



**LEBANON PLANNING BOARD
OCTOBER 13, 2025 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

- A. To participate in this meeting, please [join live via Microsoft Teams](#) or call 929-229-5356 (access code: 875 273 03#). If you have trouble accessing this meeting, please email [Tim Corwin](#).

2. Notice of Regional Impact

3. Public Hearing Items

- A. **Brady Sullivan Prospect Hills, LLC, 0 Prospect Street (Tax Map 108, Lot 2), zoned R-3:** Applicant requests approval of a hauling plan for the Prospect Hills Phase 2 development. Submission of the hauling plan is made pursuant to conditions of approval set forth in the Planning Board's June 9, 2025, Notice of Action for PB2025-23-FMAJA. **PB2025-40-SPA - Continued from August 11, 2025**

4. Other Business

- A. Discussion re: Capital Improvement Program (CIP) Policies and Procedures for 2027-2032 CIP
- B. 2025 Legislative Update and 2026 Legislative Preview
- C. Planning Board Committee Assignments
- D. Planning Board Development Regulations Subcommittee Update

5. Approval of Minutes

- A. August 11, 2025
- B. August 25, 2025
- C. September 8, 2025

6. Adjournment

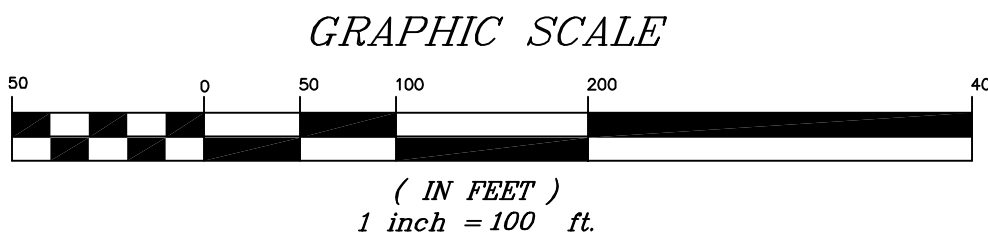
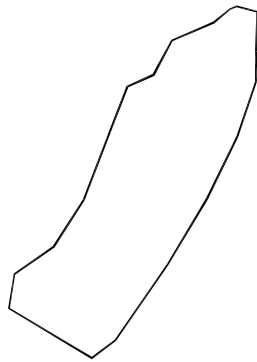
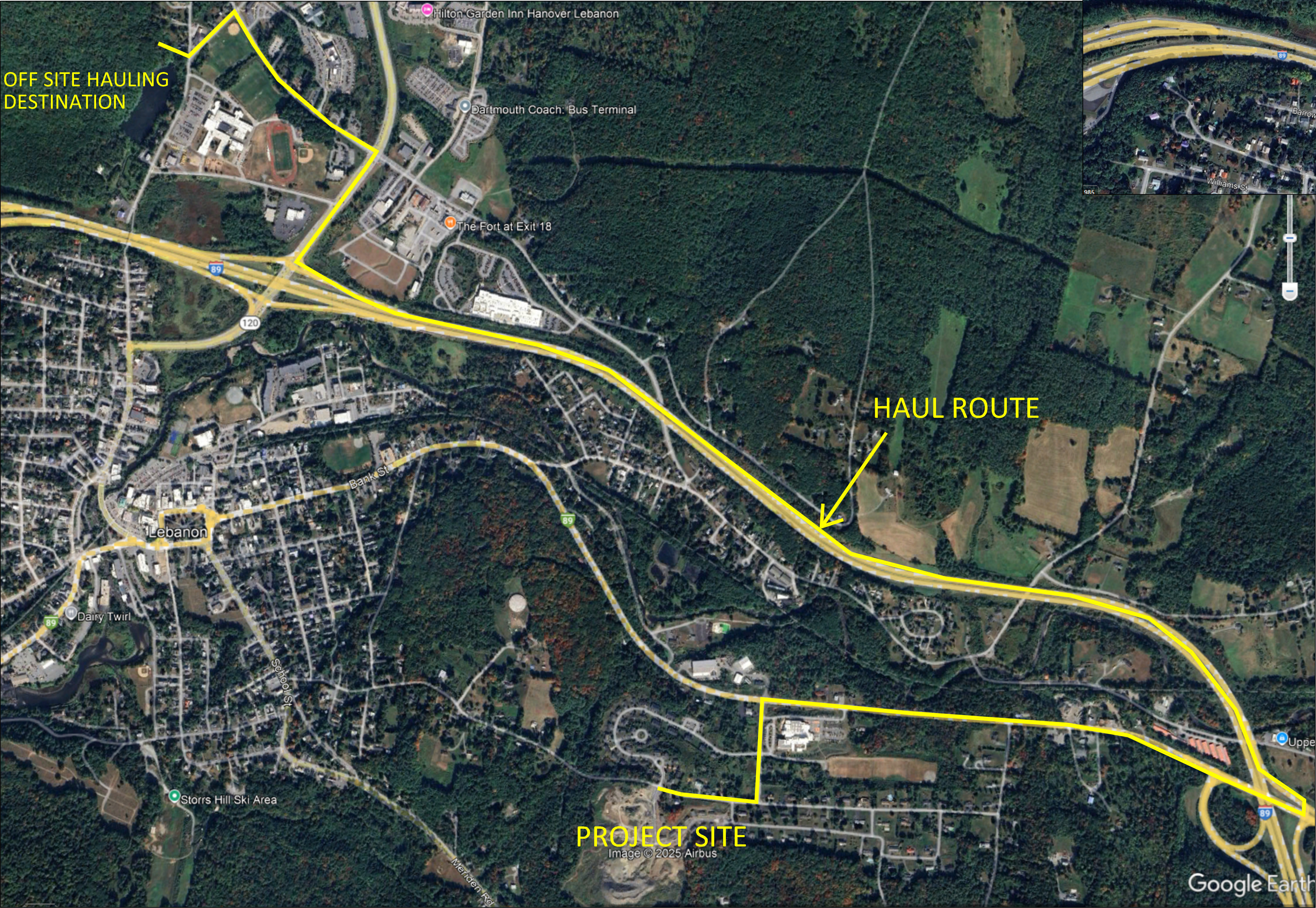
The order of agenda items is subject to change.

Meetings are open for in-person and remote attendance. Members of the public who wish to attend remotely may do so by going to [LebanonNH.gov/Live](#) where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupt virtual or phone connection(s), the meeting will continue without remote access capabilities.

Any person with a disability who wishes to attend this public meeting and needs additional accommodation, please contact the ADA coordinator at City Hall by calling 603-448-4220 at least 72 hours in advance so that the City can make any necessary arrangements.

HAUL INFORMATION

- 1 AMOUNT OF MATERIAL TO REMOVE: We anticipate around 20,000 to 25,000 cu yds of unprocessed ledge that will need to be removed from the site after adjusting the slopes for the site.
- 2 HOW TO PROCESS MATERIAL: We will have a crusher onsite making produce that we will be using onsite regardless of material that needs to be removed. The material that would end up being removed would be unprocessed.
- 3 EQUIPMENT / PROCESS TO BE USED: There will be a crusher set up onsite with rock trucks and loaders moving material around onsite. For material to be removed from the site will be generally loaded in to triaxle trucks to be hauled to the destination at Twin State.
- 4 DATES OF COMMENCEMENT: Blasted material will likely be moved starting in late May and continue through until road closures in the fall.
- 5 WEEKLY AND DAILY PROPOSED SCHEDULES: Hauling will occur Monday through Friday from 8 am to 5pm. Crushing/processing will occur at the same time for onsite materials.
- 6 LOCATION OF MATERIALS ONSITE. The main stock pile areas that are in place and will continue to be utilized are located in the center of the site in the Phase 2F area. Crushing will occur in that area and be transported around the site for construction fill.
- 8 TRUCK SIZE AND NUMBER OF LOADS TO REMOVE: Triaxle trucks are anticipated to be used to remove material from the site. Base on a volume of 25K it would take approximately 1,600 loads over the course of several months to remove the excess. Trucks would utilize primarily Route 4 and Interstate I-89 to move the material to the Brickyard project off of Hanover Street.



DEVELOPER:
BRADY SULLIVAN PROSPECT HILL, LLC
670 N. COMMERCIAL STREET, SUITE 303
MANCHESTER, NH 03101

OFFSITE HAULING PLAN
PROSPECT HILL - PHASE 2
LEBANON, GRAFTON COUNTY, NEW HAMPSHIRE
DATE: 4-1-25

REVISIONS				
DATE	DESCRIPTION	DWN BY	CK BY	
9-22-25	EDITS TO PLAN BASED ON BRICKYARD DESTINATION	JR	JR	

Rokeh Consulting, LLC
89 KING ROAD, CHICHESTER, NH 03258
PH: 603-387-8688

SCALE: 1" = 100'
DR. BY: JR CK. BY: JR
JOB NO. 2010.0023
SHEET NO. 1 OF 1

Cut/Fill Report

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Drawing: C:\Rokeh Consulting Project Files\Brady Sullivan\Prospect Hill - Lebanon\2025 Update Construction DWG\C:\Rokeh Consulting Project Files\Brady Sullivan\Prospect Hill - Lebanon\2025 Update Construction DWG\Final DWG for Prospect Construction 9-23-25.dwg

Volume Summary							
Name	Type	Cut Factor	Fill Factor	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
Sept 22 Volume Update	full	1.000	1.000	1227656.97	120713.32	72437.10	48276.22<Cut>

Totals				
	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
Total	1227656.97	120713.32	72437.10	48276.22<Cut>

* Value adjusted by cut or fill factor other than 1.0



DRAFT

**LEBANON PLANNING BOARD
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE
MONDAY, AUGUST 11, 2025 6:30PM**

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

MEMBERS ABSENT: None

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

OTHERS PRESENT: Attorney Chris Boldt (Special Legal Counsel to the Planning Board)

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 August 11, 2025:

- **SPNH Mount Support, LLC (Tax Map 24, Lot 1, Plot 100), zoned R-1 & RL-3: Applicant request a conceptual review per Section 4.3.B of the Site Plan Review regulations of a proposed 260-unit residential development consisting of three (3) 4-story multi-family dwellings. PB2025-42-CON**
- **Lebanon Poker Room & Casino, LLC, 369 Miracle Mile (Tax Map 103, Lot 11): The applicant requests a Conditional Use Permit pursuant to Section 607.3.B.2 of the Zoning Ordinance to permit parking spaces in excess of 120% of the minimum required for the existing indoor amusements (Revu Casino) use, and an amendment to the approved site plan to expand the parking lot to add 44 additional parking spaces. PB2025-43-CUPA**
- **192 Mascoma Street, LLC, 192 Mascoma Street (Tax Map 90, Lot 19), zoned R-3: Applicant requests approval of a proposed three (3)-lot Minor Subdivision. PB2025-44-MIN**

Mr. Corwin said he did not feel a Notice of Regional Impact was needed for the application for SPNH Mount Support, LLC (Tax Map 24, Lot 1, Plot 100) PB2025-42-CON because it is a request for a conceptual review. Mr. Corwin said Staff recommends the applications for Lebanon Poker Room & Casino, LLC, 369 Miracle Mile (Tax Map 103, Lot 11) PB2025-43-CUPA and 192 Mascoma Street, LLC, 192 Mascoma Street (Tax Map 90, Lot 19) PB2025-44-MIN do not have the potential for regional impact.

1 ***A MOTION was made by Richard Ford Burley that the applications of Lebanon Poker Room &***
2 ***Casino, LLC, 369 Miracle Mile (Tax Map 103, Lot 11) PB2025-43-CUPA and 192 Mascoma Street,***
3 ***LLC, 192 Mascoma Street (Tax Map 90, Lot 19) PB2025-44-MIN do not have the potential for***
4 ***regional impact. The MOTION was seconded by Jeremy Rutter.***

5
6 ****The MOTION was approved (8-0).***

7 8 **3. PUBLIC HEARING ITEMS**

9 Chair Faunce and Ms. Romano recused themselves from the discussion.

10
11 **A. XYZ Dairy, LLC & Lyme Properties 2, LLC, River Park Drive (Tax Map 44, Lots 21 - 30 &**
12 **7), zoned CB, IND-L and R-3: Applicant requests a two (2)-year extension of the River Park**
13 **Site Plan approval (PB2010-25-SPR), as most recently amended on September 9, 2019**
14 **(PB2018-34-SPA). PB2025-25-EXT - Continued from July 14, 2025**

15
16 Acting Chair Ford Burley said, since this application request was last discussed at a previous Planning
17 Board meeting, the applicant had submitted a great deal of information, and the Board has retained its
18 own legal counsel. He gave a brief overview of the history of the request for a two-year extension.

19
20 Mr. David Clem was present on behalf of the applicant. He submitted a written statement to the Board.

21
22 Acting Chair Ford Burley opened the public comment portion of the meeting.

23
24 Andrew Faunce (Ward 1), Planning Board Chair, made the following statement:

25 "I want to speak very briefly to the matter of my recusal. I'm not commenting in any way, shape or form
26 with respect to the merits of the case. My recusal from the current XYZ extension hearing followed an
27 extensive presentation by the applicant's counsel that was not included in the application materials. As
28 such, I had no benefit of the Planning Board's counsel prior to making this choice. Applicant's counsel
29 argued that I was biased and conflicted and that if I did not recuse, any adverse decision of the board
30 would be challenged.

31
32 While I do not believe the charges made against me have merit, I reasoned that I could not freely engage
33 on this application with the threat of further challenge - and with its potential to limit my and others'
34 exercise of independent judgment - hanging overhead. I concluded by expressing confidence the Board
35 would make a well-reasoned decision on this matter and by thanking the Vice Chair for the opportunity
36 for comment."

37
38 Acting Chair Ford Burley closed the public comment portion of the meeting.

39
40 At 6:42pm, Acting Chair Ford Burley called for a recess to allow the Board members to confer with
41 legal counsel.

42 At 6:57pm, the meeting resumed.

43
44 Acting Chair Ford Burley polled the Board members if they had any objections to continuing the
45 discussion, after having consulted legal counsel. He noted that no Board member objected to continuing
46 the discussion.

1 Mr. Clem asked if the address to which certified mail is being sent by Planning Staff could be changed
2 to the address on the application. Acting Chair Ford Burley said he would look into it.

3
4 Acting Chair Ford Burley closed the public hearing.

