

FINAL

LEBANON PLANNING BOARD
REGULAR MEETING
Monday, June 22, 2020 – 6:30 pm
REMOTE VIA MICROSOFT TEAMS
LebanonNH.gov/Live

ROLL CALL OF

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

MEMBERS ABSENT: Gregorio Amaro (Alt.)

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

1. CALL TO ORDER: Chair Garland called the meeting to order at 6:31 PM.

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

Mr. Corwin shared the State directive and participation details for the online meeting in Microsoft Teams. All members identified themselves.

2. CONTINUED APPLICATIONS – Public Hearings continued:

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 for Site Plan Review to construct a multi-family complex consisting of 309 units in four buildings, with associated access, parking, and other improvements. **#PB2020-07-SPR – *continued from June 8, 2020***

Matthew Hall recused himself.

Kristina Vagen of Michaels Student Living; Traffic Engineer Jason Plourde and Engineer Dave Fenstermacher of VHB; Daniel Justynski of Dartmouth College; Mark Moeller, JSA, Inc.; and Atty Phil Hastings were present online to speak in support of the application.

Mr. Fenstermacher gave a brief presentation. A site rendering from the south with landscaping was shown online for scale and context. The waiver requests were explained. Updates were given to pedestrian features for crosswalks, sidewalks, and signals. There are additional items being finalized with Advance Transit. Proposed trees were noted on the plan, with a waiver to eliminate measuring existing woods. The fire access waiver was explained. The Clubhouse will be completed a year before the rental units for leasing purposes.

Chair Garland asked for Staff comments.

Mr. Vincent commented on the access road for grading and drainage. The sub-drainage design for the development will be reviewed with the applicant. There is interest in seeing the AOT submittal to DES, and Mr. Fenstermacher agreed to share it along with the State comments.

Mr. Corwin stated that the outstanding items would be covered in conditions of approval.

Chair Garland asked for Board comments:

Ms. Romano inquired about previous comments regarding the road at the south end of the development being lower than the wildlife corridor lands and runoff. Mr. Fenstermacher clarified that a trench with under-drain will collect everything before it gets to that road. Ms. Romano asked if there would be an increase in the volume of water discharged from the site following construction and the reference to peak periods. Mr. Fenstermacher explained that they look at different storm levels, and everything was sized based on the largest storm event. All storms up to and including peak events would be managed. It is designed to meet the DES requirements. They will be inspecting for erosion issues and impact to abutting land. There will be a mitigation log prepared for the State.

Mr. Vincent stated that the proposed drainage design is consistent with the industry standard. The goal is to control peak runoff, and the rate of discharge is being controlled.

Ms. Romano noted that there may be additional runoff coming from the proposed development across the street following comments from Mr. Martell from Timberwood, who reported considerable runoff affecting their property on Mt. Support Road. Mr. Martz suggested that looking at the combined volume of water being discharged is like the combined traffic impact. Mr. Vincent stated that they would have to compare the peak levels and times and analyze the results. The watersheds may or may not flow in the same direction but would need to be timed and confirmed.

Mr. Fenstermacher stated that considering the combined impact for traffic makes sense, but stormwater is being mitigated onsite in each development to reduce the cumulative impact. All sites are putting systems in place for mitigation based upon a 100-year storm. Mr. Vincent agreed that unlike traffic, the discharge is being controlled. They applied industry standards and satisfied State standards. Ms. Romano asked for confirmation that the current culvert could handle the projected runoff. Mr. Vincent confirmed that he believes the calculations are correct, and the peak flow would be controlled for zero impact. The difference would be the length of time, but the volume would be the same.

Ms. Monroe referred to the rendering of the landscaping and trees. Mr. Fenstermacher stated the largest trees in the background are the proposed landscaping. Everything in the foreground is the natural landscape. Ms. Monroe inquired about the coloring of the buildings. Ms. Vagen explained that the buildings will be mostly white and green, which is the latest design. Ms. Monroe noted that it is good to use the 100-year storms for mitigation design.

Chair Garland inquired if there was Public comment. There was none at that time.

Chair Garland introduced the issue of the waivers and suggested they be taken as a block.

There was no Board comment on the issue of scattered and premature.

A MOTION by Joan Monroe that the Lebanon Planning Board finds the application of TRUSTEES OF DARTMOUTH COLLEGE (Property Owner) and MICHAELS STUDENT LIVING, LLC (Applicant) for Final Major Subdivision and Site Plan Review approval of property located at 401 Mount Support Road (Tax Map 24, Lot 2), #PB2020-07-SPR, IS NOT scattered and premature based on the final subdivision layout and on the totality of the application information, materials, evidence, and testimony submitted to and reviewed by the Board.

Seconded by Laurel Stavis.

Roll Call Vote:

Voting in favor – Mr. Garland, Mr. Winny, Ms. Monroe, Ms. Stavis, Ms. Romano, Mr. Martz. Mr. Hall was recused.

**The MOTION was approved (6-0).*

Ms. Romano inquired about the nature of the waivers. Mr. Corwin stated that they are required due to the timing of the current discussions. Any partial waivers would be indicated with quotation marks.

