FINAL

LEBANON PLANNING BOARD
Regular Meeting
Monday, April 12, 2021, 6:30 PM
Remote Via Microsoft Teams
LebanonNH.gov/Live

ROLL CALL OF MEMBERS PRESENT:	Bruce Garland (Chair), Matthew Hall (Vice-Chair), Karen Zook (Council Representative), Kim Chewning, Joan Monroe, Kathie Romano, and Laurel Stavis
MEMBERS ABSENT:	Jeremy Rutter, Gregorio Amaro
STAFF PRESENT:	David Brooks (Planning Director), Tim Corwin (Senior Planner), Brian Vincent (City Engineer)

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1. Call to Order Chair Garland called the meeting to order at 6:31 PM.

A. Review of meeting procedures and NH RSA 91-A "Right-to-Know" requirements.

Mr. Corwin shared the State directive and participation details for the online meeting in Microsoft Teams. All members identified themselves.

Chair Garland conducted a roll call of members present as reported above. An overview of the meeting agenda was outlined.

2. Notice of Regional Impact

The following applications were received by the Planning & Development Department on or before April 12, 2021:

Molloy Development, LLC, 89 & 0 Main Street (Tax Map 72, Lots 20 & 21), zoned CB: Request for Site Plan Review to convert the second floors of the two existing buildings from office to multi-family residential. A total of twelve (12) dwelling units are proposed. **PB2021-10-SPR**

Virginia Wong, 43 Mechanic Street (Tax Map 106, Lot 34), zoned LD: Request for Site Plan Review to convert an existing three (3) unit multi-family dwelling to a six (6) unit multi-family dwelling. **PB2021-11-SPR**

Quail I, LP, 69 Lily Lane (Tax Map 82, Lot 2, Plot 200), zoned R-3: Applicant requests an extension of time per Section 4.10.B of the Site Plan Review Regulations to obtain a building permit pursuant to an approved Site Plan for a 32-unit, 50,000 square foot building for senior housing, together with associated site improvements, to be operated as part of the existing Quail Hollow Senior Living Community (PB2019-13-SPR), originally approved by the Planning Board on September 9, 2019. **PB2021-12-EXT**

Mason Storage, LLC, 38 Spencer Street (Tax Map 78, Lot 39), zoned LD: Request for Site Plan Review to construct a 15,000 sq. ft. addition to an existing warehouse building. **PB2021-13-SPR**

The Planning Office recommends that none of applications above have the potential for regional impact.

A MOTION by Laurel Stavis that the applications above have no potential for regional impact.
Seconded by Kathie Romano

Roll Call Vote:
Voting in Favor – Ms. Chewning, Ms. Stavis, Mr. Garland, Ms. Monroe, Ms. Zook, Ms. Romano, Mr. Hall
Voting Against – None
****The MOTION was approved (7-0)***

3. Public Hearing Items

A. **XYZ Dairy, LLC, 55 Crafts Avenue & 0 Beyerle Street (Tax Map 58, Lots 20 & 18), zoned R-3:** Request for a Boundary Line Adjustment. **PB2021-08-BLA**

Mr. Corwin stated that Planning Department Staff reviewed the application and recommend that it is complete enough for the Planning Board to accept jurisdiction and commence review.

A MOTION by Joan Monroe *that the Lebanon Planning Board finds the application of* ***XYZ Dairy, LLC****, for a proposed Boundary Line Adjustment between 55 Crafts Avenue & 0 Beyerle Street (Tax Map 58, Lots 20 & 18),* ***PB2021-08-BLA****,* ***IS*** *complete enough to accept jurisdiction and commence review.*
Seconded by Matthew Hall

Roll Call Vote:
Voting in Favor – Mr. Hall, Mr. Garland, Ms. Monroe, Ms. Zook, Ms. Romano, Ms. Chewning, Ms. Stavis
Voting Against - None
****The MOTION was approved (7-0).***

Chet Clem of Lyme Properties attended representing XYZ Dairy LLC. Mr. Clem noted on Page 3 of the packet, which states, "…at the request of the applicant," the comment was related to all of the paper streets. In the March 8, 2021 minutes on Page 9, he suggested a correction that should read, "…a segment of Beyerle Street," not Crafts Ave. Mr. Clem referred to Page 5 in the packet and inquired about the minimum width requirement that was flagged as an uncertainty.

