

FINAL

LEBANON PLANNING BOARD
Monday, April 13, 2020 – 6:30pm
REMOTE VIA MICROSOFT TEAMS
LebanonNH.gov/Live

ROLL CALL OF

MEMBERS PRESENT: Bruce Garland (Chair), Matthew Hall (Vice-Chair), Jim Winny (Council Representative), Joan Monroe, Kathie Romano, Laurel Stavis, Sarah Welsch, Tom Martz (Alt.), and Gregorio Amaro (Alt.)

MEMBERS ABSENT: Matthew Cole

STAFF PRESENT: David Brooks (Planning Director), Tim Corwin (Senior Planner), and Brian Vincent (City Engineer)

1. CALL TO ORDER:

A. Review of meeting procedures and NH RSA 91-A “Right-to-Know” requirements.

Mr. Corwin reviewed the executive order requiring public audio and video access with options for participation. In addition, all votes would be by roll call vote, and any items that are postponed would be decided at a later date.

Chair Garland shared that Board member Gregory Schwarz passed away last week. A moment of silence was observed in memory of Mr. Schwarz.

Karen Liot Hill is now serving as the Council Alternate, and Gregorio Amaro is now an Alternate.

Alternate Tom Martz was appointed for the vacant position during tonight’s meeting.

2. NOTICE OF REGIONAL IMPACT:

The following applications were received by the Planning Department on or before April 13, 2020:

ADIMAB, LLC; 7 LUCENT DRIVE, (Tax Map 10, Lot 11, Plot 2600), zoned IND-L: Request for a Site Plan Review for the 27,000-sf addition of an existing building with associated parking, utilities, landscaping and access. **PB#2020-14-SPR**

MARY HITCHCOCK MEMORIAL HOSPITAL, 1 MEDICAL CENTER DRIVE (Tax Map 10, Lot 8), zoned MC: Request for a Site Plan Amendment to the approved 5 story, +/-212,528 sq. ft. patient tower expansion within an existing Medical Center Complex. **#PB2020-SPA**

Mr. Brooks noted that neither application has the potential for regional impact.

Matthew Hall MOVED that the applications listed above have no potential for regional impact. Seconded by Tom Martz.

Roll Call Vote:

Members voting in favor include Mr. Hall, Mr. Winny, Ms. Monroe, Ms. Stavis, Mr. Martz, Mr. Garland, and Ms. Romano

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

Ms. Welsch was delayed due to technical difficulties.

3. **CONTINUED APPLICATIONS – Public Hearings:**

- A. JOLIN SALAZAR-KISH, 8-10 & 14 BANK STREET (Tax Map 92, Lots 125 &124), zoned LD:** Request for Site Plan Review of a proposed 47-unit multi-family residential development to consist of one existing building and two new buildings on two lots to be merged, together with associated site improvements. #PB2019-39-SPR

Mr. Corwin stated that this hearing has been continued several times due to water table issues, and significant revisions have been made. Ms. Salazar-Kish was to submit the materials by March 20, but they were received March 26. A Staff Memo with comments is due to be sent to the applicant tomorrow and will be included when the hearing resumes. Many comments have been received from abutters and other concerned individuals and will be provided. There is a concern over the fairness of conducting this particular hearing online. It is hard to have full participation under remote access, which the City decided to use for most applications. It is the opinion of the New Hampshire Municipal Association (NHMA) that there is an exception for a controversial application, and the Board could make an exception for this application and suspend any further consideration until the Board can reconvene in person. If the Board wants to proceed as is, the applicant should be present and open to some public comment. The Planning Department still does not have all required information at this point. There needs to be a revised drainage report, which still has not been submitted.

Ms. Stavis noted that the Governor's Emergency Order of 3/13/2020 allows the Board to delay deadlines and put hearings on hold until they can have substantial hearings. Mr. Corwin added that attorneys from NHMA advised that the Board could distinguish an application based on contentiousness of the application as long as the reasons were clearly stated.

Ms. Romano stressed the importance of having accurate facts.

Chair Garland polled the members regarding postponement, and the majority were in favor.

Councilor Karen Liot Hill asked if there would be comments from the public regarding postponement. Mr. Brooks stated that, given the number of letters to date, it could be postponed until it can be held in person, and the hearing would be noticed again.

Councilor Hill observed that 69 people were attending the meeting and still engaged. Putting the hearing off until it could be held in person is serious and could be indefinite. In her opinion, the board needs to ensure equal treatment of applicants and ensure ways for the public to participate safely.

