

FINAL

**PLANNING BOARD  
MONDAY, JULY 8, 2019  
COUNCIL CHAMBERS, CITY HALL  
6:30PM**

**MEMBERS PRESENT:** Bruce Garland (Chair), Gregory Schwarz, Sarah Welsch, Kathie Romano, Joan Monroe, Laurel Stavis, and Matthew Cole (Alt.)

**MEMBERS ABSENT:** Matthew Hall (Vice Chair), Karen Zook (Council Representative), and Jim Winny (Alt. Council Representative)

**STAFF PRESENT:** David Brooks (Planning and Development Director), Tim Corwin (Senior Planner), Christina Hall (City Engineer)

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**1. CALL TO ORDER: Chair Garland called the meeting to order at 6:31 PM.**

**Matthew Cole was appointed for Matthew Hall.**

**2. APPROVAL OF MINUTES: June 10, 2019**

Tim Corwin gave an overview of the new guidelines for minutes of the meetings.

Page 2, line 11, to read, "...related to clearing the site to move the project along." Line 26, insert after Rob Taylor, "head of the Lebanon Chamber of Commerce," Delete the sentence at the end of Line 36, "A denial would...", line 48, to read, "...but a TIF Study needs more..."; Page 3, line 49, to read, "Seconded by Matthew Cole." Page 4, line 32, to read, "...the final one built, and residents would have the use of both finished garages for parking. If the residences are built earlier, those residents would be on gravel at a distance from home for at least three years with no dedicated parking." Page 5, line 8, to read, "Vice Chair Garland opened the Public Hearing, but in the absence of public comment, the hearing was closed." Page 6, line 24, to read, "Mr. Corwin stated that the Planning Department received..."; line 26, the end of the line to read, "The Board needs a site..."; line 28, to read, "he would suggest the Board could grant that waiver request of the Board can wait. The applicants need the waiver..."; Page 7, delete line 8; Lines 12-13, to read, "Mr. Brooks said they could refer to the same procedures for nominations that the City Council uses."

***A MOTION by Matthew Cole to approve the minutes of June 10, 2019, as amended. Seconded by Sarah Welsch.***

***\*The MOTION passed (7-0).***

**3. NOTICE OF REGIONAL IMPACT:**

Chair Garland explained that the specific application information regarding regional impact is not listed in the agenda due to the fact that those applications can be received up to the day of the meeting.

**A. CITY OF LEBANON and RUTH H. GUERNSEY, TRUSTEE, 22 GREEN STREET WEST (Tax Map 59, Lot 49), 0 GREEN STREET WEST (Tax Map 59, Lot 64), and GREEN STREET WEST RIGHT-OF-WAY, zoned R3: Request for a Boundary Line Adjustment. #PB2019-20-BLA**

**B. WILLIAM & LORI GRIZZAFFI, 351 MERIDEN ROAD (Tax Map 167, Lot 16) zoned RL-1 & RL-2: Request for Site Plan Review to use the existing improvements on the property for a towing business and vehicle impound yard. #PB2019-21-SPR**

**Ms. Monroe so *MOVED* that the applications (above) have no Regional Impact. Seconded by Mr. Schwarz.**

***\*The Vote on the MOTION passed unanimously (7-0).***

#### **4. COMPLETENESS REVIEW OF NEW APPLICATIONS:**

Chair Garland explained a future proposed change to the order of business, which would incorporate the determination of completeness of an application with the public hearing on the application.

Mr. Corwin stated that the Board may want to consider this change on an individual basis because some applications include waivers that would be heard before the public hearing on the application.

The Planning Department recommends that the new business application (below) as submitted on the agenda is ready to be deemed complete enough to accept jurisdiction and commence review.

