



**LEBANON PLANNING BOARD
NOVEMBER 10, 2025 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

To participate in this meeting, please join live via Microsoft Teams or call 929-229-9356 (Access Code: 406 584 609#). If you have trouble accessing this meeting, please [email Tim Corwin](mailto:tim.corwin@lebanonnh.gov).

1. Call to Order

The November 10, 2025 Planning Board meeting is called to order.

2. Notice of Regional Impact

3. Public Hearing Items

- A. **Brickyard One Nominee Trust, Hanover Street (Tax Map 48, Lot 1), zoned R-1, R-O-1, R-3 & RL-3:** On December 17, 2024, applicant obtained Site Plan approval and a Conditional Use Permit for a proposed 474-unit multi-family Planned Unit Residential Development (PURD) (PB2024-22-SPRCUP). Applicant now requests Final Major Subdivision approval to subdivide the 136-acre property into four (4) condominium units. **PB2025-45-FMAJ**

4. Study Items

- A. Discussion re: Master Plan Update and Implementation Process

5. Other Business

- A. Review and Adoption of 2026 Planning Board Meeting calendar

6. Approval of Minutes

- A. October 13, 2025
B. October 27, 2025

7. 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](https://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.



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

PLANNING BOARD

November 10, 2025 Meeting

Staff Memorandum – PB2025-45-FMAJ

APPLICATION INFORMATION

Agenda Item: 3.A

Application ID: PB2025-45-FMAJ

Application Type:

Final Major Subdivision review of a proposed 4-unit land condominium

Property Location & Tax Map:

Hanover St (Tax Map 48, Lot 1)

Applicant & Property Owner:

Brickyard One Nominee Trust

Property Size: +/-136.87 acres total

Zoning District(s): R-1, R-3, R-0-1, RL-3

Overlay District(s):

- Wetlands Conservation District
- Floodplain District
- Steep Slopes District

Future Land Use Map:

- Mixed Use
- Rural (where zoned RL-3)

Staff Attachments:

- Planning Board Notice of Action of December 17, 2024, for PB2024-22-SPRCUP

LEGAL NOTICE

Brickyard One Nominee Trust, Hanover Street Ext (Tax Map 48, Lot 1), zoned R-1, R-O-1, R-3 & RL-3: On December 17, 2024, applicant obtained Site Plan approval and a Conditional Use Permit for a proposed 474-unit multi-family Planned Unit Residential Development (PURD) (PB2024-22-SPRCUP). Applicant now requests Final Major Subdivision approval to subdivide the 136-acre property into four (4) condominium units. PB2025-45-FMAJ

APPLICATION MATERIALS

- ▶ Application form (1 page)
- ▶ Letter dated October 10, 2025, from Richard Whitehouse, of VHB (project description; 1 page)
- ▶ Application for Waivers dated October 11, 2025 (2 pages)
- ▶ Final Major Subdivision Technical Checklist (5 pages)
- ▶ Certified Notification List (2 pages)
- ▶ Fee Schedule (2 pages)
- ▶ Declaration of Condominium - Brickyard Land Condominium (18 pgs)
- ▶ Plat titled, "Land Condominium Plan of Land – Map 48, Lot 1 in Lebanon New Hampshire," prepared by Vanasse Hangen Brustlin, Inc., dated October 10, 2025

COMPLETENESS REVIEW

The Planning and Development Department has reviewed this application for Final Major Subdivision Review, a/k/a Final Plat Review, in accordance with Section 7.7.C.3.a of the Lebanon Subdivision Regulations and recommends that the Planning Board find that the application is complete enough to accept jurisdiction and to commence review.

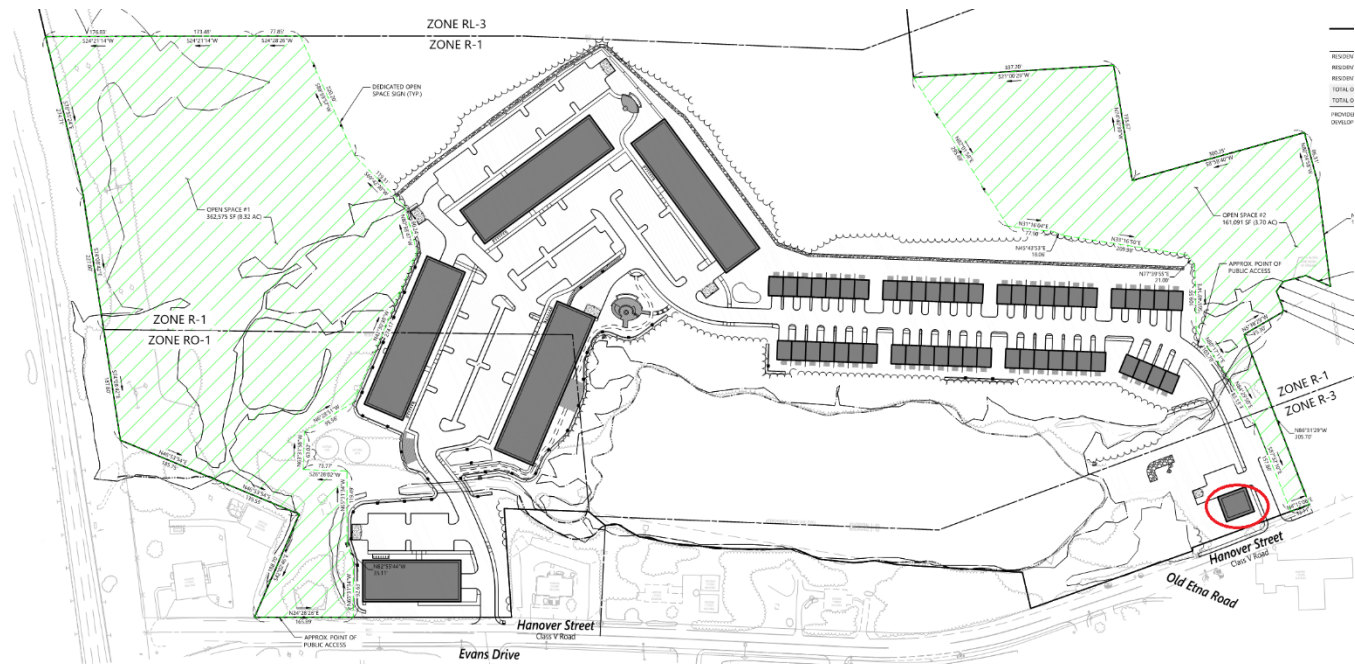
Note that Preliminary Major Subdivision Review, a/k/a Design Review of a Preliminary Layout, is required prior Final Major Subdivision Review unless the Board determines that, pursuant to Section 10.2.F, "the specific circumstances of a proposed subdivision application do not require such review." The applicant has requested a waiver pursuant to Section 10.2.F to proceed directly to Final Plat Review as allowed. Given the circumstances of this application, which do not involve the creation of new infrastructure or other physical improvements, the Planning & Development Department agrees that preliminary review may not be necessary for this application.

Another threshold question which remains outstanding at the time of the writing of this memo is whether the condominium units are subject to the minimum dimensional requirements of the underlying zoning districts, e.g. minimum frontage/width and lot area, and whether setbacks apply to the condominium lines. Staff has asked for an opinion from the City's legal counsel. To the extent zoning regulations do apply and are problematic with respect to the proposed layout, it is possible some of this could be remedied by amending the Conditional Use Permit for the PURD (which would require an amendment to the current application and a revised legal notice).

APPLICATION OVERVIEW

On December 17, 2024, the applicant obtained Site Plan approval and a Conditional Use Permit for a proposed 474-unit multi-family Planned Unit Residential Development (PURD) (PB2024-22-SPRCUP) for what was at the time the following four properties totaling +/-136.87 acres in size: 174 Hanover Street (Tax Map 48, Lot 4), 0 Hanover Street (Tax Map 48, Lot 2), 0 Hanover Street (Tax Map 48, Lot 1), and 238 Hanover Street (Tax Map 63, Lot 1), zoned R-1, R-O-1, R-3 & RL-3. The applicant has since merged the properties into a single property (pursuant to a Voluntary Lot Merger, PB2025-41-VLM). The merged property has been assigned a Tax Map/Lot number of 48/1 by the City Assessor.

The development consists of five (5) multi-family buildings containing a total of 422 apartments, eight (8) townhouse clusters containing a total of 51 units, and a maintenance building containing one dwelling unit, which is circled in red in the image of the approved open space plan below:



Initial land clearing and installation of erosion control measures were undertaken in the spring and early summer. Construction activities paused mid-summer in order to complete wetland permitting and to address the Planning Board's pre-construction conditions of approval. It is anticipated that the applicant will resume construction in the spring of 2026.

As depicted on the attached Land Condominium Plan of Land and as described in the attached letter from Richard Whitehouse of VHB, the applicant now requests Final Major Subdivision approval to subdivide the 136-acre property into the following four (4) condominium units:

- Unit 1 with +/-1.65 acres containing the maintenance building with 1 dwelling unit;
- Unit 2 with +/-15 acres containing the 8 townhouse clusters with a total of 51 dwelling units;
- Unit 3 with +/-26 acres containing the 5 multi-family buildings with a total of 422 apartments; and
- Unit 4 with +/-93 acres containing the remainder of the parcel, which is proposed to remain undeveloped at this time.

It is staff's understanding that the purpose of 4-unit condominium is to assist the applicant with financing the construction of the development.

It is staff's further understanding that 2 additional condominiums will be created at a future date: one for the 5 multi-family buildings in order to further assist with project financing, and another for the 51 townhouses in order to allow for individual ownership of each unit, thereby providing home ownership opportunities to satisfy both market demand and community planning goals. Note that the applicant had included a copy of the draft Declaration of Condominium for the townhouse condominium as part of the current application. However, because the applicant is only seeking approval of the 4-unit land condominium at this time, staff recommended excluding the Declaration of Condominium for the townhouse condominium to avoid confusion as to what the applicant is currently requesting. Those future applications will require Planning Board approval unless they are found to be exempt from review per Section 6.3 of the Subdivision Regulations (discussed below).

STAFF COMMENTS

PLANNING

The proposed condominium conversion constitutes a "subdivision" as defined in Section 5 of the Subdivision Regulations:

Subdivision. The definition of this term shall be as provided in RSA 672:14, as set forth below:

- A. "Subdivision" means the division of the lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, **condominium conveyance** or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. (emphasis added)

The proposed 4-unit land condominium constitutes a "major subdivision" as defined in Section 5 of the Subdivision Regulations:

Major Subdivision. Any division of a lot, tract, or parcel of land either (a) into four (4) or more lots, plats, building sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, **condominium conveyance** or building development, or (b) involves the creation of new streets, or the extension of existing streets. (emphasis added)

Major Subdivisions are reviewed in accordance with the procedures set forth in Section 10 of the Subdivision Regulations and, as a general matter, must demonstrate compliance with the General Requirements set forth in Section 12 and the Design Standards of Section 13.

However, condominium conversions are exempt from subdivision review in certain circumstances pursuant to Section 6.3, which provides as follows:

6.3 Condominium Conversion.

When land and existing buildings under single ownership are proposed to be converted into a condominium form of ownership, and where no physical changes to the property are proposed, subdivision approval shall only be required if the Planning Director determines that the underlying existing use of the property will be materially altered by the conversion. If the Planning Director determines that, due to the specific facts of the case, the effect of the conversion will be to materially alter the nature or intensity of the use of the property, then full review under these Regulations shall be required. The landowner, any Board member, or any person aggrieved may, within 30 days of such determination, appeal the Planning Director's determination to the Planning Board. The Board shall act on the appeal within a reasonable time. Such a determination shall be considered administrative, and no noticed public hearing shall be required for the Board to act on the appeal.

The subject application is the first proposed condominium conversion to be reviewed since adoption of the current version of Section 6.3 in 2021. Staff has requested a legal opinion from the City's legal counsel with respect to whether the proposed land condominium is exempt from review per Section 6.3. The applicant has also provided an opinion from their legal counsel regarding Section 6.3, and this has also been provided to the City's legal counsel for review. Legal counsel's recommendation with respect to Section 6.3 will be presented at or before the public hearing, at which point the Planning Board can make the determination since it will be before the Board anyway (as opposed to staff making the determination in advance of the public hearing).

Even if the proposed condominium is exempt under Section 6.3, it is not clear how the plat can be recorded without Planning Board approval pursuant to RSA 674:37¹, RSA 478:1-a, I², and RSA 676:18, I³ (in which case, Section 6.3 is effectively moot with respect to land condominiums). Staff has requested a legal opinion from the City's legal counsel on this question.

Should the Section 6.3 exemption not apply (either because the proposed condominium does not meet the Section 6.3 criteria or because the condominium plat requires Planning Board approval per statute), staff recommends the following procedures and considerations based on the applicable requirements of the Subdivision Regulations:

- Completeness determination (see discussion above).
- Make a determination, by motion, as to whether or not the application requires Preliminary Review in accordance with Section 10.2.F of the Subdivision Regulations. If the Board determines that Preliminary Review is not required, the public hearing may commence as scheduled. If the Board determines the Preliminary Review is warranted, the Planning & Development Department

¹ “[N]o plat shall be filed or recorded unless it is prepared and certified by a licensed land surveyor since July 1, 1981, or by a registered land surveyor between January 1, 1970 and June 30, 1981, and until it has been approved by the planning board and such approval has been endorsed in writing on the plat in such manner as the planning board may designate, except as provided in RSA 676:18, II and III and RSA 676:4, I(c). The filing or recording of a plat of a subdivision without the requisite approval of the planning board, or which has not been prepared and certified by a licensed land surveyor or by a registered land surveyor as provided in this section, shall be void.”

² Defining “plat” as, “a map of a specific land area whose boundaries are defined by metes and bounds.”

³ “A register of deeds who files or records a plat of a subdivision without the approval of a planning board shall be guilty of a misdemeanor.”

recommends that the public hearing be continued to a future date to provide the applicant with an opportunity to address the Preliminary Review requirements of the Subdivision Regulations.

- Make a determination with respect to the applicant's request for a waiver from the Final Major Subdivision Review application submission requirements set forth in Section 10.4 (see attached Application for Waivers). Since this is, in essence, a "technical" subdivision, and because the baseline information for the property and the development was provided with the 2024 Site Plan application (PB2024-22-SPRCUP), staff has, pursuant to Section 7.7.D, made a preliminary determination that the requested waiver from Section 10.4 meet the standards of Section 7.15 ("Waiver of Regulations").
- Make a determination concerning Premature or Scattered development pursuant to Section 10.3.D, as well as Sections 12.3.C and D:

C. Prohibition of Approval of Scattered or Premature Subdivisions:

The Planning Board shall not approve a subdivision if such subdivision constitutes premature or scattered subdivision as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire department, or other public services or necessitate an excessive expenditure of public funds for the supply of such services. If a subdivision is determined by the Planning Board to be premature and scattered, the subdivider may show through both on and off-site improvements made at the expense of the subdivider, that the subdivision is not premature or scattered or, if so, is overcome by remedial action of the subdivider.

D. Board's Determination as to Premature or Scattered:

The Board shall determine based on the information presented and other information available and made part of the record whether or not the amount of development contained in the proposed subdivision in relation to the quantum of services available will pose a danger to the public through insufficiency of services.

To this end, the applicant should request a waiver in writing from the requirement to provide certain information set forth in subsection B of Section 12.3 ("Statement as to Impact of Subdivision and Determination of Whether or Not Premature or Scattered").

- Review the Declaration of Condominium, which the applicant has provided pursuant to Section 12.8.A, which provides as follows:

12.8 Owners Association

- A. Documents for an Owners Association: In the case of a subdivision requiring a management organization to operate and maintain private roads, community water or sewer systems, common lands or reserve areas or recreational facilities, the subdivider shall furnish a copy of the proposed legal documents establishing this organization and shall include specific provisions for the collection of fees, assessments and charges to pay for the operation and maintenance of such common facilities.

The Declaration and condominium plat have been provided to the City's legal counsel for review and comment.

- Staff recommends that the Board waive the requirement for a Subdivision Agreement for this development. As described in Section 7.9.B of the Subdivision Regulations, most of the issues addressed in a standard Subdivision Agreement are not applicable to the current proposal and the remaining items have already been addressed through the requirements of the Site Plan Review approval and through Chapter 182 of the City Code. The applicant will need to submit a written request for this waiver as it is not currently included in the attached Application for Waivers.

Additional staff comments:

- The provisions of Sections 12 and 13 of the Subdivision Regulations (including Open Space and Recreation, Impact Statements, Off-site Improvements, Driveway Access, Streets and Street Lighting, Utilities, Storm Drainage, Grading, Site Preservation, Fire Protection, Pedestrian Walks, Open Space and Playgrounds), to the extent they are applicable, have largely been addressed by the Board through the Site Plan Review process (see PB2024-22-SPRCUP).
- The waivers discussed above are requested pursuant to Section 7.15.B of the Subdivision Regulations which allow the Board to grant a waiver of the Regulations if it finds, by majority vote, that, "[s]pecific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations." The basis for the applicant's waivers are set forth in the attached Application for Waivers (except as otherwise noted above). Pursuant to Section 7.7.D of the Subdivision Regulations, staff has made a preliminary determination that the requested waivers meet the standards of Section 7.15 ("Waiver of Regulations").

STAFF RECOMMENDATIONS

If the Planning Board moves to approve this request, then based on the information reviewed by City staff, the Planning and Development Department recommends that the Planning Board approve the application with the conditions noted below:

Draft conditions will be prepared once the City's legal counsel has provided recommendations to the various legal questions noted above, including review of the draft Declaration of Condominium and proposed condominium plat.

Attachments

cc: Brickyard One Nominee Trust
Richard Whitehouse, VHB



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

NOTICE OF ACTION LEBANON PLANNING BOARD PB2024-22-CUPSPR

Notice is hereby given that on **July 8, 2024**, the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations:

“**Jeremy Rutter** moved that the application of Brickyard One Nominee Trust, 174 Hanover Street (Tax Map 48, Lot 4), 0 Hanover Street (Tax Map 48, Lot 2), 0 Hanover Street (Tax Map 48, Lot 1), and 238 Hanover Street (Tax Map 63, Lot 1), zoned R-1, R-O-1 & R-3 is complete enough for the Planning Board to accept jurisdiction and commence review.

The motion was seconded by Patrick Kennelly. The vote on the motion was approved, 7-0.”

WAIVER REQUESTS:

“Notice is hereby given that on **December 17, 2024**, the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations:

Richard Ford Burley moved that, for the application of Brickyard One Nominee Trust, PB2024-22-SPRCUP, the Lebanon Planning Board approves partial waivers from the following sections of the Site Plan Review Regulations:

- Section 5.1.E.7 – Requirement to provide information relative to buildings within 200 feet of the site
- Section 5.1.E.16 – Requirement to count existing trees if used to meet landscape requirements.
- Section 6.6.C.1.2.K – Requiring test pit data for stormwater management design. Additional discussion of this waiver can request can be found below in discussion of the Section 6.6 requirements.
- Section 6.5.D.5 – Requiring construction of a sidewalk along length of property’s frontage.

