FINAL

LEBANON PLANNING BOARD
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE
MONDAY, MAY 12, 2025 6:30PM

MEMBERS PRESENT:	Andrew Faunce (Chair), Richard Ford Burley (Vice Chair), Eric Stacy, Jeremy Rutter, Brian Ceglarski,
MEMBERS ABSENT:	Patrick Kennelly, Kathie Romano, (alt), Kellen Appleton Karen Zook (City Council Rep)
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 6:31pm. 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 May 12, 2025:

- **The Falls at Rivers Edge Homeowners Association, Inc., Apple Blossom Drive, Fountain Way & Stillwater Drive (Tax Map 44, Lot 19, Plots 100-5300), zoned R-3: Site plan amendment to remove condition #12: "all dwellings shall be sprinklered" from the previously approved site plan. PB2025-28-SPA**
- **Alice Peck Day Memorial Hospital, 10 Alice Peck Day Drive (Tax Map 90, Lot 59), zoned R-3: Site plan review to add a new 58 space parking lot. PB2025-29-SP**
- **Wayne & Fiona Barr, Ruth H. Guernsery, TTEE, 24 Green Street West (Tax Map 59, Lot 48), 22 Green Street West (Tax Map 59, Lot 49) & 0 Green Street West (Tax Map 59, Lot 64), zoned R-3: Request for approval of a Boundary Line Adjustment between lands identified above. PB2025-30-BLA**

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 The Falls at Rivers Edge Homeowners Association, Inc., Apple Blossom Drive, Fountain Way & Stillwater Drive (Tax Map 44, Lot 19, Plots 100-5300) PB2025-28-SPA; Alice Peck Day Memorial Hospital, 10 Alice Peck Day Drive (Tax Map 90, Lot 59) PB2025-29-SP; and Wayne & Fiona Barr, Ruth H. Guernsery, TTEE, 24 Green Street West (Tax Map 59, Lot 48) PB2025-30-BLA do not have the potential for regional impact. The MOTION was seconded by Jeremy Rutter.

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

Chair Faunce noted that, because one member must leave the meeting, the Board will no longer have a quorum after 7:30pm so the meeting will conclude at that time. He said the Board would attempt to hold the public hearings for Agenda items 3A, 3B, 3C, and 3D. He said the Board would attempt to open the public hearing for Item 3E at this meeting if time permits. He said the rest of the public hearings (for Items 3F, 3G, and 3H) will be postponed to the June 9, 2025 Planning Board meeting.

A MOTION was made by Richard Ford Burley to postpone the Public Hearings for Brady Sullivan Prospect Hill, LLC, 0 Prospect Street (Tax Map 108, Lot 2), PB2025-23-FMAJA; Michael Davidson, 3 Campbell Street (Tax Map 92, Lot 65), PB2025-24-AAD; and XYZ Dairy, LLC & Lyme Properties 2, LLC, River Park Drive (Tax Map 44, Lots 21 - 30 & 7), PB2025-25-EXT to the June 9, 2025 Planning Board meeting. The MOTION was seconded by Jeremy Rutter.

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

Mr. Tim Sidore, who was present on behalf of the applicant Michael Davidson (Agenda Item 3G - Campbell Street (Tax Map 92, Lot 65), PB2025-24-AAD) asked if that public hearing could be heard instead of Agenda Item 3A (Recreo, LLC, 2 Mascoma Street (Tax Map 91, Lot 254), PB2025-13-EXT), on behalf of which he was also present. Chair Faunce said that the meeting would proceed as they intended, and the Board would hear Agenda Item 3G if time permits.

3. PUBLIC HEARING ITEMS

A. REVISED NOTICE - Recreo, LLC, 2 Mascoma Street (Tax Map 91, Lot 254), zoned LD: Applicant received Site Plan approval on July 11, 2022 (PB2022-17-SPR) for a phased redevelopment of the property including construction of two (2) multi-family dwellings containing a total of 152 units together with associated site improvements, which was extended on July 8, 2024 (PB2024-25-EXT). Applicant now requests (1) a waiver from Section 4.10.C of the Site Plan Review Regulations providing that the Planning Board shall grant no more than one extension for any site plan, (2) an additional extension of the timelines associated with obtaining a building permit and for constructing required site improvements, and (3) an amendment to the approved plan to add an additional phase to allow the renovation of the former Village Market space for a proposed food court and restaurant use. PB2025-13-EXT Continued from April 14, 2025.

