

**AGENDA
PLANNING BOARD
AUGUST 26, 2019**

**AGENDA ITEM #2C
APPROVAL OF MINUTES**

JULY 22, 2019

DRAFT

**LEBANON PLANNING BOARD
MONDAY, JULY 22, 2019
CITY HALL, COUNCIL CHAMBERS
6:30PM**

MEMBERS PRESENT: Bruce Garland (Chair), Matthew Hall (Vice-Chair), Gregory Schwarz, Sarah Welsch, Kathie Romano, Joan Monroe, and Matthew Cole

MEMBERS ABSENT: Laurel Stavis, Karen Zook (Council Representative), Jim Winny (Alt. Council Representative)

STAFF PRESENT: David Brooks (Planning and Development Director), Tim Corwin (Senior Planner), and James Donison (Public Works Director)

1
2 **1. CALL TO ORDER:** Chair Garland called the meeting to order at 6:30 PM.

3
4 **2. APPROVAL OF MINUTES: June 24, 2019**

5
6 Page 2, Line 41, replace, "One Board member," with Ms. Monroe; Page 3, line 28, spell out "IMA" as Inter-
7 Municipal Agreement

8
9 *A MOTION by Matthew Hall to approve the June 24, 2019, Planning Board Minutes as amended. Seconded*
10 *by Matthew Cole.*

11 **The MOTION passed (7-0).*

12
13 **3. NOTICE OF REGIONAL IMPACT**

14
15 The following application was received by the Planning Department:

16
17 **CITY OF LEBANON, 60 SPRING STREET (Tax Map 120, Lot 2), zoned R-3 & RL-3:** Request for Site
18 Plan Review of proposed improvements to the ski jumps at Storrs Hill Ski Area, including grading and the
19 installation of synthetic turf. #PB2019-22-APR (NOTE: This application will be reviewed as a Governmental
20 Land Use pursuant to NH RSA 674:54)

21
22 *A MOTION by Matthew Cole that the application (above) has no Regional Impact. Seconded by*
23 *Matthew Hall.*

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

25
26 **4. STUDY ITEMS:**

27
28 **A. Review and Discuss Proposed Amendments to the Zoning Ordinance and Zoning Map**

29 Mr. Corwin stated that each year proposed amendments to the Zoning ordinances are reviewed by the
30 Planning Board before they are presented to the City Council. The proposals are outlined in the July 16
31 Staff Memo, and Planning Staff is seeking feedback on certain items.

32
33 **A-1 Exit 17** – Zoning in the area is "mixed use," with both residential and commercial buildings as
34 identified by Mr. Brooks. An online survey and meeting were conducted with residents for feedback,
35 and the primary concerns were property values and tax increases. Planning Staff is interested in creating
36 a zone where there could be light commercial businesses, not large companies. The members noted a
37 number of issues, including no water and sewer, the potential for increased traffic, Master Plan goals to
38 keep business more centralized, and the dangerous exit southbound onto Route 4 east. The Board
39 members recommended maintaining the status quo until a plan is developed.
40
41

1
2 **3A NH Route 120 near the Lebanon/Hanover municipal boundary** – Mr. Brooks indicated the
3 location on the Future Land Use Map on the east side of Route 120 as including Hanover Road
4 Professional Group, which is zoned general commercial within the medical area. The location houses
5 the Alternative Treatment Center for medical marijuana. Mr. Brooks explained the origin of the
6 dispensary. The Board members agreed to leave it an exception.
7

8 **3B** – The property is zoned industrial light and comprised of land owned by Jesse’s Restaurant and 40+
9 acres owned by DHMC. A multi-use designation is required for residential development, and Planning
10 Staff is asking for feedback for allowing multi-family housing in this area, which would require the
11 creation of a business park. Mr. Brooks stated it is limited in ways that make it not viable. After a
12 discussion of area needs, the Planning Board agreed it would be amenable to multi-family housing on
13 that property. Mr. Brooks noted that DHMC is creating a project coming this fall that would require
14 more multi-family housing, and Planning Board members agreed the shuttle could alleviate increased
15 traffic.
16

17 **C-5 Amend the R-3 District Table to Allow PRec as a Permitted Use** - Mr. Corwin stated the
18 property is located Route 10 area, Sachem Village, a planned recreational development created in 2002.
19 There is a zoning district line cutting through a section of the development in an area where it is not
20 allowed. Mr. Brooks gave the history of the events leading to the creation of the density and zoning
21 issues. The Planning Board members recommended moving the boundary line only as much as needed.
22

