

FINAL

**LEBANON PLANNING BOARD
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE
MONDAY, APRIL 28, 2025 6:30PM**

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

STAFF ABSENT: Brian Ceglarski

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

1. CALL TO ORDER

Chair Faunce called the meeting to order at 6:31pm. Mr. Corwin reviewed the City's meeting in-person and REMOTE attendance policies and procedures. Chair Faunce appointed Ms. Romano as a regular voting member for this meeting. He said the order of the Public Hearing Items would be as follows: Item 2B, 2C, 2A, and 2D, which is out of the order on the meeting agenda.

2. PUBLIC HEARING ITEMS

B. Upper Valley Music Center, Inc., 8 South Park Street (Tax Map 92, Lot 10), zoned PB: Applicant requests Site Plan Review for a proposed +/- 920 sq. ft., 2-story addition to the existing building, together with associated site improvements. PB2025-16-SPR - Postponed from April 14, 2025

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 Upper Valley Music Center, Inc. regarding 8 South Park Street (Tax Map 92, Lot 10) - PB2025-16-SPR, is complete enough for the Planning Board to accept jurisdiction and commence review. The MOTION was seconded by Jeremy Rutter.

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

Mr. Corwin said when this application was first submitted, there were issues and questions that were raised by Staff to the applicant. He said the issues have been substantially addressed with the resubmission. He said Staff and the applicant discovered the following during the application review process:

- a 1984 subdivision and site plan approval that created the 8 South Park St. property and, to the rear, the 6 South Park Street property
- a site plan approval that allowed off-site parking for the 8 South Park Street building on the 6 South Street property.

- the gravel parking lot on the 8 South Park St. property was developed over time without additional site plan approval

Mr. Scott Williams and Ms. Sue Paynter (Pathways Consulting) and Mr. Ben Van Vliet (Executive Director, Upper Valley Music Center) were present on behalf of the applicant. Mr. Williams gave an overview of the project, which involves constructing an addition with ADA accessibility that will provide additional studio space. He noted a drainage system has been proposed to handle the impervious surface area related to the addition. He said one tree will be removed from the North side of the parking lot and a new tree will be planted in another part of the property.

He said, in addition to the subdivision information related to the 6 South Park Street that was discovered through the submission process, it was also discovered that recent changes to a shared driveway for 6 and 8 South Park Street also did not have site plan approval at the time they were implemented (believed to have been completed in 2011). Mr. Williams said there was a 99-year lease between the two properties, which he said included a termination clause that allows the landlord to render the agreement for use of the parking lot at 6 South Park Street null and void if zoning changes related to minimum off-street parking were made. He said they have no evidence for whether or not the lease agreement is still in effect.

Mr. Williams said the applicant is seeking approval for the proposed addition, drainage improvements, and site improvements as described, but also approval for the existing parking lot in its current condition. He said the existing lot was created without the knowledge of the current owner, but either to remove the existing parking lot or to improve it substantially according to what the current site plan regulations require would be unwarranted hardship for the applicant. Mr. Williams said the minimum number of parking spaces required is 10, and the applicant has identified 12 spaces on the current lot, with one being a handicapped-accessible space.

The group discussed the parking lot and driveway issues at length. Mr. Van Vliet said more research into whether the lease (related to the parking lot) is still in effect is being done. He said there is an easement that is specific to the shared upkeep and maintenance of the shared driveway. The group discussed the requirements regarding surface materials used for parking lots. Mr. Corwin referenced (from the Site Plan Regulations) Section 6.5.E.2 "Parking areas shall be finished with improved materials," Section 6.5.E.2.c requiring specifications "for impervious cover cross-sections that shall include a minimum of 2 inches of bituminous pavement," and Section 6.5.E.5 "Alternative parking designs may be considered as recommended by the Reviewing Engineer. The Board may modify the requirements contained herein when it is appropriate to use a substitute for paving because of water quality, drainage and/or aesthetic considerations, so long as the safety of pedestrian and vehicular traffic is assured."

Chair Faunce said improving the gravel lot with granite curbing and surrounding landscaping could be a reasonable way around the requirement for pavement. Mr. Kennelly noted a century-old oak tree on the property would not survive the installation of granite curbing and pavement on that lot. The group discussed the possibility of installing edging to add demarcation between the parking surface and the grounds that would not damage the vegetation, instead of paving the lot.

