



**LEBANON PLANNING BOARD
JUNE 14, 2021 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

2. Notice of Regional Impact

3. Public Hearing Items

- A. Virginia Wong, 43 Mechanic Street (Tax Map 106, Lot 34), zoned LD: Request for Site Plan Review to convert an existing three (3) unit multifamily dwelling to a six (6) unit multi-family dwelling. PB2021-11-SPR - Postponed from May 10, 2021. Completeness review only, public hearing to commence on July 12, 2021 if deemed complete.
- B. 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 - Postponed from May 10, 2021. Applicant has requested a postponement to the July 12, 2021 Planning Board meeting.
- C. Stoney Brook Veterinary Hospital Realty Holdings, LLC, and Alan & Mondae Dupuis, 88 Riverside Drive (Tax Map 110, Lot 20) and 0 Stoney Brook Road (Tax Map 110, Lot 22), zoned RL-1: Request for approval of a Boundary Line Adjustment between lands located at 88 Riverside Drive (Tax Map 110, Lot 20) and 0 Stoney Brook Road (Tax Map 110, Lot 22). PB2021-17-BLA

4. Other Business

- A. Proposed fire code-related amendments to the Site Plan Review and Subdivision Regulations
- B. Proposed Site Plan Review amendments creating a minor Site Plan process and Minor Site Plan Committee
- C. Proposed amendments to the Rules of procedure re: Rules of Decorum
- D. Review of minor alterations to approved site plan for Novo Nordisk US Bio Production, Inc., 5 & 9 Technology Drive (Tax Map 130, Lot 1 and Tax Map 145, Lot 3) (PB2020-19-SPA)

5. Approval of Minutes

- A. May 10, 2021
- B. May 17, 2021
- C. May 24, 2021

6. Adjournment

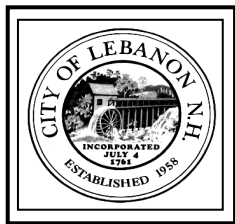
The order of agenda items is subject to change.

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 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 visit LebanonNH.gov/Live for full details.

**Agenda
Planning Board
June 14, 2021**

**Agenda Item #3A
Public Hearing Items**

**Virginia Wong,
43 Mechanic Street
(Tax Map 106, Lot 34),
zoned LD
PB2021-11-SPR**



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Planning Board

FROM: Planning and Development Department Staff

RE: Virginia Wong, 43 Mechanic Street (Tax Map 106, Lot 34)
Request for Site Plan Review
June 14, 2021 Planning Board Meeting – *Agenda Item 3.A*

DATE: June 8, 2021

LEGAL NOTICE

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

COMPLETENESS REVIEW & STAFF COMMENTS

At this time, staff recommends that the Planning Board find the above-referenced site plan review application is incomplete.

The application was originally submitted in September, 2020 in response to the City's code enforcement efforts to address the unpermitted conversion of the building from a 3-unit multi-family dwelling to a 6-unit multi-family dwelling. Following a technical review by staff, the site plan application was resubmitted on April 6, 2021. Following a technical review of the resubmitted application, staff provided the applicant a list of comments to be addressed in order to meet the submission and design requirements of the Site Plan Review Regulations. Staff's comments were e-mailed to the applicant on April 27, 2021 and, to date, the applicant has missed multiple deadlines to submit revised plans and materials addressing the comments. The applicant did, however, submit a building permit application to the Planning and Development Department on May 25, 2021 to return the building to a 3-unit multi-family dwelling.

Given the submission of the building permit application and given that staff's comments with respect to the minimum submission requirements have gone unaddressed, staff recommends that the Planning Board deem the application incomplete and bring this matter to a close.

The application materials submitted by the applicant on April 6, 2021 and staff's comments sent on April 27, 2021 are attached for reference.

Attachments

cc: Virginia Wong (via e-mail, without attachments)
Jay Barrett, Barrett Architecture, PC (via e-mail, without attachments)

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: VIRGINIA WONG

TEL.#: (603) 306-2932

MAILING ADDRESS: 23 ELDRIDGE ST.; LEBANON, NH 03766

E-MAIL ADDRESS: JAZDENAPT@gmail.com

CO-APPLICANT, AGENT, OR LESSEE:

NAME: BARRETT ARCHITECTURE, PC TEL.#: (603) 296-0004

MAILING ADDRESS: P.O. Box 55; WHITE PINE CT., VT 05001

E-MAIL ADDRESS: FRANK.BARRETT@GMAIL.COM

PROJECT LOCATION:

TAX MAP #: 106 LOT#: 34 PLOT #: — ZONE: LD

STREET ADDRESS OF PROJECT: 43 MECHANIC STREET

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

SCOPE OF PROJECT:

TO CONVERT ALL EXISTING 3 UNIT MULTI-FAMILY DWELLING UNIT INTO A SIX-FAMILY

TYPE OF OCCUPANCY: MULTI-FAMILY

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: N/A

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.

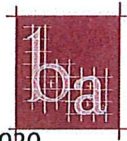
PROPERTY OWNER: Virginia Wong DATE: 2-10-2021

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: Virginia Wong DATE: 2-10-2021

DATE RECEIVED	FILE # (MAP/LOT)	APPLICATION #	FEE - \$ AMOUNT	DATE PAID	VOUCHER #
<u>4/6/2021</u>	<u>106-34</u>	<u>PB2021-</u>	<u>343.45</u>	<u>2/25/21</u>	<u>18091</u>

Incomplete = 2/11/2021
 Need Shoreland 11-SPR



barrett architecture

FRANK J. BARRETT JR., AIA.

September 13, 2020

City of Lebanon Planning Board
51 North Park Street
Lebanon, NH 03766

Attn: David Brooks; Planning & Development Director.
RE: Property Located at 43 Mechanic Street; Lebanon, NH; Tax map 106 / Lot 34.

Dear Members of the City of Lebanon Planning Board,

This Application for Site Plan Review is the first necessary step towards getting this multi-family property, located at 43 Mechanic Street, Tax Map 106 / Lot 34, in the "LD" Lebanon Downtown Zoning District, compliant with multiple planning, zoning, and building code violations. On August 18, 2020 this office was retained by the property owner to provide services towards that end. On or about August 19, 2020 the Property Owner was served by certified mail a six (6) page letter, from the City of Lebanon Planning Office outlining those violations, and the steps necessary to be taken in order to rectify them.

Overall Project Description

The existing property is recognized by the City of Lebanon ("City") as a three-unit multifamily dwelling. There are no other uses being made of the property. Virginia Wong ("Owner") is wanting to convert the property into six (6) dwelling units, within the existing wood framed multi-story building. At this time, although the Owner has taken some steps towards implementing that plan, there have been no architectural drawings prepared by the Owner, nor building permits applied for or pending to or by the City for such construction work.

Upon the Owner engaging the services of this office, the first step undertaken was to discuss the property with applicable City staff within the Planning Office, and review the complaint issued by the Planning Office of August 19th. It was made clear to this writer that the first step needed to be undertaken by this office was to make an application for Site Plan Review before this Board, for as many as six (6) multi-family dwelling units. Then, assuming approval by this Board, the necessary permit and construction drawings, with full building code review as applicable, will need to be promptly prepared and submitted for further City review. That will of course require a full measuring of the existing building and preparation of permit and construction drawings. That work has not yet been started and will await the outcome of this first step – Site Plan Review.

Thankfully, there were numerous drawings of the site as it presently exists, prepared in 2009 for Site Plan Review, as part of a redevelopment scheme as proposed by a previous Owner that, although approved, was never implemented. These materials provided this office with excellent detailed site information that, with some amount of field verification, allowed for the preparation of the site plan that is part of this submission. It is the present Owner's intention to not at this time make any physical changes to the site; but to instead formally make legal, through this Site Plan Review procedure, the site as it is presently being used, so as to accommodate as many as six (6) dwelling units. And it appears that overall the site is functioning in a satisfactory manner and can accommodate as many as six (6) dwelling units without the need for physical change. Physical changes to the existing building will in all likelihood not impact the building footprint or major points of entry and exit.

POST OFFICE BOX 55 ■ 215 GATES-BRIGGS BUILDING
WHITE RIVER JUNCTION, VERMONT 05001

TELEPHONE: (802) 296-0004 ■ FACSIMILE: (802) 296-0005 ■ E-MAIL: FRANK.J.BARRETT@MYFAIRPOINT.NET

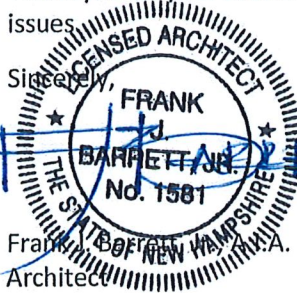
Waiver Request

It will be noted that there are numerous waiver requests as part of this Site Plan Review application submission. Under the circumstances, we believe this to be entirely reasonable; and is due to the following:

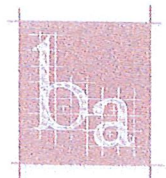
1. The entire project concerns an existing lot and an existing building where there is no proposed change of use: Is multi-family and will remain multi-family.
2. There are no physical changes being proposed for the site, which is functioning at an acceptable level.
3. The proposed changes to the existing building will be limited to:
 - a. Correcting existing building and fire code violations, and;
 - b. Creating three (3) additional dwelling units, if possible, substantially within the existing building envelope.
4. Again, it should be kept in mind that this is a Site Plan Review application to formerly legalize existing zoning, building, and fire code issues. This is in no way an application concerning the re-development of the existing property.

Thank you for your time and interest reviewing this proposal as a first step towards resolving existing Code issues.

Sincerely,



Frank J. Barrett, Jr.
Architect

Cc: Janet Wong





Post Office Box 1029
Lebanon, NH 03766-1029
603.727.2265
mark@bannonengineering.com

March 24, 2021

Mr. David Brooks
City of Lebanon Planning & Development
51 N. Park St.
Lebanon, NH 03766

Subject: 43 Mechanic Street, Site Plan Review to increase dwelling unit density from 3-units to proposed 6-units at an existing multi-family dwelling in the Lebanon Downtown District

Dear Mr. Brooks:

Please find the enclosed application pursuant to section 307.5 of the *City of Lebanon Zoning Ordinance* for a density determination by the Planning Board.

Ms. Wong owns the existing multi-family dwelling at 43 Mechanic Street in the Lebanon Downtown District. Ms. Wong proposes to add three-dwelling units to the three-existing dwelling units (total 6). The additional dwelling units will be created by making renovations within the existing building footprint. Minor parking area improvements are proposed to better define the parking area, prevent erosion and sediment transport. These site improvements will reduce the impervious surfaces by 1,140-sf.

Although multi-family dwellings are a permitted use in the district, the applicant understands that density determinations for *multi-family dwellings* shall be made by the Planning Board during the course of site plan review based on site specific conditions and factors such as the availability of parking and/or the ability to provide required parking, the availability of adequate water and sewer, and the ability to provide required site improvements and to meet all other requirements of the *Site Plan Review Regulations* and all other applicable City regulations.

Using Section 607 calculations, 8-parking spaces are required and 15-spaces are available. The site is served by municipal water and sewer. The project is supported by the Lebanon Master plan as outlined in the Master Plan Consistency Review included in this application. No variances, waivers, or special exceptions are requested at this time.

Should you have any questions, please feel free to contact me. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Mark Bannon". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark Bannon, PE, AICP, CFM
Principal

Project Description:

The existing multi-family dwelling at 43 Mechanic Street in the Lebanon Downtown District. Multi-family dwellings are a permitted use in the district. Pursuant to section 307.5 of the *City of Lebanon Zoning Ordinance* the applicant must apply for a density determination by the Planning Board through the *Site Plan Review* process.

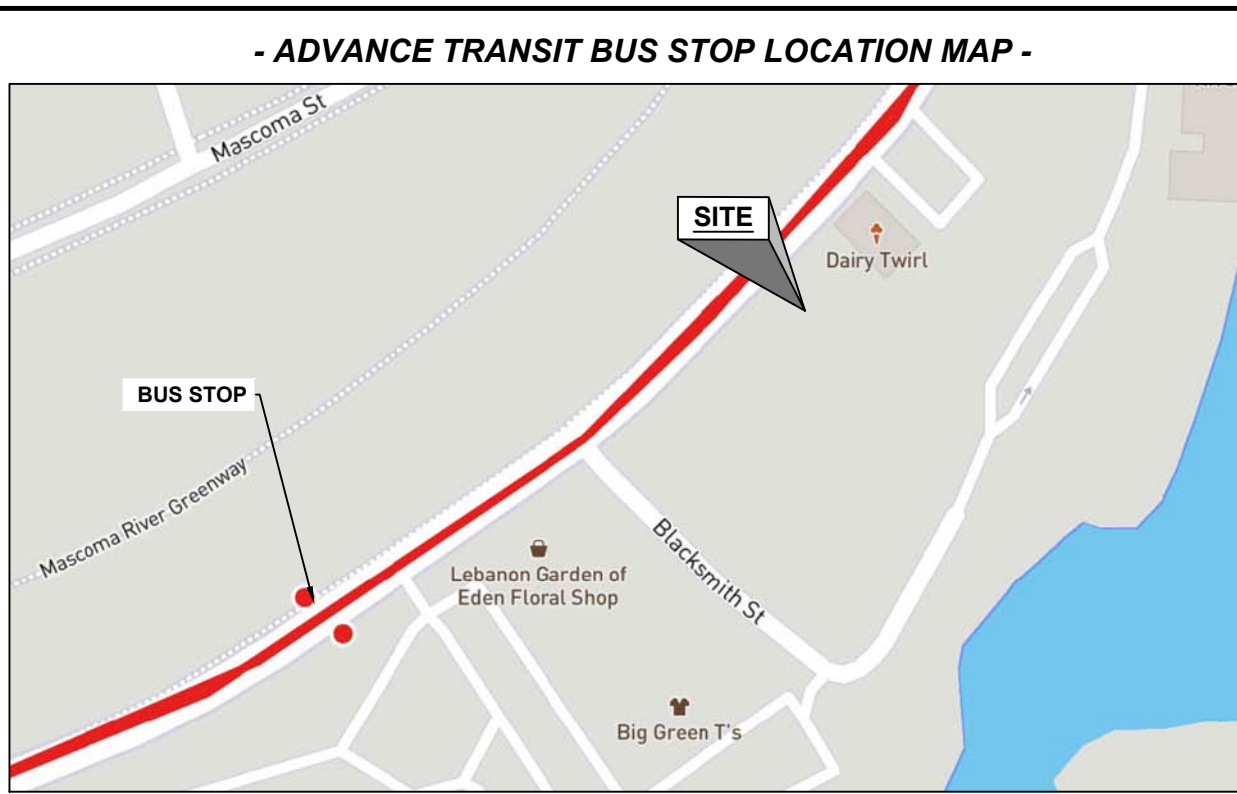
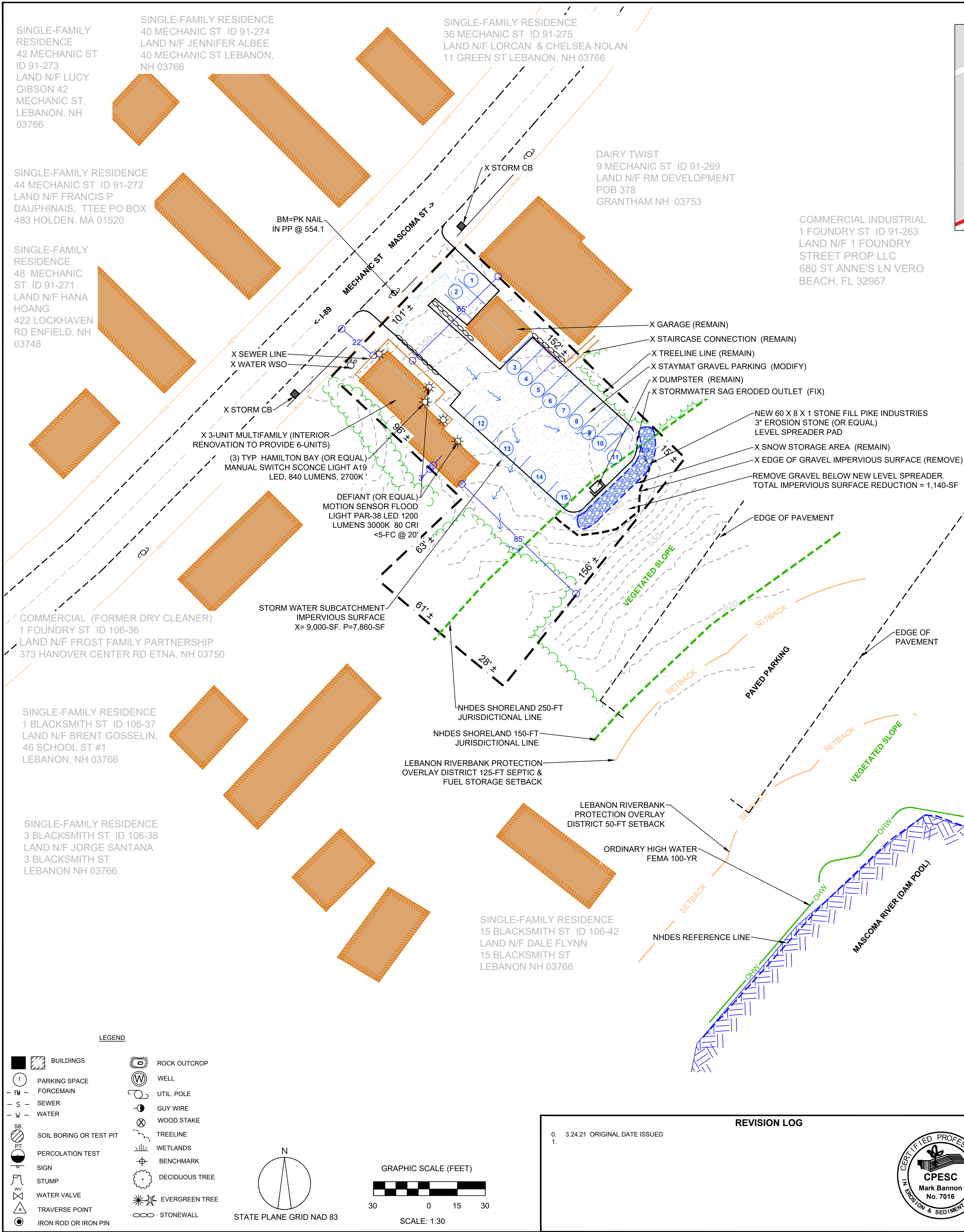
The proposed project is to renovate the existing three-unit multi-family dwelling to add three new units (total six-units) to consist of:

- (2) two-bedroom apartments
- (2) studio apartments
- (2) one-bedroom apartments

The proposed project is located in the Lebanon Downtown District and is served adequately by city water and sewer.

The additional dwelling units will be created by making renovations within the interior of the existing building.

Using Section 607 calculations, 8-parking spaces are required for the proposed project. The existing site already has 15-parking spaces. No additional parking is proposed. Minor parking lot modifications are proposed to better define the existing parking area, prevent erosion and sediment transport.



SITE INFORMATION		
	Existing (X)	Proposed (P)
ZONING DESIGNATION	LD	
TAX MAP LOT NUMBER	106-34	
GROSS FLOOR AREA (+/- sf)	6,034	6034
PARKING SPACES REQUIRED	5	8
PARKING SPACES PROVIDED	15	15
LOADING SPACES	0	0
NUMBER OF STORIES	3	3
PROPOSED USE	MFD	MFD
FRONT SETBACK	22' EOP	22' EOP
R SIDE SETBACK	3'	3'
L SIDE SETBACK	65	65
REAR SETBACK	85	85
MAX ALLOWABLE COVERAGE	NA IN LD	NO CHANGE
WETLAND CONS DIST OVERLAY	NO	NO
HISTORIC DIST OVERLAY	NO	NO
FLOOD PLAIN DIST OVERLAY	NO	NO
NHDES SHORELAND JURISDICTION	YES	YES
WIDTH OF ROW/EASMENTS	NONE	NONE
SITE WETLANDS	NONE	NONE
SIGNS	NONE	NONE
FLOOD PLAIN	NO	NO
PERIMETER LANDSCAPING (+/-sf)	2500	2500
PARKING LOT SHADING (+/-sf)	1500	1500
ESTIMATED PEAK HOUR TRIPS	6	10

STORMWATER CALCULATIONS		
IMPERVIOUS SURFACE (+/-sf)	9,000	7,860
1-INCH STORM (cfs)	0.24	0.21
2-YR STORM (cfs)	0.72	0.63
25-YR STORM (cfs)	1.32	1.16
50-YR STORM (cfs)	1.56	1.36
100-YR STORM (cfs)	1.83	1.6

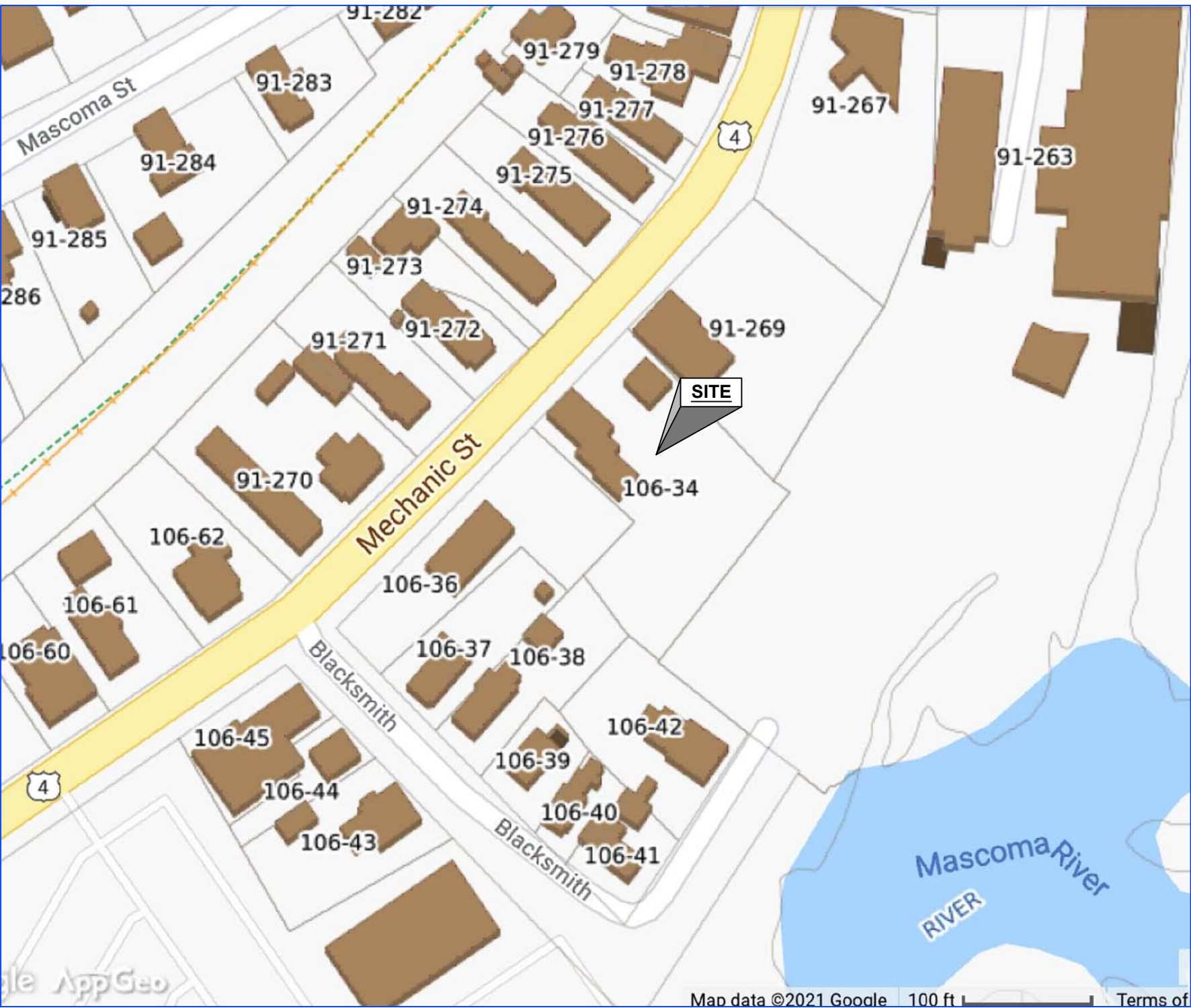
PROJECT DESCRIPTION

PROJECT IS INTERIOR RENOVATION TO CREATE THREE (3) ADDITIONAL DWELLING UNITS IN AN EXISTING MULTI-FAMILY DWELLING. NO EXTERIOR BUILDING CONSTRUCTION TO ACCOMMODATE ADDITIONAL DWELLING UNITS NECESSARY.