23 **G-1 Amend 702.4 and 702.5 to Clarify Policy on Expansions of Non-Conforming Uses** – Mr.
24 Corwin stated that there are many non-conforming uses throughout the City, which can continue even
25 with zoning changes. NH law provides that non-conforming uses can expand “a little bit,” but proposals
26 must go through a review process and must meet certain criteria under special exception. Planning Staff
27 believes the Zoning Board has allowed fairly major expansions of non-conforming uses, and a policy
28 discussion should be held as to what the City wants. Mr. Corwin and Mr. Brooks provided examples of
29 properties to illustrate the issue. Mr. Corwin offered to create a proposal. The Planning Board agreed
30 that the law cannot be subjective and must be applied fairly.
31

32 **B. Review and Discuss Proposed Updates to the Site Plan Review and Subdivision** 33 **Regulations**

34 James Donison, Public Works Director introduced the proposed updates outlined in a July 16 memo
35 regarding third party review services. He explained that the change is necessary due to staff time
36 limitations for reviewing large, complex projects. A designated, independent third party engineer would
37 review projects the Planning Staff determines to be large enough to require such review. Comments
38 would be submitted to the Planning Board and Planning Director. These services are free to applicants
39 at this time, but the City can no longer afford to provide staff resources free of charge. The applicant
40 would be required to get an estimate from the third party engineer and put money in escrow, which
41 would be drawn upon to pay for the engineering review. At present, many plans are not as complete as
42 they need to be, and this would provide a more efficient process. There would be a set time limit of 65
43 days for submitting a revised plan, with an additional 45 days if changes are required. Mr. Brooks stated
44 that they would prequalify independent firms, which could not be ones already being used regularly for
45 development applications. The Planning Board would determine completeness and refer the hearing to
46 the next meeting. This would allow more time for initial review and response by the applicant. When
47 the Board gets it, all of the engineering aspects would be worked out, which would make Planning
48 Board work more streamlined. If review cost exceeds the estimate, the applicant must pay the additional
49 amount.
50

51 The Planning Board members discussed the features of the plan as outlined in the Staff Memorandum
52 dated July 16, as well as the printed copy of the suggested procedure. Mr. Brooks confirmed that the
53 City Engineer would be managing the third party engineer and advising as needed. The Board members
54 agreed on the need to balance City needs, taxpayer needs, and applicant needs. Chair Garland noted that
55 this procedural change is going to happen, and the Board members need to study the outline of the plan.
56 Mr. Corwin stated that the third party would focus on site and subdivision regulations. He added that
57 Planning Staff would present the final outline on August 12th. Mr. Brooks noted that the new process

1 would apply to the September 9 cutoff for new applications, with the first set heard in October. Mr.
2 Donison stated that any additional legal or engineering costs would be paid by the applicant. Mr.
3 Corwin stated that the new procedure should be considered as being in place for one year.

4
5 **C. Discuss Proposed Changes to the Rules of Procedure for the Planning Board**

6
7 The proposed changes relate to **Article V: Conduct of Business** on Page 4 of the Lebanon Planning
8 Board Rules of Procedure, Item 5.3, Order of Business.

9
10 Chair Garland explained that the change moves the approval of minutes to the end of the meeting and
11 takes completeness review out of its own item and folds it into the rest of the application hearing. These
12 changes could be on the agenda for the August 26 meeting. Ms. Monroe inquired if an applicant with an
13 incomplete application would be waiting to learn it could not be heard. Mr. Brooks stated that Planning
14 Staff recommends that it is complete and notifies the applicant. Mr. Schwarz asked why the minutes
15 review was being moved. Ms. Welsch noted that it allows the public to be addressed first. Ms. Monroe
16 noted that sometimes information in the minutes does appear in the current hearing. Mr. Hall noted that
17 most corrections are about grammar and not related to the public, and it doesn't take long. Mr. Cole
18 added that it would be valuable time to the public. The consensus of the Board members was that the
19 changes should be implemented and in effect for August 26.

20
21 **5. COMMITTEE REPORTS:**

22
23 **A. Planning Board Subcommittees:**

24
25 **1) Planning Board Capital Improvement Program (M. Hall/S. Welsch/ B. Garland/M.**
26 **Cole)**

27 Ms. Welsch stated that she wants to talk with Rebecca Owens about sending the last three Upper Valley
28 Transportation Management Association (UVTMA) minutes to the members. They are interesting and
29 relate to Advance Transit and new projects.