[At 7:03pm, Ms. Zook left the meeting.]

Mr. Corwin quoted (from the Site Plan Regulations) Section 6.2.L which requires that “Landscaped areas within and adjacent to all parking and vehicular areas shall be protected by curbing, wheel stops, or fencing, . . .”. The group also discussed how the parking spaces will be demarcated. Ms. Paynter noted that a sign will indicate the handicapped-accessible space. The group discussed the drainage plan and maintenance needs for the stormwater catch basin.

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.

The group discussed whether screening for both the lot and the location of the trash cans would be provided. Mr. Williams said screening could be added along the side, but not between the gravel parking lot and the berm on the street side of the property.

The group agreed the following additions had been suggested by the Board:

- For the gravel lot, parking spaces will be delineated, and the boundary between the parking spaces and plantings will be identified by wheel stops
- Shrubs will be added as screen close to the front corner of the building for trash cans
- Screening will be added to the front of the swale
- ADA requirements for a parking space will be addressed as a condition of approval

The Board made the determination that, since-

- the objectives to preserve historic trees on the property and minimize impervious surface in the downtown area of the City have been identified by the applicant; and
- the applicant agreed to additional design elements (i.e., wheel stops) that are allowed under Section 6.5.E.5

-these are good reasons to waive Section 6.5.E.2 (“Parking areas shall be finished with improved materials.”).

A MOTION was made by Richard Ford Burley that, for the application of Upper Valley Music Center, Inc., PB2025-16-SPR, the Lebanon Planning Board approves partial waivers from the following sections of the Site Plan Review Regulations:

- ***Section 5.1.E.7 – structure information within 200 ft. of the site***
- ***Section 5.1.E.9 – property and existing conditions information within 200 ft. of the site***
- ***Section 5.1.E.16 – landscaping plan requirements***
- ***Section 5.1.E.20 – requiring plans for auto, transit, bicyclist, and pedestrian access and circulation***
- ***Section 6.2.B – perimeter landscaping requirements***
- ***Section 6.2.D – landscaping around buildings requirements***

The MOTION was seconded by Jeremy Rutter.

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

A MOTION was made by Richard Ford Burley that the Lebanon Planning Board APPROVE the application of Upper Valley Music Center, Inc., regarding 8 South Park Street (Tax Map 92, Lot 10), zoned PB, PB2025-16-SPR, for Site Plan approval to construct a +/- 920 sq. ft., 2-story addition to the existing building, together with associated site improvements as shown on a plan set titled “Site Plan Review Application Plans for the Upper Valley Music Center Building Addition and Site Improvements Project,” prepared by Pathways Consulting, LLC, dated March

24, 2025, revised April 23, 2025, Project No. 13444, 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. This approval replaces and supersedes the site plan approval of May 14, 1984 for 8 South Park Street and what is now 6 South Park Street, insofar as the May 14, 1984 site approval relates to 8 South Park Street. (The May 14, 1984 site plan approval is still in force and in effect as it relates to 6 South Park Street.)***
- 2. With respect to the minor subdivision approved on May 14, 1984 creating 8 South Park Street and what is now 6 South Park Street, the condition of approval requiring a parking easement over the latter in favor of the former, is hereby repealed and extinguished.***
- 3. 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.***
- 4. 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 March 6, 2025, which are the regulations in effect at the time the application was submitted.***
- 5. 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.***
- 6. "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.***
- 7. "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.***
- 8. 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.***
- 9. The applicant shall implement and maintain NHDES Site Specific Best Management Practices before, during, and after construction.***
- 10. 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.***

11. *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).*
12. *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.*
13. *In lieu of engaging a third-party, the applicant shall coordinate with the City Engineer to observe the installation of the stormwater system. Such coordination shall include preparing daily field reports for each field visit conducted by the engineer-of-record and promptly providing such daily reports to the City Engineer, preparing a tentative construction schedule, and agreeing to provide the City Engineer a minimum of 7 days' notice prior to a required or requested inspection.*

