

FINAL

LEBANON PLANNING BOARD
MONDAY, MARCH 9, 2020
20 WEST PARK STREET, LEBANON, NH
3RD FLOOR - ROOM 386 - 6:30pm

MEMBERS PRESENT: Bruce Garland (Chair), Matthew Hall (Vice-Chair), Jim Winny (Alt. Council Representative), Matthew Cole, Joan Monroe, Kathie Romano, Gregory Schwarz, Laurel Stavis, Sarah Welsch

MEMBERS ABSENT: Karen Zook (Council Representative) and Tom Martz (Alt.)

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 at 6:30 PM.

2. **NOTICE OF REGIONAL IMPACT:**

BETTIS FAMILY REVOCABLE TRUST; 407 DARTMOUTH COLLEGE HIGHWAY (Tax Map 112, Lot 1), zoned RL-2 & RL-3: Request for a minor subdivision to divide one 10.2 acre parcel into two parcels. #PB2020-10-MIN

SAXON PARTNERS (Applicant), ALFRED P. & LORALEE S. WEST (Property Owners); 343 MOUNT SUPPORT ROAD, (Tax Map 24, Lot 1), zoned R-1 & RL-3: Request for a Site Plan Review for the construction of a proposed multi-family complex with associated parking, utilities, landscaping and access. #PB2020-11-SPR

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

CITY OF LEBANON; 370 PLAINFIELD ROAD (Tax Map 157, Lot 3), zoned IND-H: Applicant requests a Conditional Use Permit per Section 612.3 of the Zoning Ordinance to install a Microturbine, gas conditioning equipment, and associated improvements. #PB2020-13-CUP

Mr. Brooks recommended that the **SAXON PARTNERS (Applicant), ALFRED P. & LORALEE S. WEST (Property Owners)** request has the potential for Regional Impact.

*A Motion by Matthew Hall that the **SAXON PARTNERS (Applicant), ALFRED P. & LORALEE S. WEST (Property Owners)** Request has potential for regional impact.*

Seconded by Sarah Welsch.

**The vote on the motion was 8-0-1. Joan Monroe abstained.*

3. **CONTINUED APPLICATIONS - PUBLIC HEARINGS:**

A. JOLIN SALAZAR-KISH, 8-10 & 14 BANK STREET (TAX MAP 92, LOTS 125 &124), ZONED CBD: Request for Site Plan Review of a proposed 47-unit multi-family residential development to consist of one existing building and two new buildings on two lots to be merged,

together with associated site improvements. **#PB2019-39-SPR**
Continued from February 10, 2020

Jolin Salazar-Kish, property owner, and Carolyn Cole of 18 Bank Street appeared on behalf of the application.

Ms. Salazar-Kish explained that there have been substantial changes to the original design. She has met with Mr. Vincent, and there is still not enough information about the water table to finalize the design. The core testing results already suggest changes need to be made to the look of the building. They are waiting for additional testing scheduled later in the week. Mr. Vincent will evaluate the results. They are asking for one more continuance.

Mr. Corwin stated that there is an issue with the water table impacting drainage and building height. Mr. Vincent added that this could significantly impact the design, and the test pits should provide the needed information.

Ms. Salazar-Kish stated that the roof line may need to be changed, which would change the overall design. The winter kept them from testing. They want to have a final design. This is potentially affecting the back building and garage closest to the water table.

The Board members discussed the issues around another postponement. Mr. Brooks stated that the applicant is not ready to put a finished plan up for review, because some aspects of the project may need to change. Ms. Salazar-Kish noted that they have been following the process for review with Mr. Vincent and have been responding to all input. This is the last piece of necessary information. Mr. Vincent stated that the almost all aspects of the plan have been addressed, but the biggest issue is the field test.

There was general agreement among the Board members that the applicant was following procedure.

Chair Garland opened the Public Hearing

Andrew Garthwaite, Chair of AVA Gallery, commented that the Upper Valley needs housing, but the scale of this project is inappropriate for the neighborhood.

Kathy Elfstrom Cram observed that this is a large building on small lot. The Lebanon Library and U.S. Post Office will be impacted and dwarfed.

