FINAL

LEBANON PLANNING BOARD
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE
MONDAY, MARCH 17, 2025 6:30PM

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

MEMBERS ABSENT: Brian Ceglarski

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

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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.

Ms. Romano said she was attending remotely because she was out of town. She said she would participate as an alternate Board member. She said no one was in the room with her while attending the meeting.

2. NOTICE OF REGIONAL IMPACT

The following applications were received by the Planning and Development Department on or before March 10, 2025:

- **Recreo, LLC, 2 Mascoma Street (Tax Map 91, Lot 254), zoned LD: Applicant requests a two (2)-year extension to commence Phase one (1) of a recently approved phasing plan (PB2024-25-EXT), site plan originally approved on July 11, 2022 (PB2022-17-SPR). PB2025-13-EXT**
- **Occom Path, Inc., 5 Oak Ridge Road (Tax Map 4, Lot 5), zoned R-3: Request for waivers from section 14.4.C of the Site Plan Review regulations. PB2025-14-SUBA**
- **Gregory Walker, 169 Slayton Hill Road (Tax Map 163, Lot 9), zoned RL-2: Request for approval of a proposed two (2)-lot Minor Subdivision. PB2025-15-MIN**
- **Upper Valley Music Center, Inc., 8 S Park Street (Tax Map 92, Lot 10), zoned PBD: Site plan review for a proposed +/- 920 sq. ft. 2-story addition to an existing building, together with associated site improvements. PB2025-16-SPR**
- **Families Flourish North East (applicant), Mary Hitchcock Memorial Hospital (property owner), 424 Mount Support Road (Tax Map 24, Lot 6), zoned R-1: Site**

plan review for a proposed +/- 5,853 sq. ft. 3-story multi-family building, treatment and recovery center together with associated site improvements. PB2025-17-SPR

- **Michael Davidson, 3 Campbell Street (Tax Map 92, Lot 65), zoned CBD: Site plan review to convert an existing multi-use building to multi-family. The existing house and carriage house will contain twelve (12) units total. PB2025-18-SPR**

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

A MOTION was made by Richard Ford Burley that the applications of Recreo, LLC, 2 Mascoma Street (Tax Map 91, Lot 254), zoned LD PB2025-13-EXT, Occom Path, Inc., 5 Oak Ridge Road (Tax Map 4, Lot 5), zoned R-3 PB2025-15-MIN, Gregory Walker, 169 Slayton Hill Road (Tax Map 163, Lot 9), zoned RL-2 PB2025-15-MIN, Upper Valley Music Center, Inc., 8 S Park Street (Tax Map 92, Lot 10), zoned PBD PB2025-16-SPR, Families Flourish North East (applicant), Mary Hitchcock Memorial Hospital (property owner), 424 Mount Support Road (Tax Map 24, Lot 6), zoned R-1 PB2025-17-SPR, and Michael Davidson, 3 Campbell Street (Tax Map 92, Lot 65), zoned CBD PB2025-18-SPR do not have the potential for regional impact. The MOTION was seconded by Jeremy Rutter.

Chair Faunce appointed Ms. Romano as a voting member for this meeting.

Roll Call Vote:
Voting For – Ms. Romano, Mr. Stacy, Ms. Zook, Dr. Ford Burley, Mr. Faunce, Mr. Kennelly, Dr. Rutter, and Ms. Appleton
Voting Against – None

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

Chair Faunce said the Public Hearing items listed on the meeting agenda would be discussed in the following order: Item 3C, Item 3E, Item 3B, Item 3D, and Item 3A.

3. PUBLIC HEARING ITEMS

C. Clayton Morlock & Sally Shoop, 30 Storrs Hill Road (Tax Map 136, Lot 22), Richard & Paula Tobin, 28 Storrs Hill Road (Tax Map 136, Lot 23) and 0 Storrs Hill Road (Tax Map 136, Lot 24), and David & Deborah Roberts, 14 Storrs Hill Road (Tax Map 136, Lot 25), zoned RL-2 & RL-3: Request for approval of a Boundary Line Adjustment between Lot 136-22, Lot 136-23, and Lot 136-24, and a Voluntary Lot Merger of Lot 136-24 and Lot 136-25. PB2025-08-BLAVLM

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

A MOTION was made by Richard Ford Burley that the application of Clayton Morlock & Sally Shoop, 30 Storrs Hill Road (Tax Map 136, Lot 22), Richard & Paula Tobin, 28 Storrs Hill Road (Tax Map 136, Lot 23) and 0 Storrs Hill Road (Tax Map 136, Lot 24), and David & Deborah Roberts, 14 Storrs Hill Road (Tax Map 136, Lot 25), zoned RL-2 & RL-3 is complete enough for the Planning Board to accept jurisdiction and commence review. The MOTION was seconded by Jeremy Rutter.

