 per year) in Lebanon, and how
7 the proposed rents are in keeping with the City’s current residential environment. The group
8 discussed the changes that the developers made to include townhouses in the project, and that, if
9 the density bonus is not granted, the townhouses might be eliminated from the project.

10
11
12 ***A MOTION was made by Richard Ford Burley to extend the meeting to 10:45pm. The MOTION***
13 ***was seconded by Eric Stacy.***

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

16
17
18 ***A MOTION was made by Richard Ford Burley that, for the application of Brickyard One***
19 ***Nominee Trust, PB2024-22-SPRCUP, the Lebanon Planning Board approves a density bonus***
20 ***of 51 dwelling units per section. 501.2.D of the Zoning Ordinance and in support thereof finds***
21 ***that:***

- 22 ***1. Pursuant to Section 501.2.D of the Zoning Ordinance, the maximum permitted density of***
23 ***the proposed PURD is 423 dwelling units.***
24 ***2. Section 507 of the Zoning Ordinance allows the Board to grant up to a 12% density bonus***
25 ***for PURDs.***
26 ***3. The applicant requests a density bonus of 51 units, which is the maximum number of***
27 ***additional units that the board may allow, pursuant to Section 507.***
28 ***4. A density bonus of 51 units is appropriate as the number and type of proposed additional***
29 ***units is in the best interest of the residents of the City of Lebanon.***

30
31 ***The MOTION was seconded by Patrick Kennelly.***

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

33 ***A MOTION was made by Richard Ford Burley that:***

34
35 ***At duly-noticed meetings of the Lebanon Planning Board held on July 8, 2024, August 12, 2024,***
36 ***September 9, 2024, October 14, 2024, November 12, 2024, December 9, 2024, and December 17,***
37 ***2024, there appeared representatives on behalf of Brickyard One Nominee Trust regarding 174***
38 ***Hanover Street (Tax Map 48, Lot 4), 0 Hanover Street (Tax Map 48, Lot 2), 0 Hanover Street***
39 ***(Tax Map 48, Lot 1), and 238 Hanover Street (Tax Map 63, Lot 1), zoned R-1, R-O-1, R-3 &***
40 ***RL-3, requesting a Conditional Use Permit pursuant to Section 308.4 of the Zoning Ordinance***
41 ***to allow an increase in the maximum permitted building height from 45 ft. to 55 ft. for Buildings***
42 ***4 and 5 as identified in the PURD plan set. PB2024-22-SPRCUP.***

43
44 **FINDINGS OF FACT**

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

1. 45 ft. is the maximum building height in the R-1 District. Per Section 308.4 of the Zoning Ordinance, the Planning Board may allow building height of up to 55 ft. by Conditional Use Permit.
2. Section 308.4 provides as follows: "By conditional use permit per Section 302.4, the maximum building height for a proposed building may be increased up to 10 additional feet if the increase in building height is for the purpose of accommodating a parking structure underneath or within the proposed building, and provided that the building is set back from the setback line a minimum distance equal to two (2) feet for every one (1) foot of additional building height over 45 feet."
3. Pursuant to Section 308.4, the applicant requests a Conditional Use Permit to allow the two multi-family buildings that are located wholly within the R-1 District (i.e. Buildings 4 and 5 as labeled in the plan set) to have a height of 55 ft.
4. In order to grant the requested Conditional Use Permit, the Board must find the applicant's proposal satisfies the Enhanced Performance Standards set forth in Section 302.4.D as well as the specific requirements of Section 308.4. The applicant has addressed the Section 302.4.D and Section 308.4 criteria in an Application for Conditional Use Permit Support Statement (found on pages 48-50 of the agenda packet for the August 12, 2024 Planning Board meeting).

CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Planning Board concludes the following with respect to the Enhanced Performance Standards set forth in section 302.4.D and the criteria set forth in Section 308.4 of the Zoning Ordinance:

1. *The site is suitable for the proposal Section 302.4.D.1.*
2. *The external impacts of the proposed use on abutting properties and the neighborhood are commensurate with the impacts of adjacent existing uses or other uses permitted in the zoning district. Section 302.4.D.2*
3. *The proposal does satisfy the criteria of Section 302.4.D.3.*
4. *Does satisfy the criteria section 302.4.D.4*
5. *The proposal does satisfy the criteria of section 302.4.D.5*
6. *The additional height for Buildings four and five is for the purpose of accommodating a parking structure underneath or within the proposed buildings. (Section 308.4)*
7. *Buildings 4 and 5 are set back from the setback line a minimum distance equal to two feet for every one foot of additional building height over 45 feet. (Section 308.4)*

Decision

Now therefore it be it resolved that the Planning Board, on this September 17th day of December 2024, hereby grants the request of Brickyard One Nominee Trust for a Conditional Use Permit per Section 308.4 for a height of 55 feet for Buildings 4 and 5 as identified in the PURD plan set as set forth above and per testimony, plans, and materials submitted.

The MOTION was seconded by Jeremy Rutter.

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

A MOTION was made by Richard Ford Burley that:

At a noticed meetings of the Lebanon Planning Board held on July 8, 2024, August 12, 2024, September 9, 2024, October 14, 2024, November 12, 2024, December 9, 2024 and December 17, 2024 there appeared representatives on behalf of Brickyard One Nominee Trust regarding 174 Hanover St. (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. Requesting a Conditional Use Permit per Sections 308.2, 310.2, 311A.2, and 501.2 of Zoning Ordinance for a proposed 474-unit multi-family Planned Unit Residential Development (PURD). PB2024-22-SPRCUP

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 applicant owns the following 4 properties which they intend to merge into a single property following Planning Board approval of the subject application (collectively, referred to as the "Property"):
 - 174 Hanover St (Tax Map 48, Lot 4)
 - 0 Hanover St (Tax Map 48, Lot 2)
 - 0 Hanover St (Tax Map 48, Lot 1)
 - 238 Hanover St (Tax Map 63, Lot 1)
2. Per the applicant's application materials, the property is a total of +/-135.98 acres and is split-zoned R-O-1, R-3, R-1, and RL-3. A portion of the Property is the site of the former Densmore Brickyard. Other than vacant structures formerly occupied by the Densmore Brickyard, a vacant cottage at the north end of Densmore Pond, and a single family residence at what is currently 238 Hanover Street, the Property is vacant and undeveloped.
3. The applicant proposes to develop the +/-38.18 portion of the Property zoned R-O-1, R-3, R-1 as a 474-unit multi-building, multi-family Planned Unit Residential Development (PURD). All existing structures on the Property will be demolished except for some of the Densmore Brickyard kilns that are still standing. The remainder of the Property – zoned RL-3 and containing 97.8 acres – is not included as part of the PURD and is proposed to remain vacant at this time.
4. When the subject application was originally submitted, the applicant had proposed to construct ten (10) multi-family dwellings with a total of 473 dwelling units (and a maintenance building with an additional dwelling unit). Following feedback from the Planning Board and the public at the August and September Planning Board meetings, the applicant substantially revised their plans and is now proposing 5 multi-family buildings

with a total of 422 units at the southern end of the development site and 8 clusters of townhouses with 51 units at the northern end of the development site (and a maintenance building with an additional unit at the proposed northern entrance to development).

5. Pursuant to Sections 308.2, 310.2, 311A.2, and 501.2 of the Zoning Ordinance to Section 307.6.B.2, the applicant requests a Conditional Use Permit for the proposed PURD.
6. In order to grant the requested Conditional Use Permit, the Board must the Board must determine that the applicant has satisfied the criteria set forth in Section 501.1.J.1 ("Approval of CUP Application") of the Zoning Ordinance.

CONCLUSIONS OF LAW

As a result of the above findings of fact, and based on testimony given, application materials presented, and supporting documents submitted, the Planning Board concludes the following with respect to the criteria set forth in Section 501.1.J.1 of the Zoning Ordinance.

