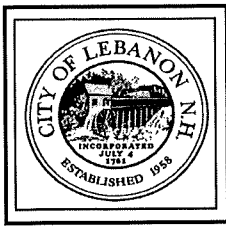


AGENDA
PLANNING BOARD
JULY 31, 2019

AGENDA ITEM #3A
PUBLIC HEARING - CONTINUED

**BASIC HOLDINGS, LLC
5 & 11 OAK RIDGE ROAD
(Tax Map 4, Lots 5 & 6)
Zoned R-3**



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

PLANNING BOARD

July 31, 2019 Special Meeting

Staff Memorandum – #PB2019-03-PMAJ – *continued from 7/16/19*

APPLICATION INFORMATION

Agenda Item: 3.A

Application ID#:
#PB2019-03-PMAJ

Application Type:
Preliminary Major Subdivision
Review for 21-unit Planned Unit
Residential Development (PURD)

Property Location:
5 & 11 Oak Ridge Road
(Tax Map 4, Lots 5 & 6)

Applicant/Property Owner:
Basic Holdings, LLC

Property Size:

- 5 Oak Ridge Road: +/-4.33 acres (+/-183,210 sq. ft.)
- 11 Oak Ridge Road: +/-0.75 acres (+/-32,977 sq. ft.)

Zoning District(s):
Residential Three (R-3)

Overlay District(s):
none

Existing Use:

- 5 Oak Ridge Road: commercial radio tower; a nonconforming use
- 11 Oak Ridge Road: +/-1,296 sq. ft. (finished) single-story one-family dwelling constructed in 1978; a conforming use per §310.2

Proposed Use:
21-unit Planned Unit Residential Development (PURD) per §501.1 & 2 of the Zoning Ordinance

HEARING NOTICE

BASIC HOLDINGS LLC, 5 & 11 OAK RIDGE ROAD (Tax Map 4, Lots 5 & 6), zoned R-3: Request for Preliminary Review of a Major Subdivision for a proposed Planned Unit Residential Development (PURD) pursuant to Section 501.2 of the Zoning Ordinance, containing 21 residential units together with related site improvements and amenities. #PB2019-03-PMAJ

PLANS AND MATERIALS SUBMITTED

- ▶ New Materials:
 - E-mail from Eleanor Coffey to Planning staff sent 7/17/19
 - E-mail from Steven Arcone to Planning staff sent 7/17/19
- ▶ Materials included with 7/16/19 agenda packet, available on-line at: <https://lebanonnh.gov/AgendaCenter/ViewFile/Item/6664?fileID=14163>
 - Memo to Planning Board from Steven Arcone of 40 Oak Ridge Road, dated June 26, 2019 (14 pages)
- ▶ Materials included with 6/10/19 agenda packet, available on-line at: <https://lebanonnh.gov/AgendaCenter/ViewFile/Item/6459?fileID=13872>
 - Application form
 - Letter from Rodrick Finley, PE, of Pathways Consulting, LLC, dated January 14, 2019 (project description)
 - Letter from Rodrick Finley, PE, of Pathways Consulting, LLC, dated January 28, 2019 (response to staff review comments)
 - Application for Waivers
 - Subdivision Regulations Technical Checklist for a PMAJ
 - Letter from Rick Van de Poll, Ph.D, to Jeff Goodrich, P.E., of Pathways Consulting, LLC, dated February 24, 2019 (anticipated wildlife impacts)
 - Boundary survey, titled "Boundary Survey for Basic Holdings, LLC", prepared by Pathways Consulting, LLC, dated May 24, 2019, Proj. No. 11456-01
 - Plan titled "Basic Holdings, LLC, Oak Ridge Road, City of Lebanon, Grafton County, NH" prepared by Pathways Consulting, LLC, dated January 11, 2019, revised April 26, 2019, Project No. 11465-01 (14 Sheets)
 - Statement of Impact for Basic Holdings, LLC, Planned Unit Residential Development, Oak Ridge Road, Lebanon, New

Hampshire, prepared by Pathways Consulting, LLC, dated January 11, 2019, revised February 25, 2019, Project No. 11465-01, including the following Appendices:

