

FINAL

LEBANON PLANNING BOARD

Lebanon Middle School

3 Moulton Ave.

Monday, February 11, 2019

6:30 PM

MEMBERS PRESENT: Chair Keith Davio, Vice Chair Bruce Garland, Karen Zook (Council Representative), Sarah Welsch, Gregory Schwarz, Matthew Hall, Kathie Romano, Laurel Stavis, Matthew Cole (Alt.)

MEMBERS ABSENT: Joan Monroe, and Jim Winny (Alt. Council Representative)

STAFF PRESENT: David Brooks (Planning and Zoning Director), Tim Corwin (Zoning Administrator), Rebecca Owens (Associate Planner), Christina Hall (City Engineer)

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

- Ms. Romano was welcomed as a permanent regular member of the Planning Board.
- Mr. Matthew Cole sat in for Ms. Monroe in her absence.

2. APPROVAL OF MINUTES: January 14, 2019

Amendments:

Page 1, Members Absent/Present: Ms. Laurel Stavis was absent, Ms. Kathie Romano was present; Page 1, line 31: change "Ms. Stavis" to "Ms. Romano"; Page 1, line 35: remove "and the"; Page 2, remove lines 17 & 18: "The Planning Office recommends that this application does not have the potential for regional impact."; Page 3 line 50: change "Kraft" to "Craft"; Page 7, line 7 should read: "Mr. Garland requested a Straw Poll be taken to show support for Mr. Clem's amendments to allow temporary parking"; Page 8, line 23: remove "of where the" and replace with "took place on the"; Page 8, Line 42: Sentence should read: "Due to Staff's request to inform more abutters, Chair Davio asked if there were further comments from the public." A few minor spelling/punctuation changes were made.

A MOTION was made by Vice Chair Garland to approve the January 14, 2019 Minutes as presented in the January 14, 2019 agenda packet and as amended.

Seconded by Ms. Sarah Welsch.

**The MOTION passed unanimously, 9-0.*

3. NOTICE OF REGIONAL IMPACT: NONE

4. COMPLETENESS REVIEW OF NEW APPLICATIONS: NO NEW APPLICATIONS.

5. PUBLIC HEARINGS (CONTINUED)

A. XYZ DAIRY, LLC, 167-197 NORTH MAIN STREET (TAX MAP 44, LOTS 3, 7, AND 21-30; AND TAX MAP 58, LOTS 27, 89-99), ZONED R-3, IND-L AND CBD:

Request for amendments to the Site Plan approval for the River Park mixed-use development to change the sequence of the project phasing and to increase the number of proposed residential dwelling units from 80 to 125. #PB2018-34-SPA ****POSTPONED BY APPLICANT UNTIL 4/8/19****

Chair Davio MOVED that the XYZ Dairy, LLC Public Hearing be continued at the April 8, 2019 meeting at 6:30PM.

Seconded by Mr. Schwarz.

**The vote on the MOTION was unanimous (9-0).*

6. PUBLIC HEARINGS (NEW)

A. HOMECRAFTERS, LLC, 40 HARDY HILL ROAD (TAX MAP 80, LOT 28), ZONED RL-1 & RL-2: Request for approval of a proposed 3-lot Minor Subdivision. #PB2019-02-MIN

Ms. Jill Thompson (Agent of Homecrafters, LLC) and Mr. Christopher Leister, (Hogg Hill Design, LLC) came before the Board representing the above request, which was included in the agenda packet. This first came before the Board as a Conceptual Review at the December 10, 2018 meeting.

Ms. Thompson buys and remodels houses. She bought the above property with hopes of subdividing it and turning the existing house on the property into an affordable home. With 30 acres attached to this house, she realized it was not going to be an affordable home and was hoping the Board would allow them to subdivide the property into three fairly large lots, instead of the four lots as discussed in the Conceptual Review. Lot #1, with existing house, would be 8.415 Acres, Lot #2 would be 7.187 Acres, and Lot #3 would be 12.393 Acres. She described the proposed design, subdivision and driveways. The Minor Subdivision Plan of Land and complete application can be found in the agenda packet for this meeting.

Mr. Corwin said this subdivision was before the Board a couple of months ago as a Conceptual Review that proposed 4 lots, which would have been a major subdivision under the City's regulations and would have also required compliance with the Planned Unit Residential Development Regulations in the Zoning Ordinance. After receiving the Planning Boards feedback and discussion with Planning Staff, the applicant decided to reduce the number of lots, making it a minor subdivision.