A MOTION by Joan Monroe that the Lebanon Planning Board APPROVE waivers for the application of TRUSTEES OF DARTMOUTH COLLEGE (Property Owner) and MICHAELS STUDENT LIVING, LLC (Applicant), #PB2020-07-SPR, from the following sections of the Subdivision Regulations:

- **Section 10.4.C.2.a** – “(The Final Review submission shall include a) final statement of the work required on existing streets and other off-site improvements to meet the minimum standards set forth herein, including cost estimates and the method of meeting such costs.”
- **Section 10.4.C.2.b** – “(The Final Review submission shall include cost) estimates for the completion of all on- and off-site improvements which shall be subject to a Performance Security Agreement pursuant to Section 7.10 of these Regulations.”

Seconded by Jim Winny.

Roll Call Vote:

Voting in favor - Mr. Garland, Mr. Winny, Ms. Monroe, Ms. Stavis, Ms. Romano, Mr. Martz. Mr. Hall was recused.

**The Motion was approved (6-0).*

Chair Garland noted that the waiver referring to the Fire Department is the same as other current applications.

There was a general discussion of the device used to indicate partial waivers. Mr. Corwin explained that the ellipsis was used to indicate the portion not being waived. Mr. Brooks recommended the insertion of “partial waiver” and the use of quotation marks to indicate the portion being waived. Adjustments were made to the wording and punctuation.

A MOTION by Joan Monroe that the Lebanon Planning Board APPROVE waivers for the application of TRUSTEES OF DARTMOUTH COLLEGE (Property Owner) and MICHAELS STUDENT LIVING, LLC (Applicant), #PB2020-07-SPR, from the following sections of the Site Plan Review Regulations:

- **Section 5.1.E.15** – “(The plans shall depict existing) trees over 12 inches in diameter, measured 4.5 feet above the ground surface, and within 25 feet of the disturbed area, must be counted and shown on the plan, if included towards fulfilling the landscaping requirements. All calculations for square footage of perimeter landscaping shall be shown.”
- **Section 6.2.E.1** – partial waiver “Any parking area containing three or more rows of parking [...] shall have landscape islands placed between each double row of parking spaces, exclusive of

aisles. These landscape islands shall have a minimum width of 8 feet, shall extend the length of the row of parking spaces, shall be planted with deciduous trees for shade, and shall terminate on each end with a landscape bed.”

- **Section 6.5.B.4** – “All projects proposed for development, except for those in rural lands and heavy industrial zoning districts, shall install sidewalks along the street frontage(s).”
- **Section 6.5.B.5** – “Each site shall provide adequate access from public highways and sufficient maneuvering room for fire, police, and other emergency vehicles. The Fire Department shall provide information indicating whether or not this requirement is satisfied by the proposed plan. Minimum access requirements shall include a 50-foot turning radius and 22-foot fire lanes at the rear of the buildings.”
- **Section 8.1** – “The Applicant shall construct and complete all design and construction requirements in accordance with Article VI and any other applicable section of these Regulations, as required in the Notice of Action, prior to the issuance of the Certificate of Occupancy for the clubhouse.”

Seconded by Laurel Stavis.

There was a discussion of the adjustments needed to the wording based upon the partial waivers.

Roll Call Vote:

Voting in favor – Mr. Garland, Mr. Winny, Ms. Monroe, Ms. Stavis, Ms. Romano, Mr. Martz, Mr. Hall was recused.

***The MOTION was approved (6-0).**

A MOTION by Joan Monroe that the Lebanon Planning Board APPROVES the application of TRUSTEES OF DARTMOUTH COLLEGE (Property Owner) and MICHAELS STUDENT LIVING, LLC (Applicant), #PB2020-07-SPR, for a Conditional Use Permit per Section 607.3.B.2 of the Zoning Ordinance to allow parking in excess of the 120% maximum set forth in Section 607.3.A of the Zoning Ordinance. Based on testimony given, application materials presented, and supporting documents submitted, the Planning Board concludes the following with respect to the criteria set forth in Section 607.3.B.2 of the Zoning Ordinance:

- a. The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses;
- b. The proposed development demonstrates that its design and intended uses will continue to support high levels of existing or planned transit and pedestrian activity; and
- c. The site plan indicates where additional parking can be redeveloped to a more intensive transit supportive use in the future.

Seconded by Jim Winny.

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Ms. Romano asked for clarification of item “c”. Mr. Corwin explained that only one space would be added at this time. Ms. Romano inquired about the parking for trail access. Ms. Vagen stated the spaces are already included in the plan.

Ms. Monroe expressed concern over item “c” that indicates one space with the potential for more spaces that could be close to the prime wetland. The applicant should come back to the Planning Board if additional parking is proposed. Mr. Brooks stated that they would have to come back to the Board regardless of this waiver and added that finding “c” should remain in the motion.

Roll Call Vote:

Voting in favor – Mr. Winny, Ms. Monroe, Mr. Martz

Voting against – Mr. Garland, Ms. Romano, Ms. Stavis

Mr. Hall was recused.

