

**AGENDA
PLANNING BOARD
SEPTEMBER 9, 2019**

**AGENDA ITEM #6B
APPROVAL OF MINUTES**

AUGUST 12, 2019

DRAFT

LEBANON PLANNING BOARD
MONDAY, AUGUST 12, 2019
COUNCIL CHAMBERS, CITY HALL
6:30PM

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

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

STAFF PRESENT: David Brooks (Planning and Development Director), Tim Corwin (Senior Planner), Christina Hall (City Engineer)

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

2. **APPROVAL OF MINUTES:**

A. July 8, 2019 Regular Meeting

Page 1, line 3, replace Karen Zook with Matthew Hall;

A MOTION was made by Matthew Hall to approve the July 8, 2019 Planning Board Minutes as amended. Seconded by Laurel Stavis.

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

B. July 16, 2019 Special Meeting

A MOTION was made by Mathew Hall to approve the July 16, 2019 Planning Board Minutes. Seconded by Laurel Stavis.

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

3. **NOTICE OF REGIONAL IMPACT:**

GOYETTE'S CAMPGROUND, LLC, 92 NH RTE 4A, (Tax Map 99, Lot 2), zoned RL-2: Request for Site Plan Review of proposed expansion to Mascoma Lake Campground to add up to 18 additional, seasonal RV sites. #PB2019-22-SPR

A MOTION by Matthew Hall that the application above has no Regional Impact. Seconded by Gregory Schwarz.

The MOTION was approved (8-0).

4. **COMPLETENESS REVIEW OF NEW APPLICATIONS:**

CITY OF LEBANON and RUTH H. GUERNSEY, TRUSTEE, 22 GREEN STREET WEST (Tax Map 59, Lot 49), 0 GREEN STREET WEST (Tax Map 59, Lot 64), and SPRING STREET WEST RIGHT-OF-WAY, zoned R-3: Request for a Boundary Line Adjustment. #PB2019-20-BLA

CITY OF LEBANON, 60 SPRING STREET (Tax Map 120, Lot 2), zoned R-3 & RL-3: Request for Site Plan Review of proposed improvements to the ski jumps at Storrs Hill Ski Area, including grading and

1 the installation of synthetic turf. #PB2019-22-SPR (NOTE: This application will be reviewed as a
2 **Governmental Land Use pursuant to NH RSA 674:54)**
3

4 *A MOTION by Matthew Hall that the applications above are deemed complete enough to accept jurisdiction*
5 *and commence review. Seconded by Matthew Cole.*
6 **The MOTION was approved (8-0).*
7

8 **5. PUBLIC HEARINGS:**
9

10 **A. QUAIL I, LP, 69 LILY LANE (Tax Map 8, Lot 2, Plot 200), zoned R-3:** Request for site plan
11 review to construct a new 32-unit, 50,000 square foot building for senior housing, with associated
12 improvements, to be operated as an extension of the Quail Hollow Senior Living Community off Route
13 10. #PB2019-13-SPR - Continued from 7/8/19
14 **Request to continue to August 26**
15

16 Chair Garland stated that there is a request to continue the hearing until August 26. Mr. Brooks noted
17 that the August 26 agenda is very full, but September 9 would be possible.
18

19 *A MOTION by Matthew Hall to continue the Quail I, LP hearing to September 9. Seconded by*
20 *Joan Monroe.*
21

22 Ms. Monroe stated that the drainage area of Quail Hollow, which includes the gated road where water
23 enters, was not included on the site walk. Ms. Monroe encouraged the other Board members to look
24 at it before the next meeting.
25

26 **The MOTION was approved (8-0).*
27

28 **B. XYZ DAIRY, LLC:** Amendment to previous Subdivision and Site Plan Approvals for the
29 River Park phased development project located at 167-197 North Main Street, Tax Map 44,
30 Lots 3,7, and 21-30, and Tax Map 58, Lots 27, and 89-99, West Lebanon, NH, in the R3,
31 IND-L and CBD zones. #PB2018-34-SPA - Continued from 6/10/19
32

33 Ms. Stavis and Ms. Romano recused themselves.
34

35 David Clem of XYZ Dairy, the applicant, and Attorney Philip Hastings appeared to speak on behalf
36 of the amendment.
37