Robin Carpenter, 41 Bank Street, commented that the proposed building is way too tall, overpowering the post office and library. Having it across from AVA effectively creates a tunnel, and the aesthetics of Bank Street are affected. The housing shortage issue is being used too often. He suggested an inventory of all planned construction and those currently under construction to determine the extent of a shortage. There was also a reference to moving one of the buildings due to driveway regulations. Mr. Carpenter noted insufficient traffic consideration. Increasing parking from 8 to 89 parking spaces would impact traffic on Bank Street and in the area around the green.

Ms. Salazar-Kish stated that more turning radius is needed for emergency equipment, so they propose moving 14 Bank Street to create more space. It was noted that a traffic study was done.

The Board members asked for additional information comparing the height of AVA Gallery to the proposed building and that floor plans be included in the packet materials.

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Mr. Corwin measured AVA Gallery as 54.5 feet to the top of the gable and 46.5 feet as the average height of the Gallery. The height of the proposed building is 55 feet.

More information was requested on the capacity and layout of each level of the parking garage.

A MOTION by Matthew Hall to continue the hearing until April 13, 2020 with all materials provided by Friday, March 27, 2020.

Seconded by Kathie Romano.

****The vote on the MOTION was 8-1. Chair Garland voted against.***

4. NEW APPLICATIONS - COMPLETENESS REVIEW ONLY:

TRUSTEES OF DARTMOUTH COLLEGE (PROPERTY OWNER) AND MICHAELS STUDENT LIVING, LLC (APPLICANT); 401 MOUNT SUPPORT ROAD (TAX MAP 24, LOT 2), ZONED R-1, R-3 AND RL-3: Request to construct a multi-family complex consisting of 309 units in four buildings, with associated access, parking, and other improvements. **#PB2020-07-SPR**

Completeness review only on 3/9/2020, public hearing to commence on 4/13/2020

Matthew Hall recused himself.

Mr. Corwin noted that this is a non-binding discussion regarding an upcoming Site Plan Review and Major Subdivision Request. Tonight the applicant is seeking a waiver from having to go through the major subdivision approval phase. Impact statements would still need to be prepared if that is waived. Staff has already met with the applicants, and the Staff memo addresses the process going forward.

Chair Garland suggested a site visit prior to the April 13 meeting.

The Board members discussed matters related to granting the waivers. Mr. Corwin noted that the applicant has submitted all documents that are required for the final review. There should not be any completeness issues, and any issues could be addressed. Mr. Brooks added that the applicant is taking a risk by jumping to the final design. The Board could always ask for additional information.

Atty. Tim Britain spoke representing Michaels Student Living, the applicant. They are trying to achieve a schedule to meet housing needs with the clubhouse building to be used for pre-leasing to be ready in September 2021. There is a one-year construction phase to construct the clubhouse for pre-leasing offices, and student occupancy of the apartments is planned for September 2022. The following items were confirmed:

- A temporary certificate of occupancy can be issued as buildings are completed, but no final certificate would be issued until all units are ready.
- The project is targeting housing for graduate students, but staff and employees may lease as space permits.
- The property is owned by the Trustees of Dartmouth College, and this would be the most affordable housing for graduate students.

A MOTION by Sarah Welsch to APPROVE Waiver #1 from the requirement to obtain design review/preliminary major subdivision review pursuant to Section 10.2 of the Subdivision Regulations.

Seconded by Gregory Schwarz.

****The vote on the MOTION was 7-1. Joan Monroe voted against.***

Atty. Britain commented on the second waiver regarding the fees of \$45,975 for four separate buildings with one owner. He stated that if it were one building with the same number of total units, the fee would be \$21,778.

Chair Garland and Mr. Corwin both noted that this fee has been applied to other multi building, multi-family projects. Board members stated that the applicants chose this design and granting the waiver would set a precedent.

A MOTION by Sarah Welsch to DENY Waiver #2 from Section 7.2 of the Subdivision Regulations requiring the payment of standard Planning Board application fees.

Seconded by Gregory Schwarz.

****The vote on the MOTION was 8-0.***

Mr. Corwin noted that there are a number of minor waivers in the Staff Memo. The application is considered complete by Staff.

A MOTION by Kathie Romano that the application of the TRUSTEES OF DARTMOUTH COLLEGE (PROPERTY OWNER) AND MICHAELS STUDENT LIVING, LLC (APPLICANT) IS complete enough to accept jurisdiction and commence review.

