

FINAL

**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 Achford (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. Achford 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.

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 affect municipality 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: 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.

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: 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 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: 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 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

A. Discussion re: CIP Policies and Procedures for 2027-2032 CIP

C. Planning Board Committee Assignments

Chair Faunce said Ms. Boschert also is not a member of the EV Task Force. Mr. Stacy said his proposal was not much different from the one proposed by the EV Subcommittee. Ms. Boschert said Mr. Stacy's proposal is very different from the one proposed by the EV Subcommittee. Chair Faunce confirmed that Mr. Stacy will not be added to the members' list. Mr. Stacy resigned from the Planning Board and left the meeting.

Abstaining: Achford, Collins

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

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

Roll Call Vote:

Voting For – Zook, Faunce, Kennelly

Voting Against – None

Abstaining: Appleton, Achford, Collins

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

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

Mr. Achford noted that his name had been misspelled.

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

Roll Call Vote:

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

Voting Against – None

Abstaining: Collins

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

6. ADJOURNMENT

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

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

The meeting adjourned at 9:12pm.

Respectfully submitted,

Paula Roux

Recording Secretary