

**AGENDA  
PLANNING BOARD  
MARCH 23, 2020**

**AGENDA ITEM #5A  
APPROVAL OF MINUTES**

**NOVEMBER 25, 2019**

DRAFT

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

**MEMBERS PRESENT:** Bruce Garland (Chair), Karen Zook (Council Representative), Joan Monroe, Kathie Romano, Gregory Schwarz, Laurel Stavis, Sarah Welsch, and Tom Martz (Alt.)

**MEMBERS ABSENT:** Matthew Hall (Vice-Chair), Matthew Cole, and Jim Winny (Alt. Council Representative)

**STAFF PRESENT:** David Brooks (Planning Director) and Tim Corwin (Senior Planner)

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- 1 **1. CALL TO ORDER:** Chair Garland called the meeting to order at 6:30 PM.  
2  
3 Chair Garland appointed Tom Martz to replace Matthew Hall.  
4  
5 **2. CONTINUED APPLICATIONS – Public Hearings:**  
6  
7 **A. TACKLE PARTNERS, LLC, 37 SPENCER STREET (Tax Map 78, Lot 5), zoned**  
8 **CBD:** Request for Site Plan Review of a proposed conversion of 8,632 sq. ft. of existing  
9 commercial space within an existing building to a mixed-use multi-family and commercial  
10 building containing 11 studio apartments. **#PB2019-29-SPR-Continued from November 12,**  
11 **2019**  
12  
13 Property Owner Meg Carleton, Jim Wasser of Studio Nexus Architects, and Nik Fiore of Engineering  
14 Ventures appeared to speak on behalf of the request.  
15  
16 Ms. Carleton remarked on the displayed image of the updated site proposal. Both parking and landscaping  
17 were illustrated, and the new zoning amendments were considered in the plan. They are not allowing  
18 parking on the street and will use the existing parking at the back of the building. New plantings have  
19 been added, warehouse access has been eliminated from the residential area, and a landscaped island has  
20 been added to change the traffic flow.  
21  
22 Mr. Wasser commented that the porches, balconies, and sidewalk create a unique building, and all units  
23 would be different. Mr. Fiore noted that there would still be access for large trucks to turn around. To  
24 address the safety issue, an island was created as a divider with added parking and landscaped screening.  
25 It was kept back from the street to allow for sight distance. The sidewalk was extended along Mahan to  
26 the northernmost loading dock, some plantings were changed, and entrances were added so each unit has  
27 its own.  
28  
29 Ms. Monroe inquired if all first floor units are handicap accessible. Mr. Wasser confirmed that all are  
30 accessible. Mr. Fiore noted that there is a fence at the end to separate pedestrians from warehouse traffic.  
31  
32 Ms. Carleton stated that Geokon is the tenant for warehouse for storage, which means limited traffic and  
33 smaller trucks.  
34  
35 Ms. Monroe noted that the original plan included three wheelchair accessible apartments and inquired if  
36 there had been changes to that number. Ms. Carleton stated that the sprinkler system and other mechanical  
37 functions would be located by the two units at the front of the building. It has not been decided if those  
38 would be appropriate for handicap units. Ms. Monroe inquired about the number of handicap parking

1 spaces. Mr. Brooks confirmed that the regulation specifies one per 25 spaces and not per handicap unit.  
2 Mr. Carleton stated that parking spaces would be assigned a tenant based on need and vehicle type.  
3 Mr. Schwarz inquired if all residential parking would be on the 37 Spencer Street side, and Ms. Carleton  
4 confirmed that they would be.  
5

6 Mr. Corwin shared the plan with the Fire Department, and no comments were offered. The City Engineer  
7 reviewed the plan, and the Staff memo was updated based on the revised plan. The Board received the  
8 revised Staff memo at the start of the meeting. There was nothing notable, and the comments are fewer  
9 now. The only item noted by Mr. Corwin related to the HVAC system in the southeastern corner of the  
10 property. City regulations require screens of a specific size for electrical and mechanical equipment. Ms.  
11 Carleton affirmed that they would do that. The Board has a choice under Section 6.2.E.7 & 8 of the Site  
12 Plan Review Regulations of installing an opaque or a semi-opaque buffer, each with its own  
13 requirements. The applicant can request a waiver or a different location for the equipment. Ms. Monroe  
14 inquired about noise from the equipment. The applicant is considering mini-splits, which are very quiet.  
15 Ms. Monroe observed that there is only a parking lot across Mahan street at Geokon. Any balconies  
16 would be above porches with no site line to the outdoor mechanical equipment. Ms. Carleton noted that  
17 the choice of trees was a difficult one, as there are power lines along both sides of the building and a 27K  
18 solar array on the roof, which limits the height. The applicant's plan is to place trees wherever possible  
19 along the two streets. Ms. Monroe noted the importance of keeping the parking lot cool, and it is good to  
20 have more trees there as indicated in the new plan. The type of trees they have chosen are good ones as  
21 they don't grow too high.  
22