- a. *The site plan prepared pursuant to Section 501.1.E.1 above meets the purpose statement set forth in section 501.1.A (PUD Purpose) and the following standards:*
 - i. *In consideration of the Site Resources, the portions of the property most suitable for Open Space preservation and those portions most appropriate for development have been designated on the plans for those purposes.*
 - ii. *The layout of the designated Open Space area provides the greatest feasible public benefit, which is compatible with the applicant's permissible development goals, and there is no feasible alternative layout which would yield a significantly improved Open Space public benefit, while still fulfilling the applicant's otherwise permissible development objectives.*
 - iii. *To the maximum extent practicable, the plan adheres to the design guidelines set forth in section 501.1.G.*
- b. *All applicable requirements of Section 501.1.E ("Application Requirements"), Section 501.1.F ("Open Space"), Section 501.1.H, ("Dimensional Requirements"), and Section 501.2 ("Planned Residential Developments") have been met.*
- c. *The types of housing units and/or other buildings proposed within the PUD do not adversely impact the character of the area.*
- d. *The PUD does not have any substantial negative or undue impact on the environment or on transportation systems, community facilities, utilities and services.*
- e. *The PUD complies with all requirements of the Site Plan Review Regulations.*

DECISION

Now therefore be resolved that the Planning Board, on this 17th day of December, 2024, hereby grants the request of Brickyard One Nominee Trust for a Conditional Use Permit for Sections 308.2, 310.2, 311A. 2, and 501.2 of the Zoning Ordinance for a 474-unit PURD as set forth above, and per testimony, plans, and materials submitted and per the conditions that have been read at great length earlier in this meeting¹.

The MOTION was seconded by Brian Ceglarski.

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

¹ [The referenced conditions are found on page 2, line 10 and page 2, line 43.](#)

A MOTION was made by Richard Ford Burley to extend the meeting to 11:00pm. The MOTION was seconded by Eric Stacy.

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

A MOTION was made by Richard Ford Burley that the Lebanon Planning Board approves the application of Brickyard One Nominee Trust regarding 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, PB2024-22-SBRCUP, for Site Plan approval to construct a proposed 474 unit multi-family Planned Unit Residential Development including five multi-family buildings containing 422 units and eight townhouse clusters containing 51 units, and a maintenance building containing one unit, together with parking, utilities, landscaping, access and other related site improvements as shown on plan set titled, "The Brickyard Residential Development," dated May 10, 2024, latest issue December 4, 2024, prepared by VHB EV Project: 52933.00 (53 sheets plus cover sheet), including any and all submissions and testimony provided for and during the public hearing.

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

The approval is subject to the conditions gone over at quite at great length earlier in this meeting².

The MOTION was seconded by Eric Stacy.

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

3. STUDY ITEMS

A. Review of Proposed Amendments to the Zoning Ordinance and Zoning Map Discussion continued from December 09, 2024 Planning Board Meeting

Mr. Reichert said the draft amendments in the agenda packet are the current state of the zoning approvals based on applicant feedback, board feedback, and public input.

He said Staff recommends the changes to the use codes to the proposed GC1 area for the Route 120 area that are included in the agenda packet for this meeting. He said the City Council has asked that vehicular sales no longer be a non-conforming use in the GC1 zone. He said the City Council suggested two options:

- Add vehicular sales to the GC1 use code and allow that to happen within the entirety of the rezoned area.
- Refrain from rezoning all the IND-L area south of Heater Rd.

² The referenced conditions are found beginning on page 3, line 20.

After discussion, the group agreed that the second option was preferable and agreed to keep all IND-L areas south of Heater Road as IND-L.

Mr. Reichert said another question was whether to add the R3 zoning district to the Recovery House, which is managed by Headrest. He said they are in the process of buying a property within the R3 zoning district, and a Recovery House would not be a permissible use in that zone. He said it will allow the Recovery House to be built within close proximity to bus stops, which is an important resource for residents of the House. Mr. Reichert noted the agenda packet includes updated maps for the pattern zones that have been discussed in previous meetings. The group discussed clarifying the definition of one-family and two-family dwellings.

A MOTION was made by Richard Ford Burley that the Planning Board endorses the 2024-25 proposed Zoning Amendments as presented on December 17, 2024 to the Planning Board. The MOTION was seconded by Jeremy Rutter.

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

4. APPROVAL OF MINUTES

Chair Faunce said they would postpone the review of the November 12, 2024 and November 25, 2024 meeting minutes to a future meeting.

5. ADJOURNMENT

A MOTION was made by Richard Ford Burley to adjourn the meeting at 10:55pm. The MOTION was seconded by Eric Stacy.

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

The meeting was adjourned at 10:55pm.

Respectfully submitted,
Paula Roux
Recording Secretary