38 The Phasing Plan was distributed. Mr. Clem stated that he met with Planning Staff and made
39 significant progress, which is reflected in the revised motion. There were two proposed language
40 changes. Staff was willing to accept the changes to item #10, but there is still a difference of opinion
41 on item #7, the acceleration of the mitigation components. The specific items remaining involve the
42 second stage of mitigation being moved from Phase 2 to Phase 1B and the Phase 3 mitigation being
43 moved to Phase 2. Mr. Clem explained some basic differences among the various color-coded
44 versions of the plan and suggested using a version he presented at this meeting. All other elements of
45 the draft motion are in agreement except #7.
46

47 Mr. Brooks directed the Board to Page 7 of version 10, which reflects the Staff's recommendations.

1 Mr. Corwin added that the only intended difference was to incorporate the applicant's language in Draft
2 10. Mr. Clem stated that Staff still has concern that the applicant would have temporary parking that
3 would be too lengthy. Atty. Hastings noted that all parties do not want temporary parking to go on too
4 long. Mr. Clem explained that if building #1 is completed and receives a Certificate of Occupancy (CO),
5 the three-year clock would start for the duration of temporary parking. The same would occur when
6 buildings #2 and #3 receive a CO. If a different contractor takes over one of the buildings and cannot
7 complete it within the three-year time period, XYZ Dairy would be in default of the three-year limit. This
8 could also affect financing. The recommendation for an extension would be up to the Planning Director.
9 The applicant would not want to keep temporary parking on a buildable lot and would prefer the approval
10 of Brooks. The staff recommendation would require paving the temporary parking area at the end of the
11 original three-year period if the garage is not completed. Mr. Clem is asking that the applicant have the
12 option to appeal a negative decision to the Planning Board. Mr. Hall noted that the applicant's points
13 make sense.

14
15 Mr. Brooks stated that the timing of the phasing is connected with the application and the Planning
16 Board's decision. If the applicant falls behind, they must come back to the Planning Board, which can
17 address the circumstances at that time and arrive at a remedy. Mr. Brook added that it should not be
18 his decision. The language of 7E states that temporary parking will be allowed, but not forever.
19 Clem is concerned about the phases already completed on time and the potential that future phases.
20 Mr. Hall stated that he would recommend deleting paragraph D and just use E, because there is no
21 incentive to continue temporary parking.

22
23 Mr. Schwarz noted that the parking garage isn't scheduled until after building #4 but building #1 and
24 then the parking garage would be best. The wording of three years and then another three years could
25 go on forever. Planning Staff's concern that temporary parking could be in place too long is
26 reasonable. Mr. Clem noted that the current approval does allow temporary parking but without the
27 three year limit. Mr. Clem added that he has accepted language that keeps things safe and didn't
28 change timelines. His intention is to construct parking garage earlier. Mr. Cole agreed that striking
29 paragraph D would make sense and the three-year time period could be worked into paragraph C. Mr.
30 Cole noted that the issue is meeting the temporary parking standards. Mr. Brooks stated that there is a
31 need for time limits and temporary parking can become permanent. Mr. Hall noted that the original
32 decision had no time limit for temporary parking, and that was acceptable. Mrs. Welsch suggested
33 that Page 2 of Mr. Hastings letter addressed the issue. Mr. Clem reiterated that setting the three-year
34 limit could cause financing and landlord problems in previous phases of the project.

35
36 Mr. Brooks stated that temporary parking should not become permanent temporary parking, and it is
37 an issue that was not thought out fully in the first approval. There needs to be some limitation on the
38 Planning Department approving it, perhaps once only, but otherwise being addressed by the Planning
39 Board. Ms. Monroe suggested using Mr. Hastings version but substituting Planning Board for
40 Planning Director. The Director would always be consulted, and they could look at it every 3 years. It
41 would be possible to keep E, which specifies the next steps.

