

FINAL

**LEBANON PLANNING BOARD
MONDAY, JULY 22, 2019
CITY HALL, COUNCIL CHAMBERS
6:30PM**

MEMBERS PRESENT: Bruce Garland (Chair), Matthew Hall (Vice-Chair), Gregory Schwarz, Sarah Welsch, Kathie Romano, Joan Monroe, and Matthew Cole

MEMBERS ABSENT: Laurel Stavis, Karen Zook (Council Representative), Jim Winny (Alt. Council Representative)

STAFF PRESENT: David Brooks (Planning and Development Director), Tim Corwin (Senior Planner), and James Donison (Public Works Director)

1. CALL TO ORDER: Chair Garland called the meeting to order at 6:30 PM.

2. APPROVAL OF MINUTES: June 24, 2019

Page 2, Line 41, replace, “One Board member,” with Ms. Monroe; Page 3, line 28, spell out “IMA” as Inter-Municipal Agreement

A MOTION by Matthew Hall to approve the June 24, 2019, Planning Board Minutes as amended. Seconded by Matthew Cole.

**The MOTION passed (7-0).*

3. NOTICE OF REGIONAL IMPACT

The following application was received by the Planning Department:

CITY OF LEBANON, 60 SPRING STREET (Tax Map 120, Lot 2), zoned R-3 & RL-3: Request for Site Plan Review of proposed improvements to the ski jumps at Storrs Hill Ski Area, including grading and the installation of synthetic turf. #PB2019-22-APR (NOTE: This application will be reviewed as a Governmental Land Use pursuant to NH RSA 674:54)

A MOTION by Matthew Cole that the application (above) has no Regional Impact. Seconded by Matthew Hall.

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

4. STUDY ITEMS:

A. Review and Discuss Proposed Amendments to the Zoning Ordinance and Zoning Map

Mr. Corwin stated that each year proposed amendments to the Zoning ordinances are reviewed by the Planning Board before they are presented to the City Council. The proposals are outlined in the July 16 Staff Memo, and Planning Staff is seeking feedback on certain items.

A-1 Exit 17 – Zoning in the area is “mixed use,” with both residential and commercial buildings as identified by Mr. Brooks. An online survey and meeting were conducted with residents for feedback, and the primary concerns were property values and tax increases. Planning Staff is interested in creating a zone where there could be light commercial businesses, not large companies. The members noted a number of issues, including no water and sewer, the potential for increased traffic, Master Plan goals to keep business more centralized, and the dangerous exit southbound onto Route 4 east. The Board members recommended maintaining the status quo until a plan is developed.

3A NH Route 120 near the Lebanon/Hanover municipal boundary – Mr. Brooks indicated the location on the Future Land Use Map on the east side of Route 120 as including Hanover Road Professional Group, which is zoned general commercial within the medical area. The location houses the Alternative Treatment Center for medical marijuana. Mr. Brooks explained the origin of the dispensary. The Board members agreed to leave it an exception.

3B – The property is zoned industrial light and comprised of land owned by Jesse’s Restaurant and 40+ acres owned by DHMC. A multi-use designation is required for residential development, and Planning Staff is asking for feedback for allowing multi-family housing in this area, which would require the creation of a business park. Mr. Brooks stated it is limited in ways that make it not viable. After a discussion of area needs, the Planning Board agreed it would be amenable to multi-family housing on that property. Mr. Brooks noted that DHMC is creating a project coming this fall that would require more multi-family housing, and Planning Board members agreed the DHMC shuttle could alleviate increased traffic.

C-5 Amend the R-3 District Table to Allow PRec as a Permitted Use - Mr. Corwin stated the property is located Route 10 area, Sachus Village, a planned recreational development created in 2002. There is a zoning district line cutting through a section of the development in an area where it is not allowed. Mr. Brooks gave the history of the events leading to the creation of the density and zoning issues. The Planning Board members recommended moving the boundary line only as much as needed.

G-1 Amend 702.4 and 702.5 to Clarify Policy on Expansions of Non-Conforming Uses – Mr. Corwin stated that there are many non-conforming uses throughout the City, which can continue even with zoning changes. NH law provides that non-conforming uses can expand “a little bit,” but proposals must go through a review process and must meet certain criteria under special exception. Planning Staff believes the Zoning Board has allowed fairly major expansions of non-conforming uses, and a policy discussion should be held as to what the City wants. Mr. Corwin and Mr. Brooks provided examples of properties to illustrate the issue. Mr. Corwin offered to create a proposal. The Planning Board agreed that the law cannot be subjective and must be applied fairly.

B. Review and Discuss Proposed Updates to the Site Plan Review and Subdivision Regulations

James Donison, Public Works Director introduced the proposed updates outlined in a July 16 memo regarding third party review services. He explained that the change is necessary due to staff time limitations for reviewing large, complex projects. A designated, independent third party engineer would review projects the Planning Staff determines to be large enough to require such review. Comments would be submitted to the Planning Board and Planning Director. These services are free to applicants at this time, but the City can no longer afford to provide staff resources free of charge. The applicant would be required to get an estimate from the third party engineer and put money in escrow, which would be drawn upon to pay for the engineering review. At present, many plans are not as complete as they need to be, and this would provide a more efficient process. There would be a set time limit of 65 days for submitting a revised plan, with an additional 45 days if changes are required. Mr. Brooks stated that they would prequalify independent firms, which could not be ones already being used regularly for development applications. The Planning Board would determine completeness and refer the hearing to the next meeting. This would allow more time for initial review and response by the applicant. When the Board gets it, all of the engineering aspects would be worked out, which would make Planning Board work more streamlined. If review cost exceeds the estimate, the applicant must pay the additional amount.