5
6 Acting Chair Ford Burley noted for the record that he does not think that Chair Andrew Faunce has done
7 anything improper (in his opinion, which he noted is not a legal opinion). He said he is concerned that
8 his recusal gives the impression of impropriety. Other Board members agreed that Chair Faunce's
9 recusal may not have been necessary, and that Chair Faunce cares for the integrity of the Board.

10
11 Acting Chair Ford Burley asked the Planning Board's legal counsel if he would discuss the court case
12 Fisher v Dover and its potential applicability to the applicant's extension request. Mr. Chris Bolt
13 (Donahue Tucker Chandela), attorney for the Planning Board, said he would not be able to discuss the
14 case due to attorney-client privilege.

15
16 ***A MOTION was made by Richard Ford Burley to waive attorney-client privilege specifically for the***
17 ***answer to the question of the application of Fisher versus Dover in the case of XYZ Dairy, LLC &***
18 ***Lyme Properties 2, LLC, River Park Drive (Tax Map 44, Lots 21 - 30 & 7) PB2025-25-EXT at the***
19 ***current (August 11, 2025) public meeting of the Lebanon Planning Board. The MOTION was***
20 ***seconded by Eric Stacy.***

21
22 ****The MOTION was approved (6-0).***

23
24 Mr. Chris Bolt (Donahue Tucker Chandela), attorney for the Planning Board, gave an overview of the
25 court case Fisher v. Dover and its potential applicability to the applicant's extension request. He said he
26 was not sure how the court would apply the Fisher v. Dover concept to this particular extension request
27 when the larger part of the project hasn't changed and in light of the history of previous extensions
28 granted by the Planning Board.

29
30 The group discussed whether it felt that Fisher v. Dover applies to the current extension application. The
31 group agreed that it does not apply.

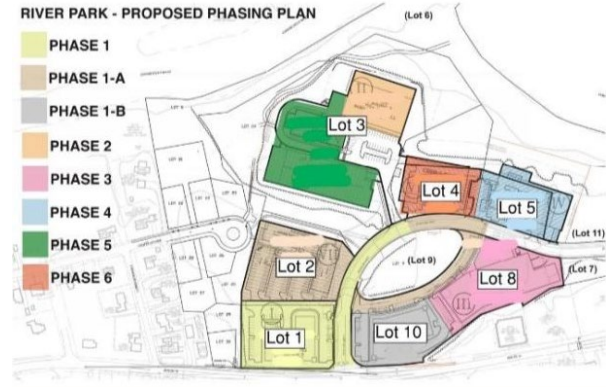
32
33 ***A MOTION was made by Richard Ford Burley that, in the matter of the application of XYZ Dairy,***
34 ***LLC & Lyme Properties 2, LLC, River Park Drive (Tax Map 44, Lots 21 - 30 & 7) requesting a two***
35 ***(2)-year extension of the River Park Site Plan approval (PB2010-25-SPR), as most recently amended***
36 ***on September 9, 2019 (PB2018-34-SPA), and currently listed as PB2025-25-EXT, in light of any***
37 ***subsequent findings included in this motion and the history of this and previous related applications,***
38 ***including any and all submissions and testimony provided for and during the public hearing, the***
39 ***Lebanon Planning Board [APPROVES] the request for a two-year extension, subject to the following***
40 ***Findings and Conditions of Approval:***

41
42 ***FINDINGS***

- 43 ***1. After meeting with independent legal counsel and after public deliberations it is the opinion of the***
44 ***Lebanon Planning Board that existing case law [DOES NOT] robustly support the use of the***
45 ***subsequent application doctrine in the present case at this time.***

2. *At the 9 June 2025 meeting of the Lebanon Planning Board, Chair Andrew Faunce recused himself from the present matter. Regardless of the merits of any claims made in that hearing, it is the opinion of the Lebanon Planning Board that the potential appearance of impropriety given by the recusal [MAY CALL INTO QUESTION] the decision reached by the Board on 17 March 2025.*

3. *At the 17 March 2025 meeting of the Lebanon Planning Board it was agreed that the extension of one phase of the project in question created good cause to extend the remaining phases of the project by the same amount of time, in order to prevent schedule compression conditions for subsequent phases, for which a subsequent request for extension could cite that reduced time to complete that phase as a factor beyond the applicant's control. The Lebanon Planning Board therefore is of the opinion that any extensions to the first phase of the project [SHOULD] include similar extensions to all subsequent phases of the project.*



CONDITIONS OF APPROVAL

1. *Unless subsequently amended by the Planning Board, the Phasing Plan shall be that of the 9 September 2019 Notice of Action, as follows:*
 2. *Phase 1 Improvements: "46,925-square-foot building for office and retail use located on Lot 1 with temporary parking located on Lot 2 and Lot 3. Phase 1 also includes construction of a portion of the development roadway sufficient to access Lot 3, the southerly development entrance intersection, the extension of Crafts Avenue, and the installation of water and sewer lines necessary for this portion of the site."*
 3. *Phase 1-A Improvements: "125,125-square-foot building for 125 units of multi-family housing located on Lot 2, and the construction of a temporary parking lot on Lot 3 and Lot 4. Phase 1-A also includes the extension of the development roadway and construction of proposed Lyman Street."*
 4. *Phase 1-B Improvements: "95,800-square-foot building for office and retail use located on Lot 10 with temporary parking on Lot 3, Lot 4, and Lot 5."*
 5. *Phase 2 Improvements: "178,650-square-foot building for laboratory/office use located on Lot 3 with temporary parking located on Lot 3, Lot 4, and Lot 5. Phase 2 also includes the construction of the remainder of the development roadway and the northerly access intersection."*
 6. *Phase 3 Improvements: "23,000-square-foot building for office and retail use and a 585-space parking garage located on Lot 8."*
 7. *Phase 4 Improvements: "153,120-square-foot building for laboratory/office use located on Lot 5."*
 8. *Phase 5 Improvements: "81,500-square-foot building for laboratory/office use and an 808-space parking garage located on Lot 3."*
 9. *Phase 6 Improvements: "133,200-square-foot building for laboratory/office use located on Lot 4."*
- The Lebanon Planning Board hereby approves the following changes to the following conditions of approval set forth in the amended 2019 Notice of Action:*

14-2. *The construction of Phase 1 infrastructure improvements shall be completed before August 11, 2027.*

1 **15-1. The construction of Phase 1-A improvements shall be completed before August 11, 2027.**

2 **16-1. The construction of Phase 1-B improvements shall achieve active and substantial development,**
3 **as defined by Section 8.4 of the Lebanon Site Plan Review Regulations in effect as of the date of this**
4 **ruling, before August 11, 2028 and shall be completed within 5 years of commencement.**

5 **17-1. The construction of Phase 2 infrastructure improvements shall achieve active and substantial**
6 **development, as defined by Section 8.4 of the Lebanon Site Plan Review Regulations in effect as of**
7 **the date of this ruling, before August 11, 2030 and shall be completed within 5 years of**
8 **commencement.**

9 **18-1. The construction of Phase 3 improvements shall achieve active and substantial development, as**
10 **defined by Section 8.4 of the Lebanon Site Plan Review Regulations in effect as of the date of this**
11 **ruling, before August 11, 2032 and shall be completed within 5 years of commencement.**

12 **19-1. The construction of Phase 4 improvements shall achieve active and substantial development, as**
13 **defined by Section 8.4 of the Lebanon Site Plan Review Regulations in effect as of the date of this**
14 **ruling, before August 11, 2034 and shall be completed within 5 years of commencement.**

15 **20-1. The construction of Phase 5 improvements shall achieve active and substantial development, as**
16 **defined by Section 8.4 of the Lebanon Site Plan Review Regulations in effect as of the date of this**
17 **ruling, before August 11, 2036 and shall be completed within 5 years of commencement.**

18 **21-1. The construction of Phase 6 improvements shall achieve active and substantial development, as**
19 **defined by Section 8.4 of the Lebanon Site Plan Review Regulations in effect the date of this ruling,**
20 **before August 11, 2039 and shall be completed within 5 years of commencement.**

21 **29. Effect of Approval. This approval is a final, conditional site plan approval for a “phased**
22 **development” under Section 4.9 of the Site Plan Review Regulations and is a final decision of the**
23 **Planning Board for purposes of RSA 677:15, I. As set forth in Section 4.10(C) of those Regulations,**
24 **the deadlines for the construction of improvements within each phase shall be as stated in the**
25 **approved phasing plan, rather than the 1-year period under Section 4.10(A). It is the intent and effect**
26 **of this approval, subject to the satisfactory completion of the financial security requirements set forth**
27 **in Condition #5 of the Final Major Subdivision approval (#PB2011-01-FMAJ) for the development,**
28 **that upon completion of the Phase 1 infrastructure and the Phase 1-A improvements before August**
29 **11, 2027, as set forth in Conditions #14-2 and #15-1, above, the subdivision as a whole, including all**
30 **phases, shall vest as provided in RSA 674:39, II, and no subsequent changes in subdivision**
31 **regulations, site plan regulations, or zoning ordinances, except impact fees adopted pursuant to RSA**
32 **674:21 and 675:2-4, shall operate to affect this phased development, provided that the applicant and**
33 **its successors-in-interest continue to comply with all conditions of this approval and of the Planning**
34 **Board’s approval of Final Major Subdivision application #PB2011-01-FMAJ, including the time**
35 **limits set forth in the phasing**
36 **plan, unless such a limit is extended for good cause by the Planning Board, acting upon an**
37 **application submitted prior to the expiration of such limit.**

38 **2. The Applicant or Applicant’s designee shall come before the Lebanon Planning Board at the**
39 **Regular Meetings of the Board in February 2026, August 2026, and February 2027 to detail progress**
40 **made toward the phasing plan milestones laid out in this decision. While in-person attendance is**
41 **greatly preferred, in the case of a scheduling conflict progress updates may be submitted in writing by**
42 **the day of the regular planning board meeting of the above dates to planning@lebanonnh.gov.**

43 **3. The Planning Board shall not accept or consider any further applications or applications for**
44 **extensions to this phasing schedule no earlier than the submission deadline for the Regular Meeting**
45 **of the Planning Board in May 2027.**

46

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

2
3 ****The MOTION was approved (6-0).***

4
5 Chair Faunce and Ms. Romano rejoined the meeting. Chair Faunce appointed Ms. Romano as a regular
6 voting member for this meeting.

7
8 **B. Marek North, LLC, 402 Mount Support Road (Tax Map 24, Lot 9), zoned R-1: Applicant**
9 **requests modifications to the phasing plan for a 204-unit multi-family complex, originally**
10 **approved on February 14, 2022 (PB2021-33-SPR), reapproved on October 9, 2023 (PB2023-34-**
11 **SPR), and further modified on July 7, 2025 (PB2024-29-SPA). PB2025-38-SPA**

12
13 Mr. Corwin gave an overview of the project. He said the applicant has asked for several adjustments to
14 the phasing plan they had first proposed in 2021. He said the applicant is not proposing changes to the
15 deadline dates for building permits for each phase. He provided the Board with a document that included
16 the existing phasing plan and the proposed new phasing plan dates.

17
18 Mr. Corwin said the application is complete enough for the Board to accept jurisdiction as commence
19 review.

20
21 ***A MOTION was made by Richard Ford Burley that the application of Marek North, LLC, 402 Mount***
22 ***Support Road (Tax Map 24, Lot 9) PB2025-38-SPA is complete enough for the Planning Board to***
23 ***accept jurisdiction and commence review. The MOTION was seconded by Jeremy Rutter.***

24
25 ****The MOTION was approved (8-0).***

26
27 Mr. Nik Fiore (Engineering Ventures) and Mr. Brenden Gilmore (Saxon Partners) were present on
28 behalf of the applicant. Mr. Fiore said the applicant is requesting the change of a few end dates in the
29 project timeline. He said the limits and the scope of each phase are not changing.

30
31 He said the proposed Phase I changes are: Active and substantial development date changed from
32 November 30, 2025 to April 30, 2026; Substantial Completion date changed from May 31, 2026 to
33 October 31, 2026

34
35 He gave an overview of the work that has been done so far:

- 36
 - Sewer line installed and most of the water lines installed
 - 37 • Several storm water infrastructures installed
 - 38 • Working on foundations for Building 2
 - 39 • Working on prepping for other foundations as well - most underground infrastructure in place

40 Mr. Corwin explained that an applicant for a phased development project has a lot of flexibility to
41 propose how they will phase their development and timelines, including when to obtain building permits
42 for each phase, when active and substantial development for each phase will be achieved, and when
43 substantial completion for each phase of development will be achieved.

44
45 Chair Faunce opened the public comment portion of the meeting. No one from the public spoke.

46 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 SPNH Lebanon North, LLC, PB2025-38-SPA, made pursuant to Section 4.9.F of the Site Plan Review Regulations, requesting modifications to the phasing plan for a 204-unit multi-family development at 402 Mount Support Road (Tax Map 24, Lot 9), zoned R-1, originally approved on February 14, 2022 (PB2021-33-SPR), reapproved on October 9, 2023 (PB2023-34-SPR), and modified on July 8, 2024 (PB2024-28-SPA), 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 the applicant has satisfactorily demonstrated that the applicant's revised phasing plan meets the applicable requirements of Section 4.9.C, Section 4.9.D, and Section 4.10 of the Site Plan Review Regulations.

This approval is subject to the following conditions:

- 1. The applicant shall satisfy and comply with the Notice of Action for PB2021-33-SPR dated February 14, 2022, and all conditions of approval thereof, the Notice of Action for PB2023-34-SPA dated October 9, 2023, and all conditions of approval thereof except as superseded by Condition of Approval #2 below, and the Notice of Action for PB2024-29-SPA dated July 8, 2024, and all conditions of approval thereof except as superseded by Condition of Approval #2 below.***
- 2. Condition #2 set forth in the Planning Board Notice of Action for PB2023-34-SPA dated October 9, 2023, and Condition #2 set forth in the Planning Board Notice of Action for PB2024-29-SPA dated July 8, 2024, are hereby stricken and replaced with the following:***

Pursuant to Section 4.9 of the Site Plan Review Regulations, the project may be constructed in phases per the phasing plan titled, "Project Phasing Plan – Marek 2", prepared by Engineering Ventures, PC, dated 3/15/2024, last revised 7/10/25, EV Project #22715.

The MOTION was seconded by Eric Stacy.

