

FINAL

**LEBANON PLANNING BOARD
COUNCIL CHAMBERS, CITY HALL
MONDAY, MARCH 25, 2019
6:30 PM**

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

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

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

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

2. APPROVAL OF MINUTES:

February 11, 2019

Amendments: Page 2, line 28: change “filing” to “proposing”; Page 2, line 51: change McCullum” to McCollaum”; Page 3, line 1: change “site” to “Sight”; corrected a couple of typos.

A MOTION was made by Vice Chair Garland to approve the February 11, 2019 Minutes as amended. Seconded by Mr. Hall.

**The MOTION passed (8-0)*

February 25, 2019

Amendments: Page 2, line 40: change “they” to Board members; Page 2, line 42: replace “does have the ability to change” to “can”; Page 3, line 28: change “rational” to rationale”; corrected some grammatical errors.

A MOTION was made by Vice Chair Garland to approve the February 25, 2019 Minutes as amended. Seconded by Ms. Stavis.

**The MOTION passed (8-0)*

3. NOTICE OF REGIONAL IMPACT:

The following applications were received by the planning department on or before March 11, 2019:

JUSTIN & VICTORIA CARVER, 75 & 77 SLAYTON HILL ROAD (Tax Map 120, Lot 4 & Tax Map 119, Lot 46), zoned RL-2 & RL-3: Request for a Boundary Line Adjustment of lands located at 75 & 77 Slayton Hill Road. #PB2019-05-BLA

TWIN STATE SAND & GRAVEL C0, INC., C/O WARREN AMES, ELM STREET WEST, (Tax Map 116, Lots 2 & 3), zoned IND-RA & R-3: Request for an extension of time in order to satisfy conditions-precedent and to record the subdivision plan for the Iron Horse Development, a phased 13-lot Planned Business Park and Major Cluster Subdivision, originally approved on May 14, 2012 (#PB2011-31-FMAJ). #PB2019-06-EXT

TWIN STATE SAND & GRAVEL C0, INC., C/O WARREN AMES, ELM STREET WEST, (Tax Map 116, Lots 2 & 3), zoned IND-RA & R-3: Request for an extension of time in order to obtain building permits for the Iron Horse Industrial Planned Unit Development, originally approved on April

22, 2013 (#PB2011-32-SPR), which consists of ten (10) Industrial Sector lots within the Iron Horse Business Park. Construction of the PURD is approved to occur in accordance with the “TSS&G-Iron Horse Park Phasing Schedule” dated Received February 28, 2013. #PB2019-07-EXT

Planning Office recommends that none of these have the potential for Regional Impacts.

Mr. Hall so *MOVED* the Planning Office recommendations.

Seconded by Vice Chair Garland.

****The Vote on the MOTION was unanimous (8-0).***

4. STUDY ITEMS:

A. PLANNING BOARD TRAINING SESSION RE: COMPLETENESS REVIEW, CHECKLISTS, ETC.

Mr. Corwin and Mr. Brooks facilitated a discussion regarding the review of applications for completeness, as presented in the March 25, 2019 agenda packet. This is important to the Board because they need this information to review an application in accordance with the City’s regulations and, from a Statutory/Legal perspective, to determine when an application is complete.

Mr. Corwin reviewed the NHRSA 676:4 - Boards procedures on Plats and NHRSA 676:3 – the Issuance of Decision. He also reviewed the Lebanon Subdivision Regulations, 7.7 – Review for Complete Application; the Lebanon Site Plan Review Regulations (Section 4.7 – Review for Complete Application), noting that when an application is complete, it triggers certain time period within which the Board has to act on the application. Once the Board determines that any application is complete, then the Board has 65 days from that determination to make a decision on that application. There is a significant caveat, both in State Statute and reflected in the City’s regulations, that allows an applicant to agree to an extension of that time period (65 days). The City’s regulations require that an agreement by an applicant to extend the time period has to be in writing.

Mr. Corwin said both Planning Board and staff should make sure they have that written agreement from the applicant, noting that what the agreement should probably say is “if the applicant’s application is determined to be incomplete, then you have x-amount of time to provide the information to make that application complete and if that information is not satisfactory to the Board, then the application will be dismissed.” Currently, the Planning Board does not have this requirement.