- Traffic analysis memo from RSG dated January 15, 2019
- Drainage calculations memo from Pathways Consulting, LLC dated January 14, 2019. *NOTE: An updated drainage calculations memo with a revised date of March 22, 2019 is on-file and available for inspection*
- Fiscal Impact Statement prepared by Pathways Consulting, LLC, dated January 11, 2019, revised February 25, 2019
- Memo from Rod Finley, P.E., of Pathways Consulting, LLC, to Christina Hall, P.E., dated April 24, 2019 (response to engineering staff review comments) (on file and available for inspection)
- Other: Letter from Eleanor D. Coffey dated February 3, 2019 (resident of abutting property at 17 Richardson Place)

PROCEDURE

Pursuant to the schedule tentatively adopted by the Planning Board on June 10, 2019 and modified by the Board at the July 16th special meeting, the July 31st special meeting will focus on the proposal's compliance with the following sections of the Subdivision Regulations:

Section 12 – General Requirements

- 12.1 Character of Land
- 12.2 Open Space and Recreation Area
- 12.3 Statement as to Impact of Subdivision and Determination of Whether or Not Premature or Scattered
- 12.4 Impact Fees
- 12.5 Off-Site Improvements
- 12.6 Community Water Supply and Sewage Disposal Systems
- 12.7 Operation and Maintenance of Common Facilities
- 12.8 Owners Association

Section 13 – Design Standards

- 13.1 Minimum Standards
- 13.2 Specifications for Required Improvements
- 13.3 Lot Layout, Drainage and Driveways
- 13.4 Lots/Lot Area/On-Site Septic System Requirements
- 13.5 Streets
- 13.6 Street Lighting
- 13.7 Street Signs
- 13.8 Utilities

STAFF COMMENTS

PLANNING

During Design Review, the Planning Board is tasked with “reviewing the preliminary subdivision layout for conformance to all applicable standards set forth in Sections 12 and 13 of these regulations.” See Section 10.2.C of the Subdivision Regulations. However, as previously noted, the Board will only make findings and determinations with regard to the requirements of Section 12.1 (Character of Land), Section 12.2 (Open Space and Recreation Area), Section 12.3 (Premature and Scattered), Section 12.4 (Impact Fees), and Section 12.5 (Off-site Improvements).

Section 12.1 (Character of Land). At the July 16th special meeting, Steven Arcone of 40 Oak Ridge Road raised concerns regarding the applicant’s proposed drainage plans. Staff recommends that the applicant provide a response to those concerns at the *next* special meeting (which is when drainage is scheduled to be discussed). Other than the concerns raised by Mr. Arcone, staff is unaware of any condition that would prohibit the “safe healthful development” of the site. The portion of the property to be developed is located outside of the 100-year flood plain and is not subject to erosive stream action or unstable slopes.

Section 12.2 (Open Space and Recreation Area). The planned open space was discussed at the July 16th special meeting as part of the Board’s review of Section 501.1 of the Zoning Ordinance. Section 501.1 includes either duplicative or more restrictive requirements than the Subdivision Regulations with respect to the design and management of open space.

Ownership of the open space or a conservation easement over the open space must be conveyed pursuant to one of the options outlined in Section 501.1.F.5 of the Zoning Ordinance. When submitted, the PURD Conditional Use Permit application will need to explain how the requirements of Section 501.1.F.5 are proposed to be satisfied.

Section 12.2.A requires the subdivision to include “active recreational facilities”. To meet this requirement, staff suggests that the applicant consider adding a swing set or some other type of recreational structure in the middle of the green, and/or adding a recreational structure in the area currently proposed for the community garden (recognizing that a tenant could plant their own garden to the rear of their unit).

Pursuant to the July 16th discussion with the Planning Board, staff also recommends the applicant redesign the central green to move the trees to the corners of the green and add additional parking spaces along all four sides.

Section 12.3 (Premature and Scattered). The applicant has provided reports for natural resources, a traffic impact assessment, preliminary storm drainage report, and a fiscal impact statement for the project to satisfy the requirements of the Subdivision Regulations. The Planning Board should review the reports for adequacy and to assess the potential impacts of the development.

