

FINAL

LEBANON PLANNING BOARD
Work Session Meeting
Monday, March 29, 2021, 6:30 PM
Remote Via Microsoft Teams
LebanonNH.gov/Live

ROLL CALL OF

MEMBERS PRESENT: Bruce Garland (Chair), Matthew Hall (Vice-Chair), Gregorio Amaro, Kim Chewning, Joan Monroe, Kathie Romano, Jeremy Rutter, and Laurel Stavis

MEMBERS ABSENT: Jim Winny (Council Representative)

STAFF PRESENT: David Brooks (Planning Director), Tim Corwin (Senior Planner), Brian Vincent (City Engineer)

1. Call to Order Chair Garland called the meeting to order at 6:30 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. Public Hearing Items

A. **Basic Holdings, LLC, 5 & 11 Oak Ridge Road, (Tax Map 4, Lots 5 & 6), zoned R-3:** Request for Final Major Subdivision Review, Site Plan Review, and a Conditional Use Permit for a proposed Planned Unit Residential Development (PURD) pursuant to Section 501.2 of the Zoning Ordinance, containing 22 residential units together with related site improvements and amenities. **PB2020-31-FMAJ** -Public hearing to commence on January 11, 2021 if the Board finds that the application is complete. Continued from March 8, 2021.

Jeff Shapiro, Owner; Attorney Nate Stearns; Rod Finley, Pathways Consulting LLC; and Erica Wygonik, Resource Systems Group Traffic Engineer, attended online in support of the application.

Mr. Finley gave an overview of the March 8, 2021 meeting presentation, which included details of the project. The Alteration of Terrain Application was submitted to the State. The State DES comments on the issues of infiltration basins on site, utility conflicts, and sewer stationing would be addressed.

The applicant consulted with Wellspring Church officials regarding an easement, which should be resolved shortly.

An aerial image showing the configuration of the project, which is across from Pinewood Village, was shared.

Mr. Finley suggested that the density bonus request as outlined in the PURD regulations allows for 22 units. The road must be built regardless of the number of units, along with the sewer and drainage features, making the additional 3 units reasonable. The plan can support a PURD of 22 units.

Gregorio Amaro joined the meeting at 6:50 PM.

Mr. Finley discussed the drainage plan.

Mr. Corwin outlined the approval process in line with the PURD details. A Conditional Use Permit is required. The waiver requests were explained. The applicant is entitled to 19 units with a density bonus of 12% and is asking for approval of 22 units. The Board has the discretion to allow or deny any or all of the additional units. Portions of the Staff Memo from March 8, 2021, were reviewed. An updated traffic study was prepared in October, 2020, and provided for this meeting. The NH DOT recommended the applicant do further analysis to determine if any additional traffic modifications are warranted. Staff recommends an additional condition of approval requiring the proposed sidewalk be constructed on the north side of Oak Ridge Road with a barrier curb and possibly a grass strip. A letter 3/22/2021 from Alana Garrett, President of the Pinewood Village Association, was provided to the Board and addressed sewer concerns. There may be additional conditions based upon discussion.

Mr. Vincent addressed Sewer Codes 40 and 136. The 30 systems feeding the current sewer line do not pose a capacity issue and are approximately 40 years old.

Mr. Hall commented on scattered and premature as being easily dispensed with.

Ms. Monroe confirmed that all units are three-bedrooms with full basements and suggested the community garden could benefit from communal tools in a garden shed. Mr. Corwin said he would check to see if a shed would be allowed.

Mr. Amaro inquired about outdoor seating and the snow storage area. Mr. Finley suggested there may be some type of communal recreational items.

Mr. Vincent discussed the questions posed by Mr. Keach, the third-party engineer, regarding drainage, utilities, and sewer design. Those issues were addressed but not those raised by the State DOT.

Ms. Chewning inquired about the snow storage areas, particularly on the south side of the property. Mr. Finley explained that snow is also stored throughout the property, with excess distributed to one of the three designated areas. Ms. Chewning inquired about lighting. Mr. Finley explained the lighting at each door and other locations.