Seconded by Joan Monroe.

****The vote on the MOTION was 8-0.***

Chair Garland discussed the date for a site visit.

Dan Justynski of Dartmouth College estimated that the site visit would take 30 minutes. There is a walkway from the entrance that allows both sides of the development to be easily visualized.

A MOTION by Sarah Welsch for a Site Visit to 401 Mount Support Road on Monday, March 30, 2020 at 5:30 p.m.

Seconded by Kathie Romano.

****The vote on the MOTION was 8-0.***

Matthew Hall returned to the meeting.

5. NEW APPLICATIONS - COMPLETENESS REVIEW AND PUBLIC HEARINGS:

A. CITY OF LEBANON, BETHANY TRUELL & CHAD GIBBS, AND PAUL TEPLITZ & LAURA OSTAPENKO; 0, 260 & 268 HANOVER STREET EXT (TAX MAP 49, LOTS 18, 19 & 20), ZONED R-1: Request for approval of a Boundary Line Adjustment to convert 3 parcels into 2 parcels by splitting and merging a portion of a City-owned lot with each of the adjoining lots. #PB2020-05-BLA

Tim Rockwood of Rockwood Land Services and Paul Teplitz of 268 Hanover Street Extension appeared to speak on behalf of the application.

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

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Matthew Hall moved that the Lebanon Planning Board finds the application of the **CITY OF LEBANON, BETHANY TRUELL & CHAD GIBBS, and PAUL TEPLITZ & LAURA OSTAPENKO** for a Boundary Line Adjustment, #PB2020-05-BLA, **IS** complete enough to accept jurisdiction and commence review.

The motion was seconded by Matthew Cole.

***The vote on the motion was 9-0.**

Mr. Rockwood stated that they would purchase the property from the City of Lebanon. Mr. Winny confirmed it would be with the approval of the City Council.

Matthew Hall moved that the Lebanon Planning Board **APPROVE** the application of **CITY OF LEBANON, BETHANY TRUELL & CHAD GIBBS, and PAUL TEPLITZ & LAURA OSTAPENKO** for a Boundary Line Adjustment of lands located at 0 Hanover Street Ext (Tax Map 49, Lot 19), 260 Hanover Street Ext (Tax Map 49, Lot 18), and 268 Hanover Street Ext (Tax Map 49, Lot 20), #PB2020-05-BLA, as shown on a plat titled “Lot Line Adjustment Plat – City of Lebanon and Paul Teplitz & Laura Ostapenko and Bethany Truell & Chad Gibbs”, prepared by Rockwood Land Services LLC, dated January 27, 2020, Project No. 1597, including any and all submissions and testimony provided for and during the public hearing, with the following conditions:

1. Prior to the signing and recording of the final plat, the applicants shall provide to the City a draft copy of the deed of the land transfer for review to ensure the transfer will be completed properly for Assessing and recording purposes.
2. Prior to the signing and recording of the final plat, the applicants shall provide a digital record drawing (Cad .dwg Format using NH State Plane Coordinate system).

The motion was seconded by Gregory Schwarz.

***The vote on the motion was 9-0.**

Matthew Hall moved that the Lebanon Planning Board authorizes the Chair to sign the plat for the **CITY OF LEBANON, BETHANY TRUELL & CHAD GIBBS, and PAUL TEPLITZ & LAURA OSTAPENKO**, #PB2020-05-BLA, as shown on a plat titled “Lot Line Adjustment Plat – City of Lebanon and Paul Teplitz & Laura Ostapenko and Bethany Truell & Chad Gibbs”, prepared by Rockwood Land Services LLC, dated January 27, 2020, Project No. 1597, as such plan may be amended in accordance with the Board’s approval dated March 9, 2020.

The motion was seconded by Sarah Welsch.

***The vote on the motion was 9-0.**

B. WILDER RIDGE ESTATES, LLC; 0 & 0 EAST WILDER RD, (TAX MAP 7, LOTS 9 & 10), ZONED R-3: Request for approval of a Boundary Line Adjustment. PB#2020-06-BLA

Ed Hauck, Landowner and Manager of Wilder Ridge Estates, LLC, appeared on behalf of the application.

