

FINAL

**LEBANON PLANNING BOARD
REGULAR MEETING
Monday, August 10, 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, Laurel Stavis, and Gregorio Amaro (Alt.)

MEMBERS ABSENT: None

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

1. Call to Order: Chair Garland called the meeting to order a 6:38 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 for one of the vacant positions.

2. Notice of Regional Impact: The following applications were received by the Planning Department on or before August 10, 2020:

Dana E. Seguin, 17 Summer Street (Tax Map 77, Lot 151), zoned R-3: Request for minor subdivision review per Section 6.3 of the Subdivision Regulations to convert an existing 3-unit rental building into 3 condominium units. **PB2020-23-MIN**

Chiplin Enterprises, Inc., 14 Main Street (Tax Map 72, Lot 88), zoned CBD: Request for Site Plan Review to convert a former 8,000 SF retail store into a Social Service Center. **PB2020-24-SPR**

City of Lebanon and Ruth Guernsey Trust, 22 Green Street West and ROW of Spring Street West (Tax Map 59, Lot 49 and Tax Map 59, Lot 64), zoned R-3: Request for the Board to revoke a previously-approved Boundary Line Adjustment (PB2019-20-BLA) and to approve the layout of a new segment of public highway for turnaround purposes. **PB2020-25-DED**

Mr. Corwin recommended that none of the applications has potential for regional impact.

A MOTION by Matthew Hall that none of the applications above has the potential for regional impact.

Seconded by Tom Martz.

Roll Call Vote:

Voting in Favor – Mr. Martz, Mr. Garland, Mr. Amaro, Mr. Winny, Ms. Monroe, Ms. Stavis, Mr. Hall

Voting against – Ms. Romano

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

3. Continued Applications – Public Hearings:

- A. Saxon Partners (Applicant) and Alfred P. & Lorelee 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 July 13, 2020*

Dave Fenstermacher of VHB attended online on behalf of the application.

Chair Garland read a statement regarding the late submissions from Timberwoods regarding this application and advised them that materials to be considered at a meeting must be received two weeks before the date of the meeting.

Ms. Monroe, Ms. Romano, Chair Garland, Mr. Amaro, and Mr. Winny commented on the July 29 Site Visit. The work done to prepare the site for the visit was appreciated. All of the visitors were able to see the size of the project. It was noted that some large trees will have to be cut down, and a box culvert for drainage is also available for use by animals in the wildlife corridor as they cross to the eastern side of Mr. Support Road. The site was previously a mobile home park, and remnants of the park remain in the ground. Although the proposed building is more compact than Timberwood with its several buildings, the overall size is imposing and the elevation is very high and rises quickly from the road.

Mr. Fenstermacher expressed his appreciation for the members coming out for the walk. Responses to the Board's comments and questions regarding the removal of trees, the septic and wells, the box culvert, and additional plans for the wildlife will be prepared.

Dr. Van de Poll commented on the stream and box culvert. Some small animals are using the culvert, and restoring the stream to its natural channel would be a better way to manage stormwater. There will be additional information coming from NH DES.

Alan Saucier of Pathways Consulting stated that information was presented at the site visit, and the 8/6 letter and graphics would be discussed at a later date. He noted that the parapet of Building B is 75' higher than other heights along Mt. Support Road, and the parking lot is 23' above Mt. Support Road. Currently the site is a beautifully wooded hillside. The proposed building would dominate the landscape and limit the view of the sky at Timberwoods. There would be retaining walls that are proposed and not disguised. A shadowing effect would be imposed on those living across the road during much of the year.

A MOTION by Matthew Hall to continue the application of Saxon Partners (Applicant) and Alfred P. & Lorelee S. West (Property Owners), 343 Mount Support Road (Tax Map 24, Lot 1), zoned R-1 & RL-3 to Thursday, September 10, 2020 at 6:30 PM with any additional materials to be submitted for the agenda packet by Tuesday, August 25, 2020. The applicant would be given a week for the response by Sept. 3.

Seconded by Tom Martz.

Roll Call Vote:

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

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

- B. 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 – *continued from July 13, 2020 – application expected to be continued to September 14, 2020*

Rod Finley of Pathways Consulting and Kaleb Moore of Novo Nordisk attended online in support of the application.

Mr. Corwin updated the board on the status of the application to the Zoning Board for a special exception under Section 401.5 due to the size of the wetland impacts, which requires approval before the Planning Board accepts jurisdiction over the application. Alternatively, the Board could grant a waiver from Section 4.4 of the Site Plan Review Regulations. There has been no public comment to date in this application. Without Zoning approval, the hearing would be continued to the September 14th Planning Board meeting. Zoning Board approval is expected, and the applicant is asking the Board to consider a waiver request from Section 4.4. If granted, the Board can continue to hear the application at this meeting.

Mr. Finley explained that their waiver request falls under option A, an undue hardship on the applicant. The application has been several months in the review process, and construction was expected to start in early September. The applicant has already been to the Conservation Commission, Planning Board, and Zoning Board with no comment from abutters.

