

FINAL

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

ROLL CALL OF

MEMBERS PRESENT: Bruce Garland (Chair), Gregorio Amaro (Alt.), Tom Martz, Joan Monroe, Kathie Romano, and Laurel Stavis, Karen Liot Hill (Alt. Council Representative)

MEMBERS ABSENT: Matthew Hall (Vice-Chair) and Jim Winny (Council Representative)

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.

Chair Garland appointed Gregorio Amaro in place of Matthew Hall.

3. CONTINUED APPLICATIONS – Public Hearings:

Karen Liot Hill recused herself.

A. JOLIN SALAZAR-KISH, 8-10 & 14 BANK STREET (Tax Map 92, Lots 125 & 124), zoned LD: Request for Site Plan Review of an originally 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- continued from June 16, 2020

Property Owner Jolin Salazar-Kish, Architect Sue Reed, and Civil Engineer Dan Nash, attended online in support of the application.

Ms. Reed explained the waiver requests, which related to lighting, landscaping, required buffers, and the fire lane.

Mr. Corwin explained the process that may come into play if any of the waivers do not pass.

Chair Garland invited comments from the Board members. Gregorio Amaro recused himself.

Ms. Romano commented on a number of aspects of the project. She noted previous statements regarding the need for approval if a plan meets the City requirements. The current proposal does not meet all of the regulations, which is why there are waiver requests that are extremely important. The overwhelming negative comment from the public was higher than any other project in the last two years. One house that is being demolished has been there over 100 years. The new building may be there as long. Major objections are to size and traffic impact. The site is not sufficiently buffered for

the volume of residents and the traffic. A smaller design would provide for the buffers. There is nothing that requires the proposed building to be that large. The applicant needs to consider the buffers as important to quality of life, landscaping, and quality of downtown Lebanon. Ms. Romano thanked some residents who have written in with expert opinions and raised important issues. A true traffic impact study would consider neighborhood streets and not just peak traffic.

Ms. Stavis, echoed what Ms. Romano said and would add that the project doesn't meet the regulation of being harmonious with the neighborhood. The timing of the submission of the application and zoning changes need to be taken seriously and examined. The size of the garage as being dictated by code is only partially true, because the size is dictated by the size of the building and number of units. The Board must make sure they meet regulations but must also consider that they have not been described as affordable. So many aesthetic and neighborhood issues have come up. The regulations require that it fit harmoniously into the environment.

Mr. Martz agreed, adding that the Planning Board does have a regulation that a fire truck should be able to get behind a building.

Ms. Monroe agreed with several of the previous points. She inquired if Mr. Martz did research into sprinklering. Mr. Martz said he had, and it was stated as 88% effective meaning 12% are not. The National Fire Protection Association (NFPA) states that the systems have to be installed, maintained, and operated correctly. If residents can't get out of the building or the system cannot keep neighboring buildings safe, the Board can't approve it. Ms. Monroe noted that many of the non-sprinklered buildings are brick and stone, adding that she is also concerned about only a front access to the building. Her other concerns are about the traffic and the landscaping as a buffer. The strips here and there are insignificant, and the plantings take away recreation access for residents.

Chair Garland expressed concern that the property is owned by a company that builds and rents apartments. The denial of the waivers would suggest a modified proposal that shrinks the building to meet the base requirements. The applicant could also take a different approach and remove the old buildings and build one building that meets the new requirements.

Ms. Romano noted that the large building is not tucked behind anything and looms over everything. The applicant could design something that fits the neighborhood and makes a good contribution to the City. There could still be a substantial number of units even if the project is scaled back.

Ms. Stavis suggested the applicant could go forward but not with the present design and size. She noted that it is not the Planning Board's job to advise the applicant.

Chair Garland stated that the regulations allow them to build 55' in height.

Ms. Monroe stated that the Planning Board's responsibility is to consider the regulations and why they are there. It is up to the applicant to decide what direction to go in. The Board has been giving feedback, and there has been considerable feedback from the abutters. The State gives abutters standing to express opinions. There are concerns on the part of the abutters and the Planning Board.

Chair Garland called for a vote on the waivers.