Mr. Tim Sidore was present on behalf of the applicant. Mr. Corwin said the applicant has asked to have this application continued to a July meeting, which would extend beyond the 60-day deadline to hold a public hearing. Chair Faunce confirmed with Mr. Sidore that the applicant would provide a statement in writing that they are willing to extend the period of time for the consideration of this public hearing.

A MOTION was made by Richard Ford Burley to continue the Public Hearing of Recreo, LLC, 2 Mascoma Street (Tax Map 91, Lot 254) PB2025-13-EXT to the July 14, 2025 Planning Board meeting at 6:30pm. The MOTION was seconded by Jeremy Rutter.

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

B. LRX 1 Martin Drive, LLC, 1 Martin Drive (Tax Map 129, Lot 19), zoned GC: Request for Site Plan Review to replace an existing +/- 3,393 sq. ft. building with a new +/- 3,683 sq. ft. building to be used as a car wash, together with associated site improvements including stormwater management, landscaping and lighting. PB2025-21-SPR Completeness determination only – public hearing to be held on June 9, 2025.

Chair Faunce said the Board would be deciding only on completeness for this application at this meeting. Mr. Corwin said the application is complete enough for the Board to accept jurisdiction and commence review.

A MOTION was made by Richard Ford Burley that the application of LRX 1 Martin Drive, LLC, 1 Martin Drive (Tax Map 129, Lot 19) PB2025-21-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 (5-0).***

A MOTION was made by Richard Ford Burley to continue the Public Hearing of LRX 1 Martin Drive, LLC, 1 Martin Drive (Tax Map 129, Lot 19) PB2025-21-SPR to the June 9, 2025 Planning Board meeting at 6:30pm. The MOTION was seconded by Jeremy Rutter.

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

C. Irving Oil Terminals, Inc. & Rancho Lebanon, LLC, 200 South Main Street (Tax Map 114, Lot 5) & 206 South Main Street (Tax Map 115, Lot 1), zoned GC: Applicants request an extension of time per Section 4.10.B of the Site Plan Review Regulations to obtain a building permit and an extension of time per Section 8.4.A.3 to achieve active and substantial development of a Site Plan originally approved on May 8, 2023 (PB2023-15-SPR) for a proposed +/- 4,465 sq. ft. convenience store at 200 South Main Street and five (5) fuel dispenser islands with an overhead canopy at 206 South Main Street, together with shared access and associated site improvements. PB2025-20-EXT

Mr. Corwin said the application is complete enough for the Board to accept jurisdiction and commence review.

A MOTION was made by Richard Ford Burley that the application of Irving Oil Terminals, Inc. & Rancho Lebanon, LLC, 200 South Main Street (Tax Map 114, Lot 5) & 206 South Main Street (Tax Map 115, Lot 1) PB2025-20-EXT is complete enough for the Planning Board to accept jurisdiction and commence review. The MOTION was seconded by Jeremy Rutter.

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

Attorney Maria Dolder and Ms. Jennier Daigle (Irving Oil) were present on behalf of the applicant. Attorney Dolder said the applicant is requesting a two-year extension for this project. She gave an overview of the work that has been done so far. She said Ms. Daigle had submitted a

letter with the reasons for the request for an extension. She said some environmental remediation needs to be completed. She said there are also some unresolved issues related to their lease agreement. She confirmed that no previous extensions have been granted for this project.

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 the Lebanon Planning Board approves the application of Irving Oil Terminals, Inc. and Rancho Lebanon, LLC, regarding 200 South Main Street (Tax Map 114, Lot 5) & 206 South Main Street (Tax Map 115, Lot 1), zoned GC, PB2025-20-EXT, for an extension of time per Section 4.10.B of the Site Plan Review Regulations to obtain a building permit and an extension of time per Section 8.4.A.3 to achieve active and substantial development of a Site Plan originally approved on May 8, 2023 (PB2023-15-SPR) for a proposed +/- 4,465 sq. ft. convenience store at 200 South Main Street and five (5) fuel dispenser islands with an overhead canopy at 206 South Main Street, together with shared access and associated site improvements, 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.