At the request of Ms. Romano, Mr. Corwin stated the waiver request. If there is no approval from the Zoning Board, the approval would become a condition.

Chair Garland invited public comment. Hearing none, the waiver was addressed.

Ms. Romano noted that the Board was only changing the timing of the Zoning approval.

A MOTION by Matthew Hall to approve the waiver from Section 4.4 of the Site Plan Review Regulations requiring prior Zoning Board approval.

Seconded by Tom Martz

Roll Call Vote:

Voting in Favor – Mr. Winny, Mr. Stavis, Ms. Romano, Mr. Hall, Mr. Martz, Mr. Amaro, Mr. Garland

Voting Against – Ms. Monroe

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

Chair Garland invited Board comment on the full project.

Mr. Martz stated prior concerns over heavy trucks travelling the Airport road to the location.

Mr. Moore stated that they would be swapping trailer size thereby increasing deliveries by 10% per year. The trailer trucks being larger would create an average 20% increase in weight.

Mr. Vincent confirmed that the roads are designed for industrial use, therefore the roads are intended for use by heavier trucks. The impact would be small, as it is slightly more than it is today.

Mr. Moore added that it would be about 20 additional trucks per year or 1-2 per month. There is significant truck traffic in the area now, and they would be adding a low percentage of additional traffic.

A **MOTION** by **Matthew Hall** that the Lebanon Planning Board **APPROVE** waivers for the application of **Novo Nordisk US Bio Production, Inc.**, #PB2020-19-SPA, from the following sections of the Site Plan Review Regulations:

- **Section 5.1.E (5)** – requiring a current survey
- **Section 5.1.E (12)** – requiring a lighting plan
- **Section 5.1.E (13)** – requiring a plan for location of signs
- **Section 5.1.E (15) and Section 6.2** – requiring a landscaping plan and compliance with the landscaping requirements
- **Section 5.1.E (16)** – requiring plan to show existing and proposed surface and subsurface storm drainage facilities
- **Section 5.1.E (18)** – requiring plan to show snow storage
- **Section 5.1.E (19)** – requiring a traffic circulation plan
- **Section 6.6** – requiring compliance with the stormwater regulations

Seconded by Joan Monroe.

Roll Call Vote:

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

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

Chair Garland opened the Public Hearing. With no public comments, the Public Hearing was closed.

A **MOTION** by **Matthew Hall** that the Lebanon Planning Board **APPROVE** the application of **Novo Nordisk US Bio Production, Inc.** for an amendment to an approved site plan to construct a proposed accessory compressed natural gas (CNG) facility and associated site improvements at **5 & 9 Technology Drive (Tax Map 130, Lot 1 and Tax Map 145, Lot 3)**, zoned IND-L & IND-H, #PB2020-19-SPA, as shown on a plan set titled “Site Plans for Compressed Natural Gas Facility, Novo Nordisk US Bio Production, Inc.” prepared by Pathways Consulting, LLC, dated June 8, 2020, revised June 23, 2020, Proj. No. 19528, 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. To allow the wetland impacts, the applicant shall obtain a Special Exception from the Lebanon Zoning Board of Adjustment pursuant to Section 401.5 of the Zoning Ordinance.
2. The applicant shall apply for a voluntary merger of the subject properties with the Planning & Development Department. Upon approval by the City, the voluntary merger shall be recorded at the Grafton County Registry of Deeds.

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

3. All engineering review fees shall be paid in full as required by Section 4.7.E.1 of the Subdivision Regulations.
4. All improvements depicted on the plan shall be completed, and shall be constructed as depicted on the plan, to the satisfaction of the Planning & Development Department and the Reviewing Engineer.

General Conditions

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

The motion was seconded by Joan Monroe.

Roll Call Vote:

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

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

4. New Applications – Completeness Review Only: None

5. New Applications – Completeness Review and Public Hearings:

- A. 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. 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 Laurel Stavis that the application of Lebanon Housing Authority (Applicant), Bayne Stevenson (Property Owner), 258 Heater Road (Tax Map 64, Lot 7), zoned R-O-1 is deemed complete enough for the Planning Board to accept jurisdiction and commence review.

Seconded by Tom Martz

Roll Call Vote:

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

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

Ditha Alonso, Executive Director of Lebanon Housing Authority, spoke online in support of the application.

She stated the purpose and goals of the Housing Authority and introduced the proposed 44-unit housing complex, which would be taxable for the City. The goal is to provide housing, job coaching, public transport, and develop future employees for area businesses.

Jerry Wuebbolt of Right Track Design and Jeff Merritt of Granite Engineering participated online in

support of the application.

Mr. Wuebbolt shared a video presentation of the project and provided a link to Board members. The proposed site is situated on the East corner of Old Etna Road and Heater Road and would provide 44 units of multi-family housing. They are proposing 30 one-bedroom, 11 two-bedroom, and 3 three-bedroom units. Each type has an accessible unit. The building will cover 45,000 sq. ft. with 3 floors, laundry facilities on each floor, and mechanical and electrical on one floor. A start date in between April and June 2021 is planned, with 2022 occupancy.