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

Sarah Welsch MOVED that the Lebanon Planning Board finds the application of WILDER RIDGE ESTATES, LLC for a Boundary Line Adjustment, #PB2020-06-BLA, IS complete enough to accept jurisdiction and commence review.

The motion was seconded by Matthew Hall.

***The vote on the motion was 9-0.**

Mr. Hauck explained the reason for the boundary line adjustment. He confirmed that there are no structures or abutters that would be affected. A rendering of the current and future boundaries was provided. In the future there would be a building only on lot 7-9, with 7-10 becoming a back lot with an easement for an access right-of-way.

Mr. Brooks clarified the means of legal access to both lots. Mr. Hauck explained the nature of the properties abutting 7-9. There are no plans for building on the lot at this time. Mr. Brooks also confirmed that the shoreline protection regulations would not prevent development of the property, but a permit would still be required.

No members of the public were present for public comment.

Matthew Hall moved that the Lebanon Planning Board **APPROVE** the application of **WILDER RIDGE ESTATES, LLC** for a Boundary Line Adjustment of lands located at 0 East Wilder Road (Tax Map 7, Lot 9) and 0 East Wilder Road (Tax Map 7, Lot 10), #PB2020-06-BLA, as shown on a plat titled “Boundary Line Adjustment Plat Prepared for Wilder Ridge Estates, LLC”, prepared by Paton Land Surveying, LLC, dated February 21, 2020, Project No. 2020-279-44, including any and all submissions and testimony provided for and during the public hearing, with the following conditions:

3. Prior to the signing and recording of the final plat, the applicants shall provide a digital record drawing (Cad .dwg Format using NH State Plane Coordinate system).

The motion was seconded by Sarah Welsch.

***The vote on the motion was 9-0.**

Matthew Hall moved that the Lebanon Planning Board authorizes the Chair to sign the plat for the **WILDER RIDGE ESTATES, LLC** for a Boundary Line Adjustment of lands located at 0 East Wilder Road (Tax Map 7, Lot 9) and 0 East Wilder Road (Tax Map 7, Lot 10), #PB2020-06-BLA, as shown on a plat titled “Boundary Line Adjustment Plat Prepared for Wilder Ridge Estates, LLC”, prepared by Paton Land Surveying, LLC, dated February 21, 2020, Project No. 2020-279-44, as such plan may be amended in accordance with the Board’s approval dated March 9, 2020.

The motion was seconded by Sarah Welsch.

***The vote on the motion was 9-0.**

C. 21 AGUA STREET, LLC; 21 WATER ST (TAX MAP 91, LOT 257), ZONED LD: Request for Site Plan Review to convert an office space to three apartments within an existing building. **#PB2020-08-SPR**

Tim Sidore of 21 Agua Street, LLC, and Jim Wasser, Architect of Studio Nexus, appeared on behalf of the application.

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

Sarah Welsch moved that the Lebanon Planning Board finds the application of **21 Agua Street, LLC** for Site Plan Review, **#PB2020-0R-SPR IS** complete enough to accept jurisdiction and commence review. Seconded by Joan Monroe.

Mr. Corwin added that there are a number of substantive waiver requests the Board may want to consider before voting on completeness and proceeding.

The MOTION was withdrawn.

Mr. Wasser explained that the renovation project would convert second floor offices to apartments with only minor changes to the interior structure of the building. The exterior would remain the same. The Commissary Kitchen is located on the first floor.

The Board members discussed a number of aspects of the property including the appearance, lack of landscaping, and impact of the first floor business on residents. Mr. Vincent noted that a water line would be needed for sprinklers. One Board member noted the new requirements of the Downtown District.

Mr. Sidore stated that the goal is to add housing in place of unused office space. The property is on the edge of a residential district and would not substantially change the character of the district.

Chair Garland invited Public Comment.

Steven Whitman, the owner of 10 Water Street, commented that #21 is a cement block building and not suitable for apartments. He noted that much has been invested in nearby buildings, and #21 could be sold for commercial use but needs to be improved.

Jeremy Katz, 19 Bank Street, stated that he owns and rents property in town. He noted that housing projects need to be for lower as well as upper income renters. Many people working in Lebanon have long commutes, and the site is good for walkability.