The motion was seconded by Eric Stacy. The vote on the motion was unanimous in

favor, 6-0. “

DENSITY BONUS:

“Notice is hereby given that on **December 17, 2024**, the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations:

“**Richard Ford Burley** moved that, for the application of Brickyard One Nominee Trust, PB2024-22-SPRCUP, the Lebanon Planning Board approves a density bonus of 51 dwelling units per section. 501.2.D of the Zoning Ordinance and in support thereof finds that:

1. Pursuant to Section 501.2.D of the Zoning Ordinance, the maximum permitted density of the proposed PURD is 423 dwelling units.
2. Section 507 of the Zoning Ordinance allows the Board to grant up to a 12% density bonus for PURDs.
3. The applicant requests a density bonus of 51 units, which is the maximum number of additional units that the board may allow, pursuant to Section 507.
4. A density bonus of 51 units is appropriate as the number and type of proposed additional units is in the best interest of the residents of the City of Lebanon.

The motion was seconded by Patrick Kennelly. The vote on the motion was unanimous in favor, 6-0.”

CONDITIONAL USE PERMIT – BUILDING HEIGHT:

A MOTION was made by **Richard Ford Burley** that:

“At duly-noticed meetings of the Lebanon Planning Board held on July 8, 2024, August 12, 2024, September 9, 2024, October 14, 2024, November 12, 2024, December 9, 2024, and December 17, 2024, there appeared representatives on behalf of Brickyard One Nominee Trust regarding 174 Hanover Street (Tax Map 48, Lot 4), 0 Hanover Street (Tax Map 48, Lot 2), 0 Hanover Street (Tax Map 48, Lot 1), and 238 Hanover Street (Tax Map 63, Lot 1), zoned R-1, R-O-1, R-3 & RL-3, requesting a Conditional Use Permit pursuant to Section 308.4 of the Zoning Ordinance to allow an increase in the maximum permitted building height from 45 ft. to 55 ft. for Buildings 4 and 5 as identified in the PURD plan set. PB2024-22-SPRCUP.

The Findings of Fact are as given in Tim Corwin’s Staff Memo included in the January 09, 2024 Planning Board meeting agenda packet.

Findings of Fact

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

1. 45 ft. is the maximum building height in the R-1 District. Per Section 308.4 of the Zoning Ordinance, the Planning Board may allow building height of up to 55 ft. by Conditional Use Permit.
2. Section 308.4 provides as follows: "By conditional use permit per Section 302.4, the maximum building height for a proposed building may be increased up to 10 additional feet if the increase in building height is for the purpose of accommodating a parking structure underneath or within the proposed building, and provided that the building is set back from the setback line a minimum distance equal to two (2) feet for every one (1) foot of additional building height over 45 feet."
3. Pursuant to Section 308.4, the applicant requests a Conditional Use Permit to allow the two multi-family buildings that are located wholly within the R-1 District (i.e. Buildings 4 and 5 as labeled in the plan set) to have a height of 55 ft.
4. In order to grant the requested Conditional Use Permit, the Board must find the applicant's proposal satisfies the Enhanced Performance Standards set forth in Section 302.4.D as well as the specific requirements of Section 308.4. The applicant has addressed the Section 302.4.D and Section 308.4 criteria in an Application for Conditional Use Permit Support Statement (found on pages 48-50 of the agenda packet for the August 12, 2024 Planning Board meeting).

Conclusions of Law

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Planning Board concludes the following with respect to the Enhanced Performance Standards set forth in section 302.4.D and the criteria set forth in Section 308.4 of the Zoning Ordinance:

1. The site is suitable for the proposal Section 302.4.D.1.
2. The external impacts of the proposed use on abutting properties and the neighborhood are commensurate with the impacts of adjacent existing uses or other uses permitted in the zoning district. Section 302.4.D.2
3. The proposal does satisfy the criteria of Section 302.4.D.3.
4. Does satisfy the criteria section 302.4.D.4

5. The proposal does satisfy the criteria of section 302.4.D.5
6. The additional height for Buildings four and five is for the purpose of accommodating a parking structure underneath or within the proposed buildings. (Section 308.4)
7. Buildings 4 and 5 are set back from the setback line a minimum distance equal to two feet for every one foot of additional building height over 45 feet. (Section 308.4)

Decision

Now therefore it be it resolved that the Planning Board, on this September 17th day of December 2024, hereby grants the request of Brickyard One Nominee Trust for a Conditional Use Permit per Section 308.4 for a height of 55 feet for Buildings 4 and 5 as identified in the PURD plan set as set forth above and per testimony, plans, and materials submitted.

The motion was seconded by Jeremy Rutter. The vote on the motion was approved, 6-0.”

CONDITIONAL USE PERMIT – PURD:

A motion was made by **Richard Ford Burley** that:

“At a noticed meetings of the Lebanon Planning Board held on July 8, 2024, August 12, 2024, September 9, 2024, October 14, 2024, November 12, 2024, December 9, 2024 and December 17, 2024 there appeared representatives on behalf of Brickyard One Nominee Trust regarding 174 Hanover St. (Tax Map 48 Lot 4), 0 Hanover Street (Tax Map 48, Lot 2), 0 Hanover Street (Tax Map 48, Lot 1) and 238 Hanover Street (Tax Map 63 Lot 1) zoned R-1, R-O-1, R-3 & RL-3. Requesting a Conditional Use Permit per Sections 308.2, 310.2, 311A.2, and 501.2 of Zoning Ordinance for a proposed 474-unit multi-family Planned Unit Residential Development (PURD). PB2024-22-SPRCUP

The Findings of Fact are those from the Staff memo.

Findings of Fact

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

1. The applicant owns the following 4 properties which they intend to merge into a single property following Planning Board approval of the subject application (collectively, referred to as the “Property”):
 - 174 Hanover St (Tax Map 48, Lot 4)

- 0 Hanover St (Tax Map 48, Lot 2)
 - 0 Hanover St (Tax Map 48, Lot 1)
 - 238 Hanover St (Tax Map 63, Lot 1)
2. Per the applicant's application materials, the property is a total of +/-135.98 acres and is split-zoned R-O-1, R-3, R-1, and RL-3. A portion of the Property is the site of the former Densmore Brickyard. Other than vacant structures formerly occupied by the Densmore Brickyard, a vacant cottage at the north end of Densmore Pond, and a single family residence at what is currently 238 Hanover Street, the Property is vacant and undeveloped.
 3. The applicant proposes to develop the +/-38.18 portion of the Property zoned R-O-1, R-3, R-1 as a 474-unit multi-building, multi-family Planned Unit Residential Development (PURD). All existing structures on the Property will be demolished except for some of the Densmore Brickyard kilns that are still standing. The remainder of the Property – zoned RL-3 and containing 97.8 acres – is not included as part of the PURD and is proposed to remain vacant at this time.
 4. When the subject application was originally submitted, the applicant had proposed to construct ten (10) multi-family dwellings with a total of 473 dwelling units (and a maintenance building with an additional dwelling unit). Following feedback from the Planning Board and the public at the August and September Planning Board meetings, the applicant substantially revised their plans and is now proposing 5 multi-family buildings with a total of 422 units at the southern end of the development site and 8 clusters of townhouses with 51 units at the northern end of the development site (and a maintenance building with an additional unit at the proposed northern entrance to development).
 5. Pursuant to Sections 308.2, 310.2, 311A.2, and 501.2 of the Zoning Ordinance to Section 307.6.B.2, the applicant requests a Conditional Use Permit for the proposed PURD.
 6. In order to grant the requested Conditional Use Permit, the Board must the Board must determine that the applicant has satisfied the criteria set forth in Section 501.1.J.1 ("Approval of CUP Application") of the Zoning Ordinance.

Conclusions of Law

As a result of the above findings of fact, and based on testimony given, application materials presented, and supporting documents submitted, the Planning Board concludes the following
with respect to the criteria set forth in Section 501.1.J.1 of the Zoning Ordinance.

- a. The site plan prepared pursuant to Section 501.1.E.1 above meets the purpose statement set forth in section 501.1.A (PUD Purpose) and the following standards:

- i. In consideration of the Site Resources, the portions of the property most suitable for Open Space preservation and those portions most appropriate for development have been designated on the plans for those purposes
 - ii. The layout of the designated Open Space area provides the greatest feasible public benefit, which is compatible with the applicant's permissible development goals, and there is no feasible alternative layout which would yield a significantly improved Open Space public benefit, while still fulfilling the applicant's otherwise permissible development objectives
 - iii. To the maximum extent practicable, the plan adheres to the design guidelines set forth in section 501.1.G
- b. All applicable requirements of Section 501.1.E ("Application Requirements"), Section 501.1.F ("Open Space"), Section 501.1.H, ("Dimensional Requirements"), and Section 501.2 ("Planned Residential Developments") have been met.
- c. The types of housing units and/or other buildings proposed within the PUD do not adversely impact the character of the area
- d. The PUD does not have any substantial negative or undue impact on the environment or on transportation systems, community facilities, utilities and services
- e. The PUD complies with all requirements of the Site Plan Review Regulations

Decision

Now therefore be resolved that the Planning Board, on this 17th day of December, 2024, hereby grants the request of Brickyard One Nominee Trust for a Conditional Use Permit for Sections 308.2, 310.2, 311A. 2, and 501.2 of the Zoning Ordinance for a 474-unit PURD as set forth above, and per testimony, plans, and materials submitted and per the conditions that have been read at great length earlier in this meeting.

- 1. Prior to application for a Building Permit and prior to the start of any construction activities:
 - a. In order to better aesthetically harmonize the development with the surrounding area and historical character of the site, no less than 20% of the buildings' cladding will have the appearance of red brick; or in the alternative the applicant shall provide final architectural renderings and

designs for review by the Planning Board and Heritage Commission to ensure that the legacy of the Densmore Brickyard is appropriately honored.

- b. The applicant shall construct and maintain in perpetuity to a reasonable standard of access the trail listed on Sheet C2.3 "Layout and Materials Plan 3" as "Approx. Upper Valley Bike Association Trail Connection" and shall work with the City and relevant abutting property owners to construct a trail connecting that trail with the "Upper Valley Mountain Bike Association Trails" shown on Sheet C1.2 "Open Space Plan".
- c. The applicant shall work with the City and, as needed, the NH Department of Transportation, to design and implement landscaping and other aesthetic changes to the pedestrian access from the southern access road, due south along Hanover Street, to the pedestrian bridge over I-89, in order to better integrate the development into the surrounding neighborhood per Section 501.1.G.1 of the Zoning Ordinance, as well as to create a visual sense of connection with the Lebanon downtown.
- d. The applicant shall provide satisfactory responses to any/all outstanding Planning & Development Department Staff comments or requests conveyed by Staff memo, email, or other documentation, including but not limited to the applicable PURD comments made via e-mail sent on November 11, 2024, and comments made regarding the project's compliance with the PURD open space regulations as set forth in an e-mail sent on December 8, 2024 from the Planning & Development Department to the applicant.
- e. Per Section 501.1.F.7.b of the Lebanon Zoning Ordinance, the applicant shall, in the absence of lot lines delineating the open space as depicted on Sheet C1.2 "Open Space Plan," amend Sheet C1.2 to show the means of physical delineation and distinguishing of the open space from the other areas of the development.

2. Prior to issuance of a Certificate of Occupancy:

- a. The applicant shall prepare and record an open space covenant or deed restriction for the open space as depicted on the approved plan set. The open space covenant or restriction shall satisfy the requirements of Section 501.1.F of the Zoning Ordinance and shall be in a form and content acceptable to the Planning and Development Department and the City Attorney. The open space boundaries shall be described in metes and bounds.
- b. [Heritage Commission recommendation:] The applicant shall adequately document the structure and current condition of the kilns. The applicant (and any subsequent property owner) shall make reasonable efforts to maintain

the structural integrity of the kilns (labeled “Existing Kilns” in the PURD approved plan set) in perpetuity. The applicant and any subsequent property owner shall allow and maintain pedestrian access to the kiln area, and such access shall be open to the public. In collaboration with the city, the applicant shall produce interpretive materials to document the history of the site and to educate the public.

The motion was seconded by Brian Ceglarski. The vote on the motion was approved, 6-0.

SITE PLAN APPLICATION:

“Notice is hereby given that on **December 17, 2024**, the following action was taken by a majority of the Lebanon Planning Board in accordance with the City of Lebanon Site Plan Review Regulations:

Richard Ford Burley moved that the Lebanon Planning Board approves the application of Brickyard One Nominee Trust regarding 174 Hanover St.(Tax Map 48 Lot 4), 0 Hanover Street (Tax Map 48, Lot 2), 0 Hanover Street (Tax Map 48, Lot 1) and 238 Hanover St. (Tax Map 63, Lot 1), zoned R-1, R-O-1, R-3 & RL-3. PB2024-22-SBRCUP for Site Plan approval to construct a proposed 474 unit multi-family Planned Unit Residential Development including five multi-family buildings containing 422 units and eight townhouse clusters containing 51 units, and a maintenance building containing one unit, together with parking, utilities, landscaping, access and other related site improvements as shown on plan set titled, “The Brickyard Residential Development,” dated May 10, 2024, latest issue December 4, 2024, prepared by VHB EV Project: 52933.00 (53 sheets plus cover sheet), including any and all submissions and testimony provided for and during the public hearing.

In support of this decision, the board finds the applicant has submitted plans, testimony, technical data, information, reports and studies that, together satisfactorily demonstrate compliance with the applicable requirements of the Site Plan Review Regulations, except as may be reasonably addressed through the imposition of certain conditions of approval, set forth below, and except as may have been waived pursuant to section 7.1.

This approval is subject to the following conditions:

General Conditions

1. This approval is based on all plans and materials provided by the applicant and included in the July 8, 2024, August 12, 2024, September 9, 2024, October 14, 2024, November 12, 2024, and December 9, 2024 Planning Board meeting agenda packets. The materials included with the agenda packet for the December 17, 2024 special meeting of the Planning Board will be reviewed by staff to verify the project’s compliance with the conditions below, in addition to any other revised

materials submitted by the applicant following the issuance of this decision in response to the conditions of approval set forth below.

2. This approval shall automatically expire and be deemed void upon failure to meet any of the conditions of approval set forth herein within the timeframes specified. It shall be the applicant's responsibility to be familiar with and aware of these conditions of approval, and it shall be the applicant's responsibility to satisfy these conditions of approval and to satisfy them within the relevant timeframes outlined below.
3. The development is subject to the Site Plan Review Regulations adopted May 13, 1991, last revised January 23, 2023, and the Zoning Ordinance adopted January 16, 2013, last amended April 3, 2024, which are the regulations in effect at the time the application was submitted.
4. Pursuant to Section 4.10.A of the Site Plan Review Regulations which permits the Board, for good cause, to specify an alternative timeframe for obtaining a Building Permit, a building permit must be applied for and issued for each building by the following dates, subject to an extension if applied for by the applicant and if approved by the Planning Board per Section 4.10.B:
 - a) Maintenance Building: February 1, 2026
 - b) Building 1: March 1, 2026
 - c) Building 2: March 1, 2027
 - d) Building 3: March 1, 2028
 - e) Building 4: March 1, 2029
 - f) Building 5: March 1, 2030
 - g) Townhouse Cluster 8: March 1, 2027
 - h) Townhouse Cluster 7: September 1, 2027
 - i) Townhouse Cluster 6: March 1, 2028
 - j) Townhouse Cluster 5: September 1, 2028
 - k) Townhouse Cluster 4: March 1, 2029
 - l) Townhouse Cluster 3: September 1, 2029
 - m) Townhouse Cluster 2: March 1, 2030
 - n) Townhouse Cluster 1: September 1, 2030
5. "Active and substantial development," as defined in Section 8.4.A.1 of the Site Plan Review Regulations, shall be achieved within two (2) years of the date of this approval (8.4.A.2), subject to an extension if applied for by the applicant and if approved by the Planning Board per Section 8.4.A.3. If active and substantial development is not achieved within two (2) years of the date of the Planning Board's approval, the development shall be subject to any changes in the City's land use regulations.
6. "Substantial completion," as defined in Section 8.4.B.1 of the Site Plan Review Regulations, shall be achieved within five (5) years of the date of this approval. If substantial completion is not achieved within five (5) years of the date of the

Planning Board's approval, the development shall be subject to any changes in the City's land use regulations.

7. All required landscape plantings shall meet the minimum size requirements for such plantings set forth in Section 6.2.B of the Site Plan Review Regulations at the time of installation.
8. The applicant shall implement and maintain NHDES Site Specific Best Management Practices before, during, and after construction.
9. Prior to the start of any construction activities on the property, erosion control measures, including edge-of-disturbance fencing if applicable, shall be installed and maintained before and during any site work, to be verified by the City Engineer or the City's third-party inspector on site.
10. The property owner is responsible for the maintenance and operation of the stormwater management system in accord with the O&M plan, and such responsibility shall run with the land. (Section 6.6.H.2.b of the Site Plan Review Regulations).
11. All service areas and facilities including garbage and waste disposal containers, recycling bins, electrical and mechanical equipment such as transformers and compressors, meter clusters, and other utility elements must be screened in accordance with Section 6.2.B.8 of the Site Plan Review Regulations.
12. Changes to underground utilities that do not impact surface conditions may be approved administratively unless determined by the City Engineer and the Planning & Development Department to materially alter the development and the approved site plan, in which case such changes shall be reviewed pursuant to Article IX of the Site Plan Review Regulations.
13. Pursuant to Section 5.1.E.14 of the Site Plan Review Regulations, any future proposed ground-mounted / freestanding signage for the development that does not appear in the approved plan set shall require an amendment to the approved site plan set pursuant to Article IX of the Site Plan Review Regulations, as well as compliance with Section 608 of the Zoning Ordinance.
14. The developer's contractor shall limit off site construction activities during school arrival in the mornings and school dismissal in the afternoons while school is in session and shall coordinate with these timeframes with the school district superintendent.

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

15. In lieu of installing sidewalks along the entire property's frontages as required by Section 6.5.D.5 of the Site Plan Review Regulations, the applicant shall:

- a) Construct sidewalks as proposed on the approved site plans, prepared by VHB and as amended based on comments received from the Reviewing Engineer. These comments include extending the proposed sidewalk an additional 200 feet south along the west side of Hanover Street Extension terminating at a painted crosswalk which extends to the existing sidewalk on the easterly side of Hanover Street Extension immediately adjacent to the site driveway to Lebanon High School.
- b) Contribute funds to an amount to be determined by the City to be equal to the cost of the sidewalk no longer than the balance of the frontage of the applicant's property along Hanover Street Extension. Said monies may be pooled with other funds from properties within the corridor to pay for the development of a coordinated plan for or construction or rehabilitation of pedestrian facilities in the vicinity of Hanover Street Extension.