The applicant is asking for a single waiver from the wetland delineation requirement: Section 9.5.A.7 that says – plan shall depict wetlands as delineated by a Certified Wetlands Scientist, whose seal and signature shall appear on the plan. Staff is not opposed to the request because the building envelopes that they are proposing are quite a distance from the wetlands as depicted on GIS. There were a couple Conditions of Approval related to this: one being a note on the plan specifying that any building should be at least 100 ft. from the Wetlands Conservation District. A description of the driveways, septic systems and proposed building sites were described. There were also a couple of small items that staff would like to see on the plan, as depicted under Staff Comments provided in the application in the agenda packet.

Mr. Hall asked the applicant about her opposition on having a Wetland Scientist come in and flag around the driveways. Ms. Thompson said she would do whatever the Board would like. She noted the wetlands being discussed are on the high side of the property, so it is not likelihood that any of these proposed building sites, or their driveways, would impact the wetlands.

Chair Davio opened the Public Hearing.

Members of the public who spoke were:

Mr. Bruce James, resident living on Hardy Hill Road. He is a retired Professor of Soil Science. He handed out a document to Board members that summarized his comments and highlighted the following: (This document was not included in the agenda packet for this meeting.)

1. The need for wetlands delineation by a Certified Wetlands Scientist and his reasoning.
2. The problems with proposed Lot 3 (12.4 acres)

His recommendation was that the area now marked for Lot #3 not be used for a house and the forest trees be left intact.

Mr. Jim McCollaum asked Ms. Thompson how solid the commitment was for the building sites and if the shared driveways were going to be paved. In response, Mr. Leister said the building sites are not definite because it depends on who buys the properties, but driveway(s) would be paved.

Mr. Antonio Palazzo's concern was about the lack of sight for drivers traveling on Hardy Hill Road and asked the Board to consider reducing the speed limit to 25 MPH. Chair Davio said this recommendation would need to be taken up by the City Council.

Ms. Hall responded to Chair Davio's question about septic perk tests explaining the difference in depth between a building with a foundation and one with a slab.

Mr. Leister said the septic perk tests, which were designed for the best location, have been done and are ready to be submitted to the State.

Mr. John Hebert (66 Hardy Road) expressed his concerns about new homes being visible, that staff was not opposed to a waiver on the wetlands, possible contamination of the water supply, and how wetlands would be affected in that area (Lot #3). He noted the wetlands on this property are vibrant wetlands and advised the Board to look at this more closely stating that drawing a conclusion regarding wetlands just by GIS mapping is not taking a good conservation look at that land.

Ms. Lynn Garfield asked for clarification on some of the information discussed at the Conceptual Review. Her concerns were about the septic setup for 3-bedroom homes, the wetlands, and asked if once a property was purchased if it could be monitored. She would hate to see McMansions built in the middle of the woods where traffic from dirt bikes, kids, etc. would destroy the wetlands.

Ms. Gay Palazzo asked if this area could be designated as a Scenic Byway.

Mr. Allen Rogers concerns included the wetlands and driveway drainage. He asked if a wildlife assessment has been done because there is a lot of wildlife in that area, which includes an active deer yard and a serious wildlife crossing. Mr. Corwin said wildlife assessments are not done on minor subdivisions, but this could be revisited in the future. Mr. McCollaum concurred with Mr. Rogers and said this area is a thorough-fare for deer/bear along the brook.

Ms. Lynn Garfield (60 Hardy Hill) expressed her concern about the vernal pools in the wetlands, noting there is a reason why all those animals (wildlife) hang out there.

Mr. John Hebert spoke about the perk test done on Lot #3 and asked what time of the year it was done. The response was September/October 2018.

Ms. Denise MacLeod (91 Hardy Hill Road) concerns were about possible future damage to natural resources, water resources on Hardy Hill Road, and the wildlife corridor.

Mr. Lawrence MacLeod (91 Hardy Hill Road) expressed his concerns for the wetlands, the wildlife corridor and increased traffic on the corner along Hardy Hill Road where the driveway is located.

The Board discussed the potential size of homes (McMansions); how new homes would be set into the landscape; wetlands on Lot #3 and wetlands in general - especially along proposed driveways; the wildlife corridor; how housing lots were chosen; the woodlands buffer between housing (explained by Ms. Thompson); zoning requirements; building permits; Conditions of Approval; adding a requirement that the property be surveyed (all or in part) by a Wetland Scientist, and; the cost impact these surveys would have on the applicant.