The Board members had varied opinions on the need for upgrading the outside features of the building. Ms. Stavis expressed the view that the Board is tasked with making the best decisions on projects for the City and the residents. She added that the Board should improve those projects to the extent that they can.

The Board voted on the waivers individually before considering completeness of the application.

Matthew Hall moved that the Lebanon Planning Board **APPROVE** waivers for the application of **21 Agua Street, LLC, #PB2020-0R-SPR**, from the following sections of the Site Plan Review Regulations:

Section 5.1.E.5 – Current Survey – **Approved (9-0)**

Section 5.1.E.6 – Topographic data - **Approved (9-0)**

Section 5.1.E.7 – Structures within 200 ft. of the site - **Approved (9-0)**

Section 5.1.E.10 – Existing and proposed impervious coverage – **Approved (8-1)** Ms. Romano against

Section 5.1.E.11 – Size and location of all existing and proposed public and private utilities - **Approved (9-0)**

Section 5.1.E.12 – Lighting plan - **Approved (9-0)**

Section 5.1.E.15 – Landscaping plan – **Approved (8-1)** Ms. Romano against

Section 5.1.E.16 – Stormwater management – **Approved (8-1)** Ms. Romano against

Section 5.1.E.19 – Transit and pedestrian plan – **Approved (7-2)** Ms. Stavis and Ms. Welsch against

Section 5.1.E.20 – Construction detail drawings - **Approved (9-0)**

Section 5.1.E.22 – Plans for on-site recreational facilities – **Approved (7-2)** Ms. Stavis and Ms. Welsch against

Section 6.6.C – Requiring parking areas to be finished with improved materials – **Approved (7-2)** Ms. Monroe and Mr. Schwarz against

Section 6.10 – Lebanon Downtown District regulations – **Not Approved (4-5)** Ms. Monroe, Ms. Romano, Ms. Stavis, Ms. Welsch, and Mr. Winny against

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.” **Approved (7-2)** Ms. Romano and Mr. Winny against

Section 6.6.C.2 – Parking areas shall be finished with improved materials. **Approved (8-1)** Joan Monroe against

The Motion for each Section seconded by Joan Monroe.

Matthew Hall moved to continue the hearing to April 13, 2020.

Seconded by Jim Winny.

**The vote on the MOTION was 9-0.*

Mr. Corwin summarized that the applicant should consider the fire turnaround, parking spaces, water line, and landscaping.

D. TACKLE PARTNERS, LLC; 37 SPENCER ST (TAX MAP 78, LOT 5), ZONED LD:

Request for an Amendment to an approved Site Plan to renovate existing warehouse space to create 14 additional residential units for a total of 25 units in the building. #PB2020-09-SPA

Property Owner Meg Carleton, Architect Jim Wasser, and Engineer Nik Fiore appeared on behalf of the application.

Mr. Corwin noted that substantial changes were made to the plan creating a need for the amendment. He stated that the application is complete enough for the Board to accept jurisdiction and commence review.

Sarah Welsch moved that the Lebanon Planning Board finds the application of **TACKLE PARTNERS, LLC for Site Plan Review, #PB2020-09-SPA IS** complete enough to accept jurisdiction and commence review.

The motion was seconded by Gregory Schwarz.

***The vote on the motion was 9-0.**

Ms. Carleton described the changes to the original proposal. She noted that all first floor units have their own entrances. There would be additional handicap parking. Parking in relation to the island of trees is reversed to provide a better view for residents. Traffic will have a one-way flow and be more pedestrian friendly. All units have shared porches and decks.

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Mr. Corwin noted that the City would be making many upgrades to Spencer Street for pedestrians, therefore sidewalk and curbing should wait until the City does its work. The cost to the applicant to contribute to City for its work would be estimated by the applicant and verified by the City Engineer. The property is now in the Downtown District and exceeds 20,000 square feet, which requires a portion of the first floor be reserved for non-residential space. A waiver is being requested from that requirement.

Matthew Hall moved to extend the meeting to 10:00 PM.

Seconded by Sarah Welsch.

***The vote on the MOTION was 8-1. Ms. Stavis voted against.**

Ms. Carleton noted that all apartments will have lofts.

Mr. Vincent confirmed that vehicles have adequate room to maneuver around the site. There is more onsite vegetation than previously planned, and there is added shade coverage.