**PATRICK CASALE and ANDREW DAVIS AVERY II & LIANE MELISSA AVERY, 324 & 320 POVERTY LANE** (Tax Map 188, Lot 49 & Tax Map 188, Lot 2), zoned RL-1 & RL-2: Request for a Boundary Line Adjustment of lands located at 324 & 320 Poverty Lane. #PB2019-14-BLA

***A MOTION by Kathie Romano that the application listed above is deemed complete enough to accept jurisdiction and commence review. Seconded by Laurel Stavis.***

***\*The MOTION was approved unanimously (7-0).***

#### **5. PUBLIC HEARINGS-**

**A. QUAIL I, LP, 69 LILY LANE** (Tax Map 8, Lot 2, Plot 200), zoned R-3: Request for site plan review to construct a new 32-unit, 50,000 square foot building for senior housing, with associated improvements, to be operated as an extension of the Quail Hollow Senior Living Community off Route 10. #PB2019-13-SPR

John Giebink, Charles Brush, and Rod Finley appeared to speak on behalf of the request.

Mr. Giebink described the project as the last phase of Quail Hollow, which began 23 years ago. Mr. Giebink stated that the community has increased based upon demand, and there is a long waiting list at this time. The proposal is to extend Lake House by 32 units, which would be located in the back corridor, and all City services already exist. Their goal is to provide high quality senior housing with complete onsite support services.

Mr. Corwin stated that the proposal received special exceptions in 2018 for an increase in units and an increase in density. Referring to a Staff memo regarding the project, Mr. Corwin noted that three (3) retaining walls would be required to the rear of the building, and any changes may require an amendment to the plans. A July 21, 2019 memo from the City Engineer stated there may need to be a construction easement over adjacent property which must be determined prior to construction given the proximity of the retaining wall to that property. There were also recommendations for water and sewer locations and capacity. The Fire Department comments have been satisfied. There are plans for a stormwater catchment basin, but the City Engineer's comments need to be addressed. The Zoning Board gave conditional approval, but asked that the Planning Board address the need for widening East Wilder Road for emergency access. The Zoning Board also asked that the Planning Board consider a sidewalk along the west side of Route 10 from Quail Hollow Drive to Richardson Place. The applicant is asking for several waivers from the site plan review requirements as stated in the Staff Memorandum of 7/8.

City Engineer Christina Hall stated that prior to preparing the plans, the applicants met with City Staff at the DPW regarding drainage. With the existing project, there is a fair amount of runoff creating washouts and culvert failure on East Wilder Road. The applicants requested that they try to meet only the new development conditions. In lieu of addressing all of the parking and roofs, the City requested that they make improvements to the embankment and culvert by East Wilder Road. The City is asking that they make those improvements and the new impervious surface area. The plans will need additional information before they go to the State.

Chair Garland asked if the applicants could clarify the requests of the Zoning Board.

Mr. Giebink stated that it was a Planning Board decision to put a gate on East Wilder Road. The location of the gate was displayed. Some owners requested that it be left open. They have approval from DOT for a sidewalk in the State right-of-way.

Ms. Romano inquired if the buildings are different in terms of levels of service. Mr. Giebink stated that it is classified as independent living with optional food, transportation, and nursing services. If a person needs 24-hour care, Quail Hollow cannot provide it.

Mr. Corwin suggested the Board hear from the public before consideration of the waivers on Page 5 of the Staff Memorandum.

#### **Chair Garland opened the Public Hearing.**

Sally Paige, a Quail Hollow resident, stated that many residents attended the Zoning Board hearings, and a number of conditions came from their input. She recommended the Board members drive by to see how tight the area would be. Ms. Paige also asserted that the planning should include the community members as well as the owners.

Stan W. Lienhart, a Quail Hollow resident, addressed two concerns. First, in view of the number of sewage repair incidents in the last few months, he questioned the impact that addition will have on the present sewage capacity. Second, he expressed concern over the impact that construction vehicle traffic would have on the safety of those who are on walkers or have to travel by foot. He asserted that the roads are not intended to have large trucks on them all day.

Mary Mills, a resident of the Quail Hollow Cottages, shared a number of concerns around services and the safety of residents, particularly in the hollow area. She pointed to the need to look at 100 year events, which are more and more frequent; and there are already problems with sewage and drainage to handle current amounts. Ms. Mills noted that residents with health conditions would have to live with the dust and pollution of construction. She suggested that if the federal flood plains come up to the secondary access road, it's in a hollow and would be under water.