Mr. Rutter inquired if the units would be rental units and if unrelated people could rent a property. Mr. Corwin confirmed that the units would be rental ones and explained the City definition of occupants, which allows varied levels of unrelated inhabitants. Mr. Rutter also inquired about the number of vehicles allowed. Mr. Stearns stated that the leases specify the number of parking spaces, which limits the number of cars. Storage, noise, trash/recycling, pets, and open space use are also outlined.

Ms. Stavis inquired about both the property management for the site and the issues around the intersection at Route 10. The intersection is under the purview of the State DOT. Mr. Corwin explained the issues surrounding the intersection and the use of the double yellow-lined space being improperly used for making left turns onto Oak Ridge Road. It is up to the DOT to make the decision to create an actual turn lane. The applicant is being asked to consider the impact on the intersection.

Mr. Shapiro stated there would be one common ownership and management of the development.

Ms. Wygonik commented on the Route 10 intersection. The development is small with no significant traffic impact. The area is served by mass transit, which is expected to be well used. A full traffic study is not required, and the traffic impact is well below the required level for a turn lane. Multiple approach lanes on Oak Ridge Road are not justified.

Chair Garland invited public comment.

Jan Bent, a Pinewood Village resident, clarified that Pinewood Village can only have three units rented at any time, and all others are owner-occupied. The Route 10 intersection caused a fatality, and the intersection needs another review. Ms. Bent inquired about parking for guests within the development. She noted there would be additional school bus traffic. The Pinewood Board wasn't informed of the increased use of the sewer system.

Mr. Finley stated that there are eight visitor spaces and additional space in front of each garage for a visitor. Mr. Brooks stated that public works would address the sewer issue and notification. Mr. Vincent stated that Pinewood Village is an abutter and would have been notified of the project, but not specifically the sewer plan. The City Council approval of the sewer extension was a public hearing, which was noticed. Ms. Bent asked about the construction of the sewer pipes, which are 8" pipes. Mr. Vincent stated that the pipes are made of clay, and the capacity has been adequate.

Steven Arcone, 40 Oak Ridge Road, submitted comments and had additional comments. He inquired about the amount of soil being removed and the depth of the proposed basements, and would the basement for the unit proposed next to the slope have an impact on the slope. Mr. Arcone noted that there is a good deal of trash on the slope and inquired if there were plans for dealing with it. He also asked if the trees on the slope would be retained. Finally, he inquired as to what would be done with the large, empty area at the south end of the development. Mr. Finley stated that each basement would be 8-9 feet as a standard basement depth. The trash on the slope would be removed. The basement of Unit 13 next to the slope would provide additional stability for the location. The blank area at the southeast end of the property would provide locations for infiltration basins for stormwater management. Mr. Arcone referred to the presentation he made in 2019 and asked that the Board and Staff take another look at the presentation.

Rand Swenson, an abutter, noted that the development is out of character with the area. Pinewood Village does not impact Oak Ridge Road and the properties are owner-occupied and substantially different. Mr. Swenson questioned the increase from 19 to 22, which by his calculation is almost 17% rather than 12%.

Christopher Ashley of Pinewood Village noted that much soil would be removed and additional traffic from construction would make traffic difficult. He requested that the waivers not be granted. Mr. Finley noted that they are not asking waivers for erosion and sediment control or traffic safety.

Maryann Peters, 40 Oak Ridge Road, inquired as to who addresses suitability of a project and whether it will enhance and serve the community. In addition, how did the owner make the determination that 22 rental units would support the need for rental housing with monthly rent being \$3000 per unit. Chair Garland stated that desirability is not measured in the Planning Board's deliberations, just whether the plan complies with the City regulations. Zoning regulations determine the number of units plus the bonus, and it is the owner's right to develop the property. The Planning Board does not determine viability.