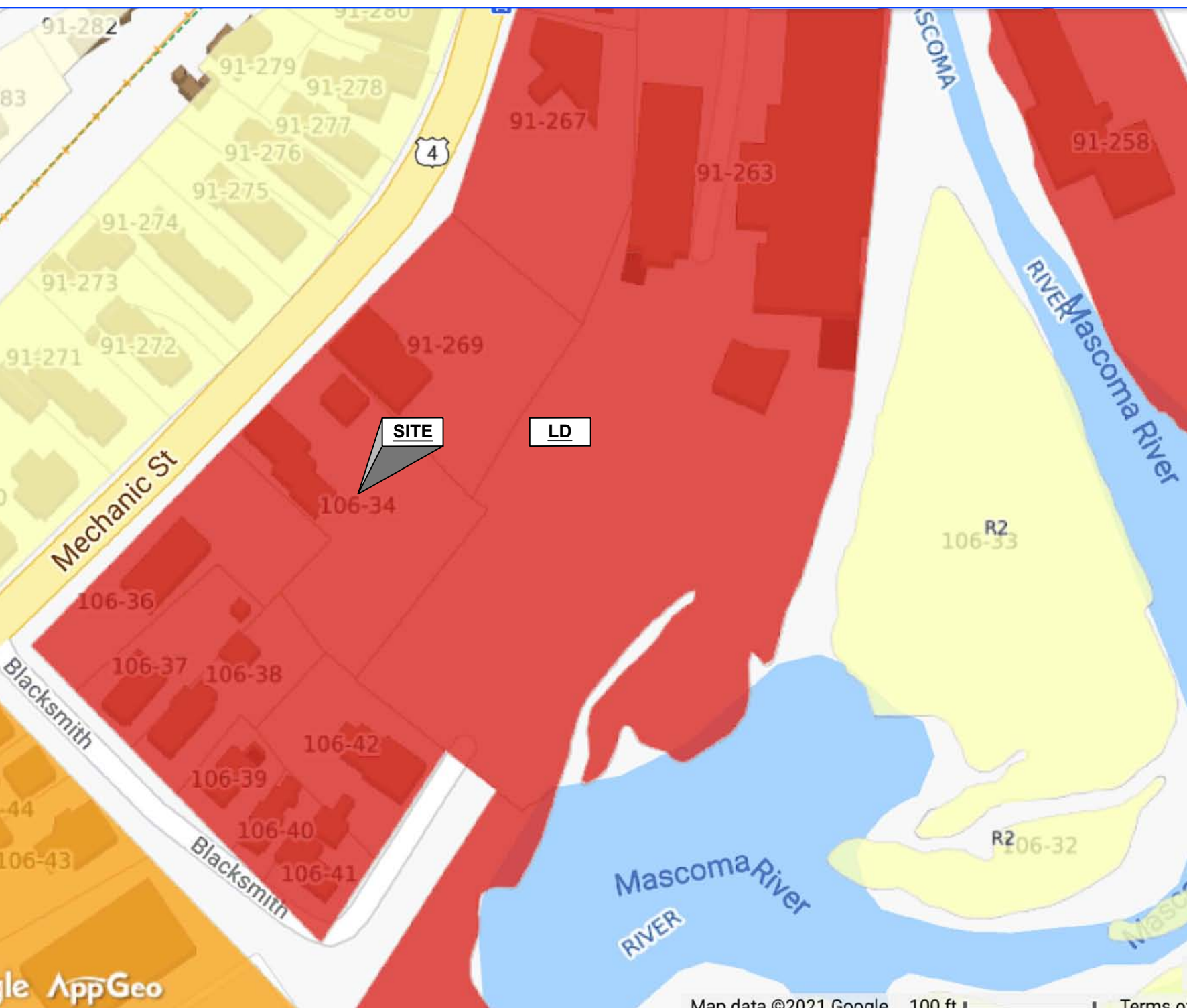
MINOR STORM WATER IMPROVEMENTS TO REDUCE EROSION AND SEDIMENT TRANSPORT AND LOWER MAINTENANCE COSTS PROPOSED.

PROJECTS SCHEDULE: WITHIN 12-MONTHS FROM APPROVAL. STORM WATER IMPROVEMENTS TO OCCUR IN DRY CONDITIONS.

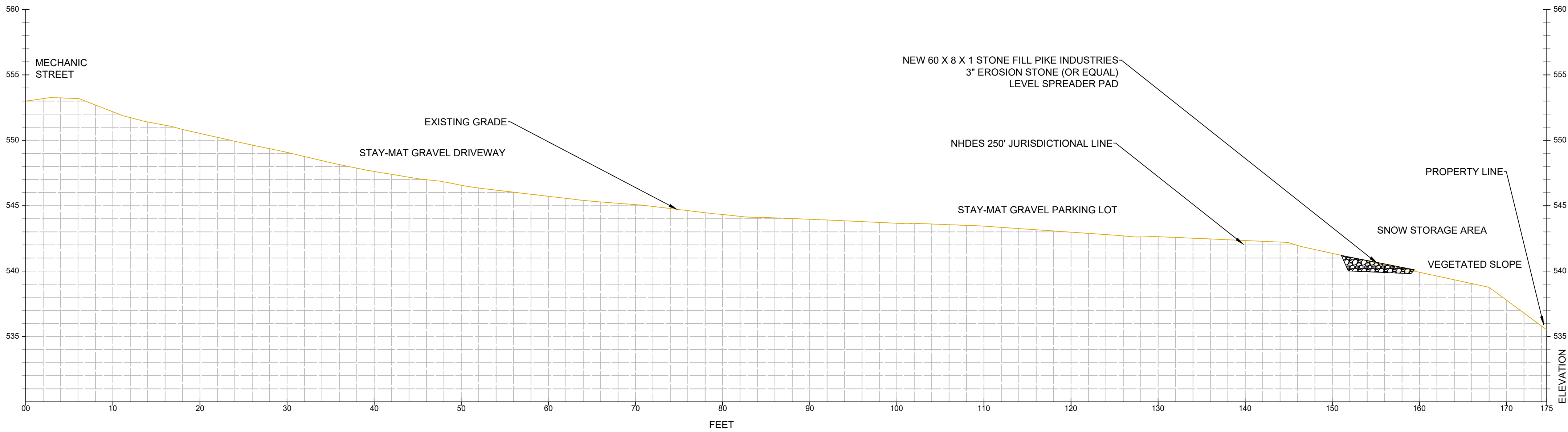
- VICINITY MAP -



- ZONING DISTRICT MAP -

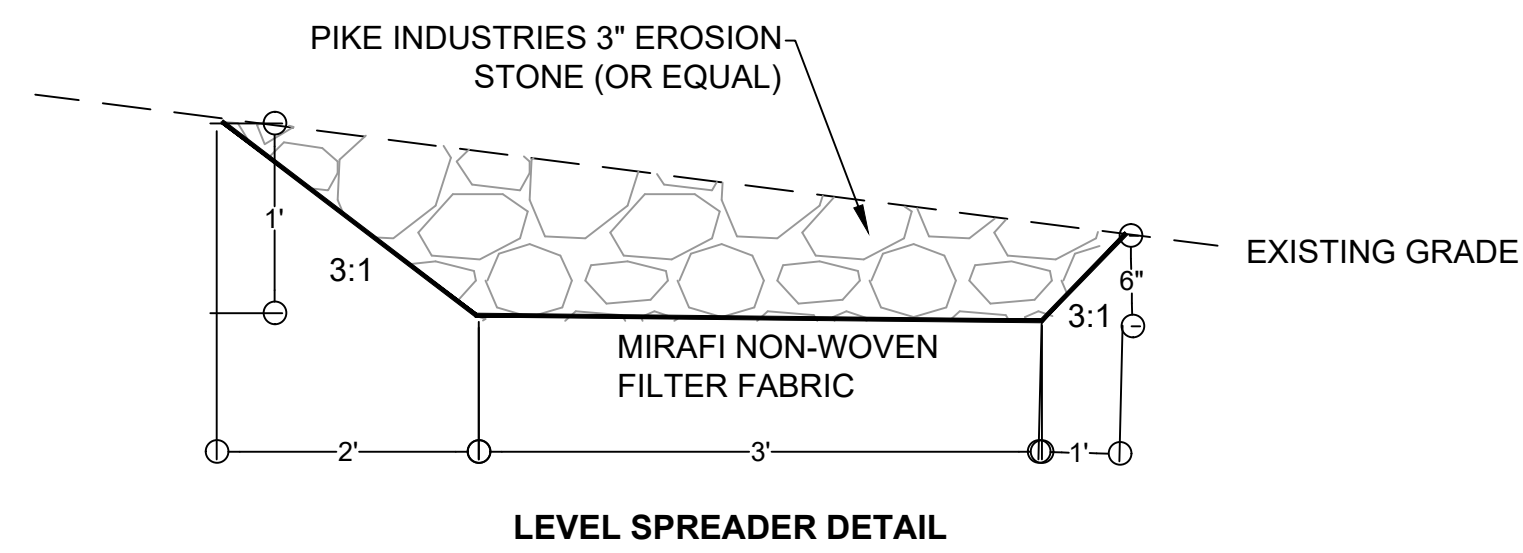


SITE PLAN



H: 1=8 + V:1=5

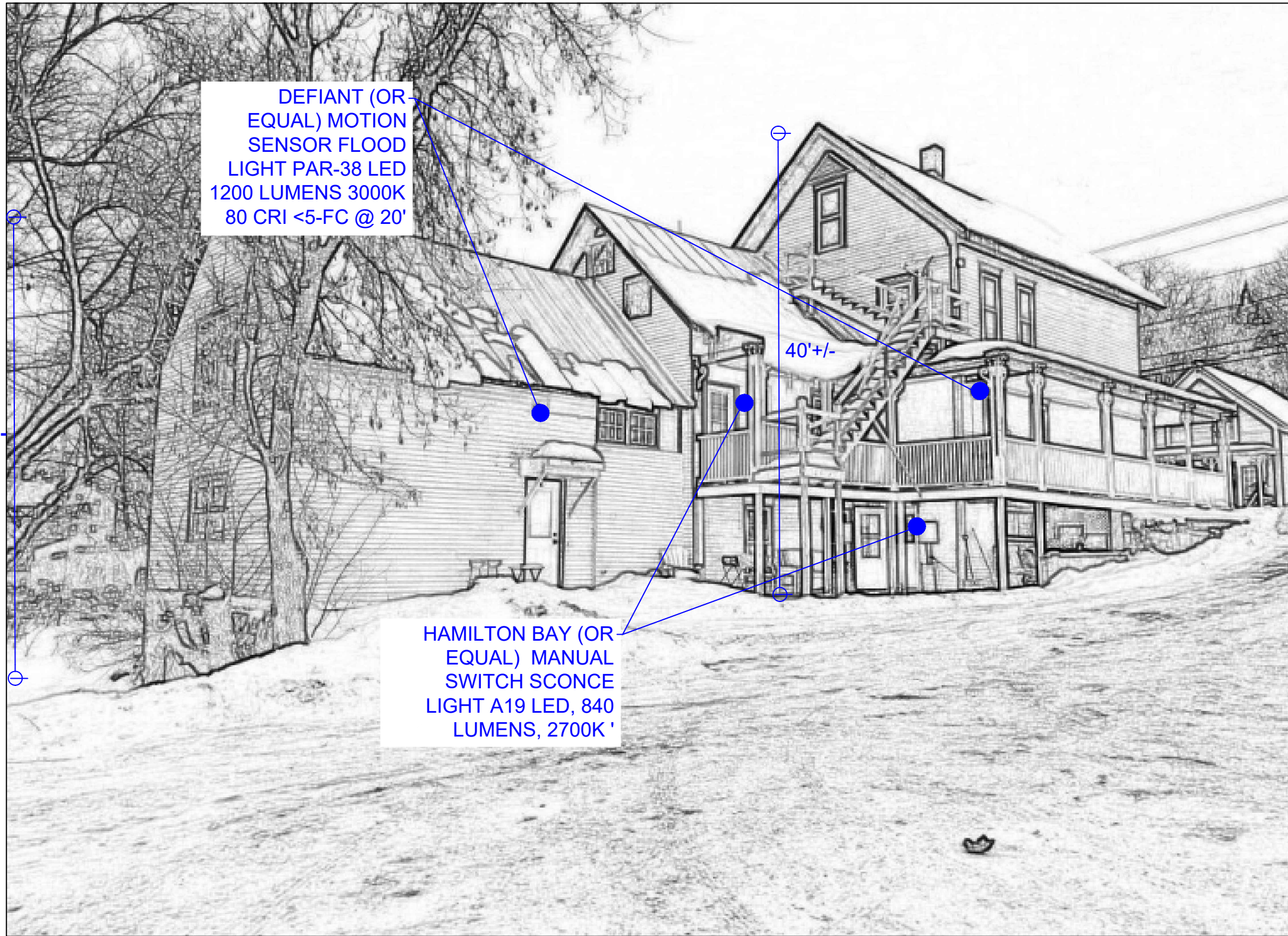
OPERATIONAL MAINTENANCE: INSPECT ANNUALLY. SWEEP & REMOVE DEBRIS REGULARLY



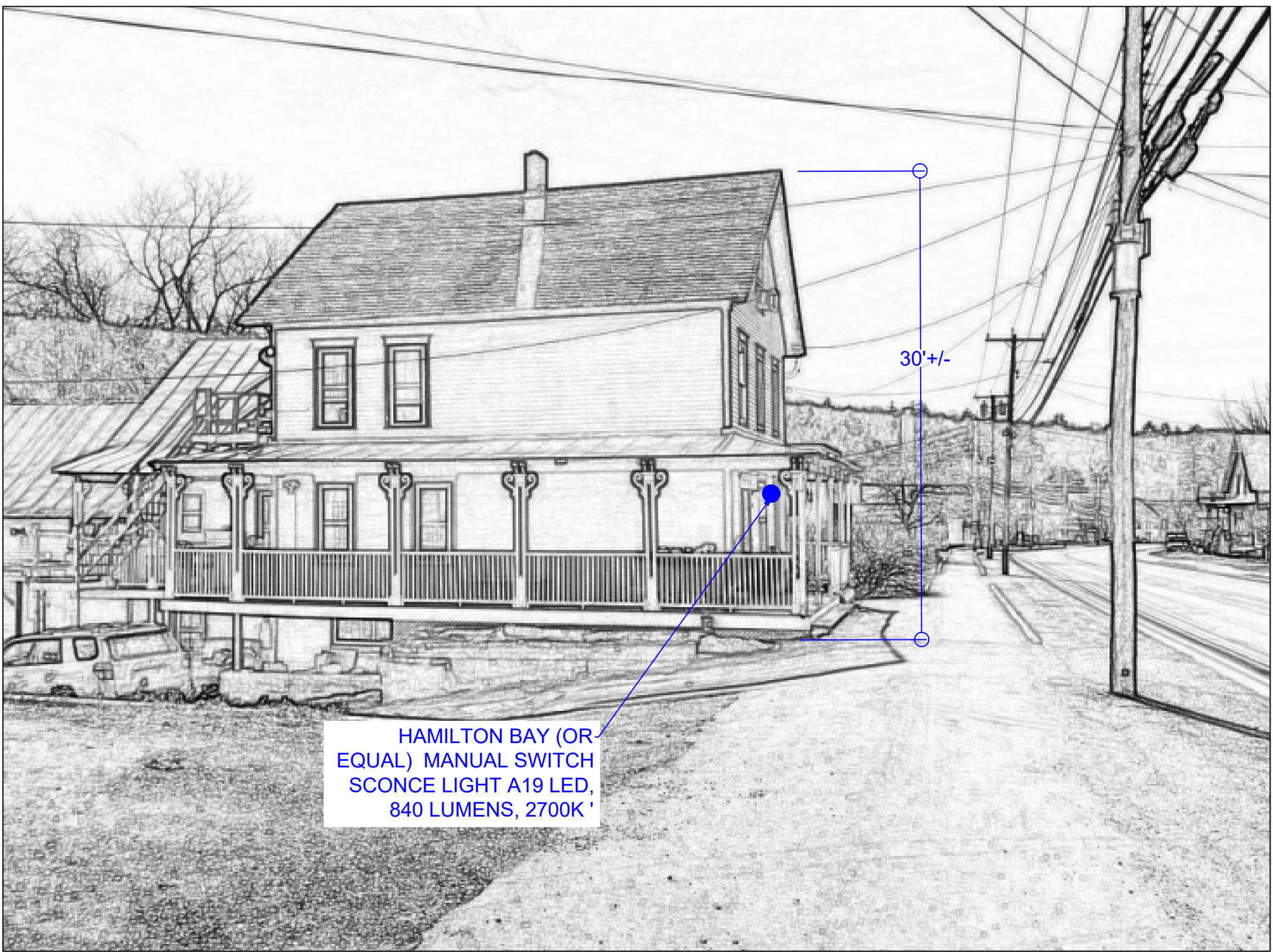
- SOIL TABLE-

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
S	Rippowam fine sandy loam	1.4	14.2%
25C	Windsor loamy sand, 8 to 15 percent slopes	3.0	30.7%
25E	Windsor loamy sand, 15 to 60 percent slopes	4.2	43.0%
330C	Bernardston silt loam, 8 to 15 percent slopes	0.1	1.3%
W	Water	1.1	10.7%
Totals for Area of Interest		9.8	100.0%

- SOIL MAP-



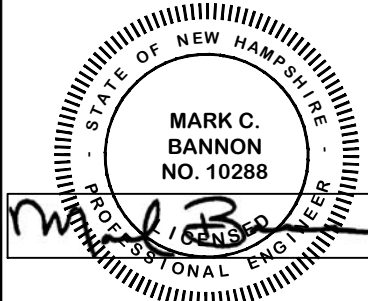
SOUTHEAST ELEVATION
(NTS)



NORTHEAST ELEVATION
(NTS)

REVISION LOG

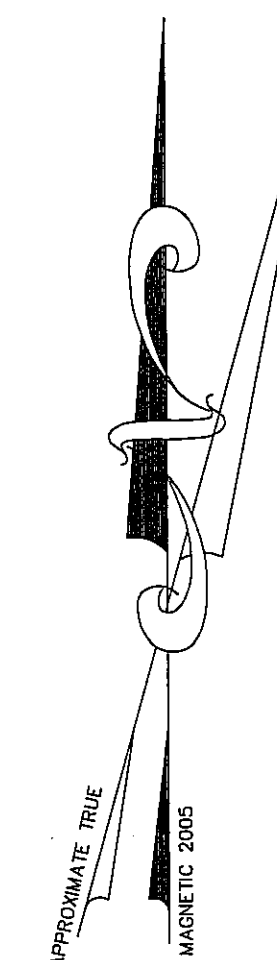
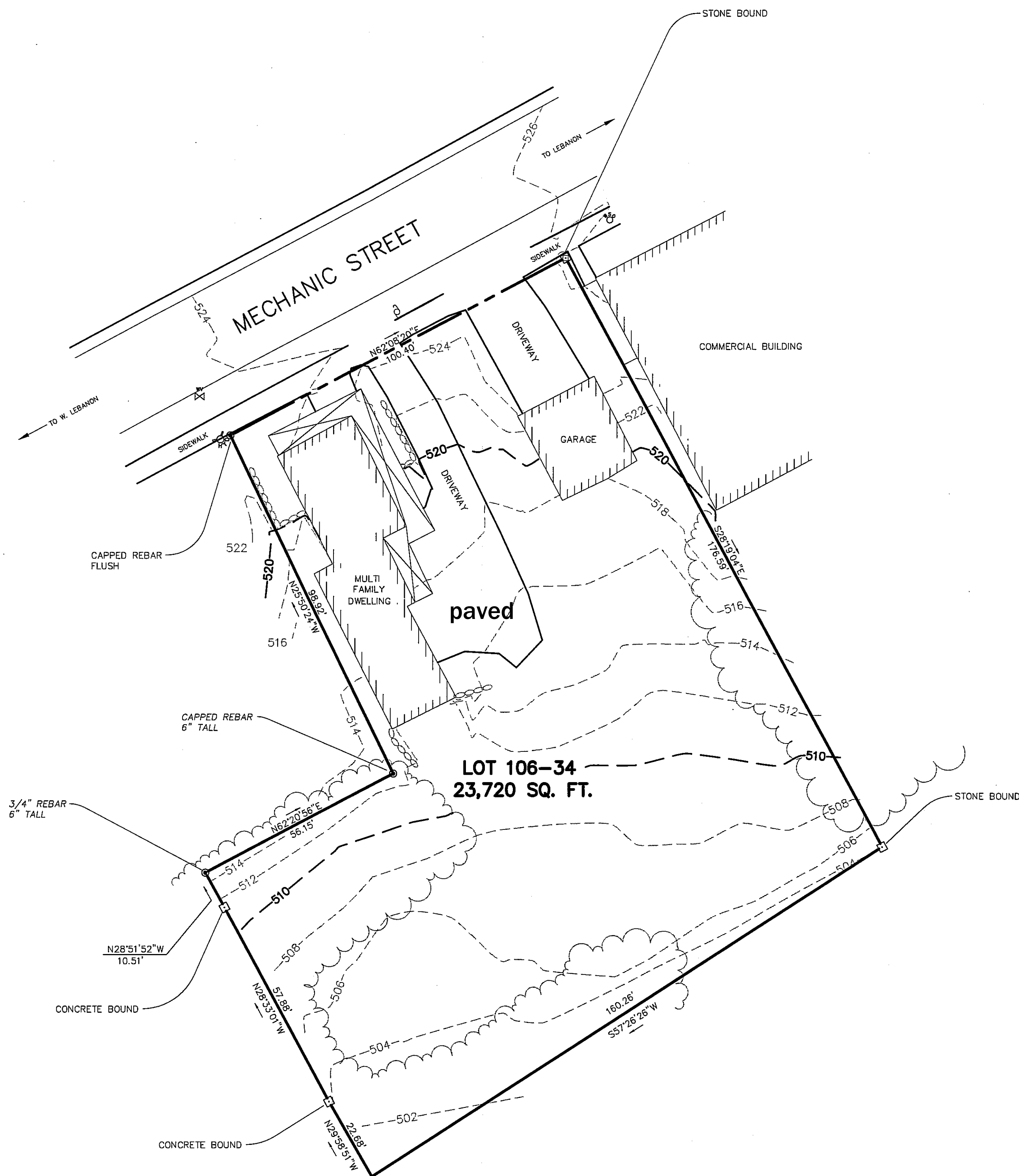
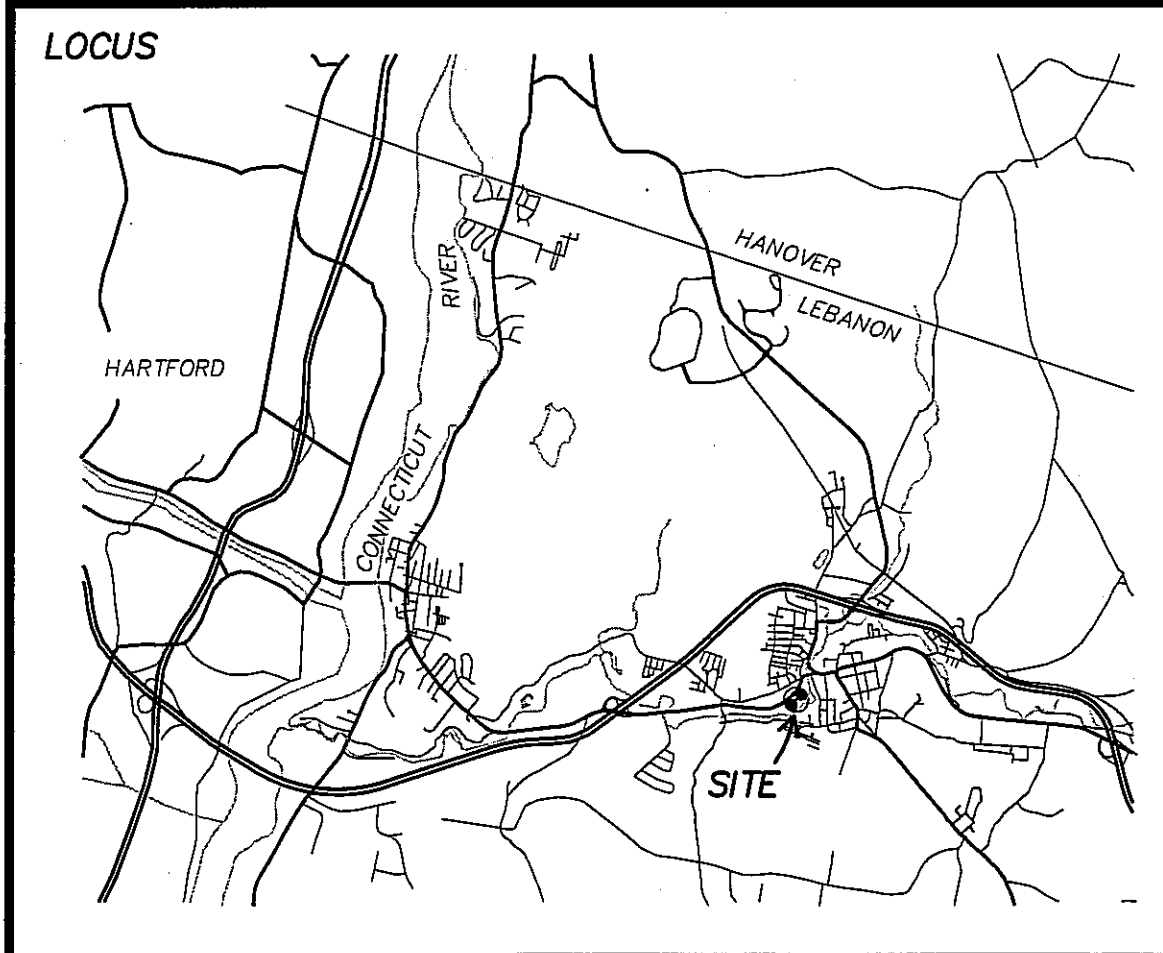
0. 3.24.21 ORIGINAL DATE ISSUED
1.