A MOTION by Joan Monroe that the Lebanon Planning Board DENY a waiver for the application of JOLIN SALAZAR-KISH, #PB2019-39-SPR, from the following section of the Site Plan Review Regulations:

- **Partial waiver from Section 6.2.B.1** – “On all parcels subject to these Regulations, a minimum landscaped area along the front, side, and rear property lines shall be provided, except within the Central Business District where proposed development of the site does not allow. This area shall be a minimum of 15 feet in width for the length of each property line, and shall total at least 20% of the entire lot area.”

Seconded by Laurel Stavis.

Roll Call Vote:

Voting in Favor – Joan Monroe, Laurel Stavis, Kathie Romano, Tom Martz

Voting Against – Bruce Garland

**The vote on the motion was approved (4-1).*

A MOTION by Joan Monroe that the Lebanon Planning Board DENY a waiver for the application of JOLIN SALAZAR-KISH, #PB2019-39-SPR, from the following section of the Site Plan Review Regulations:

- **Partial waiver from Section 6.2.D** – “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.”

Seconded by Laurel Stavis.

Roll Call Vote:

Voting in Favor – Joan Monroe, Laurel Stavis, Kathie Romano, Tom Martz

Voting Against – Bruce Garland

**The vote on the motion was approved (4-1).*

A MOTION by Joan Monroe that the Lebanon Planning Board DENY a waiver for the application of JOLIN SALAZAR-KISH, #PB2019-39-SPR, from the following section of the Site Plan Review Regulations:

- **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 Laurel Stavis.

Roll Call Vote:

Voting in Favor – Joan Monroe, Laurel Stavis, Kathie Romano, Tom Martz

Voting Against – Bruce Garland

**The vote on the motion was approved (4-1).*

A MOTION by Joan Monroe that the Lebanon Planning Board DENY a waiver for the application of JOLIN SALAZAR-KISH, #PB2019-39-SPR, from the following section of the Site Plan Review Regulations:

- **Partial waiver from Section 6.7.2.b** - “Light fixtures shall be located, mounted, aimed, and shielded so as to not cause light trespass upon adjacent properties or onto streets or rights-of-way in excess of the following levels: **The light intensity at adjoining streets or commercial property boundaries shall not exceed 0.5 foot-candles at grade level**, and the

light intensity at adjoining residential property boundaries shall not exceed 0.1 foot-candles at grade level.”

Seconded by Laurel Stavis.

Roll Call Vote:

Voting in Favor – None

Voting Against – Bruce Garland, Joan Monroe, Laurel Stavis, Kathie Romano, Tom Martz

**The vote on the motion was failed (0-5).*

A MOTION by Joan Monroe that the Lebanon Planning Board APPROVE a waiver for the application of JOLIN SALAZAR-KISH, #PB2019-39-SPR, from the following section of the Site Plan Review Regulations:

- **Partial waiver from Section 6.7.2.b** - “Light fixtures shall be located, mounted, aimed, and shielded so as to not cause light trespass upon adjacent properties or onto streets or rights-of-way in excess of the following levels: **The light intensity at adjoining streets or commercial property boundaries shall not exceed 0.5 foot-candles at grade level**, and the light intensity at adjoining residential property boundaries shall not exceed 0.1 foot-candles at grade level.”

Seconded by Laurel Stavis.

Roll Call Vote:

Voting in Favor – Bruce Garland, Joan Monroe, Laurel Stavis, Kathie Romano, Tom Martz

Voting Against – None

**The vote on the motion was approved (5-0).*

Mr. Brooks stated the applicant needs to revise the plans relative to the denied waivers.

Chair Garland asked for specifics needed in a full traffic impact study. Mr. Vincent explained that the applicant provided a trip generation memo that estimates peak hour traffic. A full traffic impact study would involve key intersections along with pre- and post-development conditions and scoping analysis. With the concerns about pedestrians, this study should include observable movement of pedestrians. The DOT is currently using 2019 numbers due to COVID-19 and lower traffic.

Chair Garland suggested the Board would want to hear what mitigation is suggested by professionals.

Ms. Stavis noted that the apartment building traffic could impact on the CCBA area. Another problem area is those turning to Rtes. 120 and 4 from Green Street.