The traffic analysis memo prepared by RSG, dated January 15, 2019 (which was provided in the agenda packet for the June 10, 2019 Planning Board meeting), concludes that the development will generate no more than 25 new vehicle trips during the busiest hour, and that there is sufficient sight distance at the proposed access point. The memo also notes that “[a]n Advance Transit stop is located at the Oak Ridge NH-10 & NH-10 intersection. All proposed units will be under a quarter of a mile from this stop, thus well within walking distance. This stop services the Orange Route, which

offers a direct connection to downtown Hanover and the Dartmouth College campus. This transit connection may reduce trip generation rates at the proposed development.”

At their meeting on April 2, 2019, the Lebanon Pedestrian & Bicycle Advisory Committee reviewed the plan set, and passed a motion recommending the following for the Board’s consideration:

1. The development should be responsible for design and installation of a pedestrian sidewalk from its access drive entrance on Oak Ridge Road to NH Route 10, on either side, connecting to the existing NH Route 10 pedestrian facilities and including a marked crossing at the roadway intersection; and
2. The development should include direct pedestrian walkway connections between each unit and the access drive.

Staff also forwarded the plans and the RSG memo to Chris Turgeon, P.E., Assistant District Engineer for the NH Department of Transportation, District 2. By e-mail sent March 1, 2019, Mr. Turgeon replied to Planning staff with the following comment, “I do not see anything that would prompt NHDOT to get involved. Traffic patterns at the NH 10/Oak Ridge intersection will be monitored to determine if any warrants are met for future improvements.”

Section 12.4 (Impact Fees). The application will be subject to the City’s Impact Fee Ordinance (Section 213 of the Zoning Ordinance) and the fee schedule adopted by the Planning Board on August 13, 2018.

Section 12.5 (Off-site Improvements). Currently, the applicant is not proposing any off-site improvements. However, as noted above, the Pedestrian & Bicycle Committee recommends the applicant construct a sidewalk along Oak Ridge Road to facilitate safe access to the Advance Transit stop on NH Route 10. As noted below under Section 13.8, the applicant may also need to install a sewer main in Oak Ridge Road to NH Route 10 if the City determines that it does not own the sewer line located in Pinewood Village (which is currently the proposed route of sewer flow to the Hanover wastewater treatment plant).

Section 12.6 (Community Water Supply and Sewage Disposal Systems). Not applicable – the property and development will be served by public water and public sewer.

Section 12.7 (Operation and Maintenance of Common Facilities). Not applicable – the property and development will be owned and managed by the applicant.

Section 12.8 (Owners Association). Not applicable – the property and development will be owned and managed by the applicant.

Section 13.1 (Minimum Standards). This section does not contain any requirements except as related to the Board’s approval of “modifications” to the design requirements set forth in Section 13 of the Subdivision Regulations (i.e. Sections 13.2 through 13.17).

Section 13.2 (Specifications for Required Improvements). This section provides that all required improvements shall be properly engineered and installed in accordance with applicable City standards.

Section 13.3 (Lot Layout, Drainage and Driveways). The applicant should be asked to address how the proposal satisfies the requirements of Section 13.3. However, staff recommends that to the extent possible, discussion of drainage should wait for the *next* special meeting (tentatively scheduled for Wednesday, August 14th).

Section 13.4 (Lots/Lot Area/On-Site Septic System Requirements). Not applicable – the applicant is not proposing to create individual lots, and the property will be served by public sewer.

Section 13.5 (Streets). As part of the application for Final Major Subdivision Review, the applicant intends to seek waivers from Section 13.5.D (requiring construction of a 24 ft. wide roadway), Section 13.5.H (requiring installation of curbing), and Section 13.5.E.7 (requiring a 150 ft. minimum offset between roadways). In the spirit of design review, staff recommends that the Board have a preliminary discussion on the merits of the tentative waiver requests, recognizing that an actual decision on waivers from design requirements can only be made during final review.