42
43 Mr. Clem reiterated that a lender would not consider funding a project in which future phases could
44 be halted and penalize earlier phases. Mr. Cole agreed with Ms. Monroe that the language should be
45 changed to Planning Board approval. Mr. Clem stated that the issue of a temporary parking limit was
46 not considered originally, but it is not in his interest to allow temporary to go on indefinitely. Mr.
47 Clem noted that the approved plan states that there is to be a parking garage. If it is not built on
48 schedule, he must come back to the Planning Board. Mr. Cole suggested that Atty. Hastings' prepared
49 changes with Planning Director approval could be used once in consultation with the Planning Board.
50 A future Board could change course. Mr. Clem stated that he could agree with having the Planning
51 Director approving an extension three times in communication with the Board. Chair Garland asked
52 for a change to Atty. Hastings language. Atty. Hastings suggested changing the fourth line down
53 second sentence to, "...be extended for up to three, 3-year periods, so long as the applicant, in the

1 reasonable determination of the Director of the Planning Department, at the time of each such
2 request,...”. It would be for no more than 12 years. Mr. Schwarz repeated his original contention that
3 it could easily become permanent. Chair Garland suggested 9 years. Mr. Brooks stated that if it
4 doesn’t go well, it should be the Board’s decision. Mr. Hastings suggesting giving the additional three
5 three-year periods. Mrs. Welsch stated that it is in everyone’s best interest to get things going, but the
6 Planning Director updates the Board and makes proposals and recommendations.

7
8 Chair Garland took a straw period of the Board members.

9 Mr. Cole approved of the changes to the paragraph and keeping E.

10 Ms. Monroe said she would rather have the Planning Board approve extensions.

11 Mr. Hall was in favor of the changes

12 Chair Garland approved of the changes

13 Mrs. Welsch approves of the changes and keeping E and prefers that the Planning Director update the
14 Planning Board.

15 Mr. Schwarz believes the Planning Director should alert the Planning Board.

16 Ms. Monroe suggested adding, “with notice to the Planning Board” to share the burden of a decision
17 with the Board.

18 Mr. Brooks stated that he sees his role as informing the Board. If the Board is comfortable that it
19 could be up to 12 years, he would do his best to implement it.

20 Mr. Hall noted that the majority of the Board approved the changes. Mr. Hastings read the change as,
21 “...be extended for up to three, 3-year periods, so long as the applicant, in the reasonable
22 determination of the Director of the Planning Department, at the time of each such request,...”

23
24 Mr. Brooks directed attention to the Traffic Mitigation Conditions of Approval section. Mr. Brooks
25 stated that the applicant and Staff are in agreement as to what is required. The major difference is in
26 the timing of the mitigation based on changes in the phases of construction. Mr. Clem stated that he
27 agreed to accelerate the production of multi-family housing as a pressing need and was asked to do
28 so. However, he is not willing to accelerate the traffic mitigation or increase the cost of traffic
29 mitigation. The square footage of the buildings drives the projection for traffic. The Staff did not
30 project any mitigation for multi-family housing, which is consistent with the City’s goal to create
31 multi-family housing. They have done some mitigation in advance of when it was scheduled. Mr.
32 Clem detailed the factors affecting traffic and the timing of mitigation. He believes that the current
33 plans should remain in effect.

34
35 Chair Garland created his own chart using parking spaces as a way to track phases and traffic. The
36 difference is the calculations. Mr. Clem stated that it is a zoning issue. The intention is to provide an
37 incentive for public transit. The change in phasing creates less traffic than what was originally
38 approved, which does not put the City at risk. Mr. Brooks stated that each new building will increase
39 traffic and mitigation should be on what is actually happening. The Planning Board should make the
40 decision. Mr. Hall inquired of Mr. Brooks what would be the worst case based on what was already
41 approved. Mr. Brooks stated that he doesn’t know. There is no traffic study that can project what will
42 occur. They don’t have all the information. Mr. Clem stated the data is in the information that was
43 presented in the projected impact. Mr. Schwarz inquired about the residential traffic impact. Mr.
44 Brooks noted that Staff did not apply mitigation to that phase as it is the lowest generating
45 component. The trip generation rates for multi-family housing have gone down. Mrs. Welsch inquired
46 as to what would happen if they used the estimates in 16-3 and 17-5 in Mr. Hastings memo, and what
47 would be the impact financially to do it sooner. Mr. Clem stated that it seriously impacts the budget.
48 Leaving the traffic mitigation as it is currently approved would not be a problem, as traffic has gone
49 down for the last decade. He would project that 2018 data will show the same.