Ms. Monroe referred to the Iron Horse project, which had larger numbers projected with people coming from many directions. The traffic went out quite far in the traffic study for impact. There have been deaths and injuries around the Green, and there are already problems for pedestrians and bicyclists.

Ms. Romano noted there could be residents leaving the apartments turning right and then onto one of the side streets to avoid turning left toward the Green.

Mr. Brooks noted that the applicant has heard the Planning Board comments. The Board should vote based upon Section 5.1.G.2, which states that the Board may, at its discretion, require a traffic study for adverse impacts.

A MOTION by Joan Monroe that the applicant JOLIN SALAZAR-KISH, #PB2019-39-SPR have a complete traffic impact study done pursuant to Section 5.1.G.2 of the Site Plan Regulations due to potential adverse impacts of this project on the neighborhood streets and pedestrian travel.

Seconded by Laurel Stavis

Roll Call Vote:

Voting in Favor – Bruce Garland, Joan Monroe, Laurel Stavis, Kathie Romano, Tom Martz

****The MOTION was approved (5-0).***

Ms. Monroe noted that the Lebanon Library and a nearby resident have sump pumps due to water and asked Mr. Vincent to address the issue.

Chair Garland discussed a date to continue the hearing.

A MOTION by Joan Monroe that the hearing of JOLIN SALAZAR-KISH, #PB2019-39-SPR be continued to Tuesday, October 13, 2020 at 6:30 PM. with materials on the modified proposal to be submitted to the Planning Department by September 18, 2020.

Seconded by Laurel Stavis.

Roll Call Vote:

Voting in Favor – Bruce Garland, Joan Monroe, Laurel Stavis, Kathie Romano, Tom Martz

****The MOTION was approved (5-0).***

Karen Liot Hill and Gregorio Amaro returned to the meeting.

- B. 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 residential development consisting of 250 dwelling units, together with parking, utilities, landscaping, access, and other related site improvements. #PB2020-11-SPR – *continued from June 8, 2020***

Don Smith, Saxon Partners; David Fenstermacher, VHB; and Atty. Phil Hastings participated online in support of the project.

Mr. Fenstermacher reported on enhanced landscaping for parking with a total of 320 parking spaces as required. The lighting poles would be 15', but there would be shields for the lighting. Stormwater management is a matter of peak flow vs. volume; and standard practice would be employed to manage peak, which impacts flow downstream. It would be mitigated over 36 hours with onsite storage. The process for different storms has been discussed with Mr. Vincent, and there would be inspections and logs as part of the DES process.

Chair Garland asked Mr. Fenstermacher to address the potential of a combined effect. Mr. Fenstermacher stated that it would still be less than 1", with underground ponds to mitigate the peak flow. Mr. Vincent added that the area doesn't have good soils for infiltration, so the applicant has chosen other means and methods to mitigate the flow offsite. Large systems underground are required and planned, and the applicant is meeting the level of care expected given the conditions on the site. A NH-DES permit is required and the EPA would be monitoring during and after construction.

There were no comments from Staff.

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Ms. Romano asked for clarification on a number of points in a letter from Mr. Fenstermacher to Mr. Brooks. Mr. Fenstermacher explained all of the specific drainage points. Ms. Romano noted a problem brought up at a previous meeting by Mr. Martell regarding water coming from the proposed site across the road from Timberwoods. Mr Fenstermacher suggested the Board would have to ask the abutter for more information about that claim.

Chair Garland took a straw poll regarding interest in a site visit. Chair Garland, Ms. Monroe, Ms. Romano, Ms. Stavis, and Mr. Amaro, could attend. Mr. Fenstermacher confirmed that the area is staked out, and a view from the height of land is visible from near the existing house. The wildlife corridor is also staked out.

A MOTION by Joan Monroe for a site visit to 343 MOUNT SUPPORT ROAD on Wednesday, July 29, 2020 at 5:30 PM.

Seconded by Laurel Stavis.

Roll Call Vote:

Voting in Favor – Joan Monroe, Laurel Stavis, Kathie Romano, Bruce Garland, Gregorio Amaro, Karen Liot Hill

Voting Against – Tom Martz

****The MOTION was approved (6-1).***

There was a discussion of a letter from Pathways Consulting regarding concerns of the abutters. Atty. David Grayck and Joe Martell of Timberwoods attended online. Jeff Goodrich of Pathways Consulting spoke to the concerns expressed in the letter.