Sally Paige spoke again, noting that on p.123 of the Dec. 10, 1997 approved plan for Quail Hollow, two points of egress were to be provided, one on Route 10 and the other on East Wilder Road. In her opinion, the East Wilder Road access is gated, narrow, and very poorly maintained. Service vehicles are the only ones using it. She alleged the power is down now and the gate is not functional.

Mary Mills spoke again, stating that there are 364 units now with one access road up the hill. She questioned how that many residents could be evacuated out that one road in an emergency. There has been no practice for fire or any other emergency. She requested that the gate remain open, so more people would be able to get out. She added that the main road's hill was sheer ice in the winter, and the gated road was closed, which created a safety issue.

Ann Hobson, a cottage resident at Quail Hollow residing nearest the gate, noted a difference of opinion regarding the gate. She stated that for the last 9 months it was always up, and mice have eaten the wiring. She added that in previous years, the gate was up a majority of the time. At present, it is not suitable for emergency vehicles, and East Wilder Road is also in bad shape.

Mr. Brooks noted that the gate is on a different Quail Hollow tax lot, and Staff needs to look into the condition further. He will be checking on emergency services.

Sandra Curtis, who lives in a cottage on Lily Lane, reiterated that there is a lot of traffic right now on Lily Lane. If construction vehicles were moving that way to build Lake House, it would make it very difficult for residents. They have people using walkers, canes, etc. walking on that road, and they would not be able to use the road. It also creates a safety issue. She expressed concern that the new building would block the view and access for an existing building. She stated that when she purchased her cottage, she was told Quail Hollow was fully built.

**Chair Garland closed the Public Hearing.**

Mr. Finley stated that the applicants never characterized the project as fully built, but it may have been a real estate person. Mr. Schwarz inquired if the project was originally proposed as a phased project. Mr. Giebink said it was not a phased plan. They bought the land, but they sought approval for each phase separately over the years. Mr. Schwarz inquired as to when the Lake House was proposed. Mr. Giebink stated that it was three years ago with Zoning Board approval. Ms. Romano asked who would maintain the sidewalk on Route 10. Mr. Giebink said it would be the City. Ms. Romano asked if this would be the last building for the Quail Hollow Community, and Mr. Giebink replied that it would. Ms. Romano also inquired about the independent inspections noted for water, sewer, and drainage that do not include the retaining walls. Ms. Hall stated that the inspection can be added by the Planning Board.

Ms. Monroe noted that on a complicated application, other boards would keep the hearing open to the public until the board was ready to vote. She added that all of the abutters should have been notified. Ms. Monroe suggested it would be helpful to have a site visit, as there are a number of things that need to be seen. It would be good to see the pond, the slope, and other features.

The members began discussing some of the residents' comments regarding the site and road access. Ms. Welsch stated it would not be possible to move forward tonight with so many negative comments and too much to take in. She recommended tabling any motions. Mr. Giebink said he would welcome the opportunity to show them the site and the services. Ms. Stavis asked if the cottage residents have different property ownership, and Mr. Giebink said the cottage residents own the property and the others rent. Ms. Stavis suggested the members have the bylaws of the homeowners' association to study at the next hearing. Mr. Cole suggested getting to some of the waiver requests, as he would like to understand what is being requested. Ms. Monroe stated that many questions would be solved when the Board members see the site. Some issues raised are not in the purview of the Planning Board. It would be helpful to have an outline of the Planning Board's areas of jurisdiction. A site walk would be helpful for everyone to see and hear the same site information at the same time. Ms. Stavis said that having a firsthand view of the property would be helpful, and Ms. Romano agreed that it would be helpful to visualize the items like parking, landscaping, and drainage.

**Chair Garland reopened the Public Hearing.**

Sally Paige said she would discourage the Board from going into the buildings.

