

**AGENDA
PLANNING BOARD
APRIL 22, 2019**

**AGENDA ITEM #2
APPROVAL OF MINUTES**

MARCH 25, 2019

DRAFT

LEBANON PLANNING BOARD
COUNCIL CHAMBERS, CITY HALL
MONDAY, MARCH 25, 2019
6:30 PM

MEMBERS PRESENT: Keith Davio (Chair), Bruce Garland (Vice Chair), Karen Zook (Council Representative), Sarah Welsch, Gregory Schwarz, Matthew Hall, Laurel Stavis, Kathie Romano

MEMBERS ABSENT: Joan Monroe, and Jim Winny (Alt. Council Representative), Matthew Cole (Alt.)

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

- 1 **1. CALL TO ORDER – Chair Davio called the meeting to order at 6:30 PM.**
2
- 3 **2. APPROVAL OF MINUTES:**
4 **February 11, 2019**
5 Amendments: Page 2, line 28: change “filing” to “proposing”; Page 2, line 51: change McCullum” to
6 McCollaum”; Page 3, line 1: change “site” to “Sight”; corrected a couple of typos.
7
8 *A MOTION was made by Vice Chair Garland to approve the February 11, 2019 Minutes as amended.*
9 *Seconded by Mr. Hall.*
10 **The MOTION passed (8-0)*
11
12 **February 25, 2019**
13 Amendments: Page 2, line 40: change “they” to Board members; Page 2, line 42: replace “does have the
14 ability to change” to “can”; Page 3, line 28: change “rational” to rationale”; corrected some grammatical
15 errors.
16
17 *A MOTION was made by Vice Chair Garland to approve the February 25, 2019 Minutes as amended.*
18 *Seconded by Ms. Stavis.*
19 **The MOTION passed (8-0)*
20
- 21 **3. NOTICE OF REGIONAL IMPACT:**
22
23 The following applications were received by the planning department on or before March 11, 2019:
24
25 **JUSTIN & VICTORIA CARVER, 75 & 77 SLAYTON HILL ROAD (Tax Map 120, Lot 4 & Tax**
26 **Map 119, Lot 46), zoned RL-2 & RL-3:** Request for a Boundary Line Adjustment of lands located at 75
27 & 77 Slayton Hill Road. #PB2019-05-BLA
28
29 **TWIN STATE SAND & GRAVEL C0, INC., C/O WARREN AMES, ELM STREET WEST, (Tax**
30 **Map 116, Lots 2 & 3), zoned IND-RA & R-3:** Request for an extension of time in order to satisfy
31 conditions-precedent and to record the subdivision plan for the Iron Horse Development, a phased 13-lot
32 Planned Business Park and Major Cluster Subdivision, originally approved on May 14, 2012 (#PB2011-
33 31-FMAJ). #PB2019-06-EXT
34
35 **TWIN STATE SAND & GRAVEL C0, INC., C/O WARREN AMES, ELM STREET WEST, (Tax**
36 **Map 116, Lots 2 & 3), zoned IND-RA & R-3:** Request for an extension of time in order to obtain
37 building permits for the Iron Horse Industrial Planned Unit Development, originally approved on April

1 22, 2013 (#PB2011-32-SPR), which consists of ten (10) Industrial Sector lots within the Iron Horse
2 Business Park. Construction of the PURD is approved to occur in accordance with the "TSS&G-Iron
3 Horse Park Phasing Schedule" dated Received February 28, 2013. #PB2019-07-EXT

4
5 Planning Office recommends that none of these have the potential for Regional Impact.

6
7 **Mr. Hall so *MOVED* the Planning Office recommendations.**

8 ***Seconded by Vice Chair Garland.***

9 ****The Vote on the MOTION was unanimous (8-0).***

10
11 **4. STUDY ITEMS:**

12
13 **A. PLANNING BOARD TRAINING SESSION RE: COMPLETENESS REVIEW,
14 CHECKLISTS, ETC.**

15
16 Mr. Corwin and Mr. Brooks facilitated a discussion regarding the review of applications for
17 completeness, as presented in the March 25, 2019 agenda packet. This is important to the Board because
18 they need this information to review an application in accordance with the City's regulations and, from a
19 Statutory/Legal perspective, to determine when an application is complete as provided by State Statute.

20
21 Mr. Corwin reviewed the State Statutes 676:4 - Boards procedures on Plats and 676:3 – the Issuance of
22 Decision. He also reviewed the Lebanon Subdivision Regulations, 7.7 – Review for Complete
23 Application; the Lebanon Site Plan Review Regulations (Section 4.7 – Review for Complete
24 Application), noting that when an application is complete, it triggers a certain time period within which
25 the Board has to act on the application. Once the Board determines that any application is complete, then
26 the Board has 65 days from that determination to make a decision on that application. There is a
27 significant caveat, both in State Statute and reflected in the City's regulations, that allows an applicant to
28 agree to an extension of that time period (65 days). The City's regulations require that an agreement by
29 an applicant to extend the time period has to be in writing.