Lorraine Kelly, 25 Wildwood Drive, inquired about the amount of acreage in the steep slope in southwest area, and how much would be used as open space. Mr. Finley stated the property boundaries are shown on

the rendering, with about half being open space. Ms. Kelly inquired about the purpose of a PURD. Mr. Brooks explained the purpose of open space by definition in the PURD regulations, and in this case the ravine is being protected and not available for recreational use. A number of uses are included for open space, but it does not have to be usable. Mr. Finley stated that page 4 of 6 covers the open space, and much consideration was given to the open space.

Mr. Hall noted that scattered and premature has not changed from the original determination.

A MOTION by Matthew Hall that the Lebanon Planning Board finds the application of Basic Holdings, LLC for a Conditional Use Permit per Sections 501.1 & 501.2 of the Zoning Ordinance, Final Major Subdivision approval, and Site Plan Review approval for a proposed Planned Unit Residential Development (PURD) at 5 & 11 Oak Ridge Road (Tax Map 4, Lots 5 & 6), PB2020-31-FMAJ, IS NOT scattered and premature based on the final subdivision layout and on the totality of the application information, materials, evidence, and testimony submitted to and reviewed by the Board.

Seconded by Joan Monroe

Ms. Monroe stated that there are a number of issues the Board can consider regarding scattered and premature, and this project would not cause any of those issues.

Roll Call Vote:

Voting in Favor – Ms. Romano, Ms. Chewning, Ms. Stavits, Mr. Hall, Mr. Garland, Mr. Amaro, Mr. Rutter, Ms. Monroe

Voting Against – None

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

Chair Garland opened the discussion of the density bonus. The plan calls for 19 units plus a density bonus.

Jeanette Hutchins, 37 Wildwood Drive and owner of 14 Oak Ridge, inquired about the basis for granting a waiver for a bonus when it provides an economic gain. Mr. Corwin stated that there is not a standard for the Planning Board to judge an increase in density, and the Zoning regulations provide that it is discretionary unless the “limitations of a site cannot accommodate an increase.” There is a calculation, which is 19 in this case, and a 12% bonus can be requested. Using the calculation, the owner can request up to 22 units unless there are limitations of the site.

Rand Swenson noted that the result should be 21.3, and therefore up to 21. Mr. Finley referred to a section of the plan and explained the calculation in detail.

Maryann Peters, 40 Oak Ridge Road, commented that based on the chart, it appears that the developer is able to make the acreage requirement by reducing the dimension of the road from 24’ to 20’. In her opinion, 20’ is too narrow for emergency vehicles for safety. Mr. Corwin stated that the Fire Department reviewed and approved the plan. Mr. Finley noted that the Centerra roads are 20’ wide.

Mr. Hall observed that three units doesn’t fundamentally impact the development, and 22 units is a reasonable request,

Several Board members expressed their rationale against the density bonus. Atty. Stearns noted that there would be a sidewalk connection to downtown Hanover, and the development would be close to many facilities. It is an excellent infill location, and they are working within the rules. Mr. Shapiro expressed his appreciation for consideration of the bonus.

Chair Garland conducted a straw poll of the members regarding granting no bonus or one, two, or three additional units.

In favor of no bonus: Mr. Amaro, Mr. Rutter, Ms. Monroe, Ms. Romano, Ms. Chewning

In favor of 1 additional unit: Ms. Stavis

In favor of 2 additional units: Mr. Garland

In favor of 3 additional units: Mr. Hall

A MOTION by Laurel Stavis to DENY the density bonus for Basic Holdings, LLC, 5 & 11 Oak Ridge Road.

Seconded by Kathie Romano

Voting in Favor – Mr. Amaro, Mr. Rutter, Ms. Monroe, Ms. Romano, Ms. Chewning

Voting Against – Mr. Hall, Mr. Garland, Ms. Stavis

****The MOTION was approved (5-3).***

There would be no density bonus.

Chair Garland invited discussion of the requested waivers.

Mr. Finley stated that there is a complete survey with spot elevations but not in front of each individual unit.

Mr. Vincent stated that there is no objection to the partial waiver. It is the developer's choice to provide a foundation wall above the sills to prevent water issues.