****The MOTION failed (3-3).***

Mr. Corwin stated that the motion needed to be reworded to indicate which portion of the request is not satisfied. Ms. Vagen stated that they were asking for the waiver in order to allow accessory parking if needed along the spine road. During the first phase of construction, only one space is needed. Mr. Brooks stated that a motion to deny the request needs to be crafted that states what part of the request is not met. Ms. Stavis observed that the request is speculative. Chair Garland noted the amount of concern by other boards over extensive impervious surface near the wetland area. The Board is willing to approve the 120%.

Mr. Brooks clarified the wording of the request. Mr. Corwin added that the Board could add a condition of approval. He read Sections 6.2 and 6.3 of the Rules of Procedure.

Mr. Winny confirmed that they are discussing the overage for one additional space and his reasoning for voting in favor of the request. Chair Garland stated that he is drawing a line at the 120%.

Mr. Corwin suggested that the applicant withdraw the request for the one additional parking space at this time. In the future, a request for increased parking would need approval from the Board following a Site Plan Review regardless of what happens with this request.

Ms. Vagen, representing the applicant, stated that she approved of withdrawing the request for the Conditional Use Permit.

Chair Garland stated that he appreciated that gesture and asked if there was further comment from the public.

Stephen Wood suggested continuing the hearing. He commented on the ability for the Board to act at this time.

Atty. Hastings confirmed that the Board has given considerable attention to the application, and any criticism of the Board is not warranted in this case.

Chair Garland closed the Public Hearing.

A MOTION by Joan Monroe that the Lebanon Planning Board APPROVES the application of TRUSTEES OF DARTMOUTH COLLEGE (Property Owner) and MICHAELS STUDENT LIVING, LLC (Applicant) for Final Major Subdivision and Site Plan Review approval of property located at 401 Mount Support Road (Tax Map 24, Lot 2), zoned R-1, R-3, and RL-3, #PB2020-07-SPR, as shown on a plan set titled “Proposed Multi-Family Housing Project, 401 Mount Support Road, Lebanon, Grafton

County, New Hampshire,” prepared by VHB, dated February 10, 2020, revised March 18, 2020, VHB Project: 52621.01, including any and all submissions and testimony provided for and during the public hearing, with the following conditions:

Conditions to be Satisfied Prior to the Signing and Recording of the Plat

(These conditions shall be satisfied within 2 years of the date of the Notice of Action.)

1. Prior to the start of any construction activities on the property for which construction inspection is required pursuant to this decision or any applicable ordinance or code, the applicant shall sign a Subdivision Agreement in accordance with Section 7.9.B of the Subdivision Regulations.
2. Prior to the start of any construction activities on the property for which construction inspection is required pursuant to this decision or any applicable ordinance or code, the applicant shall sign a Water & Sewer Extension and Inspection Agreement in accordance with Chapters 136 and 182 of the City Code and Section 14.2 of the Subdivision Regulations.
3. Pursuant to Section 14.5 of the Subdivision Regulations, the applicant shall provide a Performance Bond for all required improvements, both on and off-site, including but not limited to: roadway and parking improvements, landscaping, lighting, utilities, bike lane/shoulder improvements, stormwater improvements, and sidewalks, prior to signing and recording of the mylar in an amount considered adequate by the Department of Public Works, and in a form satisfactory to the City Attorney. The Performance Bond shall be secured by a surety bond, a letter of credit, or an escrow account.
4. The applicant shall submit final designs, including construction drawings, of all infrastructure features, including the proposed on- and off-site roadway and parking areas, sidewalks, water and sewer utilities, and storm drainage systems, to the City Engineer for approval. All such designs shall meet the required design standards set forth in Chapters 136 (“Sewer Service”) and 182 (“Water Service”) of the Code of the City of Lebanon.
5. Street names and numbering shall be approved by the Police Department. The sole purpose of such review and approval shall be to assure that such names do not create confusion under the State’s Enhanced 911 system.
6. The applicant shall coordinate the final design of the crosswalk with the Planning & Development Department and the Department of Public Works and shall install flashing pedestrian crossing beacons.
7. The applicant shall address the following to the satisfaction of the City Engineer:
 - a) Demonstrate that the proposed snow storage areas are adequate or provide additional snow storage areas or snow removal operations.
 - b) The proposed central access road, north of the southerly wetland, appears to be lower in elevation than the adjacent wetland. The applicant shall address any anticipated stormwater and or sub-drainage issues related to this condition.
 - c) Provide catch basin capacity analyses and calculations as requested per letter from Steven Keach, PE, dated March 5, 2020 (Comment #46).
 - d) Provide copies of updated revised plans upon completion of the geotechnical engineer’s design of the proposed sub-drainage systems.