This approval is subject to the following conditions:
1. The applicant shall satisfy and comply with the Planning Board Notice of Action for PB2023-15-SPR, dated May 8, 2023, and all conditions of approval thereof except as may be superseded by the conditions below.
2. A building permit must be applied for and issued by no later than May 8, 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 than May 8, 2028. If active and substantial development is not achieved by May 8, 2028, 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 May 8, 2023, approval forPB2023-15-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 Jeremy Rutter.

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

D. Kimbell Properties, LLC, 77 Prospect Street (Tax Map 108, Lot 13), zoned R-3: Request for approval of a proposed three (3)-lot Minor Subdivision. PB2025-22-MIN

Mr. Corwin said the application is complete enough for the Board to accept jurisdiction as commence review.

A MOTION was made by Richard Ford Burley that the application of Kimbell Properties, LLC, 77 Prospect Street (Tax Map 108, Lot 13) PB2025-22-MIN is complete enough for the Planning Board to accept jurisdiction and commence review. The MOTION was seconded by Jeremy Rutter.

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

Mr. Jon Rokeh, PE, (Rokeh Consulting LLC), Mr. Andrew Kimball (property owner), and Mr. Jacque Belanger (surveyor) were present on behalf of the applicant.

Mr. Rokeh gave an overview of the project, which includes a minor subdivision of the property into three lots with a shared driveway. He said they do have plans to further subdivide the property in the future. He said the applicant is requesting a waiver from the requirement of a soil scientist to do testing on the site. He said that requirement is in direct conflict with the state's requirement for a septic designer or surveyor to do the same testing. Mr. Vincent explained the difference between the two requirements and said he is comfortable if the applicant meets the state's requirements if a waiver is granted for the Citys' soil scientist requirement.

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

Ms. Lynn Walker (Ward 3) said she is an abutter to the project. She said she has concerns about the amount of traffic that will be created if the additional dwellings are added to the property. She said the shared driveway runs very close to her property and the light and noise from cars going up and down the driveway will disturb her family in the bedrooms on that side of her house. The group discussed the idea of adding additional trees to increase the buffer between her house and the driveway, but Ms. Walker said she did not think more trees would help. The group also discussed the suggestion of adding shrubs / hedge to the buffer instead of trees.

The group discussed the possibility of relocating the portion of the driveway closest to Ms. Walker's house as far to the east as possible, which may add up to three feet between the driveway and Ms. Walker's property. Mr. Corwin confirmed that the site plan regulations require that the driveway is five feet setback from the property line. The group discussed the idea of waiving the five-foot setback requirement, which Mr. Corwin said would have to be requested of DPW. The decision was made to make it a condition of approval that the applicant must pursue the waiver of the five-foot setback from DPW. Mr. Vincent asked that, if the waiver from DPW is appealed, the application will come back to the Planning Board for another review.

Ms. Walker said the backyard of her property is very wet now and she has concerns that the driveway runoff will create more water in her backyard. Mr. Rokeh said the driveway will include drainage ditches on both sides and a catch basin in the road for stormwater runoff.

Ms. Adelaide Griffiths (Ward 3) said her property is across the street from the project site. She

recommended pine shrubs instead of tree to block sound and noise. She said a lot of water on the hill, where the project site is located, already drains down across the street onto her property and she's concerned the project will result in even more water coming into her yard. Mr. Rokeh said the septic in place on the property channels stormwater off the property towards Prospect Street and into a ditch. He said that is how the City's storm system is designed for the entire neighborhood. Mr. Vincent noted that the City's and states' sewer system testing and regulations are in place to protect residents from leachate outbreaks.

Chair Faunce closed the public comment portion of the meeting.

1. ***A MOTION was made by Richard Ford Burley that, for Kimbell Properties, LLC, 77 Prospect Street (Tax Map 108, Lot 13), PB2025-22-MIN, the Lebanon Planning Board approves the waivers from the following applicable requirements of the Subdivision Regulations: Section 9.5.C.2 and Section 13.4.A..***

The MOTION was seconded by Jeremy Rutter.