16. The applicant shall coordinate the final proposed design of the Old Etna Rd/Hanover St Ext and/or the Hanover Street crossing recommended by the Reviewing Engineer, and Evans Dr/Hanover St Ext intersection improvements (as conceptually depicted in the approved plan set) with the Department of Public Works and the Planning & Development Department, with review and advisory comment by the Lebanon Pedestrian and Bicyclist Advisory Committee, to include but not be limited lighting improvements in the vicinity of the crosswalks.

17. The applicant shall make and maintain reasonable improvements (landscaping, signage, street striping/graphics, etc.) between the development's southern entrance to the I-89 Pedestrian Bridge to improve the aesthetic and promote public recognition of that important means of connection into Lebanon Downtown. The applicant shall develop a plan in coordination with the Department of Public Works, the Planning & Development Department, and as needed, the NH Department of Transportation, to contribute to the enhancement of the aesthetics of the existing Pedestrian Bridge. Unless otherwise agreed to by the Department of Public Works, the applicant shall be responsible for maintaining all such improvements.

18. The applicant shall address any outstanding comments from Weston & Sampson regarding the applicant's traffic study and related design improvements, including but not limited to the recommendation that the driveways shall be designed to allow any garbage trucks and firetrucks that may arrive southbound on Hanover Street Extension to turn right into the site without being required to stop and wait for exiting traffic to move.

19. A water pressure and flow test on Hanover Street Extension shall be completed by the applicant to be witnessed and approved by the Lebanon Fire Department and the Department of Public Works.

20. The applicant shall address all comments set forth in the letter dated December 9, 2024, from Steve Keach, PE, of Keach-Nordstrom Associates, Inc., to the satisfaction of the City Engineer. Any substantive changes to the approved site plan that result from the applicant's response to the Reviewing Engineer's comments shall require review and approval by the Planning Board.
21. The applicant shall provide satisfactory responses to any/all outstanding Planning Staff comments or requests conveyed by Staff memo, email, or other documentation, including but not limited to the 32 comments made via e-mail sent on November 11, 2024.
22. The applicant shall demonstrate satisfactory compliance with the requirements of Section 6.2 (landscaping) and Section 6.7 (lighting) of the Site Plan Review Regulations.
23. The interior access drive shall be named and the buildings and dwelling units shall be given addresses in accordance with City of Lebanon policies and procedures, preferably Densmore Drive.
24. The applicant shall satisfactorily address the following comments of the Lebanon Fire Department:
 - a) Sheet 9.1: the Fire Department Vehicle Tracking does not show any tracking path into or out of Building 1. The applicant shall confirm that the entrance/parking design continues to conform to all applicable Fire Code requirements.
 - b) Sheet 9.1: the Applicant shall confirm that a fire engine is able to access the rear parking lot behind Building 4 in the event of a car fire.
25. The applicant shall verify whether the US Postal Service will require a mail kiosk and, if so, shall update the plan set accordingly.
26. Condition #1 of the concurrent PURD Conditional Use approval shall be satisfied.
27. Within 45 days of the Planning Board's approval, the applicant shall make the following revisions to the plan set to the satisfaction of the Planning and Development Department and the City Engineer:
 - a) Any changes necessitated in response to Condition #1 of the concurrent PURD Conditional Use approval.
 - b) Any changes necessitated in response to any of the preceding Site Plan conditions of approval (i.e. #1-#26), as applicable.
 - c) Add plan notes and update plan set as needed to memorialize and reflect the preceding conditions of approval (i.e. #1-#26), as applicable.
 - d) Provide a 5 ft. wide easement along the property frontage for potential future sidewalk improvements. (Section 6.5.C.5.c)

- e) Add a plan note indicating that the trailhead parking will be available for use by the general public.
- f) Replace phasing plan sheets with a building permit schedule sheet in accordance with Condition of Approval #3.
- g) Conferring with the Heritage Commission, identify names of multi-family buildings utilizing historic names associated with the Densmore Brickyard.
- 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 a digital copy of the revised plan set saved in a PDF-A format for archival purposes.

- 28. The applicant shall provide a letter or certification from the engineer of record or other qualified design professional confirming that the approved plan set meets the accessibility standards of the State of New Hampshire Building Code.
- 29. Prior to any construction activities and prior to the application for a Building Permit, the applicant shall apply to the Planning and Development Department for a voluntary merger of the subject properties. Upon approval, the voluntary merger shall be recorded at the Grafton County Registry of Deeds.
- 30. The applicant shall schedule and hold a pre-building permit application meeting with the Planning and Development Department, City Building Inspectors, City Engineer/Department of Public Works, and Fire Department, in order to help streamline the building permit review process and to review applicable code requirements.
- 31. The applicant shall obtain approval from the City Council or the City Manager's office for any additional water and/or sewer flows in accordance with the applicable Chapter 136 and 182 of the City Code.
- 32. All engineering review fees shall be paid in full as required by Section 4.7.E.1 of the Site Plan Review Regulations. (Note: applicant can request an invoice from the Department of Public Works).
- 33. If required by the Department of Public Works, the applicant shall apply for and obtain an Excavation Permit, Driveway Permit, and Stormwater Permit.

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

- 34. The applicant shall create and support a scheduled maintenance plan in accordance with state and local regulations for maintaining inflow and outflow of water from the pond, paying particular attention to those sections over which new driveways will be constructed.
- 35. The applicant shall put in place and maintain reasonable controls for regulating access to the pond perimeter and the pond itself.

36. Prior to the start of any construction activities on the property, the applicant shall provide a performance guarantee pursuant to Section 8.3 of the Site Plan Review Regulations in an amount and form acceptable to the Department of Public Works and the City's legal counsel, to serve as a financial surety for: site restoration in the event of abandonment; installation and maintenance of appropriate erosion and sedimentation controls throughout construction; and full and final completion of public improvements and/or work within the public right-of-way at Hanover Street.
37. Prior to the start of any construction activities on the property for which construction inspection is required pursuant to this decision or any applicable ordinance or code, the City shall retain the services of an independent third-party inspector, for which the applicant shall be responsible for all inspection fees related to (a) on-site work related to sewer, water, temporary sedimentation and erosion control, and drainage improvements, and (b) all off-site work within the City's right-of-way (including but not limited to water, sewer, driveways, drainage), in accordance with Section 8.2 of the Site Plan Review Regulations. The applicant shall provide funding for inspection services in a form and amount acceptable to the City and shall sign an Infrastructure Inspection Agreement.
38. The applicant shall request approval pursuant to City Code Chapter 182, Section 182-40.B, to extend the water main from Hanover Street Extension through the development. The applicant shall request that the City Council, at the time of approval of the connection of the utilities, delegate to the City Manager the authority to accept on the City's behalf, a conveyance, which would include the water mains and hydrants within the development, excluding service connections beyond the curb shut-off valves, and all appropriate easements for their continued maintenance by the City, such conveyance to be recorded prior to acceptance of any utility improvements by the City.
39. The applicant shall sign a Water Extension Agreement in accordance with Chapter 182 of the City Code.
40. Prior to the start of any construction activities on the property, the applicant shall record in the Grafton County Registry of Deeds notice of the stormwater management and erosion and sediment control plans as required per Section 6.6.H.2.d of the Site Plan Review Regulations. Such notice shall be reviewed by the Planning & Development Department prior to recording.
41. The development 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. In accordance with RSA 674:39, the approved site plan 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.

42. All water and sewer fees shall be paid as set forth in City Code Chapter 68.

43. If required by the Department of Public Works, the applicant shall obtain an Excavation Permit, Driveway Permit, and Stormwater Permit.

44. 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, including but not limited to:

- a) EPA Stormwater Pollution Prevention Plan (SWPPP)
- b) NHDES Sewer Connection Permit
- c) NHDES Wetlands Permit
- d) NHDES Alteration of Terrain Permit

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

45. Condition #2 of the concurrent PURD Conditional Use approval shall be satisfied.

46. The applicant shall dedicate the completed water mains and the on-site hydrant(s), excluding service connections beyond the curb shut-off valves, to the City for ownership and maintenance, subject to appropriate easements. Said conveyance and easements shall be approved by the City Attorney and the Department of Public Works and recorded in the Grafton County Registry of Deeds prior to the issuance of a final Certificate of Occupancy for the project and prior to the acceptance of the utility improvements. The easement shall be described in metes and bounds in the easement deed and on the easement plan. Said easement shall not be recorded until satisfactory completion of Condition of Approval #51 requiring the provision of as built plans.

47. The Applicant shall perform maintenance on the existing 48" CMP culvert that will be used for stormwater discharge of the project site, which also extends across Hanover Street Extension, to include both clearing of the culvert inlet and outlet of debris, and restore the condition of the headwall, to minimize the risk of culvert failure (capacity) to the satisfaction of the City Engineer and the Planning & Development Department. In addition, the applicant shall perform an inspection of the invert of the existing culvert and report its condition, in writing, to the City Engineer for review. The City will coordinate access to the right-of-way and any abutting property for maintenance. Maintenance activities shall be in accordance with NHDES standards.

48. The applicant shall implement all recommendations set forth in the applicant's traffic study.

49. One (1) year following the issuance of a certificate of occupancy of Building 3 and then again one (1) year after the issuance of a certificate of occupancy of the final building in the development, the applicant shall prepare a post-construction traffic study. Based on the traffic evaluation results, the applicant shall be required to work with the Lebanon Police Department, the Department of Public Works, and the Planning & Development Department to identify and provide additional mitigation to ensure safe and efficient traffic patterns at the intersections studied. The applicant shall post a performance security with the City of Lebanon in an amount adequate to cover the cost of traffic evaluation to ensure its satisfactory completion pursuant to this condition. Pursuant to the recommendation of the Lebanon Pedestrian and Bicyclist Advisory Committee, traffic/pedestrian/bicycle counts for the post-construction traffic studies shall be performed in September or May.
50. The impact fee calculated pursuant to Condition of Approval #41 shall be paid.
51. Third-party engineer or design engineer inspection reports and as-built drawings provided by the applicants (PDF format and CAD .dwg format, using the NH State Plane Coordinate System), including tie sheets, shall be reviewed and approved by the City Engineer.
52. 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 Eric Stacy. The vote on the motion was approved, 6-0."

CITY OF LEDARON APPLICATION FOR

SPECIAL EXCEPTION	☐	☐	SITE PLAN REVIEW
VARIANCE	☐	☒	SUBDIVISION
MOTION FOR REHEARING	☐	☐	LOT LINE ADJUSTMENT
APPEAL OF AN ADMIN. DECISION	☐	☐	CONDITIONAL USE PERMIT

☐ OTHER _____

PROPERTY OWNER (APPLICANT):

NAME: Brickyard One Nominee Trust

MAILING ADDRESS:

E-MAIL ADDRESS:

CO-APPLICANT, AGENT, OR LESSEE:

NAME: Mike Hammer, LLS

MAILING ADDRESS:

E-MAIL ADDRESS:

PROJECT LOCATION:

TAX MAP #: 48

LOT#:

PLOT #:

ZONE: R1, RO1, R3, RL-3

STREET ADDRESS OF PROJECT: Hanover St. Ext.

IS THIS PROPERTY LOCATED IN THE: **WETLANDS** ☒ YES ☐ NO **HISTORIC DISTRICT** ☐ YES ☒ NO
FLOOD PLAIN ☒ YES ☐ NO

SCOPE OF PROJECT:

Establishing land condominium units on the existing parcel. No project design changes, parcel subdivision, or boundary line adjustments are proposed.

TYPE OF OCCUPANCY:

EXISTING ☐ VACANT ☐ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☐ COMMERCIAL ☒ INDUSTRIAL
 PROPOSED ☐ VACANT ☐ ONE FAMILY ☐ TWO FAMILY ☒ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL
 IF USE IS **COMMERCIAL** OR **INDUSTRIAL**, PLEASE NOTE **SPECIFIC**
 USE: Former brick manufacturing facility

SIGNATURE BLOCK:

FOR PLANNING BOARD APPLICATIONS ONLY: I, the undersigned, hereby submit this application on the date noted below with the knowledge and understanding that the Planning Board shall determine if the submitted application is complete according to its regulations at its next regularly scheduled meeting on _____, 20____, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

PROPERTY OWNER: *Robert J. Hammer* DATE: **Oct 13, 2025**

NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW: I hereby designate the person listed above as my agent for the purpose of procuring the necessary local permits for the proposed work as described herein. Representations made by my agent may be accepted as though made by me personally, and I understand that I am bound by any official decision made on the basis of such representation.

PROPERTY OWNER: _____ DATE: _____

DATE RECEIVED	FILE # (MAP/LOT)	APPLICATION #	
2025-10-13	48-1	PB2025-45-FMAJ	

October 10, 2025

Ref: 52933.00

Mr. Nathan Reichert
Planning and Development Director
51 North Park Street
City Hall, 5th Floor
Lebanon, NH 03766

Re: The Brickyard Residential Development
Proposed Land Condominium / Final Major Subdivision Application

Mr. Reichert,

On behalf of the applicant, Brickyard One Nominee Trust, VHB submits the materials listed below in support of a final major subdivision application for the proposed Brickyard Multi-Family PURD approved under PB2024-22-CUPSPR located at 174 Hanover Street Extension (map 48 lot 1).

This application, though referred to as "major subdivision", proposes only to establish land condominium units on the approximately 136-acre existing parcel as depicted on the included Land Condominium Plan of Land by VHB. This application does not include design changes for the proposed development, parcel subdivision, or boundary line adjustment. As such, it is our understanding that preliminary subdivision application and third-party peer review is not warranted. Refer to the requested waivers for additional information.

- Signed Application (8 copies)
- Application Fee & Calculation (1 check and calculation sheet)
- Abutters Notification Form (8 copies)
- Technical Checklist (8 copies)
- Land Condominium Plan of Land (8 copies)
- Waiver Request Form (8 copies)
- Condominium Documents (2 documents, 8 copies each)

Thank you for your assistance through this process. Please reach out with any questions.

Sincerely,

Vanasse Hangen Brustlin, Inc.



Rich Whitehouse, Project Manager



City of Lebanon, New Hampshire

APPLICATION FOR WAIVERS

Office Use Only

Date Received: _____

File No.: _____

PROJECT INFORMATION

Name of Applicant: Brickyard One Nominee Trust

Project Name: the Brickyard Residential Project

Project Address: 174 Hanover Street Extension

WAIVER REGULATIONS

In order to grant a Waiver from a requirement of the City of Lebanon Site Plan Review or Subdivision Regulations, the Planning Board must find that the Waiver is justified under one of the following criteria (See Article VII of the Site Plan Review Regulations and Section 7.15 of the Subdivision Regulations):

Criteria A. Strict conformity would pose an unnecessary hardship to the Applicant and waiver would not be contrary to the spirit and intent of the regulations;

OR

Criteria B. Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

WAIVER REQUEST(S)

I (we) hereby request a Waiver from:

[You can respond in the space provided, or attach a separate statement. Please be prepared to address each request during your public hearing. You must show that you have justified granting the Waiver(s).]

1. Section 10.4.A of the (circle one) Site Plan Review / Subdivision Regulations A Waiver of this Section meets (circle one) Criteria A / Criteria B because _____

owing to the fact that this is to create a condominium of a recent Planning Board approved site plan, that such a condominium was a recommendation of the board at the time of the approval process, and that there is no material change in the side conditions between the date of approval and this application. Waivers are sought to subsections (1)(f) and (h).

2. Section 10.4.C of the (circle one) Site Plan Review / Subdivision Regulations A Waiver of this Section meets (circle one) Criteria A / Criteria B because _____

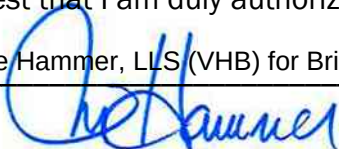
owing to the facts stated in Request 1, above, and that this is to create a condominium of a recent Planning Board approved site plan, that such a condominium was a recommendation of the board at the time of the approval process, and that there are no proposed physical changes to site plan. We believe that these requirements do not apply to this application but are requesting them as a matter of form so the application is considered complete. Waivers are sought to subsections (1)(b) through (e), (g) through (k), and (m).

3. Section 10.4.C of the (circle one) Site Plan Review / Subdivision Regulations. A Waiver of this Section meets (circle one) Criteria A / Criteria B because _____
- owing to the facts stated in Request 1 and 2, above, in which all of the documents have been furnished or waiver to compliance previously granted by the Board, waivers are requested to all of subsections 10.4.C(2)
- 10.2.A(2)
4. Section ____ of the (circle one) Site Plan Review / Subdivision Regulations. A Waiver of this Section meets (circle one) Criteria A / Criteria B because _____
- owing to the facts and conditions stated in Request 1, 2, and 3, above, and per guidance from Planning staff, the applicant requests a waiver to the Design Review requirement of the Major Subdivision procedure.
- 10.4.B(2)(b)
5. Section ____ of the (circle one) Site Plan Review / Subdivision Regulations. A Waiver of this Section meets (circle one) Criteria A / Criteria B because _____
- owing to the facts and conditions stated in Request 1, 2, 3, and 4, on the basis that the development already underwent substantial review during the PURD approval process, the applicant request a waiver to third party / peer review of this application.
6. Section ____ of the (circle one) Site Plan Review / Subdivision Regulations. A Waiver of this Section meets (circle one) Criteria A / Criteria B because _____
- _____
- _____
- _____
7. Section ____ of the (circle one) Site Plan Review / Subdivision Regulations. A Waiver of this Section meets (circle one) Criteria A / Criteria B because _____
- _____
- _____
- _____
8. Section ____ of the (circle one) Site Plan Review / Subdivision Regulations. A Waiver of this Section meets (circle one) Criteria A / Criteria B because _____
- _____
- _____
- _____

SIGNATURE

I (we) hereby submit this application to the Planning Board and attest that to the best of my (our) knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As the applicant or as the agent of the applicant, I attest that I am duly authorized to act in this capacity.

Signature of Applicant: Mike Hammer, LLS (VHB) for Brickyard One Date: 10/11/2025



CITY OF LEBANON, NH SUBDIVISION REGULATIONS – TECHNICAL CHECKLIST FINAL MAJOR SUBDIVISION	
PROJECT NAME: the Brickyard Residential Project	
APPLICANT: Brickyard One Nominee Trust	DATE: Oct 10, 2025
GENERAL SUBMISSION REQUIREMENTS:	

All applications to the Planning Board for Subdivision Review must be submitted by 12:00 Noon on the day of the filing cutoff. [§7.7.C] Submissions must be accompanied by the following information or review of the application may be delayed:

- A properly completed and signed Application Form. [§7.7.A(1)]
- The appropriate filing fees. [§7.7.A(2)]
- A written project description. [§7.7.A(3)]
- A list of the names and mailing addresses of all persons to be notified, by certified mail, of the public hearing. [§7.7.A(4)]
- A completed and signed Technical Checklist. [§7.7.B]
[Applicants must complete the entire checklist to ensure that all necessary information and materials have been provided with the application or that written requests for waivers have been properly provided in accordance with Section 7.15 of the Subdivision Regulations, as appropriate.]
- Eight (8) sets of project plans to be distributed for Staff Review. [§10.4.A(1)]
[A Staff Review meeting is held at City Hall one (1) week following the cutoff date. Staff Review meetings begin at 2:00PM, unless otherwise noted. All revised and/or additional information or materials must be submitted within one (1) week following the Staff Review meeting.]
- A digital copy of Subdivision plan in .PDF and .DWG format. [§10.4.A(2)]

NOTE: Applications shall contain sufficient information to enable the City Staff and the Planning Board to evaluate the proposed development for compliance with the Zoning Ordinance, the Planning Board's Regulations, and other applicable City Codes, and for the Planning Board to make an informed decision.