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

C. Marek Lebanon, LLC, 343 Mount Support Road (Tax Map 24, Lot 1) & SPNH Mount Support, LLC, 0 Mount Support Road (Tax Map 24, Lot 1, Plot 100), zoned R-1 & RL-3: Applicant requests a Boundary Line Adjustment to the existing lot lines and a Minor Subdivision of the subject properties into three (3) lots. PB2025-39-BLAMIN

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

A MOTION was made by Andrew Faunce that the application of Marek Lebanon, LLC, 343 Mount Support Road (Tax Map 24, Lot 1) & SPNH Mount Support, LLC, 0 Mount Support Road (Tax Map 24, Lot 1, Plot 100) PB2025-39-BLAMIN is complete enough for the Planning Board to accept jurisdiction and commence review. The MOTION was seconded by Richard Ford Burley.

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

Mr. Corwin said the applicant provided a revised plan earlier in the day that was provided to the Board on paper at this meeting.

Mr. Dave Fenstermacher (VHB) and Mr. Brenden Gilmore (Saxon Partners) were present on behalf of the applicant. Mr. Fenstermacher said the applicant is requesting a change to the boundary line because of the location of the wildlife corridor that intersects with the project site. He said the applicant also wants to create a new lot along the Mount Support Road frontage of the property for future development. He said making the new lot will accommodate a driveway that meets emergency vehicle access requirements. He said Mr. Gilmore reviewed the plan with the Lebanon Fire Department and they were satisfied with the plan.

Mr. Gilmore explained the reason for the new proposed subdivision is because there is usable property on the right side of the property that could be the site of future development. He said they considered cottage development for that area but no plans have been finalized. Mr. Fenstermacher said the Board will see (during Conceptual Review at its September meeting) that the applicant is proposing additional wildlife corridor improvements. He said the Zoning Board of Adjustments and the Conservation Commission have reviewed and approved the plan for the new lot.

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. He closed the public hearing.

A MOTION was made by Richard Ford Burley that the Lebanon Planning Board approves the application of Marek Lebanon, LLC and SPNH Mount Support, LLC for a proposed Boundary Line Adjustment and Minor Subdivision of Tax Map 24, Lots 1 and 1-100, PB2025-39-BLAMIN, as shown on a plat titled "Subdivision Plan, Map 24, Lots 1 & 1-100," by Vanasse Hangen Brustlin, Inc.

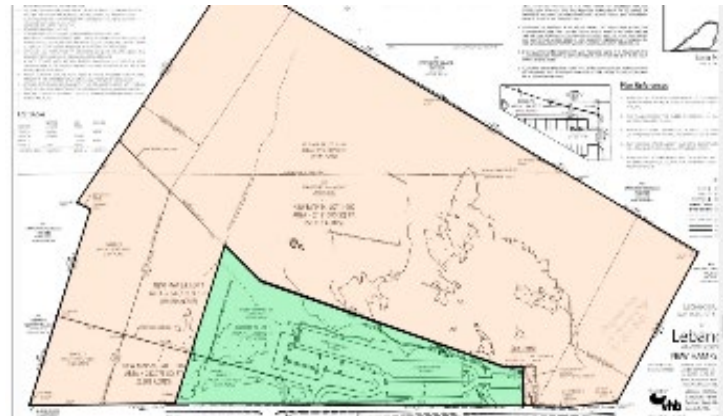


Figure 1: Original plan: green area = project site

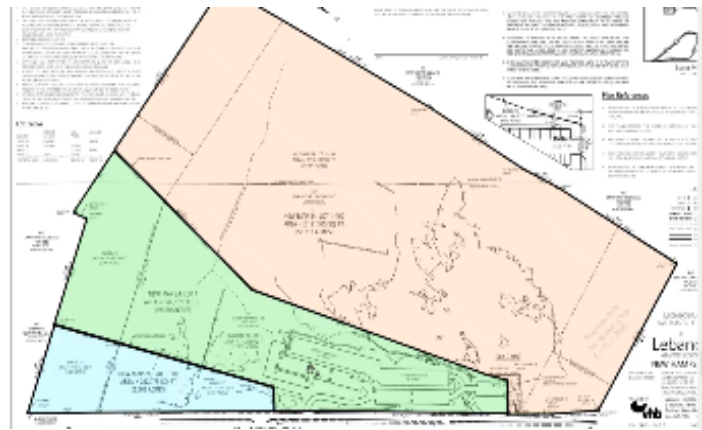


Figure 2: Revised Plan: blue = Lot 1-200

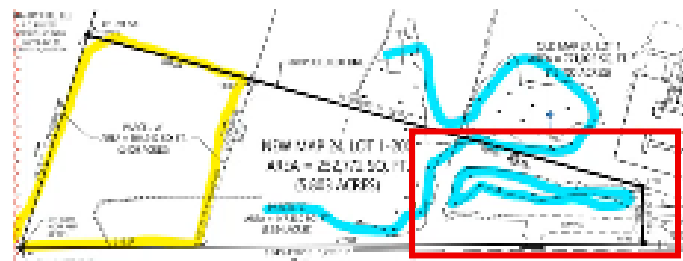


Figure 3: Lot 1-200

Yellow highlighted area = Wildlife Corridor

Blue lines = wetlands areas

Red rectangle = new proposed lot for future development

(VHB), dated June 4, 2025, Project Number 52616.00, 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:

GENERAL CONDITIONS

- 1. 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 shall be recorded by the Planning & Development Department in accordance with Planning & Development Department recording procedures.*
- 2. Future development on the new lot (Tax Map 24, Lot 1-200) 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.*
- 3. 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).*

Mr. Corwin suggested that Chair Faunce reopen the public hearing so the Board could have discussion about parameters set forth by new NH Law for the future development of the identified area.

Chair Faunce reopened the public hearing.

Mr. Corwin explained he had sent an email to the Board with information about the new law regarding Tax Map 24, Lot 1-200. He said the new law stipulates that future development shall only be permitted after a full delineation of the wetlands has been completed for the proposed development area of that lot, excluding any areas that are to be left in their natural state and or subject to a wildlife corridor restriction.



Figure 3: Lot 1-200
 Yellow highlighted area = Wildlife Corridor
 Blue lines = wetlands areas
 Red rectangle = new proposed lot for future development

Mr. Fenstermacher noted that the applicant has no plans to develop the areas identified as the Wildlife Corridor and the area directly to the right of it on the map.

1 The group had a lengthy discussion about how to delineate the wetlands in the project area, either
2 through condition of approval or a waiver request. The group decided to make a condition of approval
3 on the plat to delineate the wetlands areas for Lot 1-200 portion of the property.

4
5 Chair Faunce closed the public hearing.

6
7 ***Conditions to be Satisfied Prior to the Signing and Recording of the Plat***

8 ***4. The applicants shall obtain addresses for Lots 24-1-100 and 24-1-200 in accordance with***
9 ***applicable City of Lebanon procedures.***

10 ***5. The applicants shall provide a revised plat depicting the following changes to the satisfaction of the***
11 ***Planning and Development Department:***

12 ***a. Add a note that any new or relocated driveway will require a Driveway Permit from the***
13 ***Department of Public Works.***

14 ***b. Add lot addresses.***

15 ***c. Add a note that the gravel lot located on Lot 24-1-200 shall not be deemed a legal non-***
16 ***conformity from a use or dimensional standpoint and shall not be the basis for seeking any***
17 ***waivers from the Site Plan Review Regulations in connection with any future development.***

18 ***d. Depict full delineation of the wetlands on Lot 24-1-200 outside of the protected wildlife***
19 ***corridor.***

20 ***e. Add Planning Board application number to the title block (PB2025-39-BLAMIN).***

21 ***f. Provide the date and description of the plat revisions. (9.5.A.1)***

22 ***6. The applicants shall provide a digital record drawing of the revised plat (Cad .dwg format using***
23 ***NH State Plane Coordinate system or an alternative approved by the City's GIS Coordinator).***

24 ***7. The applicants shall provide to the City draft copies of the deeds of the land transfer for review to***
25 ***ensure the transfer will be completed properly for Assessing and recording purposes.***

26 ***8. The applicants shall submit two (2) mylars of the approved plat, as revised pursuant to these***
27 ***conditions of approval, together with applicable recording fees to the Planning & Development***
28 ***Department in accordance with Planning & Development Department recording procedures. (8.1.D &***
29 ***7.11)***

30 ***9. The applicants shall submit the executed deeds of the land transfer together with applicable***
31 ***recording fees to the Planning & Development Department to be recorded contemporaneously with***
32 ***the plat.***

33
34 ***The MOTION was seconded by Kathie Romano.***

35
36 Mr. Corwin suggested a motion be made to approve the request for partial waivers at this time.

37
38 ***A MOTION was made by Richard Ford Burley that the Planning Board approve the applicant's***
39 ***request for a partial waiver from Section 9.587 of the Site Plan Review Regulations which requires a***
40 ***delineation of the wetlands on the property. The MOTION was seconded by Kathie Romano.***

41
42 ****The MOTION was approved (8-0).***
43
44

1 ****The MOTION (to approve the application of Marek Lebanon, LLC and SPNH Mount Support, LLC***
2 ***for a proposed Boundary Line Adjustment and Minor Subdivision of Tax Map 24, Lots 1 and 1-100,***
3 ***PB2025-39-BLAMIN) was approved (8-0).***
4

5
6 ***A MOTION was made by Richard Ford Burley that the Lebanon Planning Board authorizes the***
7 ***Chair to sign the plat of Marek Lebanon, LLC and SPNH Mount Support, LLC, PB2025-39-***
8 ***BLAMIN, titled “Subdivision Plan, Map 24, Lots 1 & 1-100,” by VHB, dated June 4, 2025, and as***
9 ***revised per the Planning Board’s conditions of approval. The MOTION was seconded by Kellen***
10 ***Appleton.***

11
12 ****The MOTION was approved (8-0).***
13

14
15 **D. Brady Sullivan Prospect Hills, LLC, 0 Prospect Street (Tax Map 108, Lot 2), zoned R-3:**
16 **Applicant requests approval of a hauling plan for the Prospect Hills Phase 2 development.**
17 **Submission of the hauling plan is made pursuant to conditions of approval set forth in the**
18 **Planning Board’s June 9, 2025, Notice of Action for PB2025-23-FMAJA. PB2025-40-SP**
19

20 Ms. Appleton recused themselves from the discussion.

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

23
24 ***A MOTION was made by Richard Ford Burley that the application of Brady Sullivan Prospect Hills,***
25 ***LLC, 0 Prospect Street (Tax Map 108, Lot 2) PB2025-40-SP is complete enough for the Planning***
26 ***Board to accept jurisdiction and commence review. The MOTION was seconded by Andrew Faunce.***
27

28 ****The MOTION was approved (7-0).***
29

30 Mr. Corwin gave an overview of the applicant’s project. He said the Board had requested that the
31 applicant provide a hauling plan to address how they intend to remove excess material excavating from
32 the site during regrading of the site. Mr. Corwin said the applicant is making good progress on meeting
33 all the conditions specified by the Board at the June meeting, but he said he would need further detailed
34 review before he could confirm all the requirements have been met. Dr. Rutter noted that Condition #11
35 (related to fencing) does not have a deadline specified.
36

37 Mr. Jon Rokeh, PE, (Rokeh Consulting LLC), and Attorney Marc Pinard (Brady Sullivan General
38 Counsel) were present on behalf of the applicant. Mr. Rokeh gave an overview of the work that the
39 applicant has done since they last came before the Board. He explained the hauling plan options they
40 have submitted. He said the applicant would like to deliver the material to the project underway at the
41 former Densmore Brickyard site but cannot do that until that project attains approval to receive the
42 material.
43

44 The group discussed aspects of the hauling plans that still need to be determined: For example: road
45 closures that may impact the hauling timeline; schools that are on the proposed routes and back-up plans

1 to avoid them during commute times; weight limits on affected roads along the routes. resident
2 complaints.

3
4 Mr. Corwin noted that residents of Elm St. West have not been made aware of the proposed hauling
5 route. He said many residents are already unhappy with the truck traffic on their road. He suggested the
6 route use Glen Road instead of Elm St. West.

7
8 Chair Faunce noted other residents, who spoke at the previous meeting in June, had composed a list of
9 requests to mitigate the impact of the truck traffic during the hauling period. He said it did not appear the
10 following had not been addressed by the proposed plan:

- 11 • Truck speed limit of 15mph
- 12 • Dust management
- 13 • Bike path enforcement – keeping vehicles off the path
- 14 • Barrier gate installed at Hillcrest
- 15 • Routing trucks through the development rather than residential streets (as much as possible)
- 16 • Communication about the project posted at construction site kiosk
- 17 • Online communication (similar to that at kiosk)

18
19 Chair Faunce opened the public comment portion of the meeting.

20
21 Mr. Kevin McLain asked if trucks from this project are going up Daisy Hill Rd. and down Cross Rd. Mr.
22 Rokeh said the only roads being used by this project are Prospect Street and Moulton Ave. Mr. Corwin
23 asked Mr. McLain to contact him directly by email so he could look into which project is generating the
24 truck traffic on Daisy Hill and Cross Roads.

25
26 Ms. Mary Beth Dinulos said she is also concerned about the truck traffic on Daisy Hill Rd. Mr. Corwin
27 asked her to contact him directly via email.

28
29 The group agreed that the applicant should come to a future meeting with a more detailed hauling plan.

30
31 ***A MOTION was made by Richard Ford Burley that the application of Brady Sullivan Prospect Hills,***
32 ***LLC, 0 Prospect Street (Tax Map 108, Lot 2) PB2025-40-SP be continued until the September 8, 2025***
33 ***Planning Board meeting. The MOTION was seconded by Eric Stacy.***

34
35 ****The MOTION was approved (7-0).***

36
37 Ms. Appleton rejoined the meeting.

38 39 **4. OTHER BUSINESS**

40 **A. Development Regulations Subcommittee Report - Discussion of Proposed Amendments to the** 41 **Site Plan Review and Subdivision Regulations**

42
43 Dr. Ford Burley said a question arose from the Development Regulations Subcommittee: Is it preferred
44 for applicant maps to be certified by a New Hampshire-permitted septic designer rather than by certified
45 soil scientists?