Mary Mills inquired if she needed to have her name on a list to get notices. She called the president of the association, because they hadn't received notification of the hearing. The only way she can find out about

hearings is by reading the newspaper or getting information online. Mr. Brooks said he would look into it. Mr. Finley said the notice goes to management company, not the residents. It is then sent via email to the association, who must not have notified the residents.

Stan Lienhart noted that on a topographical map, one would see a very steep hillside, partially covered by pine trees. If the weather continues as it is, that hillside is steep enough to become friable; and retaining walls wouldn't hold back the volume of water, mud, and soil coming down, particularly if the base of the hillside is cut away. There is a strong potential for that to happen there.

**Chair Garland closed the Public Hearing.**

Ms. Monroe inquired about other members having things they want to see on a sitewalk. Chair Garland said members should come with the waivers in mind. Mr. Brooks suggested members arrive on their own and meet in the gravel parking lot. Mr. Giebink said the site would be staked out and up for several days. Ms. Monroe asked that the Planning Department provide a list of items in the Board's purview, and that the members want to see aspects like the land, where building would be, and where sewers go.

***A MOTION by Sarah Welsch to schedule a sitewalk at Quail Hollow Living Community on Monday, July 29 at 5:30 PM. Seconded by Gregory Schwarz.***

***\*The MOTION was approved (7-0).***

***A MOTION by Joan Monroe to continue the QUAIL I, LP, 69 LILY LANE Application Public Hearing to August 12 at 6:30 PM. Seconded by Matthew Cole.***

***\*The MOTION was approved (7-0).***

**B. PATRICK CASALE and ANDREW DAVIS AVERY II & LIANE MELISSA AVERY, 324 & 320 POVERTY LANE (Tax Map 188, Lot 49 & Tax Map 188, Lot 2), zoned RL-1 & RL-2: Request for a Boundary Line Adjustment of lands located at 324 & 320 Poverty Lane. #PB2019-14-BLA**

Scott Sanborn, Cardigan Mt. Land Service, appeared to speak for the proposed boundary line adjustment between two parcels on Poverty Lane. Lot 2 on Tax Map 188 is presently 7.96 acres. After the proposed adjustment, Lot 2 would be 12.95 acres. Presently Lot 49 on Tax Map 188 is just over 51 acres, and after the proposed adjustment would be 46.1 acres. Mr. Sanborn stated it is all back land, and there would be no changes to frontage or existing residences.

Mr. Corwin noted that the applicant is requesting a waiver from Section 8.2.A(2) which requires the plan to depict the names and mailing addresses of the holders of any easements or other restrictions.

Ms. Monroe inquired about the existence of accurate documentation for all of the protective covenants. Mr. Sanborn stated that the protective covenants were put in place by co-owners in 1979, and he believes they are in compliance with the covenants. Mr. Sanborn added that a search for heirs of previous owners would not be necessary at this time. Ms. Romano asked if the covenants should be noted on the plan, and Mr. Sanborn confirmed that the covenants are noted on the plan. Ms. Romano inquired about the protective land restrictions regarding subdivision of the lots. Mr. Sanborn explained that those restrictions apply to the front portions of the lots, and there have not been, nor will there be, any subdivisions creating new lots. Ms. Monroe inquired about the renewal of the protective covenants listed in the Mack-Meyer Subdivision information provided in the meeting packet. Mr. Sanborn noted that the covenants automatically renew for additional segments of ten years each and asserted that the proposed change is not in violation of those covenants. Ms. Monroe asked about any possibility of Class VI Roads being related to the change. Mr. Sanborn stated that the only possible Class VI road is actually a private right of way. Mr. Brooks stated that

he is not aware of any pending activity regarding Class VI Roads. That work was concluded by City Council.