All required application materials shall be submitted as a single inclusive package, including any appropriate waiver requests as permitted by the Regulations. Submission of a complete application package ensures that the review process by City Staff is as efficient and effective as possible.

The purpose of the filing deadline is to provide adequate time for City review of the proposal. Submission of any altered, additional, or substitute application materials required by the Regulations, subsequent to the filing deadline, other than as directed by City Staff, shall cause the application to be deemed untimely filed, and such application shall not be heard until a subsequent month.

CITY OF LEBANON, NH
SUBDIVISION REGULATIONS - TECHNICAL CHECKLIST
FINAL MAJOR SUBDIVISION

PLAN SUBMITTAL TECHNICAL CHECKLIST:

NOTE: Final Major Subdivision plans shall include the information described below pursuant to Section 10 of the Lebanon Subdivision Regulations. Plans shall be submitted on sheets no larger than 24" x 36". Plan sets with multiple sheets shall include sheets of uniform size and be bound on the left edge. When more than three (3) sheets are required, an additional cover sheet shall be attached including a table of contents. The scale of the plans shall be appropriate to the size of the overall development. All lettering shall be of a size and type that is legible.

In order to facilitate the use of the City's Geographic Information System (GIS) for planning purposes, all surveys and engineered plans submitted for Subdivision Review shall utilize the NH State Plane Coordinate system and shall reference the North American Vertical Datum of 1988 (NAVD 88), unless prior approval to use an alternate coordinate system and/or vertical datum is granted by the Planning Office.

A written request for waiver shall be required, pursuant to Section 7.15 of the Subdivision Regulations, for any submission requirement for which the information or data is not provided by the applicant. [§10.4.A(3)]

Plan Requirements	Info. Provided	Waiver Sought
<u>10.4.A(1)(a)</u> - - Proposed subdivision name or identifying title; - Name of the City and County in which the subdivision is proposed; - A Locus map; - North arrow; - Scale of the plat; - Date of the plat and of any revisions to the plat shall be shown on the first page or cover page, if applicable; (<u>NOTE:</u> The date on the plat at the time of initial submission for application review shall be included on all subsequent submissions to the City. Any subsequent change(s) to the plat shall include a revision date and description of the revision(s).)	☒ ☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐ ☐
<u>10.4.A(1)(b)</u> - Names and mailing addresses of Applicant(s); Owner(s) of Record of subject properties; Owners of abutting properties, including tax map and lot references; and Holders of any easements, rights-of-way, or other restrictions.	☒	☐
<u>10.4.A(1)(c)</u> - Names and business addresses of the surveyor, including license number and seal, and of every engineer, architect, soil scientist, or wetlands scientist whose professional seal appears on any plan or document submitted to the Board.	☒	☐
<u>10.4.A(1)(d)</u> - Zoning District in which the subdivision is located, including district boundaries if in more than one district.	☒	☐

CITY OF LEBANON, NH
SUBDIVISION REGULATIONS - TECHNICAL CHECKLIST
FINAL MAJOR SUBDIVISION

Plan Requirements (cont.)	Info. Provided	Waiver Sought
10.4.A(1)(e) - Boundary lines of the overall tract, and each of the proposed lots, including bearings and distances as determined by an actual field survey by a licensed land surveyor, including the date of the completion of the survey. All dimensions shall be shown in feet and decimals. Monuments shall be referenced on the plat as required under Section 13.5(A) of the Regulations.	☒	☐
10.4.A(1)(f) - Topographic contours, at intervals of 5 feet or less, including spot elevations on existing roads and a grading plan, if natural contours are to be changed by more than 2 feet. All contours and spot elevations shall be referenced to USGS or FEMA FIRM datums, as appropriate. Existing topographic information shall be prepared by a professional engineer or licensed land surveyor.	☐	☒
10.4.A(1)(g) - Location of existing structures, roads, easements, and trails on the property and within 200 feet of the property.	☒	☐
10.4.A(1)(h) - Location of existing natural features, such as permanent or intermittent watercourses, marshes, lakes, ponds, flood plains, wetlands, rock outcrops, wooded areas, and other significant features on the property and within 200 feet of the property. Indicate the approximate limits of clearing and those natural features to be removed, retained, or altered. Wetlands on the property, if any, shall be delineated by a NH Certified Wetlands Scientist, whose seal and signature shall appear on the plat.	☐	☒
10.4.A(1)(i) - Location of existing water and wastewater mains, culverts, and drains on the property and within 200 feet of the property with sufficient information, including pipe sizes and direction of flow, to allow the subdivision to be viewed in the context of existing City utilities.	☐	☒
10.4.A(1)(j) - If the application covers only a part of the applicant's entire holding, a map of the entire tract shall be drawn at a scale of not smaller than 1" = 400', showing all existing streets and an outline of the platted area.	☒	☐
10.4.C(1)(a) - Final proposed lot lines and rights-of-way, with bearings and distances, and areas of each lot in square feet and acres.	☒	☐
10.4.C(1)(b) - Final width, location, and grades of all proposed streets or road rights-of-way.	☐	☒ n/a
10.4.C(1)(c) - Final profile of streets and cross-sections for construction of streets and sidewalks.	☐	☒ n/a
10.4.C(1)(d) - Names of all proposed streets.	☐	☒ n/a
10.4.C(1)(e) - Final design, location and size of all proposed water lines, valves, hydrants, wastewater lines, manholes, and connections to existing public or private utility lines. Alternate means of water supply or wastewater disposal and treatment, including data on soil tests and final designs and locations, shall be provided if existing municipal systems are not available.	☐	☒ n/a
10.4.C(1)(f) - Typical lot layout(s) with building envelopes and location for on-site wastewater disposal facilities, if applicable.	☒	☐

CITY OF LEBANON, NH
SUBDIVISION REGULATIONS - TECHNICAL CHECKLIST
FINAL MAJOR SUBDIVISION

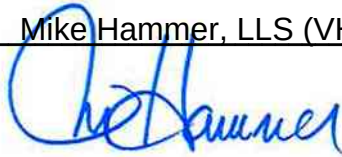
Plan Requirements (cont.)	Info. Provided	Waiver Sought
10.4.C(1)(g) - Final storm drainage plan, indicating the location and size of proposed catch basins, manholes, drainage lines, ditches, retention, detention, or infiltration systems and their profiles, connections to existing lines or ditches, and all other means of storm water management.	☐	☒ n/a
10.4.C(1)(h) - Final design and location of any proposed bridges or culverts.	☐	☒ n/a
10.4.C(1)(i) - Final plan for existing and proposed telephone, cable, and electric utilities, including municipal fire alarm systems.	☐	☒ n/a
10.4.C(1)(j) - Final location of proposed recreational or open space areas, including land proposed to be dedicated to public use. The plan shall also indicate the location of all existing publicly accessible recreation or open space areas within 1/4 mile (1,320 feet) of the property.	☐	☒ n/a
10.4.C(1)(k) - Final location and design of any proposed traffic control devices necessary in conjunction with the subdivision, as well as the location of all existing transit routes and transit stops located or passing within 1/4 mile (1,320 feet) of the property.	☐	☒ n/a
10.4.C(1)(l) - Phasing lines, where applicable.	☒ n/a	☐
10.4.C(1)(m) - Where applicable, there shall be shown on each lot whether or not there will be easements for water or wastewater mains, storm drainage of the proposed streets, or other improvements.	☐	☒ n/a
Supporting Documents and Information, Where Applicable	Info. Provided	Not Applicable
10.4.C(2)(a) - Final statement of the work required on existing streets and other off-site improvements to meet the minimum standards set forth in the Regulations, including cost estimates and the method of meeting such costs.	☐	☒
10.4.C(2)(b) - Cost estimates for the completion of all on-site and off-site improvements which shall be subject to a Performance Security Agreement pursuant to Section 7.10 of the Regulations.	☐	☒
10.4.C(2)(c) - Temporary Control Plan(s) to be implemented during the proposed construction period, such as traffic control, erosion control, dust control, and hours of operation.	☐	☒
10.4.C(2)(d) - Copy of any proposed covenants or deed restrictions, including Owners Association documents and Bylaws as described in Section 12.8 of the Regulations, as may be intended to apply to the property in whole or in part. Where applicable, such Owners Association documents or other legal instruments shall include provisions for the ownership and maintenance of open space as described in Section 12.2 of the Regulations.	☐	☒
10.4.C(2)(e) - For phased developments, a final schedule for construction and completion of streets, utilities, and other required infrastructure improvements, as further set forth in Section 7.13.C of the Regulations.	☐	☒
10.4.C(2)(f) - Any proposed street or roadway access to a State highway shall be approved by the NHDOT and provided to the Board prior to the recording of the approved final plat.	☐	☒
10.4.C(2)(g) - Approvals, as prescribed by law, from any other City agency which may have jurisdiction, including but not limited to, wetland permits.	☐	☒

**CITY OF LEBANON, NH
SUBDIVISION REGULATIONS - TECHNICAL CHECKLIST
FINAL MAJOR SUBDIVISION**

Supporting Documents and Information, Where Applicable (cont.)	Info. Provided	Not Applicable
10.4.C(2)(h) - Where applicable to a specific subdivision, the Board may require a statement from telephone, cable, and electric utilities stating that services will be furnished and that arrangements have been made for installation of such utilities according to the plat as submitted by the applicant.	☐	☒

NOTE: THE APPLICANT IS RESPONSIBLE FOR PROVIDING THE REQUIRED INFORMATION PURSUANT TO SECTION 10 OF THE SUBDIVISION REGULATIONS. PLEASE BE AWARE THAT THIS CHECKLIST IS FOR INFORMATION AND GUIDANCE ONLY AND DOES NOT REPRESENT THE LAW DICTATING SUBMITTAL REQUIREMENTS NOR IS IT COMPLETE AND INCLUSIVE THEREOF.

Completed By: Mike Hammer, LLS (VHB)



Planning office Use Only:

Date Received ___/___/___ Checklist Complete YES or NO Checked by: _____

(Last Revised 05/23/13)

CERTIFIED NOTIFICATION LIST

Notice shall be sent by certified mail to the Owner; Applicant, if different from Owner; Abutters; Holders of conservation, preservation, or agricultural preservation restrictions (as defined under RSA 477:45) on the subject property; the holders of easements, rights-of-way, and other restrictions; and every engineer, architect, land surveyor, or soil or wetlands scientist whose seal appears on any plan submitted to the Board; and any other persons required by RSA 676:4, I(d). The names and mailing addresses shall be furnished by the Applicant.

672:3 Abutter. – "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

Source. 1983, 447:1. 1986, 33:2. 2002, 216:1, eff. July 15, 2002.

PLEASE PROVIDE NAMES & MAILING ADDRESSES FOR ALL PERSONS LISTED ABOVE.

Map & Lot Number: 48-1	Map & Lot Number:
Property Owner: MARCHESE RICHARD TTEE PO BOX 720 MIDDLETON, MA 01949	Applicant, Co-Applicant, <u>Agent</u> , or Lessee: Land Surveyor Mike Hammer, LLS, PLS VHB 2 Bedford Farms Drive, Suite 200 Bedford, NH 03110
Map & Lot Number: 48-3	Map & Lot Number: 48-6
COMCAST OF CT/GA/MA/NH/NY/NC/V ONE COMCAST CENTER PHILADELPHIA, PA 19103	KRONER, CONSTANCE I 194 HANOVER ST EXT LEBANON, NH 03766
Map & Lot Number: 64-2	Map & Lot Number: 64-33
BOISVERT SR, E M & E E CO-TTEES 2 PASTURE LN WEST LEBANON, NH 03784	LEBANON SCHOOL DISTRICT 20 SEMINARY HILL WEST LEBANON, NH 03784

Map & Lot Number: 76-10	Map & Lot Number: 49-1
DARTMOUTH COLLEGE TRUSTEES PO BOX 5188 HANOVER, NH 03755	CREIGHTON DANIEL SILAS 266 SLAB CITY RD GRAFTON, NH 03240
Map & Lot Number: 63-2	Map & Lot Number: 63-4
LEVIN MARY ANNE TTEE 248 HANOVER ST EXT LEBANON, NH 03766	CICOTTE PROP LLC PO BOX 600 LEBANON, NH 03766
Map & Lot Number: 77-115	Map & Lot Number: 48-7, 48-7-100, 48-7-200
LEUCA MAGDALENA TTEE 9920 SE 40TH ST MERCER ISLAND, WA 98040	BRICKYARD TWO LLC 200 HANOVER ST LEBANON, NH 03766
Map & Lot Number:	Map & Lot Number: 48-5
NHDOT 7 HAZEN DRIVE CONCORD, NH 03302	BRI HANOVER ST EXT LLC PO BOX 245 LEBANON, NH 03766
Map & Lot Number:	Map & Lot Number: 76-8 & 77-106
GRANITE STATE ELECTRIC c/o LIBERTY UTILITIES 130 ELM ST MANCHESTER, NH 03101	CITY OF LEBANON 51 NORTH PARK ST LEBANON, NH 03766
Map & Lot Number: 77-113	Map & Lot Number: 77-81
LEE, CUONG V 194 PLAIN ST ROCKLAND, MA 02370	RADER III, GERALD LENARD 54 WINTER ST LEBANON, NH 03766
Map & Lot Number: 77-83	Map & Lot Number: 77-111& 77-112
SEIDMAN, MAX JAMES + ZHANG, ANGELA 53 WINTER ST LEBANON, NH 03766	VALDIVIEZO ZENIA MAE 48 JUNIPER CIR LEBANON, NH 03766

(Revised 2/8/2024)

FEE SCHEDULE LEBANON PLANNING BOARD

Adopted January 24, 2022

LOT LINE ADJUSTMENT (Boundary Line Adjustment)		
		TOTALS
FILING FEE	\$25.00	\$25.00
ADVERTISING FEE	\$100	\$100
NOTIFICATION FEE (see note on page 2)	\$5.00 + Current USPS rate per certified notice (see below) X _____ notices	\$5.00 \$ _____ abutter certified(s)
TOTAL DUE		\$202.02

MINOR SUBDIVISION		
		TOTALS
FILING FEE	\$150.00	\$150.00
ADVERTISING FEE	\$100.00	\$100.00
NOTIFICATION FEE (see note on page 2)	\$5.00 + Current USPS rate per certified notice (see below) X _____ notices	\$5.00 \$ _____ (abutter certified(s))
TOTAL DUE AT TIME OF FILING		\$

**Engineering Review fees may also be required. See note on page 2.

PRELIMINARY REVIEW OF A MAJOR SUBDIVISION		
		TOTALS
FILING FEE	\$200.00	\$200.00
NUMBER OF LOTS* _____	\$30.00 per lot*	
ADVERTISING FEE	\$100.00	\$100.00
NOTIFICATION FEE (see note on page 2)	\$5.00 + Current USPS rate per certified notice (see below) X _____ notices	\$5.00 \$ _____ (abutter certified(s))
TOTAL DUE AT TIME OF FILING		\$

*Or units when the subdivision does not create individual lots.

**Engineering Review fees will also be required. See note on page 2.

FINAL REVIEW OF A MAJOR SUBDIVISION		
		TOTALS
FILING FEE	\$500.00	\$500.00
FIRST FIVE (5) LOTS*	\$75.00 per lot*	
NUMBER OF LOTS 6+*	\$150.00 per lot*	
ADVERTISING FEE	\$100.00	\$100.00
NOTIFICATION FEE (see note on page 2)	\$5.00 + Current USPS rate per certified notice (see below) X <u>19</u> notices	\$5.00 \$ <u>114.76</u> (abutter certified(s))
TOTAL DUE TIME OF FILING		\$ 719.76

*Or units when the subdivision does not create individual lots.

**Engineering Review fees will also be required. See note on page 2.

SITE PLAN REVIEW		
		TOTALS
FILING FEE	\$250.00	\$250.00
SQUARE FOOTAGE	\$75.00 per 1,000 sq. ft. (gross floor area)	75
ADVERTISING FEE	\$100.00	\$100.00
NOTIFICATION FEE (see note on page 2)	\$5.00 + Current USPS rate per certified notice (see below) X _____ notices	\$5.00 \$ _____ abutter certified(s)

SITE PLAN REVIEW		
TOTAL DUE AT TIME OF FILING		
**Engineering Review fees will also be required. See note on page 2.		

SITE PLAN REVIEW AMENDMENT (WITH STRUCTURAL CHANGES)		
		TOTALS
FILING FEE	\$250.00	\$250.00
SQUARE FOOTAGE	\$75.00 per 1,000 sq. ft. (gross floor area)	
ADVERTISING FEE	\$100.00	\$100.00
NOTIFICATION FEE (see note below)	\$5.00 + Current USPS rate per certified notice (see below) X _____ notices	\$5.00 \$ _____ (abutter certified)
TOTAL DUE AT TIME OF FILING		\$
**Engineering Review fees may also be required. See note below.		

OTHER		
-SITE PLAN REVIEW AMENDMENT (WITH NO STRUCTURAL CHANGES) -EXTENSION REQUESTS -CONDITIONAL USE PERMITS & -CONCEPTUAL SITE PLAN REVIEW (if required per section 4.3.B of Site Plan Regs)		
		TOTALS
FILING FEE	\$250.00	\$250.00
ADVERTISING FEE	\$100.00	\$100.00
NOTIFICATION FEE (see note below)	\$5.00 + Current USPS rate per certified notice (see below) X _____ notices	\$5.00 \$ _____ (abutter certified)
TOTAL DUE AT TIME OF FILING		
**Engineering Review fees may also be required. See note below.		

MINOR SITE PLAN REVIEW		
		TOTALS
FILING FEE	\$150.00	\$150.00
NOTIFICATION FEE (see note below)	Current USPS rate per certified notice (see below) X _____ notices	\$ _____ (abutter certified)
TOTAL DUE		\$

ENGINEERING REVIEW FEES:

After an application to the Planning Board is submitted and the filing fees identified above have been paid, the Planning & Development Department will determine the scope of required engineering review and will obtain an estimated cost from the reviewing engineer. A cost estimate of the review fees will usually be generated within two (2) – three (3) business days. Once conveyed to the applicant, the estimated review fees shall be paid by the applicant within five (5) business days, and an escrow account shall be established by the Planning & Development Department. No plans will be reviewed unless and until the review fee estimate is paid, if required.