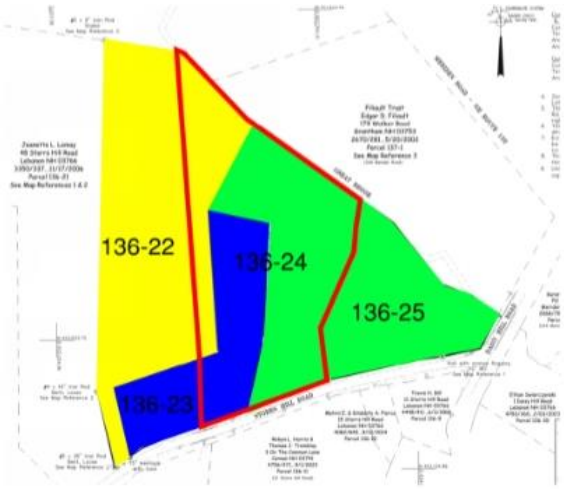
Roll Call Vote:
Voting For – Ms. Romano, Mr. Stacy, Ms. Zook, Dr. Ford Burley, Mr. Faunce, Mr. Kennelly, Dr. Rutter, and Ms. Appleton
Voting Against – None

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

Mr. Clayton Morlock was present on behalf of the applicant.

Mr. Corwin explained that several neighbors purchased an empty lot that abuts their properties, and the owners now want to adjust their property lines appropriately, so the empty lot becomes part of each of their properties.

He noted there is an easement to the west of the empty property that allows access to the lot that will no longer be in effect after the property line adjustment.



Chair Faunce opened the public comment portion of the meeting.

Ms. Janelle Lemay (Storrs Hill) asked for clarification that the boundary line adjustment will result in the vacant property being divided amongst the abutters. The abutters present confirmed the property will be divided as she indicated.

Chair Faunce closed the public comment portion of the meeting.

A MOTION was made by Richard Ford Burley that the Lebanon Planning Board approves the application of Clayton Morlock & Sally Shoop, Richard & Paula Tobin, and David & Deborah Roberts for a proposed Boundary Line Adjustment between 30 Storrs Hill Road (136-22), 28 Storrs Hill Road (136-23), 0 Storrs Hill Road (136-24), and 14 Storrs Hill Road (136-25), PB2025-08-BLA, as shown on a plat titled "Boundary Adjustment Survey, Land of Clayton R. Morlock & Sally A. Shoop, Richard E. & Paula F. Tobin, David E. & Deborah M. Roberts," prepared by Holt Gilmour Survey Associates LLC, dated January 10, 2025, with a "final submission" date of March 3, 2025, including any and all supplemental submissions and testimony provided during the public hearing, subject to the following conditions:

General Conditions

1. ***This approval shall be considered void unless all conditions precedent are met and the plat is recorded in the Registry of Deeds within two (2) years from the date of the Notice of Action (Section 7.12.B). The plat shall be recorded by the Planning & Development Department in accordance with Planning & Development Department recording procedures.***
2. ***This approval shall automatically expire and be considered void upon failure to meet any of the conditions of approval set forth herein within the timeframes specified.***

Conditions to be Satisfied Prior to the Signing and Recording of the Plat

1. ***The applicants shall provide a revised plat depicting the following changes to the satisfaction of the Planning and Development Department:***
    a. ***Add metes and bound notations.***
    b. ***Correct the double line at the southeast corner of Lot 136-25.***
    c. ***Provide the date and description of the plat revisions. (8.2.A.1)***
2. ***The applicants shall provide a digital record drawing of the final revised plat (Cad .dwg format, using the NH State Plane Coordinate system).***
3. ***The applicants shall provide to the City draft copies of the deeds of the land transfer for review to ensure the transfer will be completed properly for Assessing and recording purposes.***
4. ***The applicants shall submit two (2) mylars of the approved plat and applicable recording fees to the Planning & Development Department in accordance with Planning & Development Department recording procedures. (8.1.D & 7.11)***
5. ***The applicants shall submit the executed deeds of the land transfer together with applicable recording fees to the Planning & Development Department to be recorded contemporaneously with the plat.***

The MOTION was seconded by Patrick Kennelly

Mr. Corwin noted that one previous owner of the vacant property had passed away since the purchase of the lot was completed. Ms. Jenna Luce, who is the daughter of the deceased owner, said her parents' name will be removed once the new deed is written.

Chair Faunce closed the public hearing.