23 Mr. Fiore noted that they prefer screening with vegetation rather than a fence. Mr. Corwin noted that the  
24 semi-opaque option using intermittent vegetation requires a minimum height of 3 feet. Ms. Carleton  
25 stated that they propose using spirea for its height and ability to cover. Mr. Corwin, stated that the  
26 requirement appears to be met. Mr. Martz stated that he would prefer semi-opaque screening for HVAC.  
27 Ms. Romano noted that some HVAC systems don't want shrubbery near them. Ms. Carleton stated that  
28 they will follow HVAC installation guidelines. Ms. Romano inquired about the laundry room indicated  
29 on the plans and the small room near it. Mr. Wasser noted on C2.1 of the plan, there is a laundry and  
30 mechanical room and an office. Ms. Stavis inquired about the location of the island in the parking lot. Ms.  
31 Carleton indicated the island with a large tree in the parking area.  
32

33 **Chair Garland opened the Public Hearing.** In the absence of public comment, the hearing was closed.  
34

35 Mr. Corwin suggested reviewing the voting on the waiver for Section 5.1.E.15 & Section 6.2.E, which did  
36 not pass at the previous meeting. The requirements have now been met with the addition of the island in  
37 the parking lot, and it would be prudent to revisit that vote.  
38

39 Voting November 12, 2019, on the waivers:  
40

41 **Matthew Hall moved** that the Lebanon Planning Board **APPROVE** waivers for the application of  
42 TACKLE PARTNERS, LLC, #PB2019-29-SPR, from the following sections of the Site Plan Review  
43 Regulations:  
44

- 45 • **Section 5.1.E.7** – requiring the plans shape, size, height, and location of all existing structures,  
46 located on the site and within 200 feet of the site (9-0)
- 47 • **Section 5.1.E.15 & Section 6.2.B** – perimeter landscaping requirements (9-0)
- 48 • **Section 5.1.E.15 & Section 6.2.D** – landscaping around buildings requirements (5-4)
- 49 • **Section 5.1.E.16 & Section 6.6** – requiring stormwater management plans and compliance  
50 with stormwater management criteria (6-3)
- 51 • **Section 6.5.B.4** – requiring sidewalks along the street frontages (7-2)

- 1 • **Section 5.1.E.21 & Section 6.7.G** – requiring plans for on-site recreational facilities for multi-
- 2 family structures (7-2)
- 3 • **Section 5.1.E.15 & Section 6.2.E** – landscaping of parking areas and the parking lot shading
- 4 calculations requirements (4-5)
- 5 • **Section 7.2.A-** prohibiting waivers from the landscaping requirements when needed to
- 6 accommodate parking (8-1)
- 7

8 *Note: The Board considered each waiver request separately. The vote for each is noted above in*  
 9 *parentheses. All waiver requests were approved except for the waiver from Section 5.1.E.15 & Section*  
 10 *6.2.E (landscaping of parking areas and the parking lot shading calculations requirements).*

11  
 12 Chair Garland asked for a show of hands granting the waiver of Section 5.1.E.15 & Section 6.2.E –  
 13 landscaping of parking areas and the parking lot shading calculations requirements  
 14 The vote on the waiver was unanimous (8-0).

15  
 16 **Kathie Romano moved** that the Lebanon Planning Board **APPROVE** the application of TACKLE  
 17 PARTNERS, LLC for Site Plan Review of a proposed conversion of 8,632 sq. ft. of existing commercial  
 18 space within an existing building to a mixed-use multi-family and commercial building containing 11  
 19 studio apartments located at 37 Spencer Street (Tax Map 78, Lot 5), zoned CBD, #PB2019-29-SPR,  
 20 as shown on a plan set titled “Building and Site Renovations, 37 Spencer Street, Lebanon, NH”  
 21 prepared by Engineering Ventures, PC, dated October 14, 2019, last revised November 18, 2019,  
 22 project #19327.01 (17 sheets), including any and all submissions and testimony provided for and  
 23 during the public hearing, with the following conditions:

#### 24 **Conditions to be Satisfied Prior to Application for a Building Permit**

- 25
- 26
- 27 1. The applicant shall schedule and hold a pre-building permit application meeting with the
- 28 Planning Department, City Building Inspectors, City Engineer/Department of Public Works,
- 29 and Fire Department, in order to help streamline the building permit review process.
- 30
- 31 2. The applicant shall obtain approval from the City Council or the City Manager’s office for any
- 32 additional water and/or sewer flows per Chapter 181.
- 33
- 34 3. The applicant shall address the comments set forth in the attached memo from Brian Vincent,
- 35 P.E., dated November 22, 2019, to the satisfaction of the City Engineer.
- 36
- 37 4. The applicant shall provide two (2) revised plans sets depicting the following revisions, to the
- 38 satisfaction of the Planning & Development Department and the City Engineer:
- 39 a) Any changes made pursuant to Condition of Approval #3.
- 40 b) If the propane tank is no longer present on site, it should be removed from the plans.
- 41 c) Revise Sheet SL-1 to use correct site plan.
- 42

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

- 44
- 45 5. The City shall retain the services of an independent third-party inspector, for which the
- 46 applicant shall be responsible for all inspection fees related to the construction of sewer and
- 47 water both on-site and work within the City’s right-of-way (water, sewer, road, drainage), in
- 48 accordance with Chapter 181 of the City Code and Section 8.3 of the Site Plan Review
- 49 Regulations. The applicant shall provide funding for inspection services in a form acceptable
- 50 to the City.
- 51
- 52 6. The creation of dwelling units shall be subject to City of Lebanon Impact Fees, pursuant to
- 53 Section 213 of the Zoning Ordinance. The Impact Fee shall be calculated at the time of Building

1 Permit issuance based on the Impact Fee Schedule adopted on August 13, 2018. In  
2 accordance with RSA 674:39, the approved site plan shall be exempt from any future changes  
3 in impact fees and methodology for five years from the date of approval; however, any building  
4 permits which are issued after the end of that five-year period shall be fully subject to whatever  
5 impact fees and methodology are in effect at the time of building permit issuance.  
6

- 7 7. All water and sewer fees shall be paid.  
8

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

10  
11 8. Third-party engineer or design engineer inspection reports and as-built drawings provided by  
12 the applicant (PDF format and CAD .dwg format, using the NH State Plane Coordinate  
13 System), including tie sheets, shall be reviewed and approved by the City Engineer prior to  
14 acceptance of any utility improvements by the City.  
15

16 9. The impact fee calculated pursuant to Condition of Approval #6 shall be paid.  
17

18 10. All improvements depicted on the plan shall be completed and shall be constructed as depicted  
19 on the plan.  
20

21 **General Conditions**

22  
23 11. The applicant shall obtain an Excavation Permit from the Department of Public Works for any  
24 site work in the public right-of-way prior to any work in the right-of-way.  
25

26 12. The applicant shall implement and maintain NHDES Site Specific Best Management Practices  
27 before, during, and after construction.  
28

29 The motion was seconded by Laurel Stavis.  
30

31 Ms. Monroe inquired about the discrepancy in the alignment of the road and right-of-way. Mr. Brooks  
32 stated that they are aware of that issue, which is caused by the age of the streets, and there will be a  
33 survey of the property. Ms. Carleton noted that the Street has shifted, but it is still wide enough to be safe.  
34 Mr. Brooks noted that the City owns the property across the street. Ms. Monroe observed that it is not a  
35 thru street.  
36

37 The vote on the motion was 9-0.  
38

39 Chair Garland commented that there was very good turnaround time and improvements in the plan.  
40 Ms. Carleton stated that the Board provided good comments, which created good changes.  
41  
42

43 **3. STUDY ITEMS:**

44  
45 **A. SITE PLAN REVIEW & SUBDIVISION REGULATIONS-** Discuss proposed amendments  
46 to development regulations necessitated by proposed changes to City Ordinances regarding the  
47 sewer and water allocation process and set date for public hearing  
48

49 Mr. Brooks stated that the City Council is in the process of addressing sewer capacity issues and will be  
50 holding a public hearing on December 4, 2019. There are proposed amendments to Chapter 136 (Sewer  
51 Service), Chapter 182 (Water Service), and Chapter 68 (Fees). The Council is also proposing a repeal of  
52 Chapter 181 (Water & Sewer Main Extensions), with portions rolled into the other three chapters. There  
53 will be a complete slate of changes on Dec. 4, and the effective date would be approximately January 1,