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, to the satisfaction of the City Engineer, update the drainage calculations memorandum to account for the gravel parking lot as a proposed site condition instead of an existing condition.*
15. *Within 45 days of the Planning Board's approval, 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 made pursuant to Condition of Approval #14 above.*
 - b) *Remove the architectural plans and update Index of Sheets.*
 - c) *On the cover sheet Site Information Table:*
 - i. *Remove "building use";*
 - ii. *Identify existing approved impervious coverage and proposed impervious coverage (5.1.E.4.e.12 & 5.1.E.10);*
 - iii. *Identify building setbacks (5.1.E.4.3.11);*
 - iv. *Note that the property is located within the Historic District (5.1.E.4.e.13);*
 - v. *Change the number of minimum required spaces to 11, the maximum number of spaces to 14, and identify the proposed number of parking spaces (5.1.E.4.e.5 & Section 607 of the Zoning Ordinance); and*
 - vi. *Add minimum bicycle parking calculations (5.1.E.4.e.6).*
 - d) *On the landscape plan, identify the existing trees and shrubs with species names, and add shrubs or a fence (not chain link) to screen the refuse bins (5.1.E.16)*
 - e) *Add surveyor's stamp to boundary survey. (5.1.E.5)*
 - f) *On the lighting plan, identify the color correlated temperature (CCT) for the proposed lighting fixtures. (5.1.E.13)*
 - g) *Identify City storm drainage facilities located within 200 feet of the site. (5.1.E.17)*
 - h) *Add year-round concrete or similar wheel stops to delineate each parking space. (6.2.L)*
 - i) *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.

16. *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.*
17. *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.*
18. *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).*
19. *The applicant shall apply for and obtain a Stormwater Permit and Excavation Permit from the Department of Public Works.*

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

20. *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.*
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. *Pursuant to Section 213 of the Zoning Ordinance and the Impact Fee Schedule adopted on May 20, 2024, the development shall be subject to City of Lebanon impact fees in the amount of \$1,067.20.*
23. *All water and sewer fees shall be paid as set forth in City Code Chapter 68.*
24. *The applicant shall obtain an Excavation Permit and Stormwater Permit from the Department of Public Works.*
25. *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

26. *The impact fee calculated pursuant to Condition of Approval #22 shall be paid.*
27. *Third-party engineer or design engineer inspection reports and 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.*
28. *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 MOTION was seconded by Jeremy Rutter.

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

C. Liberty Utilities - Request for scheduled vegetation management for the safety and reliability of the electric distribution system on Poverty Lane, a designated scenic road. PB2025-19-SCR

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 by Liberty Utilities regarding PB2025-19-SCR is complete enough for the Planning Board to accept jurisdiction and commence review. The MOTION was seconded by Eric Stacy.

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

Ms. Heather Green (Liberty Utilities) and Mr. Richard Clar (forester from EOC & Environmental Group) were present on behalf of the applicant. Ms. Green described the planned maintenance work proposed for the identified area of Poverty Lane. She said a mailer is sent notifying residents in the affected areas about the proposed work. She said if the City or an individual resident says no to the cuttings / maintenance, Liberty Utilities does not do any work. She said this round of maintenance will include tree removals, which have not been done in approximately five years. Mr. Clar said all the proposed work has been granted permission for this scheduled vegetation management project. He said if they do not receive consent within 45 days of the mailer being sent, it is considered implied consent per RSA 230-1172 B. He said if a tree crew is doing work and a homeowner comes out and says, please don't do more, the crew stops work and goes on to the next site.

Chair Faunce opened the public comment portion of the meeting.

Mr. Barry Schuster said he is a frequent cyclist on Poverty Lane and asked who is responsible for removing the downed trees/vegetation once it is cut. Ms. Green said it is the landowner's responsibility to remove the wood that is 4.5" or greater in diameter. Ms. Green said the clearance effort is significantly less on a scenic road than on other roads.

Chair Faunce closed the public comment portion of the meeting.

A MOTION was made by Richard Ford Burley that the Lebanon Planning Board, pursuant to NH RSA 231:158, approves the request of Liberty Utilities (PB2025-19-SCR) to perform scheduled vegetation management for the safety and reliability of the electric distribution system on Poverty Lane, a designated scenic road, as described in application materials dated April 2, 2025, prepared by Heather Green, ISA Certified Arborist for Liberty Utilities. The MOTION was seconded by Jeremy Rutter.