Please note that escrow fees are only an estimate of what services will cost and actual costs of review may be less or more than the amount initially estimated. Any unused portion of the escrow will be returned to the applicant at the end of the approval process if such a surplus remains. Additionally, in the event the escrow amount does not cover the full cost of services the Applicant shall pay any remaining costs as a condition of approval. See also Section 4.7 of the Site Plan Review Regulations and Section 7.7 of the Subdivision Regulations.

NOTIFICATION FEE: CURRENT FEE as of July 2024 is \$6.04 per certified notice

THE CERTIFIED NOTIFICATION FEE IN ALL SECTIONS ABOVE INCLUDES THE FOLLOWING: ALL ABUTTERS, THE APPLICANT, PROPERTY OWNER, HOLDER OF CONSERVATION, PRESERVATION, OR AGRICULTURAL PRESERVATION RESTRICTION(S); AND EVERY ENGINEER, ARCHITECT, LAND SURVEYOR OR SOIL SCIENTIST WHOSE PROFESSIONAL SEAL APPEARS ON ANY PLAT SUBMITTED TO THE BOARD AND ANY OTHER PERSONS REQUIRED BY RSA 676:4, I(d).

DECLARATION OF CONDOMINIUM

BRICKYARD LAND CONDOMINIUM LEBANON, NEW HAMPSHIRE

This Declaration is made this ____ day of _____, 2025, by Richard M. Marchese, Trustee of the Brickyard One Nominee Trust with a principal place of business at Lebanon, New Hampshire 03766, and a mailing address of _____ (hereinafter defined as the “Declarant”) for the purpose of submitting certain real property to the condominium form of ownership in accord with the provisions of the New Hampshire Condominium Act, Chapter 356-B of the New Hampshire Revised Statutes Annotated (hereinafter defined as the “Act”), and for the purpose of establishing certain easements, covenants, conditions, and restrictions for the improvement, use, operation, ownership, and transfer of the real property to be known as the “Brickyard Land Condominium.”

WHEREAS, the Declarant owns certain land located in the City of Lebanon, Grafton County, New Hampshire, known and designated as the “Brickyard” located in the City of Lebanon, Grafton County, New Hampshire, which tract of land is more particularly described in Exhibit A attached to this Declaration;

WHEREAS, the Declarant wishes to create a condominium on the tract of land with four land units: one land unit containing five apartment buildings, one land unit containing 51 townhouses each of which may become separate condominium units within the land unit; one land unit containing approximately 93.11 acres of land; and one land unit consisting of 1.62 acres, and all with rights and access to common areas including roads, utilities and other site improvements, all as further defined and described herein; and,

WHEREAS, the Declarant intends to create this condominium with four land units for uses described for each of the land units which may include the apartment buildings in land unit 3, townhouse buildings in land unit 2, and such other uses as are permitted within the units for land unit 4 and land unit 1. The Declarant wishes to establish the rights and restrictions that will accommodate the creation uses and for separate buildings as condominiums on land that is presently not developed but for which future development is reserved and permitted;

NOW THEREFORE, the Declarant hereby submits the tract of land described in Exhibit A to be governed by and regulated in accordance with the Condominium Act, and to be improved, used, operated, owned and transferred in accordance with the Condominium Act and the following terms and conditions.

1. Submission and Declaration.

The Declarant, owner in fee of the land described in Exhibit A, attached hereto and made a part hereof, submits the land described in Exhibit A and all buildings and other improvements now existing or hereafter constructed on the land and all easements and rights benefitting the land to the provisions of the Act, and creates with respect to such real property a condominium form of ownership, to be known as the “Brickyard Land Condominium.”

2. Definitions.

Unless the context otherwise requires, terms shall have the meanings specified in the Condominium Act, except as defined below:

A. “Act” or “Condominium Act”: The New Hampshire Condominium Act, Chapter 356-B of the New Hampshire Revised Statutes Annotated, as the same may be amended from time to time.

B. “Association”: The Brickyard Land Condominium Association is comprised of the representatives of each of the four Land Units. Each Land Unit shall have one vote. The members of the Brickyard Land Condominium Association shall act as a group in accordance with the Act, this Declaration, and the Bylaws.

C. “Board”: The Board of Directors of the Brickyard Land Condominium Association, shall be the governing body of the Brickyard Land Condominium Association..

D. “Bylaws”: The bylaws of the Brickyard Land Condominium attached hereto as Exhibit C, which may be amended from time to time.

E. “Common Area”: Common Area refers to those portions of the property included in Land Unit 3 and Land Unit 2, except for the buildings and structures in or on the Land Units. The Common Area includes Limited Common Areas although Limited Common Areas are reserved for the exclusive use of the owners of the Units to which the Limited Common Areas are assigned. No parts of Land Unit 1 or Land Unit 4 contain any Common Area.

F. “Common Expenses”: Expenditures made by or incurred on behalf of the Association, together with all funds assessed by the Association for the creation or maintenance of reserves, for the purposes of administration, operation, maintenance, repair, renovation, restoration, or replacement of the Common Area, the Limited Common Area, and additions to the Common Area, and for any other lawful purposes.

G. “Condominium”: The condominium established by this Declaration, known as the “Brickyard Land Condominium,” consisting of the Property hereby submitted to the condominium form of ownership under the Act.

H. “Condominium Rules”: Such rules and regulations as the Board from time to time may adopt relative to the use of the Property or of any part thereof, provided that they are not in conflict with the Act, this Declaration, or the Bylaws.

I. “Declarant”: Richard M. Marchese, Trustee of the Brickyard One Nominee Trust, and other persons included in the definition of “Declarant” under the Act, provided, however, that no successor or assignee of Declarant shall have any and all of the rights or obligations of Declarant unless they are specifically set forth in the instrument of succession or assignment or unless such rights or obligations pass by operation of law. If another person or entity stands in the same relation to the Condominium as Richard M. Marchese, Trustee of the Brickyard One Nominee

Trust, that person shall hold the same rights and obligations as Richard M. Marchese, Trustee of the Brickyard One Nominee Trust would have held.

J. "Declaration": This instrument.

K. "Eligible Mortgagee": The holder of a first mortgage on a Building Unit, Townhouse Unit or a Land Unit that has notified the Association, in writing, of its name and address, and that it holds a first mortgage on such Unit.

L. "Land": The tract of land described in Exhibit A to this Declaration, attached hereto as a part hereof, and all easements and rights benefitting the tract of land.

M. "Land Unit": The Land contains four land units on which buildings or structures may now or hereafter be located. Land Unit 1 and Land Unit 4 have no Common Area land. Land Unit 2 is intended and proposed to contain 51 townhouse units created and managed under the Brickyard Pond Condominium and its Association. Land Unit 3 is intended to contain multi-family buildings and will be managed under the terms of a condominium association formed for Land Unit 3.

O. "Limited Common Area": A portion of the Common Area reserved for the exclusive use and benefit of the Owners of less than all the Land Units.

P. "Property": The "Land" or "Property" includes all roads, utilities and other site improvements now existing or hereafter constructed on the Land, and all personal property now or hereafter used in the operation or maintenance of such improvements, including all interests in improvements and personal property appertaining to Land.

Q. "Owner": Any person or group of persons owning a Land Unit. No mortgagee shall be deemed an Owner merely because of rights acquired under a mortgage.

R. "Site Plan": A set of site plans showing the Property, including all existing land and buildings, and other improvements now located or to be located on the Land, entitled "Condominium Site Plan for Brickyard Land Condominium, Hanover Street, City of Lebanon, Grafton County, NH" consisting of _____, prepared by _____, originally dated _____, and last revised on _____, recorded in the Grafton County Registry of Deeds as Plan No. _____, together with any additional site plans subsequently recorded.

3. Information Required by the Section 356-B:16-I of the Act.

A. Name. The Condominium is named "Brickyard Land Condominium."

B. Location. The Condominium is located at Hanover Street in the City of Lebanon, Grafton County, New Hampshire.

C. Land. A legal description of the Land submitted to the Condominium is contained in Exhibit A. The Site Plan shows the location and dimensions of the Land. The Land is subject to all covenants, conditions, easements, and restrictions of record,

Contemplated Improvements. As of this date, the Declarant has not yet constructed on the Land the multi-family buildings to be located on Land Unit 3, the Townhouse Buildings containing a total of fifty-one (51) Units to be located on Land Unit 2, or the building or structure on Land Unit 1, or the roads, driveways, parking areas, sidewalks, site utilities, landscaping, and other site improvements necessary for the use and occupancy of the buildings and structure on the Property. The Site Plan shows the intended locations and dimensions of the multi-family buildings and the townhouse buildings as well as other site improvements that have been or will be constructed as of the date of this Declaration.

D. Identification of Land Units. As of the date of this Declaration, the Condominium contains four Land Units identified as Land Unit 1, 2, 3, and 4. The Site Plan shows the identifying numbers of the Land Units and the intended location and dimensions of the perimeter or vertical boundaries of the Land Units.

Land Unit Boundaries. The Land Units shall have unlimited air space above the Land Unit and underground space below the Land Unit with no upper or lower (horizontal) boundaries. The perimeter or vertical boundaries of each Land Unit shall be boundary line which defines each Land Unit as set forth in Appendix B.

Inclusions and Exclusions. For any Land Unit, the buildings, structures and other improvements located within the boundaries of a Land Unit shall be a part of that Land Unit. For any Land Unit, all electrical, telephone, cable communications, heating, plumbing, mechanical and other site utility lines and equipment serving only that Land Unit, whether located within or outside the boundaries of the Land Unit, shall be a part of the Land Unit. A Land Unit does not include any site utility lines and equipment serving more than one Unit or serving any portion of the Common Area or Limited Common Area.

Real Property. Each Land Unit may be improved, used, operated, owned, and transferred in the same manner as any other parcel of real property subject to any restrictions of record.

Common Area. The Common Area consists of portions of Land Unit 2 and Land Unit 3 as shown on the site plans. Within Land Unit 2, all land other than for the townhouse units will be common area. Within the common area in Land Unit 2, areas will be designated as limited common area for the exclusive use of the designated townhouse unit. The site plans will designate the common area and the limited common area in Land Unit 2.

Within Land Unit 3, all land other than for the multi-family buildings will be common area. Within the common area in Land Unit 3, areas will be designated as limited common area for the exclusive use of the designated townhouse unit. The site plans will designate the common area and the limited common area in Land Unit 3.

The roads, driveways, parking areas, sidewalks, site utilities, landscaping, and other site improvements, and any community facilities now existing or hereafter constructed on the Land shall be considered common area.

The common area shall include electrical, telephone, cable communications, heating, plumbing, mechanical, and other utility fixtures and equipment serving more than one Land Unit in the Condominium, as well as any chutes, flues, chimneys, ducts, conduits, wires, pipes, or other lines or apparatus for such utility fixtures and equipment, now existing or hereafter constructed on the Land, to the extent that such fixtures, equipment, lines, and apparatus are and are not owned by the utility service provider, but not including any portions of such fixtures, equipment, lines, and apparatus serving a single Unit;

All other parts of the Condominium, including personal property, acquired by the Brickyard Land Condominium Association and necessary and convenient to its existence, maintenance, and safety, or normally in common use, and including any other land and easements shall be Association property.

Limited Common Areas:

The Limited Common Areas shall be as defined in the declaration for any of the Land Units. Each Limited Common Area so designated shall be owned in common by the Owners, but is reserved for the exclusive use and benefit of the Unit to which it is assigned, subject to any Condominium Rules.

No Independent Transfers. No interest in the Common Area or any Limited Common Area shall be transferred independently from the Unit to which it is assigned.

Reassignments of Limited Common Areas. Limited Common Areas may be reassigned in accordance with Section 19 of the Act.

Statement of Purposes and Restrictions of Condominium Use. The Condominium is intended primarily for residential use. The following restrictions are in furtherance of this purpose:

Common Area. The Common Area shall not be used in a manner that is inconsistent with the residential character of the Condominium. No one shall obstruct, commit any waste in, or otherwise cause any damage beyond reasonable wear and tear to the Common Area and anyone causing such damage shall pay the expense incurred by the Association in repairing or replacing the same. In addition, nothing shall be stored in the Common Area without the prior written consent of the Board. Nothing shall be altered, constructed in, or removed from the Common Area without the prior written consent of the Board. No use shall be made of any part of the Condominium that will increase the rate of insurance on the Common Area without prior written consent of the Board. No Owner shall place or operate mobile homes, manufactured housing, unregistered motor vehicles, boats, trailers, or snowmobiles upon the Common Area.

Subdivision. The Land Units may be divided or subdivided into smaller units. The

Declarant specifically intends that Land Unit 2 will be established to permit as separate condominium units within the Land Condominium each of the 51 town homes being a separate unit. The Common Area shall remain undivided and no Owner or other person shall bring any actions for partition or division, nor shall the Common Area be abandoned by any act or omission unless the Condominium shall be terminated pursuant to this Declaration or the Act. Each Owner's interest in the Common Area runs appurtenant to the Owner's Unit, and any conveyance, encumbrance, judicial sale, or other transfer, voluntary or involuntary, of an Owner's interest in the Common Area will be void unless the Unit to which that interest is allocated is also transferred.

Procedure Upon Termination. If the Owners of each of the Land Units unanimously elect to terminate the Condominium, the Board shall record a notice to that effect at the Grafton County Registry of Deeds and upon the filing of such notice the Condominium in its damaged or destroyed condition shall be deemed to be removed from the provisions of the Act and to be owned in common by the individual Owners in accordance with their undivided interests in the Common Area, any liens on any Unit being deemed to be transferred to the undivided interest of the Owner of the encumbered Unit in accordance with the then-existing priorities; and upon the recording of the notice, the Property shall be subject to a petition by any Owner to the Board for its sale and for distribution of the net proceeds of such sale. In the event of such petition, the Property shall be sold as a whole, or in parts, and at one or more sales, upon such terms and conditions as the Board in its sole discretion deems in the best interest of the Owners, and the net proceeds of such sale or sales, together with the net proceeds of insurance on said property, if any, shall be considered as one fund and shall be divided by the Board among all the owners in proportion to their respective undivided interests in said Property, after first paying out of the share of each Owner, to the extent sufficient for that purpose, the amount of any unpaid liens on such Owner's undivided interest in the order of the priority of such liens.

Other Development Rights and Easements Reserved by the Declarant.

Sales Activity. The Declarant hereby reserves the right to make such use of the Land Units owned by the Declarant and of the Common Area as may facilitate the sales or rental of such Land Units.

Right of Entry to Facilitate Sales. The Declarant hereby reserves the right to enter all Units and Common Area for the purposes of showing the Property and displaying signs for the sale or rental of Land Units.

Utility Easement. The Declarant hereby reserves the right to grant utility easements (if necessary) within the Common Area of any of the Land Units in the Condominium for the purpose of connecting any buildings or other structures or improvements to underground and aboveground utilities for the benefit of any or all of the respective Owners of the Condominium. All such easements shall have priority over the Owners' rights and title in and to the Units and the Common Area.

Property Taxes. Each Land Unit Owner shall be responsible for payment of the real estate taxes assessed by the City of Lebanon upon such Owner's Unit, and for payment of a

proportionate share of real estate taxes assessed by City of Lebanon upon the Common Area as may be applicable.

Insurance. The Board shall purchase and maintain, to the extent obtainable at a reasonable cost, the following insurance:

Property Insurance. To the extent that the Brickyard Land Condominium installs, constructs or maintains any structures, the Board of the Brickyard Land Condominium shall maintain property insurance on such buildings and structures and on all other insurable structures, improvements, and personal property comprising the Condominium.

Liability Insurance. Public liability insurance in such amounts as the Board may from time to time determine, but in no event shall the limits of liability be less than One Million Dollars (\$1,000,000.00) for death, bodily injury, and property damage per occurrence, insuring each member of the Board and the Owners, and with cross liability coverage with respect to liability claims of any one insured thereunder against any other insured thereunder. The liability insurance obtained by the Board, however, shall not insure against the individual liability of an Owner, or a tenant, or other occupant of a Unit for negligence or willful misconduct occurring within a Unit or within a Limited Common Area assigned to a Unit.

Worker's Compensation. Worker's compensation insurance, as required by law.

Fidelity Bond. Blanket fidelity bond coverage for any person, partnership, or corporation, or any other entity which either handles or is responsible for funds held or administered by the Association, whether or not they receive compensation for their services. Any management agent that handles funds for the Association must be named as obligee. The fidelity bond must cover the maximum funds that will be in the custody of the Association, or its management agent, at any time while the bond is in force. In addition, the fidelity bond coverage must at least equal the sum of three (3) month's assessments on all Units plus all of the Association's reserve funds. The fidelity bond must include a provision that calls for ten (10) days written notice to the Association or insurance trustee, before the bond can be canceled or substantially modified for any reason. The same notice must be given to any servicer that services a FNMA owned mortgage in the project.

Other. Such other insurance as the Board may determine.

General Insurance Provisions.

The Board shall deal with the insurer or insurance agent in connection with the adjusting of all claims covered by insurance policies obtained by the Board and shall review the coverage under the Association's policies with the insurer or insurance agent at least annually. Such review shall include an appraisal of improvements in the Condominium and shall make any necessary changes in the policies prior to the expiration date set forth in any agreed amount

endorsement contained in the policy in order to meet its coverage requirements.

The Board shall be required to make every effort to see that all property insurance policies shall contain:

waivers of subrogation by the insurer as to claims against the Association, its employees, members of the Board, the Owners, and the tenants and occupants of a Unit, except in cases of arson and fraud;

a waiver of defense of invalidity on account of the conduct of any persons over which the Association has "no control";

that such policies may not be canceled or substantially modified without at least ten (10) days written notice to all of the insureds and all mortgagees of any portion of the Property;

The Board shall provide that in no event shall the insurance under the policies be brought into contribution with insurance purchased individually by Owners or their mortgagees; and

Common Expense. The cost of all insurance purchased and maintained by the Board or the Association shall be a Common Expense.

Maintenance.

Common Area. The obligation to maintain, repair, and replace any Common Area or Limited Common Area shall be the responsibility of the Association which governs the Land Unit.

Repairs Resulting From Misconduct. Each Land Unit Owner shall reimburse the Association for any damage to any other Unit, to the Limited Common Area or to the Common Area with such Land Unit caused by such other Owner's negligence, intentional misconduct, or failure to properly maintain, repair, or make replacements

Emergency Repairs. The Association shall also have the irrevocable right, to be reasonably exercised by the Board or its agents to enter any Land Unit for the purpose of making emergency repairs necessary to prevent damage to other parts of the Condominium. In case of an emergency, no request or notice is required and the right of entry shall be immediate and with as much force as is reasonably necessary to gain entrance, whether or not the Land Unit Owner is present at the time, and any damage caused by entry shall be repaired at the expense of the Board or the individual Owner making such entry, unless such emergency repairs are necessitated by the negligence, willful misconduct, or other failure of the Owner of the Unit, in which case the Owner of the Unit shall bear the expense of such repairs.