Roll Call Vote:
Voting For – Ms. Romano, Mr. Stacy, Ms. Zook, Dr. Ford Burley, Mr. Faunce, Mr. Kennelly, Dr. Rutter, and Ms. Appleton
Voting Against – None

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

A MOTION was made by Richard Ford Burley that the Lebanon Planning Board authorizes the Chair to sign the plat of Clayton Morlock & Sally Shoop, Richard & Paula Tobin, and David & Deborah Roberts, PB2025-08-BLA, as revised pursuant the Planning Board's conditions of approval. The MOTION was seconded by Jeremy Rutter

Roll Call Vote:
Voting For – Ms. Romano, Mr. Stacy, Ms. Zook, Dr. Ford Burley, Mr. Faunce, Mr. Kennelly, Dr. Rutter, and Ms. Appleton
Voting Against – None

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

E. Grafton County Economic Development Council, Inc. & North Country Council, Inc., 16 Cavendish Court (Tax Map 10, Lot 11, Plot 3600), zoned IND-L: Applicant requests an extension of time per Section 8.4.A.3 of the Site Plan Review Regulations to achieve active and substantial development and per Section 4.10.B to obtain a

building permit pursuant to a site plan approved on March 20, 2023 (PB2022-48-SPR) to construct an expansion of the existing parking lot. PB2025-10-EXT

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

A MOTION was made by Richard Ford Burley that the application of Grafton County Economic Development Council, Inc. & North Country Council, Inc., 16 Cavendish Court (Tax Map 10, Lot 11, Plot 3600), zoned IND-L PB2025-10-EXT is complete enough for the Planning Board to accept jurisdiction and commence review. The MOTION was seconded by Kellen Appleton.

Roll Call Vote:
Voting For – Ms. Romano, Mr. Stacy, Ms. Zook, Dr. Ford Burley, Mr. Faunce, Mr. Kennelly, Dr. Rutter, and Ms. Appleton
Voting Against – None

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

Mr. Corwin explained that applicants have two years to achieve "active and substantial completion" (90% of the improvements constructed) for site plan applications. He said the Board can grant up to a three-year extension to allow the applicant to achieve "active and substantial completion" upon the demonstration of "good cause." He said this applicant has also requested an extension to obtain a Building Permit, and the Board can grant the applicant an extension of up to two years for that.

Mr. Aaron Prescott (Facility Manager, Hazen Hill Construction) was present on behalf of the applicant. He said the project delays were due to funding issues and challenges related to weather conditions. Chair Faunce asked if a finance plan had been in place when the application was first submitted. Mr. Prescott said the applicant had a funding plan, but large repair projects came up and funding was diverted to address those issues.

Dr. Rutter noted that the North arrow is positioned inconsistently in different parts of the plans. Mr. Corwin said there were several conditions of approval that needed to be satisfied regarding updating the plan set, and he would keep that inconsistency in mind when reviewing the updated plan set.

Ms. Romano asked if readiness for electric vehicles needed to be addressed in the new plan set, and Mr. Corwin said he would check on whether the regulation for EV readiness had been triggered at the time that the plans were approved. Mr. Corwin confirmed that only one extension will be granted by the Planning Board.

Mr. Prescott said the applicant is requesting two-year extensions to achieve "active and substantial completion," as well as to obtain the building permit. He said the project team will commence work as soon as the ground is ready to be worked.

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

Chair Faunce closed the public hearing.

A MOTION was made by Richard Ford Burley that the Lebanon Planning Board approves the application of the Grafton County Economic Development Council, Inc. & North Country Council, Inc., PB2025-10-EXT, for an extension of time (a) per Section 8.4.A.3 of the Site Plan Review Regulations to achieve active and substantial development and (b) per Section 4.10.B to obtain a building permit with respect to a site plan approved on March 20, 2023 (PB2022-48-SPR) to construct an expansion of the existing parking lot, per application materials submitted and including any and all submissions and testimony provided for and during the public hearing.

In support of its decision, the Board finds that:
1. ***The applicant has submitted a complete and timely request for an extension pursuant to Section 4.10.B of the Site Plan Review Regulations;***
2. ***Per Section 8.4.A.3, the applicant has demonstrated good cause for an extension of time to achieve active and substantial development.***
3. ***Per Section 4.10.B, the applicant has demonstrated that an extension of time to obtain a building permit is warranted, considering the totality of the circumstances, including the extent and complexity of the conditions precedent, the extent of the progress made by the Applicant toward satisfying the conditions-precedent and/or starting construction, and whether the need for more time is attributable to unusual circumstances beyond the control of the Applicant rather than to the Applicant's neglect or failure to proceed with reasonable promptness; and***

This approval is subject to the following conditions:
1. ***The applicant shall satisfy and comply with the Planning Board Notice of Action for PB2022-48-SPR, dated March 20, 2023, and all conditions of approval thereof except as may be superseded by the conditions below.***
2. ***A building permit, if required pursuant to the Building Code, must be applied for and issued by no later than March 20, 2027.***
3. ***"Active and substantial development," as defined in Section 8.4.A.1 of the Site Plan Review Regulations, shall be achieved by no later March 20, 2027. If active and substantial development is not achieved by March 20, 2027, the development shall be subject to all changes in the City's land use regulations.***
4. ***"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 March 20, 2023, approval for PB2022-48-SPR. If substantial completion is not achieved within that time, the development shall be subject to all changes in the City's land use regulations.***

The MOTION was seconded by Kellen Appleton.