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

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- A. 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 April 14, 2025**

Mr. Dan Nash (Advanced Geomatics) and Attorney Barry Schuster were present on behalf of the applicant. Mr. Nash said he submitted the following additional materials:

- a revised document that includes the landscape islands that were discussed at the previous meeting
- an estimate of the cost of the sidewalk (based on NHDOT average prices) that was discussed at the previous meeting. He said the total cost he calculated was \$217-220 dollars per foot
- updated landscaping plantings for the new islands

The group discussed the condition of the sidewalk around the property, and noted that there already exists a sidewalk along the north side of Evans Dr. Mr. Schuster said there is no need to have sidewalk on the south side of Evans Drive. Mr. Vincent said about 950 feet of rehab sidewalk (from the intersection with Route 120 to the first service driveway entering the school property) had been installed in 2024. Mr. Corwin said a segment of sidewalk on the north side of Evans Drive needs to be reconstructed, which the applicant. He said the applicant has three options related to this sidewalk situation:

- Build the required sidewalk on the south side of Evans Drive corresponding to the property's frontage
- Request a waiver from the requirement
- Allocate funds for a contribution to the complete reconstruction of the sidewalk on the north side (amount not to exceed the cost of a south-side sidewalk that would be constructed along the Evans Dr frontage of the property)

The group discussed how the additional cost of the proposed sidewalks is high when compared to the total costs involved for the whole project. The group discussed the additional trees and shrubs that have been proposed at previous meetings. Mr. Nash said the applicant will make a decision whether to proceed with the project if a waiver for this requirement is not granted. The group agreed that the current plans that have been submitted reflect what the Board has requested in previous meetings.

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.

A MOTION was made by Richard Ford Burley that, for the application of the City of Lebanon, PB2024-48-SPRCUP, the Lebanon Planning Board approves partial waivers from the following sections of the Site Plan Review Regulations:

- ***Article VI – design requirements as applied to the property outside of the proposed development area***
- ***Section 5.1.E.16 – landscaping plan requirements***
- ***Section 6.5.D.5 – requiring sidewalks along the property's frontages***
- ***Section 6.7.B.2 – “The light intensity at adjoining streets or commercial property boundaries shall not exceed 0.5 foot-candles at grade level[.]”***
- ***Section 6.2.E.3 – “Any parking area containing three or more rows of parking shall be planted along the perimeter as stated above, and also shall have landscape islands placed between each double row of parking spaces, exclusive of aisles. These landscape islands shall have a minimum width of 8 feet, shall extend the length of the row of parking spaces, shall be planted with deciduous trees for shade, and shall terminate on each end with a landscape bed.”***

- *Section 6.2.E.4 – “Any single or double row of parking longer than 100 feet shall be dispersed every 100 feet or less by a landscaped bed that is at least 8 feet by 8 feet, exclusive of curbing.”*
- *Section 6.2.E.2 – “The end of each row of parking shall have a landscape bed to protect any vehicle parked next to a travel lane. End beds shall be at least 8 feet in width, except for corner radii, shall be long enough to protect tree roots and vehicles parked in the adjacent parking spaces, and shall be planted with deciduous trees for shade.”*

The MOTION was seconded by Jeremy Rutter.

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

A MOTION was made by Richard Ford Burley that the Lebanon Planning Board approves the application of the City of Lebanon regarding 51 Evans Drive (Tax Map 78, Lot 40, Plot 200), zoned R-O-1, PB2024-48-SPRCUP, for Site Plan Review to expand the outdoor vehicular storage area for an existing vehicular sales use together with associated site improvements including landscaping and lighting as shown on a plan set titled “Lebanon Nissan Site Plan Amendment,” prepared by Advanced Geomatics & Design, dated November 12, 2024, last revised March 12, 2025, PN23-006, 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, as set forth below, and except as may have been waived.

This approval is subject to the following conditions:

General Conditions

- 1. 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.*
- 2. The development is subject to the Zoning Ordinance adopted January 16, 2013, last amended April 3, 2024, the Site Plan Review Regulations adopted May 13, 1991, last revised January 23, 2023, and the Subdivision Regulations adopted May 13, 1991, last revised June 28, 2021, which are the land use regulations in effect at the time the application was submitted.*
- 3. “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.*
- 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 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.

5. 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.

6. The applicant shall implement and maintain NHDES Site Specific Best Management Practices before, during, and after construction.

7. 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 Reviewing Engineer or the City's third-party inspector on site.

8. 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).

9. 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.

10. 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.

11. Off-site parking is prohibited, and parking on-site shall be prohibited outside of the parking areas depicted on the approved site plan.