Bannon
ENGINEERING
POST OFFICE BOX 1029
LEBANON, NH 03766-1029
800.349.6139
- CIVIL - ENVIRONMENTAL - DESIGN - PLANNING -
© 2021 BANNON ENGINEERING

PROFILES & ELEVATIONS SOIL & STORM WATER DETAIL

OWNER: JANET WONG, 23 ELDRIDGE ST., LEBANON, NH 03766
PROJECT: LOCAL SITE PLAN REVIEW FOR MULTI-FAMILY DWELLING RENOVATION
LOCATION: 43 MECHANIC STREET, LEBANON, NH GRAFTON COUNTY



SYMBOL LEGEND

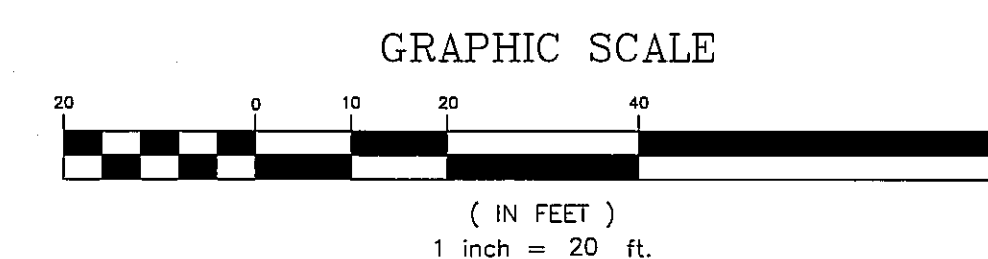
- IRON PIPE FOUND
- 5/8" CAPPED REBAR TO BE SET
- BOUND
- △ TRAVERSE POINT
- ⊕ UTILITY POLE
- CATCH BASIN
- ⊙ MANHOLE
- ⊕ WATER SERVICE VALVE
- ⊕ FIRE HYDRANT
- ⊕ WATER GATE VALVE

LINE LEGEND

- RIGHT OF WAY LINE
- - - EXISTING CONTOUR LINE
- 500 -
- ~ VEGETATION LINE

IMPORTANT SITE PLAN NOTES !

- (1) DRAWING REFERENCED TO MAGNETIC NORTH.
- (2) METHOD OF SURVEY WAS OPEN OFFSET EDM SURVEY WITH THE USE OF A NOKIA DTMS20 TRANSIT AND A SOKKIA SDR33 ELECTRONIC FIELD BOOK.
- (3) ELEVATIONS ARE REFERENCED TO AN ASSUMED DATUM.



REV. NO.	DATE	DESCRIPTION	BY	CHECKED BY

EXISTING CONDITIONS PLAT

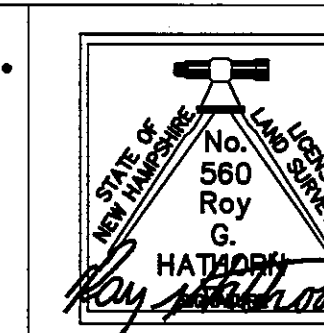
WILLIAM DEMERS

SITE SURVEY

CITY OF LEBANON — GRAFTON COUNTY— STATE OF NEW HAMPSHIRE

HATHORN SURVEYS, INC.

2060 HARTFORD AVENUE
P.O. BOX 533
WILDER, VERMONT 05088-0533
PHONE: (802) 295-5101
FAX: (802) 295-5289



SCALE: 1" = 20'
PREPARED BY: J.E.N.
DRAWN BY: J.E.N.
CHECKED BY: R.G.H.
DATE: 10/17/05
PROJ. NO. 200205

2

SHEET NO.

Tim Corwin

From: Tim Corwin
Sent: Wednesday, April 21, 2021 5:34 PM
To: Mark Bannon; frankjbarrettjr@gmail.com; Janet Wong
Cc: Brian Vincent
Subject: 43 Mechanic St_PB2021-11-SPR_Planning Comments
Attachments: 2021-04-19_SPR_Tech.Checklist & Stormwater Checklist.pdf

Categories: Copy QuickFiled

Mark/Jay/Janet -

Following up from yesterday's staff review meeting, below are staff's comments on the proposed multi-family expansion at 43 Mechanic Street. Please send digital copies of all revised plans and materials by the end of the day next **Tuesday, April 27th** (we can extend this deadline to Wednesday, if needed. Please let us know). With respect to hard copies of the revised plan, we'll need eleven (11) 11x17 size copies and two (2) full-size copies (or, if utilizing the difficult-to-read plan from 1997, we'll need thirteen (13) full size copies). Anything else can be submitted electronically via e-mail to Crystal Taplin (taplinc@lebanonnh.gov).

Please note that I have not yet completed a full review of the plan with respect to its compliance with the design requirements set forth in Sections 6.2, 6.5, and 6.10 of the Site Plan Review Regulations. Please be sure to review these sections carefully (in addition to all other sections of Article VI) to confirm that all applicable requirements have been satisfied and, if not, that a waiver has been requested.

Thank you. If you have any questions, please don't hesitate to ask. -Tim

A. Engineering Comments *(Mark – these are the same that I sent to you earlier today)*

1. The existing conditions plan does not appear to match current on-the-ground conditions at the site. Please address.
2. Stormwater calculations should be performed relevant to the original site conditions (2015 or prior) given that the existing parking lot expansion did not appear to go through the site plan review and approval process.
3. A NHDES Shoreland Permit is required for this project. A such, regulations related to that permit process that necessitate proposed site plan features and details should be included on the site plan package provided to the City.
4. Please describe the reasoning for the 15 parking spaces proposed for a 6-unit building?
5. Parking spaces 12-15 appear to require the motorist to exit the driveway in reverse onto Mechanic Street. Please provide an explanation and/or plan that shows vehicle movements within the parking lot.
6. Parking space 12-15 appear to be 20 feet in length. A minimum length of 22 feet is recommended for parallel parking spaces.
7. There are two proposed parking spaces to be located northwest of the existing garage. Please address how this will be managed with respect to vehicles parked within the existing garage.
8. The existing dumpster appears to require the motorist to exit the driveway in reverse onto Mechanic Street. Please provide an explanation and/or plan that shows vehicle movements within the parking lot.
9. Parking spaces should be dimensioned.
10. It appears that there is a utility pole located within the mouth of the driveway opening, near Mechanic Street, in a key location. It appears that this pole location will be problematic with respect to vehicles exiting and entering the proposed driveway, and also for vehicles maneuvering within the driveway. It is recommended that the pole be relocated or otherwise protected.
11. The proposed curb-cut along Mechanic Street seems to be excessively wide. Please consider a smaller curb-cut.

12. It does not appear that a grading plan has been provided in accordance with Site Plan Review Regulations (SPRR) Section 5.1.E.6. Please address.
13. It does not appear that temporary erosion control measures and details are shown on the plans in accordance with Section 6.6.C of the SPRR. Please address.
14. Curb stops or curb should be provided in accordance with Section 6.2 of the SPRR.
15. The proposed level spreader detail is limited to a cross section view. Please show how the level spreader will discharge in the event of overflow, and show how an evenly distributed stormwater discharge be achieved and maintained over time.
16. Please provide typical cross section detail for proposed loam and seed areas.
17. Please show the proposed limits of work on the site plan.
18. The blue arrows shown on the site plan should be included in the site plan legend.
19. The proposed site profile references “stay-mat driveway” and “stay-mat parking lot”. Please include construction details to show how these elements will be constructed and maintained.
20. Please include a long term stormwater operations and maintenance plan in accordance with the SPRR Section 6.6.B and SPRR Section 6.6.H.2, and also please include a note on the site plans indicating that the Property Owner is responsible for long-term stormwater operations and maintenance in accordance with the Stormwater Operations and Maintenance Plan.
21. The proposed plans show the results of existing and proposed stormwater “calculations”. Please provide the back-up computations to show how the results calculated.
22. There is a note on the site plan regarding “Storm Water Subcatchment”. This note appears to reference existing and proposed stormwater catchments. However, the note points to a single line that does not appear to correspond to the existing or proposed conditions. Please clarify and revise plans to clarify the intent of the note.
23. The proposed site plans show results of “peak hour trips” analysis. Please provide back-up computations or a written explanation as to how those results were calculated.
24. Please add a note to the site plan that describes existing and proposed lot coverage.

B. Planning Comments

General

1. Are three additional units proposed for a total of 6, or two more for a total of 5?
2. Please complete and submit the attached revised Technical Checklist (which reflects the Site Plan Regulation amendments adopted by the Board on 3/22).
3. Jay – I believe you were going to update and resubmit your letter dated 9/13/20
4. Mark – regarding your March 24th letter:
 - a. It frames the application as requesting a “density determination”, but it’s an application for site plan review, only a part of which is to review the proposed density.
 - b. The letter indicates that 3 additional units are proposed for a total of 6 – is that accurate?
 - c. Will the proposed site improvements reduce impervious as compared to existing site conditions (i.e. the conditions that were made without site plan approval), or as compared to the 2005 existing conditions?
 - d. The letter indicates 8 parking spaces are required, but there are no per se minimum required parking spaces – rather the minimum number is determined by the Planning Board through Site Plan review.
 - e. The letter indicates no waivers are requested, but several waivers are in fact required based on the application that has been submitted.
5. Please note that the “Master Plan Consistency” narrative is not required by the Site Plan Review Regulations, nor is the Master Plan a regulatory document with which the applicant needs to demonstrate compliance.
6. Since the property is not located within the Floodplain District, it is not necessary to include copies of the FIRM with the application.
7. Please provide a lighting plan and manufacturer’s specifications per Section 5.1.E.13 and per the requirements of Section 6.7, and request waivers from the any of the applicable requirements of 5.1.E.13 and 6.7 that are not satisfied.

- *Please note: Section 5.1.E(13) applies whether or not new lighting is proposed. In the alternative to providing a lighting plan per Section 5.1.E(13) and Section 6.7 for the existing lighting, a waiver may be requested.*
- 8. Please provide more detail with respect to existing proposed landscaping, or a separate landscaping plan, and request waivers for any applicable requirements that are not satisfied. Additional landscaping-related comments are below.
- 9. **Please confirm that the design meets all applicable requirements of Section 6.10 of the Site Plan Review Regulations (the Lebanon Downtown District design regulations). To the extent that any of the applicable requirements are not satisfied, please request a waiver.**
- 10. Please review all other requirements of Article VI to ensure that all applicable requirements are satisfied or that a waiver has been requested in the alternative.
- 11. Waivers are required from the following requirements of the Site Plan Review Regulations (*please note that the identification of necessary waivers below should not – unless otherwise indicated - be construed as staff's support or endorsement of such waiver requests*).
 - a. 5.1.E.5 – A current survey is required certified by a land surveyor licensed in New Hampshire, depicting the perimeter boundaries of the lot(s) of the proposed site, including compass bearings, distances, and lot areas, and depicting the location of any existing improvements on the property and the width and location of any rights-of-way and/or easements on the property.
 - *A waiver from this requirement is necessary because it's not clear that a survey from 2005 is current, and the survey wasn't used to prepare the proposed site plan, so the survey itself is of limited value. However, staff supports this waiver to the extent that the 2005 survey provided with the application helps the Board to understand the conditions of the property as they existed prior to the unpermitted site improvements that were made sometime in or after 2015. I.e. they establish the existing conditions of the property from a regulatory standpoint.*
 - b. 5.1.E.6 – Requiring proposed grades, including topographic contours, with spot elevations. All contours shall be referenced to USGS or FEMA Flood Insurance Rate Map (FIRM) datums, as appropriate.
 - c. 5.1.E.6 – Requiring existing topographic information shall be prepared by a professional engineer registered in New Hampshire or land surveyor licensed in New Hampshire.
 - d. 5.1.E.7 – Requiring the plans to depict the height all existing structures within 200 feet of the site.
 - e. 5.1.E.9 - Requiring the plans to indicate the Zoning District of abutting properties within 200 feet of the site boundary; and the location of curb cuts and vehicle accesses within 200 feet of the site boundary.
 - f. 5.1.E.10 - Requiring the plans to show required sight distances at curb cuts and dimensions for the inside radii of all curves.
 - g. 5.1.E.12 - Requiring the plans to show size of all existing and proposed public and private utilities.
 - h. 5.1.E.13 (lighting plan requirements) and 6.7 subsections (lighting plan and design requirements), as needed
 - i. 5.1.E.16 (landscaping plan and design requirements) and 6.2 subsections (e.g. needed waivers appear to include, but may not be limited to the 6.B perimeter landscaping requirements, the Section 6.2.D. landscaping around buildings requirements, and the Section 6.2.L curbing requirements), as needed
 - *Please note that staff recommends a landscaping plan is provided to show existing conditions plus at least some landscaping improvements to bring the property more into conformance with the Section 6.2 landscaping design requirements, particularly with respect to Sections 6.2.B, 6.2.D, and 6.2.E.*
 - j. 5.1.E.17 - Requiring the plans to depict all existing and proposed surface and subsurface storm drainage facilities, including City storm drainage facilities located within 200 feet of the site. Plans for retention, detention, slow release, and treatment of storm water shall be provided, where necessary. The site plan shall include drainage plans prepared by a professional engineer registered in New Hampshire whose seal and signature shall appear on the plan(s).
 - k. 5.1.E.18 – Section 6.6 submission requirements
 - l. 5.1.E.19 - Plans for snow removal and storage.
 - *Please note that staff recommends this information be provided.*
 - m. 5.1.E.21 – Requiring construction details to be provided (*see 5.1.E.21 for additional requirements*)

- n. 5.1.E.23/6.5.F.1 – Requiring plans for on-site recreational facilities.
 - o. Any subsections of the following from which a waiver is required:
 - 6.2 Landscaping Standards –
 - 6.5 Coordination of Roads, Parking, Loading, Recreation and Safety
 - 6.6 Stormwater Management
 - 6.7 Lighting
 - 6.10 Lebanon Downtown District
12. Provide an Application for Waivers
- a. Note that the Board must find either Criteria A or Criteria B (as identified on the Application for Waivers) is satisfied in order to grant the waiver. Each waiver request, therefore, should demonstrate how the request meets either Criteria A or B. It is not clear to staff that all of the necessary requested waivers can be justified, and recommends that the applicant try as much as possible to provide as much of the missing information as possible.
13. Please identify how the project complies with Section 6.5.E of the Site Plan Review Regulations (groundwater protection).
14. Were all holders of easements, rights of way, or other restrictions identified on the abutters list?

Plan Set Comments

15. Please indicate how the parking lot will meet Section 6.5.C.2 (“Parking areas shall be finished with improved materials.” See 6.5.C.2 for additional requirements), and provide construction details.
16. Parking spaces 1 and 2 in front of the garage are not permitted per Section 307.9.B of the Zoning Ordinance and must be removed (“No parking area or circulation area for vehicles shall be located in the front yard.”). Please consider also removing the parallel spaces along the west side of the lot (spaces 12-15).
17. Indicate how the dumpster will be screened as required by Section 6.2.B.8, and provide details.
18. Are all transit stops located or passing within ¼ mile depicted? (5.1.E.19)
19. Please either reduce the size of the Vicinity Map and Zoning District Map and increase the scale of the site plan, or add an additional sheet the focuses in on the subject property.
20. Provide the names and mailing addresses of the owners of abutting properties; and the Holders of any easements, rights of way, or other restrictions, based on the current records of the City Assessor available at City Hall, not more than 5 days before the date of filing of the application. (5.1.E.2) *Please note – this requirement is not waivable and is required by NH RSA 676:4, I.*
21. Please add a note to address Sections 6.5.D.5 and 6 which require definitive statements regarding the existence of easements, deed restrictions, rights-of-ways, etc.
22. Please add the following information to the “Site Information” table, as required by Section 5.1.E.4.e:
- a. Remove the “Parking Spaces Required” - *the minimum number of required parking spaces is determined by the Planning Board as part of Site Plan Review per Section 607.4 of the Zoning Ordinance. There are no per se minimum parking requirements.*
 - b. 5.1.E.4.e.3 – Area of lot
 - c. 5.1.E(4)(e)(6) Number of existing & proposed short- & long-term bicycle storage spaces
 - d. 5.1.E(4)(e)(8) Height of each existing building (both the dwelling and the detached garage)
 - e. 5.1.E(4)(e)(9) The gross square footage of each floor in the dwelling;
 - f. Change “Max Allowable Coverage” to “Max Building Coverage”
 - g. 5.1.E(4)(e)(10) Proposed use (identify number and type of existing dwelling units, and number of type of proposed units)
 - h. 5.1.E(4)(e)(11) Required front, side, and rear yard setbacks
 - i. 5.1.E.4.e.12 and 5.1.E.10 - The total square footage and percentage of existing lot/impervious coverage (based on 2005 conditions) and proposed lot/impervious coverage
23. Please ensure that all existing landscaping/vegetation that will remain is shown and clearly identified on the plan.
24. If any new landscaping is proposed:
- a. Provide parking lot shading calculations

- If no new landscaping is proposed, please remove parking lot shading calculation from the "Site Information" table
- b. Please add notes relative to the planting and seeding of disturbed areas.
- c. Please add the following sections of the Site Plan Review Regulations as plan notes (unless a waiver is requested from any of these sections):
 - a. 6.2.B.3 ("All new plant material shall be nursery-grown stock.")
 - b. 6.2.B.4 (just the first sentence)
 - c. 6.2.B.5
 - d. 6.2.H.1
 - e. 6.2.K
 - f. 6.2.F.1
 - g. 6.2.F.2

TIM CORWIN, AICP

SENIOR PLANNER

CITY OF LEBANON

51 NO. PARK STREET

LEBANON, NH 03766

(PH.) 603.448.1457, EXT.6127

(FAX) 603.442.6141

TIM.CORWIN@LEBANONNH.GOV

WWW.LEBANONNH.GOV



NEW CITY HALL HOURS:

MON-THU: 7:00AM - 5:00PM

FRI: CLOSED

NOTICE: THIS E-MAIL AND ANY REPLY TO THIS E-MAIL MAY BE CONSIDERED A "GOVERNMENTAL RECORD" PER NH RSA 91-A:1-A. THE CITY OF LEBANON IS REQUIRED TO MAKE GOVERNMENTAL RECORDS AVAILABLE TO THE PUBLIC UPON REQUEST, IN ACCORDANCE WITH NH RSA 91-A:4. THE CITY IS ALSO REQUIRED TO RETAIN GOVERNMENTAL RECORDS FOR MINIMUM PERIODS OF TIME AS SET FORTH IN NH RSA 33-A:3-A.

**Agenda
Planning Board
June 14, 2021**

**Agenda Item #3C
Public Hearing Items**

**Stoney Brook Veterinary
Hospital Realty Holdings, LLC,
and Alan & Mondae Dupuis,
88 Riverside Drive
(Tax Map 110, Lot 20) and
0 Stoney Brook Road
(Tax Map 110, Lot 22),
zoned RL-1
PB2021-17-BLA**



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

PLANNING BOARD

June 14, 2021 Meeting

Staff Memorandum – PB2021-17-BLA

APPLICATION INFORMATION

Agenda Item: 3.C

Application ID: PB2021-17-BLA

Application Type:
Boundary Line Adjustment

Property Location & Tax Map:

- 88 Riverside Drive (Tax Map 110, Lot 20)
- 0 Stoney Brook Road (Tax Map 110, Lot 22)

Property Owners/Applicants:

Stoney Brook Veterinary Hospital Realty Holdings, LLC, and Alan & Mondae Dupuis

Property Sizes (existing):

- 88 Riverside Drive (Tax Map 110, Lot 20): +/-0.94 acres *per boundary line plat*
- 0 Stoney Brook Road (Tax Map 110, Lot 22): +/-4.23 acres *per boundary line plat*

Property Sizes (proposed):

- 88 Riverside Drive (Tax Map 110, Lot 20): +/-1.24 acres *per boundary line plat*
- 0 Stoney Brook Road (Tax Map 110, Lot 22): +/-3.93 acres *per boundary line plat*

Zoning District:

Rural Lands One (RL-1)

Zoning Overlay District(s):

- Wetlands Conservation District
- Riverbank Protection District
- Floodplain District

LEGAL NOTICE

Stoney Brook Veterinary Hospital Realty Holdings, LLC, and Alan & Mondae Dupuis, 88 Riverside Drive (Tax Map 110, Lot 20) and 0 Stoney Brook Road (Tax Map 110, Lot 22), zoned RL-1: Request for approval of a Boundary Line Adjustment between lands located at 88 Riverside Drive (Tax Map 110, Lot 20) and 0 Stoney Brook Road (Tax Map 110, Lot 22). PB2021-17-BLA

PLANS AND APPLICATION MATERIALS

- ▶ Application forms (2 page)
- ▶ Project Description (1 page)
- ▶ Subdivision Regulations - Technical Checklist (3 pages)
- ▶ Plat titled "Boundary Line Adjustment Plan for Stoney Brook Veterinary Hospital Realty Holdings, LLC and Alan & Mondae Lee Dupuis," prepared by Pathway Consulting, LLC, dated March 29, 2021, Proj. No. 12124

COMPLETENESS REVIEW

This application has been reviewed in accordance with the Lebanon Subdivision Regulations. The Planning and Development Department recommends that the Board find that the application is complete enough to accept jurisdiction and to commence review.

APPLICATION OVERVIEW

This is a request for a Boundary Line Adjustment between lands located at 88 Riverside Drive (Tax Map 110, Lot 20) and 0 Stoney Brook Road (Tax Map 110, Lot 22). By way of background, Stoney Brook Road between NH Route 4 and Stoney Brook Road was discontinued by the City Council on December 8, 2008. 88 Riverside Drive (identified as parcel "B" in Figure 1 below) abuts the discontinued portion of Stoney Brook Road to the east, and 0 Stoney Brook Road (identified as parcel "A" in Figure 1) abuts to the west. As a matter of New Hampshire law, the eastern half of the discontinued Stoney Brook Road right-of-way (shown in green in Figure 1) merged with 88 Riverside Drive, and the western half of the discontinued Stoney Brook Road right-of-way (shown in blue in Figure 1) merged with 0 Stoney Brook Road.