Matthew Hall moved that the Lebanon Planning Board **APPROVE** waivers for the application of **TACKLE PARTNERS, LLC, # PB2020-09-SPA**, from the following sections of the Site Plan Review Regulations:

- **Section 5.1.E.7** – *requiring the plans shape, size, height, and location of all existing structures, located on the site and within 200 feet of the site*
- **Section 5.1.E.15 & Section 6.2.B** – *landscape plan and perimeter landscaping requirements*
- **Section 5.1.E.15 & Section 6.2.D** – *landscape plan and landscaping around buildings requirements*
- **Section 5.1.E.16 & Section 6.6** – *requiring stormwater management plans and compliance with stormwater management criteria*
- **Section 6.5.B.4** – *requiring sidewalks along the street frontages*
- **Section 5.1.E.21 & Section 6.7.G** – *requiring plans for on-site recreational facilities for multi-family structures*
- **Section 5.1.E.15 & Section 6.2.E** – *landscaping of parking areas and the parking lot shading calculations requirements*
- **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 6.10** - *Lebanon Downtown District regulations*
- **Section 7.2.A**- *prohibiting waivers from the landscaping requirements when needed to accommodate parking*

The motion was seconded by Joan Monroe.

***The vote on the motion was 9-0.**

Chair Garland opened the Public Hearing. In the absence of public comment, the hearing was closed.

Matthew Hall moved that the Lebanon Planning Board **APPROVE** the application of **TACKLE PARTNERS, LLC** for a Conditional Use Permit per Section 307.6.B.2 of the Zoning Ordinance to “waive” the first-floor commercial use requirements of Section 307.6.B.1 for the proposed renovation of the existing warehouse space at **37 SPENCER STREET (Tax Map 78, Lot 5)** to 25 residential units including any and all submissions and testimony provided for and during the public hearing, and, based on testimony given, application materials presented, and supporting documents submitted, the Planning

Board concludes the following with respect to the Enhanced Performance Standards set forth in §302.4.D of the Zoning Ordinance:

1. The site **IS** suitable for the proposal. (§302.4.D.1)
2. The external impacts of the proposed use on abutting properties and the neighborhood **IS** commensurate with the impacts of adjacent existing uses or other uses permitted in the zoning district. (§302.4.D.2)
3. The location, nature, design, and height of the structure and its appurtenances, its scale with reference to its surroundings, and the nature and intensity of the use, **DOES NOT** have an adverse effect on the surrounding environment and **DOES NOT** discourage the appropriate and orderly development and use of land and buildings in the neighborhood. (§302.4.D.2)
4. The proportion of the site proposed to be occupied by impervious surfaces **IS** minimized to the extent necessary to preclude unreasonable risk of runoff, erosion, sedimentation, and other potentially adverse on-site or off-site effects. (§302.4.D.2)
5. The proposed layout and design of the site **IS NOT** incompatible with the established character of the neighborhood and **DOES** mitigate any external impacts on abutters, the neighborhood, and nearby public ways and infrastructure. (§302.4.D.3)
6. The design of any new buildings or structures and the modification of existing buildings or structures on the site **IS NOT** incompatible with the established character of the neighborhood. (§302.4.D.4)
7. The proposed use and layout of the site, including all related development activities, **DOES** preserve identified natural, cultural, historic, and scenic resources on the site and **DOES NOT** degrade such identified resources on abutting properties. (§302.4.D.5)

The Planning Board concludes the following with respect to the criteria set forth in Section 307.6.B.2 of the Zoning Ordinance:

- a. Non-residential uses on the street level story **ARE** inappropriate given the unique characteristics of the subject property.
- b. The proposed development **DOES** provide improvements to streetscapes, public ways, or public spaces that implement recommendations for downtown Lebanon in current plans, policies, or programs adopted by the City of Lebanon including but not limited to the Master Plan, Downtown Visioning Study, and the Capital Improvement Program.
- c. The proposed development **DOES** include a high-quality design with attention to architectural quality and detail, universal accessibility, and/or environmental sustainability.

Now therefore be it resolved, the Planning Board, on this **9th day of March, 2020**, hereby **GRANTS** the request for a Conditional Use Permit per **Article III, Section 307.6.B.2** of the Zoning Ordinance.