Easements.

Ingress and Egress. Each Land Unit Owner shall have, and each Land Unit shall be subject to, an easement in common with the other Owners for ingress and egress through any Common Area.

Structural Encroachments. None of the rights and obligations of the Owners shall be altered in any way by encroachments due to settling or shifting of structures. There shall be valid

easements for the maintenance of such encroachments so long as they shall exist; provided, however, that in no event shall a valid easement for encroachment be created in favor of an Owner if the encroachment occurred due to the willful conduct of the Owner.

Pipes, Ducts, Cables, Wires, Conduits, Public Utility Lines, and Other Common Area Located in the Units. Each Land Unit shall have an easement in common with the other Land Units to use all pipes, wires, ducts, cables, conduits, public utility lines, and other utilities and facilities serving such other Land Units located or to be located, in such other Land Units.

Common Area. The Association shall have the right to grant permits, licenses, and easements over and through any Common Area for roads, utilities, and other purposes reasonably necessary or useful for the proper maintenance or operation of the Condominium.

Assessments of Common Expenses.

Allocation. Common Expenses shall be assessed against the Land Units as determined by the Board of the Brickyard Land Condominium Association or "Master Association." Unpaid assessments of such Common Expenses, including interest thereon, costs of collection, and reasonable attorneys' fees, shall be secured by the lien established by the Act. Any assessment of Common Expenses not paid when due shall be delinquent, and if not paid within thirty (30) days after the due date shall bear interest at a rate as determined by the Board, or in absence of such determination, at twelve percent (12%) per annum.

Assessment and Resale Statements.

Recordable Assessment Statement. Any person who has executed a contract to purchase or sell a Unit, or any interest therein, shall be entitled to request a recordable statement setting forth the amount of unpaid assessments currently levied against the Unit as permitted by the Act.

Condemnation. If any part of the Condominium is taken by eminent domain the award shall be allocated to the Land Unit Owner in proportion to their respective undivided interests in the Land; provided that the portion of the award attributable to the taking of any permanently assigned Land Area shall be allocated to the Owner of the Land Unit to which such area was so assigned at the time of the taking.

Termination of the Condominium. Except as otherwise provided herein and in the Act, the Condominium may be terminated only by the unanimous vote or agreement of Land Unit Owners, provided, however, that no vote or agreement to terminate the Condominium shall be effective until evidence of the same is recorded at the Grafton County Registry of Deeds. Any proceeds from the liquidation or termination of the Condominium shall be allocated to the Owners in proportion to their respective undivided interests in the Common Area.

Amendment. Except as otherwise provided herein and in the Act, this Declaration may be amended by the vote or agreement of Owners to whom at least seventy-five percent (75%) or more of the votes in the Association are allocated; provided, however, that: (i) no amendment to this Declaration shall be effective until recorded at the Grafton County Registry of Deeds

together with evidence of the vote or agreement; and (ii) no amendment shall affect the rights reserved to the Declarant without the written consent of the Declarant. The Declarant may unilaterally amend this Declaration at any time to satisfy and meet any requirement of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the City of Lebanon, or any title insurance company insuring or offering to insure all or any portion of the Condominium.

Bylaws. The Bylaws are set forth in Exhibit C, herein. Except as otherwise provided herein and in the Act, the Bylaws may be amended as set forth therein at any meeting of the Association, provided a copy of the proposed amendment has been included in the written notice of the meeting as provided for in Section 37 of the Act. Any amendment shall be effective on recording in the Grafton County Registry of Deeds.

Condominium Rules. The Board is empowered to adopt and amend, from time to time, Condominium Rules concerning use of the Condominium and its various parts. Written copies of the Condominium Rules shall be furnished to all Owners.

Master Association.

Voting. The Board shall exercise the votes assigned to the Brickyard Land condominium under this Declaration which shall establish a Brickyard Land Condominium Association, also known as the Master Association.

Assessments. Assessments of common expenses against the Land under the Master Declaration shall be a Common Expenses under this Declaration. The Association shall collect such assessments from the Owners and pay the amount collected promptly to the Master Association.

Persons Bound by the Condominium Declaration. This Declaration, the Bylaws, any Condominium Rules, and decisions and resolutions of the Board of the Master Association or its representatives, as amended from time to time, all contain, or will contain restrictions as to use of the Units and other parts of the Condominium. All present or future Land Unit Owners, and any other person who might use the facilities of the Property in any manner, shall be subject to the provisions of this Declaration, the Bylaws, any Condominium Rules, and decisions and resolutions of the Board or its representatives, as amended from time to time. The acceptance or the entering into occupancy of any Land Unit shall constitute an agreement that the provisions of this Declaration, the Bylaws, any Condominium Rules, and decisions and resolutions of the Board or its representatives, as amended from time to time, are accepted and ratified by such Owner, tenant, or occupant and all of such provisions shall be deemed and taken to be enforceable servitudes and covenants running with the land and shall bind any person having at anytime any interest or estate in such Unit as though such provisions were recited and stipulated at length in each and every deed of conveyance or lease thereof.

Waiver. The failure of the Board to insist, in any instance, upon the strict performance of any of the terms, covenants, conditions, or restrictions of this Declaration, the Bylaws, or any Condominium Rules, or to exercise any right herein or therein contained, or to serve any notice

to institute any action shall not be construed as a waiver or a relinquishment for the future, of such term, covenant, condition, restriction, or right which shall remain in full force and effect. The receipt by the Board of any assessment from an Owner with knowledge of the breach of any covenant hereof shall not be deemed a waiver of such breach, and no waiver by the Board of any provision hereof shall be deemed made unless expressed in writing and signed by the Board.

Enforcement. Each Land Unit Owner of the Condominium shall comply with this Declaration, the Bylaws, any Condominium Rules, and with decisions of the Board or its representatives, as amended from time to time. Failure to comply shall be grounds for an action to recover sums due for damages, or for injunctive relief, or for any other relief afforded by a court of competent jurisdiction. All such actions in law or at equity shall be authorized by a resolution of the Board. The Master Association shall be entitled to recover its costs of enforcement and reasonable attorneys' fees.

Liability of the Board. The members of the Board shall not be liable to the Land Unit Owners for any mistake of judgment, negligence, or otherwise, except for their own individual willful misconduct or bad faith, and except as provided below. The Land Unit Owners shall indemnify and hold harmless each of the members of the Board against all contractual liability to others arising out of contracts made by the Board on behalf of the Condominium, unless any such contract shall have been made in bad faith or contrary to the provisions of the Declaration or of the Bylaws. It is permissible for the members of the Board who are members of the Declarant to contract with the Declarant and affiliated entities without fear of being charged with self-dealing. It is intended that the members of the Master Board shall have no personal liability except with respect to any such contract made in bad faith or contrary to the provisions of the Declaration or of the Bylaws.

Personal Property. The Board may acquire and hold, for the benefit of the owners, tangible and intangible personal property and may dispose of it by sale or otherwise; and the beneficial interest in such property shall be owned by the Land Unit Owners as one-fourth Land Unit Owners in the Association.

Notices. All notices to the Association or the Board shall be sent by registered or certified mail to the Board at the Condominium, or to such other address as the Board may designate from time to time by notice in writing to all Owners. All notices of change of address shall be deemed given when received.

Agency. Any officer is a suitable person to receive service of process in any proceeding against the Association. For the purpose of receipt of notification by a municipality of a local land use Board hearing, the officers shall be responsible for serving as agents of the Association.

Severability. The provisions hereof shall be deemed independent and severable, and the invalidity or partial invalidity of any part of this Declaration shall not affect in any manner the validity, enforceability, or effect of the balance of the Declaration.

Interpretation. The provisions of this Declaration shall be liberally construed to effectuate

its purpose of creating a uniform plan for the development and operation of a condominium project.

Mortgagee Protection. This section establishes certain protections for the benefit of Eligible Mortgagees and other parties to mortgage transactions, in addition to those protections provided by the other provisions of this Declaration and the Act. If the provisions of this section are inconsistent with the other provisions of this Declaration, the Bylaws, or any Condominium Rules, the provisions of this section shall govern and prevail. Wherever in this Declaration the approval or consent of a specified percentage of the Eligible Mortgagees is required, it means the approval or consent of by Eligible Mortgagees holding first mortgages on Units which in the aggregate have allocated to them such specified percentage of the votes in the Association, when compared to the total votes allocated to all the Units then subject to security interests held by the Eligible Mortgagees. Wherever in this Declaration the approval or consent of the Eligible Mortgagees is required, any Eligible Mortgagee who fails to submit a response to any written request for approval or consent within thirty (30) days after it receives the request by certified mail, return receipt requested, shall be deemed to have approved or consented.

Notice of Actions. After a written request to the Board from an Eligible Mortgagee, or any other holder, insurer, or guarantor of a mortgage on a Unit, identifying both its name and address and the unit number or address of the Unit, the Eligible Mortgagee shall be entitled to timely written notice of:

Any condemnation, loss, or any casualty loss that affects a material portion of the Condominium or the Unit securing its mortgage;

Any delinquency in the payment of Common Expenses or any other assessment by the owner of the Unit securing its mortgage;

Any lapse, cancellation, or material modification of any insurance policy or fidelity bond maintained by the Association; or,

Any proposed action that would require the consent of a specified percentage of Eligible Mortgagees.

Approval of Amendments. Every material amendment to this Declaration or the Bylaws shall be approved in writing by at least fifty-one percent (51%) of the Eligible Mortgagees. A change to any of the provisions governing the following subject areas is a material amendment:

- Voting rights;
- Assessments, assessment liens, or subordination of assessment liens;
- Reserves for maintenance, repair, and replacement of the Common Area;
- Responsibility for maintenance and repairs;
- Allocation of interests in the Common Area and Limited Common Areas;
- Rights to use the Common Area and Limited Common Areas;

Boundaries of the Units;
Convertibility of Units into Common Area, or of Common Area into Units;
Expansion or contraction of the Condominium;
Insurance or fidelity bond requirements;
Restriction on the leasing of Units;
Imposition of restrictions on an Owner's right to sell or transfer a Unit;
Restoration or repair of the Condominium after a hazard damage or a partial condemnation in a manner other than that specified in this Declaration;
Termination of the Condominium after occurrence of substantial destruction or condemnation.
Any provision that expressly benefits mortgage holders, insurers, or guarantors.
A termination of the Condominium for any reason other than the occurrence of substantial destruction or condemnation shall be approved by at least sixty-seven percent (67%) of the Eligible Mortgagees.

Mortgage Priority Over Common Expense Assessments. Except as provided in Section 46 of the Act, any lien for Common Expense assessments will be subordinate to a first mortgage on a Unit, if the mortgage was recorded before the assessment was due; and a foreclosure of a first mortgage will extinguish the lien for any Common Expenses assessments that were payable before the foreclosure sale, but will not relieve any subsequent Owner from paying further assessments.

Insurance. The Association shall maintain hazard and flood insurance, liability insurance, and fidelity insurance coverages that are consistent with the requirements of the Federal National Mortgage Association for mortgages secured by condominium units.

Dated: _____

Declarant
Richard M. Marchese, Trustee of the
Brickyard One Nominee Trust

EXHIBIT A
LEGAL DESCRIPTION OF LAND

A certain tract of land in the City of Lebanon, Grafton County, New Hampshire as shown on a plan(s) entitled "Land Condominium Plan of Land" for Brickyard One Nominee Trust, Hanover Street, Lebanon, Grafton County, N.H., October 10, 2025, as drawn by Vanesse Hangen Brustlin, Inc., and described as follows:

Beginning at a point on the westerly side of Hanover Street at the southeast corner of property now or formerly of Mary Anne Levin Revocable Trust 2023;

Thence North $86^{\circ}31'29''$ West along said Levin Revocable Trust property a distance of 305.70 feet to a point;

Thence to a point in a brook;

Thence northerly following the thread of the brook to property now or formerly of Daniel Silas Creighton;

Thence North $72^{\circ}35'24''$ West along said Creighton property a distance of 562 feet more or less;

Thence North $80^{\circ}24'58''$ West along property of Dartmouth College Trustees a distance of 86.31 feet to a point;

Thence South $8^{\circ}58'40''$ West along property of Dartmouth College Trustees a distance of 300.25 feet to a point;

Thence North $74^{\circ}40'30''$ West along property of Dartmouth College Trustees a distance of 195.67 feet to a point;

Thence South $21^{\circ}00'29''$ West along property of Dartmouth College Trustees a distance of 337.20 feet to a point;

Thence North $71^{\circ}05'09''$ West along property of Dartmouth College Trustees a distance of 2,431.28 feet to a point;

Thence South $18^{\circ}02'21''$ West along property of Dartmouth College Trustees a distance of 1,609.30 feet to a point;

Thence South $72^{\circ}26'55''$ East along property of Dartmouth College Trustees a distance of 497.25 feet to a point;

Thence South $17^{\circ}35'44''$ West along property of Dartmouth College Trustees a distance of 974.27 feet to a point;

Thence South $60^{\circ}17'57''$ East along property of Dartmouth College Trustees a distance of 345.22 feet to a concrete bound on the northerly line of Interstate 89 and the property of the State of New Hampshire;

Thence North $47^{\circ}56'33''$ East along the northerly line of Interstate 89 and the property of the State of New Hampshire a distance of 360.65 feet to a concrete bound;

Thence North $48^{\circ}14'59''$ East along the northerly line of Interstate 89 and the property of the State of New Hampshire a distance of 306.00 feet to a concrete bound;

Thence North $50^{\circ}43'01''$ East along the northerly line of Interstate 89 and the property of the State of New Hampshire a distance of 333.77 feet to a concrete bound;

Thence North $73^{\circ}26'23''$ East along the northerly line of Interstate 89 and the property of the State of New Hampshire a distance of 333.33 feet to a concrete bound;

Thence South $85^{\circ}47'18''$ East along the northerly line of Interstate 89 and the property of

the State of New Hampshire a distance of 443.99 feet to a concrete bound;

Thence South $78^{\circ}55'24''$ East along the northerly line of Interstate 89 and the property of the State of New Hampshire a distance of 412.60 feet to a point;

Thence South $74^{\circ}08'42''$ East along the northerly line of Interstate 89 and the property of the State of New Hampshire a distance of 414.80 feet to a point at the southwest corner of property now or formerly of Comcast;

Thence North $46^{\circ}53'54''$ East along the westerly line of said Comcast property a distance of 325.30 feet to a point;

Thence South $42^{\circ}02'46''$ East along the westerly line of said Comcast property a distance of 188.70 feet to a point at the westerly line of Hanover Street;

Thence North $24^{\circ}28'26''$ East along the westerly line of Hanover Street a distance of 432.00 feet to a point at the southeasterly corner of property now or formerly of BRI Hanover St. Ext., LLC;

Thence North $69^{\circ}25'02''$ West along property now or formerly of BRI Hanover St. Ext., LLC, a distance of 183.00 feet to a point at the southwesterly corner of said property;

Thence North $26^{\circ}35'29''$ East along property now or formerly of BRI Hanover St. Ext., LLC, a distance of 142.10 feet to a point at the northwesterly corner of said property;

Thence proceeding northeasterly along the westerly line of property now or formerly of Constance Kroner and now or formerly of Conch Shell Realty Trust to a point, the tie line for said course being North $34^{\circ}12'11''$ East a distance of 525.97 feet;

Thence North $28^{\circ}00'10''$ East along property now or formerly Conch Shell Realty Trust a distance of 210.83 feet to a point at the northwest corner of said property;

Thence South $78^{\circ}36'00''$ East along property now or formerly Conch Shell Realty Trust a distance of 62.10 feet to a point on the westerly side of Hanover Street;

Thence North $04^{\circ}57'00''$ East along the westerly side of Hanover Street a distance of 288.90 feet to a point;

Thence North $04^{\circ}15'08''$ East along the westerly side of Hanover Street a distance of 209.80 feet to the point of beginning.

EXHIBIT B
DESCRIPTION OF LAND UNITS

1. Land Condominium Unit 1

A certain tract of land in the City of Lebanon, Grafton County, New Hampshire as shown on a plan(s) entitled "Land Condominium Plan of Land" for Brickyard One Nominee Trust, Hanover Street, Lebanon, Grafton County, N.H., October 10, 2025, as drawn by Vanesse Hangen Brustlin, Inc., and described as follows:

Beginning at a point on the westerly side of Hanover Street at the southeast corner of property now or formerly of Mary Anne Levin Revocable Trust 2023;

Thence North $86^{\circ}31'29''$ West along said Levin Revocable Trust property a distance of 175.27 feet to a point;

Thence southerly along the zoning use line delineating the line between the R-1 and R-3 zoning districts to the pond;

Thence southerly along the pond to the northwesterly corner of property now or formerly of Richard Marchese, Trustee of Conch Shell Realty Trust at or near the edge of the pond (the tie line being South $32^{\circ}22'48''$ East a distance of 193.30 feet);

Thence South $78^{\circ}36'00''$ East along the northerly line of property now or formerly Conch Shell Realty Trust a distance of 62.10 feet to a point on the westerly side of Hanover Street;

Thence North $04^{\circ}57'00''$ East along the westerly side of Hanover Street a distance of 288.90 feet to a point;

Thence North $04^{\circ}15'08''$ East along the westerly side of Hanover Street a distance of 209.80 feet to the point of beginning.

2. Land Condominium Unit 2

A certain tract of land in the City of Lebanon, Grafton County, New Hampshire as shown on a plan(s) entitled "Land Condominium Plan of Land" for Brickyard One Nominee Trust, Hanover Street, Lebanon, Grafton County, N.H., October 10, 2025, as drawn by Vanesse Hangen Brustlin, Inc., and described as follows:

Beginning at a point North $78^{\circ}36'00''$ West a distance of 62.10 feet from the westerly side of Hanover Street and the northwesterly corner of property now or formerly of Richard Marchese, Trustee of Conch Shell Realty Trust at or near the edge of the pond;

Thence northerly along the shore of the pond to a point (the tie line being North $32^{\circ}22'48''$ West a distance of 193.30 feet);

Thence northerly along the zoning use line delineating the line between the R-1 and R-3 zoning districts to the southwest corner of property now or formerly of Mary Anne Levin Revocable Trust 2023

Thence North $86^{\circ}31'29''$ West a distance of 130.43 feet to a point;

Thence north following the thread of the street to property now of formerly of Daniel Silas Creighton;

Thence North $72^{\circ}35'24''$ West along said Creighton property a distance of 176, feet more or less to a point;

Thence North $80^{\circ}24'58''$ West along property of Dartmouth College Trustees a distance of 86.31 feet to a point;

Thence South $8^{\circ}58'40''$ West along property of Dartmouth College Trustees a distance of

300.25 feet to a point;

Thence North 74°40' 30" West along property of Dartmouth College Trustees a distance of 195.67 feet to a point;

Thence South 21°00' 29" West along property of Dartmouth College Trustees a distance of 337.20 feet to a point;

Thence South 27° 17' 52" East a distance of 926.05 feet to the northwest corner of property now or formerly of Hanover St., Ext, LLC.