Mr. Vincent discussed the differences between soil scientists and septic designers. He said a good rule of thumb is to follow state standards. Dr. Ford Burley said the subcommittee would continue to discuss this topic. He noted that the subcommittee did make one change to Section 410: Expiration of Site Plan Approval (relating to granting an extension). He said they changed the language “up to two additional years” to “two additional years” – meaning, if an applicant is granted an extension, it is for two years and not any less.

A MOTION was made by Richard Ford Burley to extend the meeting to 9:40pm. The MOTION was seconded by Kathie Romano.

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

5. APPROVAL OF MINUTES

- June 9, 2025
- June 23, 2025
- July 14, 2025

Dr. Rutter noted he reviewed only a portion of the July 14 meeting minutes. The group decided to wait on approval of the July 14 minutes to give Dr. Rutter a chance to fully review.

A MOTION was made by Richard Ford Burley to approve the June 9, 2025 and June 23, 2025 Planning Board Meeting minutes as presented. The MOTION was seconded by Kellen Appleton.

**The MOTION was approved (6-0, with Rutter and Kennelly abstaining).*

6. ADJOURNMENT

A MOTION was made by Richard Ford Burley to adjourn the meeting at 9:31pm. The MOTION was seconded by Jeremy Rutter.

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

The meeting adjourned at 9:31pm.

Respectfully submitted,
Paula Roux
Recording Secretary

DRAFT

LEBANON PLANNING BOARD
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE
MONDAY, AUGUST 11, 2025 6:30PM

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

MEMBERS ABSENT: None

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

OTHERS PRESENT: Attorney Chris Boldt (Special Legal Counsel to the Planning Board)

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 August 11, 2025:

- **SPNH Mount Support, LLC (Tax Map 24, Lot 1, Plot 100), zoned R-1 & RL-3: Applicant request a conceptual review per Section 4.3.B of the Site Plan Review regulations of a proposed 260-unit residential development consisting of three (3) 4-story multi-family dwellings. PB2025-42-CON**
- **Lebanon Poker Room & Casino, LLC, 369 Miracle Mile (Tax Map 103, Lot 11): The applicant requests a Conditional Use Permit pursuant to Section 607.3.B.2 of the Zoning Ordinance to permit parking spaces in excess of 120% of the minimum required for the existing indoor amusements (Revu Casino) use, and an amendment to the approved site plan to expand the parking lot to add 44 additional parking spaces. PB2025-43-CUPA**
- **192 Mascoma Street, LLC, 192 Mascoma Street (Tax Map 90, Lot 19), zoned R-3: Applicant requests approval of a proposed three (3)-lot Minor Subdivision. PB2025-44-MIN**

Mr. Corwin said he did not feel a Notice of Regional Impact was needed for the application for SPNH Mount Support, LLC (Tax Map 24, Lot 1, Plot 100) PB2025-42-CON because it is a request for a conceptual review. Mr. Corwin said Staff recommends the applications for Lebanon Poker Room & Casino, LLC, 369 Miracle Mile (Tax Map 103, Lot 11) PB2025-43-CUPA and 192 Mascoma Street, LLC, 192 Mascoma Street (Tax Map 90, Lot 19) PB2025-44-MIN do not have the potential for regional impact.

1 *A MOTION was made by Richard Ford Burley that the applications of Lebanon Poker Room &*
2 *Casino, LLC, 369 Miracle Mile (Tax Map 103, Lot 11) PB2025-43-CUPA and 192 Mascoma Street,*
3 *LLC, 192 Mascoma Street (Tax Map 90, Lot 19) PB2025-44-MIN do not have the potential for*
4 *regional impact. The MOTION was seconded by Jeremy Rutter.*

5
6 **The MOTION was approved (8-0).*

7
8 **3. PUBLIC HEARING ITEMS**

9 Chair Faunce and Ms. Romano recused themselves from the discussion.

10
11 **A. XYZ Dairy, LLC & Lyme Properties 2, LLC, River Park Drive (Tax Map 44, Lots 21 - 30 &**
12 **7), zoned CB, IND-L and R-3: Applicant requests a two (2)-year extension of the River Park**
13 **Site Plan approval (PB2010-25-SPR), as most recently amended on September 9, 2019**
14 **(PB2018-34-SPA). PB2025-25-EXT - Continued from July 14, 2025**

15
16 Acting Chair Ford Burley said, since this application request was last discussed at a previous Planning
17 Board meeting, the applicant had submitted a great deal of information, and the Board has retained its
18 own legal counsel. He gave a brief overview of the history of the request for a two-year extension.

19
20 Mr. David Clem was present on behalf of the applicant. He submitted a written statement to the Board.

21
22 Acting Chair Ford Burley opened the public comment portion of the meeting.

23
24 Andrew Faunce (Ward 1), Planning Board Chair, made the following statement:

25 “I want to speak very briefly to the matter of my recusal. I’m not commenting in any way, shape or form
26 with respect to the merits of the case. My recusal from the current XYZ extension hearing followed an
27 extensive presentation by the applicant’s counsel that was not included in the application materials. As
28 such, I had no benefit of the Planning Board’s counsel prior to making this choice. Applicant’s counsel
29 argued that I was biased and conflicted and that if I did not recuse, any adverse decision of the board
30 would be challenged.

31
32 While I do not believe the charges made against me have merit, I reasoned that I could not freely engage
33 on this application with the threat of further challenge - and with its potential to limit my and others’
34 exercise of independent judgment - hanging overhead. I concluded by expressing confidence the Board
35 would make a well-reasoned decision on this matter and by thanking the Vice Chair for the opportunity
36 for comment.”

37
38 Acting Chair Ford Burley closed the public comment portion of the meeting.

39
40 At 6:42pm, Acting Chair Ford Burley called for a recess to allow the Board members to confer with
41 legal counsel.

42 At 6:57pm, the meeting resumed.

43
44 Acting Chair Ford Burley polled the Board members if they had any objections to continuing the
45 discussion, after having consulted legal counsel. He noted that no Board member objected to continuing
46 the discussion.

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1 Mr. Clem asked if the address to which certified mail is being sent by Planning Staff could be changed
2 to the address on the application. Acting Chair Ford Burley said he would look into it.

3
4 Acting Chair Ford Burley closed the public hearing.

5
6 Acting Chair Ford Burley noted for the record that he does not think that Chair Andrew Faunce has done
7 anything improper (in his opinion, which he noted is not a legal opinion). He said he is concerned that
8 his recusal gives the impression of impropriety. Other Board members agreed that Chair Faunce's
9 recusal may not have been necessary, and that Chair Faunce cares for the integrity of the Board.

10
11 Acting Chair Ford Burley asked the Planning Board's legal counsel if he would discuss the court case
12 Fisher v Dover and its potential applicability to the applicant's extension request. Mr. Chris Bolt
13 (Donahue Tucker Chandela), attorney for the Planning Board, said he would not be able to discuss the
14 case due to attorney-client privilege.

15
16 ***A MOTION was made by Richard Ford Burley to waive attorney-client privilege specifically for the***
17 ***answer to the question of the application of Fisher versus Dover in the case of XYZ Dairy, LLC &***
18 ***Lyme Properties 2, LLC, River Park Drive (Tax Map 44, Lots 21 - 30 & 7) PB2025-25-EXT at the***
19 ***current (August 11, 2025) public meeting of the Lebanon Planning Board. The MOTION was***
20 ***seconded by Eric Stacy.***

21
22 ****The MOTION was approved (6-0).***

23
24 Mr. Chris Bolt (Donahue Tucker Chandela), attorney for the Planning Board, gave an overview of the
25 court case Fisher v. Dover and its potential applicability to the applicant's extension request. He said he
26 was not sure how the court would apply the Fisher v. Dover concept to this particular extension request
27 when the larger part of the project hasn't changed and in light of the history of previous extensions
28 granted by the Planning Board.

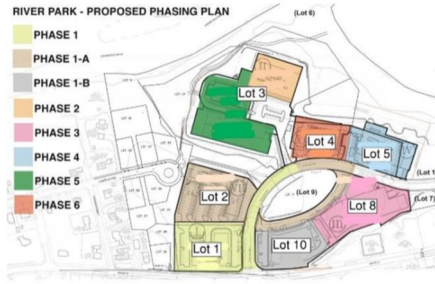
29
30 The group discussed whether it felt that Fisher v. Dover applies to the current extension application. The
31 group agreed that it does not apply.

32
33 ***A MOTION was made by Richard Ford Burley that, in the matter of the application of XYZ Dairy,***
34 ***LLC & Lyme Properties 2, LLC, River Park Drive (Tax Map 44, Lots 21 - 30 & 7) requesting a two***
35 ***(2)-year extension of the River Park Site Plan approval (PB2010-25-SPR), as most recently amended***
36 ***on September 9, 2019 (PB2018-34-SPA), and currently listed as PB2025-25-EXT, in light of any***
37 ***subsequent findings included in this motion and the history of this and previous related applications,***
38 ***including any and all submissions and testimony provided for and during the public hearing, the***
39 ***Lebanon Planning Board [APPROVES] the request for a two-year extension, subject to the following***
40 ***Findings and Conditions of Approval:***

41 ***FINDINGS***

- 42
43 ***1. After meeting with independent legal counsel and after public deliberations it is the opinion of the***
44 ***Lebanon Planning Board that existing case law [DOES NOT] robustly support the use of the***
45 ***subsequent application doctrine in the present case at this time.***

2. At the 9 June 2025 meeting of the Lebanon Planning Board, Chair Andrew Faunce recused himself from the present matter. Regardless of the merits of any claims made in that hearing, it is the opinion of the Lebanon Planning Board that the potential appearance of impropriety given by the recusal [MAY CALL INTO QUESTION] the decision reached by the Board on 17 March 2025.



3. At the 17 March 2025 meeting of the Lebanon Planning Board it was agreed that the extension of one phase of the project in question created good cause to extend the remaining phases of the project by the same amount of time, in order to prevent schedule compression conditions for subsequent phases, for which a subsequent request for extension could cite that reduced time to complete that phase as a factor beyond the applicant's control. The Lebanon Planning Board therefore is of the opinion that any extensions to the first phase of the project [SHOULD] include similar extensions to all subsequent phases of the project.

CONDITIONS OF APPROVAL

1. Unless subsequently amended by the Planning Board, the Phasing Plan shall be that of the 9 September 2019 Notice of Action, as follows:
 2. Phase 1 Improvements: "46,925-square-foot building for office and retail use located on Lot 1 with temporary parking located on Lot 2 and Lot 3. Phase 1 also includes construction of a portion of the development roadway sufficient to access Lot 3, the southerly development entrance intersection, the extension of Crafts Avenue, and the installation of water and sewer lines necessary for this portion of the site."
 3. Phase 1-A Improvements: "125,125-square-foot building for 125 units of multi-family housing located on Lot 2, and the construction of a temporary parking lot on Lot 3 and Lot 4. Phase 1-A also includes the extension of the development roadway and construction of proposed Lyman Street."
 4. Phase 1-B Improvements: "95,800-square-foot building for office and retail use located on Lot 10 with temporary parking on Lot 3, Lot 4, and Lot 5."
 5. Phase 2 Improvements: "178,650-square-foot building for laboratory/office use located on Lot 3 with temporary parking located on Lot 3, Lot 4, and Lot 5. Phase 2 also includes the construction of the remainder of the development roadway and the northerly access intersection."
 6. Phase 3 Improvements: "23,000-square-foot building for office and retail use and a 585-space parking garage located on Lot 8."
 7. Phase 4 Improvements: "153,120-square-foot building for laboratory/office use located on Lot 5."
 8. Phase 5 Improvements: "81,500-square-foot building for laboratory/office use and an 808-space parking garage located on Lot 3."
 9. Phase 6 Improvements: "133,200-square-foot building for laboratory/office use located on Lot 4."
- The Lebanon Planning Board hereby approves the following changes to the following conditions of approval set forth in the amended 2019 Notice of Action:

14-2. The construction of Phase 1 infrastructure improvements shall be completed before August 11, 2027.

Commented [TC1]: Should 2-9 be 1.a through 1.h instead?

Commented [TC2]: Isn't this the start of condition 2?

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15-1. The construction of Phase 1-A improvements shall be completed before August 11, 2027.

16-1. The construction of Phase 1-B improvements shall achieve active and substantial development, as defined by Section 8.4 of the Lebanon Site Plan Review Regulations in effect as of the date of this ruling, before August 11, 2028 and shall be completed within 5 years of commencement.

17-1. The construction of Phase 2 infrastructure improvements shall achieve active and substantial development, as defined by Section 8.4 of the Lebanon Site Plan Review Regulations in effect as of the date of this ruling, before August 11, 2030 and shall be completed within 5 years of commencement.

18-1. The construction of Phase 3 improvements shall achieve active and substantial development, as defined by Section 8.4 of the Lebanon Site Plan Review Regulations in effect as of the date of this ruling, before August 11, 2032 and shall be completed within 5 years of commencement.

19-1. The construction of Phase 4 improvements shall achieve active and substantial development, as defined by Section 8.4 of the Lebanon Site Plan Review Regulations in effect as of the date of this ruling, before August 11, 2034 and shall be completed within 5 years of commencement.

20-1. The construction of Phase 5 improvements shall achieve active and substantial development, as defined by Section 8.4 of the Lebanon Site Plan Review Regulations in effect as of the date of this ruling, before August 11, 2036 and shall be completed within 5 years of commencement.

21-1. The construction of Phase 6 improvements shall achieve active and substantial development, as defined by Section 8.4 of the Lebanon Site Plan Review Regulations in effect the date of this ruling, before August 11, 2039 and shall be completed within 5 years of commencement.

29. Effect of Approval. This approval is a final, conditional site plan approval for a “phased development” under Section 4.9 of the Site Plan Review Regulations and is a final decision of the Planning Board for purposes of RSA 677:15, I. As set forth in Section 4.10(C) of those Regulations, the deadlines for the construction of improvements within each phase shall be as stated in the approved phasing plan, rather than the 1-year period under Section 4.10(A). It is the intent and effect of this approval, subject to the satisfactory completion of the financial security requirements set forth in Condition #5 of the Final Major Subdivision approval (#PB2011-01-FMAJ) for the development, that upon completion of the Phase 1 infrastructure and the Phase 1-A improvements before August 11, 2027, as set forth in Conditions #14-2 and #15-1, above, the subdivision as a whole, including all phases, shall vest as provided in RSA 674:39, II, and no subsequent changes in subdivision regulations, site plan regulations, or zoning ordinances, except impact fees adopted pursuant to RSA 674:21 and 675:2-4, shall operate to affect this phased development, provided that the applicant and its successors-in-interest continue to comply with all conditions of this approval and of the Planning Board’s approval of Final Major Subdivision application #PB2011-01-FMAJ, including the time limits set forth in the phasing plan, unless such a limit is extended for good cause by the Planning Board, acting upon an application submitted prior to the expiration of such limit.

