

FINAL

**LEBANON PLANNING BOARD
SPECIAL MEETING
Tuesday, June 16, 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

MEMBERS ABSENT: Gregorio Amaro (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.

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 speakers identified themselves.

2. CONTINUED APPLICATION – Public Hearing continued from May 26, 2020:

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

Jolin Salazar-Kish, property owner; Sue Reed, landscape designer; and Civil Engineer Dan Nash of Advanced Geomatics attended online to speak on behalf of the proposal.

Sue Reed gave the history of the Bank Street area with historic images and the project area indicated. Several previous comments from the public were addressed. Required landscaping for screening was described and shown, which included a variety of trees and shrubs. The background for waivers was explained. Ms. Salazar-Kish described the outdoor recreation areas. Ms. Reed noted parking for bicycles as indicated in an image, with a bike storage room for winter. Ms. Salazar-Kish confirmed there are sidewalks to the buildings. Ms. Reed noted that the new construction is sited where City utilities already exist and stated that it would have a positive environmental effect. She also cited the renovation of #10 Bank Street as having an environmental advantage, adding that #14 Bank Street was deemed not worthy of restoration. Ms. Reed pointed to the advantage of creating greater density in the downtown area and the amenities available to tenants. The potential for solar panels and their orientation was described. Ms. Salazar-Kish stated feedback from the public was considered regarding the building style proposed for #8 Bank Street. Ms. Reed described a new rendering that was displayed for an Italianate style alternative. Salazar-Kish explained a new traffic study with a calculation of 20 peak hour trips, adding that parking is being provided in an onsite garage, which is not common on other sites.

Chair Garland gave an overview of the hearing agenda.

There were no Staff comments following the presentation.

Ms. Monroe expressed concern over the number of potentially large trees proposed for the rear of #8 Bank Street. The 15 feet along the back is to have swale to collect surface water and no special plantings, and the plans contradict that requirement.

Ms. Romano expressed concern over the number and nature of public comments. The size and scale of the proposed #8 building was the primary concern. She suggested a building on the scale of the older barns that were attached to older properties. The footprint and height are too large. There would also be a major effect on the properties on Green Street. The character of the neighborhood would be negatively impacted. Traffic is also a concern for Route 4, which is a commuter route. There would be two driveways close to the corner and impacting traffic.

Ms. Monroe agreed with Ms. Romano regarding traffic. The corner is actually a roundabout around the park. It is very busy area for pedestrians, both adults and children. She agrees with the need for an additional traffic study.

Ms. Stavis agreed that the buildings are out of character and not harmonious with the neighborhood.

Mr. Hall observed that the new district regulations are inviting this type of project downtown, and it meets regulations.

Ms. Stavis pointed to page 5 of the Staff Memo regarding Section 6, which states that design requirements should be "harmonious with adjacent properties."

City Engineer Vincent commented on stormwater management. The compatibility of landscaping with the proposed drainage system and its maintenance is important and needs to be addressed. The existing water table is 9.5 feet below the ground surface, and the garage design satisfies the requirements. He stated that all of his comments have been addressed.

Mr. Nash stated that the drainage system in the rear of #8 is minimal and supplemental. The soils are very pervious and there should be no impact on the Library.

Chair Garland invited public comment.

Doreen Schweitzer, an abutter on Green Street, expressed concern about closeness of the buildings. Their barn is 6 feet from the rear property line. A portion of the house next door is 5 feet from the property line and is being sold. There will be handicapped individuals in that property. The trees proposed will be growing toward her home. She agreed with Ms. Romano's point on the age of the neighborhood and wooden structures. The scale of the project and the trees are both issues.

Amy Driscoll, who lives on Shaw Street, stated that despite all the design plans, the buildings are disproportionate to the rest of the neighborhood and should be in a different location. She expressed concern about setting a precedent, as other pockets of land in the area that might be developed with oversized buildings. She added that she is against the development.

Paul Bundy disagreed with the notion that #14 Bank Street cannot be restored. He stated that many buildings in the same condition have been restored, and it is less expensive to restore than build new.

Maryann Mastro of 15 Green Street expressed concern over the number of waivers requested. There is inadequate space for landscaping, and the Board would be granting a waiver from required landscaping due to the size of the structure. There is minimum access for fire equipment due to the

current lot size and proposed structure. The number of units should be opposed because of the lack of fire access behind the proposed building and the risk to neighbors on Green St.