8. Prior to the start of any construction activities on the property for which construction inspection is required pursuant to this decision or any applicable ordinance or code, the applicant shall provide two (2) revised plans sets depicting the following revisions to the satisfaction of the Planning & Development Department, the Fire Department, and the City Engineer, as follows:
- a) Any changes made pursuant to Conditions of Approval #6 and #7.
 - b) Pursuant to the granting of a partial waiver from the requirements of Section 8.1 of the Site Plan Review Regulations, incorporate into the plan set the plat prepared by VHB and submitted at the April 27, 2020 hearing titled "Limits of Improvements Temporary Occupancy".
 - c) Add a note to the plat titled "Open Space Exhibit" prepared by VHB (and included with the agenda packet for the June 8, 2020 Planning Board meeting) indicating how the open space will be protected, and add the revised plat to the plan set.
 - d) Incorporate all other revised plan sheets and changes submitted during the course of the hearing and update all other plan sheets as necessary to reflect the changes.
 - e) Identify specific use(s) of "active use area".
 - f) Show the removal or covering over (i.e. fine mesh, light soil, conservation mix seeding) of the rip-rap along the property's frontage from the emergency access driveway south to the property line, as recommended in Section III.B of the "Lebanon's Wildlife Corridors" study, prepared by Rick Van de Poll, Ph.D, dated November 2016.
 - g) Add mailing addresses of all abutters. (SPR Section 5.1.E.2)
 - h) Add a plan note indicating that no fences shall be installed in the vicinity of the documented wildlife corridor, such as along the Mount Support roadway.
 - i) Add a plan note indicating that underground utilities, electric, telephone and cable, must maintain a minimum clearance of 10 ft. from all proposed water lines.
 - j) Speed tables, or other traffic calming measures, shall be depicted to the satisfaction of the Lebanon Police and Fire Departments, in order to limit excessive speeds within the development.
 - k) Add building-mounted light fixtures to building elevations. (SPR Section 5.1.E.12)
 - l) Identify how trash enclosures will be screened. (SPR Section 6.2.B.8)
 - m) Clearly identify all improvements and/or utilities or portions thereof proposed to be conveyed to, owned by, and/or maintained by the City of Lebanon, and delineate all easement areas, if needed. (SUB Section 10.4.C.1.m)
 - n) Identify the proposed name of the access road. (SUB Section 10.4.C.1.d)
 - o) Amend the existing conditions plan to address the presence of any deed restrictions, easements, etc. on the property.
 - p) Amend cover sheet as follows:
 - i. Identify nature of plan revisions in accordance with Section 10.4.A.1.a of the Subdivision Regulations.
 - ii. Zoning Summary Chart
 1. Clarify that the property is also partially located in the R-3 and RL-3 zoning districts.
 2. Identify proposed impervious coverage in sq. ft. and as a percentage. (SPR Section 5.1.E.4.e.11 and Section 5.1.E.10)
 3. Update the double asterisk to reference the Zoning Ordinance last revised on 1/22/20, which was the version in effect at the time of submission.
 4. Identify existing use (vacant).
 5. Identify number of stories in each building and the gross square footage of each story.
 6. Identify the unit mix (total number of studios, one-bedrooms, two-bedrooms, etc.)

- q) Amend lighting plan as follows:
 - iii. Make any necessary adjustments to reduce foot candles at the edge of the southern parking area to 0 in order to prevent light spillage into the documented wildlife corridor.
 - iv. Identify the lighting uniformity ratio for parking areas as required by Section 6.7.3.a of the Site Plan Review Regulations.
 - v. Clearly identify lighting fixture type, lamp type, height, and wattage. (SPR Section 5.1.E.12)
 - vi. Provide manufacturer's specifications for all fixtures, and adjust labeling so that fixtures identified on the lighting plan can be clearly matched with the manufacturer's specifications that are or will be provided. (SPR Section 5.1.E.12)
 - vii. Add Section 6.7.2.d of the Site Plan Review Regulations as a plan note.
 - r) Amend landscaping plan as follows:
 - viii. To include the berm located adjacent to the parking area at the southeastern corner of the development site, add evergreen plantings at least six (6) feet tall and spaced six (6) feet on center.
 - ix. Remove unnecessary layers including but not limited to existing conditions in order to help with legibility.
 - x. Ensure that all shrubs installed comply with the minimum shrub height of 24-30 inches per Section 6.2.B.5.
 - xi. Add the following requirements of the Site Plan Review Regulations as plan notes: Section 6.2.B.3 ("All new plant material shall be nursery-grown stock;"); Section 6.2.B.4 (first sentence only); Section 6.2.B.5; and Section 6.2.H.1.
 - s) Remove one (1) parking space from the site layout in order to meet the maximum parking requirements of Section 607.3.A of the Zoning Ordinance, and remove the future parking spaces depicted along the "spine" of the access road within the interior of the site.
9. The applicant shall provide a digital copy of the revised plan set and/or revised application materials depicting any changes made pursuant to Condition of Approval #8, to the satisfaction of the Planning & Development Department and the City Engineer. The digital copy shall use a PDF-A format for archival purposes.
 10. Prior to the start of any construction activities on the property, the applicant shall obtain or update (if appropriate) any required State approvals including, but not limited to, the following:
 - a) NHDES Wetland Impact Permit
 - b) NHDES Alteration of Terrain Permit, if necessary
 - c) NHDES Sewer Connection Permit, if necessary
 11. All outstanding engineering review fees shall be paid in full as required by Section 4.7.E.1 of the Site Plan Review Regulations.