2. The Applicant or Applicant’s designee shall come before the Lebanon Planning Board at the Regular Meetings of the Board in February 2026, August 2026, and February 2027 to detail progress made toward the phasing plan milestones laid out in this decision. While in-person attendance is greatly preferred, in the case of a scheduling conflict progress updates may be submitted in writing by the day of the regular planning board meeting of the above dates to planning@lebanonnh.gov.

3. The Planning Board shall not accept or consider any further applications or applications for extensions to this phasing schedule no earlier than the submission deadline for the Regular Meeting of the Planning Board in May 2027.

Commented [TC3]: Isn’t this condition 3?

Commented [TC4]: Isn’t this condition 4?

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

2
3 ***The MOTION was approved (6-0).**

4
5 Chair Faunce and Ms. Romano rejoined the meeting. Chair Faunce appointed Ms. Romano as a regular
6 voting member for this meeting.

7
8 **B. Marek North, LLC, 402 Mount Support Road (Tax Map 24, Lot 9), zoned R-1: Applicant**
9 **requests modifications to the phasing plan for a 204-unit multi-family complex, originally**
10 **approved on February 14, 2022 (PB2021-33-SPR), reapproved on October 9, 2023 (PB2023-34-**
11 **SPR), and further modified on July 7, 2025 (PB2024-29-SPA). PB2025-38-SPA**

12
13 Mr. Corwin gave an overview of the project. He said the applicant has asked for several adjustments to
14 the phasing plan they had first proposed in 2021. He said the applicant is not proposing changes to the
15 deadline dates for building permits for each phase. He provided the Board with a document that included
16 the existing phasing plan and the proposed new phasing plan dates.

17
18 Mr. Corwin said the application is complete enough for the Board to accept jurisdiction and commence
19 review.

20
21 **A MOTION was made by Richard Ford Burley that the application of Marek North, LLC, 402 Mount**
22 **Support Road (Tax Map 24, Lot 9) PB2025-38-SPA is complete enough for the Planning Board to**
23 **accept jurisdiction and commence review. The MOTION was seconded by Jeremy Rutter.**

24
25 ***The MOTION was approved (8-0).**

26
27 Mr. Nik Fiore (Engineering Ventures) and Mr. Brenden Gilmore (Saxon Partners) were present on
28 behalf of the applicant. Mr. Fiore said the applicant is requesting the change of a few end dates in the
29 project timeline. He said the limits and the scope of each phase are not changing.

30
31 He said the proposed Phase I changes are: Active and substantial development date changed from
32 November 30, 2025 to April 30, 2026; Substantial Completion date changed from May 31, 2026 to
33 October 31, 2026

34
35 He gave an overview of the work that has been done so far:

- 36 • Sewer line installed and most of the water lines installed
 - 37 • Several storm water infrastructures installed
 - 38 • Working on foundations for Building 2
 - 39 • Working on prepping for other foundations as well - most underground infrastructure in place
- 40 Mr. Corwin explained that an applicant for a phased development project has a lot of flexibility to
41 propose how they will phase their development and timelines, including when to obtain building permits
42 for each phase, when active and substantial development for each phase will be achieved, and when
43 substantial completion for each phase of development will be achieved.

44
45 Chair Faunce opened the public comment portion of the meeting. No one from the public spoke.

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

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1
2 *A MOTION was made by Richard Ford Burley that the Lebanon Planning Board approves the*
3 *application of ~~SPNH Lebanon~~ Marek North, LLC, PB2025-38-SPA, made pursuant to Section 4.9.F*
4 *of the Site Plan Review Regulations, requesting modifications to the phasing plan for a 204-unit*
5 *multi-family development at 402 Mount Support Road (Tax Map 24, Lot 9), zoned R-1, originally*
6 *approved on February 14, 2022 (PB2021-33-SPR), reapproved on October 9, 2023 (PB2023-34-SPR),*
7 *and modified on July 8, 2024 (PB2024-28-SPA), per application materials submitted and including*
8 *any and all submissions and testimony provided for and during the public hearing.*
9

10 *In support of its decision, the Board finds that the applicant has satisfactorily demonstrated that the*
11 *applicant's revised phasing plan meets the applicable requirements of Section 4.9.C, Section 4.9.D,*
12 *and Section 4.10 of the Site Plan Review Regulations.*
13

14 *This approval is subject to the following conditions:*

- 15 1. *The applicant shall satisfy and comply with the Notice of Action for PB2021-33-SPR dated*
16 *February 14, 2022, and all conditions of approval thereof, the Notice of Action for PB2023-34-*
17 *SPA dated October 9, 2023, and all conditions of approval thereof except as superseded by*
18 *Condition of Approval #2 below, and the Notice of Action for PB2024-29-SPA dated July 8, 2024,*
19 *and all conditions of approval thereof except as superseded by Condition of Approval #2 below.*
- 20 2. *Condition #2 set forth in the Planning Board Notice of Action for PB2023-34-SPA dated October*
21 *9, 2023, and Condition #2 set forth in the Planning Board Notice of Action for PB2024-29-SPA*
22 *dated July 8, 2024, are hereby stricken and replaced with the following:*
23

24 *Pursuant to Section 4.9 of the Site Plan Review Regulations, the project may be constructed in*
25 *phases per the phasing plan titled, "Project Phasing Plan – Marek 2", prepared by Engineering*
26 *Ventures, PC, dated 3/15/2024, last revised 7/10/25, EV Project #22715.*
27

28 *The MOTION was seconded by Eric Stacy.*
29

30 **The MOTION was approved (8-0).*
31

32 **C. Marek Lebanon, LLC, 343 Mount Support Road (Tax Map 24, Lot 1) & SPNH Mount**
33 **Support, LLC, 0 Mount Support Road (Tax Map 24, Lot 1, Plot 100), zoned R-1 & RL-3:**
34 **Applicant requests a Boundary Line Adjustment to the existing lot lines and a Minor**
35 **Subdivision of the subject properties into three (3) lots. PB2025-39-BLAMIN**
36

37 Mr. Corwin said the application is complete enough for the Board to accept jurisdiction and commence
38 review.
39

40 *A MOTION was made by Andrew Faunce that the application of Marek Lebanon, LLC, 343 Mount*
41 *Support Road (Tax Map 24, Lot 1) & SPNH Mount Support, LLC, 0 Mount Support Road (Tax Map*
42 *24, Lot 1, Plot 100) PB2025-39-BLAMIN is complete enough for the Planning Board to accept*
43 *jurisdiction and commence review. The MOTION was seconded by Richard Ford Burley.*
44

45 **The MOTION was approved (8-0).*
46

Mr. Corwin said the applicant provided a revised plan earlier in the day that was provided to the Board on paper at this meeting.

Mr. Dave Fenstermacher (VHB) and Mr. Brenden Gilmore (Saxon Partners) were present on behalf of the applicant. Mr. Fenstermacher said the applicant is requesting a change to the boundary line because of the location of the wildlife corridor that intersects with the project site. He said the applicant also wants to create a new lot along the Mount Support Road frontage of the property for future development. He said making the new lot will accommodate a driveway that meets emergency vehicle access requirements. He said Mr. Gilmore reviewed the plan with the Lebanon Fire Department and ~~he~~ they were satisfied with the plan.

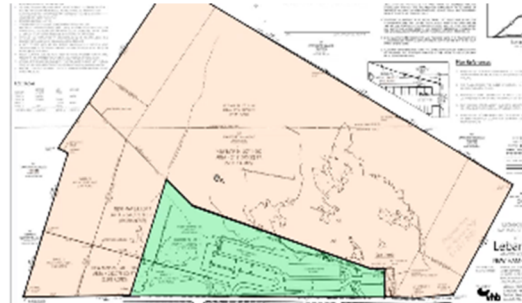


Figure 1: Original plan: green area = project site

Mr. Gilmore explained the reason for the new proposed subdivision is because there is usable property ~~on the right side of the property~~ that could be the site of future development. He said they considered cottage development for that area but no plans have been finalized. Mr. Fenstermacher said the Board will see (during Conceptual Review at its September meeting) that the applicant is proposing additional wildlife corridor improvements. He said the Zoning Board of Adjustments and the Conservation Commission have reviewed and approved the plan for the new lot.

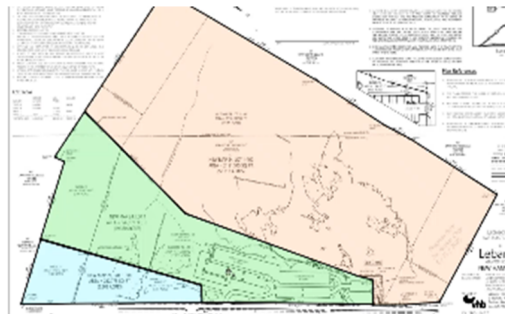


Figure 2: Revised Plan: blue = Lot 1-200

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. ~~He and then~~ closed the public hearing.



Figure 3: Lot 1-200
Yellow highlighted area = Wildlife Corridor
Blue lines = wetlands areas
Red rectangle = new proposed lot for future development

A MOTION was made by Richard Ford Burley that the Lebanon Planning Board approves the application of Marek Lebanon, LLC and SPNH Mount Support, LLC for a proposed Boundary Line Adjustment and Minor Subdivision of Tax Map 24, Lots 1 and 1-100, PB2025-39-BLAMIN, as shown on a plat titled "Subdivision Plan, Map 24, Lots 1 & 1-100," by Vanasse Hangen Brustlin, Inc.

(VHB), dated June 4, 2025, Project Number 52616.00, 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:

GENERAL CONDITIONS

1. 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 shall be recorded by the Planning & Development Department in accordance with Planning & Development Department recording procedures.

2. Future development on the new lot (Tax Map 24, Lot 1-200) 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.

3. 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).

~~Mr. Corwin suggested that~~ Chair Faunce reopened ~~the public hearing in order to discuss a potential condition of approval requiring a partial delineation of the wetlands on the new lot, so the Board could have discussion about parameters set forth by new NH Law for the future development of the identified area.~~

Chair Faunce reopened the public hearing.

Mr. Corwin explained he had sent an email to the Board with information about the new law regarding Tax Map 24, Lot 1-200. He said the new law stipulates that ~~noted that as required by the Site Plan Review Regulations, future development shall only be permitted after a full delineation of the wetlands has been completed for the proposed development area of that lot, excluding any areas that are to be left in their natural state and or subject to a wildlife corridor restriction.~~



Figure 3: Lot 1-200
Yellow highlighted area = Wildlife Corridor
Blue lines = wetlands areas
Red rectangle = new proposed lot for future development

Mr. Fenstermacher noted that the applicant has no plans to develop the areas identified as the Wildlife Corridor and the area directly to the right-north of it on the map.

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The group had a lengthy discussion about how to delineate the wetlands in the project area, either through either a condition of approval or a waiver request. The group decided to make a condition of approval on the plat to delineate the wetlands areas for the proposed Lot 1-200 ~~portion of the property~~.

Chair Faunce closed the public hearing.

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

4. The applicants shall obtain addresses for Lots 24-1-100 and 24-1-200 in accordance with applicable City of Lebanon procedures.

5. The applicants shall provide a revised plat depicting the following changes to the satisfaction of the Planning and Development Department:

a. Add a note that any new or relocated driveway will require a Driveway Permit from the Department of Public Works.

b. Add lot addresses.

c. Add a note that the gravel lot located on Lot 24-1-200 shall not be deemed a legal non-conformity from a use or dimensional standpoint and shall not be the basis for seeking any waivers from the Site Plan Review Regulations in connection with any future development.

d. Depict full delineation of the wetlands on Lot 24-1-200 outside of the protected wildlife corridor.

e. Add Planning Board application number to the title block (PB2025-39-BLAMIN).

f. Provide the date and description of the plat revisions. (9.5.A.1)

6. The applicants 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).

7. 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.

8. The applicants shall submit two (2) mylars of the approved plat, as revised pursuant to these conditions of approval, together with applicable recording fees to the Planning & Development Department in accordance with Planning & Development Department recording procedures. (8.1.D & 7.11)

9. 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 Kathie Romano.

Mr. Corwin suggested a motion be made to approve the request for partial waivers at this time.

A MOTION was made by Richard Ford Burley that the Planning Board approve the applicant's request for a partial waiver from Section 9.5.87 of the Site Plan Review Regulations which requires a delineation of the wetlands on the property. The MOTION was seconded by Kathie Romano.

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

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1 **The MOTION (to approve the application of Marek Lebanon, LLC and SPNH Mount Support, LLC*
2 *for a proposed Boundary Line Adjustment and Minor Subdivision of Tax Map 24, Lots 1 and 1-100,*
3 *PB2025-39-BLAMIN) was approved (8-0).*

4
5
6 *A MOTION was made by Richard Ford Burley that the Lebanon Planning Board authorizes the*
7 *Chair to sign the plat of Marek Lebanon, LLC and SPNH Mount Support, LLC, PB2025-39-*
8 *BLAMIN, titled "Subdivision Plan, Map 24, Lots 1 & 1-100," by VHB, dated June 4, 2025, and as*
9 *revised per the Planning Board's conditions of approval. The MOTION was seconded by Kellen*
10 *Appleton.*

11
12 **The MOTION was approved (8-0).*

13
14
15 **D. Brady Sullivan Prospect Hills, LLC, 0 Prospect Street (Tax Map 108, Lot 2), zoned R-3:**
16 **Applicant requests approval of a hauling plan for the Prospect Hills Phase 2 development.**
17 **Submission of the hauling plan is made pursuant to conditions of approval set forth in the**
18 **Planning Board's June 9, 2025, Notice of Action for PB2025-23-FMAJA. PB2025-40-SP**

19
20 Ms. Appleton recused themselves from the discussion.