50
51 Chair Garland stated that he finds Mr. Clem’s rationale persuasive and surveyed the members.

52 Mrs. Welsch abstained from an opinion.

53 Ms. Monroe abstained.

1 Mr. Schwarz stated that traffic would continue to increase.
2 Mr. Clem noted that they do traffic counts with each building completed, which makes it easier to
3 coordinate the signals.
4

5 Chair Garland opened the Public Hearing.
6

7 Kathie Romano, Ward 1, stated that as a neighbor of River Park, she hopes it gets built and is
8 successful, bringing needed jobs. Ms. Romano noted that the Board has struggled with parking due to
9 its responsibility to protect the City. The applicant addressed temporary parking in 7-C stating that it
10 would be maintained until replaced by a garage or permanent parking. If the development fails
11 financially, the parking area will get muddier each year. The only paragraph protecting the City from
12 that was 7-D, which would leave nothing to protect the City. The traffic studies are tied to the phases,
13 so allowing three-year periods could allow it to go on forever.
14

15 Bill Secord stated that he is in support of the revised application and all those that he has spoken with
16 are eager that it go forward.
17

18 Shaun Mulholland, City Manager expressed his concern over the proposal to allow an administrative
19 official to have power beyond his authority. It should be the responsibility of the Planning Board. It
20 needs to be handled through the hearing process so the public can be involved.
21

22 Laurel Stavis, resident of Ward 1, and member of the New Hampshire House of Representatives,
23 spoke regarding turning over Planning Board responsibility to a City administrator. She would
24 strongly advise against giving that authority to the administrator or other Planning Staff.
25

26 Chair Garland stated that he sees this as between the landlord and the tenants and not the City.
27

28 Atty. Hastings stated that he maintains his suggestion that they strike paragraph 7-D. The current
29 version provides for both Public Works and the Planning Staff to have ongoing oversight on the
30 project. There are many other provisions of the plan that give oversight to those departments.
31

32 Chair Garland stated that it did not appear the Board would come to any agreement on this issue at
33 tonight's meeting. They did resolve two of the issues.
34

35 Ms. Monroe suggested the Board consult legal counsel. The idea of placing that much burden on the
36 Planning Department is concerning. Mr. Schwarz agreed.
37

38 Mr. Clem stated that they are not making an unusual suggestion in that Planning Staff and Public
39 Works Staff have decision-making oversight throughout the plan.
40

41 Ms. Monroe
42

43 ***A MOTION by Mr. Hall to continue the XYZ Dairy, LLC hearing to September 9, 2019. Seconded***
44 ***by Joan Monroe.***

45 ****The MOTION was approved (6-0). Kathie Romano and Laurel Stavis were recused.***
46

47 Ms. Romano and Ms. Stavis returned.
48

49 **C. TWIN STATE SAND & GRAVEL CO, INC., C/O WARREN AMES, ELM STREET**
50 **WEST (Tax Map 116, Lots 2 & 3), zoned IND-RA & R-3: Request for an extension of**
51 **time in order to satisfy conditions-precedent and to record the subdivision plan for the Iron**
52 **Horse development, a phased 13-lot Planned Business Park and Major Subdivision, originally**
53 **approved on September 24, 2012 (#PB2011-31-FMAJ). #PB2019-06-EXT - Continued from**

1 6/10/19

2
3 Rod Finley, Pathways Consulting; Attorney Courtney Herz, and Greg Coats

4
5 Mr. Finley began by addressing several questions posed by the Board at the previous meeting. The
6 responses would detail how conditions of approval were met for Iron Horse. A memo was prepared of
7 all the items with the percentage complete and summarized.

8
9 Ms. Monroe had inquired about the tasks required to make a development and those to create Iron
10 Horse. The July 8 memo addresses those concerns. Twin State could have continued to operate on the
11 site, but all of the items in the memo relate to Iron Horse Park.