1 2020. The Planning Board can adopt changes to the Site Plan Review and Subdivision Regulations that  
2 support the Council's changes. Mr. Brooks explained the impact on both the Site Plan Review and  
3 Subdivision Regulations regarding the timing and approvals of Sewer and Water Use Permits. These  
4 changes are also written to align with the zoning changes, and they would be voted on by the Board on  
5 December 9, 2019, which are also expected to go into effect on January 1, 2020. The City Attorney had  
6 no issues with the proposed changes, but the adoption by the City of an Urban Services District in the  
7 future would mean Section 13.8.B.1 would need to be updated. The proposed changes make it clear that  
8 the applicant cannot obtain approval until the sewer and water allocation is approved. The attorney was  
9 not comfortable with the word "encouraged."

10  
11 Ms. Stavis suggested that rather than an applicant be "encouraged to submit" sewer and water permit  
12 applications, it should be changed to "shall submit," making it a requirement. Mr. Brooks said that it  
13 could be made a requirement, but Chapter 181 requires that the Board review a project before sewer and  
14 water allocations are made.

15  
16 Chair Garland expressed concern that making an applicant do something before the review may not be  
17 consistent with other possible changes. Ms. Romano expressed disapproval of tying up sewer and water  
18 allocations before approval. Ms. Monroe observed that the prior reservation of services applies to the  
19 status of the Iron Horse project. The City has been holding the space for years. Mr. Brooks stated that the  
20 City Council has not rescinded the allocation pending the outcome of litigation. Mr. Corwin noted that the  
21 allocation approvals have been required for an application to be deemed complete. Mr. Brooks stated that  
22 a statement from the City Engineer was required stating that the sewer and water services were available.  
23 If applicant wanted to bypass the preliminary review process, they would still have to get allocation  
24 approval from City Council before submitting a final application. Mr. Brooks suggested that DPW could  
25 attend a work session to explain the detail of the changes. There may also be a new sewer development  
26 charge being proposed for developers to buy into the system, which would help extend, fix and maintain  
27 the system going forward. A public hearing will be scheduled for December 9, 2019.

28  
29 The general consensus of the Board was approval to go forward.

30  
31  
32 **B. ZONING AMENDMENTS-** Review of proposed amendments to the Zoning Ordinance and  
33 Zoning Map

34  
35 Chair Garland noted that he had asked members to consider what they would like to see from the zoning  
36 changes. Some areas to consider would be Spencer Street, Village Market, and the Buffet restaurant. The  
37 Chair suggested a possible conversion as a 6-story building with commercial space on the first floor and a  
38 boutique hotel or apartments above and underground parking. Ms. Welsch inquired if that would mean  
39 eliminating the Chinese restaurant and all small businesses on the site. Chair Garland stated that it would  
40 depend on the developer.

41  
42 Mr. Corwin referred back to a meeting in July to determine interest in allowing two parcels, Tax Map 10-  
43 9 and Tax Map 10-10, to change zoning to allow multi-family housing on the two lots, and the consensus  
44 was supportive of the change. The proposed rezoning to GC was discussed at the September work  
45 session, and there was general support for the change. It was brought to the City Council on October 2nd,  
46 but the Council was not interested in all the uses allowed in GC. The Council was in favor of the multi-  
47 family housing, but not all of the commercial uses. This provided the basis for creating a GC-1 to allow  
48 housing, and it would initially be the only location with that zoning. Legal counsel suggested taking a  
49 larger area to avoid spot zoning concerns, not just those on the east side of Route 120. This would include  
50 Tax Maps 10-7, 10-8 along with 10-9, and 10-10. The different uses could stay under non-conforming  
51 use, and multi-family housing would be allowed and invited. All of the abutting property owners were  
52 notified of this meeting so the Board might hear their thoughts.