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

23
24 *A MOTION was made by Richard Ford Burley that the application of Brady Sullivan Prospect Hills,*
25 *LLC, 0 Prospect Street (Tax Map 108, Lot 2) PB2025-40-SP is complete enough for the Planning*
26 *Board to accept jurisdiction and commence review. The MOTION was seconded by Andrew Faunce.*

27
28 **The MOTION was approved (7-0).*

29
30 Mr. Corwin gave an overview of the applicant's project. He said the Board had requested that the
31 applicant provide a hauling plan to address how they intend to remove excess material ~~excavating~~
32 ~~excavated~~ from the site during regrading of the site. Mr. Corwin said the applicant is making good
33 progress on meeting all the conditions specified by the Board at the June meeting, but he said he would
34 need further detailed review before he could confirm all the requirements have been met. Dr. Rutter
35 noted that Condition #11 (related to fencing) does not have a deadline specified.

36
37 Mr. Jon Rokeh, PE, (Rokeh Consulting LLC), and Attorney Marc Pinard (Brady Sullivan General
38 Counsel) were present on behalf of the applicant. Mr. Rokeh gave an overview of the work that the
39 applicant has done since they last came before the Board. He explained the hauling plan options they
40 have submitted. He said the applicant would like to deliver the material to the project underway at the
41 former Densmore Brickyard site but cannot do that until that project ~~attains-secures~~ approval to receive
42 the material.

43
44 The group discussed aspects of the hauling plans that still need to be determined: ~~For example; including~~
45 road closures that may impact the hauling timeline; schools that are on the proposed routes and back-up

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plans to avoid them during commute times; weight limits on affected roads along the routes; and residents' complaints.

Mr. Corwin noted that residents of Elm St. West have not been made aware of the proposed hauling route. He said many residents are already unhappy with the truck traffic on their road. He suggested the route use Glen Road instead of Elm St. West.

Chair Faunce noted that other residents, who spoke at the previous meeting in June, had composed a list of requests to mitigate the impact of the truck traffic during the hauling period. He said it did not appear that the following had ~~not~~ been addressed by the proposed plan:

- Truck speed limit of 15mph
- Dust management
- Bike path enforcement – keeping vehicles off the path
- Barrier gate installed at Hillcrest
- Routing trucks through the development rather than residential streets (as much as possible)
- Communication about the project posted at construction site kiosk
- Online communication (similar to that at kiosk)

Chair Faunce opened the public comment portion of the meeting.

Mr. Kevin McLain asked if trucks from this project are going up Daisy Hill Rd. and down Cross Rd. Mr. Rokeh said the only roads being used by this project are Prospect Street and Moulton Ave. Mr. Corwin asked Mr. McLain to contact him directly by email so he could look into which project is generating the truck traffic on Daisy Hill and Cross Roads.

Ms. Mary Beth Dinulos said she is also concerned about the truck traffic on Daisy Hill Rd. Mr. Corwin asked her to contact him directly via email.

The group agreed that the applicant should come to a future meeting with a more detailed hauling plan.

A MOTION was made by Richard Ford Burley that the application of Brady Sullivan Prospect Hills, LLC, 0 Prospect Street (Tax Map 108, Lot 2) PB2025-40-SP be continued until the September 8, 2025 Planning Board meeting. The MOTION was seconded by Eric Stacy.

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

Ms. Appleton rejoined the meeting.

4. OTHER BUSINESS

A. Development Regulations Subcommittee Report - Discussion of Proposed Amendments to the Site Plan Review and Subdivision Regulations

Dr. Ford Burley said a question arose from the Development Regulations Subcommittee: Is it preferred for applicant maps to be certified by a New Hampshire-permitted septic designer rather than by certified soil scientists?

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Mr. Vincent discussed the differences between soil scientists and septic designers. He said a good rule of thumb is to follow state standards. Dr. Ford Burley said the subcommittee would continue to discuss this topic. He noted that the subcommittee did make one change to Section 410: Expiration of Site Plan Approval (relating to granting an extension). He said they changed the language “up to two additional years” to “two additional years” – meaning, if an applicant is granted an extension, it is for two years and not any less.

A MOTION was made by Richard Ford Burley to extend the meeting to 9:40pm. The MOTION was seconded by Kathie Romano.

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

5. APPROVAL OF MINUTES

- June 9, 2025
- June 23, 2025
- July 14, 2025

Dr. Rutter noted ~~that he had reviewed only a portion of the July 14 meeting minutes. The group decided to wait on approval of the July 14 minutes to give Dr. Rutter a chance to fully review.~~

A MOTION was made by Richard Ford Burley to approve the June 9, 2025 and June 23, 2025 Planning Board Meeting minutes as presented. The MOTION was seconded by Kellen Appleton.

**The MOTION was approved (6-0, with Rutter and Kennelly abstaining).*

6. ADJOURNMENT

A MOTION was made by Richard Ford Burley to adjourn the meeting at 9:31pm. The MOTION was seconded by Jeremy Rutter.

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

The meeting adjourned at 9:31pm.

Respectfully submitted,
Paula Roux
Recording Secretary

DRAFT

**LEBANON PLANNING BOARD
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE
MONDAY, AUGUST 25, 2025 6:30PM**

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

MEMBERS ABSENT: Kellen Appleton, Steven Kohler (alt)

STAFF PRESENT: Tim Corwin (Deputy Planning Director), Nathan Reichert (Director of Planning & Development), Catheryn Hembree (Associate Planner, Planning Department)

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. Chair Faunce introduced Mr. Wes Ashford and Mr. Don Collins as new regular Planning Board members and Mr. Steven Kohler (not present) as a new alternate Planning Board member. He appointed Ms. Romano as a regular voting member for this meeting.

2. STUDY ITEMS

A. Review and Adoption of 2026-2-31 Capital Improvement Project (CIP)

Mr. Corwin gave an overview of the CIP process. He noted that the Planning Board had asked for more information about the following projects/topics in previous meetings:

- Fire Station 2 Replacement project
- Large Groundwater Well and Water Treatment Facility project
- Explanation of why so many rotary projects proposed/approved
- Reason behind cost of sidewalk projects

Mr. Corwin noted that the SAU 88 School District group had submitted its CIP list to the Staff last week. He said the Board was being asked to approve and adopt the 6-year CIP at this meeting.

Fire Department Chief Jim Wheatley gave an overview of the history, status, and scope of the Fire Station 2 project. He explained the reason Lebanon has two fire stations is because it is impossible for responders coming from one station to arrive at all Lebanon homes/businesses within 6 minutes (the standard arrival time). The group discussed the access road that had been proposed near Sachem Village. DPW Director Jay Carelli said the cost of that project was too high and Deputy City Manager David Brooks said it is no longer on the CIP list.

Mr. Carelli gave an overview of the Large Groundwater Well and Water Treatment Facility project. He said the site for the proposed well is on Market Street behind Hannaford Market. He said an (Intermunicipal Agreement) IMA has been signed with Hanover and another IMA with

the Town of Hartford is being discussed. He said there would be no cross contamination with the sewer despite its proximity to the proposed well site. He said the water is very clean out of the treatment plant but is not drinkable. He discussed the use of the second well as an emergency backup as opposed to the main water source. He discussed the costs of cleaning the current treatment plant as opposed to installing the new well. The group discussed the possibility of “selling” water to other towns/municipalities. Mr. Carelli said the City continues to seek funding sources for the project.

Mr. Carelli said the cost of materials used to build sidewalks has increased in tandem with the overall shift (increase) in construction costs. He said the bidding process is competitive. City Engineer Brian Vincent explained that a recent sidewalk project on Route 120 near Etna Rd was a simple project and that may account for the lesser cost of sidewalk installment. He said extra funds in the budget were used for that project (at the suggestion of the former City Manager).

Mr. Carelli explained that many rotary projects have been proposed and implemented as solutions for difficult intersections within the City. Mr. Vincent explained how pedestrian and bicycle traffic is managed around roundabouts. The group discussed the roundabout project at Jones Crossing (High Street/Mascoma Street/Mechanic Street).

[At 7:41, Ms. Zook arrived.]

Chair Faunce invited Mr. Dan Nash (Ward 1) to speak about a letter he sent to Staff regarding several CIP projects:

- Route 120 Pedestrian Crossing: Mr. Nash suggested an alternate route using Old Etna Road and a tunnel under Route 120 instead of the proposed push button for pedestrians.
- Mechanic Street/Slayton Hill Rd roundabout: Mr. Nash suggested building an alternate roadway using part of the playground area of a nearby childcare center
- Roundabout at Jones Crossing: Mr. Nash suggested leaving it as it is and just eliminate the left-hand turns onto Mechanic Street and add larger islands. He said a petition had been signed by many Lebanon residents to discontinue the rotary project. City Engineer Rod Finley gave a status of the project. Mr. Carelli said a large amount of money (roughly equal to the cost to finish the project) would have to be paid back to the state if the project were discontinued. Deputy City Manager Brooks said the amount was about \$900,000.

Deputy City Manager Brooks said Attorney Barry Schuster has been working on behalf of the City with the Surface Transportation Board to enable the City to continue the Mascoma River Greenway Rail Trail over the proposed 3.5 mile section into West Lebanon.

The group discussed whether it would adopt the CIP as presented. Chair Faunce said there is no mention in the draft motion (prepared by Staff) about the cost impact to residents. The group agreed to continue discussion of the adoption/approval of the CIP to the September 8, 2025 Planning Board meeting to give Staff time to update the draft motion.

B. Review of Proposed 2026 Zoning Amendments

Mr. Reichert, Ms. Hembree, and Mr. Corwin gave overviews of the proposed amendments to the following sections of the zoning ordinance:

- Historic District
- Signs
- Pattern Zones Overlay District
- Statutory – Manufactured Homes, Multifamily Residential, Residential Parking, ADUs
- Miscellaneous / Technical
- Food Truck Ordinance
- Northern Lebanon
- Cottage Cluster
- EV Regulations

A MOTION was made by Andrew Faunce to extend the meeting to 9:40pm. The MOTION was seconded by Richard Ford Burley.

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

3. COMMITTEE REPORTS

Chair Faunce said the Housing Task Force has scheduled some public engagement sessions and also plans to have a table at the Farmers Markets on several upcoming Thursdays. He said the next Housing Task Force meeting will be the third Monday in September.

4. OTHER BUSINESS

Chair Faunce said the Planning Board training/development is being planned for the first week of September.

5. APPROVAL MINUTES – July 14, 2025

A MOTION was made by Jeremy Rutter to approve the July 14, 2025 Planning Board Meeting minutes as presented. The MOTION was seconded by Richard Ford Burley.

**The MOTION was approved (8-0, with Collins abstaining).*

6. ADJOURNMENT

A MOTION was made by Richard Ford Burley to adjourn the meeting at 9:37pm. The MOTION was seconded by Kathie Romano.

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

The meeting adjourned at 9:37pm.

Respectfully submitted,
Paula Roux
Recording Secretary

FINAL

**LEBANON PLANNING BOARD
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE
MONDAY SEPTEMBER 08, 2025 6:30PM**

MEMBERS PRESENT: Andrew Faunce (Chair), Richard Ford Burley (Vice Chair), Kellen Appleton, Jeremy Rutter, Patrick Kennelly, Karen Zook (City Council Rep), Wes Ashford, Don Collins, Kathie Romano (alt), Steven Cole (alt)

MEMBERS ABSENT: Eric Stacy

STAFF PRESENT: Tim Corwin (Deputy Planning Director), Nathan Reichert (Director of Planning & Development), 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.

2. NOTICE OF REGIONAL IMPACT

Mr. Corwin said no applications were received by the application deadline (September 08, 2025).

3. PUBLIC HEARING ITEMS

A. Brady Sullivan Prospect Hills, LLC, 0 Prospect Street (Tax Map 108, Lot 2), zoned R-3: Applicant requests approval of a hauling plan for the Prospect Hills Phase 2 development. Submission of the hauling plan is made pursuant to conditions of approval set forth in the Planning Board's June 9, 2025, Notice of Action for PB2025-23-FMAJA. PB2025-40-SPA - Continued from August 11, 2025

Mr. Corwin said the applicant requested the discussion be continued to the September 22, 2025 meeting. He said Staff received the following request by Jon Rokeh (engineer) on behalf applicant, on September 4, 2025 at 3pm. He said the request was emailed to the Board on September 4.

Dear members of the Lebanon Planning Board- Please let this email serve as our official request to be continued for the September 8th 2025 Planning Board meeting. We just received the new aerial and lidar information about the current levels of the stockpiles on site today from JE Bollinger, who is a surveyor and will not have the remaining quantities determined before the Planning Board meeting. We also would like the additional time to get a final resolution on the Brickyard project so we can put timelines together. Based on one of your (Mr. Corwin) emails, you indicated that the Brickyard may be back online for construction and able to receive material in late September. If this works out, it will fit perfectly with our timelines as well.

Thank you for your consideration of this request.

1 Chair Faunce appointed Mr. Cole and Ms. Romano as voting members for this discussion.

2
3 ***A MOTION was made by Richard Ford Burley to continue discussion of Brady Sullivan Prospect***
4 ***Hills, LLC, 0 Prospect Street (Tax Map 108, Lot 2) PB2025-40-SPA to the October 13, 2025 Planning***
5 ***Board meeting at 6:30pm. The MOTION was seconded by Jeremy Rutter.***

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

8
9 **B. SPNH Mount Support, LLC, Mount Support Road (Tax Map 24, Lot 1, Plot 100), zoned R-1 &**
10 **RL-3: Applicant requests conceptual review per Section 4.3.B of the Site Plan Review**
11 **Regulations of a proposed 260-unit residential development consisting of three (3) 4-story**
12 **multi-family dwellings. PB2025-42-CON**

13 Mr. Corwin said new procedures related to Conceptual Reviews require that the City's other Land Use
14 Boards (Conservation Commission and Zoning Board of Appeals) are to be noticed two weeks after the
15 application deadline. He said in order to meet that requirement, the conceptual review before the
16 Planning Board needs to be pushed back to the September 22, 2025 Planning Board meeting. He said the
17 applicant agreed to wait until that meeting. Mr. Cole and Ms. Romano participated as voting members
18 for this discussion.

19
20 ***A MOTION was made by Richard Ford Burley to continue discussion of SPNH Mount Support, LLC,***
21 ***Mount Support Road (Tax Map 24, Lot 1, Plot 100) PB2025-42-CON to the September 22, 2025***
22 ***Planning Board meeting at 6:30pm. The MOTION was seconded by Jeremy Rutter.***

23
24 ****The MOTION was approved (9-0).***

25
26 **C. 192 Mascoma Street, LLC, 192 Mascoma Street (Tax Map 90, Lot 19), zoned R-3: Applicant**
27 **requests approval of a proposed three (3)-lot Minor Subdivision. PB2025-44-MIN**

28 Ms. Romano recused herself from the discussion. Mr. Corwin said the application is complete enough
29 for the Board to accept jurisdiction and commence review.