Conditions to be Satisfied Prior to Any Construction Activities

12. The applicant shall update the stormwater management system operation and maintenance plan to address how the pavers will be maintained to the satisfaction of the City Engineer.

13. 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) The plan sheet titled, "Landscape Plan," prepared by Mara Landscape Design, dated last revised April 21, 2025, shall replace the landscape plan included with the plan set dated last revised March 12, 2025.

b) The plan sheets of the plan set dated last revised March 12, 2025, shall be updated to reflect the layout shown on the above-referenced Landscape Plan dated last revised April 21, 2025.

*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.*

14. The applicant shall apply for and obtain a Building Permit (if required by the Building Code) and a Zoning Permit per Section 901.1 of the Zoning Ordinance.

15. All engineering review fees shall be paid in full as required by Section 4.7.E.1 of the Site Plan Review Regulations.

16. 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 Zoning Permit

17. 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.

18. In lieu of engaging a third-party, the applicant shall coordinate with the City Engineer to observe the installation of the stormwater system. Such coordination shall include preparing daily field reports for each field visit conducted by the engineer-of-record and promptly providing such daily reports to the City Engineer, preparing a tentative construction schedule, and agreeing to provide the City Engineer a minimum of 7 days' notice prior to a required or requested inspection.

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

19. All improvements depicted on the plan set 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 MOTION was seconded by Jeremy Rutter.

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

At 8:22pm, Chair Faunce called for a recess.

At 8:42pm, The meeting resumed.

- D. Amendments to the Site Plan Review Regulations: The Lebanon Planning Board will hold a public hearing for the purpose of receiving input and taking action on the following proposed amendments to the Site Plan Review Regulations: (1) Article III (Administration), Section 3.2, to modify the membership of the Minor Site Plan Committee; and (2) Article IV (Procedure), Section 4.3, to require conceptual review of certain projects and to establish related procedural requirements. Copies of the proposed amendments are available for review at the Planning and Development Department and will be made available online at the City's website, lebanonnh.gov. - Continued from March 24, 2025**

Mr. Corwin noted that the amendments to the Minor Site Plan Committee had already been adopted but the proposed amendments to Section 4.3, regarding conceptual review, had not been adopted because they were under legal review.

Section 4.3 – Conceptual Review

A. Purpose. Conceptual review of a proposed *land development* helps to identify potential issues at a project's early stage [redacted] to avoid unnecessary delays during [redacted] formal site plan review. 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. Conceptual review is recommended for all *land development* that requires Planning Board review pursuant to Section 3.1.D, and is required for those projects identified in Section 4.3.B. [redacted] Conceptual review shall be separate and apart from the consideration of an application for land development, and the time while an applicant is preparing a proposal shall not apply until a formal application has been submitted. The time period shall be determined by the Planning Board to be complete.

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. 20 or more new dwelling units.
2. Ten (10) or more detached one- and/or two-family dwellings.
3. Any non-residential or mixed-use building or buildings of a total size of 10,000 sq. ft. or more.

4. Any development determined by the Board to have potential for regional impact;

The applicant is not required to appear before any of these bodies for purposes of conceptual review. Comment by these bodies is optional and may be provided in writing or in person by a duly appointed representative of such body. Provided that consideration or discussion by any of the foregoing bodies may only occur at a public meeting with notice of the meeting provided to the applicant, consistent with the provisions of the Planning Board. The inability of any of these bodies to provide comment shall not delay or in any way hinder the Planning Board's review of the application.

2. For all conceptual review applications, 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, formally adopted, prepared or based on a United States Geological Survey map or similar map, showing the following:

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

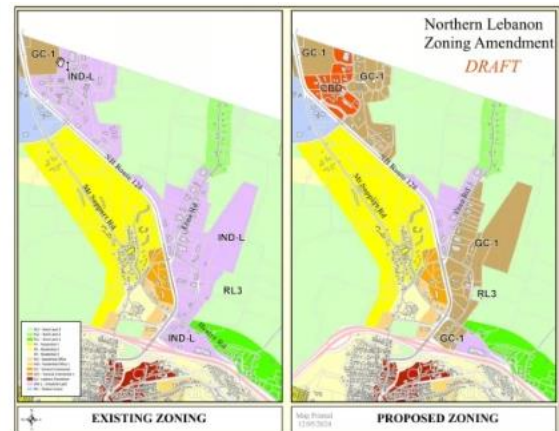
F6. Procedures. Conceptual review shall be an informal discussion with the Board, conducted in general terms, of the basic concept of the proposed development. The conceptual review shall be limited to a discussion of the concept in general terms, for the purpose of familiarizing the Board with the location 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 according to 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. Statements made by Board members shall not be the basis for disqualifying said members from any future considerations of the application or invalidating any subsequent action taken by the Board as a whole.