Frank Mastro noted that snow storage is insufficient. When the ground freezes and melts, the City drainage won't handle it, and there would be more ice on Bank Street.

Robin Carpenter, 41 Bank Street, stated that court rulings have made issues of the Master Plan or Site Plan Regulations irrelevant to the Planning Board. He referred to the Hanover decision, suggesting that the City of Lebanon is likely to defend the Planning Board rather than leave it to abutters.

Linda Armstrong, 4 Green Street, stated that her backyard is parallel to the proposed #8 Bank Street and adjoins the post office and library. She noted that the City taxes people on their view, and taxes should go down because they will only see a wall if this is built. The light from the many units and garage will be a 24/7 issue. She expressed her opposition to the project.

Jim Filiano, 44 Bank Street, noted that the project violates harmonious development, and it would affect development and all aspects of City culture for generations. He noted it has a larger footprint than City hall, AVA Gallery, and Rogers House. There is a need to maintain amiable city centers and keep the commitment to maintain historic beauty. Benton House has an historic designation with a community garden and pond. The information is available at the Historic Society. This project would be an assault on the historic charm of Lebanon. He noted that the lighting regulations specify 0.5 foot-candles at grade level, but the waiver would allow 6.5. He asked why the Board would allow that.

Andrew Garthwaite, 28 Green Street and the Chair of AVA Gallery, expressed the need for the project to be harmonious with area properties. He noted that at five stories tall, the footprint is twice as large as AVA Gallery. The surrounding buildings are much lower. The proximity to the Library is only ten feet and is the choice of the developer. The amount of impervious coverage is actually 66%. Bank Street is an intact historic area with very little change since the 1880's. This is a change that will shatter the experience of the neighborhood.

Woody Rothe, 61 Elm Street, stated his concern about traffic patterns and the difficulty in making a left turn. There are many children dropped off on Bank Street for after school activities. The looming aspect of the building is not appropriate for the neighborhood.

Fran Hanchett, the area school crossing guard for many years, noted that seven busses pick up children and drop them off again each day. Presently people can't pull out from Elm Street, and there is a great deal of traffic from AVA Gallery. There should be another traffic study ordered by the City is needed.

Barry Schuster expressed agreement with the charm of the Bank Street area. He stated that the waivers are not warranted, as they are due to size chosen by the applicant. The City Council considered amendments to the Zoning Regulations October 2, 2019. Ms. Salazar-Kish appeared on October 28 and filed on November 12. The plan was accepted on December 9 as complete, and the applicant stated there were no waivers being requested. According to RSA 676.4 and 676.12, an applicant must file before the first legal notice of a Zoning Amendment. The first posted notice in this case was in October, and the application of Ms. Salazar-Kish was accepted in December. Atty. Schuster inquired if the new regulations should apply in this case.

Councilor Karen Liot Hill stated her agreement with Mr. Hall. She stated that she understood the concerns of the abutters, as any significant change could be disturbing. She inquired if among the waivers being requested, did the height and size of the proposed development require any special

variance or exception from the Planning Board regulations. Chair Garland stated that the height of 50 feet is permissible, but there are four waivers that need to be approved for it to move ahead. Councilor Hill asserted that the Planning Board is asked to make decisions looking at regulations as they are and apply them judiciously. It sounds like there may be interest in reviewing some of the standards in the neighborhoods, but the Board must apply the current regulations.

Laura Harris-Hirsh of 24 Green Street stated that the project would not only impact Green Street but the larger area of downtown Lebanon. Regarding traffic and the driveways, it would be better to turn right and turn down one of the side streets. It would be important to consider the increase on those streets, as there is much more traffic than there used to be in the neighborhood streets, not just Bank Street. The proposed building sits at an angle, and it is very jarring to see it.

Colin Smith, a resident of Kimball Street and Chair of the Lebanon Pedestrian and Bicyclist Committee, noted the impact of traffic on pedestrians. He stated that the equation used to calculate peak hour traffic is not an appropriate use of the equation for that property. The current use of those houses probably generates far more trips than the applicant is suggesting, and he agrees with the traffic concerns. The three driveways would be more intensively used with more kids using the sidewalks.

Kathy Elfstrom of 14 Green Street, referred to Section 2.D.1 of the Master Plan, which states that care should be taken to protect historic resources.