Roll Call Vote:
Voting For – Ms. Romano, Mr. Stacy, Ms. Zook, Dr. Ford Burley, Mr. Faunce, Mr. Kennelly, Dr. Rutter, and Ms. Appleton
Voting Against – None

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

Chair Faunce said that Item 3B would be discussed later in the meeting, and that Item 3D would be discussed next.

D. Tycoga NH West, LLC (applicant), Ledyard National Bank (property owner), 42 Old Etna Road (Tax Map 50, Lot 30, Plot 100), zoned GC: Request for Site Plan Review to construct a +/-880 sq. ft. drive-through refreshment stand/coffee shop within the existing parking lot, together with associated site improvements. PB2025-09-SPR

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

A MOTION was made by Richard Ford Burley that the application* of *Tycoga NH West, LLC (applicant), Ledyard National Bank (property owner), 42 Old Etna Road (Tax Map 50, Lot 30, Plot 100), zoned GC PB2025-09-SPR is complete enough for the Planning Board to accept jurisdiction and commence review. The MOTION was seconded by Jeremy Rutter.

Roll Call Vote:
Voting For – Ms. Romano, Mr. Stacy, Ms. Zook, Dr. Ford Burley, Mr. Faunce, Mr. Kennelly, Dr. Rutter, and Ms. Appleton
Voting Against – None

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

Mr. Michael Malynowski (Allen & Major Associates), Mr. Glenn Amnot (Tycoga NH West) and Ms. Becky Tibbets (Ledyard Bank) were present on behalf of the applicant.

Mr. Corwin said the project involves adding an Aroma Joe's coffee shop with a drive-up window to the property which is already improved with an existing building.

Mr. Malynowski gave an overview of the project. He said the original site plan included the Ledyard Bank building, which was approved in 1998, and a small retail space that was never constructed. He discussed the parking needs for the drive-up customers and explained the adjustments that would be made to the parking lot. He said the project would result in a net decrease in the amount of impervious cover by 1,500 square feet. He said there would be no expansion of the existing pavement.

The group discussed stormwater management and drainage on the site. Mr. Malynowski said there is no potential for excess channelization of water flow as it comes off the site with this new design. Mr. Vincent said the channelization of flow for the new design is very similar to the current plan and is not a concern, and the open drainage concept will be maintained.

Mr. Malynowski said they changed the design of the curbing around a landscaping island from vertical granite to a sloped design, per a request from the Fire Department, to ease navigation if the fire trucks' rear tires come into contact with the island's curbing.

The group discussed at length whether the addition of sidewalks along the public frontage area would be a condition of approval. Mr. Malynowski said the applicant is requesting a waiver of this requirement because sidewalks were not a requirement when the site plan was initially approved. He said the applicant does not agree that he should be required to add sidewalks or to

include an easement on private property to allow the City to add sidewalks at a later time. After much discussion, the Board agreed to strike Condition of Approval #24B (from the draft motion) related to the requirement of an easement because they concluded that there is plenty of right-of-way space to add sidewalks and an easement would not be needed.

The group discussed whether customers will try to bike to the coffee shop and if bicycle parking should be added. The applicant agreed to add some bicycle parking spaces in the lot. The group also discussed lighting and Mr. Corwin confirmed the plan includes downlit lighting at the building entrances and said any additional future lighting might require review under the Site Plan Review Regulations.

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

Chair Faunce closed the public hearing.

A MOTION was made by Richard Ford Burley that for the application of Tycoga NH West, LLC and Ledyard National Bank, PB2025-09-SPR, the Lebanon Planning Board approves partial waivers from the following sections of the Site Plan Review Regulations:

1. Section 5.1.E(13) of the Site Plan Review Regulations. A Waiver of this Section meets Criteria because as no new lighting is proposed as part of this application strict conformity would pose an unnecessary hardship to the Applicant and the waiver would not be contrary to the spirit and intent of the regulations. Any new building mounted lights or site lighting shall be full cut-off and in compliance with Section 5.1
2. Section 6.6.C.1(1) of the Site Plan Review Regulations. A Waiver of this Section meets Criteria A because the proposed development has no impacts that extend beyond the limits of the existing paved parking area. Strict conformity would pose an unnecessary hardship to the Applicant and the waiver would not be contrary to the spirit and intent of the regulations as this information was previously approved as part of the original site plan approvals.
3. Section 6.6.C.2 of the Site Plan Review Regulations. A Waiver of this Section meets Criteria A because the Stormwater associated with the development area was previously approved and currently constructed stormwater infrastructure was previously designed to accommodate and treat stormwater flows. The proposed development will also provide a net decrease in the impervious cover previously envisioned. Strict conformity would pose an unnecessary hardship to the Applicant and the waiver would not be contrary to the spirit and intent of the regulations.
4. Section 6.2.D.1 of the Site Plan Review Regulations. A Waiver of this Section meets Criteria B because Due to the nature of the coffee shop building have drive-up windows on two sides of the building, the required 10 feet of landscape area around the building cannot be met without eliminating access to the drive-up windows.
5. Section 6.5.C.2 of the Site Plan Review Regulations. A Waiver of this Section meets Criteria B because, due to the nature of the coffee shop business, there is no public entrance into the building as the primary function of the restaurant is to service vehicular traffic. The waiver is to not have at least one primary entrance to the building face the public way on which the lot has frontage.
6. Section 5.1.E.17 & 18 of the Site Plan Review Regulations. A Waiver of this Section meets Criteria A because the current site was designed with "country"-style above-ground drainage & conveyance measures. As the existing site is fully developed and graded such that any