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

### **1. MOTION TO APPROVE WAIVERS:**

**Date:** July 8, 2019

**Sarah Welsch moved that the Lebanon Planning Board APPROVE a waiver for the application of PATRICK CASALE and ANDREW DAVIS AVERY II & LIANE MELISSA AVERY, #PB2019-14-BLA, from the following sections of the Subdivision Regulations:**

- **Section 7.6.B – requiring holders of easements and other restrictions to be notified of the hearing by certified mail**
- **Section 8.2.A(2)– requiring the plan to depict the names and mailing addresses of the holders of any easements or other restrictions.**

**The motion was seconded by Laurel Stavis. The vote on the motion was 7-0.**

### **2. MOTION TO APPROVE THE APPLICATION:**

**Date:** July 8, 2019

**Sarah Welsch moved** that the Lebanon Planning Board APPROVE the application of PATRICK CASALE and ANDREW DAVIS AVERY II & LIANE MELISSA AVERY for a Boundary Line Adjustment of lands located at 324 Poverty Lane (Tax Map 188, Lot 49), located in the RL-1 & RL-2 zones, and 320 Poverty Lane (Tax Map 188, Lot 2), located in the RL-1 zone, #PB2019-14-BLA, as shown on a plan titled “Proposed Minor Lot Line Adjustment for Patrick M. Casale and Andrew Davis Avery & Liane Melissa Avery”, prepared by Cardigan Mountain Land Surveys, LLC, dated June 7, 2019, last revised June 24, 2019, Project #: 19-4004,8213, 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 applicant 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 applicant 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 7-0.**

### **3. AUTHORIZATION FOR PLAT SIGNING:**

**Date:** July 8, 2019

**Sarah Welsch moved** that the Lebanon Planning Board authorizes the Chair to sign the plat for PATRICK CASALE and ANDREW DAVIS AVERY II & LIANE MELISSA AVERY, #PB2019-14-

BLA.

**The motion was seconded by Matthew Cole. The vote on the motion was 7-0.**

## **6. CONCEPTUAL DISCUSSIONS:**

- A. TACKLE PARTNERS, LLC, 37 SPENCER STREET** (Tax Map 78, Lot 5), zoned CBD: Conceptual review per Section 4.3 of the Site Plan Review Regulations for a proposed conversion of a 4,200 SF existing commercial space to a multi-family building. #PB2019-19-CON

Meg Carleton, property owner, and Jim Wasser, Studio Nexus Architects, appeared to speak regarding the proposed conversion.

Meg Carleton explained the plan to convert an old warehouse and office space to studio apartments. The property was inherited by her brother and herself, but they must address several obstacles. The building is located in the flood plain, so they would reclaim the building by raising the first floor above the level of the flood plain. The plan is to have the warehouse space remain a warehouse. The former office space would be raised and hold 12 apartments, and dormers would be added to create the upper level apartments. The plan provides for two handicap ramps and parking. Solar panels would be installed on the roof, and the plan is to maintain an industrial aesthetic. The building has steel bones and 7-foot frost walls. Eventually the warehouse may also be converted to housing, but the large, open paved lot will remain open to allow for large trucks accessing the warehouses. The Board members discussed a number of considerations regarding the lot features and other projects in the area. Ms. Carleton projected pictures of the inside of the warehouse building and discussed the plans for separation of the residential and commercial sides.

The members discussed the flood plain requirements and features recommended in the Master Plan. Mr. Brooks said the goal is to make it more pedestrian friendly with sidewalks, trees, and street lights. Ms. Hall noted that Tackle Partners is proposing some development in the City's right-of-way, and recommended they not spend time and money on design if it is in the City right-of-way.

## **7. STUDY ITEMS:**

## **8. OTHER BUSINESS:**

Mr. Brooks reported that the Department of Public Works is undergoing some changes, which means that Christina Hall will not have the support needed for project review. The City is entertaining the idea of having a third party for engineering support. The DPW is redirecting some resources to sewer projects, and they are considering hiring another engineer. Ms. Romano inquired as to who would be at the Planning Board meetings. Mr. Brooks said the City is working on that, and someone would be there. It is in the best interest of the Board to have clarification.

## **9. ADJOURNMENT:**

***A MOTION by Sarah Welsch to adjourn the meeting. Seconded by Gregory Schwarz.***

***\*The MOTION was approved (7-0)***

The meeting was adjourned at 9:45 pm.

Respectfully submitted,  
Holly Howes

Recording Secretary