30
31 Mr. Corwin said both Planning Board and staff should making sure they have that written agreement from
32 the applicant, noting that what the agreement should probably say is "if the applicant's application is
33 determined to be incomplete, then you have x-amount of time to provide the information to make that
34 application complete and if that information is not satisfactory to the Board, then the application will be
35 dismissed. Currently, the Planning Board does not have this requirement.

36
37 The procedures for determining the completeness of an application are basically the same for the five (5)
38 applications that the Board generally sees, which are:

- 39
- 40 • Site plans.
 - 41 • Lot Line/Boundary Line Adjustments.
 - 42 • Minor Subdivisions.
 - 43 • Preliminary Major (Design Review in Statute) Subdivision review.
 - 44 • Final Major Subdivision.

45 Per Statute, what constitutes a complete application are:

- 46
- 47 • Application form with a project description.
 - 48 • List of abutters.
 - 49 • Fees.
 - 50 • All Waiver requests.
 - 51 • A checklist that includes all the substantial requirements specific to the type of application being
52 requested. Mr. Corwin handed out the City's Subdivision Regulations – Technical Checklist as a
53 sample. Planning Staff may be giving these checklists to the Planning Board in the future, which
54 may be helpful in determining the completeness of an application. He noted that within 30 days,
the applicant has to provide all this information on these checklists to Planning Staff, staff makes

1 a preliminary determination regarding if the submission requirements have been met, and then
2 makes their recommendation(s) to the Board regarding a Public Hearing. Waiver requests and
3 incomplete application procedures were discussed. The Planning Board/Staff needs to be clearer
4 on these. If an application is not complete, then state why and stating what their
5 recommendations are regarding whether or not the Planning Board should grant the waivers. **The**
6 **key point:** Both Planning Board and Planning Staff should take a little more time with the
7 completeness review discussion, noting that for any application that is seeking a waiver from a
8 submission requirement, there needs to be a discussion to come up with some consensus
9 regarding if the Waiver has merit to it.

10
11 Mr. Corwin answered the Board questions on the Completeness Review and suggested that the Board
12 may want to be more careful about voting on applications in mass. Applications should probably be
13 voted on individually, especially if they involve Waiver's. A lengthy discussion took place and questions
14 were answered regarding the findings for a Completeness Review; incomplete applications; what the
15 Board's obligations are regarding a Conceptual Review; preliminary vs. primary subdivision regulations;
16 major subdivision regulations; if this complicated process could be streamlined; and what is required of
17 the Board if it denies a Waiver so the applicant can plan how to move forward.

18
19 Chair Davio informed the Board that he has been attending the Applicant/Staff/City Review Meetings.
20 He said these meetings have been very informative and described what information was provided to
21 applicant(s) at these meetings. Board members were invited to audit one of these meetings, which takes
22 place on the 3rd Monday of each month.

23
24 Mr. Corwin stressed that what is really important is that before the Board actually takes an "official vote"
25 on a Waiver to the allow the applicant the opportunity to present their application and explain why they
26 are requesting a Waiver and then allow the public to speak before making a determination. If the Board is
27 planning on denying a Waiver, the Board can do this without any testimony, but the applicant should
28 know about this determination as soon as possible after the Board has accepted jurisdiction. Further
29 discussion took place about what requirements need to be met once an application has been publicly
30 noticed.

31
32 Chair Davio summarized this discussion as follows:

- 33 • The Planning Board should not make a determination during the Completeness Review.
- 34 • The Planning Board should only make a Motion to deny a Waiver if the Board knows this is
35 going to be denied ahead of time and has made the applicant aware of their decision. Mr. Corwin
36 clarified that if the Board is uncertain about how they want to proceed, ask the applicant to clarify
37 their issue or the Board can accept the application but let the applicant know that the Board is
38 uncertain about how they want to proceed.
- 39 • Determine Completeness for a Preliminary Review (same as for primary) and clarify if there is
40 information that the Board may need to either grant/deny application. Mr. Brooks will be
41 consulting with legal counsel on this.
- 42 • The only thing that the Board cannot consider (per Statute) is if the applicant is awaiting
43 approvals or some other form of approval from State or Federal Departments.

44
45 Vice Chair Garland suggested that it would be helpful if staff provide guidance on how many meetings an
46 application would need, especially given the volumes of information that some applications require for
47 the approval process. Mr. Brooks said that given the scale of large projects, a Special Meeting could also
48 be scheduled that is devoted entirely to an applicant.

49
50 Chair Davio requested that procedures not be discussed in the middle of a meeting, which has been done
51 in the past, so if the Board has a question about procedure concerns, they should be in touch with him or
52 the Planning Staff.

53

1 Mr. Brooks said the City will be keeping track of these training sessions and incorporating them into the
2 binders that the Planning Board has so future members can have the benefit of these trainings.