Mr. Brooks explained that Timberwoods was a subdivision with some issues. He reviewed those issues, which involved wetlands, sewer capacity, and the number of units. The wildlife corridor was not studied in 2008, so the City worked with NH Fish & Game to assess any impacts and now have had studies completed for this specific corridor and others. The proposed building is within requirements at 45' but may appear higher due to the 50-60' grade change between the two sites.

Mr. Goodrich suggested the same standards are being addressed as the Bank Street property with significant impacts and asked for an opportunity to address them.

Mr. Corwin stated that Mr. Fenstermacher believes the answers to the points raised in the Pathways memo are already in the record, and a response can be prepared.

Atty. Grayck inquired if Dr. Van de Poll could have access to the site for wildlife corridor evaluation.

A MOTION by Joan Monroe to continue the planning review 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 to Monday, August 10, 2020 at 6:30 PM.

Seconded by Laurel Stavis.

Voting in Favor – Laurel Stavis, Kathie Romano, Joan Monroe, Tom Martz, Bruce Garland, Karen Liot Hill, Gregorio Amaro

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

Board Members were reminded that there would be requirements for social distancing and masks for the site visit. Mr. Brooks would determine if a megaphone was needed.

4. NEW APPLICATIONS – Completeness Review Only: None**5. NEW APPLICATIONS – Completeness Review and Public Hearings:**

- A. NOVO NORDISK US BIO PRODUCTION, INC., 5 & 9 TECHNOLOGY DRIVE (Tax Map 130, Lot 1 and Tax Map 145, Lot 3), zoned IND-L & IND-H:**
Request for a Site Plan Amendment to construct a retaining wall, a truck depot station to park tractor trailers, and an accessory compressed natural gas (CNG) facility with associated equipment and piping. **#PB2020-19-SPA**

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

A MOTION by Joan Monroe that the application of NOVO NORDISK US BIO PRODUCTION, INC., 5 & 9 TECHNOLOGY DRIVE (Tax Map 130, Lot 1 and Tax Map 145, Lot 3), zoned IND-L & IND-H is complete enough for the Planning Board to accept jurisdiction and commence review.

Seconded by Laurel Stavis

Voting in Favor – Laurel Stavis, Kathie Romano, Joan Monroe, Tom Martz, Bruce Garland, Karen Liot Hill, Gregorio Amaro

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

Justin Alexander and Stuart Sawyer of Novo Nordisk and Rod Finley of Pathways Consulting LLC participated online in support of the application.

A MOTION by Kathie Romano to extend the meeting to 9:45 PM.

Seconded by Laurel Stavis.

Voting in Favor – Laurel Stavis, Kathie Romano, Joan Monroe, Tom Martz, Bruce Garland, Karen Liot Hill, Gregorio Amaro

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

Mr. Alexander gave a brief description of the company, which is international and headquartered in Copenhagen, Denmark. Novo Nordisk is the largest insulin provider for the treatment of diabetes in the world and a number of medications for other health issues. They have locations in seven countries as well as New Hampshire and South Carolina. The West Lebanon location is integral to organization. They have two lots in the Airport Park and employ 200 people onsite. The company's goal by 2030 is to have zero impact on the planet. The project would allow them to burn landfill gas to power the facility.

Mr. Finley described the project with a presentation. A new block retaining wall would be built to replace a failing stone retaining wall. There would be a concrete slab for parking trucks to drop off canisters of compressed gas and a decompression skid to reduce the pressure of the gas. Various views of increasing detail were shown of the actual parking slab and retaining wall. The onsite truck process was explained. They would be affecting 6400 sq. ft. of wetlands and have been working with Brian Vincent regarding stormwater. It is a parcel that can still handle a 100-year event.

No additional Staff comments.

Ms. Romano inquired about the risk involved in the decompression system and if the Fire Department is equipped to handle it. Mr. Finley stated that it is methane gas, which would rise up if it enters the air, and

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there are alerts onsite. The site was chosen to mitigate any risk to any buildings.

Stuart Sawyer of Novo Nordisk stated that it is safer than propane.