A MOTION by Laurel Stavis that the Lebanon Planning Board APPROVE waivers for the application of Basic Holdings, LLC, regarding 5 & 11 Oak Ridge Road (Tax Map 4, Lots 5 & 6), PB2020-31-FMAJ, from the following sections of the Subdivision Regulations:

- **Partial Waiver of Section 10.4.A.1.f** – requiring spot elevations
- **Section 10.4.C.2.a & b** – requiring “a final statement of the work required on existing streets and other off-site improvements to meet the minimum standards set forth herein, including cost estimates and the method of meeting such costs,” and “estimates for the completion of all on- and off-site improvements[.]”
- **Section 10.4.C.2.c** – requiring a temporary control period for the construction period with respect to traffic control, erosion control, dust control, and hours of operation

Seconded by Matt Hall.

Ms. Monroe noted that the Board can allow the partial waiver for spot elevations now, but the developer could do them later. Mr. Vincent stated that the project would trigger notice of intent.

Roll Call vote:

Voting in Favor – Mr. Garland, Mr. Amaro, Mr. Rutter, Ms. Monroe, Ms. Romano, Ms. Chewning, Ms. Stavis, Mr. Hall

Voting Against - None

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

Mr. Corwin explained the next set of waivers.

A MOTION by Jeremy Rutter that the Lebanon Planning Board **APPROVE** waivers for the application of Basic Holdings, LLC, regarding 5 & 11 Oak Ridge Road (Tax Map 4, Lots 5 & 6), PB2020-31-FMAJ, from the following sections of the Site Plan Review Regulations:

- **Section 5.1.E.6** – requiring spot elevations
- **Section 5.1.E.9** – “(The plans shall depict) the location of [...] driveways within 200 feet of the site boundary.”
- **Section 5.1.E.12** – lighting plan requirements
- **Section 6.5.B.4** – “All projects proposed for [...] shall install sidewalks along the street frontage(s).”

The motion was seconded by Joan Monroe.

Ms. Monroe noted that the lighting would be very modern and minimal and alerted the developer to the need for a color temperature of 3000K or warmer. It is not required yet, but Mr. Corwin will include it in the conditions.

Roll Call Vote:

Voting in Favor – Mr. Rutter, Ms. Monroe, Ms. Romano, Ms. Chewning, Ms. Stavis, Mr. Hall, Mr. Garland, Mr. Amaro

Voting Against - None

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

There was a discussion of the time needed to adjust the project plans in order to schedule the next meeting.

A Motion by Matthew Hall to schedule a special meeting for Basic Holdings, LLC, 5 & 11 Oak Ridge Road to May 17, 2021, at 6:30 PM.

Seconded by Jeremy Rutter

Ms. Monroe stated that the Board would not be closing public input and would be looking at new plans.

Roll Call Vote:

Voting in Favor – Ms. Romano, Ms. Chewning, Ms. Stavis, Mr. Hall, Mr. Garland, Mr. Amaro, Mr. Rutter, Ms. Monroe

Voting Against – None

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

A MOTION by Matthew Hall to continue the hearing of Basic Holdings, LLC, 5 & 11 Oak Ridge Road to May 17, 2021, at 6:30 PM.

Seconded by Jeremy Rutter

Roll Call Vote:

Voting in Favor – Ms. Monroe, Ms. Romano, Ms. Chewning, Ms. Stavis, Mr. Hall, Mr. Garland, Mr. Amaro, Mr. Rutter

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

3. **Other Business**
4. **Approval of Minutes**
 - A. None
5. **Adjournment**

***A MOTION by Matthew Hall to adjourn the meeting.
Seconded by Laurel Stavis***

Roll Call Vote:

Voting in Favor – Ms. Stavis, Mr. Hall, Mr. Garland, Ms. Monroe, Ms. Romano, Mr. Rutter, Ms. Chewning, Mr. Amaro

Voting Against - None

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

The meeting was adjourned at 9:15 PM.

Respectfully submitted,
Holly Howes
Recording Secretary