Mr. Corwin explained that this is a straightforward application with one condition of approval that is standard for that type of application. Regarding the zoning comments on Page 3, to the extent that the lot may be non-conforming to the minimum width requirement, it will remain so. It may or may not meet the width requirement, but whatever the status is, if it is nonconforming, the boundary line adjustment would not exacerbate that nonconformity. The width requirement is similar to the frontage requirement

Mr. Clem stated that the core of the issue for XYZ Dairy is to understand how the minimum width relates to the frontage requirement and affects the properties. Mr. Corwin stated that the minimum width requirement takes the place of a frontage requirement. If the applicant is asking for further clarification, the Board would have to continue the application, but it can be approved without it.

Ms. Stavis inquired about the concept of "paper streets." Mr. Brooks explained that when subdivision plats are approved by the Planning Board, there is an assumption that the streets being created are dedicated to public use. When plats are recorded, but the streets are never actually built, they are considered to be "paper streets." State law has changed regarding paper streets over the years. In some cases, when plats are recorded but the streets are never created or accepted, the dedications expire after 20 years. At other times, the dedications live on forever unless explicitly rejected by the City Council. The City Attorney has not completed the title research for all of the paper streets in this area, but did complete the one for Beyerle Street. Mr. Brooks expects all the title work to be completed in the next few weeks, when it will be shared.

Ms. Romano asked for clarification as to what the access would be to the proposed lots if the streets are not there. Mr. Brooks explained that Crafts Avenue is a built road, and one property fronts on that road. The other fronts on Beyerle Street, and the City has no right or title to that street. The applicant is changing the boundary line so that it would absorb the former right of way to the center line for both 58-18 and 58-20. Lot 58-18 is nonconforming and may not have physical access to any street.

Mr. Corwin stated that the issue of street access doesn't impact the boundary line adjustment change, which is a routine matter. The Planning Board just needs to know that there are nonconforming factors. The lots would remain two parcels meeting at the center line of the paper street, and the line between the two lots is shifting with no impact on access.

Mr. Brooks agreed that they would become contiguous parcels.

Mr. Clem noted that there is rear access from another street as the driveway for 58-18.

Chair Garland invited public comment. Hearing none, the Public Hearing was closed.

Matthew Hall moved *that the Lebanon Planning Board* ***APPROVE*** *the application of* ***XYZ Dairy, LLC*** *for a Boundary Line Adjustment of lands located at 55 Crafts Avenue & 0 Beyerle Street (Tax Map 58, Lots 20 & 18), zoned R-3,* ***PB2021-08-BLA****, as shown on a plat titled "Boundary Line Adjustment Plan Prepared for XYZ Dairy, LLC," prepared by Paton Land Surveying, LLC, dated March 18, 2021, Proj. No. 2017-273-21, including any and all supplemental submissions and testimony provided during the public hearing, with the following condition:*

1. *Prior to the signing and recording of the plat, the applicants shall provide one (1) full-size copy of the plat and a digital record drawing (Cad.dwg Format using NH State Plane Coordinate system).*

Seconded by Laurel Stavis.

Roll Call Vote:
Voting in Favor – Ms. Zook, Ms. Romano, Ms. Chewning, Ms. Stavis, Mr. Hall, Mr. Garland, Ms. Monroe
Voting Against – None
****The Motion was approved (7-0).***

Matthew Hall moved that the Lebanon Planning Board authorizes the Chair to sign the plat for XYZ Dairy, LLC, PB2021-08-BLA, as shown on a plat titled "Boundary Line Adjustment Plan Prepared for XYZ Dairy, LLC," prepared by Paton Land Surveying, LLC, dated March 18, 2021, Proj. No. 2017-273-21.