Ms. Stavis questioned the feasibility of the proposed homes on Hardy Hill being starter homes. Ms. Thompson said that the average cost of a starter home in the Lebanon area is around \$350K. Ms. Stavis asked that the following statement (by her) be added to the minutes for the record: It was stated at the outset that these (homes/lots) were intended to be affordable homes and, as the conversation went on, it became apparent that they would not be affordable homes - in the true sense of the word affordable.

Chair Davio, hearing no further comments from public, closed the Public Hearing.

Further lengthy discussions from the Board included having a Certified Wetland Scientist flag the area north of the driveway; if Lot #3 could be eliminated and become part of another lot; whether or not to grant the applicants waiver request, and; what would happen if the Board required the property to be surveyed by a Certified Wetland Scientist. Mr. Brooks said that if the wetland delineation came back and the proposed well locations, the proposed septic locations and the proposed building envelope met all of the required separations, then these could become a Condition of Approval. If the results came back that a building shifts back to within 100 feet of the wetlands, then the applicant/purchaser would have to come back to the Board to be modified.

More lengthy discussions took place regarding the wetlands and their locations were identified and described as presented on the Homecrafters, LLC Tax Map 80, Lot 28, Hardy Hill Road, Grafton County, Lebanon, NH in the agenda packet. High value and low value wetlands locations were also described by Mr. Brooks and questions from the Board were answered.

ACTIONS:

After starting a Motion to approve the application, some Board members felt the wording in items #2 and #3, in the Application Section, needed to be changed. The Board reviewed the wording, made acceptable changes that they all agreed on, and the following **Actions** took place:

1. MOTION TO ACCEPT THE APPLICATION AS BEING COMPLETE:

Date: February 11, 2019

Mr. Matthew Hall MOVED that the Lebanon Planning Board finds the application of HOMECRAFTERS, LLC for Minor Subdivision of land, #PB2019-02-MIN, IS complete enough to accept jurisdiction and commence review.

The MOTION was seconded by Mr. Matthew Cole.

****The vote on the MOTION was unanimous in favor (9-0).***

2. MOTION TO APPROVE WAIVERS:

Date: February 11, 2019

Mr. Matthew Hall MOVED that the Lebanon Planning Board APPROVE a waiver for the application of HOMECRAFTERS, LLC, #PB2019-02-MIN, from the following section of the Subdivision Regulations, subject to the conditions of approval:

- ***Section 9.5.A.7 – requiring that plan shall depict wetlands as delineated by a Certified Wetlands Scientist, whose seal and signature shall appear on the plan.***

The MOTION was seconded by Ms. Laurel Stavis.

****The vote on the MOTION was 5-3-1. Ms. Welsch was recused.***

3. MOTION TO APPROVE THE APPLICATION:

Date: February 11, 2019

Vice Chair Garland moved that the Lebanon Planning Board APPROVE the application of HOMECRAFTERS, LLC for a Minor Subdivision of land located at 40 Hardy Hill Road, Tax Map 80, Lot 28, Lebanon, NH, in the RL-1 & RL-2 zones, #PB2019-02-MIN, as shown on a plan titled “Minor Subdivision Plan of Land, Homecrafters, LLC” prepared by Christopher T. Paton, LLS, Paton Land Surveying, dated January 25, 2019, Project 2019-277-72, 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 subdivision plat, the plat shall be revised to identify a shared access easement and the extent of the easement over the proposed shared driveway to Lots 2 and 3. In addition, a note shall be added to the plan to indicate that such shared access easement shall be recorded at the time of transfer of ownership of either parcel.***
- 2. Prior to the signing and recording of the final plat, the applicant shall provide two revised plan sets depicting the following revisions, to the satisfaction of the Planning Department:***
 - a. Any changes made pursuant to Condition #1.***
 - b. Identify the date of completion of the actual field survey. (Section 9.5.A.5)***
 - c. Depict more clearly the approximate location of the wetlands, the wetland buffer, and the riverbank buffer. If necessary, an additional plan sheet should be provided.***
 - d. Add a note providing that no building shall be constructed within 100 feet of the Wetlands Conservation District.***
 - e. The wetland delineation made pursuant to Condition #3.***
- 3. The edge of the wetlands located to the north of the proposed driveway serving Lot #3 shall be delineated by a certified wetlands scientist for the length of the proposed driveway to ensure that there is no impact to the wetlands.***
- 4. The applicant shall provide a digital record drawing (Cad .dwg format using NH State Plane Coordinate system or an alternative approved by the City’s GIS Coordinator) prior to the signing and recording of the mylar.***
- 5. Future development on the new lots 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, and such fees shall be due and payable at the time of issuance of a Certificate of Occupancy. 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.***

The MOTION was seconded by Ms. Kathie Romano.