stormwater which falls on the parcel is directed to the north to an existing bio-retention system. As no stormwater leaves the parcel to the south and west, locating any drainage measures 200 feet off the property are not warranted and would cause an additional financial burden to the developer
7. Section 5.0 & 6.0 of the Site Plan Review Regulations. A Waiver of this Section meets Criteria B because the area outside of the proposed development area was previously approved and constructed in accordance with City planning regulations. The waiver would be to not satisfy the Site Plan Review Regulations for the area outside of the development area as previously approved. The proposed development area directly adjacent to the new coffee shop will be constructed in accordance with the current regulations.
8. Section 6.6.G of the Site Plan Review Regulations. A Waiver of this Section meets Criteria B because the re-development area consisted of a previously approved parking lot and stormwater associated with the re-development area was previously approved and currently constructed stormwater infrastructure was previously designed to accommodate and treat stormwater flows. The proposed re-development area will also provide a net decrease in the impervious cover previously envisioned. Strict conformity would pose an unnecessary hardship to the Applicant and the waiver would not be contrary to the spirit and intent of the regulations.
9. Section 6.5.1 of the Site Plan Review. A Waiver of this Section meets Criteria B because Due to the nature of the coffee shop business, there are no indoor areas for customers and services are provided to motor vehicles only. The waiver to not provide bicycle storage or parking would pose an unnecessary hardship to the Applicant and a waiver would not be contrary to the spirit and intent of the regulations.
10. Section 6.5.D.5 of the Site Plan Review. A Waiver of this Section meets Criteria B because the proposed plan is a modification to an existing approved plan which did not require the installation nor contribution of an amount equal to the cost of sidewalk construction in lieu of actual construction. Due to the nature of the drive-through coffee shop business and the existing bank use on the property, both of these uses are highly vehicle-dependent and not suited for pedestrian walk-up services. Additionally, there are currently no sidewalks within the vicinity of the project, either along Old Etna Rd. nor Route 120.

The MOTION was seconded by Eric Stacy.

Roll Call Vote:
Voting For – Ms. Romano, Mr. Stacy, Ms. Zook, Dr. Ford Burley, Mr. Faunce, Mr. Kennelly, Dr. Rutter, and Ms. Appleton
Voting Against – None

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

A MOTION was made by Richard Ford Burley that the Lebanon Planning Board moved that the Lebanon Planning Board approves the application of Tycoga NH West, LLC (applicant) and Ledyard National Bank (property owner), regarding 42 Old Etna Road (Tax Map 50, Lot 30, Plot 100), zoned GC, PB2025-09-SPR, for Site Plan approval to construct a +/-880 sq. ft. drive-through refreshment stand/coffee shop within the existing parking lot, together with associated site improvements as shown on a plan set titled "Site Plans for 42 Old Etna Road," prepared by Allen & Major Associates, Inc., dated January 28, 2025, last revised March 10,

2025, Project No. 3472-01, including any and all submissions and testimony provided for and during the public hearing.
In support of its decision, the Board finds that the applicant has submitted plans, testimony, technical data, information, reports, and studies that together satisfactorily demonstrate compliance with the applicable requirements of the Site Plan Review Regulations, except as may reasonably be addressed through the imposition of certain conditions of approval, set forth below, and except as may have been waived pursuant to Section 7.1.
This approval is subject to the following conditions:

General Conditions

1. ***The Notice of Action for C.D. Cairns Trust dated May 18, 1998 (signed May 29, 1998) and the site plan set referenced therein shall remain in force and in effect except as may be modified pursuant to this approval.***
2. ***This approval shall automatically expire and be deemed void upon failure to meet any of the conditions of approval set forth herein within the timeframes specified. It shall be the applicant's responsibility to be familiar with and aware of these conditions of approval, and it shall be the applicant's responsibility to satisfy these conditions of approval and to satisfy them within the relevant timeframes outlined below.***
3. ***The development is subject to the Site Plan Review Regulations adopted May 13, 1991, last revised January 23, 2023, and the Zoning Ordinance adopted January 16, 2013, last amended April 3, 2024, which are the regulations in effect at the time the application was submitted.***
4. ***A building permit must be applied for and issued within two (2) years of the date of this approval (4.10.A), subject to an extension if applied for by the applicant and if approved by the Planning Board per Section 4.10.B.***
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. ***All service areas and facilities including garbage and waste disposal containers, recycling bins, electrical and mechanical equipment such as transformers and compressors, meter clusters, and other utility elements must be screened in accordance with Section 6.2.B.8 and Section 6.10.B.5 of the Site Plan Review Regulations.***

