

FINAL

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

MEMBERS PRESENT: Andrew Faunce (Chair), Kellen Appleton, Don Collins, Patrick Kennelly, Wes Achord, Kathie Romano (alt) (REMOTE), Karen Zook (City Council Rep), Steven Cole (alt)

MEMBERS ABSENT: Richard Ford Burley (Vice Chair)

STAFF PRESENT: Tim Corwin (Deputy Planning Director)

OTHERS PRESENT: Matthew Decker, Esq. (Legal Counsel for the City)

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 participating remotely because she is out of town. She said no one was in the room with him during the meeting. Chair Faunce said Ms. Romano and Mr. Cole will be full voting board members for this meeting.

2. NOTICE OF REGIONAL IMPACT

The following applications were received by the Planning and Development Department on or before November 10, 2025:

- **Walhowdon Farm, Inc., 26 Walhowdon Way (Tax Map 138, Lot 5), zoned RL-2, and Mark & Jadene Patch, 0 Churchill Way (Tax Map 138, Lot 9), zoned RL-2 & RL-3: Request for approval of a Boundary Line Adjustment. PB2025-51-BLA**
- **Cicotte Holdings, LLC, 51 Evans Drive (Tax Map 78, Lot 40, Plot 200), zoned R-O-1: Pursuant to Section 9.1 of the Site Plan Review Regulations, applicant requests design modifications to a previously approved Site Plan (PB2024-48-SPRCUP) to expand the outdoor vehicular storage area for the existing vehicular sales use. PB2025-52-SPA**
- **Occom Path, Inc. and Trustees of Dartmouth College, 11 Oak Ridge Road (Tax Map 4, Lot 6), zoned R-3: On May 17, 2021, applicant obtained a Conditional Use Permit per Sections 501.1 & 501.2 of the Zoning Ordinance, Final Major Subdivision approval, and Site Plan Review approval of a proposed Planned Unit Residential Development (PURD) (PB2020-31-FMAJ). Applicant now requests Final Major Subdivision approval to convert ownership of the parcel into a twenty-one (21) unit condominium. PB2025-53-FMAJ**

Mr. Corwin said Staff recommends the applications do not have the potential for regional impact.

A MOTION was made by Andrew Faunce that the applications of Walhowdon Farm, Inc., 26 Walhowdon Way (Tax Map 138, Lot 5) Mark & Jadene Patch, 0 Churchill Way (Tax Map 138, Lot 9) PB2025-51-BLA; Cicotte Holdings, LLC, 51 Evans Drive (Tax Map 78, Lot 40, Plot 200), PB2025-52-SPA; and Occom Path, Inc. and Trustees of Dartmouth College, 11 Oak Ridge Road (Tax Map 4, Lot 6) PB2025-53-FMAJ do 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. 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

Mr. Corwin explained the City's subdivision regulations. He said a provision under Section 6.3 of the Subdivision regulations allows certain condominium conversions to be exempt from subdivision regulations under certain circumstances.

[At 6:38pm, Ms. Zook arrived.]

He said the applicant is proposing to subdivide the project into four land condominium units (in order to facilitate the financing of the development):

- Back half of the property, currently not being developed (Land Unit 4)
- 5 multifamily dwelling buildings
- 51-unit townhome development
- Maintenance building at the front of the lot

He said it is Staff's understanding that the applicant will come back to the City in the future to request that the 51-unit townhome development be made into a condominium so all units could be sold to homeowners, but that is not part of the decision before the Board tonight.

Mr. Corwin said the proposal to divide the development into four condominium land units presents some conflicts between the City's subdivision regulations and state law. He said the Planning Department has recently presented some questions to its legal counsel and is awaiting a full response from counsel. He said a draft response from legal counsel did indicate that the proposal requires subdivision review and does not fall under the exception of Section 6.3. He said the applicant's legal counsel also provided input. He said it is up to the Planning Board to decide if the application should be required to undergo subdivision review.

A MOTION was made by Andrew Faunce that the application of Brickyard One Nominee Trust, Hanover Street (Tax Map 48, Lot 1) PB2025-45-FMAJ is complete enough for the Planning Board to accept jurisdiction and commence review. The MOTION was seconded by Kellen Appleton.

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

Mr. Gil Aleixo, Mr. Rich Whitehouse (VHB), and Attorney Barry Schuster were present on behalf of the applicant.

Mr. Schuster said the project proposes to divide the land into four land units like the development at Quail Hollow. He said each land unit would become a condominium unit. He said the project would not be subject to the subdivision regulation if the plans have not undergone a material change in the use of the land. He said, when that is the case, subdivision approval is only required if the Planning Director determines that the underlying existing use of the property will be materially altered by the conversion. He said there are no changes to the property or the use – just a change in ownership. He cited other condominium properties in NH with no changes to the property or use that have not been subject to subdivision review.

Attorney Pat Panciocco said she was present on behalf of the applicant. She said the matter requires the Board to consider a division of the land as opposed to a division of ownership. She read the language of Condominium Act, 356B:5. She reiterated that there is no material change in the use of the land – just a change in ownership – so the project should not be subject to review by the Planning Board.

Chair Faunce said the 40-foot right-of-way easement that runs to a parking lot depicted on the most current plans was not on the approved plans that the Board reviewed previously. He said that road and parking lot might present a change to the experience of living and parking at the development. Mr. Whitehouse said the easement on the plans follows the existing driveway and it there to allow access to undeveloped Land Unit 4.