As shown on the boundary line plat, the portion of 0 Stoney Brook Road that is proposed to be transferred to 88 Riverside Drive is essentially the

STAFF MEMORANDUM

PB2021-17-BLA
88 Riverside Dr & 0 Stoney Brook Rd
June 14, 2021 PB Mtg
Agenda Item 3.C
Page 2 of 3

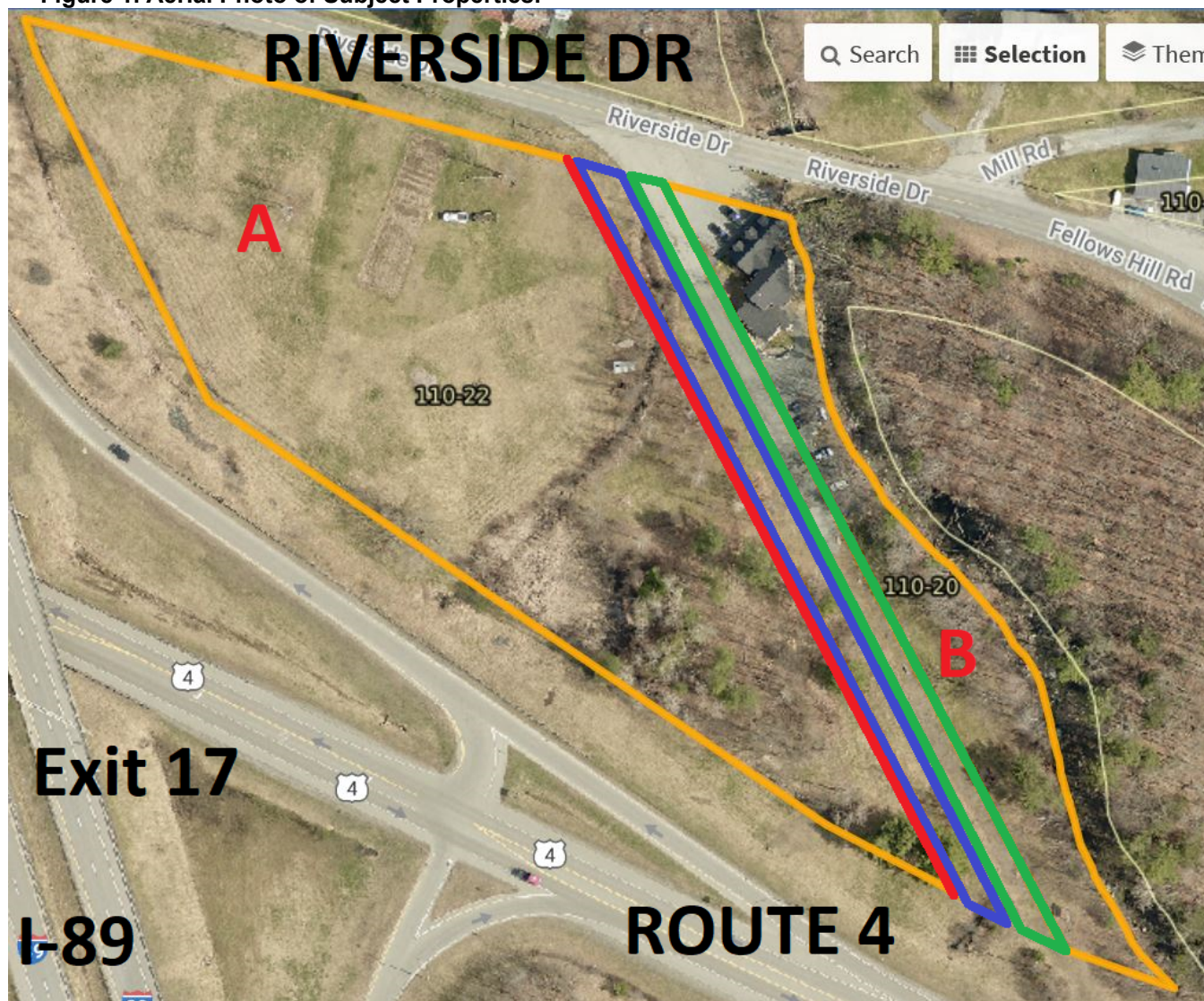
western half of the discontinued Stoney Brook Road right-of-way (which automatically merged with 0 Stoney Brook Road upon discontinuance).

As proposed, the changes resulting from the proposed Boundary Line Adjustment are as follows:

- ▶ 0 Stoney Brook Road will decrease by a net of +/-0.30 acres, from +/-4.23 acres to +/-3.93 acres.
- ▶ 88 Riverside Drive will increase by a net of +/-0.30 acres, from +/-0.94 acres to +/-1.24 acres.

The approximate location of the new boundary line between the subject properties is depicted in red in Figure 1. As a result of the boundary line adjustment, 88 Riverside Drive will consist of all land to the east of the red line.

Figure 1. Aerial Photo of Subject Properties.

**STAFF COMMENTS**

ASSESSING

No comment.

BUILDING INSPECTION

No comment.

FIRE

No comment.

POLICE

No comment.

PUBLIC WORKS/CITY ENGINEER

No comment.

PLANNING

The applicants have already addressed the Planning and Development Department's comments regarding the information presented on the plat. Planning staff has no other comments.

ZONING

0 Stoney Brook Road is currently conforming to the minimum required lot and frontage requirements for Class 3 lots in the RL-1 District and will continue to after reconfiguration. 88 Riverside Drive is currently non-conforming to both the minimum lot and frontage requirements but will increase in size and frontage with the proposed boundary line adjustment, thereby resulting in a slightly more conforming lot.

STAFF RECOMMENDATIONS

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

1. Prior to the signing and recording of the final plat, the applicants shall provide to the City a draft copy of the deed of the land transfer for review to ensure the transfer will be completed properly for Assessing and recording purposes.
2. 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).

Attachments

cc: Stoney Brook Veterinary Hospital Realty Holdings, LLC (via e-mail)
Alan & Mondae Dupuis (via e-mail)
Aaron H. Simpson, Esq. (via e-mail)
File

**CITY OF LEBANON
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: Stoney Brook Veterinary Hospital Realty Holdings, LLC (Kim Jones, DVM) TEL.#: 603/448-4448

MAILING ADDRESS: 99 Riverside Drive, Lebanon, NH 03766

E-MAIL ADDRESS: doctorklo@msn.com

AGENT:

NAME: Aaron H. Simpson, Esq. TEL.#: 603/448-1877

MAILING ADDRESS: 31 Old Etna Road, Suite S-1, Lebanon, NH 03766

E-MAIL ADDRESS: ahs@simulaw.com

PROJECT LOCATION: 88 Riverside Dr

TAX MAP #: 110 LOT#: 20 PLOT #: ZONE: RL-1

STREET ADDRESS OF PROJECT: Riverside Drive

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

SCOPE OF PROJECT:

lot line adjustment approval request for purchase of a strip of land from Lot 110-22 from abutters, Alan and Mondae Dupuis, to be added to Lot 110-20

TYPE OF OCCUPANCY:

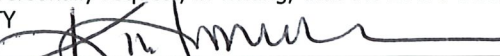
EXISTING ☒ VACANT ☐ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☒ COMMERCIAL ☐ INDUSTRIAL
PROPOSED ☒ VACANT ☐ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☒ COMMERCIAL ☐ INDUSTRIAL

IF USE IS **COMMERCIAL** OR **INDUSTRIAL**, PLEASE NOTE **SPECIFIC**

USE: Veterinary Hospital

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 June 14, 2021, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

PROPERTY OWNER: 

DATE: 5/10/21

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 #	FEE - \$ AMOUNT	DATE PAID	VOUCHER #
5-10-2021	110-20-22	PB2021-17-BLH	71.10	5-10-2021	18245

**CITY OF LEBANON
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: Alan and Mondae Dupuis TEL.#: 603/359-5669

MAILING ADDRESS: 71 Riverside Drive, Lebanon, NH 03766

E-MAIL ADDRESS: alan.dupuis@timken.com

AGENT:

NAME: TEL.#:

MAILING ADDRESS:

E-MAIL ADDRESS:

PROJECT LOCATION: Stoney Brook Rd.

TAX MAP #: 110 LOT#: 22 PLOT #: ZONE: RL-1

STREET ADDRESS OF PROJECT: Riverside Drive

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

SCOPE OF PROJECT:

lot line adjustment approval request to sell a strip of land from Lot 110-22 to be added to Lot 110-20 owned by

Stoney Brook Road Veterinary Hospital Realty Holdings, LLC

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: Veterinary Hospital

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 June 14, 2021, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

PROPERTY OWNER: Alan and Mondae Dupuis DATE: 5/5/2021

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 #	FEE - \$ AMOUNT	DATE PAID	VOUCHER #
5-10-21	110 / 20 & 22	PB2021-17-B4	71.10	5-10-21	18245

Project Description

for 88 Riverside Dr & 0 Stoney Brook Rd BLA Application (PB2021-17-BLA)

Stoney Brook Veterinary Hospital Realty Holdings, LLC

(Tax Map/Lot 110/20)

and

Alan and Mondae Dupuis

(Tax Map/Lot 110/22)

Tax Map/Lots 110/20 and 110/22 historically were divided by Stoney Brook Road Extension. In December 2008 the Lebanon City Counsel discontinued Stoney Brook Road Extension as a public way, and as a result, the presumption is that each abutter now owns to the center of the discontinued road.

The owners of Tax Map Lot 110/22 have agreed to convey a portion of their property including the traveled way of the discontinued road as well as what is believed to be a portion of the original right of way created when the road was originally laid out.

In addition to the transfer, each property owner will be releasing any rights the other may have to use the land of the other based upon the residual rights of abutters in the discontinued road.

CITY OF LEBANON, NH SUBDIVISION REGULATIONS – TECHNICAL CHECKLIST MINOR LOT LINE ADJUSTMENT / BOUNDARY LINE AGREEMENT	
PROJECT NAME: 88 Riverside Dr & 0 Stoney Brook Rd BLA Application (PB2021-17-BLA)	
APPLICANT: Stoney Brook Veterinary Hospital Realty Holdings, LLC and Alan and Mondae Dupuis	DATE: 5/24/2021
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~~ ^{Twelve (12)} (8) sets of project plans to be distributed for Staff Review. [§8.2.A]
[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 format. [§8.2.B]

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
MINOR LOT LINE ADJUSTMENT / BOUNDARY LINE AGREEMENT

PLAN SUBMITTAL TECHNICAL CHECKLIST:

NOTE: Minor Lot Line Adjustment / Boundary Line Agreement plans shall include the information described below pursuant to Section 8 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. [§8.2.C]

Plan Requirements	Info. Provided	Waiver Sought
8.2.A(1) - - 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; (NOTE: 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).)	☒ ☒ ☒ ☒ ☒	☐ ☐ ☐ ☐ ☐
8.2.A(2) - 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.	☒	☐
8.2.A(3) - 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.	☒	☐
8.2.A(4) - Zoning District in which the subject lots are located, including district boundaries if in more than one district.	☒	☐
8.2.A(5) - Location of all existing structures on the subject lots.	☒	☐
8.2.A(6) - Site location map showing the original boundaries of the subject lots and adjacent lots.	☒	☐
8.2.A(7) - The new surveyed property line(s) as a result of the application, 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, and the area of the altered lots shall be shown in square feet and acres.	☒	☐

CITY OF LEBANON, NH
SUBDIVISION REGULATIONS - TECHNICAL CHECKLIST
MINOR LOT LINE ADJUSTMENT / BOUNDARY LINE AGREEMENT

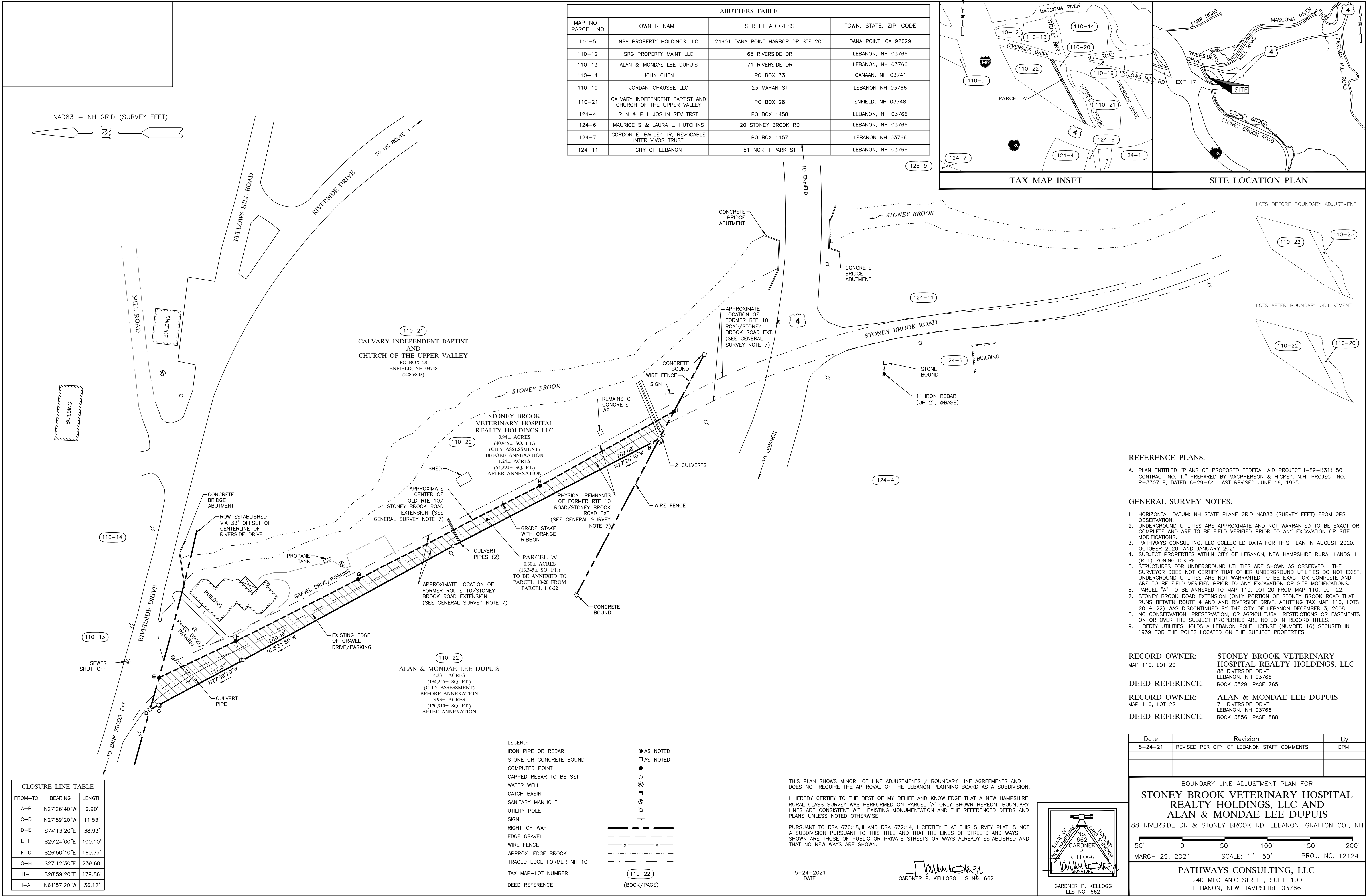
Plan Requirements (cont.)	Info. Provided	Waiver Sought
<u>8.2.A(8)</u> - The plat shall be titled to include the names of the owners of all lots altered by the application.	☒	☐
<u>8.2.A(9)</u> - A statement shall be placed on the plat as follows: "This plan shows Minor Lot Line Adjustments / Boundary Line Agreements and does not require the approval of the Lebanon Planning Board as a subdivision."	☒	☐

NOTE: THE APPLICANT IS RESPONSIBLE FOR PROVIDING THE REQUIRED INFORMATION PURSUANT TO SECTION 8 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: A. H. Sp. Agent for Applicant

Planning office Use Only:		
Date Received ___/___/___	Checklist Complete YES or NO	Checked by: _____

(Last Revised 05/22/13)



REFERENCE PLANS:

- A. PLAN ENTITLED "PLANS OF PROPOSED FEDERAL AID PROJECT I-89-I(31) 50 CONTRACT NO. 1," PREPARED BY MACPHERSON & HICKEY, N.H. PROJECT NO. P-3307 E, DATED 6-29-64, LAST REVISED JUNE 16, 1965.

GENERAL SURVEY NOTES:

- HORIZONTAL DATUM: NH STATE PLANE GRID NAD83 (SURVEY FEET) FROM GPS OBSERVATION.
- UNDERGROUND UTILITIES ARE APPROXIMATE AND NOT WARRANTED TO BE EXACT OR COMPLETE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY EXCAVATION OR SITE MODIFICATIONS.
- PATHWAYS CONSULTING, LLC COLLECTED DATA FOR THIS PLAN IN AUGUST 2020, OCTOBER 2020, AND JANUARY 2021.
- SUBJECT PROPERTIES WITHIN CITY OF LEBANON, NEW HAMPSHIRE RURAL LANDS 1 (RL1) ZONING DISTRICT.
- STRUCTURES FOR UNDERGROUND UTILITIES ARE SHOWN AS OBSERVED. THE SURVEYOR DOES NOT CERTIFY THAT OTHER UNDERGROUND UTILITIES DO NOT EXIST. UNDERGROUND UTILITIES ARE NOT WARRANTED TO BE EXACT OR COMPLETE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY EXCAVATION OR SITE MODIFICATIONS.
- PARCEL "A" TO BE ANNEXED TO MAP 110, LOT 20 FROM MAP 110, LOT 22.
- STONEY BROOK ROAD EXTENSION (ONLY PORTION OF STONEY BROOK ROAD THAT RUNS BETWEEN ROUTE 4 AND RIVERSIDE DRIVE, ABUTTING TAX MAP 110, LOTS 20 & 22) WAS DISCONTINUED BY THE CITY OF LEBANON DECEMBER 3, 2008.
- NO CONSERVATION, PRESERVATION, OR AGRICULTURAL RESTRICTIONS OR EASEMENTS ON OR OVER THE SUBJECT PROPERTIES ARE NOTED IN RECORD TITLES.
- LIBERTY UTILITIES HOLDS A LEBANON POLE LICENSE (NUMBER 16) SECURED IN 1939 FOR THE POLES LOCATED ON THE SUBJECT PROPERTIES.

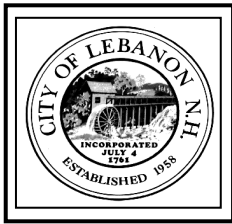
RECORD OWNER:	STONEY BROOK VETERINARY HOSPITAL REALTY HOLDINGS, LLC
MAP 110, LOT 20	88 RIVERSIDE DRIVE LEBANON, NH 03766 BOOK 3529, PAGE 765
DEED REFERENCE:	
RECORD OWNER:	ALAN & MONDAE LEE DUPUIS
MAP 110, LOT 22	71 RIVERSIDE DRIVE LEBANON, NH 03766 BOOK 3856, PAGE 888
DEED REFERENCE:	

Date	Revision	By
5-24-21	REVISED PER CITY OF LEBANON STAFF COMMENTS	DPM
BOUNDARY LINE ADJUSTMENT PLAN FOR STONEY BROOK VETERINARY HOSPITAL REALTY HOLDINGS, LLC AND ALAN & MONDAE LEE DUPUIS 88 RIVERSIDE DR & STONEY BROOK RD, LEBANON, GRAFTON CO., NH		
50' 0 50' 100' 150' 200'		
MARCH 29, 2021 SCALE: 1"= 50' PROJ. NO. 12124		
PATHWAYS CONSULTING, LLC 240 MECHANIC STREET, SUITE 100 LEBANON, NEW HAMPSHIRE 03766		

**Agenda
Planning Board
June 14, 2021**

**Agenda Item #4A
Other Business**

**Proposed fire code-related
amendments to the
Site Plan Review
and Subdivision
Regulations**



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Planning Board

FROM: Planning and Development Department Staff

RE: Proposed Fire-Related Amendments to Site Plan Review Regulations and Subdivision Regulations
June 14, 2021 Planning Board Meeting – *Agenda Item 4.A*

DATE: June 8, 2021

At the January 25, 2021 work session, staff presented draft amendments to the Site Plan Review and Subdivision Regulations for the Board's consideration. These included proposed edits relating to the fire safety design provisions of the Regulations and updating the various references to the City's fire code. Following the Board's discussion and based on further discussions with the Fire Department, staff has revised and updated the proposed fire-related amendments to the Site Plan Review and Subdivision Regulations, as shown in the attached redlines. The new or revised text is blue and underlined. The text to be deleted is shown as ~~red with a strike-out~~.

Recognizing that the City's fire code is applicable to development and enforceable by the City whether or not any of those provisions are duplicated in the Regulations, and given that the City's fire code (and the codes it incorporates including the IFC and NFPA) are updated and amended on a relatively frequent basis, the goal of the proposed amendments is to simplify the Regulations and eliminate the possibility of outdated references by removing requirements that are duplicative of the City's fire code.

At the same time, the proposed edits are intended to encourage applicants to meet with staff early on in the review process to help identify the various codes and regulations (including but not limited to the City's fire code) that may impact the development's design. For the applicant's benefit, revised Section 1.6.A will specifically identify most of the other codes and regulations (including but not limited to the City's fire code) that an applicant should be aware of at the outset when preparing a site plan.

As part of this effort to simplify and eliminate duplication, while at the same time raising an applicant's awareness as to other applicable codes and regulations at the earliest opportunity in the development process, the Fire Department has prepared a draft document highlighting those provision of the City's fire code (and the codes it incorporates including the IFC and NFPA) that are specifically related to site design. When finalized, the document will be posted to the City's website and will be incorporated into a Development Handbook that the Planning and Development Department is working to create. A draft of the Fire Department's reference document is attached for the Board's reference.

Staff Recommendations and Proposed Schedule

In order to adopt the proposed regulatory amendments, RSA 675:6, I requires that the Board first hold a public hearing. Therefore, following discussion of the attached redlines at the June 14,

STAFF MEMORANDUM

Draft Amendments to
Site Plan Review and Subdivision Regulations
February 22, 2021 Planning Board Mtg
Page **2** of **2**

2021 regular meeting, staff recommends that the Planning Board schedule a public hearing on the proposed amendments for the Board's June 28, 2021 work session.

The amendments will be forwarded to the City's legal counsel for review prior to the public hearing. Any suggestions for modifications to the attached drafts by legal counsel will be shared with the Planning Board prior to any public hearing.

Attachments

- Excerpt of the Site Plan Review Regulations (redline last revised June 8, 2021)
- Excerpt of the Subdivision Regulations (redline last revised June 1, 2021)
- *Draft* Fire Department reference sheet identifying fire code site design requirements

DRAFT AMENDMENTS TO SITE PLAN REVIEW REGULATIONS

FIRE -RELATED REQUIREMENTS

ARTICLE I – ENACTMENT AND GENERAL PROVISIONS

[...]

Section 1.6 – Compliance

- A. ~~No site plan shall be approved by the Planning Board unless such plan~~ Site plans shall be prepared in accordance with ~~complies with~~ all applicable local, state and federal ordinances, laws, codes, regulations, and requirements including but not limited to ~~local ordinances and regulations, and state and federal laws, including~~ but not limited to the following: -
1. Zoning Ordinance of the City Of Lebanon, NH, current edition;
 2. The State Fire Code and the City of Lebanon Fire Prevention Code (Chapter 72 of the City Code);
 3. (remainder of list in progress....)

[...]

ARTICLE IV – PROCEDURE

[...]

Section 4.3 – Conceptual Review

- A. For any site development, the Applicant may request an informal discussion with the Board, to be conducted in general terms, of the basic concept of the proposed development. [...]

[...]

Section 4.3.1 – Consultation with City Staff

Prior to the submission of an application to the Planning Board, applicants are encouraged to consult with staff from the Planning and Development Department, Fire Department, and Department of Public Works. Such consultations are an opportunity for the applicant to ask questions and for staff to identify potential issues or concerns as well as any additional codes and regulations that may apply to the development and which may impact the development's site design and layout. Such additional codes and regulations may include those identified in Section 1.6.A.

[...]

Section 4.7 – Review for Complete Application

[...]

C. Review by ~~the Planning & Development Department~~ City Staff

1. Upon submission of an application, the Planning and Development Department shall forward the application to the Building Inspector, Fire Department, Police Department, Department of Public Works and any other Department or staff person as may determined by the Planning Director, for review and comment.

[...]

ARTICLE V – SUBMISSION REQUIREMENTS

Section 5.1 – Drawings and Other Submittals

[...]

An application for Site Plan Review shall include the following information:

[...]

E. [...] Site Plan drawings shall include the following information [...]:

24. ~~Plans for fire protection including emergency vehicle turn radius diagrams, if requested by the Lebanon Fire Department.~~ Where a fire, emergency equipment, or similar vehicle turnaround area is provided, it must have an adequate turn radius. Provide CAD Autoturn data or a similar basis of design for the turn radius, if requested by Lebanon Fire or Engineering staff. City staff may also ask for this information at any time.

ARTICLE VI – DESIGN AND CONSTRUCTION REQUIREMENTS

The Planning Board shall approve the proposed site plan only upon determination that the following requirements have been met:

Section 6.1 – General Requirements

- A. The site shall be of such character that it can be used safely for the construction and installation of the improvements, proposed by the Applicant, without excessive grades, inadequate drainage, and other hazardous conditions. Site clearing shall be kept to the minimum required for the construction of buildings and improvements, taking into consideration the need for pedestrian and vehicular safety and the need for natural light and air. Natural cover shall be retained to the extent possible and reasonable. The overall intensity of site development shall be harmonious with the municipality, the neighborhood, and adjacent properties.
- B. Site plans shall be prepared in accordance with all applicable local, state and federal ordinances, laws, codes, regulations, and requirements including but not limited to those identified in Section 1.6.A.