Thence northerly a distance of 525.97 feet more or less along the westerly line of property now or formerly of Constance Kroner, and the westerly line of property now or formerly of Richard Marchese, Trustee of Conch Shell Realty Trust to a point;

Thence continuing North 28° 00' 10" East a distance of 210.83 feet along the westerly line of property now or formerly of Richard Marchese, Trustee of Conch Shell Realty Trust to the point of beginning.

3. Land Unit 3

A certain tract of land in the City of Lebanon, Grafton County, New Hampshire as shown on a plan(s) entitled "Land Condominium Plan of Land" for Brickyard One Nominee Trust, Hanover Street, Lebanon, Grafton County, N.H., October 10, 2025, as drawn by Vanesse Hangen Brustlin, Inc., and described as follows:

Beginning at a point on the westerly line of Hanover Street at the southwesterly corner of property now or formerly of BRI Hanover St. Ext., LLC;

Thence North 69°25' 02" West along property now or formerly of BRI Hanover St. Ext., LLC, a distance of 183.00 feet to a point at the southwesterly corner of said property;

Thence North 26°35' 29" East along property now or formerly of BRI Hanover St. Ext., LLC, a distance of 114.87 feet to a point;

Thence North 27° 17' 52" West a distance of 926.05 feet to property now or formerly of Trustees of Dartmouth College;

Thence North 71°05' 09" West along property of Dartmouth College Trustees a distance of 203.83 feet to a point;

Thence turning South 24° 28' 26" West a distance of 1,470.94 to a concrete bound along the northerly line of Interstate 89 and the property of the State of New Hampshire;

Thence South 78°55' 24" East along the northerly line of Interstate 89 and the property of the State of New Hampshire a distance of 412.60 feet to a point;

Thence South 74°08' 42" East along the northerly line of Interstate 89 and the property of the State of New Hampshire a distance of 414.80 feet to a point at the southwest corner of property now or formerly of Comcast;

Thence North 46°53' 54" East along the westerly line of said Comcast property a distance of 325.30 feet to a point;

Thence South 42°02' 46" East along the westerly line of said Comcast property a distance of 188.70 feet to a point at the westerly line of Hanover Street;

Thence North 24°28' 26" East along the westerly line of Hanover Street a distance of 432.00 feet to a point at the southeasterly corner of property now or formerly of BRI Hanover St. Ext., LLC, being the point of beginning.

Subject to the right of way for all purposes for utilities and access and egress to and from Land Unit 4.

4. Land Unit 4

A certain tract of land in the City of Lebanon, Grafton County, New Hampshire as shown on a plan(s) entitled "Land Condominium Plan of Land" for Brickyard One Nominee Trust, Hanover Street, Lebanon, Grafton County, N.H., October 10, 2025, as drawn by Vanesse Hangen Brustlin, Inc., and described as follows:

Beginning at a concrete bound in the northerly line of Interstate 89;

Thence North $85^{\circ}47'18''$ West along the northerly line of Interstate 89 and the property of the State of New Hampshire a distance of 443.99 feet to a concrete bound;

Thence South $73^{\circ}26'23''$ West along the northerly line of Interstate 89 and the property of the State of New Hampshire a distance of 333.33 feet to a concrete bound;

Thence South $50^{\circ}43'01''$ West along the northerly line of Interstate 89 and the property of the State of New Hampshire a distance of 333.77 feet to a concrete bound;

Thence South $48^{\circ}14'59''$ West along the northerly line of Interstate 89 and the property of the State of New Hampshire a distance of 306.00 feet to a concrete bound;

Thence South $47^{\circ}56'33''$ West along the northerly line of Interstate 89 and the property of the State of New Hampshire a distance of 360.65 feet to a concrete bound;

Thence North $60^{\circ}17'57''$ West along property of Dartmouth College Trustees a distance of 345.22 feet to a concrete bound on the northerly line of Interstate 89 and the property of the State of New Hampshire;

Thence North $17^{\circ}35'44''$ East along property of Dartmouth College Trustees a distance of 974.27 feet to a point;

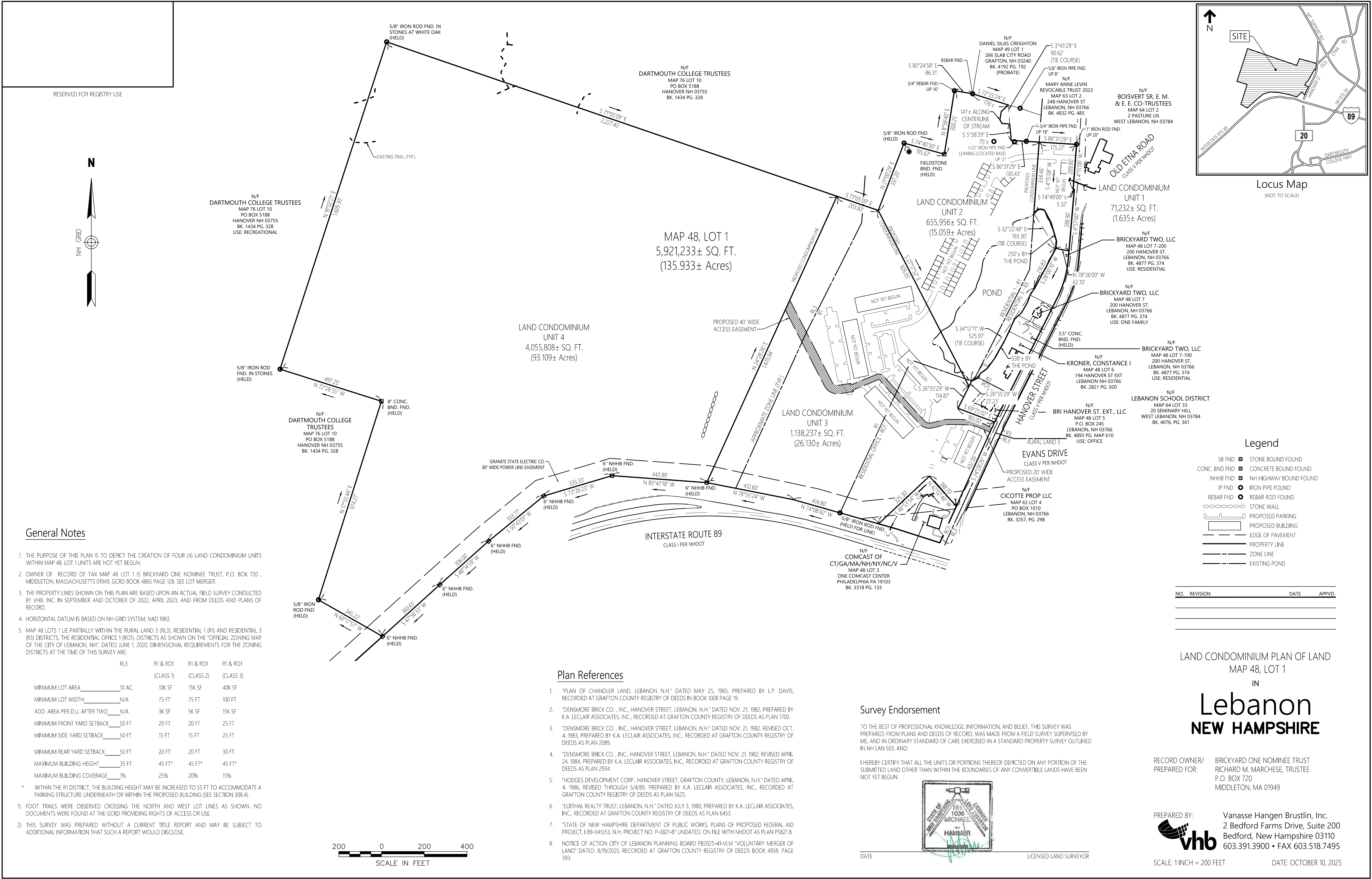
Thence North $72^{\circ}26'55''$ West along property of Dartmouth College Trustees a distance of 497.25 feet to a point;

Thence North $18^{\circ}02'21''$ East along property of Dartmouth College Trustees a distance of 1,609.30 feet to a point;

Thence South $71^{\circ}05'09''$ East along property of Dartmouth College Trustees a distance of about 2,240 feet to a point;

Thence South $24^{\circ}28'26''$ West a distance of 1,470.94 to a concrete bound along the northerly line of Interstate 89 and the property of the State of New Hampshire being the point of beginning.

Together with the right of way for all purposes for utilities and access and egress to the public highways over Land Unit 3.



LEBANON PLANNING BOARD 2026 MEETING & REVIEW SCHEDULE A

*for applications not requiring an escrow for engineering review fees
(see reverse side for more information)*

MEETING DATE* <i>(completeness review & commencement of public hearing)</i>	APPLICATION DEADLINE*
JANUARY 12, 2026	DECEMBER 8, 2025
FEBRUARY 9, 2026	JANUARY 12, 2026
MARCH 9, 2026**	FEBRUARY 9, 2026
APRIL 13, 2026	MARCH 9, 2026
MAY 11, 2026	APRIL 13, 2026
JUNE 8, 2026	MAY 11, 2026
JULY 13, 2026	JUNE 8, 2026
AUGUST 10, 2026	JULY 13, 2026
SEPTEMBER 14, 2026	AUGUST 10, 2026
OCTOBER 12, 2026***	SEPTEMBER 14, 2026
NOVEMBER 9, 2026	OCTOBER 12, 2026
DECEMBER 14, 2026	NOVEMBER 9, 2026

*All dates are Mondays except where otherwise noted

**March 9th meeting room conflict for Election Day/pick a new date proposed: March 16th

***Columbus Day – City Hall Open

LEBANON PLANNING BOARD

2026 MEETING & REVIEW SCHEDULE B

*for applications requiring an escrow for engineering review fees
(see reverse side for more information)*

COMMENCEMENT OF PUBLIC HEARING dates are Mondays except where noted	APPLICATION DEADLINE* dates are Mondays except where noted	COMPLETENESS REVIEW DATE dates are Mondays except where noted
FEBRUARY 9, 2026	DECEMBER 8, 2025	JANUARY 12, 2026
MARCH 9, 2026**	JANUARY 12, 2026	FEBRUARY 9, 2026**
APRIL 13, 2026	FEBRUARY 9, 2026**	MARCH 9, 2026**
MAY 11, 2026	MARCH 9, 2026	APRIL 13, 2026
JUNE 8, 2026	APRIL 13, 2026	MAY 11, 2026
JULY 13, 2026	MAY 11, 2026	JUNE 8, 2026
AUGUST 10, 2026	JUNE 8, 2026	JULY 13, 2026
SEPTEMBER 14, 2026	JULY 13, 2026	AUGUST 10, 2026
OCTOBER 12, 2026***	AUGUST 10, 2026	SEPTEMBER 14, 2026
NOVEMBER 9, 2026	SEPTEMBER 14, 2026	OCTOBER 12, 2026***
DECEMBER 14, 2026	OCTOBER 12, 2026	NOVEMBER 9, 2026
JANUARY 11, 2027	NOVEMBER 9, 2026	DECEMBER 14, 2026

**All dates are Mondays except where otherwise noted*

**March 10th and 11th meeting room conflict – Election Day/Moved to March 17th*

****Columbus Day – City Hall Open*

-Applications are due by noon on the cut off day

Site Plan Review Regulations Section 4.7 & Subdivision Regulations Section 7.7

Upon submission of an application, the Planning Director will determine whether the application requires engineering review, and whether the fees shall be paid in advance and placed in an escrow account.

SCHEDULE A applies to (i) applications that do not require engineering review, and (ii) applications that require engineering review and will be billed. Schedule A applications will typically include:

- boundary line adjustments,
- minor subdivisions,
- small-scale site plans, and
- conditional use permits.

SCHEDULE B applies to applications that require engineering review and that require engineering review fees to be paid in advance and placed in escrow. Schedule B applications will typically include:

- preliminary major subdivisions,
- final major subdivisions, and
- large-scale site plans.

The Planning Department will endeavor to notify the applicant as to which Schedule applies and whether engineer fees will be billed or paid in advance by no later than the Friday following the application submission deadline. If applicable, staff will also notify the applicant at that time the amount required for engineering review fees to be placed in escrow.

PLANNING WORK SESSIONS

JANUARY 26, 2026	APRIL 27, 2026	JULY 27, 2026	OCTOBER 26, 2026
FEBRUARY 23, 2026	*MAY 26, 2026 (Tuesday)	AUGUST 24, 2026**	NOVEMBER 23, 2026
MARCH 23, 2026	JUNE 22, 2026	SEPTEMBER 28, 2026	DECEMBER (Cancelled)

ALL MEETINGS BEGIN AT 6:30PM UNLESS OTHERWISE NOTED ON THE AGENDA

*Planning Sessions are the 4th Monday of each month, unless a Monday holiday (see note above), there is no December Planning Session

**Tentative meeting date – To be determined

DRAFT

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

MEMBERS PRESENT: Andrew Faunce (Chair), Eric Stacy, Kellen Appleton, Karen Zook (City Council Rep), Patrick Kennelly, Wes Achord (REMOTE), Don Collins

MEMBERS ABSENT: Richard Ford Burley (Vice Chair), Steven Cole (alt), Kathie Romano (alt)

STAFF PRESENT: Tim Corwin (Deputy Planning Director)

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. Mr. Achord said he is participating remotely because he is ill. He said no one was in the room with him during the meeting.

2. NOTICE OF REGIONAL IMPACT

The following applications were received by the Planning and Development Department on or before October 13, 2025:

- **Brickyard One Nominee Trust, 174 Hanover Street (Tax Map 48, Lot 4), zoned R-1, R-O-1, R-3 & RL-3: On December 17, 2024, applicant obtained Site Plan approval and a Conditional Use Permit for a proposed 474-unit multi-family Planned Unit Residential Development (PURD) (PB2024-22-SPRCUP). Applicant now requests Final Major Subdivision approval to subdivide the 136-acre property into four (4) condominium units. PB2025-45-FMAJ**

Mr. Corwin said Staff recommends the application does not have the potential for regional impact.

A MOTION was made by Patrick Kennelly that the application of Brickyard One Nominee Trust, 174 Hanover Street (Tax Map 48, Lot 4) PB2025-45-FMAJ does not have the potential for regional impact. The MOTION was seconded by Kellen Appleton.

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

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**

Ms. Appleton recused themselves from the discussion.

Mr. Corwin gave an overview of the project and the previous discussions about the need for a hauling plan to remove excavated material from the site to another approved location. He noted that two routes have been identified for the hauling plan:

- Route 1: From the project site to the Brickyard project site via Evans Drive
- Route 2: From the project site to the Twin State site

Mr. Jon Rokeh was present on behalf of the applicant. He explained that the Brickyard project has received all the approvals required to accept the material and that hauling plan is the primary one. He said using the Twin State site would be the "Plan B" and would only be used if needed.

Mr. Rokeh said he has been asked by homeowners and teams for other small projects if they could also be given material from the site. He said he would like to have the option to direct some of the material to other pre-authorized sites in the City. He said if enough smaller sites are approved by the City to receive material, a formal hauling plan may not be needed because the truck traffic will be less along the route to the Brickyard project. He confirmed that no hauling from this project is going to Daisy Hill Road. He said he expects the number of truckloads of material to decrease as the project progresses. The Board members asked that the City be kept informed of where the material is being hauled if going to sites other than those identified in the hauling plan.

The group discussed project communication with homeowners. Mr. Rokeh said all area abutters have the site contractor's phone number if they have questions. He said the project team will communicate with neighbors via email about the upcoming planned blasting (related to the pond on the site). Chair Faunce asked that the project team be proactive and communicate information prior to the start of the blasting. Mr. Rokeh said the team will send notice to homeowners whenever a change in construction activity is happening.

The group discussed the outstanding items of concern brought to light by residents in previous meetings:

- Bike path along Prospect Street – Mr. Rokeh said the bike path has been completed
- Gate to keep hauling trucks off Hillcrest Dr – Mr. Rokeh said they plan to install the gate

Chair Faunce opened the public comment portion of the meeting.

Ms. Kellen Appleton (Ward 3) asked that the communication plan with residents be more formalized. They said residents may not know how to get on the email list to receive project communications. They said many abutters may be renters and therefore may not have made it to the email list. They suggested posting a QR Code in a mailer or a doorknob note to neighbors so everyone will know how to get on the email list.

Chair Faunce closed the public comment portion of the meeting.

The group discussed a draft Condition of Approval read by Mr. Corwin regarding communication (Condition #10). Chair Faunce closed the public hearing.

A MOTION was made by Patrick Kennelly that the Lebanon Planning Board approves the application of Brady Sullivan Prospect Hill, LLC, regarding Tax Map 108, Lot 2, zoned R-3, PB2025-40-FMAJA, to approve a plan to haul excess material that has been excavated on-site in connection with the construction of Phase 2 of Prospect Hills development to an off-site location, as shown on two plan sheets titled, "Offsite Hauling Plan – Prospect Hill – Phase 2," prepared by Rokeh Consulting, LLC, dated 4-1-25, revised 9-22-25, Job No. 2010.0023, as set forth in the application materials and including any and all submissions and testimony provided for and during the public hearing.

This approval is subject to the following conditions:

- 1. The applicant shall comply with all applicable conditions of the Planning Board's Notice of Action dated November 14, 2016 (PB2016-22-EXT-FMAJ), the Notice of Action dated December 13, 2021 (PB2021-02-EXT & PB2023-37-FMAJA), and the Notice of Action dated June 9, 2025 (PB2025-23-FMAJA) and all conditions of approval thereof except as superseded by the conditions below.***
- 2. Trucks hauling excavation material off-site ("Trucks Hauling") shall be limited to no more than 14 round trips per weekday and shall utilize the Prospect Street entrance.***
- 3. Trucks Hauling shall commence no earlier than 7am and shall conclude by no later than 4 pm, Monday through Friday.***
- 4. Trucks Hauling are prohibited on the weekends.***
- 5. Trucks Hauling shall not pass in front of the Lebanon Middle School between the hours of 7:00 am and 8:15 am and between the hours of 1:45 pm and 3:15 pm.***
- 6. At no time shall Trucks Hauling use Jake Brakes (engine brakes) while on Prospect Street, Molten Avenue, or Laplante Road.***
- 7. The speed of Trucks Hauling shall be limited to no more than 15 mph on local roads, defined as those within the development and between the development and Route 4.***
- 8. Trucks Hauling shall be covered upon exiting the development for dust management purposes.***
- 9. The Prospect Street entrance shall be watered on a regular basis, weather permitting, for dust management purposes.***
- 10. Within twenty (20) days of this approval, the applicant shall install an informational board at or about the job trailer site identifying contact information and how to join the developer's email list. The informational board content, size, and location shall be approved by the Planning & Development Department. Additionally, within twenty (20) days of this approval, the developer shall provide flyers within the development and to homes on adjacent streets to provide information on joining the developer's list serv. A copy of the flyer shall be provided to the Planning & Development Department.***
- 11. The applicant shall use best efforts (e.g. the developer's existing e-mail list) to provide reasonable notice to the surrounding neighborhood of any future blasting and/or hauling activities.***
- 12. Hauling shall be allowed to other sites on a per truck basis with prior approval from the Planning & Development Department and the Department of Public Works. Such requests shall be made a minimum of 48 hours in advance.***

The MOTION was seconded by Don Collins.