Conditions to be Satisfied Prior to Application for a Building Permit

12. The applicant shall schedule and hold a pre-building permit application meeting with the Planning Department, City Building Inspectors, City Engineer/Department of Public Works, and Fire Department, in order to help streamline the building permit review process.

13. The applicant shall obtain approval from the City Council or the City Manager's office for any additional water and/or sewer flows in accordance with the applicable Chapter 136 and 182 of the City Code.
14. The applicant shall cooperate with the City and with the abutting property owners relative the extension of sewer service on Mount Support Road to serve the project.

Conditions to be Satisfied Prior to the Issuance of a Building Permit

(These conditions shall be satisfied within 2 years of the date of the Notice of Action)

15. The development shall be subject to City of Lebanon Impact Fees, pursuant to Section 213 of the Zoning Ordinance, except to the extent that the applicant obtains a waiver of such fees as may be permitted under applicable law. The Impact Fee shall be calculated at the time of Building Permit issuance based on the Impact Fee Schedule adopted on August 13, 2018. In accordance with RSA 674:39, the approved site plan shall be exempt from any future changes in impact fees and methodology for five years from the date of approval; however, any building permits which are issued after the end of that five-year period shall be fully subject to whatever impact fees and methodology are in effect at the time of building permit issuance.
16. The City shall retain the services of an independent third-party inspector for which the applicant shall be responsible for all inspection fees related to the construction and installation of on- and off-site roadways, parking, sidewalks, water and sewer utilities, storm drainage, and erosion control, in accordance with Chapters 136 and 182 of the City Code, Section 8.2 of the Site Plan Review Regulations and Section 14.2 of the Subdivision Regulations. The applicant shall provide funding for inspection services in a form and amount acceptable to the City.
17. Edge-of-disturbance fencing shall be installed and maintained before and during any site work, to be verified by the City Engineer or City's third-party inspector on site.
18. All water and sewer fees shall be paid as set forth in City Code Chapter 68.

Conditions to be Satisfied Prior to the Issuance of a Temporary Certificate of Occupancy for the Clubhouse

19. Pursuant to the granting of a partial waiver from the requirements of Section 8.1 of the Site Plan Review Regulations, a temporary certificate of occupancy for the clubhouse may be issued prior to the completion of all site improvements, provided that at least all improvements identified on the revised plan set as being complete by the time of the issuance of the temporary certificate of occupancy have been constructed per the approved plan and all applicable regulations to the satisfaction of the Planning & Development Department and the Department of Public Works, and provided that all life safety improvements are complete to the satisfaction of the Building Inspector and the Fire Department.
20. As demonstrated by the applicant's traffic study, the Lahaye Drive and Mount Support Road intersection is currently underperforming, and its level of service will further erode with the additional traffic that the new development project will generate. Consequently, the applicant shall work with the City of Lebanon to develop a traffic and pedestrian improvement plan for the Lahaye Drive and Mount Support Road intersection and vicinity to help mitigate the anticipated increases in traffic generated by the applicant's use. The applicant shall be obligated to contribute its fair share to the cost of any proposed traffic and pedestrian improvements in an amount that shall bear a rational nexus to the traffic and pedestrian impacts reasonably calculated to be caused

by the applicant's use. Any financial contributions from the applicant required pursuant to the mitigation plan of action shall be paid prior to the issuance of the certificate of occupancy. Any dispute between the applicant and the City regarding the applicant's responsibilities pursuant to this condition may be appealed to the Planning Board.

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

(These conditions shall be satisfied within 5 years of the date of the Notice of Action)

21. The applicant shall dedicate the completed water mains and hydrants within the complex, excluding service connections beyond the curb shut-off valves, to the City for ownership and maintenance, subject to appropriate easements. Said conveyance and easements shall be approved by the City Attorney and the Department of Public Works and recorded in the Grafton County Registry of Deeds prior to the issuance of a final Certificate of Occupancy for the project and prior to the acceptance of the utility improvements.
22. Any financial contributions from the applicant contemplated pursuant to the Planning Board approved final mitigation plan of action shall be paid (cf Condition of Approval #20).
23. The applicant shall work with Advance Transit to identify and construct bus stop improvements within the vicinity of the project site, if determined to be necessary by Advance Transit. The location of any new or improved bus stops should consider sightlines for traffic, turning movements, and convenience as well as coordination of access (i.e., safe and accessible facilities). The development of the proposed improvements shall be coordinated with the Planning & Development Department and the Department of Public Works and shall be implemented prior to the issuance of a Certificate of Occupancy.
24. The applicant shall prepare and record an open space covenant or deed restriction for the hatched area depicted on the plat titled "Open Space Exhibit," prepared by VHB, undated, VHB Project: 52621.01, included with the agenda packet for the June 8, 2020 Planning Board meeting. The open space covenant or restriction shall be in accordance with Section 12.2 of the Subdivision Regulations and shall be in form and content acceptable to the Planning & Development Department and the City Attorney.
25. Third-party engineer or design engineer inspection reports and as-built drawings provided by the applicant (PDF format and CAD .dwg format, using the NH State Plane Coordinate System), including tie sheets, shall be reviewed and approved by the City Engineer prior to acceptance of any utility improvements by the City.
26. The impact fee calculated pursuant to Condition of Approval #14 shall be paid.
27. All improvements depicted on the plan shall be completed, and shall be constructed as depicted on the approved plan, including any modifications to the plan as may be approved by the Planning Board in accordance with the Subdivision Regulations and Site Plan Review Regulations.