[...]

Section 6.2 – Landscaping Standards

[...]

I. Maintenance and Materials

1. [...]

2. [...]

If a property is within a wildland-urban interface area, perimeter landscaping at the interface should be selected according to the current version of Appendix F of the International Wildland Urban Interface Code, Characteristics of Fire-Resistive Vegetation.

Section 6.3 – Utilities and Fire Protection

Provisions shall be made for the site to be serviced by necessary utilities, ~~which may include water for fire and domestic use.~~ Water lines serving any hydrant shall meet the standards specified by the Department of Public Works. ~~In the event that a site is not serviced by City water mains, then the following standards shall apply in order to provide minimum requirements for water supply for firefighting, and a reasonable degree of protection to life and property.~~

~~A. — There shall be located on site a water storage facility capable of delivering required fire flows as determined by using the Insurance Services Organization (ISO) formula for required fire flow. Such storage and delivery systems shall meet the requirements of National Fire Protection Association (NFPA) Standard #22, *Water Tanks for Private Fire Protection*, and NFPA Standard #24, *Private Fire Service Mains and Their Appurtenances*.~~

~~B. — If proper improvements to be constructed are to be sprinklered, either by building code requirements or the Applicant's choice, water storage capacity shall be determined by NFPA Standard #13, *Installation of Sprinkler Systems*, or NFPA Standard #13D, *Residential Sprinkler Systems for One & Two Family Houses*, or NFPA Standard #13R, *Residential Sprinkler Systems*. In no case shall storage capacity be less than 10,000 gallons of usable water.~~

~~C. — The supply of water for firefighting purposes shall be located and maintained so as to be accessible year round to Fire Department apparatus. Such supply shall be within a 1,000 foot hose lay of all structures.~~

~~D. — The Board shall obtain from the Fire Department its comments on compliance with these standards and any other life safety codes.~~

~~Nothing contained herein shall relieve the Applicant of complying with applicable provisions of the Lebanon Building Code adopted by the City of Lebanon under Ordinance #23.~~

[...]

Section 6.5 – Coordination of Roads, Parking, Loading, Recreation, and Safety

[...]

B. Access and Traffic

[...]

5. Each site shall provide adequate access from public highways and sufficient maneuvering room for fire, police, and other emergency vehicles. ~~The Fire Department shall provide information indicating whether or not this requirement is satisfied by the proposed plan . Minimum access requirements shall include a 50 foot turning radius and 22 foot fire lanes at the rear of the buildings.~~

[...]

DRAFT AMENDMENTS TO SUBDIVISION REGULATIONS

FIRE-RELATED REQUIREMENTS

[...]

SECTION 3 – COMPLIANCE

~~No s~~Subdivision plans shall be prepared in accordance with approved unless such plan complies with all applicable all applicable local, state and federal ordinances, laws, codes, regulations, and requirements ~~local ordinances, regulations, and state and federal requirements~~, including but not limited to: ~~the Zoning Ordinance, the Building Code, Site Plan Review Regulations, Ordinance 16-A Water Investment Fee, and Ordinance 61, "Public Utilities Ordinance of the City of Lebanon, New Hampshire."~~

1. Zoning Ordinance of the City Of Lebanon, NH, current edition;
2. The State Fire Code and the City of Lebanon Fire Prevention Code (Chapter 72 of the City Code);
3. (remainder of list in progress....)

[...]

SECTION 7 – PLANNING BOARD PROCEDURES

[...]

7.3.1 Consultation with City Staff

Prior to the submission of an application to the Planning Board, applicants are encouraged to consult with staff from the Planning and Development Department, Fire Department, and Department of Public Works. Such consultations are an opportunity for the applicant to ask questions and for staff to identify potential issues or concerns as well as any additional codes and regulations that may apply to the development and which may impact the subdivision design and layout. Such additional codes and regulations may include those identified in Section 3.

[...]

7.7 Review for Complete Application

[...]

C. Review by ~~the Planning & Development Department~~City Staff

1. Upon submission of an application, the Planning and Development Department shall forward the application to the Building Inspector, Fire Department, Police Department, Department of Public Works and any other Department or staff person as may determined by the Planning Director, for review and comment.

[...]

SECTION 10 – MAJOR SUBDIVISION

[...]

10.4 Submission Requirements

[...]

B. Design Review - Specific Submission Requirements

1. Major Subdivision plans submitted for Design Review shall include and depict the following information in addition to the baseline information listed in Paragraph 10.4.A(1) above:

[...]

- g. The preliminary plan for existing and proposed telephone, cable, and electric utilities, including municipal fire alarm systems.

[...]

2. The following supporting documents and information shall be provided for Design Review:

[...]

- j. [Where a fire, emergency equipment, or similar vehicle turnaround area is provided, it must have an adequate turn radius. Provide CAD Autoturn data or a similar basis of design for the turn radius, if requested by Lebanon Fire or Engineering staff. City staff may also ask for this information at any time.](#)

C. Final Plat Review - Specific Submission Requirements

1. Major Subdivision plans submitted for Final Plat Review shall include and depict the following information in addition to the baseline information listed in Paragraph 10.4.A(1) above:

[...]

- i. The final plan for existing and proposed telephone, cable, and electric utilities, including municipal fire alarm systems.

[...]

2. The following supporting documents and information shall be provided for the Final Review Phase:

[...]

- j. Where a fire, emergency equipment, or similar vehicle turnaround area is provided, it must have an adequate turn radius. Provide CAD Autoturn data or a similar basis of design for the turn radius, if requested by Lebanon Fire or Engineering staff. City staff may also ask for this information at any time.

SECTION 13 – DESIGN STANDARDS

[...]

13.2 Specifications for Required Improvements

All required improvements shall be designed and constructed or installed in accordance with good engineering design and practice, in accordance with *Standard Specifications for Road and Bridge Construction* as published by the State of New Hampshire Department of Transportation, ~~and~~ in accordance with these Regulations, and in accordance with all applicable local, state and federal ordinances, laws, codes, regulations, and requirements including but not limited to those identified in Section 3.

13.3 Lot Layout, Drainage and Driveways

Lot layout will result in the permanent division of land. It is in the public interest that the lot layout shall be functional, economical and aesthetically pleasing. Lots shall be laid out in relation to the topography and graded sufficiently to provide adequate drainage for the purpose intended without the diversion of water onto other lots or onto property adjoining the subdivision. Excessive grading and disturbance of natural cover will not be permitted. ~~Steep driveways shall be avoided.~~ The configuration of the lots shall provide lots that are functional for land uses intended. A lot layout resulting in unusual shapes solely to satisfy minimum area requirements of the Zoning Ordinance will not be approved.

- A. The subdivider shall demonstrate on each lot that there is a feasible location for a safe and convenient access for a driveway without unreasonable grades. Steep driveways in excess of 10% shall be avoided unless the Fire Department recommends that a steeper driveway is permissible.

[...]

13.12 Fire Protection (Reserved)

~~In the event that a subdivision is not serviced by City water mains, then the following standards, shall apply in order to provide minimum requirements for water supply for firefighting, and a reasonable degree of protection to life and property.~~

- A. ~~There shall be located in the subdivision a water storage facility capable of delivering required fire flows as determined by using the ISO formula for required fire flow.~~

~~Such storage and delivery systems will meet the requirements of NFPA #22, *Water Tanks for Private Fire Protection*, and NFPA #24, *Private Fire Service Mains and Their Appurtenances*. In no case shall storage capacity be less than 10,000 gallons of usable water.~~

~~B. If proper improvements to be constructed are to be sprinklered, either by Building Code requirements or applicant's choice, water storage capacity shall be determined by NFPA #13, *Installation of Sprinkler Systems (for commercial and/or multifamily)*, or NFPA #13D, *Installation of Sprinkler Systems in One and Two-Family Dwelling and Mobile Homes*. In the event that the proposed project does not fit within either national code, then the Fire Department shall determine what is required to meet the intent of these two codes.~~

~~C. The supply of water for firefighting purposes shall be located and maintained so as to be accessible year round to Fire Department apparatus. Such supply shall be within a 500 foot hose lay of all structures for residential development and within 300 feet hose lay of all structures for commercial and industrial development.~~

~~D. The Board shall obtain comments from the Fire Department on compliance with these standards.~~

~~Nothing contained herein shall relieve the subdivider of complying with applicable provisions of Ordinance 22, the Lebanon Building Code.~~

All applications made to the Lebanon Planning Board are reviewed by the Lebanon Fire Department in order to determine compliance with the applicable fire and life safety codes that are adopted by the City of Lebanon and the State of New Hampshire. This document is intended to highlight some of the most common issues noted by the Lebanon Fire Department during its review of applications and is not intended to list every applicable code section. The applicable codes used within the review are as follows:

- International Fire Code, most recent edition (currently 2021)
- NFPA 1, Fire Code, 2015 Edition
- NFPA 1141, Standard for Fire Protection Infrastructure for Land Development in Wildland, Rural, and Suburban Areas
- NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting
- NFPA 1144, Standard for Reducing Structure Ignition Hazards from Wildland Fire

The applicable sections of the International Fire Code include Chapter 5, Fire Service Features. Contained within this chapter are requirements for fire department access roads, premise identification, and fire department water supplies. Appendix B, Fire-Flow Requirements for Buildings is adopted by the City of Lebanon. This chapter discusses the minimum water supplies required for different types buildings and is used in evaluating water main size and layout. Appendix C, Fire Hydrant Locations and Distribution specifies the requirements on the number and spacing of fire hydrants for a development project. Appendix C, Fire Apparatus Access Roads provides specific design information on roadways.

Some of the more frequent issues encountered during the review process include the following:

- Access roads that have a fire hydrant shall have a minimum unobstructed width of 26 feet (D103.1)
- Fire apparatus access roads shall not exceed 10% in grade (D103.2)
- Approved fire department turn arounds (Figure D103.1)
- Where the vertical distance between the grade plane and highest roof surface exceeds 30 feet, an aerial fire apparatus access road shall be provided. This road shall have an unobstructed width of 26 feet, exclusive of shoulders (D105)
- Housing projects with more than 100 dwelling units and commercial projects greater than 62,000 sqft or 30 feet high shall have not less than 2 separate fire apparatus access roads (D104 & D106)
- Fire apparatus access roads shall extend to within 150 feet of all portions of the facility (503.1.1)
- Turning radius is required to be acceptable to the Lebanon Fire Department. All turns shall have a minimum of a 25 foot inside radius unless an Auto-Turn or similar CAD drawing is submitted showing the largest piece of Lebanon Fire apparatus is able to navigate the road (503.2.4)
- Fire hydrants and other fire protection equipment (fire department connections, master box) shall not be obstructed and shall have a 3 foot clear space provided (507.5.4 & 507.5.5)

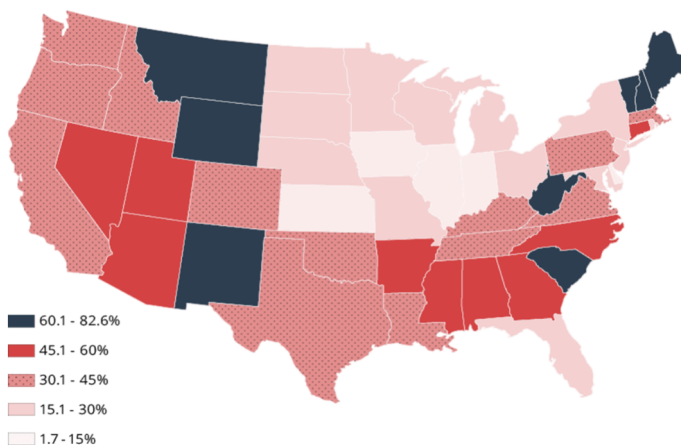
The complete text of the 2021 International Fire Code can be viewed for free by clicking on the link below. It is suggested that you review this document during the design phase of any project.

<https://codes.iccsafe.org/content/IFC2021P1>

The 2015 Edition of NFPA 1, Fire Code is adopted by the State of New Hampshire Fire Marshal's Office and is part of the State Fire Code. Some of the more important portions of this code as it relates to the site plan design are found within Chapter 18, Fire Department Access and Water Supply. Most of the requirements within this chapter align with those found in the IFC and will not be restated here. Some of the noted additional code requirements are:

- The angle of approach and departure for fire department access roads shall not exceed a 1 foot drop in 20 feet (18.2.3.4.6.2)
- Chapter 17, Wildland Urban Interface. This chapter requires that when a new structure is constructed in a wildland urban intermix/interface area that a wildfire risk assessment be conducted. This chapter also requires that the requirements within NFPA 1144, Standard for Reducing Structure Ignition Hazards from Wildland Fire be met. As you can see from the graphic below, New Hampshire has a large number of houses within the wildland urban interface. This graphic can be found at: <https://www.usfa.fema.gov/wui/what-is-the-wui.html>

Number of houses in the WUI relative to the total houses in the state* (%)



*For states in the conterminous United States.

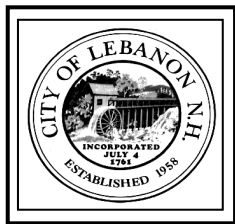
Source: U.S. Forest Service 31 MB

- One of the more common maps used to determine the wildland urban interface can be found here: <http://silvis.forest.wisc.edu/data/wui-change/>

**Agenda
Planning Board
June 14, 2021**

**Agenda Item #4B
Other Business**

**Proposed Site Plan Review
amendments creating a minor
Site Plan process and
Minor Site Plan Committee**



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Planning Board

FROM: Planning & Development Department Staff

RE: Minor Site Plan Review and Minor Site Review Committee –
Proposed Amendments to Site Plan Review Regulations
June 14, 2021 Planning Board Meeting – *Agenda Item 4.B*

DATE: June 9, 2020

Attached for the Board's consideration is a redline of the Site Plan Review Regulations proposing to create a minor site plan review process and Minor Site Review Committee (as authorized by NH RSA 674:43 ("Power to Review Site Plans")). This minor site plan concept was initially discussed with the Planning Board at the August 24, 2020 work session and was subsequently reviewed with the Development Regulations Subcommittee.

Staff prepared the draft amendments over the last several months, with substantial assistance and input from the Vice Chair, Matthew Hall.

At this time, staff intends to give a brief overview of the proposed amendments at the June 14th meeting followed by a more in depth presentation and discussion at the June 28th work session.

SITE PLAN REVIEW REGULATIONS

MINOR SITE PLAN REVIEW DRAFT AMENDMENTS

[...]

ARTICLE I – ENACTMENT AND GENERAL PROVISIONS

Section 1.1 – Authority

Under the general authority granted in the New Hampshire Revised Statutes Annotated Title LXIV, these Regulations are adopted by the Lebanon Planning Board, procedurally under RSA 675:6, after having adopted both a zoning ordinance and subdivision regulations as required under RSA 674:43, and as authorized by the City Council on July 16, 1986 and on March 21, 1990. Pursuant to RSA 674:43, the Planning Board [\(or, as applicable, the Minor Site Plan Committee\)](#) will review and may approve or disapprove site plans for the development or change or expansion of use of tracts for nonresidential uses or for multifamily dwelling units, which are defined as containing more than two dwelling units.

[...]

ARTICLE II – DEFINITIONS

[...]

Land development. [Any physical improvement\(s\) or alteration\(s\) to any lot, whether vacant land or improved, and/or any increase in the size of any building, and/or any change of use to a non-residential, mixed use, or multi-family dwelling.](#)

Material ~~c~~Change. Any ~~land development~~ [proposed alteration to a previously approved Site Plan and/or previously developed property, which, in the reasonable determination of the Planning and Development Department, necessitates or results in significant changes to access, parking, vehicular and/or pedestrian circulation, traffic, drainage patterns or drainage structures, topography, lighting, visual features, natural resources, City services or facilities, improved surfaces, or required landscaping on the site. \(See Section 3.1\), and/or the establishment of any new non-residential principal use in which no principal buildings are proposed, including uses such as gravel pits, cemeteries, golf courses, parking lots, communications towers, or other non-residential uses.](#)

[...]

Planning Director. The Director of Planning and ~~Zoning~~ [Development](#) for the City of Lebanon, or his or her designee.

Planning ~~Office~~ and Development Department. ~~The Planning Division within the Department of Community Development and Preservation for the City of Lebanon. The Planning Office is the Administrative Office~~ [The administrative office](#) for the Planning Board.

[...]

Screen. Landscaping, fencing, or functionally similar elements designed to conceal from view all or part of a structure or site that, in the judgment of the Planning Board (or, as applicable, the Minor Site Plan Committee), is unattractive or otherwise warrants mitigation of the effect of its appearance.

[...]

ARTICLE III – ADMINISTRATION

Section 3.1 – Site Plan Review Jurisdiction

A. JURISDICTIONAL DETERMINATION

1. Any person proposing a **land development** shall be required to submit a site plan drawing and project description to the Planning and Development Department to:

a. Verify whether the proposed **land development** is:

- i. Exempt from site plan review per Section 3.1.B, or
- ii. Eligible for site plan review by the Minor Site Plan Committee per Section 3.1.C, or
- iii. Requires site plan review by the Planning Board in accordance with the procedures set forth in Article IV; and

b. To provide a record of such change on the property.

The Planning and Development Department may request additional information as reasonably needed to make the jurisdictional determination.

2. The initial determination of whether site plan review is or is not required for a proposed **land development** shall be made by the Planning and Development Department based on the submission required per Section 3.1.A.1 above. The decision of the Planning and Development Department may be appealed to the Planning Board provided the appeal is filed within 20 days of the Department's decision. 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.

B. LAND DEVELOPMENT EXEMPT FROM SITE PLAN REVIEW.

Site plan review ~~and approval~~ shall not be required for:

1. ~~One~~-family and two-family dwelling units or associated **accessory uses**, in accordance with RSA 674:43, I.

2. The following home-based businesses:

- a. Home businesses (see Section 600 of the Zoning Ordinance).
- b. Family day care homes (see Section 604.3 of the Zoning Ordinance).

- c. Home-based contractor's yards (see Section 600A of the Zoning Ordinance), unless otherwise required by the Zoning Board of Adjustment as a condition of Special Exception approval.
 - d. Home-based agricultural businesses (see Section 600B of the Zoning Ordinance), unless otherwise required by the Zoning Board of Adjustment as a condition of Special Exception approval (see the zoning district tables of use in Article III of the Zoning Ordinance for additional information on when a Special Exception is required).
3. Buildings and structures in the Rural Lands (RL) One, Two, and Three zoning districts that are used for an agriculture use.
 4. Except for modifications to an approved site plan prior to the issuance of a Certificate of Occupancy (see Section 9.1), any **land development** that, in the reasonable determination of the Planning and Development Department, is not a **material change**, provided that:
 - a. Prior to the commencement of any such **land development**, a plan depicting the proposed changes shall be provided to the Planning and Development Department to mark the plan approved as an amendment to the approved site plan; and
 - a.b. The proposed **land development** complies with any applicable design requirements of the Site Plan Review Regulations, as determined by the Planning and Development Department.

Any decision of the Planning and Development Department made pursuant to Section 3.1.B.4 may be appealed to the Planning Board provided the appeal is filed within 20 days of the Department's decision. 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.

B. _____

~~An Applicant shall obtain site plan approval from the Board for any of the following types of development or change or expansion of use of tracts for non-residential uses or for multi-family dwelling units, which are defined as any structures containing three (3) or more dwelling units,, whether or not such development includes a subdivision or re-subdivision of the site (RSA 674:43, I) Threshold criteria for determining when Site Plans are to be reviewed by the Planning Board are as follows:~~

- ~~1. A. Construction of any new principal building(s), including reconstruction of existing principal building(s), for multi-family or non-residential use, regardless of size. Establishment of any new non-residential principal use(s), and/or **material changes** or expansions of existing non-residential principal use(s), subsequent to the effective date of these Site Plan Review amendments, in which no buildings are proposed, including uses such as gravel pits, cemeteries, golf courses, parking lots, communications towers, or other non-residential uses.~~

- ~~2. Construction or installation of any combination of the following, where the total of new construction, subsequent to the effective date of these Site Plan Review amendments, is 1,000 gross square feet or more:
 - ~~a. 1. Any new accessory building(s), and/or any series of additions to or expansions of existing principal or accessory building(s), or; Any new paved or improved surfaces, and/or any series of additions to or expansions of existing paved or improved surface(s), including, but not limited to, gravel or paved parking areas, driveways, walkways, or other improved surfaces, whether or not such surfaces are pervious or impervious.~~~~
- ~~3. D.~~
- ~~4. Conversion of any existing building(s), in whole or in part, whether or not the thresholds listed above in Paragraph C are exceeded, as follows:~~
- ~~5.
 - ~~1. From a residential use containing one or two dwelling units to a multi-family use of three or more dwelling units. From a residential use to a non-residential or mixed use;~~
 - ~~a. From an existing non-residential or mixed use to another non-residential or mixed use if the new use increases the intensity of on-site or off-site impacts;~~
 - ~~b. From a non-residential or mixed use to a multi-family use of three or more dwelling units.~~~~
- ~~6. E. Any other **material change** to a previously approved Site Plan and/or previously developed property, which in the judgment of the **Planning Director** warrants review and approval by the Planning Board. Whenever the Planning Director determines that a proposed change warrants review and approval by the Planning Board, a written statement of the reasons for such recommendation shall be provided to the property owner and the Board.~~

C. MINOR SITE PLAN COMMITTEE REVIEW

For any **land development** not exempt from site plan review per Section 3.1.B, an applicant may obtain minor site plan approval from the Minor Site Plan Committee, in accordance with the procedures set forth in Section 3.2, for any one or more of the following:

1. **Land development** involving:
 - a. Any increase in the gross floor area of a building between 500 sq. ft. and 2,500 sq. ft. and which is less than 25% of the existing gross floor area of the building; and/or
 - b. Any new improved surface(s) greater than 500 sq. ft. and less than 2,500 sq. ft. Such improved surfaces include but are not limited to, gravel or paved parking areas, driveways, walkways, or other

improved surfaces, whether or not such surfaces are pervious or impervious; and/or

- c. An increase in the number of dwelling units within an existing multi-family dwelling of five (5) or more dwelling units, not to exceed 20% of the existing units; and/or
- d. Conversion of an existing building, in whole or in part, to a multi-family dwelling containing less than five (5) dwelling units, unless review by the Planning Board is required per Section 601.9 of the Zoning Ordinance; and/or
- e. Conversion of an existing building, in whole or in part, from a residential use to a non-residential use, unless review by the Planning Board is required per Section 601.9 of the Zoning Ordinance.

Notwithstanding the above, where in the reasonable judgment of the Planning and Development Department the proposal constitutes a **material change**, the application shall be reviewed by the Planning Board per Article IV.

Applications for **land development** that meet one or more of the criteria under this subsection and which are submitted less than two (2) years from the date of the last minor site plan approval shall be reviewed by the Planning Board and shall follow the procedures set forth in Article IV.

- 2. Except for modifications to an approved site plan prior to the issuance of a Certificate of Occupancy (see Section 9.1), any **land development** that, in the reasonable determination of the Planning and Development Department, is not a **material change**.

Any such decision of the Planning and Development Department made hereunder may be appealed to the Planning Board provided the appeal is filed within 20 days of the Department's decision. 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.

Section 3.2 – Information Required and Jurisdictional Determination

- ~~A. Any person proposing a development or change or expansion of use of tracts for non-residential uses or for multi-family dwelling units which results in exterior site alterations, and which otherwise requires a Zoning Permit pursuant to Section 901 of the Zoning Ordinance, shall also be required to submit a site plan drawing and project description to the Planning Office prior to the issuance of such permit, regardless of whether or not Site Plan Review is required by the provisions of Section 3.1 of these Regulations.~~

~~The purpose of such submission shall be to allow for review by the City Staff: i) to ensure compliance with the City's Zoning Ordinance, applicable development regulations, and utility standards; ii) to verify whether Planning Board review is or~~

~~is not required, and; iii) to provide a record of such change on the property. Copies of plans and information submitted to the Zoning Administrator pursuant to Section 901.2 of the Lebanon Zoning Ordinance shall normally be sufficient to comply with this paragraph; however, the Planning Office may request additional information, if necessary, for the above-described purposes.~~

~~B. The initial determination of whether Site Plan Review and approval is or is not required by the provisions of Section 3.1 of these Regulations shall be made by the Planning Director based on the submission under Section 3.2.A above. However, the landowner, any Board member, or any person aggrieved may, within 30 days of such determination, make a written request for determination on this issue by majority vote of the Planning Board. The Board shall act on the request within a reasonable time. Such a determination shall be considered administrative, and no noticed public hearing shall be required.~~

Minor Site Plan Review

A. MINOR SITE PLAN COMMITTEE

1. ESTABLISHMENT

A Minor Site Plan Committee is established in accordance with RSA 674:43, III, and the resolution passed by the City Council on August 4, 2010, for the purpose of reviewing minor site plan applications per Section 3.1.D.