12
13 In answer to Ms. Stavis regarding the relationship between Iron Horse Park and Westboro Rail Yard,
14 Mr. Finley stated that he researched the history of the interaction. Twin State assisted the City and
15 DOT with acquisition of the rail line from Lebanon to Concord in the mid 90's and the zoning
16 classification of the area as Zoning Rail, which was approved in 1998. Twin State assisted the DOT
17 with a short line rail agreement between the Claremont and Concord Railroad until 2007 and the Iron
18 Horse Park Application. Twin State still uses the rail to transport salt. There was also discussion with
19 Planning Staff to create an access road under the dry bridge and along the railroad to the park. Mr.
20 Finley discussed the idea with Dan Nash. This would involve building Iron Horse Road and could
21 provide a bypass for the upcoming bridge repair.

22
23 In answer to Mrs. Welsch, the improvements to I91 and Route 5 are related to the project, but Mr.
24 Finley stated that the cost items for those locations were removed from the spreadsheet because they
25 benefited other Twin State Projects as well as Iron Horse. Now all costs are only for work in New
26 Hampshire.

27
28 Atty. Herz stated that the only remaining items from Vermont are necessary to develop Iron Horse
29 Park. In response to Mr. Cole's inquiry regarding relocation costs, Atty. Herz noted that vesting cases
30 have established that, "...the amount of money spent on improvements that changed the use of the
31 land in a tangible way." In addition, "The construction need not have started for the vested rights to
32 attach." Twin State had to change the site from a gravel pit to a commercial site, so the relocation
33 efforts are relevant to the vesting analysis.

34
35 Atty. Herz also discussed the TIF, which was discussed in a previous meeting. Even if the City were
36 not to approve a TIF district, Twin State has several developers who are interested in the project. In
37 previous years, developers were not interested in taking on a project with such a long list of
38 conditions without the TIF district. The TIF would benefit the City, but current developer interest can
39 proceed with or without it.

40
41 Mr. Brooks noted that the regulations state that it is up to the Board to determine if vesting has
42 accrued and approve the second extension.

43
44 Chair Garland referred to Page 2 of the July 8 letter, which noted "ongoing developer action". Chair
45 Garland inquired if Twin State has a developer. Mr. Finley stated that there are four interested
46 developers as of today, but there is no signed memorandum of understanding. Chair Garland asked
47 when the loss of the original developer occurred. Mr. Coats stated that they have been in negotiations
48 with three developers who are very interested but not without the extension. Chair Garland stated that
49 previous extensions were all for the lack of a developer, and there is still no developer and therefore,
50 no project.

51
52 Mrs. Welsch inquired about two line items in the original spreadsheet. In 2015-16 there was \$17K
53 addressing TIF district assistance, but the TIF wasn't organized at that time. There was an additional

1 \$74K from 2017 on, when there was no TIF district. A TIF district is irrelevant to the Planning
2 Board, but they listed almost \$100K for TIF district. Mrs. Welsch asked that the relevance of a TIF
3 district be explained.
4

5 Atty. Herz stated that a TIF is relevant due to the extensive list of conditions, and developers
6 preferred the TIF due to those conditions. Such a list of conditions has not been required of similar
7 projects, and the TIF issue is important for the Planning Board to consider.
8

9 Mr. Schwarz stated that he was on the original Board hearing the proposal and was impressed with
10 the use of the rail. It has been six to seven years and not enough has been done. There were two
11 previous extensions, and the applicants can resubmit with changes. They have had enough time, and
12 the project would require some housing component as pointed out by the Planning Director.
13

14 Chair Garland noted that in 2010 zoning changed, making this project incompatible with the new
15 regulations.
16

17 Ms. Romano inquired as to what would not have been allowed with the new regulations. Ms. Romano
18 also questioned the option of a work around for number of extensions. Given the need for increasing
19 the tax base, this project could have merit. Mr. Brooks stated that there is now a limit on retail space,
20 and this project exceeds that. There is also a multi-family residential requirement for a planned
21 business park. A planned unit development used to allow additional retail, but it is now not allowed in
22 an industrial sector. There are no other options to avoid a formal extension. The Board would have to
23 waive the requirement in the event of a lack of constitutional vesting.
24