Victoria Smith of 10 Elm Street expressed concerned about traffic, stating that in the morning it is difficult to get out of Elm Street. She recommended ordering a thorough traffic study of the neighborhood. Advance Transit does go down Bank Street starting at 5 am, making 33 trips out and back each day. It is very important to have a traffic study.

Duane Egner of the Lebanon Fire Department commented on the regulations and waiver requests. His input was requested by Staff, and he reviewed the Planning Board requirement and International Fire Code for clarification about the 22-foot fire lane around the back of the building. The Fire Chief has the ability to waive the access request. He and Chief Christopolous determined that under fire code, they can waive access to the rear of the building. He added that they did not consider the size of the building and public comment, only considered the code. Ms. Romano noted that less than 20 feet away are buildings of wood with no fire suppression in them. Mr. Egner stated that the track record of sprinklers is very high in terms of keeping fire in check until equipment can arrive, and sprinklers with alarms reduce the chance of spread to adjoining buildings.

There was no additional public comment.

A MOTION by Matthew Hall to continue the hearing of JOLIN SALAZAR-KISH, 8-10 & 14 BANK STREET (Tax Map 92, Lots 125 & 124), zoned LD to June 29 at 6:00 PM

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).***

A member of the public inquired about the process going forward. Mr. Corwin stated that the Board would consider the four waiver requests along with the public comment and make decisions. Once the

public hearing is closed, the Board would then enter into deliberations and decide on the application. It would be up to the Board to allow additional public comment.

Ms. Stavis noted that there are additional conditions outlined in the Staff Memo to be satisfied, and the last one is permission from the City Council for water and sewer.

3. NEW APPLICATIONS – Completeness Review and Public Hearings:

- A. ADIMAB, LLC (applicant/property owner); 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**

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

A MOTION by Matthew Hall that the application of ADIMAB, LLC (applicant/property owner); 7 LUCENT DRIVE (Tax Map 10, Lot 11, Plot 2600), zoned IND-L is complete for the Planning Board to accept jurisdiction and commence deliberation.

Seconded by Kathie Romano.

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).***

Kevin Worden of Engineering Ventures spoke on behalf of the application. ADIMAB needs to expand, and a portion of the property has wetlands. They are expecting to impact as small an area as possible of approximately 7,000 sq. ft. The proposal is for a three-story addition connected to existing building with an extended loading dock. Fire protection is being extended and other fixtures are moving. Infiltration chambers are being moved to accommodate stormwater management. There would be an elevated boardwalk and culverts under the drive. They would be expanding the stormwater pond and tying into the existing sewer. An elevation was shown, and the lighting plan meets the ordinance requirements. They are asking for a few waivers and would leave as much landscaping as possible.

Mr. Corwin noted the waiver requests regarding the fire lane and sidewalks. Staff received additional materials that will be reviewed and recommend continuing the hearing to the June 22, 2020 meeting. There may be revisions by next Monday evening.

Ms. Romano inquired about the Conservation Commission recommendation for a larger culvert to accommodate movement of wildlife. Mr. Worden pointed out the location and stated they would be doing it. They have applied to NH-DES for a wetland permit. Ms. Romano referred to the tree line in the middle of the parking lot and installing netting in the basin. Mr. Worden stated that both sides of the parking lot would be without curbing so water flows to the islands, and the trees would allow water to filter down. The netting would be 12 feet wide and could accommodate tree roots. They are discussing installing a liner to prevent comingling of waters, which would flow under parking to chambers and then slowly to wetlands.

A MOTION by Matthew Hall to continue the hearing of ADIMAB, LLC (applicant/property owner); 7 LUCENT DRIVE (Tax Map 10, Lot 11, Plot 2600), zoned IND-L to June 22, 2020 at 6:30 PM.

Seconded by Tom Martz.

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).**

4. OTHER BUSINESS: None

5. APPROVAL OF MINUTES:

A. May 26, 2020

Page 6, line 36, to read, "...was temporarily off the meeting..."

A MOTION by Laurel Stavis to approve the May 26, 2020 Minutes as amended.

Seconded by Tom Martz .

Roll Call Vote:

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

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

6. ADJOURNMENT:

A MOTION by Jim Winny to adjourn the meeting.

Seconded by Tom Martz .

Roll Call Vote:

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

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

The meeting was adjourned at 9:15 PM.

Respectfully submitted,
Holly Howes
Recording Secretary