2. MEMBERSHIP

The Minor Site Plan Committee consists of one representative from the Planning Board (the Chair or his/her designee) who shall serve *ex officio*, the Planning and Development Department's Senior Planner and Associate Planner, and a representative from each of the following City departments: Fire, Police, and Public Works. The Senior Planner shall serve as chair and may use his or her reasonable discretion in coordinating the activity of the committee in an efficient and effective manner. The Director of Planning and Development may, at his or her discretion, substitute for the Senior Planner or Associate Planner and may, at his or her discretion, serve as chair while substituting. A majority of the voting members shall constitute the quorum necessary to transact business.

B. REVIEW PROCESS

1. PRE-SUBMISSION REVIEW

Prior to submitting an application for minor site review, the applicant is encouraged to meet with the Planning and Development Department for a determination as to the applicability of the Article VI design and construction requirements to the applicant's project. The applicant may request that Planning staff provide the determination in writing. See also Section 3.2.B.8 (Design Standards).

2. APPLICATION

Fees for a minor site plan application may be assessed in accordance with the Fee Schedule adopted by the Planning Board pursuant to Section 4.2.

Upon receipt of an application for minor site review, the Planning and Development Department shall review the application to determine if it qualifies for minor site plan review per Section 3.1.D and if all required materials have been submitted per Section 3.2.B.7 (Submission Materials). The Planning and Development Department shall coordinate with the applicant to obtain any additional necessary information, documentation, or clarifications to understand the proposal and to help determine if it qualifies for minor site review and if all required application materials have been submitted. The Planning and Development Department shall also make a determination as to the applicability of the Article VI design and construction requirements to the applicant's project, pursuant to Section 3.2.B.8.

If the Planning and Development Department determines that the proposal is a minor site plan and that all required materials have been submitted, the application shall be forwarded to the Minor Site Plan Committee for review. If the plan does not address the applicable design and construction requirements of Article VI as determined by the Planning and Development Department, the Department shall forward the plan to the Minor Site Plan Committee with a recommendation that the application is transferred to the Planning Board per Section 3.2.B.5 (Referral to Planning Board).

Minor site plan applications are subject to the provisions of Section 4.4 which outlines the procedure when approvals from the Zoning Board of Adjustment are required. References in Section 4.4 to the Planning Board shall be deemed to be references to the Minor Site Plan Committee for purposes of this section.

Submission of a minor site plan application shall be deemed as the granting of permission to visit the property in accordance with Section 4.11. References to the Planning Board in Section 4.11 shall be deemed to be references to the Minor Site Plan Committee for purposes of this section.

3. PUBLIC HEARING

- a. If the proposal is approved for minor site review, the Planning and Development Department shall set a date for a public hearing before the Minor Site Plan Committee. The date of the public hearing shall be set for no later than 30 days following the submission of the application.
- b. The Planning and Development Department shall send notices to abutters and other parties in accordance with RSA 676:4, I(d)(1) and shall post public notice at least ten (10) days in advance of the public hearing, as specified in RSA 676:4, I(d)(1).
- c. Prior to the opening of the hearing, the Minor Site Plan Committee shall:
 - i. Determine if the application has regional impact in accordance with Section 4.6. References therein to the Planning Board shall be deemed to be references to the Minor Site Plan Committee for purposes of this section. If deemed to have regional impact, the Committee shall refer

the application to the Planning Board for review per Section 3.2.B.5.

ii. Determine if the application is complete. If it is determined that the application is complete, the Committee shall accept the application. If it is determined that the application is incomplete, the Committee shall vote to find the application incomplete and shall state the reasons for such findings. The Committee may postpone the opening of the hearing to a new date or may require the submission of a new application.

d. The Committee shall open the public hearing on the completed formal minor site plan application. Any abutter, member of the general public or any person with a direct interest in the matter may testify in person or in writing.

4. FINAL ACTION

a. The Committee shall have ten (10) days, from the date of acceptance, to approve or disapprove the application, subject to extension or waivers as provided in RSA 676:4, I(c)(1). The date of acceptance shall be the date that the Committee accepts the plan.

b. Following the conclusion of the public hearing, the Minor Site Committee shall either:

i. approve the application as submitted;

ii. approve the application with conditions;

iii. deny the application;

iv. decline to make a final decision itself and refer the application to the Planning Board for review per Section 3.1.B.5; or

v. request an extension of time from the applicant if needed.

c. The Board shall provide a written decision within five (5) days of the conclusion of the public hearing.

d. A digital copy of the approved plan, modified as necessary to pursuant to any conditions of approval, shall be provided to the Planning and Development Department by the applicant for digital signature by the Chair of the Minor Site Plan Committee.

e. The Planning and Development Department shall provide the Planning Board with a copy of the written decision made by the Minor Site Plan Committee and a copy of the approved plan.

f. The time periods set forth in Section 4.10 shall apply to minor site plan approvals. References in Section 4.10 to the Planning Board shall be deemed to be references to the Minor Site Plan Committee for purposes of this section.

5. REFERRAL TO PLANNING BOARD

At or before the time of the Minor Site Plan Committee completeness review under Section 3.2.B.3.c.ii, the Minor Site Plan Committee in its reasonable discretion and/or at the request of the Applicant may transfer the application to the Planning Board. If such a transfer occurs, the Planning Board shall act on the proposed site plan within 65 days following a completeness finding, regardless of whether the completeness finding was made by the Minor Site Plan Committee or the Planning Board.

When an application is referred to the Planning Board for review it shall be treated as a regular site plan application with new notices and a new public hearing, and shall be placed on the next available Planning Board agenda. All applicable procedures of Article IV shall apply except that no additional application fees shall be charged other than for notices, the materials submitted for the minor site plan review shall be adequate unless the Planning Board determines that other materials are needed, and the site plan application deadline shall not apply.

6. APPEAL TO PLANNING BOARD

A decision of the Minor Site Plan Committee may be appealed to the Planning Board in accordance with RSA 674:43, III, provided the appeal is filed within 20 days of the Committee's decision. The Planning Board shall hold a public hearing on any appeal, pursuant to the notice requirements and procedures set forth in Section 4.8. Any additional fees for notices shall be paid by the applicant. No new application fee shall be charged. All applicable procedures of Article IV shall apply.

7. SUBMISSION MATERIALS

An applicant for minor site plan review shall submit the following:

- a. A completed minor site application utilizing a form to be provided by the Planning and Development Department.
- b. A completed minor site plan technical checklist utilizing a form to be provided by the Planning and Development Department.
- ~~a.~~
- c. The appropriate fees as established by the Board's fee schedule.
- ~~b.d.~~ d. A list of the name(s) and address(es) of all persons to be notified by certified mail in accordance with RSA 676:4, I(d), including the following:
 - i. The Applicant(s);
 - ii. The Owner(s) of record of the site;
 - iii. The Owners of abutting properties;
 - iv. Every surveyor, engineer, architect, soil scientist, or wetlands scientist whose professional seal appears on any plan or document submitted to the Board;
 - v. All persons holding conservation, preservation, or agricultural preservation restrictions (as defined under RSA 477:45) on the subject property;

- vi. The holders of any easements, rights-of-way, or other restrictions on or over the subject property.
- ~~e.~~e. A scaled plan clearly illustrating the proposal, utilizing the approved site plan as a base map, if available, and identifying all abutters. Plans must be sufficiently accurate and detailed so as to:
 - i. Indicate the site location, the address and zoning classification of the subject property, and the uses of adjoining properties;
 - ii. Describe the size, shape, and use of the subject property, together with relevant information about existing site topography, drainage, hydrologic features, vegetation, and other natural features, and about proposed changes to these;
 - iii. Show the size, dimensions, location, and height of existing and proposed structures, expansions to existing structures, or other improvements, including landscaping, parking areas, ramps, walkways, driveways, lighting fixtures, signs, stormwater control devices, exterior waste receptacles, exterior equipment, utilities, solar panels, wind generators, condensers, transformers, or other;
 - iv. Demonstrate conformity with the standards and requirements for proposed developments set forth in Article VI, as determined to be applicable by the Planning and Development Department pursuant to Section 3.2.B.8; and
 - ~~i.~~v. Demonstrate full compliance with the Zoning Ordinance, including the conditions of approval of any special exception or variance granted by the Zoning Board of Adjustment.
- f. Any additional materials and documentation which the Minor Site Plan Committee reasonably requires to fully understand the proposal.

The Planning and Development Department or Minor Site Plan Committee (per Section 3.2.B.3.c.ii) may postpone action on an application that is not complete.

8. DESIGN STANDARDS

- a. The design and construction requirements of Article VI shall apply to minor site plans (i) to the extent reasonably related to the scope of the proposed project, and (ii) to the maximum extent practicable bring the property into compliance with the Article VI design and construction requirements.
- ~~d.~~b. The applicability of the Article VI requirements to an applicant's project shall be determined by the Planning and Development Department in consultation with the applicant. See also Section 3.2.B.1.

ARTICLE IV – PROCEDURE

Section 4.1 – Purpose

The purpose of this article is to set forth the procedure for Planning Board review and action on applications for site plan approval [per Section 3.1.C \(“Planning Board Review”\)](#). The procedure is intended to facilitate the orderly and expeditious processing of such applications.

Section 4.2 – Fees

The Planning Board has established, and from time to time may amend, a schedule of fees, which is hereby attached to these Regulations and made a part hereof.

[...]

Section 4.4 – Procedure When Approvals from the Zoning Board of Adjustment Are Required

When approvals from the Zoning Board of Adjustment (ZBA) are required by the Lebanon Zoning Ordinance, such ZBA approvals shall be obtained before the Site Plan application will be deemed complete by the Planning Board. Any conditions imposed by the Zoning Board of Adjustment shall not be diminished by the requirements contained in these Regulations. The condition that imposes the greater restriction or higher standard shall be controlling.

Any Site Plan application submitted prior to submission for necessary ZBA approvals will not be accepted by the Planning ~~Office~~ [and Development Department](#).

[...]

Section 4.6 – Determination of Potential for Regional Impact

Upon receipt of an application for development, the Board shall review the application promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact, pursuant to RSA 36:54, et seq. Doubt concerning regional impact shall be resolved in a determination that the development has a potential for regional impact.

A development of regional impact means any proposal, which, in the determination of the Board, could reasonably be expected to affect on a neighboring municipality because of factors such as, but not limited to, the following:

- A. The relative number of dwelling units as compared to existing stock. Any proposal that involves 50 or more residential units shall be deemed to have the potential for regional impact;
- B. The relative size of the development. Any proposal that involves 50,000 square feet or more of new non-residential gross floor area shall be deemed to have the potential for regional impact;

- C. The proximity of the development to the borders of a neighboring community.
- D. High-intensity traffic impact on regional transportation networks;
- E. The anticipated emission of excessive light, noise, smoke, odors, or particulates;
- F. The proximity of the development to aquifers or surface water, which transcend municipal boundaries.
- G. The impact on shared facilities, such as schools and solid waste disposal facilities.

The Board may, in its discretion, determine that any project has the potential for regional impact, whether or not the project meets or exceeds the criteria listed above.

[...]

Section 4.10 – Expiration of Site Plan Approval

- A. Any approved site plan for which a Building Permit has not been obtained within two (2) years of the date of the original approval shall be considered void; however, the Board may, for good cause, specify in the original Notice of Action some alternative time limit for obtaining a Building Permit. The voiding of an approval under this paragraph shall terminate the vesting of the application against changes in regulations, as set forth in RSA 676:12, VI and RSA 674:39.
- B. Notwithstanding paragraph A above, the Board may grant an extension of up to two (2) additional years beyond the original expiration date. A request for such an extension must be submitted by the Applicant to the Planning ~~Office~~ and [Development Department](#) prior to such expiration date, and requests for extension of the site plan approval received after the expiration date will not be considered by the Board. An extension may be granted only after a public hearing with notice as provided in Section 4.8 of these Regulations.
- C. In determining whether to grant such an extension, the Board shall consider the totality of the circumstances, including the extent and complexity of the conditions precedent, the extent of the progress made by the Applicant toward satisfying the conditions precedent and/or starting construction, and whether the need for more time is attributable to unusual circumstances beyond the control of the Applicant, rather than to the Applicant's neglect or failure to proceed with reasonable promptness. The Board shall indicate in its minutes the reason(s) for its decision on an extension request under this Section. The Board shall grant no more than one extension for any site plan, unless it determines, based on legal advice, that such extension is required in order to prevent a violation of constitutional rights.
- D. For applications subject to both Site Plan and Subdivision review, expiration of Board approvals shall occur as set forth in the Subdivision Regulations.
- E. For approved phased developments, the deadlines for obtaining a Building Permit for each phase, as stated in the approved phasing schedule in accordance with Section 4.9.C(4) of these Regulations, shall be substituted for the time limitation set forth in Section 4.10(A). Any request for an extension of time for a particular phase, as described in Section 4.9.F of these Regulations, shall only apply to the

particular phase, and such extension shall not automatically apply to any later phases of the development.

Section 4.11 – Permission to Visit Property

- A. For the City to effectively and efficiently review Site Plan applications, City Staff, members of the Planning Board, abutters, and others providing testimony must have the ability to enter the property that is the subject of an application.
- B. Submission of a Site Plan application shall be deemed as the granting of permission for City staff, Lebanon Planning Board members, and others attending the public hearings, to enter onto the property for purposes of review, during orderly visits, subject to reasonable notice. It shall be assumed that this permission is extended until the Board has acted to formally approve or disapprove an application. If for any reason an applicant wishes to place some limitation upon such access, the applicant shall so inform the Planning ~~Office~~ [and Development Department](#) at the time of submission of the Site Plan application.
- C. The property owner retains all rights to withdraw permission to enter onto the property at any time. However such withdrawal of permission prior to the completion of the Site Plan Review process may result in the Board's disapproval of the application for lack of sufficient information.

ARTICLE V – SUBMISSION REQUIREMENTS

Section 5.1 – Drawings and Other Submittals

Applications [reviewed by the Planning Board](#) 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.

[...]

ARTICLE IX – MODIFICATIONS AND MINOR ALTERATIONS TO AN APPROVED SITE PLAN [PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY](#)

Section 9.1 – Modifications to an Approved Site Plan

Once a plan has received approval from the Board [\(or, as applicable, the Minor Site Plan Committee\)](#) and prior to the issuance of a Certificate of Occupancy, no modification shall take place unless the modification of the plan has been approved by the Board [\(or, as applicable, the Minor Site Plan Committee\)](#), except as provided by Section 9.2 below. Following the issuance of a Certificate of Occupancy for an approved Site Plan, any changes proposed to a tract for multi-family or non-residential use shall be addressed under the provisions of Article III of these Regulations.

Modifications shall normally be treated by the Board [\(or, as applicable, the Minor Site Plan Committee\)](#) as a new plan application, which will require notification of abutting property owners, a public hearing, staff review, and formal Board [\(or, as applicable, Minor Site Plan Committee\)](#) action. A request for a modification which would entail a reversal or relaxation of any condition or determination made by the Board [\(or, as applicable, the Minor Site Plan](#)

[Committee](#)) as part of its original approval, shall not be heard unless the applicant demonstrates that a **material change** of circumstances has occurred affecting the merits of the original application.

Modifications to an Approved Site Plan granted by the Planning Board [\(or, as applicable, the Minor Site Plan Committee\)](#) pursuant to this paragraph shall not alter the time periods set forth in Section 4.10 of these Regulations for expiration of Site Plan Approval, unless the Planning Board [\(or, as applicable, the Minor Site Plan Committee\)](#), for good cause stated in its written Notice of Action, explicitly specifies some alternative expiration date.

Section 9.2 – Minor Alterations to an Approved Site Plan

- A. A minor alteration may be approved in writing by the Planning Director subsequent to final site plan approval, but prior to the issuance of a Certificate of Occupancy, if the alteration is not deemed to be a **material change** in the plan, and if the alteration is either necessitated by unforeseen or unanticipated circumstances, or constitutes a deviation from the plan which was constructed or installed as a result of a good-faith error, rather than negligence. The full Board [\(or, as applicable, the Minor Site Plan Committee\)](#) shall be notified in writing of any such approval within 30 days of the approval, and the Applicant shall submit a revised site plan to the Planning ~~Office~~ [and Development Department](#) reflecting the approved minor alteration.
- B. For purposes of this section, a change shall be deemed to be a minor alteration only if all of the following apply:
1. It is relatively minor, in light of the overall scope of the approval;
 2. It does not result in a violation of any express condition of the approval, or of any zoning or other local, state, or federal regulatory provision, and;
 3. The Planning Director concludes that no reasonable Board [\(or, as applicable, Minor Site Plan Committee\)](#) member could consider the change as grounds for reconsidering or altering any aspect of the Notice of Action.

Any modification which does not meet these criteria may be approved only as provided in Section 9.1 of these Regulations.

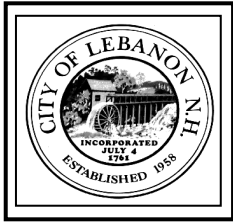
- C. The applicant, any Board member [\(or, as applicable, Minor Site Plan Committee member\)](#), or any person aggrieved may make a written request for an approval under this section to be reviewed by the full Board [\(or, as applicable, the Minor Site Plan Committee\)](#). The Board [\(or, as applicable, the Minor Site Plan Committee\)](#) shall act on the request within a reasonable time. Such a determination shall be considered administrative, and no noticed public hearing shall be required. The Board [\(or, as applicable, the Minor Site Plan Committee\)](#), by majority vote, shall either affirm the approval of the minor alteration, or shall require the owner or applicant to submit a modification request under Section 9.1 of these Regulations.

[...]

**Agenda
Planning Board
June 14, 2021**

**Agenda Item #4C
Other Business**

Proposed amendments to the Rules of Procedure re: Rules of Decorum



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Planning Board

FROM: Planning and Development Department Staff

RE: June 14, 2021 Planning Board Meeting – *Agenda Item 4.C*
Rules of Decorum – Proposed Amendment to Rules of Procedure

DATE: June 8, 2021

On May 24, 2021, the Planning Board, at the recommendation of staff, approved a motion adding a document titled “Rules of Decorum and Commitment to Civil Behavior” as an addendum to the Board’s Rules of Procedures. However, staff recommends that the Planning Board suspend the May 24th motion and to instead adopt the “Rules of Decorum” in accordance with the amendment procedures set forth in Section 9.2 of the Rules of Procedure which provides as follows:

These rules may be amended at any regular meeting by an affirmative vote of a quorum of the Board provided that such amendment has been presented in writing to each member of the Board at least 15 days preceding the meeting at which the vote is taken.

For the Board’s consideration, attached is a redline of the Rules of Procedure proposing to reference the “Rules of Decorum” as a new Section 1.4, and to add the “Rules of Decorum” as an addendum.

To ensure that the Section 9.2 amendment procedures are followed, staff recommends that the Planning Board discuss the proposed edits on June 14th and then vote on the amendments at the June 28th work session.

**RULES OF PROCEDURES
FOR THE PLANNING BOARD
CITY OF LEBANON, NEW HAMPSHIRE**

ARTICLE I GOVERNING RULES

- 1.1 **GOVERNANCE.** The Planning Board of the City of Lebanon shall be governed by the provisions of all applicable State statutes, City regulations, and these Rules of Procedure adopted under the authority of RSA 676:1.
- 1.2 **DEFINITION OF BOARD.** As used in these rules, the term "Board" shall mean the Planning Board duly appointed by the legislative body of the City of Lebanon under the authority of RSA Chapter 673.
- 1.3 **DEFINITION OF MEETING.** As used in these rules, the term "meeting" shall have the meaning as set forth in RSA 91-A:2.
- 1.4 **RULES OF DECORUM.** Meetings of the Planning Board shall be conducted in the spirit of the "Lebanon Boards, Committees, and Commissions Rules of Decorum and Commitment to Civil Behavior," which is addended hereto and made a part of these Rules of Procedure, and all Board members shall endeavor to adhere to the principles set forth therein.

$$[\dots]$$

Chair

Date

ATTEST:

Clerk of the Planning Board

Date _____

These Rules of Procedure supersede all other Rules and By-Laws.

LEBANON BOARDS, COMMITTEES, AND COMMISSIONS

RULES OF DECORUM AND COMMITMENT TO CIVIL BEHAVIOR

It is acknowledged that:

1. Civil, respectful, and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making.
2. Uncivil discourse and/or discourteous and inappropriate behavior have a negative impact on the character and productivity of the decision-making process.
3. Anger, rudeness, ridicule, obscene or profane language, impatience, and lack of respect for others and personal attacks are not acceptable behavior.
4. Demonstrations in support or opposition to a speaker or idea are not permitted by members of the Board. The Chairman is responsible for maintaining order. Failure to abide by this requirement may result in the forfeiture of the speaker's right to speak.

To maintain a cohesive, productive working environment, the members of the Lebanon Boards, Committees, and Commissions commit to:

1. Supporting the Board's mission.
2. Showing respect to each other as appointed members and staff representatives to the Board.
3. Promoting civility during Board meetings and tolerating nothing less.
4. Demonstrating reflective listening and not displaying negative body language (for example eye rolling, pencil tapping, shrugging of one's shoulders, hand gestures, etc.)
5. Allowing uninterrupted speech by those recognized as "having the floor" and refraining from speaking until recognized by the Chair.
6. Bringing appropriate committee-related concerns, issues, and conflicts to the Board for discussion.
7. Offering alternative solution(s) when addressing a problem or issue.
8. Maintaining the confidentiality of material discussed during closed Board meetings.

PLEDGE OF CIVILITY

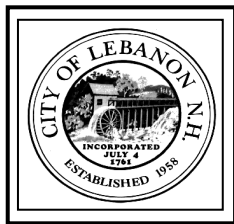
The manner in which we govern ourselves is often as important as the positions we take. The City's collective decisions will be better and truer to our mission when differing views have had the opportunity to be fully vetted and considered. All those who appear before the City's boards, committees, and commissions have the right to be treated with respect, courtesy, and openness. We value all input.

Accordingly, we commit to conduct ourselves at all times with civility and courtesy, to both those with whom the Board interacts and to each other. We also pledge to endeavor to correct ourselves, should our conduct fall below this standard.

**Agenda
Planning Board
June 14, 2021**

**Agenda Item #4D
Other Business**

**Review of minor alterations to
approved site plan for
Novo Nordisk US
Bio Production, Inc.,
5 & 9 Technology Drive
(Tax Map 130, Lot 1 and
Tax Map 145, Lot 3)
PB2020-19-SPA**



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Planning Board

FROM: Planning & Development Department Staff

RE: 5 & 9 Technology Drive (Tax Map 130, Lot 1 and Tax Map 145, Lot 3)
Minor Alteration to Approved Site Plan (PB2020-19-SPA)
June 14, 2021 Planning Board Meeting – *Agenda Item 4.D*

DATE: June 9, 2021

This memorandum serves to make the Planning Board aware of changes to a site plan for a compressed natural gas facility at 5 & 9 Technology Drive (Tax Map 130, Lot 1 and Tax Map 145, Lot 3), which was approved by the Board on August 10, 2020 (PB2020-19-SPA). The changes are noted in red on the attached plan sheet titled "Compressed Natural Gas Facility Pad Design for Novo Nordisk US," prepared by Pathways Consulting, LLC, dated June 8, 2020, last revised May 19, 2021, Proj. No. 10157-01. In an e-mail to staff, the applicant's engineer provided the following background and summary of the changes:

Nearly all the work, as approved by the Planning Board, has been completed for the project with the exception of the installation of the vertical gate. There are several electrical/mechanical items related to the compressed natural gas decompression skid that are required including an underground electrical manhole, emergency generator, transformer, panelboard, and communication cabinet. We have amended the approved site plan showing the location of these items and also added a paved sidewalk to the access gate and bumped out the fence to go around a vertical gate support.