Mr. Brooks stated there are at least two other facilities like it in the City at DHMC and Pike Industries. Kleen also had one on Mechanic St.

Ms. Monroe inquired if it was environmentally friendly, noting that if methane escapes to the upper atmosphere, it is more damaging.

Mr. Sawyer stated that the systems are extremely tight and are pressure tested regularly.

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

Seconded by Karen Liot Hill.

Voting in Favor – Bruce Garland, Gregorio Amaro, Karen Liot Hill, Kathie Romano, Tom Martz

Voting Against – Joan Monroe, Laurel Stavis

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

Ms. Liot Hill inquired if it would replace a current source of energy and what would be the schedule of trucks. Mr. Alexander stated that they currently use propane for heating with steam with 200 deliveries a year in a 10-wheel truck. They would get about 220 deliveries a year with an 18-wheeler. Currently they burn 8,000 gallons of propane a year. This change to burning methane would end that and greatly decrease the carbon footprint.

A MOTION by Joan Monroe to continue the hearing of NOVO NORDISK US BIO PRODUCTION, INC., 5 & 9 TECHNOLOGY DRIVE (Tax Map 130, Lot 1 and Tax Map 145, Lot 3), zoned IND-L & IND-H to July 27, 2020 at 6:30 PM.

Seconded by Laurel Stavis.

Roll Call Vote:

Voting in Favor – Mr. Garland, Mr. Amaro, Ms. Hill, Ms. Monroe, Ms. Stavis, Ms. Romano, Mr. Martz

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

6. OTHER BUSINESS: None

2. NOTICE OF REGIONAL IMPACT:

LEBANON HOUSING AUTHORITY (Applicant), BAYNE STEVENSON (Property Owner), 258 HEATER ROAD (Tax Map 64, Lot 7), zoned R-O-1: Request for Site Plan Review to construct a proposed 45,678 sq. ft. multi-family dwelling with 44 dwelling units, together with parking, utilities, landscaping, and other related site improvements. #PB2020-21-SPR

Mr. Brooks stated that Planning Staff recommends that the above application does not have the potential for regional impact.

A MOTION by Joan Monroe that the application listed above does not have the potential for regional impact.

Seconded by Laurel Stavis.

Roll Call Vote:

Voting in favor - Mr. Garland, Ms. Monroe, Ms. Stavis, Ms. Romano, Mr. Amaro, Mr. Martz

Voting against - Ms. Hill

***The MOTION passed (6-1).**

7. APPROVAL OF MINUTES:

A. June 16, 2020 Special Meeting

Page 1, line 11, to read, "...of originally 47-unit..."; line 27 to read, "The potential for solar panels..."

A MOTION by Joan Monroe to approve the June 16, 2020 Minutes as amended.

Seconded by Laurel Stavis.

Roll Call Vote:

Voting in Favor – Mr. Garland, Mr. Amaro, Ms. Hill, Ms. Monroe, Ms. Stavis, Ms. Romano, Mr. Martz

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

B. June 22, 2020 Planning Session

A MOTION by Monroe to approve the June 22, 2020 Minutes as presented.

Seconded by Laurel Stavis.

Roll Call Vote:

Voting in Favor – Mr. Garland, Ms. Hill, Mr. Amaro, Ms. Monroe, Ms. Stavis, Ms. Romano, Mr. Martz

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

C. June 29, 2020 Special Meeting

A MOTION by Joan Monroe to approve the June 29, 2020 Minutes as presented.

Seconded by Laurel Stavis.

Roll Call Vote:

Voting in Favor – Mr. Garland, Mr. Amaro, Ms. Hill, Ms. Monroe, Ms. Stavis, Ms. Romano, Mr. Martz

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

8. ADJOURNMENT:

A MOTION by Tom Martz to adjourn the meeting.

Seconded by Kathie Romano.

Roll Call Vote:

Voting in Favor – Mr. Garland, Ms. Hill, Ms. Monroe, Ms. Stavis, Ms. Romano, Mr. Amaro, Mr. Martz.

***The vote on the MOTION was (7-0).**

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The meeting was adjourned at 9:55 PM.

Respectfully submitted,
Holly Howes
Recording Secretary