Mr. Merritt stated that the site was recently surveyed. It is located between the DHMC Heater Road facility and the ball field for Lebanon HS and would utilize all municipal utilities. There are two pockets of wetlands, but they are not anticipating any impacts. Multi-family housing is allowed by special exception, which was granted by the Zoning Board on June 15, 2020. Sewer upgrade needs, underground utilities, erosion control, landscaping, parking lot shading, lighting, and traffic impacts were covered in a detailed overview of the plan.

Two waiver requests were explained. One from Section 6.2.D relating to the 10' landscaping strip around the building is required to accommodate two pads for heat pumps located within 10' of the building and necessitated due to site topography. The second is from Section 6.5.B.4 regarding the creation of a sidewalk along the property frontage. There is already a sidewalk on Old Etna Road and another along Heater Road. There is no connectivity for a sidewalk and one would have an environmental impact. There is also an existing pedestrian sidewalk to Route 120 with a bus stop planned for safety and connectivity.

Chair Garland surveyed members regarding the need for a group site visit. The members agreed that it would not be necessary, and individual members could visit on their own as needed. Ms. Monroe requested some site markings on the ground. Ms. Romano noted that the site was a very wet lot in the past due to poorly drained soil. In addition, the proposed number of handicap units are limited, and the first floor units could provide additional ones, which are very desirable in the area. Mr. Hall suggested the need for a conversation about traffic.

Mr. Brooks suggested a special meeting on Thursday, September 3, 2020 at 6:30 PM.

A MOTION by Tom Martz to continue the hearing of Lebanon Housing Authority (Applicant), Bayne Stevenson (Property Owner), 258 Heater Road (Tax Map 64, Lot 7), zoned R-O-1 to Thursday, September 3, 2020 at 6:30 PM.

Seconded by Laurel Stavis

Roll Call Vote:

Voting in Favor – Ms. Stavis, Ms. Romano, Mr. Hall, Mr. Martz, Mr. Garland, Mr. Amaro, Mr. Winny

Voting Against – Ms. Monroe

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

6. Other Business:

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

Mr. Corwin stated that minor changes were approved a month ago, and the current minor changes are

related to the earlier request. The Board needs to review them in case there are any concerns to be resolved in a formal site plan amendment. Chair Garland noted that the Board members received a memo detailing the changes and asked the members if there were any concerns. Mr. Corwin stated that Staff received confirmation of approval by DES for the floor drain and sloping garage. Ms. Monroe stated that the planting choices looked good and there were no major concerns. The Board members concurred.

B. Jolin Salazar-Kish, 8-10 & 14 Bank Street (Tax Map 92, Lots 125 &124), zoned LD:

Request to reconsider denial of waiver requests associated with a site plan application for a proposed 40-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 noted the previous decision on the requested waivers and the continuation to October 13, 2020 for time to revise site plans. The applicant filed a request to the Planning Board to reconsider its decision of waiver denials. The request is procedurally appropriate, and the Board could decide to suspend its decision in light of information provided with the agenda packet and additional exhibits sent last week. If the Board members think the applicant has raised some valid points, Staff recommends that the Planning Board suspend its earlier decision so they can be discussed further at another public meeting.

The Board members discussed the merits of the request.

A MOTION by Joan Monroe to extend the meeting to 9:50 PM.

Seconded by Laurel Stavis.

Roll Call Vote:

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

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

Several members agreed that the design of the building created the need for the waivers with no inherent issues in the site, and fair and thoughtful consideration had been given. In addition, the other properties cited were not equivalent to the Bank Street property.

Other members thought the applicant may have raised some valid points and it would be important to review them.

Mr. Corwin reiterated that the applicant has the right to make the request.

A MOTION by Laurel Stavis to deny the request to the Planning Board to reconsider the vote on the waivers.

Seconded by Tom Martz.

Roll Call Vote:

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

Voting Against – Mr. Hall, Mr. Garland, Mr. Winny

**The MOTION was approved (5-3)*

C. Planning Board Capital Improvement Program (CIP) Subcommittee Representative

Mr. Brooks stated that the committee needs a fourth person. Mr. Hall encouraged members to participate,

as the process is interesting and has a large impact on the City. Mr. Brooks added that the Manager's goal is to attempt to level off spending for the CIP program.

Approval of Minutes was postponed to a later date.

7. Approval of Minutes:

- A. July 13, 2020 Regular Meeting
- B. July 27, 2020 Planning Session
- C. July 29, 2020 Site Walk

8. Adjournment:

A MOTION by Matthew Hall to adjourn the meeting.

Seconded by Laurel Stavis.

Roll Call Vote:

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

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

The meeting was adjourned at 9:45 PM.

Respectfully submitted,
Holly Howes
Recording Secretary