Ms. Welsch noted that the Board doesn't have all of the public comments.

Councilor Erling Heistad noted that not everyone would have fair ability to participate online.

Mr. Corwin stated that it is a legal and policy issue. The applicant agrees with postponement, but they don't know if or when it will be scheduled.

Chair Garland noted that the hearing could be in the Opera House or a similar location with enough space for distancing.

Mr. Brooks stated that they could consult legal counsel and recommended continuing for a month.

Mr. Corwin suggested they advise the applicant of the Board's concerns regarding specifics of all existing and proposed units. The Staff Memo would be clear about deadlines. Assuming it would be heard on May 11, all additional information needs to be submitted by Monday, April 27, 2020. He noted that historically, the applicant has not met deadlines.

Matthew Hall MOVED that the hearing of JOLIN SALAZAR-KISH, 8-10 & 14 BANK STREET (Tax Map 92, Lots 125 &124), zoned LD be continued until May 11, 2020 and require all requested information and responses be submitted by close of business on Monday, April 27, 2020. Seconded by Kathie Romano.

Roll Call Vote:

Members voting in favor included Mr. Garland, Mr. Hall, Mr. Winny, Ms. Monroe, Ms. Welsch, Ms. Stavis, Ms. Romano, Mr. Martz

None voted against.

***The motion was approved (8-0).**

PLEASE NOTE: Additional comments from the public must be submitted to Planning by Monday, May 4 for inclusion in the agenda packet.

- B. 21 AGUA STREET, LLC; 21 WATER ST (Tax Map 91, Lot 257), zoned LD:** Request for Site Plan Review to convert an office space to three apartments within an existing building. #PB2020-08-SPR – *continued from March 9, 2020*

Mr. Corwin noted that the application was voted complete on March 9, 2020, but one waiver from requirements regarding the Lebanon Downtown District (LDD) was not approved. The plan is now revised, and the applicant could be asked to address the LDD requirements.

Tim Sidore of Ledgeworks, Inc. and Jim Wasser, Architect, were present online to speak to the application.

Mr. Sidore stated that they have addressed the LDD requirements. Mr. Wasser explained that the building façade is screened by its elevation and shrubs. The building meets requirement for first level commercial and second level residential units. He explained other details of the design related to the LDD requirements, which include improved landscaping, additional lighting, and screening of the parking area. A link to photos was provided to Board members.

Several Board members expressed concern regarding setting a precedent for future applications. Mr. Corwin stated that it shouldn't result in a precedent unless the Board grants future waivers of requirements without discussion. Ms. Romano suggested the Board members review the requirements regarding the LDD for this waiver before the next meeting. Chair Garland noted that the Board members could consult with Mr. Brooks or Mr. Corwin as needed.

Mr. Corwin stated that comments from the public must be received by Monday, April 20, 2020.

There was no public comment.

Matthew Hall MOVED to continue the hearing for 21 AGUA STREET, LLC; 21 WATER ST (Tax Map 91, Lot 257), zoned LD until April 27, 2020.

Seconded by Laurel Stavis.

Roll Call Vote:

Members voting in favor included Mr. Garland, Mr. Hall, Mr. Winny, Ms. Monroe, Ms. Welsch, Ms. Stavis, Ms. Romano, Mr. Martz

None voted against.

***The motion was approved (8-0).**

PLEASE NOTE: Additional comments from the public must be submitted to Planning by Monday, April 20, 2020 for inclusion in the agenda packet.

4. NEW APPLICATIONS – Completeness Review Only:

- A. SAXON PARTNERS (applicant) and ALFRED P. & LORALEE S. WEST (property owners), 343 MOUNT SUPPORT ROAD (Tax Map 24, Lot 1), zoned R-1 & RL-3:** Request for Site Plan Review to construct a proposed multi-family complex consisting of 250 dwelling units, together with parking, utilities, landscaping, access, and other related site improvements. **#PB2020-11-SPR**

Mr. Corwin noted that the Board would only be voting on completeness tonight with the hearing continued to May 11, 2020. If the Board objects to any waivers, those should be noted now.

Chair Garland suggested a site visit would be needed to evaluate the waivers.

Ms. Romano observed that some waivers actually refer to only part of a section, and the statement of the waiver needs to be more specific as to which part of the section is being waived. Mr. Corwin agreed to craft the draft motions to be more specific.

There was no public comment.

Mr. Corwin stated that the application is complete enough for the Board to accept jurisdiction and commence review.