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

A MOTION was made by Richard Ford Burley that the Lebanon Planning Board approves the application of Kimbell Properties, LLC, for a proposed three (3)-lot Minor Subdivision of 77 Prospect Street (Tax Map 108, Lot 13), zoned R-3, PB2025-22-MIN, as shown on a plat titled "Subdivision Plan – Tax Map 108 Lot 13," prepared by J.E. Belanger Land Surveying PLLC, dated February 25, 2024, last revised April 27, 2025, Project No. 242661, including any and all supplemental submissions and testimony provided during the public hearing.
In support of its decision, the Board finds that the applicant has submitted plans, testimony, and technical data prepared by a licensed land surveyor that together satisfactorily demonstrate compliance with the applicable requirements of the Subdivision Regulations except as may reasonably be addressed through the imposition of certain conditions of approval, set forth below. This approval is subject to the following conditions:

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

1. ***The applicant shall revise the driveway easement agreement to correct the spelling of "Grafton" on page 1 and to change "Town of Dunbarton" on page 5 to "City of Lebanon".***
2. ***The applicant shall provide a revised plat depicting the following changes to the satisfaction of the Planning and Development Department:***
    - ***a. Add a note clarifying that the "shop" building on Lot 13 is for residential use only and/or change the label of the building to identify a residential accessory use.***
    - ***b. Provide the date and description of the plat revisions. (9.5.A.1)***
3. ***The applicant shall provide a digital record drawing of the revised plat (Cad .dwg format using NH State Plane Coordinate system or an alternative approved by the City's GIS Coordinator).***
4. ***NHDES approval of all subdivision lots less than five (5) acres in size shall be obtained and a copy of such approval shall be provided to the Planning Board. (9.5.C.2)***

General Conditions

5. ***A driveway permit for Lots 13-1 and 13-2 shall be obtained prior to application for a building permit for either lot. The applicant shall seek a waiver under the City of Lebanon's Driveway Regulations (Section 9) to try and address the abutter's concern to maximize the distance of the driveway from the property line, with such waiver being appealable to the Planning Board.***
6. ***This approval shall be considered void unless all conditions precedent have been met, and the plat has been recorded in the Registry of Deeds, within two (2) years from the date of the Notice of Action (Section 7.12.B). The plat and the driveway easement shall be recorded simultaneously and in accordance with Planning & Development Department procedures.***
7. ***Future development on the new lots 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, and such fees shall be due and payable at the time of issuance of a Certificate of Occupancy. In accordance with RSA 674:39, development 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.***
8. ***All future construction shall substantially conform with and shall be subject to the requirements and specifications of the recorded plat (Section 7.9.A.2).***

The MOTION was seconded by Jeremy Rutter.

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

A MOTION was made by Richard Ford Burley that the Lebanon Planning Board authorizes the Chair to sign the Minor Subdivision plat of Kimbell Properties, LLC, PB2025-22-MIN, as revised per the Planning Board's conditions of approval. The MOTION was seconded by Jeremy Rutter.

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

The Board decided to postpone the public hearing for Agenda Item 3E for the public hearing for Families Flourish North East (applicant), Mary Hitchcock Memorial Hospital (property owner), 424 Mount Support Road (Tax Map 24, Lot 6), PB2025-17-SPR to the next meeting on May 27, 2025.

A MOTION was made by Richard Ford Burley to postpone the public hearing for Families Flourish North East (applicant), Mary Hitchcock Memorial Hospital (property owner), 424 Mount Support Road (Tax Map 24, Lot 6), PB2025-17-SPR to the May 27, 2025 Planning Board Work Session. The MOTION was seconded by Jeremy Rutter.

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

Several members of the public who were present at the meeting asked for the Brady Sullivan Prospect Hill project (LLC, 0 Prospect Street (Tax Map 108, Lot 2), PB2025-23-FMAJA) to be discussed. This project was on the agenda but not discussed because of the time conflict noted at the start of the meeting.

Mr. Corwin suggested a site visit be scheduled prior to the next meeting, which the public could attend and speak to the Board about the project. He said quorum would have to be confirmed for that site visit, which cannot be determined tonight.

Chair Faunce agreed to schedule a site walk for 5:00pm on Tuesday, May 27, which is just prior to the next Planning Board meeting. Mr. Corwin encouraged the public to call the City's Planning Department or check the City website to confirm a quorum was achieved and the site walk will take place as scheduled. Mr. Corwin also said that Staff will remain after the current meeting today to speak with residents with concerns about this project.

[At 7:33pm, Dr. Rutter left the meeting.]

The meeting adjourned at 7:35pm.

Respectfully submitted,
Paula Roux
Recording Secretary