General Conditions

28. The applicant shall obtain an Excavation Permit from the Department of Public Works for any site work in the public right-of-way prior to any work in the right-of-way, and construction or installation of any new driveway(s) shall also require a Driveway Permit from the Department of Public Works.

29. All required landscape plantings shall meet the minimum size requirements for such plantings set forth in Section 6.2.B of the Site Plan Review Regulations at the time of installation.
30. The applicant shall implement and maintain NHDES Site Specific Best Management Practices before, during, and after construction.
31. The property owner is responsible for the maintenance and operation of the stormwater management system in accord with the O&M plan, and such responsibility shall run with the land. (Section 6.6.H.2.b of the Site Plan Review Regulations).

Seconded by Laurel Stavis.

Mr. Corwin stated that he removed item #28 due to the withdrawal of the Conditional Use Permit request. He recommended inserting 8 (s) for the removal of the one excess parking space and to remove the future spaces along the spine of the access road. Ms. Monroe read the inserted language, and Ms. Stavis approved the addition. The numbering changes were also approved.

Mr. Martz suggested additional wording regarding stormwater management in the event that combined runoff causes flooding. After a lengthy discussion, Mr. Brooks noted that enforcement would be very difficult and downstream flooding could not be controlled. Changes similar to those for the traffic mitigation were suggested. Mr. Winny suggested that the subcommittee consider this issue for future developments, but it is not something that the Board could address at this time. Ms. Monroe noted that this issue hasn't been addressed before and is something the Development Subcommittee could work on. Mr. Martz agreed to withdraw additional wording for this application, but the issue should be considered for future applications. Ms. Romano requested the insertion of, "stormwater improvements," be added to #3. Mr. Corwin added that wording. Ms. Stavis inquired about the Flood Hazard Ordinance, but Mr. Brooks stated that there is no FEMA-mapped flood hazard area that far away from the Mascoma River. Both Ms. Monroe and Ms. Stavis agreed with the changes made.

Roll Call Vote:

Voting in favor – Mr. Garland, Mr. Winny, Ms. Monroe, Ms. Stavis, Ms. Romano

Voting against – Mr. Martz

Mr. Hall was recused.

****The Motion was approved (5-1).***

A MOTION by Joan Monroe moved that the Lebanon Planning Board authorizes the Chair to sign the plat for TRUSTEES OF DARTMOUTH COLLEGE (Property Owner) and MICHAELS STUDENT LIVING, LLC (Applicant), #PB2020-07-SPR, titled "Proposed Multi-Family Housing Project, 401 Mount Support Road, Lebanon, Grafton County, New Hampshire," prepared by VHB, dated February 10, 2020, revised March 18, 2020, VHB Project: 52621.01, as such plan may be amended in accordance with the Board's approval dated June 22, 2020.

The motion was seconded by Laurel Stavis.

Roll Call Vote:

Voting in favor – Mr. Garland, Mr. Winny, Ms. Monroe, Ms. Stavis, Ms. Romano, Mr. Martz

Mr. Hall was recused.

****The Motion was approved (6-0).***

Matthew Hall returned to the meeting.

A MOTION by Joan Monroe to continue the meeting to 9:45 PM.

Seconded by Laurel Stavis.

Roll Call Vote:

Voting in favor – Mr. Garland, Ms. Monroe, Ms. Stavis, Ms. Romano, Mr. Hall

Voting against – Mr. Winny, Mr. Martz

****The MOTION was approved (5-2).***

- B. ADIMAB, LLC, 7 LUCENT DRIVE (Tax Map 10, Lot 11, Plot 2600), zoned IND-L:**
Request for Site Plan Review of a proposed 27,300 sq. ft. addition to an existing industrial building, together with associated parking, utilities, landscaping, access, and other related site improvements. #PB2020-14-SPR – *continued from June 16, 2020*

Kevin Worden of Engineering Ventures participated online on behalf of the applicant.

Mr. Hall inquired about the lack of sidewalks along the road. Mr. Worden stated that the employees are satisfied with available sidewalks to Centerra. The applicant would prefer not to create additional sidewalks due to the necessary removal of existing landscaping and trees.

Chair Garland noted that the Staff Memo indicated some items were incomplete. Mr. Vincent stated that they have resolved all items to the best of their ability based on site conditions. Staff is comfortable with the current design.

Ms. Monroe inquired whether the culvert under the road was something the applicant would pay for. Mr. Worden stated that it is under the proposed access drive and will be paid for by the applicant.

Chair Garland invited questions from the public. There were none.

