

FINAL

**CITY OF LEBANON
ZONING BOARD OF ADJUSTMENT
Minutes, January 16, 2018
City Hall—Council Chambers
7:00 p.m.**

MEMBERS PRESENT: Chair William Koppenheffer, Jason Crowley (alternate), Dan Nash, Alan Patterson

MEMBER ABSENT: Vice Chair Jennifer Mercer, Travis Griffin

STAFF PRESENT: Zoning Administrator Tim Corwin

I. CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Chair Koppenheffer.

II. APPROVAL OF MINUTES: December 18, 2017

Changes: Page 3, line 8, replace “and” with “has a”; page 3, line 9, replace “property” with “property, and the parking is existing in the front yard”; page 10, line 45, replace “The motion passed 5-0.” with “The motion passed 4-1. Voting for the motion: Griffin, Mercer, Nash, Patterson. Voting against: Koppenheffer.”

Alan Patterson moved to approve the minutes of the Lebanon Zoning Board of Adjustment meeting of December 18, 2017 as amended. Seconded by Dan Nash.

****The motion passed 4-0.***

III. ELECTION OF OFFICERS: Chair and Vice Chair

Alan Patterson moved to re-elect William Koppenheffer as Chair and Jennifer Mercer as Vice Chair of the Lebanon Zoning Board for 2018. Seconded by Dan Nash.

****The motion passed 4-0.***

IV. PUBLIC HEARING

- A. Quail I, L.P., 69 Lily Lane (8-2-200), zoned R-3—Request for Special Exceptions pursuant to Article III, Section 310.2 of the Zoning Ordinance for the construction of a 40-unit senior housing complex, and Article VI, Section 603 to permit a greater dwelling unit density than is permissible in the R-3 District. #ZB2017-34-SE**

John Giebink, Charles Brush, and Tom Getz represented the applicant. Mr. Giebink said the initial plan was to combine affordable senior housing and optional supportive services, in

partnership with community organizations. He said there are no other facilities like this in the Upper Valley. It is out of the way, close to Hanover, and on the bus route. The goal is for all residents to be completely independent but to offer supportive services. There is a Visiting Nurses office on site. The Lake House can accommodate 40 more apartments and would not be visible from neighboring properties. It is next to the River House, which houses 12,000 square feet of community facilities, including a dining room for 100-150 people and a fitness room. He said a stand-alone building could not afford to have these facilities at a reasonable rent. Since they started planning this, they have had numerous inquiries expressing interest. Each previous building has been fully occupied within two months, with a waiting list. A traffic study was done by RSG, which found that the building will generate seven new vehicle trips during the a.m. peak and eight during the p.m. peak, so traffic will not be adversely affected. The building will have 40 underground parking spaces and 12 above ground.

Mr. Giebink noted that there are a lot of EMS calls to Quail Hollow, but they are in one location and not scattered around town. He said he asked the Fire Chief if there was any better location from a safety or emergency perspective, or if this presents an increased risk or burden compared to other places in Lebanon, and the Chief said “no.” He said the entire Quail Hollow community will be connected to the municipal alarm system. He said Quail pays \$675,000 in property taxes with little to no policing and private roads, water, sewer, and stormwater. He said the taxes paid will increase by \$80,000-\$90,000 with the addition of the Lake House.

Mr. Patterson asked what “affordable” means. Mr. Giebink said there will be a mix of units, priced from 30% of the average median income to market rate. Existing apartments range from \$500-\$600 to \$1,500-\$1,800, including all utilities except cable television and internet. Mr. Patterson asked if this will have a negative impact on the sewer system, which is at high capacity. Mr. Giebink said the sewerage will go to Hanover, and the allotment they have already received is more than is actually used. Mr. Getz said it will add less than 10,000 gallons per day (gpd). Rod Finley of Pathways Consulting said the intermunicipal agreement specifies the number of gallons Lebanon can send to Hanover. The initial Quail Hollow development was approved for 25,500 gpd, and Quail Ridge was approved for 13,750 gpd. They are currently using about 60 gpd per capita. Adding the new building will put them at approximately 40,000 gpd total. The issue will be addressed with Public Works. They will need a NHDES sewer permit, which is reviewed by the City Engineer and Hanover Public Works.

Mr. Nash said there was a capacity issue with the ice rink, and some City official should provide a statement of available capacity. Mr. Giebink said he would be happy to have that as a condition of approval. Mr. Nash asked if NHDOT has been contacted about whether the existing driveway is functioning adequately. Mr. Giebink said they have had several conversations and a meeting with NHDOT to discuss improvements, including cutting back snow banks and moving the speed limit sign. Brian Swanson of RSG said the threshold for a detailed traffic study is 100 trips per hour, and he came up with fewer than 10, based on the trip generation handbook and specific Quail Hollow data. Mr. Giebink said NHDOT will allow them to extend the sidewalk to Route 10 and along the westerly side of the right-of-way to across the street from the bus stop, and to install a road crossing with flashing lights.