11. ***Changes to underground utilities that do not impact surface conditions may be approved administratively unless determined by the Reviewing 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.***
12. ***The development shall be subject to City of Lebanon Impact Fees, pursuant to Section 213 of the Zoning Ordinance, in a total amount of $1,399.20 based on the Impact Fee Schedule adopted on May 20, 2024.***
13. ***All proposed business signage shall obtain a sign permit pursuant to Section 607 of the Zoning Ordinance prior to installation.***

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

14. ***Within 45 days of the Planning Board's approval, the applicant shall address the comments of the Fire Department as set forth in the staff memo.***
15. ***Within 45 days of the Planning Board's approval, the applicant shall demonstrate compliance with the perimeter landscaping requirements of Section 6.2.B, to the satisfaction of the Planning and Development Department, and shall submit an updated plan set as needed.***
16. ***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 pursuant to conditions #14 and #15 above***
    b) ***Bicycle parking shall be added pursuant to Section 6.5.1***
    c) ***Amend the cover sheet to provide description of plan revisions (5.1.E.4.d)***

    The applicant shall provide the Planning and Development Department with one (1) full size copy of the revised plan set, and a digital copy of the revised plan set saved in a PDF-A format for archival purposes.
17. ***The applicant shall provide a letter or certification from the engineer of record or other qualified design professional confirming that the approved plan set meets the accessibility standards of the State of New Hampshire Building Code.***
18. ***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.***
19. ***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.***
20. ***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).***

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

21. ***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.

22. ***All water and sewer fees shall be paid as set forth in City Code Chapter 68.***
23. ***The applicant shall obtain from the Department of Public Works an Excavation Permit, Driveway Permit, and Stormwater Permit, if required by the Department of Public Works.***
24. ***Prior to the start of any construction activities on the property, the applicant shall obtain or update (if appropriate) any required Federal or State approvals.***

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

25. ***In lieu of installing sidewalks along the property's frontages as required by Section 6.5.D.5 of the Site Plan Review Regulations, the applicant shall:***
    a) ***Contribute funds to an amount to be determined by the City to be equal to the construction cost of the sidewalk no longer than the frontage of the applicant's property along Old Etna Road. Said monies shall be pooled with other available funds to pay for the Route 120–Etna–Old Etna Road Pedestrian Improvements project, included in the 2025-2030 Capital Improvement Plan***
26. ***The applicant shall verify that the property is in compliance with the Planning Board's Notice of Action for C.D. Cairns Trust dated May 18, 1998 (signed May 29, 1998) and the site plan set referenced therein, except as may be modified pursuant to this approval.***
27. ***The applicant shall grant an easement or other authorization to the City in a form acceptable to the Department of Public Works to access the on-site water shut-off valves.***
28. ***The impact fee calculated pursuant to Condition of Approval #12 shall be paid.***
29. ***Third-party engineer or design engineer inspection reports and contractor as-built drawings provided by the applicants (PDF format and CAD .dwg format, using the NH State Plane Coordinate System), including tie sheets, shall be reviewed and approved by the City Engineer.***
30. ***All improvements depicted on the plan shall be completed and shall be constructed as depicted on the approved plan, including any modifications to the plan as may be approved by the Planning Board in accordance with the Site Plan Review Regulations.***

The MOTIONwas seconded by Kellen Appleton.

Roll Call Vote:
Voting For – Ms. Romano, Mr. Stacy, Ms. Zook, Dr. Ford Burley, Mr. Faunce, Mr. Kennelly, Dr. Rutter, and Ms. Appleton
Voting Against – None

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

At 8:22pm, Chair Faunce called for a recess.
At 8:30pm, the meeting resumed.

B. 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 -Continued from February 10, 2025

Mr. Dan Nash (Advanced Geomatics & Design) was present on behalf of the applicant. He presented revisions to the previously submitted plan set.

The group discussed the number of vehicles that will be accommodated in the parking lots. Dr. Rutter noted that the plan set indicates 66 spaces are for display, but those spaces are not completely defined in the plans by lines or striping. Mr. Kennelly suggested that the applicant paint rows on the lot and delineate the parking lot area from the vehicle display area with landscaping islands.

The group discussed the ambiguity of the parking spaces versus the display spaces in the plan materials at length. Ms. Romano asked if the 104 spaces indicated on the cover sheet of the plan materials include the 66 spaces that are intended for display. Mr. Nash said the total number of allowable parking spaces is 184.

The group discussed lighting and landscaping differences between a parking lot area and a display area (where customers are walking among vehicles). Dr. Rutter said the numbering of light posts on Sheet 10 is unclear and hard to read. The group discussed the proposed location of light poles in the plans.

Chair Faunce said he believed the applicant had sufficient information from the Board as to what some of the sticking points in the submitted application are, based upon the conversation. He suggested that the hearing be continued at the April 14 Board meeting.