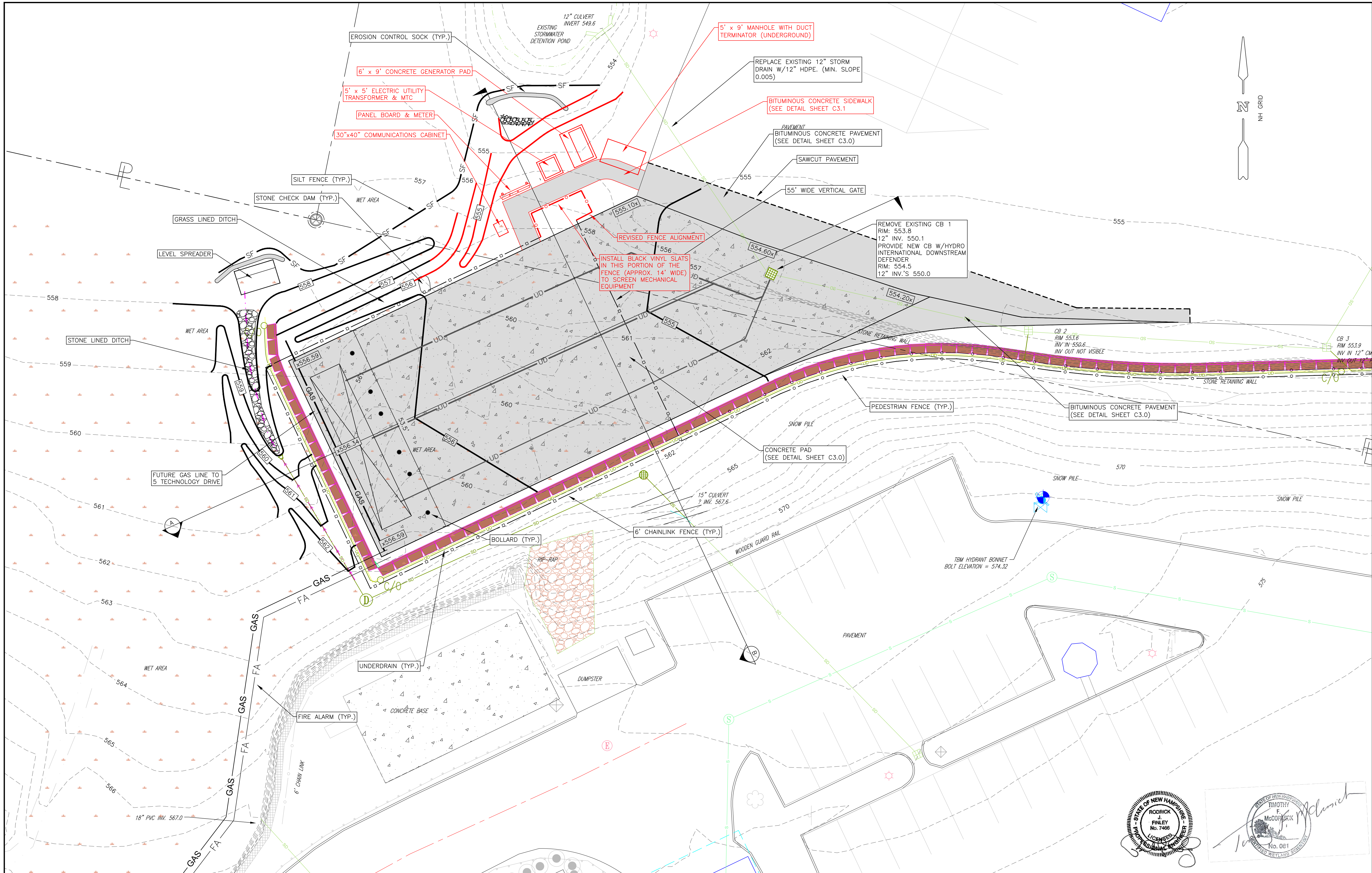
The plat also specifies black vinyl slats to be installed in a 14' section of the fence to screen the mechanical equipment.

Section 9.2.A of the Site Plan Review Regulations allows the Planning Director to approve a "minor alteration" to an approved site plan provided that the alteration either (1) is "necessitated by unforeseen or unanticipated circumstances", or (2) "constitutes a deviation from the plan which was constructed or installed as a result of a good-faith error, rather than negligence." The term "minor alteration" is defined in Section 9.2.B.

In accordance with Section 9.2.A, the Planning and Development Department is of the opinion that the proposed change can be considered a minor alteration to the approved site plan and does not require further Planning Board review. In accordance with Section 9.2.C, the applicant, any Board member, or any person aggrieved may make a written request for an approval under this section to be reviewed by the full Board.

Attachment

cc: Novo Nordisk US Bio Production, Inc. (via e-mail: PTGA@novonordisk.com)
Rod Finley, PE, Pathways Consulting, LLC (via e-mail: rod.finley@pathwaysconsult.com)
File



REVISION NO.	DATE	DESCRIPTION	MADE BY	CHECKED BY	APPROVED BY
	05/19/21	REVISED FENCE NOTE	PAB	RJF	
	04/22/21	MECHANICAL UNITS LAYOUT	PAB	RJF	

COMPRESSED NATURAL GAS FACILITY PAD DESIGN FOR

NOVO NORDISK US

TECHNOLOGY DRIVE – WEST LEBANON, NEW HAMPSHIRE

PATHWAYS CONSULTING, LLC

240 MECHANIC STREET, SUITE 100
LEBANON, NEW HAMPSHIRE 03766
(603) 448-2200

SCALE: 1"=10'

DESIGNED BY: RJF

DRAWN BY: PAB

CHECKED BY: RJF

DATE: 06/08/20

PROJ. NO. 10157-01

C2.2

SHEET C2.2 OF 17

**Agenda
Planning Board
June 14, 2021**

**Agenda Item #5A
Approval of Minutes**

May 10, 2021

DRAFT

LEBANON PLANNING BOARD
Regular Meeting
Monday, May 10, 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), Gregorio Amaro, Kim Chewning, Joan Monroe, Kathie Romano, Jeremy Rutter, Laurel Stavis

MEMBERS ABSENT: None

STAFF PRESENT: David Brooks (Planning Director), Tim Corwin (Senior Planner), Brian Vincent (City Engineer), Patrick McCarthy (Cemetery Sexton), Paul Coats (Recreation Director)

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. Notice of Regional Impact

Public hearings to be held on May 10, 2021:

- **City of Lebanon, 0 Aldrich Avenue (Tax Map 86, Lot 25, Plot 100), zoned R-3:** Request for Site Plan Review to demolish an existing maintenance building at Civic Park and construct a new 68’ x 40’ building. PB2021-14-SPR
- **City of Lebanon, 0 Mascoma Street (Tax Map 89, Lot 1), zoned R-1:** Request for Site Plan Review to demolish an existing maintenance building at Valley Cemetery and construct a new 72’ x 36’ building. PB2021-15-SPR

Public hearing to be held on June 14, 2021:

- **Stoney Brook Veterinary Hospital Realty Holdings, LLC, and Alan & Mondae Dupuis, 88 Riverside Drive (Tax Map 110, Lot 20) and 0 Stoney Brook Road (Tax Map 110, Lot 22), zoned RL-1:** Request for approval of a Boundary Line Adjustment between lands located at 88 Riverside Drive (Tax Map 110, Lot 20) and 0 Stoney Brook Road (Tax Map 110, Lot 22). PB2021-17-BLA

Planning Staff has reviewed the above applications and recommends that none have the potential for regional impact.

Kathie Romano moved that none of the above applications has the potential for regional impact. The motion was seconded by Laurel Stavis.

Roll Call Vote:

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

Voting Against – None

**The motion was approved (9-0).*

3. Public Hearing Items

- A. **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 - Applicant has requested a postponement of the completeness determination and public hearing to the June 14, 2021 Planning Board Meeting.**

Jeremy Rutter moved that the completeness determination and public hearing of Virginia Wong, 43 Mechanic Street (Tax Map 106, Lot 34), zoned LD be postponed to June 14, 2021 at 6:30 PM.

The motion was seconded by Laurel Stavis.

Roll Call Vote:

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

**The motion was approved (9-0).*

- B. **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 - Completeness Review only, Public Hearing to commence on June 14, 2021 if deemed complete**

Laurel Stavis moved that the completeness determination and public hearing of Mason Storage, LLC, 38 Spencer Street (Tax Map 78, Lot 39), zoned LD be postponed to June 14, 2021 at 6:30PM.

The motion was seconded by Jeremy Rutter.

Roll Call Vote:

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

Voting Against - None

**The motion was approved (9-0).*

- C. **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**

1
2 Mr. Corwin stated that the Planning Staff has reviewed the above application and finds it complete
3 enough for the Planning Board to accept jurisdiction and commence review.
4

5 ***Jeremy Rutter moved that the Lebanon Planning Board finds the application of Quail I, LP, PB2021-***
6 ***12-EXT, regarding a proposed extension of an approved Site Plan for 69 Lily Lane (Tax Map 82, Lot***
7 ***2, Plot 200) (PB2019-13-SPR), is complete enough to accept jurisdiction and commence review.***
8 ***The motion was seconded by Kathie Romano.***

9 ***Roll Call Vote:***

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

12 ****The motion was approved (9-0).***
13

14 Mr. Corwin stated that the original application was approved in September of 2019 following a Site Plan
15 Review for the 32-unit building. The building permit was to be obtained by September of 2021. The
16 applicant is requesting an extension, and the Planning Board can grant one such extension up to
17 September 9, 2023 per Section 4.10.C.
18

19 John Giebink, an owner of the Quail Senior Living Project, noted the prior approval for Phase 5. He
20 stated that they have been working to get permits, which took more time due to COVID's impact on
21 various offices. They have received all required permits but have not gotten the building permit. There
22 have been conferences with all City departments, but the construction industry is in an upheaval due to
23 COVID. It is not possible to find contractors to bid on the project, which means they cannot begin
24 construction. It may be necessary to change to metal frame from wood. Due to these construction issues,
25 they are requesting an extension.
26

27 Mr. Hall inquired if they can begin construction by September 9, 2023. Mr. Giebink stated that they
28 would. Due to processing delays, the permits did not arrive until February of 2021, which is at least six
29 months later than usual. The original plan was to begin by May 1, 2021.
30

31 Ms. Romano acknowledged the delays with governmental agencies and the completion of all other
32 permits. Ms. Monroe expressed no problem with this application, as the applicant has done everything
33 possible given the COVID restrictions.
34

35 Mr. Corwin stated that if the Planning Board grants a two-year extension, the applicant would have until
36 September 9, 2023 to get a building permit. There is a special exception from the Zoning Board, which
37 would also be extended if the Planning Board extension is approved.
38

39 Chair Garland invited public comment.
40

41 Stan Rinehart, a resident and board member at Quail Cottages, stated that the cottage residents are not in
42 favor of the addition due to the increase of traffic on Linden Drive for construction vehicles. Residents
43 use the road for walking. There may also be considerable erosion with the removal of part of the hillside
44 unless a retaining wall is built.
45

46 Chair Garland noted that the purpose of this meeting was to consider an extension for a project that has
47 prior approval.
48

49 ***Matthew Hall moved that the Lebanon Planning Board APPROVE the application of Quail I, LP,***
50 ***PB2021-12-EXT, for an extension of time per Section 4.10.B of the Site Plan Review Regulations to***

1 *obtain a building permit pursuant to an approved Site Plan for a 32-unit, 50,000 square foot building*
 2 *for senior housing, together with associated site improvements, to be operated as part of the existing*
 3 *Quail Hollow Senior Living Community (PB2019-13-SPR), originally approved by the Planning Board*
 4 *on September 9, 2019, including any and all supplemental submissions and testimony provided during*
 5 *the public hearing, with the following conditions:*

6 1. *The applicant shall be required to obtain a Building Permit from the Planning and Development*
 7 *Department by September 9, 2023.*

8
 9 2. *The applicant shall satisfy and comply with the Planning Board Notice of Action for PB 2019-*
 10 *13-SPR, dated September 9, 2019, and all conditions of approval thereof.*
 11

12 *The motion was seconded by Jeremy Rutter.*

13 Mr. Hall suggested that the information cited regarding the impact of COVID on construction materials
 14 and costs are sufficient reasons for granting this request. Ms. Romano noted that the applicant has made
 15 significant progress on all of the other requirements and is making the extension request well in advance
 16 of the expiration of the original approval. Ms. Monroe agreed and stated that the unusual circumstances
 17 were beyond the applicant's control. All has been done as far as was possible.

18 ***Roll Call Vote:***

19 ***Voting in Favor – Ms. Chewing, Ms. Stavis, Mr. Hall, Mr. Garland, Mr. Amaro, Mr. Rutter, Ms.***

20 ***Monroe, Ms. Zook, Ms. Romano***

21 ***Voting Against - None***

22 ****The motion was approved (9-0).***
 23

24 D. **City of Lebanon, 0 Mascoma Street (Tax Map 89, Lot 1), zoned R-1:** Request for
 25 Site Plan Review to demolish an existing maintenance building at Valley Cemetery and
 26 construct a new 72' x 36' building. **PB2021-15-SPR**
 27

28 Mr. Corwin noted that completeness does not apply to these applications.
 29

30 Mr. McCarthy stated the purpose of the building is for storage and repair of maintenance equipment and
 31 winter storage of human remains. The plan is to demolish the existing building, which is on its own septic
 32 system. The project would extend the new building 12 feet to house and maintain equipment. The old
 33 building is no longer viable. The new building is very energy efficient, using solar energy and mini-split
 34 units with radiant heating in the floor as a backup.
 35

36 Ms. Romano suggested that concrete foundations are preferable to wood due to global warming, and it is
 37 good to see there would be no wood against the ground.
 38

39 Mr. Hall stated that there was nothing concerning in the request.
 40

41 Chair Garland invited public comment. Hearing none, he closed the Public Hearing.
 42
 43

44 E. **City of Lebanon, 0 Aldrich Avenue (Tax Map 86, Lot 25, Plot 100), zoned R-3:**
 45 Request for Site Plan Review to demolish an existing maintenance building at Civic
 46 Park and construct a new 68' x 40' building. **PB2021-14-SPR**
 47

Mr. Coats stated that this project is similar to the cemetery project. There is an aging facility at Civic Field, which serves many purposes. The replacement building would be 68'x40' with an outdoor pavilion. The structure would be rotated 90 degrees for a better southern exposure to maximize solar opportunities. There would be an office in the building along with a three-bay garage, bathroom, coach's room, and pavilion. The building is expected to improve operations.

Ms. Romano stated that the potential of solar is good and inquired about the water and sewer lines being of adequate capacity and a sufficient distance apart. Mr. Coats noted that there is just one bathroom.

Mr. Vincent stated that the application has to go to the State of New Hampshire for a sewer permit, and the requirement of 10' of separation would be tight but is possible with the 15' available.

Ms. Monroe inquired about heating in the new building. Mr. Coats stated that the former facility's bathroom was winterized each year, but the new one would be heated, including the bathroom.

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

F. Molloy Development, LLC, 83, 89 & 0 Main Street (Tax Map 72, Lots 19, 0 & 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 - Application Withdrawn by the Applicant

4. Other Business

Mr. Brooks reported that the advertising fee of the Planning Board Fee Schedule was adjusted by the City Manager, who can modify fees for administrative costs. This covers the requirement for publishing meeting notices in the Valley News, and it was taken care of today.

Mr. Brooks stated that the City has submitted its response regarding the Brady Sullivan appeal and is waiting to be notified by the Housing Appeals Board.

The Iron Horse project lawsuit remains on hold due to a potential new developer.

5. Approval of Minutes

A. April 12, 2021

Page 4, line 32, corrected as Airpark Road, not Airport Road

*Jeremy Rutter moved to approve the Planning Board minutes of April 12, 2021 as amended.
The motion was seconded by Laurel Stavis.*

Roll Call Vote:

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

Voting Against – None

**The MOTION was approved (9-0)*

6. Adjournment

1
2 ***A MOTION by Matthew Hall to adjourn the meeting.***
3 ***The motion was seconded by Kathie Romano.***
4 ***Roll Call Vote:***
5 ***Voting in Favor – Ms. Stavis, Mr. Hall, Mr. Garland, Mr. Amaro, Mr. Rutter, Ms. Monroe, Ms. Zook,***
6 ***Ms. Romano, Ms. Chewning***
7 ***Voting Against - None***
8 ****The motion was approved (9-0).***
9
10 The meeting was adjourned at 7:37 PM.
11
12 Respectfully submitted,
13 Holly Howes
14 Recording Secretary

**Agenda
Planning Board
June 14, 2021**

**Agenda Item #5B
Approval of Minutes**

May 17, 2021

DRAFT

**LEBANON PLANNING BOARD
Special Meeting
Monday, May 17, 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), Gregorio Amaro, Joan Monroe, Kathie Romano, Jeremy Rutter

MEMBERS ABSENT: Laurel Stavis, Kim Chewning

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.

Councilor Zook confirmed that she was on the Planning Board at the beginning of the Basic Holdings application process and was up to date on the recent meeting minutes and able to participate in the hearing.

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 29, 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. Corwin reviewed the details of the suspended decision regarding the density bonus. There was a miscalculation on the total size of the combined property of #5 and #11 Oak Ridge. The updated calculation allows for 20 units, and the revised density bonus request by the applicant is for 21 units

Mr. Stearns compared the 20- versus 21-unit plans. The same infrastructure would be required for either number of homes and adding the one unit would make the best use of resources. Citing his letter of April

5, 2021, Mr. Stearns enumerated the reasons why 21 units would be appropriate. The Regional Planning Commission's report demonstrates an urgent need for housing, the PURD regulations allow granting of a bonus, and the request is only one more than allowed. The plan conserves open space, provides flexibility for a diversity of housing types, offers workforce housing, avoids steep slopes, and allows stormwater management by clustering homes. The increase of one unit would only affect the residents of Occum Path. There is also direct access to outdoor space, which is not a typical option. The plan meets the objectives of a PURD, which encourages a more suitable form of development, maximizing a more economic and efficient manner of uses of resources. All recommended changes from the Planning Board have been incorporated, and the one-unit density bonus request is very important by reducing the rental cost per unit.

Mr. Corwin addressed a comparison of density between Pinewood Village and Occum Path. PURD was not in place when Pinewood was approved, and it would not meet today's PURD regulations regarding setbacks. Staff reviewed the updated plan set and does not have any concerns. Ms. Monroe noted that Pinewood's property is not flat, but Occum Path's is flat. No two parcels are alike, and it is important to consider what is proposed versus what is on the ground on another parcel.

Chair Garland invited public comment, which would be limited to topics that were not previously discussed.

Jan Bent, #3 Pinewood Village, stated that Pinewood Village was built in 1977 before PURD, and there was no density discussion. One can't compare Pinewood to Occum Path.

Rand Swensen, #15 Oak Ridge Road, agreed that it's not reasonable to compare to Pinewood to Occum Path, as they have a different presence on the road. However, in his letter received by Staff today, Mr. Swenson stated his opinion that Occum Path is out of sync with the neighborhood and property values would suffer.

Rainie Kelly, #25 Wildwood Drive, expressed concern over stormwater runoff toward Quail Hollow. She inquired about solar on the units. Mr. Shapiro replied that they would be solar-capable within the long-term plan. He added that the setbacks of a PURD give neighbors more privacy. Ms. Kelly noted that the open space is not usable, which is against the spirit and intent of the Master Plan not to disrupt the character of the neighborhood.

Steve Arcone, #40 Oak Ridge Road, commented on the slope situation, which could be dangerous for children playing. The slope has much trash on it, and the developer should consider what to do with it.

Mr. Hall expressed his understanding of the comments by the neighborhood residents but did not see the difference between 20 and 21 units, or one story versus two stories of one unit, which does impact rent prices. There is no substantial difference.

Ms. Romano noted that the Board voted to limit the development to 19 units, and now 20 units are allowed. Chair Garland explained that it was a split vote, which is why the Board is giving the density bonus second consideration.

Matthew Hall moved that Planning Board APPROVE a density bonus of one (1) unit to allow a project of twenty-one (21) units for Occum Path.
The motion was seconded by Jeremy Rutter.

Roll Call Vote:

Voting in Favor – Mr. Amaro, Mr. Rutter, Ms. Zook, Mr. Hall, Mr. Garland

Voting Against – Ms. Romano, Ms. Monroe

****The motion was approved (5-2).***

Mr. Corwin explained the changes to the conditions in the Draft Motion, which reflects the conditions of approval in the March 8, 2021 Staff Memo plus some suggested additions.

Chair Garland suggested a condition regarding cleaning up the slope.

Mr. Hall inquired if there were any concerns on the part of Staff. Mr. Corwin stated that there were not. Mr. Vincent confirmed that all comments have been addressed or are in the conditions. No issue of runoff toward Quail Hollow is expected on the slope, which is a vegetated slope with trees.

Ms. Romano noted many improvements to the project, which offers unique units not being offered elsewhere. She inquired about the size and type of trees being planned. Mr. Finley stated the landscape plan identifies locations and most are red maples. Mr. Brooks suggested a condition to update and label the trees on the plan. Ms. Monroe expressed concern over only one type of tree, because variety helps with protection from disease.

Mr. Hall and Mr. Amaro stated agreement that there have been substantial positive changes to the project that make it a nice addition to area.

Ms. Monroe inquired about including a garden shed in the conditions. Mr. Corwin stated that it would have to be outside of the open space, as structures are prohibited.

Mr. Rutter inquired about a structure shown on the east side of development's property line that protrudes into the property. Mr. Finley stated that the structure belongs to a neighbor's property and is over the property line. They are not planning to do anything about it. Mr. Brooks suggested that the owner request that it be moved to a conforming position if it ever has to be rebuilt.

The Board members discussed the traffic issue regarding the lack of a turn lane into Oak Ridge Road from Route 10 north, which is under the control of the State.

Mr. Finley recommended adding a condition for cleaning up the trash on the slope by hand or with shovels but no power equipment and no tree cutting.

Ms. Monroe suggested boundary markers of the property's slope, possibly using flags, so children would know the limits.

Garland invited public comment.

Ms. Bent inquired about saving a black birch on the northeast corner of the property. She was glad the slope would be cleaned. Regarding the left turn into Oak Ridge Road, most are violating the markings by using the non-turn lane, and it would be good to get the State's attention. Mr. Finley stated that the black birch would be saved.

Ms. Monroe inquired about the maintenance of the drainage system and the issue of fencing. Mr. Finley confirmed that it would be maintained routinely, and they would not be proposing fencing as stormwater would dissipate within 24 hours. Mr. Vincent stated that the applicant will apply to DES for an Alteration of Terrain permit. There is a requirement for maintenance of the drainage system, which is critical. A failure of that system would cause erosion and impact the infrastructure around the facility. It is well designed but must be maintained and remain clear of vegetation.

Chair Garland closed the Public Hearing.

Matthew Hall moved that the Lebanon Planning Board **APPROVE** 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 of a proposed Planned Unit Residential Development (PURD) at 5 & 11 Oak Ridge Road (Tax Map 4, Lots 5 & 6), zoned R-3, PB2020-31-FMAJ, as shown on a plan set titled "Ocom Path PURD, Basic Holdings, LLC" prepared by Pathways Consulting, LLC, dated October 13, 2020, last revised May 3, 2021, Project No. 11465-01 (17 Sheets), including any and all submissions and testimony provided for and during the public hearing, with the following conditions:

Conditions to be Satisfied Prior to the Signing and Recording of the Plat (or prior to application for a building permit if the improvements are constructed prior to the recording of the plat)

(These conditions shall be satisfied within 2 years of the date of the Notice of Action.)