25 Mrs. Welsch stated that by allowing the extension without vested rights, the danger to the City would
26 be to have numerous projects continuing with no end in sight. Mrs. Welsch inquired by what date the
27 applicant plans to meet all of the conditions or the approvals will expire. In addition, Mrs. Welsch
28 would like to see milestones for seeing that certain conditions are met and no future extensions.
29

30 Chair Garland stated that they cannot meet those conditions because they do not have a developer.
31 There is no way to know when or if they will have a developer.
32

33 Ms. Monroe inquired as to why no developer is interested. Perhaps it is related to the state of retail
34 now and the future of big box chains and which would be the anchor. This is going on and on because
35 circumstances change regarding retail stores. The Board is hearing that there is a need for more
36 housing. Perhaps the idea behind the project was appropriate when it was originally proposed, but
37 times have changed.
38

39 Mr. Coats stated that he thought the purpose of this meeting was to talk about vesting. Chair Garland
40 clarified that the purpose is to determine whether to grant an extension for another two years.
41

42 Atty. Herz noted that even setting TIF aside, millions of dollars have been expended in this process.
43 The applicant is here to determine if there has been a constitutional violation. The vesting analysis has
44 been cited, and the standard is whether Twin States have proceeded in good faith and substantial
45 liabilities have been incurred. There is no question that it has been, and there would be a violation is
46 the extension is denied.
47

48 Ms. Stavis stated that it is up to a court of law to decide if vesting has been violated. Ms. Stavis
49 inquired as to what is keeping the project going without a developer, and what do they expect to
50 achieve if granted an extension. Mr. Coats stated that the vision would be up to the developer within
51 the limits of what is permitted. Twin State is looking for acknowledgement that it is vested in order to
52 continue. Atty. Herz agreed that the Board is not a court of law, but the regulations state that if there
53 would be a violation of a constitutional right by denying the extension, the Board cannot do it.

1
2 Chair Garland noted that it depends on the definition of a constitutional right. The monies spent have
3 been for preparation, not construction, and Twin State has not been able to get a developer. Mr. Hall
4 added that preparation may not meet the threshold for vesting. Atty. Herz stated that Twin State needs
5 to have started construction or show that substantial liabilities have been incurred.

6
7 Chair Garland noted that another case, which found that a project that starts after regulations have
8 changed may be turned down. The spreadsheet shows huge gaps in time.

9
10 Mrs. Welsch stated that Mr. Coats is no closer to developing his property than he was ten years ago.
11 Nothing has been produced in that time frame. Mr. Coats noted that a lot has gone on, and they are
12 talking with developers who cannot commit without the extension.

13
14 Ms. Romano inquired about what would happen to the property if there is no extension. If there were
15 to be a project on the site now, it would have to be different. Mr. Brooks stated that it would have to
16 include a housing component. The retail component would be more limited, but it would allow all of
17 the light industry and rail industry in the same layout. Mr. Coats stated that a decision should not be
18 made regarding whether the originally zoned uses or currently zoned uses would be implemented.
19 Mr. Coats believes the decision should be based purely on vesting.

20
21 Chair Garland opened the Public Hearing.

22
23 Vickie Goodrich, a resident of Ward 3, commented on the aggressive nature being thrown at the
24 applicant. They are asking for a third extension that other applicants investing less have been granted.
25 Ms. Goodrich asked, how much do they have invested. She also inquired about what would happen to
26 the property. It would not be creating jobs or offering services. It would be in the best interest of the
27 City to grant the extension.

28
29 Chair Garland closed the Public Hearing.

30
31 Mrs. Welsch asked the applicant if there is any affordable housing in the current project. The new
32 regulations say there has to be some. Mrs. Welsch inquired if they could follow the new regulation.
33 Mr. Finley stated that they could not go with that, because they have to build a certain amount of the
34 park before they can amend the plan. Centerra did not have it at first, but after a substantial amount
35 was completed, they could add residential.

36
37 ***A MOTION by Matthew Hall to extend the meeting to 10:00. Seconded by Matthew Cole.***

38 ****The MOTION was approved (7-0-1). Laurel Stavis abstained.***

39
40 Ms. Stavis inquired that if granted an extension, what timeline would potential developers need.
41 Mr. Coats noted that one developer is expecting a text once they leave tonight. They would expect
42 two years, which would be plenty of time for them to enter into an agreement. They don't want to
43 invest money without enough time.