Section 13.6 (Street Lighting). Not applicable – no street lights are proposed for the development.

Section 13.7 (Street Signs). If the requirements of Section 13.7 are applicable to the project, compliance can be made a condition of final plan approval.

Section 13.8 (Utilities). As depicted on Sheet 6 of the plan set, the applicant proposes underground utilities as required by the regulations. Sewer is proposed to flow across Oak Ridge Road to the sewer line that runs north through Pinewood Village. The City has not yet confirmed whether the City owns an easement for the Pinewood Village sewer. If not, the applicant will need to obtain permission from the Pinewood Village to connect into their sewer. In the alternative, the applicant will need to install a sewer main along Oak Ridge Road to connect into the existing main in the NH Route 10 right-of-way.

In a memo to Rod Finley, P.E., dated June 7, 2018, the City Engineer confirmed that the City has the capacity to supply the water demand anticipated to be generated by the development, and that the City has capacity to carry the anticipated sewer flow to the Hanover wastewater plant (pursuant to the intermunicipal agreement between the City and the Town of Hanover). However, the June 7th memo was prepared assuming that the sewer would flow through Pinewood Village. If instead a sewer main is constructed within the Oak Ridge right-of-way to the existing NH Route 10 main (which flows north to Gould Road and then to Hanover), the Department of Public Works will need to evaluate whether sufficient capacity exists.

ENGINEERING / PUBLIC WORKS

General Comments:

The applicant responded to the City Engineer's comments in a memo from Rod Finley, P.E., dated April 24, 2019 (a copy of this memo was provided in the agenda packet for the June 10, 2019 Planning Board meeting). The City Engineer has reviewed the applicant's April 24th memo and notes that a majority of the responses indicate that the City Engineer's comments will be addressed at the Final Major Subdivision and Site Plan Review phase.

The City Engineer recommends that the applicant satisfactorily address all City engineering comments prior to submission of the Final Major Subdivision and Site Plan Review applications, and that the Planning Board confirm all such comments have been satisfactorily addressed prior to the Board's acceptance and review of the final subdivision and site plan review applications.

The City Engineer also recommends that the Board encourage the applicant to meet with the Department of Public Works and City Engineer prior to submission of the Final Major Subdivision and Site Plan Review applications in order to review all revisions made in response to the City Engineer's comments that were provided to the applicant during Preliminary Subdivision/Design Review. This is recommended, in part, to help ensure that the City Engineer has sufficient time to review the final submission and provide comment to the Board.

Specific Comments:

- The utilities should be overlaid on the landscape plan for the final site plan to ensure that the trees are a minimum of 15 ft from the underground utilities.
- The geotechnical engineer should be consulted for the homes near the embankment prior to the final site/ subdivision plan to ensure that those homes can actually be built in those locations as depicted on the plans.
- The construction for roads, water, sewer, and drainage, and any off-site improvements will need to be inspected by a third-party.
- As-builts and tie sheets will be required.

ASSESSING

No comment at this time.

BUILDING INSPECTION

The final plans will need to document provisions to control ground water levels for interior spaces and floors below grade. If interior spaces and or floors are intended to be below grade, details will need to be provided for ground-water control and foundation drainage and drainage discharge.

FIRE

The Fire Department reviewed an earlier version of the plan set submitted by the applicant on February 25, 2019, and provided the following comments on March 1, 2019:

1. The development is required to be connected to the municipal fire alarm system per City Ordinance 72-10(G). The applicant will be required to connect to the existing system at Quail Hollow and install a street box within the development. If underground electric utilities are planned for the development, a dedicated 2 inch conduit shall be provided for the municipal loop.
2. The Lebanon Fire Department recommends that the Planning Board require the development to post signage stating there is no on street parking except in the 4 spaces provided in the cul-de-sac. The first due apparatus from Lebanon Fire Station 2 would be Truck 2 which requires 16 feet of clear width in order to deploy the outriggers for the aerial device. If on street parking is allowed, it could potentially severely interfere with fire department operations.