The Planning Board members discussed the features of the plan as outlined in the Staff Memorandum dated July 16, as well as the printed copy of the suggested procedure. Mr. Brooks confirmed that the City Engineer would be managing the third party engineer and advising as needed. The Board members agreed on the need to balance City needs, taxpayer needs, and applicant needs. Chair Garland noted that this procedural change is going to happen, and the Board members need to study the outline of the plan. Mr. Corwin stated that the third party would focus on site and subdivision regulations. He added that

Planning Staff would present the final outline on August 12th. Mr. Brooks noted that the new process would apply to the September 9 cutoff for new applications, with the first set heard in October. Mr. Donison stated that any additional legal or engineering costs would be paid by the applicant.

C. Discuss Proposed Changes to the Rules of Procedure for the Planning Board

The proposed changes relate to **Article V: Conduct of Business** on Page 4 of the Lebanon Planning Board Rules of Procedure, Item 5.3, Order of Business.

Chair Garland explained that the change moves the approval of minutes to the end of the meeting and takes completeness review out of its own item and folds it into the rest of the application hearing. These changes could be on the agenda for the August 26 meeting. Ms. Monroe inquired if an applicant with an incomplete application would be waiting to learn it could not be heard. Mr. Brooks stated that Planning Staff recommends that it is complete and notifies the applicant. Mr. Schwarz asked why the minutes review was being moved. Ms. Welsch noted that it allows the public to be addressed first. Ms. Monroe noted that sometimes information in the minutes does appear in the current hearing. Mr. Hall noted that most corrections are about grammar and not related to the public, and it doesn't take long. Mr. Cole added that it would be valuable time to the public. The consensus of the Board members was that the changes should be implemented and in effect for August 26.

5. COMMITTEE REPORTS:

A. Planning Board Subcommittees:

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

Ms. Welsch stated that she wants to talk with Rebecca Owens about sending the last three Upper Valley Transportation Management Association (UVTMA) minutes to the members. They are interesting and relate to Advance Transit and new projects.

B. City Council Subcommittees:

1) Class VI Roads Advisory Committee (J. Monroe)

2) Lebanon Energy Advisory Committee (VACANT)

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

D. Heritage Commission (G. Schwarz)

Mr. Schwarz noted that City Hall is in the historic district, and the Commission reviewed two City Hall improvement projects. These include replacing the current windows with insulated ones that will look similar and installing solar panels, that will not be seen, on the roof of City Hall.

There were public tours of Dana House, and the Commission discussed the Maple Street neighborhood and plans for Dana House. The meeting was well attended.

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

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 (S. Welsch)

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

Ms. Romano noted that she missed the last meeting, because it was the same night as the Oak Ridge site visit. The Committee is composed of members from Canaan, Lebanon, and Enfield, but there are presently no Canaan members. Ms. Romano asked the Board members to share the vacancy with anyone they know who would be interested, which could be anyone from Canaan interested in the Mascoma River.

J. Steering Committee for the Implementation of the Master Plan (B. Garland/G. Schwarz)/VACANT/J. Monroe)

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

6. OTHER BUSINESS:

Mr. Brooks reported that the application for the FitKids II project at Centerra Park has been withdrawn, but it may come back as something else in the future.

7. OPEN DISCUSSION:

Chair Garland reflected on public comment at the meeting regarding Quail Hollow. He plans to be more direct when limiting discussion to issues that relate strictly to Planning Board purview. Regarding the Spencer Street conceptual review, Chair Garland pointed out the need for Board members to be familiar enough with the site and project to be able to offer constructive suggestions to the applicant. He noted that it is an opportunity for Board members to come prepared to share their thoughts on what the property could be.

The Board members added their thoughts on conceptual review. Ms. Monroe noted that it should be a time for giving feedback on concepts and learning what the applicant is thinking. Ms. Romano pointed out that the applicant was proposing renovating the building she has on Spencer Street and not tearing it down to build something new. Ms. Welsch said she believed the applicant was coming to the Board to see if they liked the idea of housing in that location. Chair Garland believed the members could suggest other uses. Ms. Monroe stated that the conceptual review is the opportunity for the Board members to make any comments or suggestions they wish regarding the proposal before it is in a formal hearing. The members can ask questions and make suggestions based upon their years of looking at plans.

Ms. Romano inquired about guidance from Planning Staff regarding Spencer Street and its appropriateness for development to enhance downtown considering its location in the flood plain. It is hard to reject the idea when Emerson Place is right behind the proposed project. Ms. Romano asked for more information on flood plain requirements. Mr. Brooks noted that the City Engineer is the Flood Plain Administrator and could provide training. Ms. Monroe added that nature and flooding are changing faster than regulations are changing. She added that the government is not keeping up with what is happening on the land. In regard to Emerson Place, the parking was placed underneath, so the habitable space was above the flood plain.

8. ADJOURNMENT:

A MOTION by Matthew Hall to adjourn the meeting. Seconded by Gregory Welsch .

**The MOTION passed (7-0).*

The meeting was adjourned at 9:27 PM.

Respectfully submitted,
Holly Howes
Recording Secretary