A MOTION was made by Richard Ford Burley to continue the public hearing for the application of Cicotte Holdings, LLC, PB 2024-48 SPRCUP until the April 14, 2025 Planning Board meeting. The MOTION was seconded by Andrew Faunce.

Roll Call Vote:
Voting For – Ms. Romano, Mr. Stacy, Ms. Zook, Dr. Ford Burley, Mr. Faunce, Mr. Kennelly, Dr. Rutter, and Ms. Appleton
Voting Against – None

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

A. XYZ Dairy, LLC & Lyme Properties 2, LLC, River Park Drive (Tax Map 44, Lots 21 - 30 & 7), zoned CB, IND-L and R-3: Applicant requests a two (2)-year extension of the River Park Site Plan approval (PB2010-25-SPR), as most recently amended on September 9, 2019 (PB2018-34-SPA) and extended on October 12, 2021 (PB2021-29-EXT). PB2025-05-EXT - Continued from February 24, 2025

Dr. Ford Burley noted he was not present at the last meeting when this item was discussed, but he said he watched the full video of the meeting and would participate in the discussion and vote (if any) for this item. Ms. Romano recused herself from the discussion.

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

Chair Faunce closed the public hearing.

The Board members discussed whether to grant an extension to the applicant, and, if so, how long that extension should be. The members each indicated their opinion:

Stacy, Rutter, Appleton:	Agreed to a two-year extension. Ms. Appleton suggested that starting points for each phase should be established if the extension is granted
Faunce, Ford Burley, Kennelly, Zook:	Agreed to a one-year extension

Chair Faunce noted that, after conferring with Staff, a final plan set has been confirmed and is currently in the possession of the Planning Department.

The group discussed the applicant's request and the court's decision to grant an extension of 11 months and two days at length.

A MOTION was made by Richard Ford Burley to extend the meeting to 10:00pm. The MOTION was seconded by Jeremy Rutter.

Roll Call Vote:
Voting For – Ms. Romano, Mr. Stacy, Ms. Zook, Dr. Ford Burley, Mr. Faunce, Mr. Kennelly, Dr. Rutter, and Ms. Appleton
Voting Against – None

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

Mr. Stacy stated he believed the two-year extension should be granted to support big projects like this one. He noted that the applicant is "fed up" and the probability of the applicant walking away from the project is pretty high. Chair Faunce said the Board's decision for this request is a matter of what case the applicant has made for the two-year extension.

A MOTION was made by Andrew Faunce that the Lebanon Planning Board denies the application presented by Mr. David Clem, representative for XYZ Dairy, for a two-year extension of the River Park phased development site plan and, subject to the conditions below, instead approves a one-year extension for the completion of all current and remaining phases of the above cited project.

The basis provided by the applicant in written and spoken testimony was the November 25, 2024 ruling of the NH Superior Court that, as of that date, reinstated the building permit and

extended Phase 1 site plan approval 11 months and 2 days beyond the approved deadline of January 5, 2025 which is the amount of time between the revocation and restoration of the building permit. The applicant testified before the Court that the three months the applicant calculated as needed to complete all required Phase 1 improvements would be sufficiently covered by the Court's ruling. Accordingly, the Planning Board finds no near term need to address the Phase 1 deadline as extended by the Court. In person and subject to questions from the Board, the applicant presented no evidence of specific future impairment to the remaining phases of the project.

Nonetheless, upon deliberation the Board reached the following agreement that conforms to the regulatory context for making extension decisions: (1) there is good cause to extend a similar extension to all remaining project phases so that the initially agreed-upon allotment of time for each phase is available to the applicant and (2) not doing so could create schedule compression conditions for the next phase for which a subsequent request for extension could cite that the reduced time to complete that phase was a factor beyond the applicant's control.

Further, and for simplicity of record-keeping and reference, the relief provided by the Planning Board is a full 1-year extension for each deadline in Phase 1 (superseding the Court's 11-month and two-day extension for Phase 1) as well as for all subsequent phases.

1. ***General Conditions:***
   a. ***This approval shall automatically expire and be considered void upon failure to meet any of the conditions of approval set forth herein within the timeframes specified.***

2. ***Specific Conditions:***
   a. ***Within 30 days of the application approval date the applicant shall provide to the Planning and Development staff the following materials, as required by the 2009 City of Lebanon Site Plan Review Regulations, under which terms this development is presently operating, to the satisfaction of the Planning Board as represented by the Chair.***
      i. ***A table showing the current phase commencement and completion dates and, as newly approved, the revised phase commencement and completion dates.***
      ii. ***A document showing the following for each phase:***
         1. A specification of all improvements, on-site or off-site, to be installed as part of that phase, as detailed on page 5 of the 2019 Notice of Action PB2018-34-SPA;
         2. The 1-year adjusted deadline for the posting of any required security for that phase;
         3. ***The 1-year adjusted deadline for the completion of such improvements subsequent to the posting of such security, and;***
         4. ***A date by which a Building Permit must be obtained to prevent the approval for that phase from being considered void pursuant to Section 4.10 of the 2009 City of Lebanon Site Plan Review Regulations.***
   b. ***The approved plan set has been affirmed as follows:***
      i. ***Plans titled "Site Plans – River Park" (Sheets numbered 1 through 5; D1 through D18; 1-1 through 1-16; 2-1 through 2-21; 3-1 through 3-16; 4-1 through 4-9; 5-1 through 5-7; 6-1 through 6-9; and 7-1 through 7-8), prepared***