30
31 ***A MOTION was made by Patrick Kennelly that the application of 192 Mascoma Street, LLC, 192***
32 ***Mascoma Street (Tax Map 90, Lot 19) PB2025-44-MIN is complete enough for the Planning Board***
33 ***to accept jurisdiction and commence review. The MOTION was seconded by Richard Ford Burley.***

34
35 ****The MOTION was approved (7-0).***

36
37 Chair Faunce appointed Mr. Cole as a voting member for the discussion.

38
39 Mr. Jordan Romano and Ms. Sue Paynter (Pathways Consulting) were present on behalf of the applicant.
40 Ms. Paynter gave an overview of the project, which involves breaking one lot into three smaller lots. She
41 said the applicant received comments from Staff, particularly Mr. Vincent, and discussed the changes
42 that had been made to the applicant's plan in response to his questions. Ms. Paynter gave the Board
43 copies of a proposed updated plan. Ms. Paynter asked if the proposed location of the driveway was
44 something that could be changed as the design of the project progressed. Mr. Vincent said that would
45 depend on the design of the houses. Mr. Romano noted that the designs have not been finalized. Mr.
46 Corwin discussed the driveway requirements per the Subdivision Regulations. He said the plans could

1 probably be left as they have been presented for now. He said the final driveway location must meet the
2 driveway regulations.

3
4 Ms. Paynter said the City has requested that a City-issued easement for a turnaround space be moved to
5 line up with existing pavement. She asked if the new location of the easement could possibly interfere
6 with a potential second proposed driveway location. Mr. Vincent said the City would review a future
7 new driveway (if added) but he said he did not think there was a requirement that prohibits an additional
8 driveway.

9
10 Ms. Paynter said Staff proposed a Condition of Approval (#3) in its DRAFT motion text related to the
11 installation of a sewer drain. She said they took measurements of the of the rim and the inverts for the
12 existing sewer manhole located near the turn around easement. She said there's about an eight-foot
13 difference between the rim and the invert which would be plenty of slope available to put in a sewer
14 drain. Mr. Corwin agreed that Condition of Approval #3 could be removed based on that information.

15
16 Mr. Romano noted a shed that is currently located on the proposed property lines for the new lots would
17 be removed. Ms. Paynter confirmed the setback issue for the multiple frontages has been resolved. Mr.
18 Corwin said proposed Condition of Approval 4B in the DRAFT motion text (related to the location of
19 the driveway) could be removed based on the revised plan submitted by the applicant.

20
21 Chair Faunce opened the public comment portion of the meeting.

22
23 Mr. Sean Griffin (neighbor) said he is concerned about overflow issues that currently occur with a
24 natural spring located at the back of the property will be a problem if a house is added in that area. He
25 said he is also concerned about the addition of two more buildings and associated traffic and activity on
26 small, narrow streets will make navigation for his truck and trailer more difficult. He said it is already
27 difficult for him to get out of his driveway and another driveway will make it even more challenging.
28 Ms. Paynter explained the proposed 3-lot subdivision plan is within the confines of the buildable space
29 on the lot.

30
31 Mr. Ted Dixon (neighbor) asked about setbacks required to accommodate the fire hydrant on the corner
32 lot. Mr. Romano said the plans for the houses have not yet been finalized, but he said he planned a
33 smaller house to go on that lot. Mr. Vincent said the plans must comply with the required space around
34 fire hydrants, which will be discussed during the permitting process.

35
36 Chair Faunce closed the public comment portion of the meeting. He closed the public hearing.

37
38 ***A MOTION was made by Richard Ford Burley that the Lebanon Planning Board approves the***
39 ***application of 192 Mascoma Street, LLC, for a proposed three (3)-lot Minor Subdivision of 192***
40 ***Mascoma Street (Tax Map 90, Lot 19), zoned R-3, PB2025-44-MIN, as shown on a plat titled***
41 ***"Subdivision Plan for 192 Mascoma Street, LLC, Tax Map 90, Lot 19," prepared by Pathways***
42 ***Consulting, LLC, dated July 31, 2025, Proj. No. 13448, including any and all supplemental***
43 ***submissions and testimony provided during the public hearing.***
44 ***In support of its decision, the Board finds that the applicant has submitted plans, testimony, and***
45 ***technical data prepared by a licensed land surveyor that together satisfactorily demonstrate***

1 *compliance with the applicable requirements of the Subdivision Regulations except as may*
2 *reasonably be addressed through the imposition of certain conditions of approval, set forth below.*
3 *This approval is subject to the following conditions:*

4
5 ***A. General Conditions***

6 ***1. This approval shall be considered void unless all conditions precedent have been met, and the plat***
7 ***has been recorded in the Registry of Deeds, within two (2) years from the date of the Notice of Action***
8 ***(Section 7.12.B). The plat and the driveway easement shall be recorded simultaneously and in***
9 ***accordance with Planning & Development Department procedures.***

10 ***2. Future development on the new lots shall be subject to City of Lebanon Impact Fees, pursuant to***
11 ***Section 213 of the Zoning Ordinance. The Impact Fee shall be calculated at the time of Building***
12 ***Permit issuance based on the Impact Fee Schedule adopted on May 20, 2024, and such fees shall be***
13 ***due and payable at the time of issuance of a Certificate of Occupancy. In accordance with RSA***
14 ***674:39, development shall be exempt from any future changes in impact fees and methodology for***
15 ***five years from the date of approval; however, any building permits which are issued after the end of***
16 ***that five-year period shall be fully subject to whatever impact fees and methodology are in effect at***
17 ***the time of building permit issuance.***

18 ***3. All future construction shall substantially conform with and shall be subject to the requirements***
19 ***and specifications of the recorded plat (Section 7.9.A.2).***

20 ***4. All new driveways shall comply with the City of Lebanon Driveway Regulations and, by extension,***
21 ***NHDOT Driveway Regulations, including layout, sight distances, grading and drainage.***

22
23 ***B. Conditions to be Satisfied Prior to the Signing and Recording of the Plat***

24 ***1. Remove the existing shed from Lot 90-19 and obtain a demolition permit from the Planning and***
25 ***Development Department, if required. If relocating the shed, obtain a Building Permit.***

26 ***2. To the satisfaction of the Department of Public Works, prepare a revised turnaround easement***
27 ***deed on proposed Lot 90-19-2 to match the existing paved driveway apron.***

28 ***3. The applicant shall provide a revised plat depicting the following changes to the satisfaction of the***
29 ***Planning and Development Department:***

30 ***a. Remove or relocate shed, as applicable, per condition B.1.***

31 ***b. Provide surveyor's stamp.***

32 ***c. Adjust the City's turnaround easement on Lot 90-19-2, consistent with condition B.2, and***
33 ***rename to "PAVED TURN-AROUND AREA".***

34 ***d. Identify name and mailing addresses of the easement holder(s). (9.5.A.2)***

35 ***e. Adjust setbacks for Lot 90-19-1 in accordance with Section 201.3 of the Zoning Ordinance***
36 ***which requires 20 ft. setbacks along Freeman, Myra, and Mascoma, and a 15 ft. setback along***
37 ***the shared lot line with Lot 90-19.***

38 ***f. Contact the Assessing Department to confirm the proposed tax map/lot number for the new***
39 ***lots are acceptable/correct, and update plat as needed.***

40 ***g. Add a note to the plan that electric, telephone and cable TV distributions systems shall be***
41 ***underground, including services (13.8.C).***

42 ***h. Add a note indicating that the plat was approved pursuant to the City of Lebanon***
43 ***Subdivision Regulations last revised June 28, 2021.***

44 ***i. Add Planning Board number (PB2025-44-MIN).***

j. Add the following as a plan note: “Lots shall be graded sufficiently to provide adequate drainage for the purpose intended without the diversion of water onto other lots or onto property adjoining the subdivision.” (13.3)

k. Provide the date and description of the plat revisions. (9.5.A.1)

4. 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).

The MOTION was seconded by Kellen Appleton.

*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 Minor Subdivision plat of 192 Mascoma Street, LLC, PB2025-44-MIN, titled “Subdivision Plan for 192 Mascoma Street, LLC, Tax Map 90, Lot 19,” prepared by Pathways Consulting, LLC, dated July 31, 2025, Proj. No. 13448, as revised per the Planning Board’s conditions of approval. The MOTION was seconded by Jeremy Rutter.

*The MOTION was approved (8-0).

D. Lebanon Poker Room & Casino, LLC, 369 Miracle Mile (Tax Map 103, Lot 11), zoned GC:
Applicant requests a Conditional Use Permit pursuant to Section 607.3.B.2 of the Zoning Ordinance to allow parking spaces in excess of 120% of the minimum required for the existing indoor amusements use (Revo Casino) and an amendment to the site plan, originally approved on July 10, 2023 (PB2023-04-SPR), to expand the parking lot to add 44 additional spaces. PB2025-43-SPACUP

Ms. Romano rejoined the meeting as a voting member. Chair Faunce appointed Mr. Cole as a voting member for the discussion.

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 Lebanon Poker Room & Casino, LLC, 369 Miracle Mile (Tax Map 103, Lot 11) PB2025-43-SPACUP is complete enough for the Planning Board to accept jurisdiction and commence review. The MOTION was seconded by Jeremy Rutter.

*The MOTION was approved (9-0).

Mr. Corwin said, when the applicant first submitted its site plan application in 2023, Staff had determined that the minimum required number of parking spaces for the proposed use was 99, pursuant to the parking regulations in Section 607 of the Zoning Ordinance. He said, at that time, the applicant was proposing only 93 on-site parking spaces, so, pursuant to section 607.5A of the Zoning Ordinance, the applicant applied for and was granted a Conditional Use permit to use six spaces of off-lot parking at the adjacent property (351 Miracle Mile former location of the Harley-Davidson dealership).

He said the applicant is now requesting two approvals:

1
2 1. A Conditional Use permit to allow on-site parking in excess of 120% of the minimum required, which
3 would be approximately 120 on-site spaces without the applicant having to seek special approvals from
4 the Planning Board.

5 2. An amendment to the approved site plan to construct a 44-space extension on the west side of the
6 existing on-site parking area
7

8 He recommended that the Planning Board take action to render the 2023 Conditional Use permit void
9 because now that the applicant has space for approx. 120 on-site parking spaces, the 2023 Conditional
10 Use permit is no longer valid.

11
12 [At 7:30pm, Ms. Zook joined the meeting.]
13

14 Mr. Tom Levasseur, Mr. Adam Morse, Mr. Stefan Huba, and Ms. Mara Robinson were present on
15 behalf of the applicant.
16

17 Mr. Morse discussed the waivers being requested. He discussed the amount of pervious and impervious
18 areas in the parking lots and explained the proposed stormwater management plan. Mr. Huba explained
19 why the applicants were unable to create the full number of parking spaces on-site in 2023. He said the
20 applicant has been working with the utility company to move several guide wires, which makes it
21 possible for them to move some of the concrete barriers and make room for more parking spaces, which
22 eliminates the need for that off-site agreement.
23

24 The group discussed the proposed landscaping plan at length. Ms. Robinson said the proposed number
25 of shade trees meets the requirements. The group discussed the actual shade those trees, positioned as
26 proposed, would truly provide in the lot. The group also discussed the wetland requirements that might
27 be impacted by the addition of 44 more spaces in the parking lot.
28

29 Chair Faunce opened the public comment portion of the meeting. No one from the public spoke.
30 Chair Faunce closed the public comment portion of the meeting.
31

32 ***A MOTION was made by Richard Ford Burley as follows:***
33

34 ***At a duly-noticed meeting of the Lebanon Planning Board held on September 8, 2025, there appeared***
35 ***representatives of Lebanon Poker Room & Casino, LLC, regarding 369 Miracle Mile (Tax Map 103,***
36 ***Lot 11), zoned GC, requesting a Conditional Use Permit pursuant to Section 607.3.B.2 of the Zoning***
37 ***Ordinance to allow parking spaces in excess of 120% of the minimum required for the existing indoor***
38 ***amusements use (Revo Casino). PB2025-43-SPACUP***
39

40 ***I. FINDINGS OF FACT***

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

- 43 ***1. The property is occupied by the Revo Casino, which is considered an “indoor amusements” use as***
44 ***defined in Appendix A of the Zoning Ordinance.***
45 ***2. The Applicant has determined that more parking is needed to fulfill the parking demand created by***
46 ***the combination of casino guests and employees.***

1 **3. To accommodate this need, the Applicant proposes to construct an additional parking area with 44**
2 **spaces on the western portion of the subject property.**

3 **4. Currently, the subject property has 93 on-site parking spaces which equates to providing 94% of**
4 **the minimum number of parking spaces that are required for the casino use, as determined per**
5 **Section 607.1 of the Zoning Ordinance.**

6 **5. The applicant requests a Conditional Use Permit pursuant to Section 607.3.B.2 of the Zoning**
7 **Ordinance to provide off-street parking spaces in excess of 120% of the minimum number required.**
8 **Adding 44 additional parking spaces will bring the number of on-site parking spaces to 137, which**
9 **equates to 138% of the minimum number of required parking spaces.**

10 **6. In order to grant a Conditional Use Permit to allow 138% of the minimum number of parking**
11 **spaces, the applicant must demonstrate, and the Board must find the applicant's proposal satisfies the**
12 **requirements of Section 607.3.B.2.**

13 14 **II. CONCLUSIONS OF LAW**

15 **As a result of the above findings of fact and based on testimony given, application materials**
16 **presented, and supporting documents submitted, the Planning Board concludes the following with**
17 **respect to the criteria set forth in §607.3.B.2 of the Zoning Ordinance:**

18
19 **1. The need for additional parking cannot reasonably be met through provision of on-street parking**
20 **or shared parking with adjacent or nearby uses. (§607.3.B.2.a)**

21 **2. The proposed development demonstrates that its design and intended uses will continue to support**
22 **high levels of existing or planned transit and pedestrian activity. (§607.3.B.2.b)**

23 **3. The site plan indicates where additional parking can be redeveloped to a more intensive transit**
24 **supportive use in the future. (§607.3.B.2.c)**