Seconded by Joan Monroe.

Roll Call Vote:
Voting in Favor – Ms. Stavis, Ms. Hall, Mr. Garland Ms. Monroe, Ms. Romano, Ms. Chewning, Ms. Zook
Voting Against - None
****The MOTION was approved (7-0).***

B. **City of Lebanon, 0 Airpark Road (Tax Map 159, Lot 4), zoned IND-L:** Applicant requests a review per RSA 674:40, III, of a layout plan to extend Airpark Road. The proposed street extension is intended to serve the City's Airport Tax Increment Financing (TIF) District. **PB2021-07-DED**

Mr. Corwin stated that Planning Department Staff has reviewed the application and recommends that it is complete enough for the Planning Board to accept jurisdiction and commence review.

Kathie Romano moved that the Lebanon Planning Board finds the application of the City of Lebanon for a review per RSA 674:40, III, of a layout plan to extend Airpark Road, PB2021-07-DED, IS complete enough to accept jurisdiction and commence review.
Seconded by Joan Monroe

Roll Call Vote:
Voting in Favor – Mr. Garland, Ms. Monroe, Ms. Romano, Ms. Chewning, Ms. Stavis, Ms. Zook, Mr. Hall
Voting Against – None
****The MOTION was approved (7-0)***

Mr. Brooks spoke to the application representing the City and explained that this parcel owned by the City is part of a tax increment finance (TIF) district. Prior to a road being constructed, it must be laid out and reviewed by the Planning Board before the City Council can act upon it. A sketch was displayed showing the proposed extension of Airpark Road that would end at a cul-de-sac. It overlaps a portion of the Hall School Road, a Class VI road, which it would overlay but not impact; the new road would be a Class V road on top of a Class VI road. The layout width is variable to allow access to the adjacent parcel, and the road would not go beyond the cul-de-sac.

Ms. Romano inquired about the nature of the trail at the end of the cul-de-sac and whether there is a satellite view to show how the proposed road relates to the airport property. Mr. Brooks said that there is a gravel road along the airport property and other trails that stay outside the fenced-in airport property. The property for development is higher than the runway, which may limit what can be built on the property.

Ms. Monroe inquired about the status of the Class VI road. Mr. Brooks stated that there would be no change to the Class VI road. Hall School Road on the west side of the property will remain untouched and will remain a Class VI. They would be laying a new Class V road on top of a Class VI right-of-way so there will be frontage for the adjacent property. This was at the City Attorney's recommendation. Mr. Brooks stated that notes referring to upgrading the Class VI road will be removed from the plan. Ms. Monroe noted that people could still walk on the Class VI road, first on the new paved portion and then on the old unpaved portion, which is conservation land. Mr. Brooks noted that there are 7.5 acres under conservation as a result of other wetland impacts around the airport. The development footprints are hypothetical, but what gets built will be based on the applicant's needs. This application is only looking at the proposed road layout. The parcels would be leased lots for additional airport revenue.

Chair Garland invited public comment.

David Clem, Ward 1, inquired about a conservation easement. Mr. Brooks confirmed that the Conservation Commission weighed in on the wetlands application .
Mr. Clem inquired about the necessity of a site plan review. Mr. Brooks stated that the road layout doesn't trigger site plan review until a future building is proposed. Water and sewer capacity have already been confirmed, and the FAA has released this land from airport obligation. The location of utility poles is already known, and compliance with FAA height requirements would have to be confirmed when buildings are proposed. Mr. Clem suggested checking on recent changes to FAA requirements.

Ms. Stavis inquired about the benefit of the TIF for the City and West Lebanon. In addition, what process is in place by which citizens would be able to see what is proposed in the TIF district.