POLICE

The Police Department ("PD") expressed concern with respect to potential traffic impacts, especially during the morning and afternoon commute hours, noting that "commutes by two persons increases traffic by more than forty for each commute time." The PD also noted that while proposed lighting is minimal, the housing lights could be sufficient with respect to safety concerns. Finally, the PD expressed concern over the sufficiency of proposed parking, but did note that "parking on the side of the roadway off of Oak Ridge would probably work on one side – as long as emergency apparatus can get through."

ZONING

The proposed development's compliance with the applicable Zoning Ordinance requirements was covered in detail in the prior staff memo and at the special meeting held on July 16, 2019. Staff reiterates that the permitted density will need to be recalculated by the applicant (based on the boundary survey that has been completed and the topographic survey that will be completed) and verified by staff prior to Final Major Subdivision Review. As noted by the applicant at the July 16th meeting, the Planning Board is authorized per Section 507 of the Zoning Ordinance to approve a "density bonus" of up to 12%. If needed, the applicant should include a formal request for a density bonus under Section 507 at the time the PURD Conditional Use Permit application is submitted.

STAFF RECOMMENDATIONS

Staff recommends that the Board schedule one additional special meeting to review the proposal's conformance with the remaining design standards, as follows:

Section 13 – Design Standards

- 13.9 Storm Drainage
- 13.10 Excavation and Grading
- 13.11 Site Preservation
- 13.12 Fire Protection
- 13.13 Pedestrian Walks and Bicycle Paths
- 13.14 Development of Open Space
- 13.15 Parks and Playgrounds
- 13.16 Special Flood Hazard Areas
- 13.17 Reserve Strips

Attachments

- cc: Jeff Shapiro, Basic Holdings, LLC (via e-mail)
- Pathways Consulting, LLC (via e-mail)
- Nathan Stearns, Esq. (via e-mail)
- File

Q:\Development_Review\2019_Applications\PB2019-03-PMAJ_5,11 Oak Ridge Rd_Basic Holdings__4-5,4-6\Staff Comments\2019.07.24_Staff Memo.docx

Corwin, Tim

From: Eleanor Coffey <eleanor.coffey@me.com>
Sent: Wednesday, July 17, 2019 12:51 PM
To: Corwin, Tim
Subject: My septic

Tim, although my remarks on Tuesday focused on my overall concern for the crowding and safety concerns re the Basic Holdings development, I would like to bring to your attention, as well as the planning Board that I believe my septic system could be damaged by the run off over the ridge. My septic, which has been very efficient for the 30 years that I have been here, is located down hill in back of my house, where my property extends down the bank, ie on the downhill slope not far from the boundaries. I understand that there are two other septic systems on the Oak Ridge side that are impacted. I have a grave concern about the impact and damage to my property. I am certainly not an engineer, nor do I feel I should have to hire one to evaluate this. But it is of paramount importance. Must one get an attorney to defend oneself from the invasive aspects of this project? In my original letter to the Board back in February, I spoke of unintended consequences. Damage to my septic system may be one of them. I would appreciate your passing this email to the Board. And I do want to say I appreciate their questions, comments and diligence. Eleanor Coffey

Sent from my iPad

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Corwin, Tim

From: Steven Arcone <sandstone41@hotmail.com>
Sent: Wednesday, July 17, 2019 7:02 AM
To: Corwin, Tim; Shari Riehl; "Jay Hutchins"
Cc: Rand Swenson; Larry Kelly; Brenan; Eleanor Coffey; Mardrey Swenson; Robert E. Drake
Subject: not so developable

Hi Tim,

Last night Rod Finlay of Basic Holdings introduced his presentation by saying that this was the "most developable" lot he has ever seen in this area. The LPB (Joan in particular) questioned the effect of the property being so close to the ravines. I raised the point that the ravine represents ongoing erosion to be exacerbated by the development. However, I neglected to state that the PURD represents about 1.1 acres of undevelopable land, thereby making this PURD effectively only 4 acres, whereas they are required to have at least 5. Consequently their proposed 21 units are in reality, stuffed into insufficient space.

Please share this with the LPB members. Please let me know if this email should be formalized into a letter to the LPB.

Thanks so much
Steve Arcone

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