Matthew Hall MOVED that the application of SAXON PARTNERS (applicant) and ALFRED P. & LORALEE S. WEST (property owners), 343 MOUNT SUPPORT ROAD (Tax Map 24, Lot 1), zoned R-1 & RL-3 is complete enough for the Board to accept jurisdiction and commence review. Seconded by Kathie Romano

Roll Call Vote:

Members voting in favor included Mr. Garland, Mr. Hall, Mr. Winny, Ms. Monroe, Ms. Welsch, Ms. Stavis, Ms. Romano, Mr. Martz

None voted against.

****The motion was approved (8-0).***

Joan Monroe MOVED to continue the hearing to May 11, 2020.

Seconded by Laurel Stavis.

Roll Call Vote:

Members voting in favor included Mr. Garland, Mr. Hall, Mr. Winny, Ms. Monroe, Ms. Welsch, Ms. Stavis, Ms. Romano, Mr. Martz

None voted against.

****The motion was approved (8-0).***

PLEASE NOTE: Comments from the public must be submitted to Planning by Monday, May 4, 2020 for inclusion in the agenda packet.

5. APPLICATIONS DEEMED COMPLETE – Public Hearings:

- A. TRUSTEES OF DARTMOUTH COLLEGE (Property Owner) and MICHAELS STUDENT LIVING, LLC (Applicant); 401 MOUNT SUPPORT ROAD (Tax Map 24, Lot 2), zoned R-1, R-3 and RL-3:** Request to construct a multi-family complex consisting of 309 units in four buildings, with associated access, parking, and other improvements. **#PB2020-07-SPR**

Matthew Hall recused himself.

Kristina Vagen of Michaels Student Living; Daniel Justynski, DC; David Fenstermacher, PE; Architect Eric Bednard, Landscape Architect Mark Muller, and Atty. Phil Hastings participated online in support of the application.

Ms. Vagen gave the project overview and updated the Board on the project status. Mr. Fenstermacher showed views of the project and explained the wetlands, traffic patterns, and features. Landscape architect Eric Bednard described the landscaping. Mark Muller, JSA Architect, described the four identical residential buildings and the one-story buildings in terms of materials and colors.

***Kathie Romano MOVED to extend the meeting to 10:00 PM.
Seconded by Jim Winny.***

Roll Call Vote:

Voting in favor were Mr. Garland, Mr. Winny, Ms. Romano, Mr. Martz.

Voting against were Ms. Monroe, Ms. Welsch, Ms. Stavis.

Mr. Hall was recused.

****The MOTION was approved (4-3).***

Jason Plourde noted the initial overestimate of the impact of traffic. The project would not increase delays and would be sending less than 100 vehicles per hour, thereby having no significant impact. Ms. Vagen gave additional details regarding transportation and stated that occupancy is targeted for September 2022.

Atty. Hastings stated that he reviewed the conditions and spoke with Staff, finding all conditions reasonable. Mr. Brooks stated that Staff would discuss their comments on April 27, 2020, when the hearing continues.

The Board members brought up several issues. Chair Garland asked for additional school impact information including capacity, transportation, and distances. Ms. Stavis inquired if undergraduate students would be able to rent units, and Ms. Vagen reiterated that they would be for graduate students and possibly medical center employees if units were available.

Ms. Romano expressed approval of the shuttle serving passengers inside the development and not stopping on the road. She inquired about the snow load on the eyebrow windows, whether there would be blasting, and how the graduate occupancy compared to Sachem Village. Ms. Vagen confirmed that there would be no blasting, the snow load would not be a problem, and occupancy at Sachem is for families, where this is for individuals who will be charged affordable rent by the bed.

Ms. Monroe noted that some plants in the schedule are invasive, and they may need to revise it after more research.

***Laurel Stavis MOVED to continue the hearing for the TRUSTEES OF DARTMOUTH COLLEGE (Property Owner) and MICHAELS STUDENT LIVING, LLC (Applicant); 401 MOUNT SUPPORT ROAD (Tax Map 24, Lot 2), zoned R-1, R-3 and RL-3 to April 27, 2020.
Seconded by Tom Martz.***

Roll Call Vote:

Members voting in favor included Mr. Garland, Mr. Winny, Ms. Monroe, Ms. Welsch, Ms. Stavis, Ms. Romano, Mr. Martz

Mr. Hall was recused.

**The MOTION was approved (4-3).*

PLEASE NOTE: Additional comments from the public must be submitted to Planning by Monday, April 20 for inclusion in the agenda packet.