25 26 **III. DECISION**

27 **Now therefore be it resolved that the Planning Board, on this 8th day of September, 2025, hereby**
28 **grants the request of Lebanon Poker Room & Casino, LLC for a Conditional Use Permit per**
29 **§607.3.B.2 of the Zoning Ordinance to allow on-site parking spaces equal to 138% of the minimum**
30 **required, as set forth above and per testimony, plans, and materials submitted.**

31
32 **The MOTION was seconded by Don Collins.**

33
34 ***The MOTION was approved (10-0).**

35
36
37 **A MOTION was made by Richard Ford Burley that for the application of Lebanon Poker Room &**
38 **Casino, LLC, PB2025-43-SPACUP, the Lebanon Planning Board approves a waiver from Sections**
39 **6.6, 5.1.E.17, and 5.1.E.18 of the Site Plan Review Regulations (stormwater management submission**
40 **and design requirements). The MOTION was seconded by Jeremy Rutter.**

41
42 ***The MOTION was approved (10-0).**

43 **A MOTION was made by Richard Ford Burley that for the application of Lebanon Poker Room &**
44 **Casino, LLC, PB2025-43-SPACUP, the Lebanon Planning Board approves a waiver from Section**
45 **6.2.B.1-5 of the Site Plan Review Regulations (perimeter landscaping requirements). The MOTION**
46 **was seconded by Wes Ashford.**

1
2 ****The MOTION was approved (10-0).***
3
4

5 ***A MOTION was made by Richard Ford Burley that for the application of Lebanon Poker Room &***
6 ***Casino, LLC, PB2025-43-SPACUP, the Lebanon Planning Board approves a waiver from Section***
7 ***5.1.E.8 of the Site Plan Review Regulations to provide a wetland delineation at the time of application***
8 ***submission. The MOTION was seconded by Kellen Appleton.***
9

10 ****The MOTION was approved (10-0).***
11
12

13 ***A MOTION was made by Richard Ford Burley that the Lebanon Planning Board approves the***
14 ***application of Lebanon Poker Room & Casino, LLC, regarding 369 Miracle Mile (Tax Map 103, Lot***
15 ***11), zoned GC, PB2025-43-SPACUP, for an amendment to the site plan originally approved on July***
16 ***10, 2023 (PB2023-04-SPR), to expand the parking lot to add 44 additional spaces as shown on a plan***
17 ***set titled “369 Miracle Mile – Revo Casino Parking Expansion,” prepared by Engineering Ventures,***
18 ***PC, dated August 11, 2025, Project No. 25122 (13 sheets), including any and all submissions and***
19 ***testimony provided for and during the public hearing.***
20

21 ***In support of its decision, the Board finds that the applicant has submitted plans, testimony, technical***
22 ***data, information, reports, and studies that together satisfactorily demonstrate compliance with the***
23 ***applicable requirements of the Site Plan Review Regulations, except as may reasonably be addressed***
24 ***through the imposition of certain conditions of approval, set forth below, and except as may have***
25 ***been waived pursuant to Section 7.1.***
26

27 ***This approval is subject to the following conditions:***

28 ***A. General Conditions***

- 29 ***1. This approval shall automatically expire and be deemed void upon failure to meet any of the***
30 ***conditions of approval set forth herein within the timeframes specified. It shall be the applicant’s***
31 ***responsibility to be familiar with and aware of these conditions of approval, and it shall be the***
32 ***applicant’s responsibility to satisfy these conditions of approval and to satisfy them within the***
33 ***relevant timeframes outlined below.***
34 ***2. This approval supersedes the site plan amendment approved pursuant to a Notice of Action dated***
35 ***March 12, 2007, for PB2007-07.***
36 ***3. The subject property shall continue to comply with and be subject to the Planning Board Notice of***
37 ***Action for PB2023-04-SPR, dated July 10, 2023, and all conditions of approval thereof except as may***
38 ***be superseded by the conditions herein. The plan set identified in the July 10, 2023, Notice of Action,***
39 ***which plan set was further modified pursuant to Section 9.2 of the Site Plan Review Regulations,***
40 ***shall remain in force except as modified pursuant to this approval.***
41 ***4. The development is subject to the Site Plan Review Regulations adopted May 13, 1991, last revised***
42 ***April 28, 2025, and the Zoning Ordinance adopted January 16, 2013, last amended March 19, 2025,***
43 ***which are the regulations in effect at the time the application was submitted. This condition shall***
44 ***supersede condition of approval #2 set forth in the July 10, 2023 Notice of Action for PB2023-04-***
45 ***SPR.***

- 1 **5. "Active and substantial development," as defined in Section 8.4.A.1 of the Site Plan Review**
- 2 **Regulations, shall be achieved within two (2) years of the date of this approval (8.4.A.2), subject to an**
- 3 **extension if applied for by the applicant and if approved by the Planning Board per Section 8.4.A.3. If**
- 4 **active and substantial development is not achieved within two (2) years of the date of the Planning**
- 5 **Board's approval, the development shall be subject to any changes in the City's land use regulations.**
- 6 **6. "Substantial completion," as defined in Section 8.4.B.1 of the Site Plan Review Regulations, shall**
- 7 **be achieved within five (5) years of the date of this approval. If substantial completion is not achieved**
- 8 **within five (5) years of the date of the Planning Board's approval, the development shall be subject to**
- 9 **any changes in the City's land use regulations.**
- 10 **7. All required landscape plantings shall meet the minimum size requirements for such plantings set**
- 11 **forth in Section 6.2.B of the Site Plan Review Regulations at the time of installation.**
- 12 **8. The applicant shall implement and maintain NHDES Site Specific Best Management Practices**
- 13 **before, during, and after construction.**
- 14 **9. Prior to the start of any construction activities on the property, erosion control measures, including**
- 15 **edge-of-disturbance fencing if applicable, shall be installed and maintained before and during any**
- 16 **site work, to be verified by the engineer-of-record.**
- 17 **10. The property owner is responsible for the maintenance and operation of the stormwater**
- 18 **management system in accord with the O&M plan, and such responsibility shall run with the land.**
- 19 **(Section 6.6.H.2.b of the Site Plan Review Regulations).**
- 20 **11. All service areas and facilities including garbage and waste disposal containers, recycling bins,**
- 21 **electrical and mechanical equipment such as transformers and compressors, meter clusters, and**
- 22 **other utility elements must be screened in accordance with Section 6.2.B.8 and Section 6.10.B.5 of the**
- 23 **Site Plan Review Regulations.**
- 24 **12. Changes to underground utilities that do not impact surface conditions may be approved**
- 25 **administratively unless determined by the Reviewing Engineer and the Planning & Development**
- 26 **Department to materially alter the development and the approved site plan, in which case such**
- 27 **changes shall be reviewed pursuant to Article IX of the Site Plan Review Regulations.**
- 28 **13. In lieu of engaging a third-party, the applicant's engineer-of-record shall observe the installation**
- 29 **of the stormwater system, which shall include preparing daily field reports for each field visit**
- 30 **conducted by the engineer-of-record and promptly providing such daily reports to the City Engineer.**
- 31 **14. The Vortech unit for stormwater treatment shall be serviced twice per year by the owner.**

32
33 **B. Conditions to be Satisfied Prior to the Start of Any Construction Activities**

- 34 **1. The applicant shall provide a letter or certification from the engineer of record or other qualified**
- 35 **design professional confirming that the approved plan set meets the accessibility standards of the**
- 36 **State of New Hampshire Building Code, including with respect to the sidewalk proposed along the**
- 37 **north side of the parking lot expansion access drive.**
- 38 **2. The applicant shall perform a wetland delineation in accordance with Section 5.1.E.8 of the Site**
- 39 **Plan Review Regulations and shall provide the same to the Planning & Development Department.**
- 40 **3. The applicant shall demonstrate compliance with the parking lot shading requirements set forth in**
- 41 **Section 6.2.E of the Site Plan Review Regulations to the satisfaction of the Planning & Development**
- 42 **Department.**
- 43 **4. Within 60 days of the Planning Board's approval, the applicant shall make the following revisions**
- 44 **to the plan set to the satisfaction of the Planning and Development Department and the City**
- 45 **Engineer:**

- a. Amend the cover sheet to identify the permitted (maximum) number of parking spaces and the calculations for each (5.1.E.4.e.5).
 - b. Update the parking calculations and notes on the cover sheet to address the revocation of the off-lot parking Conditional Use Permit, PB2023-18-CUP.
 - c. Add a reference to the cover sheet identifying the approved plan set and Planning Board approval that the subject application and plan set is amending.
 - d. Amend the lighting plan to identify the color correlated temperature (CCT) for the proposed lighting fixtures (5.1.E.13).
 - e. Amend the plan set as needed to address accessibility requirements, including with respect to the sidewalk proposed along the north side of the parking lot expansion access drive.
 - f. Update the plan set to call for 4-foot deep sumps on stormwater structures D1, D11 and D12.
 - g. Update the plan set to depict the wetland delineation performed pursuant to Condition B.2 above.
 - h. Amend the cover sheet to provide description of plan revisions (5.1.E.4.d).
- The applicant shall provide the Planning and Development Department 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.

5. All engineering review fees shall be paid in full as required by Section 4.7.E.1 of the Site Plan Review Regulations. (Note: the applicant can request an invoice from the Department of Public Works).

6. 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.

C. Conditions to be Satisfied Prior to the Issuance of a Zoning Permit and Building Permit (if required)

1. 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.

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

1. 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.

2. 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 Kellen Appleton.

*The MOTION was approved (10-0).

A MOTION was made by Richard Ford Burley as follows:

On June 12, 2023, the Planning Board approved a Conditional Use Permit pursuant to Section 607.5.A of the Zoning Ordinance to allow off-lot parking at 351 Miracle Mile to meet the minimum parking requirements of the casino use at 369 Miracle Mile, PB2023-18-CUP, based in part on the following conclusion of law, as required by Section 607.5.A.1: "The minimum number of required

1 *off-street parking spaces as calculated per Section 607.4 cannot be feasibly be accommodated on-*
2 *site.” Pursuant to the approval of PB2025-43-SPACUP, the minimum number of parking spaces for*
3 *the casino use will now be provided on-site. Consequently, the off-lot parking criteria set forth in*
4 *Section 607.5.A can no longer be demonstrated and, therefore, upon issuance of a Certificate of*
5 *Completion for PB2025-43-SPACUP, the Conditional Use Permit approved on June 12, 2023,*
6 *PB2023-18-CUP, shall be deemed VOID. The MOTION was seconded by Jeremy Rutter.*

7
8 **The MOTION was approved (10-0).*
9

10 **4. STUDY ITEMS**

11 **A. Review and Adoption of 2026-2031 Capital Improvement Plan (CIP)**

12 Chair Faunce explained that a new paragraph had been drafted by Staff as acknowledgement by the
13 Planning Board that the CIP has impact on resident tax rate.

14
15 The group discussed how the CIP financing is calculated. Mr. Collins asked whether the costs for design
16 work for the Slayton Hill Road intersection project had to be included in the 2026 plan. Mr. Corwin said
17 the appropriated for 2026 is \$388,000; he said the state would contribute \$310,000 and the City would
18 contribute \$77,600. Mr. Vincent confirmed that the City would need to repay the state for that
19 contribution if the City chooses not to go ahead with the project.

20
21 *A MOTION was made by Don Collins to eliminate the Slayton Hill intersection project from the*
22 *recommendation by the Planning Board.*
23

24 The group discussed the project, the time limit on its design, and the timeline for funding at length.
25

26
27 *A MOTION was made by Andrew Faunce to extend the meeting to 9:45pm. The MOTION was*
28 *seconded by Richard Ford Burley*
29

30 **The MOTION was approved (10-0).*
31

32
33 The group discussed the CIP decision process as it occurred this year and discussed other possible ways
34 to consider and plan for projects in the future. Chair Faunce said it is not a good time to offer ideas and
35 other solutions when the Planning Board is considering projects just before they are to be funded. Mr.
36 Collins said there are budget issues in the City that need to be addressed. Chair Faunce confirmed that
37 the City Council can overrule the Board's recommendations.

38
39 The group discussed the challenges of the intersection in terms of safety and limited improvement
40 possibilities. Ms. Romano described the benefits of the project, particularly the facilitation of public
41 transportation for people going to the area hospital that will result if the project goes forward. Mr.
42 Collins said since no money has been spent on this project yet, it is the right time to consider removing it
43 from the CIP.

44
45 Chair Faunce asked Ms. Zook (as City Council Representative to the Planning Board) to offer some of
46 the comments being discussed in relation to the CIP project when it is considered by the City Council.

A MOTION was made by Andrew Faunce that the Lebanon Planning Board approves the Capital Improvement Program for the six-year period (2026-2031) as presented at the September 8, 2025 Planning Board meeting, and hereby submits Year 1 (2026) of the CIP as the Board's recommendation to the City Council for capital budget funding for 2026.

The Planning Board also wishes to acknowledge and highlight the importance of the CIP program and process as an essential component of the City's overall financial and community planning effort and as a mechanism for anticipating future facility and infrastructure requirements in order to ensure that they are funded in a responsible and systematic fashion.

Notwithstanding the above, the Planning Board appreciates the City Council's consideration of how funding capital improvements may increase the residential tax rate and understands that such may result in the postponement of CIP project expenditures recommended for 2026 or in alternative financial strategies to minimize year over year increases.

The MOTION was seconded by Richard Ford Burley.

**The MOTION was approved (7-1-2)*

Aye: Rutter Faunce, Ford Burley, Kennelly, Ashford, Appleton

Nay: Collins

Abstaining: Zook, Cole

B. Review of Proposed 2026 Zoning Amendments

Mr. Reichert provided copies of the proposed updates to the zoning amendments related to the Route 120 Study. The group discussed the map amendments provided by Mr. Reichert. Mr. Reichert asked the Board members to submit any comments or suggestions to him.

5. APPROVAL OF MINUTES - August 11, 2025

Chair Faunce said the August 11, 2025 Meeting minutes will be discussed at the next meeting.

6. ADJOURNMENT

A MOTION was made by Richard Ford Burley to adjourn the meeting at 9:45pm. The MOTION was seconded by Jeremy Rutter.

**The MOTION was approved (10-0).*

The meeting adjourned at 9:45pm. Chair Faunce thanked Dr. Rutter for his service to the City.

Respectfully submitted,

Paula Roux

Recording Secretary