Mr. Brooks explained that the TIF is related to a master plan objective to make the airport more self-sustainable. The FAA has released the property for airport obligation so it doesn't have to be for direct airport use. The City is free to seek Light Industrial development, and properties would be available for high-tech and bio-tech development. The TIF will help with funds to pay off the debt service for building the road and providing access. Lease revenues will also offset airport deficits. The TIF is being built in two phases with a minimal upfront investment. The City could choose to build the balance of the road to the cul-de-sac providing sites for further development. The sites would be leased by the City to prospective tenants, who would go through site plan review and subdivision review, which are fully noticed, public processes. Starting this in a timely manner would allow the City to increase tax revenue to pay off debt service and generate lease revenues.

Mr. Hall noted that the project has been approved by the City Council.

Ms. Chewning inquired about pursuing the road before having identified users. Mr. Brooks explained that there are very few shovel-ready sites available in the Upper Valley, because infrastructure hasn't been built on many approved developments. It adds cost and time, so it is more desirable if sites are ready to allow a company to go forward quickly. The City is making the investment to get pad sites available for current or new business to locate here.

Ms. Romano asked for clarification on the leases and if the tenant can sell the building. Mr. Brooks stated that they are leasing the land and would build and own the building that can be taxed. If the company later moves, the City would lease the land to a new party, and that party would buy the current building and pay taxes.

Ms. Stavis inquired if the citizens have any say in the type of businesses the City accepts as tenants. Mr. Brooks stated that it is a question for the City Council. The property is zoned for Light Industrial use, so it would be up to the City Council, City Manager, and the Airport Manager.

Ms. Monroe noted that development is determined by the zone along with other protections. The City has made some requirements.

Chair Garland invited additional public comment. Hearing none, the Public Hearing was closed.

Matthew Hall moved that the Lebanon Planning Board **APPROVE** the application of the City of Lebanon, **PB2021-07-DED**, for the creation as a public street the +/-96,575 sq. ft. area identified as

"Proposed Airpark Road Extension" on a plan titled "Road Layout Plan of Land of City of Lebanon, Airpark Road Extension", prepared by Paton Land Surveying, LLC, dated March 20, 2021, Proj. No. 2019-281-17A, as contemplated by the City Council.
The motion was seconded by Laurel Stavis.

Roll Call Vote:
Voting in Favor – Mr. Hall, Mr. Garland, Ms. Monroe, Ms. Zook, Ms. Romano, Ms. Chewning, Ms. Stavis
Voting Against – None
****The motion was approved (7-0).***

Matthew Hall moved that the Lebanon Planning Board authorizes the Chair to sign the plat for the **City of Lebanon**, **PB2021-07-DED,** as shown on a plat titled "Road Layout Plan of Land of City of Lebanon, Airpark Road Extension", prepared by Paton Land Surveying, LLC, dated March 20, 2021, Proj. No. 2019-281-17A.
The motion was seconded by Joan Monroe.

Roll Call Vote:
Voting in Favor – Ms. Romano, Ms. Chewning, Ms. Stavis, Mr. Hall, Mr. Garland, Ms. Monroe, Ms. Zook
Voting Against - None
****The Motion was approved (7-0).***

4. Approval of Minutes

A. March 8, 2021

Mr. Brooks stated that the City received an appeal from Brady Sullivan, Prospect Hills, which was made to the Housing Appeals Board. Brady Sullivan appealed the March 8, 2021 decision to not grant an extension of time. Planning Staff created a more detailed set of minutes for that agenda item based on the recorded meeting.

Mr. Corwin explained that Staff provided suggested edits to the draft minutes following a review of the audio to include more detail than typically in minutes. The amended version was shared with the Board. The only edits are specifically for the Brady Sullivan, Prospect Hills application.

Mr. Hall stated that he reviewed the video recording and the edits reflect a comprehensive view of what transpired and are very accurate.