by Holden Engineering & Surveying, Inc., issued for permitting: June 10, 2010, latest issue: May 2, 2011 ("Approved Plan Set").
ii. Plans titled "River Park, Proposed Amendment to Site Plan – Lot 1, West Lebanon, Grafton County, New Hampshire" prepared by Elkus/Manfredi Architects, dated April 13, 2015, and plans titled "Site Plans, River Park, River Park Drive, Lebanon, New Hampshire, Grafton County," prepared by TF Moran, dated May 26, 2015. [These plan sets supersede and replace Sheets 1-1 through 1-16 of the Approved Plan Set].

c. ***The project's five-year exemption from impact fees has expired. While the reinstated building permit for Phase 1 remains in force it continues to exempt the subject of the building permit from impact fees. All subsequent activity for which new building permits are required, including the Phase 1 building if the current building permit expires and a new building permit is issued, will incur impact fees in effect at the time of those applications.***

The MOTION was seconded by Richard Ford Burley

Chair Faunce confirmed that, if approved, the completion date for the one-year extension is January 5, 2026.

Roll Call Vote:
Voting For – Ms. Zook, Dr. Ford Burley, Mr. Faunce, Mr. Kennelly,
Voting Against – Mr. Stacy, Dr. Rutter, Ms. Appleton

****The MOTION was approved (4-3).***

Ms. Romano rejoined the meeting.

4. STUDY ITEMS

A. **Strategic Plan - Annual Goals and Workplan** – postponed to a future meeting

B. Consideration of Zoning Change Recommendations to City Council

Mr. Reichert said, during the discussion over the zoning amendments that resulted from the Route 120 study, it was noted by the Conservation Commission that they wished to see a policy piece relative to the "Northern Lebanon" environmental overlay to be considered concurrently with any of the zoning and/or map changes that were being put in front of City Council at the June 18, 2025 meeting.

He said the suggested Environmental Overlay policy recommendations have been written by a task force consisting of the Chair and Vice Chair of the Planning Board, the Chair and Vice Chair of the Conservation Commission, as well as Mr. Reichert and Mr. Mark Goodwin as staff. He said the Planning Board, Zoning Board, and Conservation Commission will receive copies for review and additional Staff-driven public hearings will likely be held to garner more input on all of the topics. He said all those comments could be presented to the City Council at the June 18th meeting for consideration.

He said one issue that came from the discussions was related to the Planning Board's recommendation to the City Council to rezone the parcels on the West side of Etna Road from IND-L to GC-1. Dr. Ford Burley and Chair Faunce noted that it appeared that, because the parcels on the West side of Etna Rd are located adjacent to a uniquely important natural area, it

will be very difficult to rezone the area in an environmentally conscious way without introducing spot zoning. The group decided to make a new recommendation that rescinds its previous recommendation to rezone the area.

A MOTION was made by Andrew Faunce to extend the meeting to 10:05pm. The MOTION was seconded by Eric Stacy.

Roll Call Vote:
Voting For – Ms. Romano, Mr. Stacy, Ms. Zook, Dr. Ford Burley, Mr. Faunce, Mr. Kennelly, Dr. Rutter, and Ms. Appleton
Voting Against – None

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

A MOTION was made by Richard Ford Burley that the Planning Board recommends to the Lebanon City Council that the zoning on the West side of Aetna Rd, East of Route 120, remain as it currently is. The MOTION was seconded by Eric Stacy.

Roll Call Vote:
Voting For – Ms. Romano, Mr. Stacy, Dr. Ford Burley, Mr. Faunce, Mr. Kennelly, Dr. Rutter, and Ms. Appleton
Voting Against – None

****The MOTION was approved (7-0, with Ms. Zook abstaining).***

5. **OTHER BUSINESS**
   None
6. **APPROVAL OF MINUTES – February 10, 2025**
   This item was postponed to next meeting

7. **ADJOURNMENT**

A MOTION was made by Kellen Appleton to adjourn the meeting at 10:03pm. The MOTION was seconded by Jeremy Rutter.

Roll Call Vote:
Voting For – Ms. Romano, Mr. Stacy, Ms. Zook, Dr. Ford Burley, Mr. Faunce, Mr. Kennelly, Dr. Rutter, and Ms. Appleton
Voting Against – None

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

The meeting was adjourned at 10:03pm.

Respectfully submitted,
Paula Roux
Recording Secretary