The motion was seconded by Sarah Welsch.

***The vote on the motion was 9-0.**

Matthew Hall moved that the Lebanon Planning Board **APPROVE** the application of **TACKLE PARTNERS, LLC** for an Amendment to an approved Site Plan (#PB2019-29-SPR) to renovate existing warehouse space at 37 Spencer Street (Tax Map 78, Lot 5) to create 14 additional residential units for a total of 25 units in the building, #PB2020-09-SPA, as shown on a plan set titled “Building and Site Renovations, 37 Spencer Street, Lebanon, NH” prepared by Engineering Ventures, PC, dated October 14, 2019, revised February 24, 2020, project #19327.01, including any and all submissions and testimony provided for and during the public hearing, with the following conditions:

Conditions to be Satisfied Prior to Application for a Building Permit

1. 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 and to review applicable code requirements.
2. The applicant shall obtain approval from the City Council or the City Manager’s office for any additional water and/or sewer flows per Chapter 136.
3. The applicant shall address the comments set forth in the attached memo from Brian Vincent, P.E., dated February 20, 2020, to the satisfaction of the City Engineer.
4. The applicant shall provide two (2) revised plan sets depicting the following revisions, to the satisfaction of the Planning & Development Department and the City Engineer:
 - a) Any changes made pursuant to Condition of Approval #3.
 - b) Add sheet numbers to bottom right corner of each plan sheet so that each sheet is identified as “Sheet ___ of ___”.
 - c) Finalize plan set by removing all clouding, bolding, and other markers used to identify changes from the previously approved site plan (#PB2019-29-SPR).
 - d) Remove all references to the “CBD” or “CB District” and/or change references to “LD” or “LD District” (see Sheet C0.0 and C1.1).
 - e) Revise Sheet SL-1 to use the correct site plan (including the removal of the warehouse at the northwest corner of the building), to remove parking space numbering, to add additional lighting along the western side of the building as appropriate, to remove depiction of landscaping, and to update or remove the use labels on the building (which are inaccurate).

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

5. The City shall retain the services of an independent third-party inspector, for which the applicants shall be responsible for all inspection fees related to the construction of sewer and water both on-site and work within the City’s right-of-way (water, sewer, road, drainage), in accordance with Chapters 136 and 182 of the City Code and Section 8.3 of the Site Plan Review Regulations. The applicant shall provide funding for inspection services in a form acceptable to the City.
6. The creation of dwelling units 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.

7. All water and sewer fees shall be paid.

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

8. Third-party engineer or design engineer inspection reports and as-built drawings provided by the applicants (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.
9. The impact fee calculated pursuant to Condition of Approval #6 shall be paid.
10. The applicant shall work with Planning staff and the City Engineer to identify those aspects of the approved site plan on or adjacent to the site to be impacted by the City's Spencer Street reconstruction project, and shall provide the City with a cost estimate for the construction or installation of those improvements, to be verified and approved by the City Engineer. The applicant shall pay an amount to the City equal to the construction or installation cost of these improvements, which shall be placed in an escrow account to be used by the City in connection with the Spencer Street reconstruction project (in accordance with and subject to state law).
11. Except as provided for in Condition of Approval #10, all improvements depicted on the plan shall be completed, and shall be constructed as depicted on the plan, to the satisfaction of the Planning and Development Department and the Reviewing Engineer.

General Conditions

12. 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.
13. The applicant shall implement and maintain NHDES Site Specific Best Management Practices before, during, and after construction.

The motion was seconded by Sarah Welsch.

***The vote on the motion was 9-0.**

Ms. Stavis thanked the applicant for making excellent improvements. Ms. Romano stated that the changes enhance the character of the area.

6. OTHER BUSINESS: None

7. APPROVAL OF MINUTES: February 10, 2020

A Motion by Matthew Cole to approve the February 10, 2020 Minutes as presented.

Seconded by Kathie Romano .

****The vote on the Motion was 9-0.***

8. ADJOURNMENT:

Lebanon Planning Board, Minutes, March 9, 2020

A Motion by Matthew Hall to adjourn the meeting.

Seconded by Joan Monroe.

****The vote on the MOTION was 9-0.***

The meeting was adjourned at 9:52 PM.

Respectfully submitted,
Holly Howes, Recording Secretary