A MOTION by Matthew Hall that the Lebanon Planning Board APPROVE waivers for the application of ADIMAB, LLC, #PB2020-14-SPR, from the following sections of the Site Plan Review Regulations:

- **Section 5.1.E.15** – “(The plans shall depict existing) trees over 12 inches in diameter, measured 4.5 feet above the ground surface, and within 25 feet of the disturbed area, must be counted and shown on the plan, if included towards fulfilling the landscaping requirements. All calculations for square footage of perimeter landscaping shall be shown.”
- **Section 6.2.B** – site perimeter landscaping requirements.
- **Section 6.2.D.1** – “Landscaping around buildings shall be provided to a minimum width of 10 feet and planted with trees, shrubs, and ground cover appropriate to the architecture in order to buffer parking areas, define entrances, provide foundation planting, and soften large expanses of walls or long roof lines.”
- **Section 6.5.B.4** – “All projects proposed for [...] shall install sidewalks along the street frontage(s).”

- **Section 6.5.B.5** –“Minimum access requirements shall include a 50-foot turning radius and 22-foot fire lanes at the rear of the buildings.”

Seconded by Joan Monroe.

Roll Call Vote:

Voting in favor – Mr. Garland, Mr. Winny, Ms. Monroe, Ms. Stavis, Ms. Romano, Mr. Hall, Mr. Martz

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

Chair Garland closed the Public Hearing.

A MOTION by Matthew Hall that the Lebanon Planning Board APPROVE the application of ADIMAB, LLC for Site Plan Review of a proposed 27,300 sq. ft. addition to an existing industrial building, together with associated parking, utilities, landscaping, access, and other related site improvements at 7 LUCENT DRIVE (Tax Map 10, Lot 11, Plot 2600), zoned IND-L, #PB2020-14-SPR, as shown on a plan set titled “Adimab, LLC Building and Parking Expansion” prepared by Engineering Ventures, PC, dated May 15, 2020, EV# 19584 (15 sheets), including any and all submissions and testimony provided for and during the public hearing, with the following conditions:

Conditions to be Satisfied Prior to Application for a Building Permit

1. The Boundary Line Adjustment plat approved by the Planning Board on April 27, 2020 (#PB2020-12-BLA) shall be recorded pursuant to and in conformance with the Notice of Action.
2. The applicant shall continue working with the Department of Public Works to revise the drainage plans to the reasonable satisfaction of the City Engineer.
3. Prior to the start of any construction activities on the property for which construction inspection is required pursuant to this decision or any applicable ordinance or code, the applicant shall provide two (2) revised plans sets depicting the following revisions to the satisfaction of the Planning & Development Department and the City Engineer, as follows:
Any changes made pursuant to Conditions of Approval #2.
Incorporate all other revised plan sheets and changes submitted during the course of the hearing and update all other plan sheets as necessary to reflect the changes.
4. The applicant shall provide a digital copy of the plan set and any revised application materials depicting any changes made pursuant to Condition of Approval #2, to the satisfaction of the Planning & Development Department and the City Engineer. The digital copy of the plan set shall use a PDF-A format for archival purposes.
5. Prior to the start of any construction activities on the property for which construction inspection is required pursuant to this decision or any applicable ordinance or code, the applicant shall schedule and hold a pre-building permit application meeting with the Planning Department, City Building Inspectors, City Engineer/Department of Public Works, and Fire Department, in order to help streamline the building permit review process.

6. The applicant shall obtain approval from the City Council or the City Manager's office for any additional water and/or sewer flows in accordance with the applicable Chapter 136 and 182 of the City Code.
7. Prior to the start of any construction activities on the property, the applicant shall obtain or update (if appropriate) any required State approvals including, but not limited to, the following:
NHDES Wetland Impact Permit, if necessary
NHDES Alteration of Terrain Permit, if necessary
NHDES Sewer Connection Permit, if necessary
8. All outstanding engineering review fees shall be paid in full as required by Section 4.7.E.1 of the Site Plan Review Regulations.

Conditions to be Satisfied Prior to the Issuance of a Building Permit

9. The development shall be subject to City of Lebanon Impact Fees, pursuant to Section 213 of the Zoning Ordinance. The Impact Fee shall be calculated at the time of Building Permit issuance based on the Impact Fee Schedule adopted on August 13, 2018. In accordance with RSA 674:39, the approved site plan shall be exempt from any future changes in impact fees and methodology for five years from the date of approval; however, any building permits which are issued after the end of that five-year period shall be fully subject to whatever impact fees and methodology are in effect at the time of building permit issuance.
10. The City shall retain the services of an independent third-party inspector, for which the applicant shall be responsible for all inspection fees related to the construction and installation of on- and off-site roadways, parking, sidewalks, water and sewer utilities, storm drainage, and erosion control, in accordance with Chapters 136 and 182 of the City Code and Section 8.2 of the Site Plan Review Regulations. The applicant shall provide funding for inspection services in a form and amount acceptable to the City, and shall sign a Water & Sewer Extension and Inspection Agreement in accordance with Chapters 136 and 182 of the City Code.
11. Construction or installation of any new driveway(s) shall require a Driveway Permit and Excavation Permit from the City.
12. Edge-of-disturbance fencing shall be installed and maintained before and during any site work, to be verified by the City Engineer or City's third-party inspector on site.
13. All water and sewer fees shall be paid as set forth in City Code Chapter 68.