1. 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 applicant shall sign a Subdivision Agreement in accordance with Section 7.9.B of the Subdivision Regulations.
2. 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 applicant shall sign a Water Main Extension and Infrastructure Inspection Agreement in accordance with Chapters 136 and 182 of the City Code and Section 14.2 of the Subdivision Regulations.
3. Pursuant to Section 14.5 of the Subdivision Regulations, the applicant shall provide a Performance Bond for all required improvements, both on and off-site, including but not limited to: roadway and parking improvements, landscaping, lighting, utilities, bike lane/shoulder improvements, stormwater improvements, and sidewalks in an amount considered adequate by the Department of Public Works, and in a form satisfactory to the City Attorney. The Performance Bond shall be secured by a surety bond, a letter of credit, or an escrow account. *This requirement shall not apply if the required improvements are constructed prior to the recording of the plat.*
4. Street names and numbering shall be approved by the Police Department. The sole purpose of such review and approval shall be to assure that such names do not create confusion under the State's Enhanced 911 system.
5. The applicant shall submit final designs, including construction drawings, of all infrastructure features, including the proposed on- and off-site roadway and parking areas, sidewalks, water and sewer utilities, and storm drainage systems, to the City Engineer for approval. All such designs shall meet the required design standards set forth in Chapters 136 ("Sewer Service") and 182 ("Water Service") of the Code of the City of Lebanon.
6. The applicant shall coordinate the final design of the Oak Ridge Road pedestrian crossing and sidewalk with the Planning and Development Department, the Department of Public Works, and the New Hampshire Department of Transportation.
7. 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 applicant shall

provide two (2) revised plans sets depicting the following revisions to the satisfaction of the Planning and Development Department, the Fire Department, and the City Engineer, as follows:

- a) Any changes made pursuant to Conditions of Approval #5 and #6.
 - b) On Sheet 1, in the “Site Information” table:
 - i. Identify existing use of properties.
 - ii. Change “duplex” to “two-family dwelling”; and
 - iii. Identify the unit mix (i.e. provide the total number of one-family dwellings and total number of two-family dwellings).
 - c) Identify the proposed name of the access drive. (SUB Section 10.4.C.1.d)
 - d) On Sheet 5 (layout plan):
 - i. Rename “Layout and Open Space Plan”;
 - ii. Add open space calculations;
 - iii. Add a note indicating how the open space will be owned, protected, and managed;
 - iv. Add the following as plan notes: “Per Section 13.14 of the Subdivision Regulations, there shall be no depositing, dumping, or storage of waste, or other natural or man-made material, supplies or equipment, on any subdivision land designated as open space,” and, “Per Section 13.14 of the Subdivision Regulations, no work, or removal, or filling shall be done, nor shall the existing natural characteristics of open space land be altered from the original condition, until a site plan shall have been approved by the Board;” and
 - v. Add any other information necessary to prepare the sheet for recording.
 - e) On Sheet 7 (grading, drainage, & erosion control plan), add a project-specific pipe schedule identifying pipe length, diameter, slope and invert values for each proposed segment of storm sewer.
 - f) Add a plan note to Sheet 8 (utilities plan) indicating that underground utilities, electric, telephone and cable, must maintain a minimum clearance of 10 ft. from all proposed water lines.
 - g) On Sheet 10 (landscape & lighting plan):
 - i. Identify correct percentage of evergreen trees proposed (SPR Section 6.2.B.4);
 - ii. Label all plantings and update the Plant List to accurately reflect the numbers of plantings depicted;
 - iii. Provide that all exterior lighting shall be 3,000K or warmer in CCT;
 - iv. Identify wattage for the three pole lights (SPR Section 5.1.E.12); and
 - v. Add the following requirements of the Site Plan Review Regulations as plan notes: Section 6.2.B.3 (“All new plant material shall be nursery-grown stock;”); Section 6.2.B.4 (first sentence only); Section 6.2.B.5; and Section 6.2.H.1.
 - h) On sheet 17 (the sidewalk extension plan):
 - i. Identify all easements necessary for the construction and maintenance of the sidewalk;
 - ii. Relocate sidewalk so that it is parallel with and immediately adjacent to the existing edge of pavement and provide a granite vertical curb; and
 - iii. Provide updated sidewalk construction details.
8. The applicant shall provide a digital copy of the revised plan set and/or revised application materials depicting any changes made pursuant to Condition of Approval #7, to the satisfaction of the Planning and Development Department and the City Engineer. The digital copy shall use a PDF-A format for archival purposes.

Conditions to be Satisfied Prior to Application for a Building Permit

- 1
- 2
- 3 9. The applicant shall schedule and hold a pre-building permit application meeting with the
- 4 Planning and Development Department, City Building Inspectors, City Engineer/Department
- 5 of Public Works, and Fire Department, in order to help streamline the building permit review
- 6 process.
- 7
- 8 10. The applicant shall obtain approval from the City Council or the City Manager's office for any
- 9 additional water and/or sewer flows in accordance with the applicable Chapter 136 and 182 of
- 10 the City Code.
- 11
- 12 11. Prior to the start of any construction activities on the property, the applicant shall obtain or
- 13 update (if appropriate) any required State approvals including, but not limited to, the following:
- 14 a) NHDES Sewer Connection Permit
- 15 b) NHDES Alteration of Terrain Permit
- 16
- 17 12. All outstanding engineering review fees shall be paid in full as required by Section 4.7.E.1 of
- 18 the Site Plan Review Regulations.

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

20 *(These conditions shall be satisfied within 2 years of the date of the Notice of Action)*

- 21
- 22 13. The development shall be subject to City of Lebanon Impact Fees, pursuant to Section 213 of
- 23 the Zoning Ordinance, except to the extent that the applicant obtains a waiver of such fees as
- 24 may be permitted under applicable law. The Impact Fee shall be calculated at the time of
- 25 Building Permit issuance based on the Impact Fee Schedule adopted on August 13, 2018. In
- 26 accordance with RSA 674:39, the approved site plan shall be exempt from any future changes
- 27 in impact fees and methodology for five years from the date of approval; however, any building
- 28 permits which are issued after the end of that five-year period shall be fully subject to whatever
- 29 impact fees and methodology are in effect at the time of building permit issuance.
- 30
- 31 14. The City shall retain the services of an independent third-party inspector for which the applicant
- 32 shall be responsible for all inspection fees related to the construction and installation of on- and
- 33 off-site roadways, parking, sidewalks, water and sewer utilities, storm drainage, and erosion
- 34 control, in accordance with Chapters 136 and 182 of the City Code, Section 8.2 of the Site Plan
- 35 Review Regulations and Section 14.2 of the Subdivision Regulations. The applicant shall
- 36 provide funding for inspection services in a form and amount acceptable to the City.
- 37
- 38 15. Edge-of-disturbance fencing shall be installed and maintained before and during any site work,
- 39 to be verified by the City Engineer or City's third-party inspector on site.
- 40
- 41 16. All water and sewer fees shall be paid as set forth in City Code Chapter 68.

42

43 **Conditions to be Satisfied Prior to the Issuance of a Certificate of Occupancy**

44 *(These conditions shall be satisfied within 5 years of the date of the Notice of Action)*

- 45
- 46 17. Sheet 5 of the approved plan set shall be recorded at the Grafton County Registry of Deeds.
- 47 Prior to recording, the plat shall be revised as necessary for recording purposes, in consultation
- 48 with the Planning and Development Department, and shall be signed by the Planning Board
- 49 Chair.
- 50

- 1 18. The applicant shall dedicate the completed water mains and hydrants within the complex,
2 excluding service connections beyond the curb shut-off valves, to the City for ownership and
3 maintenance, subject to appropriate easements. Said conveyance and easements shall be
4 approved by the City Attorney and the Department of Public Works and recorded in the Grafton
5 County Registry of Deeds prior to the issuance of a final Certificate of Occupancy for the
6 project and prior to the acceptance of the utility improvements.
7
- 8 19. The applicant shall submit to the Planning and Development Department and the NH
9 Department of Transportation (NHDOT) a traffic study, prepared by a Professional Engineer,
10 evaluating whether the additional traffic from the Occom Path development meets any warrants
11 at the Oak Ridge Road/NH Route 10 intersection (turn lanes, etc). The applicant shall be
12 obligated to contribute its fair share to the cost of any improvements that are warranted by the
13 traffic study and which the City and/or NHDOT choose to undertake. In determining the
14 applicant's fair share, the cost of the traffic study shall be taken into account. The applicant's
15 financial contribution, timing of payment, the City's and/or NHDOT's obligations, and other
16 details shall be set forth in an agreement entered into by and between the applicant and the City
17 and/or NHDOT, subject to review by the City's legal counsel. Any dispute between the
18 applicant and the City arising under this condition may be appealed by the applicant to the
19 Planning Board.
20
- 21 20. The applicant shall prepare and record an open space covenant or deed restriction in accordance
22 with Section 501.1.F.5, 6 & 7 of the Zoning Ordinance, and shall be in form and content
23 acceptable to the Planning and Development Department and the City Attorney.
24
- 25 21. The applicant shall obtain all necessary easements to construct and maintain the sidewalk along
26 Oak Ridge Road to NH Route 10, and shall convey all such easements to the City, subject to
27 review and approval by the Department of Public Works and the City Attorney.
28
- 29 22. Third-party engineer or design engineer inspection reports and as-built drawings provided by
30 the applicant (PDF format and CAD .dwg format, using the NH State Plane Coordinate
31 System), including tie sheets, shall be reviewed and approved by the City Engineer prior to
32 acceptance of any utility improvements by the City.
33
- 34 23. The impact fee calculated pursuant to Condition of Approval #13 shall be paid.
35
- 36 24. All improvements depicted on the plan shall be completed and shall be constructed as depicted
37 on the approved plan, including any modifications to the plan as may be approved by the
38 Planning Board in accordance with the Subdivision Regulations and Site Plan Review
39 Regulations.
40
- 41 25. Screens at least 5 feet in width shall be provided for all electrical and mechanical equipment,
42 such as transformers and compressors. (Section 6.2.B.8 of the Site Plan Review Regulations).
43
- 44 26. The applicant shall, by hand or with hand tools, remove the garbage and debris from the steep
45 slope at the southwestern corner of the property.
46

General Conditions

- 47
- 48
- 49
- 50 27. The applicant shall obtain an Excavation Permit from the Department of Public Works for any
51 site work in the public right-of-way prior to any work in the right-of-way, and construction or

1 installation of any new driveway(s) shall also require a Driveway Permit from the Department
2 of Public Works.

3
4 28. All required landscape plantings shall meet the minimum size requirements for such plantings
5 set forth in Section 6.2.B of the Site Plan Review Regulations at the time of installation.

6
7 29. The applicant shall implement and maintain NHDES Site Specific Best Management Practices
8 before, during, and after construction.

9
10 30. The property owner is responsible for the maintenance and operation of the stormwater
11 management system in accord with the O&M plan, and such responsibility shall run with the
12 land. (Section 6.6.H.2.b of the Site Plan Review Regulations).

13
14 ***The motion was seconded by Jeremy Rutter.***

15
16 Mr. Brooks noted that condition #19 should read, “from the Occum Path Development.”

17
18 ***Roll Call Vote:***

19 ***Voting in Favor – Ms. Monroe, Ms. Zook, Ms. Romano, Mr. Hall, Mr. Garland, Mr. Amaro, Mr.***
20 ***Rutter***

21 ***Voting Against – None***

22 ****The motion was approved (7-0).***

23
24 Chair Garland thanked the public.

25
26 **6. AUTHORIZATION FOR PLAT SIGNING**

27
28 **Date:** May 17, 2021

29
30 **Matthew Hall moved** that the Lebanon Planning Board authorizes the Chair to sign the plat for Basic
31 Holdings, LLC, PB2020-31-FMAJ, titled “Final Major Subdivision Plan for Occum Path Basic Holdings,
32 LLC” prepared by Pathways Consulting, LLC, dated October 13, 2020, last revised May 3, 2021, Project
33 No. 11465-01 (17 Sheets), as such plan may be amended in accordance with the Board’s approval dated
34 May 17, 2021.

35
36 ***The motion was seconded by Joan Monroe.***

37
38 ***Roll Call Vote:***

39 ***Voting in Favor – Ms. Romano, Mr. Hall, Mr. Garland, Mr. Amaro, Mr. Rutter, Ms. Monroe, Ms.***
40 ***Zook***

41 ***Voting Against – None***

42 ****The motion was approved (7-0)***

43
44 ***Kathie Romano moved that the title of the plan be changed to,*** “Final Major Subdivision Plan for
45 Occum Path Basic Holdings, LLC”.

46 ***The motion was seconded by Joan Monroe.***

47
48 ***Roll Call Vote:***

49 ***Voting in Favor – Mr. Rutter, Ms. Monroe, Ms. Zook, Ms. Romano, Mr. Hall, Mr. Garland, Mr.***
50 ***Amaro***

51 ****The motion was approved (7-0)***

Mr. Shapiro thanked the Planning Department and Planning Board for the time and energy put into this process and City staff for working out all of the details. He shared his hope is that it is something to be proud of in the future as being unique to the Upper Valley and for a target demographic.

3. Other Business - None

4. Approval of Minutes

A. March 29, 2021

*Jeremy Rutter moved to approve the Planning Board minutes of March 29, 2021, as amended.
The motion was seconded by Kathie Romano.*

Roll Call Vote:

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

Voting Against – None

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

5. Adjournment

***A MOTION by Matthew Hall to adjourn the meeting.
The motion was seconded by Kathie Romano.***

Roll Call Vote:

Voting in Favor - Ms. Romano, Mr. Hall, Mr. Garland, Mr. Amaro, Mr. Rutter, Ms. Monroe, Ms. Zook

Voting Against - None Mr. Garland, Mr. Amaro, Ms. Monroe, Zook

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

The meeting was adjourned at 8:44 PM.

Respectfully submitted,
Holly Howes
Recording Secretary

**Agenda
Planning Board
June 14, 2021**

**Agenda Item #5C
Approval of Minutes**

May 24, 2021

DRAFT

**LEBANON PLANNING BOARD
Regular Meeting
Monday, May 24, 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, Jeremy Rutter, Laurel Stavis

MEMBERS ABSENT: Gregorio Amaro

STAFF PRESENT: David Brooks (Planning Director), Tim Corwin (Senior Planner), Rebecca Owens (Associate Planner)

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. Other Business

A. UVLSRPC presentation re: Keys to the Valley project

Mr. Brooks introduced Meghan Butts, Executive Director of the Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC), and Alex Belenz, Planner, to discuss the effort and recommended regulatory ideas.

Mr. Belenz gave a detailed presentation of the results of the Keys to the Valley project, a regional housing initiative encompassing the Upper Valley region in NH and neighboring towns in VT. The presentation covered the key findings with links to additional information in a PDF report and the website that lists five key understandings and six key action areas. The objectives, strategies and tools are outlined in a flow chart.

A large amount of data was reviewed by the RPCs to create projections of housing needs by 2030. Affordability is a challenge, with a significant number of cost-burdened households, which are projected to increase over the next ten years given the current trends. Projections were created for each community. In 2030, the population of Lebanon is projected to be over 14,000, with an average of 2 persons per household. Rental households make up 50% of the population, and many renters are paying more than they can afford for housing. Senior housing is a particular need. In addition, more emergency housing, affordable housing for all income levels, homes with supportive services, homes with digital connectivity and transportation, accessibility, and smaller homes are all needed.

1
2 The major goals of the project would be to create a strong tax base, increase affordability, and maintain a
3 good quality of life. A suitability analysis was done to reveal the most suitable areas for development in
4 each community. They looked at current land use and the potential for additional housing while
5 maintaining the character of the neighborhoods. Infrastructure such as water and sewer, transportation,
6 sidewalks, and walkability were also considered. Policies and regulations need to incentivize affordable
7 housing. It would be important to create a net benefit in financial terms for a town. Increasing available
8 housing would lower the cost for housing. The area is missing housing between single family housing to
9 mid-rise multi-family complexes; the so-called "Missing Middle". There are ways to promote more
10 housing types and making permitting easier. Regulatory solutions for keeping neighborhood character
11 were also discussed. There could be an expedited process for those meeting housing goals. The website
12 offers links to resources at www.keystothevalley.com.
13

14 Ms. Romano noted barriers to development, such as the requirement for sprinklers when converting to
15 three units or more. It is required under the State Fire Code.
16

17 Mr. Hall inquired about the causes of the housing problem. Mr. Belenzs noted it is both regulatory and
18 financial due to a lack of understanding of the area. There is enough land for development, but there is
19 high cost for new construction and converting existing structures becomes desirable.
20

21 Ms. Stavis suggested that income inequality is also creating affordable housing issues. New Hampshire
22 does not allow municipalities to build triplex and quadplex units under current water and sewer
23 regulations. Mr. Belenzs stated that it needs to be addressed. Mr. Belenzs said they are working with
24 Vital Communities on new legislative strategies.
25

26 Ms. Monroe inquired about consideration of carrying capacity of the land along with water and sewer
27 capacity. Increasing housing density also means adding more strain on sewer capacity, which may not
28 have been discussed in the study. Mr. Belenzs said that focusing on downtown areas mitigates the impact
29 on those services. There are trade-offs with any type of development. Ms. Monroe noted the failure of
30 mobile home initiatives, which could bring the cost of housing down. The increase in the cost of
31 materials over the past year makes alternative sources of materials for construction necessary. It would
32 have been helpful to have it as part of the study.
33

34 Ms. Chewning inquired about the expected increase in population and the current shortage of 10,000
35 homes and the fear that larger homes will be sitting vacant. Mr. Belenzs noted that given the current
36 demand it is unlikely, but it may be economical to convert some to duplexes. The shortage is in all types
37 and costs of housing. Ms. Chewning inquired if changing parking requirements would work with the
38 limited types of public transportation. Mr. Belenzs stated that renters would sort themselves out based
39 upon their need for parking.
40

41 Ms. Romano noted that Lebanon does its part. The other area towns could increase development if they
42 extended their public sewer systems. Mr. Belenzs agreed and stated that he has been reaching out to
43 them.
44

45 Mr. Brooks thanked Mr. Belenzs and Ms. Butts for the presentation and encouraged the Board members
46 to visit the website. If something catches the Board members' interest, they were asked to please contact
47 the UVLSRPC and the Planning Department. There are a number of opportunities in addition to
48 challenges to advocate for changes that would help the housing shortage.
49

50 Ms. Stavis advised the UVLSRPC to come up with separate legislative strategies for NH and VT.
51

B. Discussion re: Ped/Bike related amendments to Site Plan Review and Subdivision Regulations

Ms. Owens discussed bike storage and parking first. There were no questions from Board members. Ms. Romano clarified the number of parking spaces required. Ms. Owens explained the requirements for both bicycle parking and shower facilities. Ms. Romano stated she is in favor of encouraging but not requiring shower facilities.

Mr. Hall stated that he would not add the requirements. The Board should not be requiring showers for businesses, particularly small businesses. It is not within the Planning Board's purview.

Ms. Monroe noted that there have been comments for encouraging healthy practices. Encouraging bicycles supports the environment, space requirements, and public health. It is better to include clauses and give the Board flexibility in specific cases.

Ms. Chewning suggested that the Planning Board could adjust requirements.

Ms. Stavis stated she is against any statement regarding public health, as it is not within the Board's area of concern.

Ms. Romano noted that sprinkler systems were being required now, but just like the showers, she would be in favor of encouraging but not requiring them. A developer could not count on the Board granting a waiver from the requirement.

Chair Garland asked if the Braverman project would have to provide both short and long-term bicycle parking. Saxon does provide both. Ms. Owens read a statement from Saxon explaining their process for determining bike storage in their developments.

Mr. Rutter suggested changing the wording to "long-term bicycle parking/storage"; then ... Provision of changing areas and locker space.

Mr. Brooks stated that they want to get to a point where the Board is comfortable with the amendments, and there would also be fire and minor site plan changes reviewed at the June 14th meeting and a public hearing on all amendments at the June 28 meeting.

Chair Garland conducted a Straw Poll as to whether showers should be mandatory versus encouraged.

Showers being Mandatory – Ms. Monroe, Ms. Chewning

Showers being Encouraged – Mr. Hall, Mr. Garland, Mr. Rutter, Ms. Romano, Ms. Zook, Ms. Stavis

Matthew Hall moved that the Pedestrian/Bicyclist Amendments reviewed at the April 26, 2021 and May 24, 2021 work sessions be scheduled for a Public Hearing on June 28, 2021 at 6:30 PM.

The motion was seconded by Laurel Stavis.

Roll Call Vote:

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

Voting Against - None

The motion was approved (8-0).

C. Discussion re: resumption of in-person meetings

1
2 Mr. Brooks stated that the City Manager reported on the decision by City Council to resume in-person
3 meetings in July. It is being left it up to other Boards and Committees to decide when to return to in-
4 person meetings. The emergency order is still in place. Mr. Brooks inquired if and when the Board would
5 like to return to in-person meetings. There is also the issue of whether the public and applicants should be
6 present. The Board members were invited to see the new facilities and how in-person meetings would
7 work. Chair Garland stated that he has seen the space.

8
9 Ms. Romano noted that there are a number of people in the public who have chosen not to be vaccinated.
10 The best course would be to take it one step at a time and wait to bring the public into the room due to the
11 concern about unvaccinated people sharing the space. Mr. Hall agreed that it should be in stages, but it
12 should be a choice for members as long as a quorum is present in-person when it can be done safely. Ms.
13 Monroe agreed and would want to see the new meeting room. Ms. Stavis also agreed that the Board
14 should be in-person and the public in stages. It is important to remain flexible, as it is not known how the
15 fall will go and how long the vaccines are effective. Ms. Chewning was also in agreement but would be in
16 favor of masks as a way to increase safety.

17
18 Mr. Brooks noted that the majority of the Board favors returning to in-person meetings. There may be
19 some on the Board who want to remain remote. Whatever the Board decides should be added to the Rules
20 of Procedure at this point as long as it is consistent with State law, which requires a specific reason to
21 attend remotely. COVID may go away as a reason for not attending in person.

22
23 Mr. Hall confirmed that the rules could be modified as needed and suggested that there should be a date in
24 mind for bringing the public back, perhaps Sept. 1, 2021. Applicants should appear in person. Mr. Brooks
25 suggested that all local persons should be there, but those at a distance could participate remotely.

26
27 The Board members discussed the issue of requiring in-person attendance for Board members and
28 applicants with their consultants. Mr. Corwin noted that Board members must go back to in-person unless
29 there is an extreme circumstance.

30
31 Mr. Brooks inquired if the consensus was to return to in-person meetings beginning with the July 12,
32 2021 meeting. Chair Garland asked Mr. Brooks to draft a statement regarding the return date.

33
34 Ms. Monroe and Ms. Zook both stated that it was useful to have the ability to attend regardless of travel.

35
36 Mr. Brooks summarized that the full Board would be back to meeting in-person as of the July 12, 2021
37 meeting, but can participate remotely if there is a compelling reason to miss the meeting. Applicants
38 should be present, especially if they are local, but related consultants at a distance could participate via
39 Teams. Mr. Rutter added that an applicant should communicate to the Board as to who would attend
40 remotely.

41
42 Ms. Stavis left the meeting at 9:15 PM.

43
44 D. Rules of Decorum

Mr. Brooks stated that the Rules of Decorum were adopted by another Board, and there is a recommendation that all Boards adopt them as a baseline standard of behavior. There is a Pledge of Civility included. It is suggested that they be adopted as an addendum to the Rules of Procedure.

***Kathie Romano moved that the Planning Board adopt the Rules of Decorum.
The motion was seconded by Matthew Hall.***

Ms. Monroe stated that it is unnecessary.

Voting in Favor – Ms. Chewning, Mr. Hall, Mr. Garland, Mr. Rutter, Ms. Zook, Ms. Romano

Voting Against – Ms. Monroe

****The motion was approved (6-1).***

3. Committee Reports

A. Planning Board Subcommittees:

--Planning Board Capital Improvement Program (K. Chewning/M. Hall/B. Garland/L. Stavis)

--Planning Board Development Regulations Update (M. Hall/K. Romano/ J. Rutter / J. Monroe)

B. City Council Subcommittees:

--Class VI Roads Advisory Committee (J. Monroe)

--Lebanon Energy Advisory Committee (J. Monroe)

C. Other Subcommittees:

--City Council Representative (K. Zook/D. Whittlesey)

--Heritage Commission (J. Rutter) The Commission is in a state of flux with the chair and another member resigning or not extending their terms. New members are needed, and suggestions would be welcomed. The City Clerk places announcements in the Lebanon News for openings on Boards and Committees.

--Pedestrian & Bicyclist Advisory Committee (G. Amaro)

--Upper Valley Lake Sunapee Regional Planning Commission (B. Garland/L. Stavis)

--UV Sub-Committee of the Connecticut River Joint Commissions (B. Garland)

--Upper Valley Transportation Management Association (VACANT)

--Mascoma River Local Advisory Committee (K. Romano)

The One Mechanic St. shoreland protection application for the Mascoma riverbank was just received. Permits take a long time.

--Steering Committee for the Implementation of the Master Plan (B. Garland/K. Chewning /VACANT/J. Monroe)

--West Lebanon Revitalization Advisory Committee (L. Stavis)

--Planning & Development Department – Task Status (D. Brooks/ M. Goodwin/T. Corwin/R. Owens)

4. Approval of Minutes

A. April 26, 2021

Page 1, line 24-25, to read, “To reduce confusion, signage would conform to the updated manual on uniform control devices, which would provide visibility and safety.”

Page 2, line 32, to read, “...a ratio of 78% developed to 22% undeveloped...”

1
2
3 *Joan Monroe moved to approve the Planning Board minutes of April 26, 2021, as amended.*
4 *The motion was seconded by Jeremy Rutter.*

5
6 *Roll Call Vote:*

7 *Voting in Favor – Mr. Garland, Mr. Rutter, Ms. Monroe, Ms. Zook, Ms. Romano, Ms. Chewning, Mr.*
8 *Hall*

9 *Voting Against – None*

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

11
12 **5. Adjournment**

13
14 *A MOTION by Matthew Hall to adjourn the meeting.*
15 *The motion was seconded by Jeremy Rutter.*

16
17 *Roll Call Vote:*

18 *Voting in Favor - Mr. Rutter, Ms. Monroe, Ms. Zook, Ms. Romano, Ms. Chewning, Mr. Hall, Mr.*
19 *Garland*

20 *Voting Against - None*

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

22
23 The meeting was adjourned at 9:26 PM.

24
25 Respectfully submitted,
26 Holly Howes
27 Recording Secretary