44
45 ***A MOTION by Matthew Hall to deny the application. Seconded by Gregory Schwarz.***

46 ****The MOTION failed (4-4).***

47
48
49 Mr. Brooks stated that the proper procedure would be to request a waiver of Section cannot initiate
50 must be a formal waiver request. Mr. Corwin suggested that the hearing be continued to give the
51 applicant time to submit a formal request for a waiver.

52
53 Ms. Stavis stated that she would want to hear more detailed information regarding the rail yard and

1 the proposal for a road that crosses the tracks. The State owns the property, and it would require
2 additional permissions to cross the tracks.

3
4 Mr. Finley confirmed that the new road would have to cross the tracks. Ms. Stavis inquired if Twin
5 State was confident that the State would grant permission. Mr. Finley replied that he was confident it
6 would after discussion with the State. Ms. Stavis inquired about the relationship between Iron Horse
7 and the State and what safety implications may be involved in crossing the rail line. Mr. Finley stated
8 that there is no design for the dry bridge. They would tunnel under the dry bridge.

9
10 Mr. Schwarz noted that the regulations are clear, and they are establishing a dangerous precedent for
11 the City. The Planning Board must consider the interests of the whole City.

12
13 Chair Garland stated that they are requesting that the applicant come back with a request for a waiver.
14 Mr. Coats inquired if having a developer under contract would be evidence of vesting. Chair Garland
15 stated that in his opinion it would. Otherwise it is a stalled project.

16
17 *A MOTION by Matthew Hall to continue the hearing to September 9, 2019. Seconded by Kathie*
18 *Romano.*

19 **The MOTION was approved (8-0).*
20

21 **D. TWIN STATE SAND & GRAVEL CO. INC., C/O WARREN AMES, ELM STREET**
22 **WEST (Tax Map 116, Lots 2 & 3), zoned IND-RA & R-3:** Request for an extension of
23 time in order to obtain building permits for the Iron Horse Industrial Planned Unit
24 Development, originally approved on April 22, 2013 (#PB2011-32-SPR), which consists of
25 the ten (10) Industrial Sector lots within the Iron Horse Planned Business Park. #PB2019-07-
26 **EXT - Continued from 6/10/19**

27
28 *A MOTION by Joan Monroe to extend the hearing to September 9, 2019. Seconded by Mathew*
29 *Hall.*

30 *The MOTION was approved (8-0).*
31

32 **E. CITY OF LEBANON and RUTH H. GUERNSEY, TRUSTEE, 22 GREEN STREET**
33 **WEST (Tax Map 59, Lot 49), 0 GREEN STREET WEST (Tax Map 59, Lot 64), and**
34 **SPRING STREET WEST RIGHT-OF-WAY, zoned R-3:** Request for a Boundary Line
35 Adjustment. #PB2019-20-BLA
36

37 Erica Brittner, Assistant City Engineer, and Benjamin Guernsey, Trustee, appeared to speak on behalf
38 of the request.

39
40 Ms. Romano and Ms. Stavis recused themselves as abutters. Ms. Stavis noted that she was recusing
41 herself involuntarily.

42
43 Ms. Brittner stated that Mr. Guernsey has some grass area in the City's right of way, which is Parcel
44 A, that his family has been mowing since 1954. There is another part at the end of the street with a
45 ravine that is not developable, which is Parcel B, that he is offering for a plow truck turnaround. This
46 would clear up the property lines for the owner and gives the City a place to turn around the trucks.
47 Ms. Monroe inquired about abutters to the property. Mr. Guernsey stated that he spoke with the
48 neighbor, who was glad to know the trucks wouldn't be using his driveway for a turnaround. The
49 members referred to the map to identify the specific properties involved.

50
51 Chair Garland opened the Public Hearing. There were no comments, and the Public Hearing was
52 closed.
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MOTION TO APPROVE / DENY WAIVERS:

Date: August 12, 2019

Joan Monroe moved that the Lebanon Planning Board APPROVE a waiver for the application of CITY OF LEBANON and RUTH H. GUERNSEY, TRUSTEE, #PB2019-20-BLA, from the following section of the Subdivision Regulations:

- Section 8.2.A(5 requiring the plan to depict the location of all existing structures on the subject lots.