The procedures for determining the completeness of an application are basically the same for the five (5) applications that the Board generally sees, which are:

- Site plans.
- Lot Line/Boundary Line Adjustments.
- Minor Subdivisions.
- Preliminary Major (Design Review in Statute) Subdivision review.
- Final Major Subdivision.

Per Statute, what constitutes a complete application are:

- Application form with a project description.
- List of abutters.
- Fees.
- All Waiver requests.
- A checklist that includes all the substantial requirements specific to the type of application being requested. Mr. Corwin handed out the City’s Subdivision Regulations – Technical Checklist as a sample. Planning Staff may be giving these checklists to the Planning Board in the future, which may be helpful in determining the completeness of an application. He noted that within 30 days, the applicant has to provide all this information on these checklists to Planning Staff, staff makes

a preliminary determination on whether the submission requirements have been met, and then makes their recommendation(s) to the Board regarding a Public Hearing. Waiver requests and incomplete application procedures were discussed. The Planning Board/Staff needs to be clearer on these. If an application is not complete, then why, and stating what their recommendations are regarding whether or not the Planning Board should grant the waivers. **The key point:** Both Planning Board and Planning Staff should take a little more time with the completeness review discussion, noting that for any application that is seeking a waiver from a submission requirement, there needs to be a discussion to come up with some consensus regarding if the Waiver has merit to it.

Mr. Corwin answered the Board's questions on the Completeness Review and suggested that the Board may want to be more careful about voting on applications in mass. Applications should probably be voted on individually, especially if they involve Waivers. A lengthy discussion took place and questions were answered regarding the findings for a Completeness Review; incomplete applications; what the Board's obligations are regarding a Conceptual Review; preliminary vs. primary subdivision regulations; major subdivision regulations; if this complicated process could be streamlined; and what is required of the Board if it denies a Waiver so the applicant can plan how to move forward.

Chair Davio informed the Board that he has been attending the Applicant/Staff/City Review Meetings. He said these meetings have been very informative and described what information was provided to applicant(s) at these meetings. Board members were invited to audit one of these meetings, which takes place on the 3rd Monday of each month.

Mr. Corwin stressed that what is really important is that before the Board actually takes an "official vote" on a Waiver it is important to allow the applicant the opportunity to present his/her application, explain why they are requesting a Waiver, and allow the public to speak before making a determination. If the Board is planning on denying a Waiver, the Board can do this without any testimony, but the applicant should know about this determination as soon as possible after the Board has accepted jurisdiction. Further discussion took place about what requirements need to be met once an application has been publicly noticed.

Chair Davio summarized this discussion as follows:

- The Planning Board should not make a determination during the Completeness Review.
- The Planning Board should only make a Motion to deny a Waiver if the Board knows this is going to be denied ahead of time and has made the applicant aware of their decision.
- Determine Completeness for a Preliminary Review (same as for primary) and clarify if there is information that the Board may need to either grant/deny application. Mr. Brooks will be consulting with legal counsel on this.
- The only thing that the Board cannot consider (per Statute) is if the applicant is awaiting approvals or some other form of approval from State or Federal Departments.

Vice Chair Garland suggested that it would be helpful if staff provide guidance on how many meetings an application would need, especially given the volumes of information that some applications require for the approval process. Mr. Brooks said that given the scale of large projects, a Special Meeting could also be scheduled that is devoted entirely to an applicant.

Chair Davio requested that procedures not be discussed in the middle of a meeting, which has been done in the past, so if the Board has a question about procedure concerns, they should be in touch with him or the Planning Staff before that meeting.

Mr. Brooks said the City will be keeping track of these training sessions and incorporating them into the binders that the Planning Board has so future members can have the benefit of these trainings.