Mr. Nash said there has been concern about drainage on East Wilder Road. Mr. Finley said that is downhill from the development and is in disrepair. He said six or seven years ago, a design

was developed for improvements, but it wasn't funded in the CIP. From Quail, there are a stormwater pond and grass treatment swales that head south into the brook, which empties into the river. He said they will have to do something about the stormwater. Mr. Nash said he is concerned about the slope stability at the property line, as cuts could be a hazard. He said they have to address how to do that safely. He asked if there will be enough light and air for residents. Mr. Giebink said the foundation wall will be built into the bank.

Mr. Nash said when the previous addition was proposed, the Fire Chief said it was no problem, and now he says he wants a staffing increase. He said he wants to hear from the Chief that there will be no increase in staffing. Mr. Patterson said he is concerned about the safety and welfare of the residents, and he does not want a burden on the Fire Department. He said he wants confirmation in writing that there will be no staffing issue.

Chair Koppenheffer said the staff memo indicates that there are no dimensions with the plans, including elevation and size. Mr. Giebink said he did not know he needed that for this application. Chair Koppenheffer said the staff memo indicates that this will encroach on the setback. Mr. Getz said they can move it back so it will meet the setback regulations. Mr. Corwin said the applicant should give a sense of the size of the building. Mr. Giebink said the Wilder House has 65 units, with three stories on one side and two on the other. The Lake House will have 60% of that. He said they can provide dimensions. Mr. Crowley asked about the flashing lights at the crosswalk. Mr. Giebink said the NHDOT memo lists what they will approve, including a sidewalk along Route 10 to a point across from the bus stop, a crosswalk, and flashing lights that go on when a button is pressed.

Chair Koppenheffer opened the public hearing.

Anne Harms said she is president of the Quail Cottage Association. She said she is concerned about density. The R-3 district allows an exception for senior citizens' communities; she asked if there is any ceiling. She said this is the third time the developers have asked for a special exception for more units. Chair Koppenheffer said they have not discussed that. He said the applicant points out that in this zoning district, one is typically allowed 152 people in 11 acres. Mr. Corwin said in the R-3 zone, this size property would be allowed 52 units. He said there is no limit in the zoning ordinance. Chair Koppenheffer said even with the addition, they would be under the 150 number. Mr. Giebink said the 11-acre lot has 114 units, and the requested addition would add 40, for a total of 154. Wilder House and Quail Ridge are on a separate lot. Ms. Harms said there is no indication of how many units can go in a prescribed area. There is one major road in and out, and during an evacuation, it would be difficult to get people out. She said she was not impressed when the Fire Chief told people to stay in their apartments, as they will be safe there for two hours. She said there are invalids in the cottages and apartments.

Ruth Brothers said she came here from Massachusetts to live near her daughter, and she found it difficult to find a decent place to live. She said this complex is reasonable to rent and is in wonderful shape, and she is very happy there. She said she often goes in and out, and half of the time, there is no one in front of her or behind her. She said Vermont and New Hampshire do not have the same availability as Massachusetts, and she is in favor of more units.

Peter Lubinsky said he lives at The Ridge at Quail Hollow. He said he looked all over southern New Hampshire and could not find anything with a reasonable cost and an ability to enjoy social life and amenities. He said he is very much in favor of adding to the complex.

Hearing no further public comment, Chair Koppenheffer closed the public hearing.

Mr. Nash said he would like information from the City Engineer regarding the drainage on East Wilder Road and whether the problem was caused by this project and if it has been solved. He said he would like the City Engineer to contact NHDOT to see if there are any problems with the driveway. He said any expansion would require a new driveway permit from NHDOT. He said they should check on the water supply, although that should be okay. He said he thinks there is adequate sewer capacity within the intermunicipal agreement, but he would like confirmation that Hanover will accept the wastewater. He said he would like to know that there is no undue burden for the Fire Department, as each additional firefighter is a significant expense. He said he would like to see a section through the center of the building to the steepest part of the slope, and he would like the applicant to show how the slope will be addressed in a safe way.

Mr. Patterson said he agrees with Mr. Nash. He said EMS calls are a big issue, and he would like more definitive information about that, including why they increased manpower at the West Lebanon station. He said he wants a study to show this will not put them over the threshold. He said he would like to know how many calls there are now. He said he does not want to rely on mutual aid and callbacks, which are expensive.

Mr. Giebink said they are averaging 1.05 residents per unit. Chair Koppenheffer said that means they will have a total of about 150 people, and with standard R-3 development and three per unit, that could be up to 150 people. Mr. Patterson said the applicant could better explain the number of units relative to the number of properties. Mr. Corwin said there is rough proportionality versus full build-out in the R-3 zone. Mr. Patterson said without guidelines regarding density, they are opened up to set a precedent. Mr. Corwin said this is a poorly written section of the Zoning Ordinance.

Alan Patterson moved to continue this hearing to February 20, 2018 at 7:00 p.m. at Council Chambers, City Hall. Seconded by Dan Nash.

****The motion passed 4-0.***

V. OTHER BUSINESS: None

VI. OPEN DISCUSSION: None

VII. ADJOURNMENT

The meeting was adjourned at 8:18 p.m.

Respectfully submitted,
Charles Glazer
Recording Secretary