1 **Chair Garland opened the Public Hearing.**

2  
3 Tom Goins, Vice President of Facilities at Dartmouth Hitchcock, stated that they own 10-10, which has  
4 irregular typography. Their plan is to build housing for employees to minimize traffic on Route 120. They  
5 are currently in the process of selling three (3) acres to Adimab Laboratory, whose property adjoins 10-10  
6 and with the goal of enlarging their building. It is zoned Light Industrial.  
7

8 Marc Milowsky, owner of Jesse's Steakhouse property, stated that he would be part of the zoning change.  
9 The property is bisected by Lebanon and Hanover town lines. The Hanover side is General Commercial,  
10 and the Lebanon side is Light Industrial. It would be a natural place to have multi-unit housing for  
11 Dartmouth Hitchcock employees, and he is glad the Board is considering it.  
12

13 Bob Bailey, an owner and head of the condo association of the businesses across the street on Route 120,  
14 reported that the condo association had a unanimous vote in favor of multi-family housing for the  
15 properties east of Route 120; but they are opposed to the zoning change to their property as proposed.  
16 They don't foresee many of the allowed uses in GC-1, and would want to remove those uses. The site was  
17 originally zoned RL-3 in the 1980's. Mr. Bailey noted that once the hospital was built, the changes came  
18 along, and the property was built out. Mr. Brooks stated that Mr. Bailey gave him a list of the GC uses  
19 that they would like to keep, which are about five that could be added to GC-1, and eliminating the others.  
20 Mr. Brooks will provide the Board members with a copy of Mr. Bailey's information.  
21

22 Mr. Goins had an additional comment. He reported that they would be expanding Lot 9, and a shuttle runs  
23 to and from that lot every 8 minutes each day and would provide service for housing residents.  
24

25 Ms. Romano inquired about road access for those parcels and if there would be access to Lot 9. Mr. Goins  
26 stated that they would be connecting the road from Centerra to the road to Lot 9. There would be no more  
27 road cuts onto Rte. 120. Ms. Romano asked if the transferred property would become part of the Centerra  
28 zoning. Mr. Brooks stated that he has a copy of the proposed boundary line adjustment for the 3.1 acre  
29 transfer so it could remain Light Industrial.  
30

31 Ms. Welsch noted that the route number shown on the map as Route 10 should actually read Route 120.  
32

33 Mr. Corwin addressed a number of changes since the Board last saw the draft amendments. Some changes  
34 were with language to provide some flexibility. The Board members discussed Home Based Agricultural  
35 Business and the elimination of pigs and produce stands.  
36

37 Ms. Stavis noted that the word "church" is used throughout the permitted uses. She suggested "house of  
38 worship" as a preferable alternative. Mr. Corwin stated that the trend today is to "place of assembly". Mr.  
39 Brooks added that they could propose a change to "place of assembly."  
40

41 Mr. Corwin clarified his use of an ellipsis within brackets to indicate text that is not included. Only the  
42 text shown includes a proposed change. A number of comments and explanations were made by Board  
43 members and Staff respectively to clarify proposed changes regarding signs. Mr. Brooks described the  
44 essential services referred to in the proposed amendments, which include sewer, water, utilities, propane,  
45 and power transmission. A definition of essential services was included in the draft amendments.  
46 Charging stations for electric automobiles are not considered essential services, but are looked at as  
47 parking spaces.  
48

49 Mr. Brooks noted that the Professional Business District predates the Historic District, and was also  
50 concerned with preserving the character of the properties.  
51

52 There were additional comments about the "church" designation needing a new term like "house of

1 worship” or “place of assembly.” Recreational camping heating minimum requirements were also noted  
2 as perhaps being too high at 70 degrees. Ms. Monroe suggested eliminating the number of degrees. Mr.  
3 Brooks said he would look into it.  
4

5 Meg Carleton, a property owner on Spencer Street in the proposed LDD district, spoke against Spencer  
6 Street being included as a secondary street in the LDD regulations. Ms. Carleton stated that being a dead  
7 end area and in the flood plain would not lend itself to retail business. It is not pedestrian friendly and  
8 most properties are already built up. Mr. Brooks noted that non-residential uses on the ground floor  
9 applies to primary streets. On secondary streets, it would only be required for a building of 20,000 sq. ft.  
10 or larger. He added that with a substantial increase in residential units along Spencer Street, a restaurant,  
11 convenience store, or other retail business could be appropriate. The requirement can be waived by a  
12 conditional use permit, but height requirements apply to all buildings in Lebanon’s downtown. Ms.  
13 Carleton suggested having a flood level exemption from having to go 12 feet high, as it is hard to make a  
14 building inviting when it is that far above ground. Mr. Brooks clarified that in the future, the CBD  
15 designation would only be for West Lebanon. The LDD would apply in downtown Lebanon. Mr. Brooks  
16 stated that the charrette process and subsequent changes would be worked on during the first half of 2020,  
17 with a final target of September 1 for any proposed zoning amendments applicable to West Lebanon  
18 Village.  
19