Ms. Romano suggested the more detailed version would make it clearer for someone not at the meeting.

Ms. Monroe offered two additional corrections. Ms. Chewning's comment regarding lack of work in Lebanon would require further review.

Matthew Hall moved to approve the Planning Board minutes of March 8, 2021, as amended following audio confirmation.
The motion was seconded by Joan Monroe.

Roll Call Vote:

Voting in Favor – Ms. Chewning, Ms. Stavis, Mr. Hall, Mr. Garland, Ms. Monroe, Ms. Zook, Ms. Romano
Voting Against – None
****The MOTION was approved (7-0)***

5. Other Business

A. **Basic Holdings, LLC, 5 & 11 Oak Ridge Road, (Tax Map 4, Lots 5 & 6), zoned R-3**: Request to reconsider denial of density bonus per Section 507.2 of the Zoning Ordinance for a proposed 22-unit Planned Unit Residential Development (PURD). PB2020-31-FMAJ

Mr. Brooks explained that following the decision to deny the density bonus with a vote of 5-3, Atty. Stearns submitted a request for the Board to reconsider the vote.

Mr. Corwin stated that this is not a public hearing. The Board is being asked to reconsider the denial of the density bonus. The Board is not being asked to reverse its decision or to make a new decision to allow something else. The Board can vote to suspend its decision and revisit the decision if it would like to do so at the May 17, 2021 special meeting, when the hearing will resume. A letter was submitted for the request. If a majority of the Board agrees, the original vote would be suspended and the Board would have to vote again on the density bonus request. The Board could still vote to deny the density bonus at the May meeting. If the Board is open to considering the letter submitted for tonight's meeting, then the vote would be in favor of suspending the Board's original decision.

Chair Garland noted that the rounding of calculations up or down needs to be addressed in the zoning ordinance.

Mr. Hall asserted that the Board should revisit the decision, because there are important implications for the Board and City. He felt Atty. Stearns' letter was persuasive, and the issues for those who oppose the project are not in regard to the number of units. The development is a PURD in which the point is density. At the least, the Board should allow Mr. Shapiro to present the plan he wants, and the Board will approve or not. There were five meetings regarding the original preliminary application, and the Board was concerned with density but did not comment on the number of units. The Board members should have stated their problem with the number of units. The Board should suspend and revisit the density bonus decision.

Several Board members expressed agreement with Mr. Hall and would be in favor of revisiting the density bonus decision.

Ms. Chewning stated that she reviewed the minutes and video from the previous meetings in 2019, and density was definitely an issue. She would be willing to reconsider the decision.

Ms. Romano noted that there was considerable push back from the community, but it was not clear in the initial meetings if there was a density bonus.

A MOTION by Laurel Stavis to suspend and reconsider the March 29, 2021 decision to deny the density bonus for Basic Holdings, LLC, 5 & 11 Oak Ridge Road at the May 17, 2021 Planning Board Special Meeting.
The motion was seconded by Matthew Hall.

Roll Call Vote:
Voting in Favor – Ms. Stavis, Mr. Hall, Mr. Garland, Ms. Romano, Ms. Zook, Ms. Chewning
Voting Against – Ms. Monroe
****The MOTION was approved (6-1).***

6. Other Business

Mr. Brooks reminded the Board members of the next City Council meeting, April 21, 2021, when there will be a Resolution read at the beginning of the meeting in honor of Gregory Schwarz. All Planning Board members are encouraged to attend and share their thoughts.

7. Adjournment

A MOTION by Matthew Hall to adjourn the meeting.
Seconded by Kathie Romano

Roll Call Vote:
Voting in Favor – Ms. Stavis, Mr. Garland, Ms. Monroe, Ms. Romano, Ms. Chewning, Ms. Zook, Mr. Hall
Voting Against - None
****The MOTION was approved (7-0).***

The meeting was adjourned at 8:39 PM.

Respectfully submitted,
Holly Howes
Recording Secretary