****The vote on the MOTION was 8-0-1. Ms. Welsch was recused.***

3. AUTHORIZATION FOR PLAT SIGNING:

Date: February 11, 2019

Vice Chair Garland MOVED that the Lebanon Planning Board authorizes the Chair to sign the plat for HOMECRAFTERS, LLC, #PB2019-02-MIN, as described above.

The MOTION was seconded by Mr. Matthew Cole.

***The vote on the MOTION was 8-0-1. Ms. Welsch was recused.**

B. BASIC HOLDINGS LLC, 5 & 11 OAK RIDGE ROAD, (TAX MAP 4, LOTS 5 & 6), ZONED R-3:

Request for Preliminary Review of a Major Subdivision for a proposed Planned Unit Residential Development (PURD) pursuant to Section 501.2 of the Zoning Ordinance, containing 21 residential units together with related site improvements and amenities. #PB2019-03-PMAP
****POSTPONED BY APPLICANT UNTIL 3/11/19**** ****POSTPONED BY APPLICANT UNTIL 3/11/19****

No Motion was needed.

7. STUDY ITEMS

A. DISCUSSION RE: MASTER PLAN IMPLEMENTATION RESPONSIBILITIES

Ms. Rebecca Owens handed out the Lebanon Master Plan Implementation-Outcome Status Reporting – DRAFT “Input Form” to the Board. This is a template for drafting content that the Board or ChaMP member(s) will transfer into the online Google “Input Form” once the Board/CHaMP member(s) are satisfied with it. You (CHaMPS) will use this “Input Form” to keep adding more Outcome Status Reports as they are identified.

Ms. Owens went through the items listed below:

- **Memorandum:** Sent to all Board/Committee Chairs/Department Heads who have an assigned Chapter. This established the objectives that the Board has already covered and the formalized process for reporting. The Planning Board will be responsible for Chapter 2, with support from the Planning Department. She read through the other Chapters and the Boards/Committees that would be responsible for each Chapter. Reporting and getting ahead on Board/Committee priorities is a prioritization for the CIP pipeline so the CIP Policy has been revised to emphasize that these (CIP and Boards/Committee) priority requests support each other
- **Role of the Master Plan Champion (CHaMP):** Discussed who will be taking on the reporting aspect of the status for each of the Outcomes in their Chapter and filing this report, which is an online form that looks exactly like the survey questions she handed out to the Board. A demonstration of how to use this online form was presented and the purpose/reasons why this online form was explained. For the Planning Board, Chair Davio and Vice Chair Garland are the CHaMPS.
- **Training:** Will be held on February 28th and/or March 7th. This training will explain how to determine the status of Actions/Strategies for the CIP process. Each CHaMP/Lead will get 15 pages of the same questions (handed out tonight) for each of the 15 Outcomes. These Word documents can be used as a tool before submitting final answers in the online form.
- **Schedule was reviewed. Round 1 next steps:** Mr. Brooks said the Board will have the Chapter 2 Action/Strategies discussion on February 25. For homework, the Board is requested to go through the Action/Strategies and check off the items they feel are most important, check off the items that the Board has already seen some activity on and highlight the items the Board members feel they would like to prioritize next. This discussion will take place again on March 7, 2019.

8. OTHER BUSINESS

Mr. Brooks informed the Board about the Dartmouth Transportation Company’s minor alteration to the Approved Site Plan (#PB2018-33-SPA) at 0 Labombard Rd (Tax Map 64, Lot 34). The applicant now proposes to replace the storage building with five (5) additional parking spaces, as depicted in the February 11, 2019 agenda packet.

After a brief discussion, the Board concurred with staff that no review was required.

9. OPEN DISCUSSION: NONE

10. ADJOURNMENT

Mr. Hall MOVED to adjourn the meeting at 8:50 pm.

Seconded by Mr. Schwarz.

**The MOTION passed (9-0).*

The meeting was adjourned at 8:50 pm.

Respectfully submitted,

Dona E. Gibson

Recording Secretary