Matthew Hal returned to the Board.

6. NEW APPLICATIONS – Completeness Review and Public Hearings:

- A. BETTIS FAMILY REVOCABLE TRUST, 407 DARTMOUTH COLLEGE HIGHWAY (Tax Map 112, Lot 1), zoned RL-2 & RL-3: Request for a two-lot Minor Subdivision of an existing +/-10.2 acre parcel. #PB2020-10-MIN**

Gerald Bettis participated online for the request.

Mr. Corwin confirmed that all information can be displayed, and the application is complete enough for the Board to accept jurisdiction and commence review.

Laurel Stavis MOVED that the application of BETTIS FAMILY REVOCABLE TRUST, 407 DARTMOUTH COLLEGE HIGHWAY (Tax Map 112, Lot 1), zoned RL-2 & RL-3 is complete enough for the Planning Board to accept jurisdiction and commence review. Secoded by Joan Monroe.

Roll Call Vote:

Members voting in favor included Mr. Garland, Mr. Hall, Mr. Winny, Ms. Monroe, Ms. Stavis, Ms. Romano, Mr. Martz

Ms. Welsch voted against.

**The Motion was approved (7-1).*

Mr. Bettis stated that the property is a 10-acre parcel on Route 4, which they wish to subdivide into two 5-acre parcels with a one-level house on one parcel. The two parcels would share a common driveway with 20-30' in common. The current power pole would serve both properties, and they have submitted everything to the Planning Department.

Mr. Corwin noted that they need to add two items, 9.5.C.2 and 13.4, which are required by DES for the septic and a delineation of wetlands.

Ms. Romano suggested a shared access easement be added to the maintenance agreement.

Mr. Brooks stated that Planning does require it occasionally, but it is up to the property owners to assign it.

There was no public comment.

Ms. Monroe noted that the property is very close to the Mascoma River for a septic system. Mr. Bettis stated that there is only runoff from the hill and not a stream. Ms. Monroe added that the distance would determine the location of an additional house. Mr. Corwin noted that the septic is a condition of approval.

Matthew Hall MOVED to continue the hearing of BETTIS FAMILY REVOCABLE TRUST, 407 DARTMOUTH COLLEGE HIGHWAY (Tax Map 112, Lot 1), zoned RL-2 & RL-3 to April 27, 2020.

Secoded by Kathie Romano.

Roll Call Vote:

Members voting in favor included Mr. Garland, Mr. Hall, Mr. Winny, Ms. Monroe, Ms. Welsch, Ms. Stavis, Ms. Romano, Mr. Martz

None voted against.

***The Motion was approved (8-0).**

PLEASE NOTE: Additional comments from the public must be submitted to Planning by Monday, April 20 for inclusion in the agenda packet.

- B. ADIMAB, LLC and THE HITCHCOCK CLINIC; 7 LUCENT DRIVE (Tax Map 10, Lot 11, Plot 2600 and 0 NH ROUTE 120 (Tax Map 10, Lot 10), zoned IND-L: Request for a Boundary Line Adjustment. #PB2020-12-BLA**

Mr. Corwin stated that the application is complete enough for the Board to accept jurisdiction and commence review.

Mr. Hall recused himself.

Kathie Romano MOVED that the application of ADIMAB, LLC and THE HITCHCOCK CLINIC; 7 LUCENT DRIVE (Tax Map 10, Lot 11, Plot 2600 and 0 NH ROUTE 120 (Tax Map 10, Lot 10), zoned IND-L is complete enough for the Planning Board to accept jurisdiction and commence review.

Seconded by Laurel Stavis.

Roll Call Vote:

Members voting in favor included Mr. Garland, Mr. Winny, Ms. Monroe, Ms. Welsch, Ms. Stavis, Ms. Romano, Mr. Martz

Mr. Hall was recused.

***The Motion was approved (7-0).**

Kevin Worden of Engineering Ventures participated in support of the application. He explained that the lot is owned by the Hitchcock Clinic, and the request is for a boundary line adjustment. Mr. Corwin gave more details about the application.

Ms. Monroe inquired about the detention basin. The application shows a swale, which appears to empty into the pond on Rte. 120. Mr. Worden stated that it discharges to a series of wetlands.

There was no public comment.

Kathie Romano MOVED to continue the hearing of ADIMAB, LLC and THE HITCHCOCK CLINIC; 7 LUCENT DRIVE (Tax Map 10, Lot 11, Plot 2600 and 0 NH ROUTE 120 (Tax Map 10, Lot 10), zoned IND-L to April 27, 2020.