The motion was seconded by Matthew Hall.

*The Vote on the MOTION was 6-0.

MOTION TO APPROVE / DENY THE APPLICATION:

Date: August 12, 2019

Joan Monroe moved that the Lebanon Planning Board APPROVE the application of CITY OF LEBANON and RUTH H. GUERNSEY, TRUSTEE for a Boundary Line Adjustment of lands located at 22 Green Street West (Tax Map 59, Lot 49) and 0 Green Street West (Tax Map 59, Lot 64), and the Spring Street West right-of-way, zoned R-3, #PB2019-20-BLA, as shown on a plan titled “Boundary Line Adjustment Plan for City of Lebanon & Ruth H. Guernsey Rev. Trust”, prepared by Pathways Consulting, LLC, dated February 19, 2019, last revised July 19, 2019, Proj. No. 12914, including any and all submissions and testimony provided for and during the public hearing, with the following conditions:

1. Prior to the signing and recording of the final plat, the applicant 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 final plat, the applicant shall provide a digital record drawing (Cad .dwg Format using NH State Plane Coordinate system).

The motion was seconded by Matthew Hall.

*The Vote on the MOTION was 8-0.

AUTHORIZATION FOR PLAT SIGNING:

Date: August 12, 2019

Joan Monroe moved that the Lebanon Planning Board authorizes the Chair to sign the plat for CITY OF LEBANON and RUTH H. GUERNSEY, TRUSTEE, #PB2019-20-BLA.

The motion was seconded by Matthew Cole.

*The Vote on the MOTION was 8-0.

1 **F. CITY OF LEBANON, 60 SPRING STREET (Tax Map 120, Lot 2), zoned R-3 & RL-3:**
2 Request for Site Plan Review of proposed improvements to the ski jumps at Storrs Hill Ski
3 Area, including grading and the installation of synthetic turf. **#PB2019-22-SPR (NOTE:**
4 **This application will be reviewed as a Governmental Land Use pursuant to NH RSA**
5 **674:54)**
6

7 Paul Coats appeared to speak on behalf of the request. The project involves the Lebanon Outing Club,
8 Storrs Hill Ski Area, and will alter the typography of the landing area for the ski jump and restore the jump
9 materials. They will not need additional material or affect the bridge over the river.
10

11 Ms. Hall stated that the applicant needs to be sure to construct correctly in terms of the slope and the
12 materials being used. Ms. Monroe noted that the Conservation Commission reviewed the request and asked
13 what the Commission's response was. Mr. Coats stated that Dan Nash attended that meeting, and there were
14 concerns about the permeability of the new plastic jump pad materials. Mr. Coats informed them that water
15 can pass through, which is protection from runoff reaching the brooks. Ms. Monroe noted a comment to
16 avoid an area due to plant concerns. Mr. Coats stated that there is a small wetland area next to the 50 meter
17 jump area, and there are very clear instructions for protecting the area. Mr. Coats confirmed that there is no
18 need to alter the terrain of the bridge. Ms. Monroe asked about employing used materials. Mr. Coats stated
19 that the material is a substantial piece of heavy-duty plastic with ridges. The Outing Club is not concerned
20 and know it may need to be replaced, but they have a limited budget.
21

22 **6. OTHER BUSINESS:**

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24 **Review and Discuss Revisions to Proposed Changes to the Rules of Procedure for the**
25 **Planning Board**
26

27 **7. OPEN DISCUSSION:**

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29 Ms. Monroe noted that a preliminary review needs to detail the Board members' comments, which allows the
30 Board to provide the applicant with a detailed list of suggestions or items that need to be addressed.
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32 **8. ADJOURNMENT:**

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34 *A MOTION by Matthew Hall to adjourn the meeting. Seconded by Matthew Cole.*
35 **The MOTION passed (7-1). Ms. Monroe voted against the motion.*
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37 The meeting was adjourned at 10:00 PM.
38

39 Respectfully submitted,
40 Holly Howes, Recording Secretary