3
4 **B. COMPLETE PRELIMINARY CIP PROJECT LIST FOR DISTRIBUTION TO**
5 **DEPARTMENT HEADS AND CONFIRM SCORING CRITERIA AND CIP COMMITTEE**
6 **REVIEW PROCESS (NOTE: Discussed after #4C)**
7

8 Mr. Brooks presented the CIP list to the Board as presented in the March 25, 2019 agenda packet. The
9 Board was asked to identify what they may need for any CIP's and explained the color-coded list. The
10 Planning Board should also review the ranking criteria proposed by staff to enable the CIP Subcommittee
11 to classify projects according to the urgency and need.

12
13 The Board reviewed and discussed the nine (9) scoring criteria. Mr. Brooks explained the methodology,
14 stating that each Board member would fill out their own ranking criteria the night where a topic was
15 discussed, but not submit the scoring details until the June 24, 2019 PB Work Session. After a lengthy
16 discussion about the scoring criteria, especially criteria #2 (Emergency or Public Safety Needs) and using
17 risk assessment criteria, Mr. Brooks said he will draft another scoring criteria form incorporating their
18 suggestions and bring back for the Board's review.

19
20 Mr. Brooks said the CIP Subcommittee will be meeting in July, noting that instruction materials will be
21 sent out to Department Heads to be submitted to him either by May 10th or May 17th.

22
23 **C. DISCUSSION RE: MASTER PLAN IMPLEMENTATION RESPONSIBILITIES:**
24

25 Ms. Owens reviewed what the City Council has determined as the reporting of Actions/Strategies for the
26 Planning Board as determined in Chapter 2 of the Master Plan. These were 15 items chosen
27 (completed/ongoing/active) by Chair Davio and Vice Chair Garland. The Board should take notes on
28 what they might want to/or should not change for a Chapter revision.

29
30 Ms. Owens will email this document to the Planning Board as well as a PDF of the City's Master Plan to
31 the Board. At the next work session, Chair Davio and Vice Chair Garland will bring back their suggested
32 input to the Board for their review.

33
34 **5. COMMITTEE REPORTS:**
35

- 36 • Planning Board Subcommittees: No Report.
37 - Planning Board Capital Improvement Program (M. Hall/S. Welsch/B. Garland/K. Davio)
38
- 39 • City Council Subcommittees: No Reports.
40 - Class VI Roads Advisory Committee (J. Monroe)
41 - Lebanon Energy Advisory Committee (K. Davio)
42
- 43 • City Council Representative: (K. Zook/ J. Winny): No Report.
44
- 45 • Heritage Commission: (G. Schwarz): No Report.
46
- 47 • Pedestrian & Bicyclist Advisory Committee: (VACANT) – No Report.
48
- 49 • Upper Valley Lake Sunapee Regional Planning Commission: (VACANT) – No Report.
50
- 51 • UV Sub-Committee of the Connecticut River Joint Commissions: (B. Garland) – No Report.
52
- 53 • Upper Valley Transportation Management Association: (S. Welsch) – Ms. Welsch will be
54 sending out the past minutes to the Board.

- 1
- 2 • Mascoma River Local Advisory Committee: (K. Romano): They will be doing a river clean up
- 3 in June/July. They are always looking for volunteers. The specific dates will be put on the
- 4 Listserv.
- 5
- 6 • Steering Committee for the Implementation of the Master Plan: (B. Garland/G. Schwarz/K.
- 7 Davio/J. Monroe) - **No report.**
- 8

9 Planning Office - Task Status: (D. Brooks) Mr. Brooks updated the Board on the following:

- 10 ○ Handed the Board copies of the letters that have come out recently.
- 11 ○ The Zoning Amendment process for 2019/2010 will be starting.
- 12 ○ The first draft of the Downtown Design Guidelines will be presenting to the Board by the
- 13 consultants at the Planning Board's April Work Session.
- 14 ○ In May, he hopes to have the Regional Planning Commission come to discuss the Urban
- 15 Services District and a buildout analysis.
- 16 ○ Dartmouth kicked off their own Strategic Plan and would like to present their plan to the
- 17 Lebanon Planning Board for their review.
- 18

19 **6. OTHER BUSINESS: None**

20

21 **7. OPEN DISCUSSION:**

22

23 The Board discussed their concerns and the circumstances surrounding the Carter Project and Prospect

24 Hill requests for an Extension and the Board's findings. Mr. Brooks summarized the issues in both cases

25 and answered the Board's questions. In response to Mr. Hall's question, Mr. Brooks said that any Board

26 member can make a motion for continuance, with Chair Davio stating this can be done as long as there is

27 justification.

28

29 **8. ADJOURNMENT**

30

31 *Mr. Hall MOVED to adjourn the meeting at 9:18 pm.*

32 *Seconded by Ms. Stavis.*

33 **The MOTION passed (8-0).*

34

35 **The meeting was adjourned at 9:18 pm.**

36

37 Respectfully submitted,

38 Dona E. Gibson

39 Recording Secretary

40