30
31 **B. City Council Subcommittees:**

32
33 **1) Class VI Roads Advisory Committee (J. Monroe)**

34
35 **2) Lebanon Energy Advisory Committee (VACANT)**

36
37 **C. City Council Representative (K. Zook/ J. Winny)**

38
39 **D. Heritage Commission (G. Schwarz)**

40 Mr. Schwarz noted that City Hall is in the historic district, and the Commission reviewed two City
41 Hall improvement projects. These include replacing the current windows with insulated ones that
42 will look similar and installing solar panels, that will not be seen, on the roof of City Hall.

43
44 There were public tours of Dana House, and the Commission discussed the Maple Street
45 neighborhood and plans for Dana House. The meeting was well attended.

46
47 **E. Pedestrian & Bicyclist Advisory Committee (K. Zook)**

48
49 **F. Upper Valley Lake Sunapee Regional Planning Commission (B. Garland/L. Stavis)**

50
51 **G. UV Sub-Committee of the Connecticut River Joint Commissions (B. Garland)**

52
53 **H. Upper Valley Transportation Management Association (S. Welsch)**

54
55 **I. Mascoma River Local Advisory Committee (K. Romano)**

56 Ms. Romano noted that she missed the last meeting, because it was the same night as the Oak Ridge
57 site visit. The Committee is composed of members from Canaan, Lebanon, and Enfield, but there

1 are presently no Canaan members. Ms. Romano asked the Board members to share the vacancy
2 with anyone they know who would be interested, which could be anyone from Canaan interested in
3 the Mascoma River.
4

5 **J. Steering Committee for the Implementation of the Master Plan (B. Garland/G.
6 Schwarz)/VACANT/J. Monroe)**

7
8 **K. Planning & Development Department – Task Status (D. Brooks/ M. Goodwin/T.
9 Corwin/R. Owens)**

10
11 **6. OTHER BUSINESS:**

12
13 Mr. Brooks reported that the application for the FitKids II project at Centerra Park has been withdrawn, but it
14 may come back as something else in the future.
15

16 **7. OPEN DISCUSSION:**

17
18 Chair Garland reflected on public comment at the meeting regarding Quail Hollow. He plans to be more direct
19 when limiting discussion to issues that relate strictly to Planning Board purview. Regarding the Spencer Street
20 conceptual review, Chair Garland pointed out the need for Board members to be familiar enough with the site
21 and project to be able to offer constructive suggestions to the applicant. He noted that it is an opportunity for
22 Board members to come prepared to share their thoughts on what the property could be.
23

24 The Board members added their thoughts on conceptual review. Ms. Monroe noted that it should be a time for
25 giving feedback on concepts and learning what the applicant is thinking. Ms. Romano pointed out that the
26 applicant was proposing renovating the building she has on Spencer Street and not tearing it down to build
27 something new. Ms. Welsch said she believed the applicant was coming to the Board to see if they liked the
28 idea of housing in that location. Chair Garland believed the members could suggest other uses. Ms. Monroe
29 stated that the conceptual review is the opportunity for the Board members to make any comments or
30 suggestions they wish regarding the proposal before it is in a formal hearing. The members can ask questions
31 and make suggestions based upon their years of looking at plans.
32

33 Ms. Romano inquired about guidance from Planning Staff regarding Spencer Street and its appropriateness
34 for development to enhance downtown considering its location in the flood plain. It is hard to reject the idea
35 when Emerson Place is right behind the proposed project. Ms. Romano asked for more information on flood
36 plain requirements. Mr. Brooks noted that the City Engineer is the Flood Plain Administrator and could
37 provide training. Ms. Monroe added that nature and flooding are changing faster than regulations are
38 changing. She added that the government is not keeping up with what is happening on the land. In regard to
39 Emerson Place, the parking was placed underneath, so the habitable space was above the flood plain.
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41 **8. ADJOURNMENT:**

42
43 *A MOTION by Matthew Hall to adjourn the meeting. Seconded by Gregory Welsch .*

44 **The MOTION passed (7-0).*
45

46 The meeting was adjourned at 9:27 PM.
47

48 Respectfully submitted,
49 Holly Howes
50 Recording Secretary
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