Figure 1 Legal Counsel edits and other edits to Section 4.3

Ms. Romano noted that there are already four hotels in the area that would be GC-1, which were built while the area was zoned IND-L. The group discussed how the district was proposed to encourage more housing in neighborhoods with livable, walkable space and that hotels do not seem to be in keeping with that objective. They discussed whether hotels could be a conditional use in GC-1 instead of a permitted use. The group decided to table the discussion on this proposed amendment to discuss other items.

Chair Faunce said Item 5A. would be discussed next because Dr. Ford Burley had to leave the meeting shortly and he wanted to be part of the discussion.



5. OTHER BUSINESS

A. Revival of Planning Board Development Regulations Subcommittee, Appointment of Members, and Adoption of Meeting Schedule

Chair Faunce said he has requested that this subcommittee be revived. He said he invited Dr. Ford Burley, Mr. Stacy, and Mr. Kennelly to join him on this committee to work on Planning Board regulations identified in public hearings that need to be reviewed/updated. He said he proposed the group hold quarterly sessions and also inform the rest of the Board of its progress biannually at Planning Board Work Sessions. Chair Faunce said he would begin working on a session schedule.

3. STUDY ITEMS

C. Care & Treatment of Animals – Proposed Zoning Amendments

Mr. Dan Nash (Advanced Geomatics) was present to discuss this proposed zoning amendment. He said the SAVES animal hospital will be located in the RO-1 zone but it does not fit into as a permitted use in the zone. The group discussed what the impact would be if several animal care facilities were introduced in this zone (if it were to become a permitted use), especially if the facilities include kennel services. Ms. Romano noted many people perceive kennels negatively. Mr. Corwin said that “Care and Treatment of Animals” is defined in the zoning ordinance as “A veterinary establishment, riding school or kennel.”

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

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

A MOTION was made by Richard Ford Burley that the Planning Board recommends that the Care and Treatment of Animals be added to the Allowed Uses in the RO-1 District, minus the use of kennels and riding schools. The MOTION was seconded by Andrew Faunce.

Dr. Rutter noted that “Care and Treatment of Animals” was to be added as a Conditional Use, not an Allowed Use. Dr. Ford Burley amended his motion as follows:

A MOTION was made by Richard Ford Burley that the Planning Board recommends that the Care and Treatment of Animals be added as a Conditional Use in the RO-1 District, minus the use of kennels and riding schools. The MOTION was seconded by Andrew Faunce.

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

[At 9:34pm, Dr. Ford Burley left the meeting.]

Mr. Corwin noted that the Hotels in GC-1 zoning amendment discussion will be set for the May 21, 2025 City Council meeting. He said the Board should make comments regarding the proposed amendment by the May 12, 2025 Planning Board meeting at the latest.

D. Food Truck Task Force – Proposed Zoning Amendments

The group discussed the need for established policies and governance of the burgeoning food truck business in the City. Ms. Romano said some truck owners seem to get the prime locations and keep them for decades and no one else can be in the locations. Mr. Corwin noted that food trucks need to get a permit from the City Manager's office to use parking spaces around Colburn Park. The group decided to continue this discussion at the next meeting.

E. Discussion re: Potential Amendments to the Site Plan Review & Subdivision Review Regulations

Chair Faunce asked the Board members to send their comments/input to Mr. Corwin via email to be discussed at a future meeting.

3. COMMITTEE REPORTS – None

4. OTHER BUSINESS

B. Planning Board Training - Postponed to next meeting

5. APPROVAL OF MINUTES – March 17, 2025 & March 24, 2025 - Postponed to next meeting

6. ADJOURNMENT

A MOTION was made by Andrew Faunce to adjourn the meeting at 9:45pm. The MOTION was seconded by Kathie Romano.

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

The meeting was adjourned at 9:45pm.

Respectfully submitted,

Paula Roux

Recording Secretary