20 Mr. Corwin stated that each of the other land use boards are reviewing the changes.  
21

22 Ms. Stavis observed that some of the terminology such as “financial institution” is out of date and should  
23 be reviewed.  
24

#### 25 26 **4. COMMITTEE REPORTS:** 27

##### 28 A. Planning Board Subcommittees:

- 29 • Planning Board Capital Improvement Program (M. Hall/S. Welsch/ B. Garland/M. Cole)

##### 30 B. City Council Subcommittees:

- 31 • Class VI Roads Advisory Committee (J. Monroe)
- 32 • Lebanon Energy Advisory Committee (J. Monroe)

##### 33 C. City Council Representative (K. Zook/ J. Winny)

##### 34 D. Heritage Commission (G. Schwarz)

##### 35 E. Pedestrian & Bicyclist Advisory Committee (K. Zook)

##### 36 F. Upper Valley Lake Sunapee Regional Planning Commission (B. Garland/L. Stavis) 37

38 Ms. Stavis reported that there is currently a Volkswagen RFP for electric vehicle charging stations  
39 through the New Hampshire Office of Strategic Initiatives and the Department of Environmental  
40 Services. If the City is looking at more charging stations, there is funding available through the VW  
41 mitigation program. Mr. Brooks stated that there was a presentation to the City Council last week that  
42 Electrify America is specifically looking at the Upper Valley with a preferred site in Lebanon. The  
43 question to the Council was if they would be open to a 10-year lease of public property for this private  
44 operation. The Council was generally in favor of the concept, since there are things for people to do  
45 downtown while waiting for their cars to charge.  
46

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

##### 48 H. Upper Valley Transportation Management Association (S. Welsch)

##### 49 I. Mascoma River Local Advisory Committee (K. Romano)



- 1 J. Steering Committee for the Implementation of the Master Plan (B. Garland/G.
- 2 Schwarz/S.Welsch/J. Monroe)
- 3 K. Planning & Development Department – Task Status (D. Brooks/ M. Goodwin/T. Corwin/R.
- 4 Owens)

5  
6 **5. APPROVAL OF MINUTES:** October 28, 2019

7  
8 Page 2, line 30, delete the sentence beginning, “The presentation...”; Page 3, line 12, insert after  
9 “engineer,” Ryan Vincent; Page 6, line 11, change “Levin” to “Leavitt”; Page 7, line 4, after, “Ms. Cole”  
10 insert “stated that she”.

11  
12 *A MOTION was made by Karen Zook to approve the minutes of October 28, 2019 as amended.*

13 *Seconded by Tom Martz.*

14 *\*The vote on the MOTION was 8-0.*

15  
16  
17 **6. OTHER BUSINESS:**

- 18
- 19 A. Review of minor alteration to approved site plan for 10 Alice Peck Day Drive (Tax Map 90, Lot
- 20 59) (#PB2015-23-SPR)

21  
22 The Board had no objection to the alteration and appreciated being notified of the change.

23  
24 **7. GENERAL DISCUSSION:**

25  
26 Mr. Brooks informed the Board members of a letter received notifying the City of a lawsuit filed against  
27 the Planning Board by Twin State for the Iron Horse development. The suit is in the discovery process.

28  
29 The zoning of the Jessie’s property is the BM zone for service businesses and limited manufacturing.

30  
31 Mr. Brooks stated that the City put out an RFP with a deadline of September 15, 2019, for the 20 Spencer  
32 Street property. The City advertised for a developer and received two replies. The EVEC and TIF review  
33 committee are conducting the initial review. Today they met with the first developer, which went well,  
34 and will meet with the second developer Tuesday, December 3. They will make a recommendation to the  
35 City Council, which may not be until January. The applicants mostly comply with the new downtown  
36 regulations, and they need to address the flood zone issue.

37  
38 Ms. Monroe inquired if the City would be selling the property. Mr. Brooks stated that they would come  
39 through the permitting process based on a purchase and sale agreement. They would close once they have  
40 permits in hand, which is not uncommon.

41  
42 Ms. Monroe inquired if Mr. Brooks had researched the percentage of required ADA compliance for a  
43 renovated building, and Mr. Brooks stated that he believed it was 25% but would confirm it.

44  
45 **7. ADJOURNMENT:**

46  
47 *A MOTION by Laurel Stavis to adjourn the meeting.*

48 *Seconded by Tom Martz.*

49 *The vote on the MOTION was 8-0.*

50  
51 The meeting was adjourned at 9:06 PM.

1  
2 Respectfully submitted,  
3  
4 Holly Howes, Recording Secretary