Mr. Achord asked what the financing need was that drove the change. Mr. Schuster said the real driving force behind the change was to have the units be owner-occupied. Mr. Alexio said there are no current plans to sell Land Unit Four. Mr. Collins asked if Land Unit Four could be sold to another developer. Mr. Schuster said anything built on that land would have to be approved by the Planning Board.

Attorney Decker said the change to the property in the current proposal is the 40-foot-wide access easement and the fact that Land Unit 4 is in the RL3 zone. He said he reviewed the draft declaration with respect to real property. It says that 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. He said the easement was something that the Planning Board might regard as a proposed physical change to the property because the Land Unit 4 development is undefined and they don't know how much traffic might be going through that parking lot between the five multifamily apartment buildings that are yet to be built. He also noted that, when the Planning Board did its site plan review of this development, whatever is in Land Unit 4 was excluded from the review. He said there is no designated open space in that area. He said he believes there are enough issues with this new proposal that the Board would be well served to take some time to consider the meaning of Section 6.3.

Ms. Romano asked if there would be a “master” HOA that oversees all the land units and who would be responsible for the pond and access to the trail. She asked if the cost to rehabilitate the kilns on the property would fall to all the owners. Mr. Schuster said the maintenance of the property, kilns, and pond would be the responsibility of the master HOA. Mr. Schuster said any future ROWs would have to be put into the plans.

Mr. Collins asked if one person could buy all the units and rent them out. Mr. Schuster said that had not been considered. Chair Faunce said it would not be in the spirit of the use and language could be included in the Condominium Declaration. The group discussed the Treetop Condominium development and how it may be similar to what is being proposed.

Chair Faunce opened the public comment portion of the meeting.

David Kroner (Hanover Street) said he had expressed concerns about drainage and flooding related to the pond to the development team and he thanked them for addressing his concerns. He asked if all the units will have access to the pond. Mr. Alexio said access to the pond will be restricted by the owner of the development.

Chair Faunce closed the public comment portion of the meeting.

Attorney Decker noted that the City needs to consider land and existing buildings under single ownership proposed to be converted into condominium form of ownership and no physical changes to the property are proposed before the Planning Director can make a determination about whether the use of the property is going to be materially altered. He said, in his view, the 40-foot-wide easement, combined with Land Unit 4 being set off by itself, and the terms of the draft declaration stating that each unit of land unit is treated as its own parcel of real property for all development and ownership purposes, are a reasonable interpretation that physical changes to the property are proposed and anticipated.

The group discussed the idea that the intention for Land Unit 4 was always to be developed so an access road was going to be needed in the future. They discussed how the Planning Board would have to review and approve plans (including an access road) to Land Unit 4 should a development be proposed.

Chair Faunce noted that the prevailing sentiment of the Board is that this request – to be able to divide this project into condominium uses – appears to have the full interest and approval in spirit of this board. Chair Faunce said the Planning Director will review the plans and either approve the recommendation from the Planning Board or decide the plans do require subdivision approval. The group decided to allow some time for the Planning Director to review the plans and make his decision. The Board said they would like to know the reasons behind whatever decision is made by the Planning Director once he has reviewed the request.

A MOTION was made by Andrew Faunce to continue the public hearing until the November 24 Planning Board meeting. The MOTION was seconded by Karen Zook.

Mr. Corwin said, if the Planning Director feels the request meets the requirements for exemption, Staff would recommend that the determination was made (based on materials from the applicant and their legal counsel, in addition to the opinion of the City's legal counsel) that the application satisfies the criteria for Section 6.3 and is exempt from subdivision review. He said the applicant would be notified and he said he would recommend to the applicant at that point that they withdraw the application.

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

At 8:10pm, Chair Faunce called for a recess.

At 8:15pm, the meeting resumed.

4. STUDY ITEMS

A. Discussion re: Master Plan Update and Implementation Process

Mr. Corwin said the Planning Department would like to give the Board background on what the Master Plan is, a history of its adoption, implementation, and update process. He said maintenance of the Master Plan is the key, non-regulatory function of the Board. He said the discussion is going to be continued at the December 8, 2025 Planning Board meeting.

The group discussed the format and size of the Master Plan and whether a City department should be in charge of it, as opposed to the Board. The group discussed how the Master Plan and Strategic Plan often get confused. They discussed how the Vision Chapter and the Land Use Chapter are the only two required chapters. The group discussed how residents seem to regard the Master Plan.

Mr. Corwin said he would share links to the Town of Hanover's and the Town of Keene's master plan rewrites. He said he could ask someone from their planning departments to join a future meeting to discuss the process they undertook to update their master plans.

The group discussed the timeframe they had to make changes to the Master Plan.

5. OTHER BUSINESS

A. Review and Adoption of 2026 Planning Board Calendar

The group agreed to adopt the 2026 Planning Board calendar as presented.

6. APPROVAL MINUTES – October 13, 2025 and October 27, 2025

October 27, 2025 Amendment: Page 2, Line 24-25: Strike sentence about EV chargers

A MOTION was made by Andrew Faunce to approve the October 13, 2025 and October 27, 2025 Planning Board Meeting minutes as amended. The MOTION was seconded by Don Collins.

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

7. ADJOURNMENT

A MOTION was made by Kellen Appleton to adjourn the meeting at 8:54pm. The MOTION was seconded by Don Collins.

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

The meeting adjourned at 8:54pm.

Respectfully submitted,
Paula Roux
Recording Secretary