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

Ms. Appleton rejoined the meeting.

4. OTHER BUSINESS

Chair Faunce said the group will discuss Item 4B first, which is out of the order of the agenda for this meeting.

B. 2025 Legislative Update and 2026 Legislative Preview

Mr. Corwin said the NH State Legislature has adopted the approach that one way to tackle the housing crisis is to restrict local decision making. He discussed the laws that have been recently introduced that restrict local decision making. He said more bills of this nature are being introduced for the upcoming legislative session.

Mr. Corwin shared a presentation he worked on with Mr. Noah Hodgkins at the State Office of Planning and Development.

HB 413: He noted the following new stipulations:

- Once a site or subdivision plan obtains approval from the Planning Board, it is exempt from future changes to the Land Use Regulations for a period of two years.
- If a development achieves active and substantial development within two years of approval, it's exempt from future changes for an additional three years.
- If a plan achieves substantial completion, then it is exempt from all future changes to any land use regulations forevermore.

HB 413 - relative to subdivision regulations on the completion of improvements and the regulation of building permits.

- **674:39** exemption period for approved subdivision plats and site plans:
 - ▶ Previously, an approved development was exempt from changes to local land use regulations for a period of 2 years
 - ▶ If "active and substantial development" was achieved within 2 years, the project was exempt for an additional 3 years
 - ▶ If "substantial completion" was achieved within 5 years of approval, the project was vested forevermore, except for impact fees
- HB 413 amends **674:39.I - IV**:
 - ▶ Extends time to achieve "active and substantial development" from 2 yrs to 3 yrs
 - ▶ Extends time to achieve "substantial completion" from 5 yrs to 7 yrs
- New **paragraph V**: "The 7-year period and 3-year exemption in this section shall apply to any approval granted on or after July 1, 2023."
 - ▶ With the addition of paragraph V, it is not clear how 674:39 applies to projects that were (a) approved prior to July 1, 2023, and (b) have not yet achieved substantial completion.
- **Effective Date:** July 1, 2025 (signed July 15, 2025)



BEA BUREAU OF ECONOMIC AFFAIRS

He noted that the new law says the seven-year period and three-year exemption period in this section shall apply to any approval granted on or after July 1, 2023. He said the intent was that the two- and five-year exemption periods apply to any application that was approved before July 1, 2023 and which hasn't already achieved substantial completion. He said the new language eliminates the two- and five-year exemption periods from the statute, which, unintentionally, eliminates statutory exemption periods for any project approved before July 1, 2023. He said he has had some discussions with NHMA about this situation and he said they may attempt to rectify this oversight in the next legislative session.

SB 284: He said municipalities are no longer allowed to require developers to provide one parking space per unit. He said, even if the City required one parking space per unit, developers can now (instead of seeking a variance from the Zoning Board) apply to the Planning Board to permit a parking ratio for residential use that might be less than the required number of spaces.

SB 284 - relative to authority for municipalities to regulate mandatory on-site parking requirements

- **674:16.VII** - added in 2024; effective as of 1/1/25
- Prohibited requiring more than 1.5 parking spaces per residential unit for:
 - 1. Workforce housing studio and one bedrooms under 1,000 sf
 - 2. Multi-family developments of 10 units or more
- SB 284; amends **674:16.VII**:
 - ▶ Replaces 2024 language and instead imposes a blanket prohibition on requiring more than one parking space per residential unit, without exception
- **Note:** a developer can still apply to the Planning Board for an "alternative parking solution" to allow parking of less than one (1) space per unit, per **RSA 674:16-a** (added in 2024)
- **Effective Date:** September 13, 2025



BEA BUREAU OF ECONOMIC AFFAIRS

HB 457: He explained that the City can no longer prohibit builders from renting an ADU to persons other than family members or relatives. He said if the City cannot limit the number of unrelated persons from living in an ADU, it may not be able to prevent Rooming House situations from occurring in ADUs.

SB 281: Mr. Corwin said this statute takes away the ability of the City to deny issuance of building permits for applicants with lots with frontage on a Class 6 Road, as long as the applicant waives all liability and can prove the lot and any buildings are insurable.

HB 631: He said this statute requires the City to allow multi-family residential development within commercially zoned land. He said he will review this statute to ensure there are no gaps between what this statute requires and the City's proposed related zoning amendments.

HB 2: He said this statute allows Planning Boards to identify municipally owned properties that may be appropriate for residential development and to submit that proposed list of properties to the City Council for review and then to the State Office of Planning & Development. He said the State Office of Planning & Development would become a sort of one-stop shop for developers who are interested in developing municipally owned properties throughout the state and allows the development of any of those properties into workforce housing to be approved through an expedited review process that currently exists for minor subdivisions.

HB 457 - relative to zoning restrictions on dwelling units

- Amends **RSA 674.16**, adds new paragraph VIII
 - Prohibits adoption or enforcement of ordinances that restrict the number of occupants of any dwelling unit to less than 2 occupants per bedroom
 - Prohibits adoption and enforcement of ordinances based on the familial or non-familial relationships or marital status, occupation, employment status, or the educational status, including, but not limited to scholastic enrollment or academic achievement at any level among the occupants of the dwelling unit, including but not limited to college students
- What It Doesn't Do:**
 - Doesn't mandate local authority to impose a cap on the total number of dwelling units in a building or the total number of occupants in a building (as long as cap allows for at least 2 persons/bedroom)
 - Doesn't mandate land uses or change local authority to regulate congregate living, rooming/lodging houses, sober homes, dormitories or other group living where occupants have a private or semi-private room, but share a kitchen and bathroom facilities
 - Doesn't affect building or fire code occupancy requirements



BEA

SB 281 - prohibiting municipalities from denying building or occupancy permits for property adjacent to class VI roads under certain circumstances

- Currently, per **RSA 674.41, (c)**, municipal governing bodies **MAY** authorize the issuance of a building permit for a lot with frontage on a Class VI road (with review and comment by the Planning Board)
- Amends **RSA 674.41, (c)** to **REQUIRE** issuance of building permits on Class VI roads, provided that the applicant:
 - Signs a liability waiver acknowledging that the:
 - Municipality shall not maintain the highway nor provide any services to any lot accessible by the highway;
 - Municipality shall not accept any responsibility for losses or damages caused by a lack of services; and
 - Responsibility for such services falls solely on the applicant; and
 - Prior to the issuance of a building permit, produces evidence that this waiver has been recorded in the county register of deeds; and
 - Prior to the issuance of a building permit, proves the lot and any buildings thereon are insurable.



BEA

HB 631 - permitting residential building in commercial zoning

- RSA 674.80, I:** requires multi-family residential development as a use to be allowed on commercially zoned land (land zoned for such commercial activities as retail and office space), provided that adequate infrastructure, including roads, water, and sewage systems, shall be available or provided to support the development.
 - Municipality will need to define what constitutes adequate infrastructure
 - Planning board will need to determine whether adequate infrastructure is present
 - May subject multi-family and mixed-use developments to site plan review
- RSA 674.80, II:** Can prohibit residential development in zones where industrial and manufacturing uses are permitted which may result in impacts that are incompatible with residential use, such as air, noise, odor, or transportation impacts.
- RSA 674.80, III:** May require all available ground floor space or a percentage thereof to be dedicated to retail or similar uses.
- RSA 674.80, IV:** Building being converted to multi-family or mixed-use through adaptive reuse are exempt from complying with setback, height, or frontage requirements provided that the building's floor area, height, and setbacks do not change.
- Exemption from dimensional requirements doesn't apply to new construction of multi-family or mixed-used developments - setback, height, frontage, lot coverage, minimum lot size, and units/building caps still apply to new construction



BEA

HB 2 - relative to state fees, funds, revenues, and expenditures (Sections 209 – 214: Partners in Housing)

- New process for municipality to designate and expedite permitting of municipal-owned land for residential purposes
- RSA 41:11-a, IV:** Governing body may send list of municipality owned real property to the PB that is "in their judgement appropriate for development for residential use" (not including tax deeded properties)
 - ↓
 - RSA 674.1, VII:** PB may vote to designate any property recommended to it as appropriate for development as a residential use by the select board, as appropriate for development for residential use and forward a description of the property to OPD pursuant to **RSA 12-O-55, VII**.
 - ↓
 - RSA 674.43, VI:** If the PB has submitted a property description to OPD, the local governing body may vote to authorize that these properties qualify for expedited review and approval pursuant to **RSA 676.4, III** (minor subdivision expedited review process)
 - or
 - RSA 674.43, VIII:** If the local legislative body has authorized minor site plan review (technical review committee), pursuant to **RSA 674.43, III** then all solely residential development projects proposing to construct workforce housing as defined in **RSA 674.58, IV** on municipal or county-owned land, on the list sent to OPD may also qualify for expedited review and approval pursuant to **RSA 676.4, III**.



Rendering of Barrow Street Cottage in Lebanon

BEA

1 ****The MOTION was approved (4-0, with 2 abstaining).***
2
3

4 ***A MOTION was made by Karen Zook to approve the August 25, 2025 Planning Board***
5 ***Meeting minutes as presented. The MOTION was seconded by Andrew Faunce.***
6

7 ***Roll Call Vote:***

8 ***Voting For – Zook, Faunce, Kennelly***

9 ***Voting Against – None***

10 ***Abstaining: Appleton, Achford, Collins***
11

12 ****The MOTION was approved (3-0, with 3 abstaining).***
13

14
15 ***A MOTION was made by Andrew Faunce to approve the September 8, 2025 Planning Board***
16 ***Meeting minutes as presented. The MOTION was seconded by Kellen Appleton.***
17

18 Mr. Achford noted that his name had been misspelled.
19

20 ***A MOTION was made by Andrew Faunce to approve the September 8, 2025 Planning Board***
21 ***Meeting minutes as amended. The MOTION was seconded by Kellen Appleton.***
22

23 ***Roll Call Vote:***

24 ***Voting For – Achford, Zook, Faunce, Kennelly, Appleton***

25 ***Voting Against – None***

26 ***Abstaining: Collins***
27

28 ****The MOTION was approved (5-0, with 1 abstaining).***
29

30 **6. ADJOURNMENT**

31
32 ***A MOTION was made by Kellen Appleton to adjourn the meeting at 9:12pm. The MOTION***
33 ***was seconded by Patrick Kennelly.***
34

35 ****The MOTION was approved (6-0).***
36

37 The meeting adjourned at 9:12pm.
38

39 Respectfully submitted,

40 Paula Roux

41 Recording Secretary
42

DRAFT

**LEBANON PLANNING BOARD
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE
MONDAY, OCTOBER 27, 2025 6:30PM**

MEMBERS PRESENT: Andrew Faunce (Chair), Kellen Appleton, Patrick Kennelly, Wes Achord, Don Collins, Kathie Romano (alt) (REMOTE)

MEMBERS ABSENT: Richard Ford Burley (Vice Chair), Karen Zook (City Council Rep), Steven Cole (alt)

STAFF PRESENT: Tim Corwin (Deputy Planning Director)

1. CALL TO ORDER

Chair Faunce called the meeting to order at 6:30pm. Mr. Corwin reviewed the City's meeting in-person and REMOTE attendance policies and procedures. Ms. Romano said she is out of town. She said no one was in the room with her during the meeting.

2. CONCEPTUAL REVIEW

A. Stewart Shops Corp, 97 N. Main Street (Tax Map 72, Lot 30) & EB Realty II LLC, 99 N. Main Street (Tax Map 72, Lot 31), zoned CB: Conceptual review of a proposed redevelopment of the properties for a convenience store and vehicular refueling station use. PB2025-46-CON

Mr. Chuck Marshall (Director of Real Estate for Stewart Shops) was present on behalf of the applicant. Mr. Marshall gave an overview of the concept for the project, which he said would redevelop an existing retail site into a convenience store and gas station. He explained how trucks would enter and exit the site and how the current parking configuration would be redesigned. The group discussed how the required 15-foot landscape buffer might impact whether parking spaces could be located in the front of the building. Mr. Marshall said there is no formal landscape design yet, and the group discussed what trees might have to be removed and where new trees might be planted. Mr. Corwin said the project team could request waivers from the perimeter landscaping and "no parking in the front yard" requirements when the site plan is developed.

The group discussed the issues that exist with cars entering and exiting the site as it currently is configured, and ways that a new parking lot configuration could ease those issues. Mr. Marshall said EV charging costs would be charged to the tenants who occupy the space. The group discussed the City's plan to install a rotary at the intersection adjacent to the project site and what impact that might have on traffic in and out of the site. The suggestion was made to add a bike rack to the project plan.

B. Robert J. Oakes, Laplante Road (Tax Map 138, Lot 27), zoned R-3, RL-1, and RL-2: Conceptual review of a proposed 13-unit planned unit residential development (PURD). PB2025-48-CON

Mr. John Noonan was present on behalf of the applicant. He gave an overview of the conceptual plans for a 13-unit residential development off Laplante Road. He said the units would be condominiums and an HOA (homeowners' association) would be in place for residents. He said they discussed with the Planning Department whether they would consider the project a subdivision because each condo unit would be similar to a lot. He said the shared septic system would be privately owned but they would grant an easement to the City and use municipal water for the development. He described the topography of the site and said they would require an AOT (Alternation of Terrain) permit.

Mr. Noonan said the lower portion of the site includes wetland areas. The group discussed whether some of the units could be combined into duplexes, and the impact duplexes could have on the septic system usage. The group discussed how people who want to live in Lebanon are interested in having properties they can own as opposed to rent or lease.

Ms. Sarah Riley (Chair of the Lebanon Conservation Commission) discussed the 100-foot wetland buffer on the site and the potential impact the project might have on the high-impact wetlands on the site. She said the buffer is not supposed to be part of the buildable area, and Mr. Corwin said encroachment into the wetland buffer is permissible by special exception from the Zoning Board. He said site plan review would be required if one of the homes is located within the buffer. He said, if the project is considered a subdivision and each unit was similar to a lot, the plans might only be subject to subdivision review and not full site plan review, so the special exception might not be required. Ms. Riley said it would be ideal if the plan could be configured where no building occurred within the 100-foot buffer. She said driveways and roadways could be shortened to reduce the impact on the wetlands.

The group discussed whether it could participate in a site walk to view the project area. Mr. Collins suggested the applicant contact abutters proactively and tell them about the project before they submit their application and before abutters receive the required notice about the project from the City.

Chair Faunce said some of the Study Items on the meeting agenda will not be discussed at this meeting. He said the Board will discuss Study Item C related to Agriculture and Agritourism tonight. Mr. Corwin said the Master Plan discussion (Agenda Item 3B) would be discussed at the Board's November 10, 2025 meeting and the discussion about the CIP Policies and Procedures for 2027-2032 (Agenda Item 3A) would occur at the January 26, 2026 meeting.

Chair Faunce noted that Vice Chair Ford Burley has a training commitment (not related to the Planning Board) which has caused him to miss the last few meetings, and which will continue for another few meetings. He asked the other members to consider stepping in to lead the Planning Board meetings if he was unable to attend and if Dr. Ford Burley was not present.

The group discussed Planning Board Committee Assignments next, which is Item 4A on the meeting agenda and which is out of the order of the published meeting agenda.

4. COMMITTEE REPORTS

A. Planning Board Committee Assignments

Ms. Appleton said they would be interested in participating on the Development Regulations Subcommittee. Mr. Achord said he would be interested in serving on the Heritage Commission. He also said he would be willing to stand in for Vice Chair Ford Burley if needed. He said he might be able to join the Upper Valley Lake Sunapee Regional Planning Commission. Mr. Collins said he would be interested in serving on the Conservation Commission and he would consider joining the Mascoma River Local Advisory Committee.

3. STUDY ITEMS

C. Review of Agriculture/Agritourism Related Statutes and Regulations and Discussion of Potential Amendments to the Site Plan Review Regulations

Mr. Corwin gave an overview of the regulatory issues related to agriculture and agritourism. He said, often, there is not much attention given to regulatory situations that arise on agricultural sites (for example, farms that include retail produce stands or that rent out their facilities as event venues). He said the Planning Department has prepared zoning amendments to ensure that the City's definition of agriculture (in the zoning ordinance) matches the state's definition. He said currently, no agritourism activities require site plan review. He asked the Planning Board to consider the following questions, which he had provided in a memo to the Board members at the start of the meeting:

QUESTIONS FOR THE PLANNING BOARD

1. Should primary agricultural buildings and structures (e.g. a barn for animals, a storage building for farm equipment, a building for the processing of products grown on-site) continue to be excluded from the definition of "land development" (and therefore continue to be exempt from Site Plan Review)? Or is the existing exemption too broad and consideration should be given to limiting the exemption (e.g. only buildings of a certain size are exempt)?

2. Should accessory agricultural buildings and structures – including those used for agritourism – also continue to be exempt from Site Plan Review? If so, should site improvements for accessory agricultural uses also be excluded?

3. Should site improvements continue to be excluded? Or should the definition of "land development" be amended to clarify that site improvements undertaken in connection with an agricultural use (which includes accessory agriculture uses, which in turn includes agritourism uses) are also exempt?

The group discussed how much limit might or should be put on agritourism activities and accessory uses. They discussed how these activities (for example, apple picking) might impact abutters when newly implemented in a neighborhood community. They discussed which metrics might trigger site plan review, and the challenges that the City might have in enforcement of that kind of review. The group discussed how difficult farming is to make a living and how the City should try to encourage farmers to find ways to supplement their income, potentially through accessory uses.

1 Mr. Corwin asked that the members of the Development Regulations Subcommittee discuss
2 these issues and submit any comments or input from those discussions related to revisions to the
3 site plan review regulations to him.

4
5 **5. OTHER BUSINESS - None**

6
7 **6. APPROVAL MINUTES – September 22, 2025**

8 Amendments: Page 4, Line 15: Change “hosing” to “housing”
9

10 *A MOTION was made by Andrew Faunce to approve the September 22, 2025 Planning Board*
11 *Meeting minutes as amended. The MOTION was seconded by Kellen Appleton.*

12
13 **The MOTION was approved (5-0).*

14
15 **7. ADJOURNMENT**

16
17 *A MOTION was made by Andrew Faunce to adjourn the meeting at 9:05pm. The MOTION*
18 *was seconded by Kellen Appleton.*

19
20 **The MOTION was approved (5-0).*

21
22 The meeting adjourned at 9:05pm.

23
24 Respectfully submitted,
25 Paula Roux
26 Recording Secretary
27