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

14. Third-party engineer or design engineer inspection reports and as-built drawings provided by the applicant (PDF format and CAD .dwg format, using the NH State Plane Coordinate System), including tie sheets, shall be reviewed and approved by the City Engineer prior to acceptance of any utility improvements by the City.
15. The impact fee calculated pursuant to Condition of Approval #8 shall be paid.
16. All improvements depicted on the plan shall be completed, and shall be constructed as depicted on the approved plan, including any modifications to the plan as may be approved by the

Planning Board in accordance with the Subdivision Regulations and Site Plan Review Regulations.

General Conditions

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

18. All required landscape plantings shall meet the minimum size requirements for such plantings set forth in Section 6.2.B of the Site Plan Review Regulations at the time of installation.

19. The applicant shall implement and maintain NHDES Site Specific Best Management Practices before, during, and after construction.

20. The property owner is responsible for the maintenance and operation of the stormwater management system in accord with the O&M plan, and such responsibility shall run with the land. (Section 6.6.H.2.b of the Site Plan Review Regulations).

Seconded by Joan Monroe.

Roll Call Vote:

Voting in favor – Mr. Garland, Mr. Winny, Ms. Monroe, Ms. Stavis, Ms. Romano, Mr. Hall, Mr. Martz

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

Councilor Winny left the meeting at 9:35

3. COMMITTEE REPORTS:

A. Planning Board Subcommittees:

- a. Planning Board Capital Improvement Program (T. Martz/**VACANT**/ B. Garland/L. Stavis)
- b. Planning Board Development Regulations Update (M. Hall/K, Romano/T. Martz/ J. Monroe)

Mr. Hall stated that the subcommittee has a long way to go. They have met and already have recommendations that will come to the Board. He invited Board members to contact Staff or any Subcommittee member with ideas.

B. City Council Subcommittees:

- a. Class VI Roads Advisory Committee (J. Monroe)
- b. Lebanon Energy Advisory Committee (J. Monroe)

C. City Council Representative (J. Winny/K. Liot Hill)

D. Heritage Commission (VACANT**)**

E. Pedestrian & Bicyclist Advisory Committee (T. Martz)

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

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

H. Upper Valley Transportation Management Association (VACANT**)**

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

J. Steering Committee for the Implementation of the Master Plan (B. Garland/T. Martz/VACANT**/J.**

Monroe)

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

4. OTHER BUSINESS:

- A.** Review of minor alterations to approved site plan for **195 Mechanic Street, LLC, 195 Mechanic Street (Tax Map 105, Lot 114)** (#PB2019-28-SPR)

Chair Garland stated that there is no formal vote needed.

Mr. Corwin reviewed the applicable language from Section 9.2.C of the Site Plan Regulations.

The request is related to the landscaping on the east side of the approved building along the east side of the 20' access drive. The planned retaining wall is too expensive, so the engineer suggested putting the drive against the building, which would eliminate the landscaping strip. They can then grade the property up to the American Legion property. Staff believes this would be included under the original waiver requests.

A MOTION by Kathie Romano to extend the meeting to 10:00.

Seconded by Joan Monroe.

Roll Call Vote:

Voting in favor – Mr. Martz, Mr. Hall, Ms. Monroe, Ms. Romano, Ms. Stavis, Mr. Garland.

****The MOTION was approved (6-0).***

Ms. Romano inquired about the possible change in stormwater management. Mr. Vincent stated that there would be no increase in water flow due to removal of the landscaping. The stormwater flows toward the management system.

Ms. Monroe asked if removing the wall would make anything unstable. Mr. Vincent stated that they may have to add some material, as it is a little steeper. Ms. Monroe inquired if the landscaping plan would need to be updated. They already approved the waiver of landscaping around the building. Mr. Corwin stated they would have to come back to the Board with an updated landscaping plan.

A MOTION by Matthew Hall to APPROVE the minor alterations for 195 Mechanic Street, LLC, 195 Mechanic Street (Tax Map 105, Lot 114) to the prior approved landscaping plan.

Seconded by Joan Monroe.

Roll Call Vote:

Voting in favor – Mr. Martz, Mr. Hall, Ms. Monroe, Ms. Romano, Ms. Stavis, Mr. Garland.

****The MOTION was approved (6-0).***

5. APPROVAL OF MINUTES: June 8, 2020

Page 6, line 11-12 to read, "...added at the main entrance with..."

Page 8, line 22, change "here" to "there"

Page 9, line 7, to read, "...cars during the week."

A MOTION by Laurel Stavis to approve the June 8, 2020 Minutes as amended.

Seconded by Kathie Romano .

Roll Call Vote:

Lebanon Planning Board, Minutes, June 22, 2020

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

***The Motion was approved (6-0)**

6. ADJOURNMENT:

A MOTION by Matthew Hall to adjourn the meeting.

Seconded by Tom Martz.

Roll Call Vote:

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

***The vote on the MOTION was (6-0).**

The meeting was adjourned at 9:52 PM.

Respectfully submitted,
Holly Howes
Recording Secretary