Seconded by Joan Monroe.

Roll Call Vote:

Members voting in favor included Mr. Garland, Mr. Winny, Ms. Monroe, Ms. Welsch, Ms. Stavis, Ms. Romano, Mr. Martz

Mr. Hall was recused.

***The Motion was approved (7-0)**

PLEASE NOTE: Additional comments from the public must be submitted to Planning by Monday, April 20 for inclusion in the agenda packet.

Mr. Hall returned to the Board.

- C. CITY OF LEBANON, 370 PLAINFIELD ROAD (Tax Map 157, Lot 3), zoned IND-H:** Request for Site Plan Review and a Conditional Use Permit per Section 612.3 of the Zoning Ordinance to install a bio-gas energy system together with associated site improvements. **#PB2020-13-SPRCUP** (NOTE: The Site Plan Review component of this application will be reviewed as a Governmental Land Use pursuant to NH RSA 674:54.)

Chris Rivet of Dubois & King spoke about the project. He explained that the gas project would be using micro turbines to disburse the gas that is currently being flared. Dubois & King would be making the conversion. Additional outdoor lighting would not be needed, only enough for service. Landscaping would be used for screening, and there is no environmental impact. The units sit on a concrete pad and are protected from weather. Adjustments would be made for storm water mitigation, and there are no safety hazards. Construction is planned for this fall and winter.

Mr. Corwin explained that the project requires a site plan review which is advisory only. Planning has reviewed it, which raised no significant comments. The City Engineer's comments on storm water management have been addressed. City zoning requires a Conditional Use Permit from the Planning Board from Section 6.12.C.3.

Mr. Vincent stated that he met with the consultant and is satisfied with the responses and finds the application sufficient.

Ms. Romano inquired about what is being done to prevent ground water pollution from hydrogen sulfide and glycol. Mr. Rivet stated that there is a conditioning system to remove those substances using media, which will be changed and not disposed of in the landfill. They come out in a gas form and are caught in media and become solid. Another consultant will be responsible for disposing of it, but that consultant has not been not designated yet.

Ms. Stavis asked if they are working with the DES. Mr. Rivet stated that they would be. Ms. Stavis asked that they have the DES response for the next meeting.

Mark Morgan, Solid Waste Manager, stated that the questions are legitimate, but the landfill is not permitted for hazardous materials, so it won't be disposed of in Lebanon.

Ms. Monroe noted that the gas is going out through flame now, and asked if this is an improvement. Mr. Rivet stated that it was.

There was no public comment.

Matthew Hall MOVED to continue the hearing of CITY OF LEBANON, 370 PLAINFIELD ROAD (Tax Map 157, Lot 3), zoned IND-H until April 27, 2020. Seconded by Kathie Romano.

Roll Call Vote:

Members voting in favor included Mr. Garland, Mr. Hall, Mr. Winny, Ms. Monroe, Ms. Welsch, Ms. Stavis, Ms. Romano, Mr. Martz

None voted against.

**The Motion was approved (8-0).*

PLEASE NOTE: Additional comments from the public must be submitted to Planning by Monday, April 20, 2020 for inclusion in the agenda packet.

7. OTHER BUSINESS:

8. APPROVAL OF MINUTES: March 9, 2020 Regular Meeting

Ms. Romano commented on the Tackle Partners waiver approval with regard to the LDD regulations, which were waived for that property. She stated that would not have approved a waiver for all of them, and the waiver request only referred to a couple of them, but they were not identified. She reiterated that there needs to be a way to identify which requirements were waived. This item is on Page 9, line 29, regarding Section 6.10, where no detail is given.

*A Motion by Matthew Hall to approve the March 9, 2020 Minutes as amended.
Seconded by Laurel Stavis .*

Roll Call Vote:

Members voting in favor included Mr. Garland, Mr. Hall, Mr. Winny, Ms. Monroe, Ms. Welsch, Ms. Stavis, Ms. Romano, Mr. Martz

None voted against.

**The Motion was approved (8-0).*

9. ADJOURNMENT:

*A Motion by Joan Monroe to adjourn the meeting.
Seconded by Laurel Stavis.*

Roll Call Vote:

Members voting in favor included Mr. Garland, Mr. Hall, Mr. Winny, Ms. Monroe, Ms. Welsch, Ms. Stavis, Ms. Romano, Mr. Martz

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

The meeting was adjourned at 9:57 PM.

Respectfully submitted,
Holly Howes, Recording Secretary