FINAL

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)

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1. CALL TO ORDER

Chair Faunce called the meeting to order at 6:31pm. Mr. Corwin reviewed the City's meeting in-person and REMOTE attendance policies and procedures.

2. NOTICE OF REGIONAL IMPACT

The following applications were received by the Planning and Development Department on or before 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.

A MOTION was made by Richard Ford Burley that the applications of 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. The MOTION was seconded by Jeremy Rutter.

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

3. PUBLIC HEARING ITEMS

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

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

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

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

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

Andrew Faunce (Ward 1), Planning Board Chair, made the following statement:
"I want to speak very briefly to the matter of my recusal. I'm not commenting in any way, shape or form with respect to the merits of the case. My recusal from the current XYZ extension hearing followed an extensive presentation by the applicant's counsel that was not included in the application materials. As such, I had no benefit of the Planning Board's counsel prior to making this choice. Applicant's counsel argued that I was biased and conflicted and that if I did not recuse, any adverse decision of the Board would be challenged.

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

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

At 6:42pm, Acting Chair Ford Burley called for a recess to allow the Board members to confer with legal counsel.
At 6:57pm, the meeting resumed.

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

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

Acting Chair Ford Burley closed the public hearing.

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

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

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

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

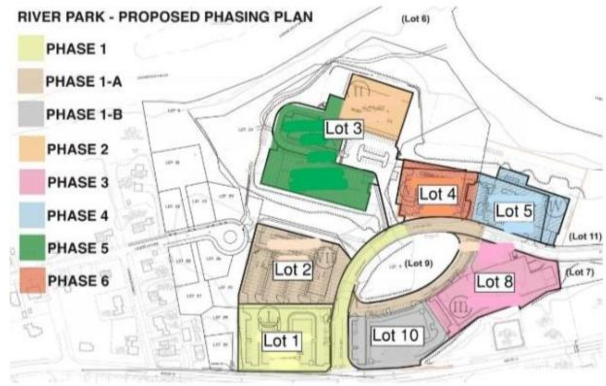
Mr. Chris Bolt (Donahue Tucker Chandela), attorney for the Planning Board, gave an overview of the court case Fisher v. Dover and its potential applicability to the applicant's extension request. He said he was not sure how the court would apply the Fisher v. Dover concept to this particular extension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

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

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

FINDINGS

1. ***After meeting with independent legal counsel and after public deliberations it is the opinion of the Lebanon Planning Board that existing case law [DOES NOT] robustly support the use of the 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.

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.

The MOTION was seconded by Eric Stacy.

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

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

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

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

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

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

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

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

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

He gave an overview of the work that has been done so far:
- Sewer line installed and most of the water lines installed
- Several storm water infrastructures installed
- Working on foundations for Building 2
- Working on prepping for other foundations as well - most underground infrastructure in place

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

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

A MOTION was made by Richard Ford Burley that the Lebanon Planning Board approves the application of 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 he they were satisfied with the plan.

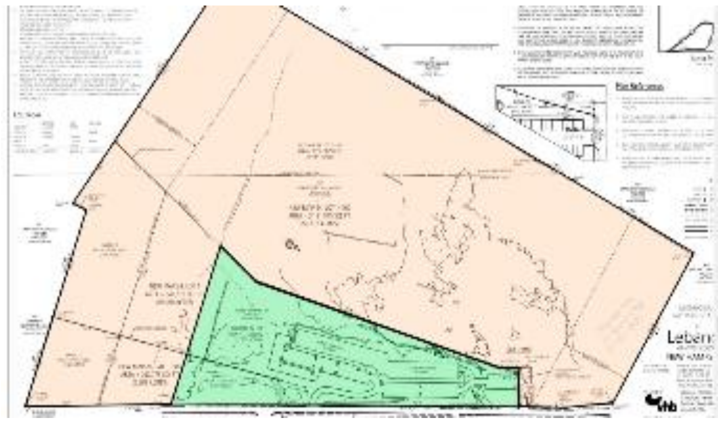


Figure 1: Original plan: green area = project site

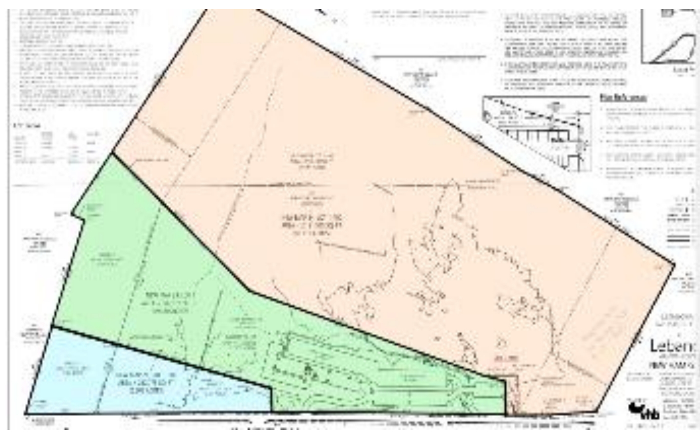


Figure 2: Revised Plan: blue = Lot 1-200

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.

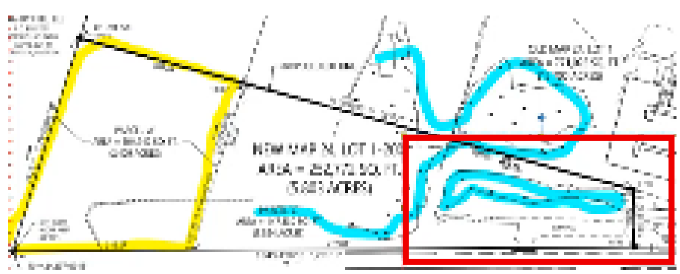


Figure 3: Lot 1-200
Yellow highlighted area = Wildlife Corridor
Blue lines = wetlands areas
Red rectangle = new proposed lot for future development

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.

(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.

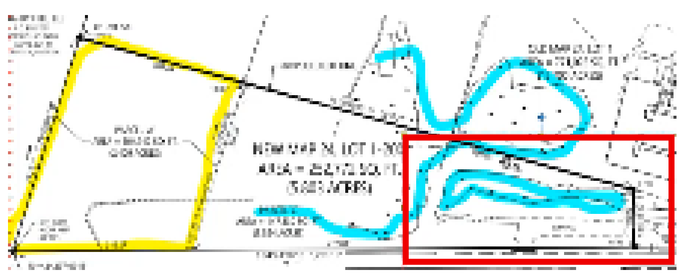


Figure 3: Lot 1-200
Yellow highlighted area = Wildlife Corridor
Blue lines = wetlands areas
Red rectangle = new proposed lot for future development

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.

The group had a lengthy discussion about how to delineate the wetlands in the project area, either through 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 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 9.587 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).***

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

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

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

D. 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-SP

Ms. Appleton recused themselves from 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 Brady Sullivan Prospect Hills, LLC, 0 Prospect Street (Tax Map 108, Lot 2) PB2025-40-SP is complete enough for the Planning Board to accept jurisdiction and commence review. The MOTION was seconded by Andrew Faunce.

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

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

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

The group discussed aspects of the hauling plans that still need to be determined: For example: road closures that may impact the hauling timeline; schools that are on the proposed routes and back-up plans to avoid them during commute times; weight limits on affected roads along the routes. resident 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 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 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?

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).***

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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