B. COMPLETE PRELIMINARY CIP PROJECT LIST FOR DISTRIBUTION TO

DEPARTMENT HEADS AND CONFIRM SCORING CRITERIA AND CIP COMMITTEE REVIEW PROCESS (NOTE: Discussed after #4C)

Mr. Brooks present the above lists to the Board as presented in the March 25, 2019 agenda packet. The Board was asked to identify what they may need for any CIP's and explained the color-coded list. The Planning Board should also review the ranking criteria proposed by staff to enable the CIP Subcommittee to classify projects according to the urgency and need.

The Board reviewed and discussed the nine (9) scoring criteria. Mr. Brook's explained the methodology, stating that each Board members would fill out their own ranking criteria the night where a topic was discussed, but not submit the scoring details until the June 24, 2019 PB Work Session. After a lengthy discussion about the scoring criteria, especially criteria #2 (Emergency or Public Safety Needs) and using risk assessment criteria, Mr. Brooks said he will draft another scoring criteria form incorporating their suggestions and bring back for the Boards review.

Mr. Brook's said the CIP Subcommittee will be meeting in July, noting that instruction materials will be sent out to Department Heads to be submitted to him either by May 10th or May 17th.

C. DISCUSSION RE: MASTER PLAN IMPLEMENTATION RESPONSIBILITIES:

Ms. Owens reviewed what the City Council has determined as the reporting of Actions/Strategies for the Planning Board as determined in Chapter 2 of the Master Plan. These were 15 items chosen (completed/ongoing/active) by Chair Davio and Vice Chair Garland and Chair Davio. The Board should take notes on what they might want to/or should not change for a Chapter revision.

Ms. Owens will email this document to the Planning Board as well as a PDF of the City's Master Plan to the Board. At the next work session, Chair Davio and Vice Chair Garland will bring back their suggested changes to the Board for their review.

5. COMMITTEE REPORTS:

- Planning Board Subcommittees: No Report.
- Planning Board Capital Improvement Program (M. Hall/S. Welsch/B. Garland/K. Davio)
- City Council Subcommittees: No Reports.
- Class VI Roads Advisory Committee (J. Monroe)
- Lebanon Energy Advisory Committee (K. Davio)
- City Council Representative: (K. Zook/ J. Winny): No Report.
- Heritage Commission: (G. Schwarz): No Report.
- Pedestrian & Bicyclist Advisory Committee: (VACANT) – No Report.
- Upper Valley Lake Sunapee Regional Planning Commission: (VACANT) – No Report.
- UV Sub-Committee of the Connecticut River Joint Commissions: (B. Garland) – No Report.
- Upper Valley Transportation Management Association: (S. Welsch) – Ms. Welsch will be sending out the past minutes to the Board.
- Mascoma River Local Advisory Committee: (K. Romano): They will be doing a river clean up in June/July. They are always looking for volunteers. The specific dates will be put on the Listserv.

- Steering Committee for the Implementation of the Master Plan: (B. Garland/G. Schwarz/K. Davio/J. Monroe) - **No report.**

Planning Office - Task Status: (D. Brooks)) Mr. Brooks updated the Board on the following:

- Handed the Board copies of the letters that have come out recently.
- The Zoning Amendment process for 2019/2010 will be starting.
- The first draft of the Downtown Design Guidelines will be presented to the Board by the consultants at the Planning Board's April Work Session.
- In May, he hopes to have the Regional Planning Commission come to discuss the Urban Services District and a buildout analysis.
- Dartmouth College kicked off their own Strategic Plan and would like to present their plan to the Lebanon Planning Board for their review.

6. OTHER BUSINESS: None

7. OPEN DISCUSSION:

The Board discussed their concerns and the circumstances surrounding the Carter Project and Prospect Hill requests for an Extension and the Board's findings. Mr. Brooks summarized the issues in both cases and answered the Board's questions. In response to Mr. Hill's question, Mr. Brooks said that any Board member can make a motion for continuance, with Chair Davio stating this can be done as long as there is justification.

8. ADJOURNMENT

Mr. Hall MOVED to adjourn the meeting at 9:18 pm.

Seconded by Ms. Stavis.

****The MOTION passed (8-0).***

The meeting was adjourned at 9:18 pm.

Respectfully submitted,
Dona E. Gibson
Recording Secretary