



LEBANON CONSERVATION COMMISSION
MARCH 10, 2022 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE

-
- 1. Call to Order**
 - 2. Approval of Minutes**
 - A. February 10, 2022
 - 3. Permit Review**
 - A. Chaloux Properties, LLC - Review and Comment on NHDES Wetland Expedited Review (minimum impact only) application to construct a climbing gym facility with parking lot and utilities along the west side of Labombard Road. The utilities will run underground to the site. The underground alignment will require 545 square feet of temporary wetland impact for the installation. The emergent wetland will be reestablished once the utility conduits have been installed. CC2022-01
 - 4. Study Items**
 - A. Continued Review of Chapter 52 - Conservation Land Regulations (10 minutes)
 - B. Continued Review of the Con Com's Rules of Procedure (15 minutes)
 - C. Master Plan Update
 - D. Conservation Ranger
 - E. Discussion re: NHMA Legislative Policy Proposals
 - F. Farnum Hill Preserve - Property Overview & Discussion (45 minutes)
 - 5. Committee Reports**
 - A. **Reports from other committees:**
 - Conservation Lands Monitors (Various Members) (10 Minutes)
 - Lebanon Biodiversity Group (D. Lacey) (10 Minutes)
 - Workshops & Educational Opportunities (Various Members) (10 Minutes)
 - 6. Other Business**
 - 7. Future Agenda Items**
 - 8. Open to the Public**
 - 9. Adjournment**

The order of agenda items is subject to change.

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will

continue without remote access capabilities.

**Agenda
Conservation Commission
March 10, 2022**

**Agenda Item #2A
Approval of Minutes**

February 10, 2022

**CONSERVATION COMMISSION
REGULAR MEETING MINUTES
Remote Via Microsoft Teams
LebanonNH.gov/Live
February 10, 2022
6:30 PM**

MEMBERS PRESENT: Sarah Riley (Chair), Bruce James (Vice Chair), Erling Heistad, Ernst Oidtmann, Donald Lacey, Barbara Hirai (Alt.), Chris Johnson, Susan Almy

MEMBERS ABSENT: Megan Smith (Alt.), Darla Bruno (Alt.)

STAFF PRESENT: Mark Goodwin (GIS Coordinator)

1 **1. CALL TO ORDER – Chair Riley called the meeting to order at 6:36 PM**

2
3 **2. APPROVAL OF MINUTES: January 13, 2022**

4
5 **January 13, 2022**

6 Amendments:

- 7 • Page 2, line 24: Change Mr. Lacey to Mr. James
- 8 • Page 4, line 10: Change “send” to “sent”
- 9 • Page 5, line 6: Change “are” to “is”
- 10 • Page 3, line 12: Strike the word “intersection”
- 11 • Page 3, line 36: To read, “...bordering Signal Hill and one-acre bordering the Alana Cole
- 12 Conservation Area.”
- 13 • Page 4, line 8: to acknowledge that Mr. Lacey is also involved in this process.
- 14 • Page 4, line 24: To read, “...Taking Action for Wildlife Cohort”
- 15 • Page 4, line 29: Strike “and it is” and To read, “....and reviewed some key points from
- 16 UVL baseline reports. The property is to be managed...”
- 17 • Page 4, line 31: Strike “a nod to,” and replace with, “with the highest emphasis on the
- 18 protection of...”
- 19 • Page 4, line 32: Change “easement,” to “baseline report”
- 20 • Page 4, line 36: To read, “Historical Society. The baseline report goes on to state that
- 21 following the inventory of resources...”
- 22 • Page 5, line 1: Strike “to the buffers,” replace with “as needed”
- 23 • Page 5, lines 10-11: Strike “while there is a trail along the southern boundary,” replace
- 24 with “while the Club actively uses the southern boundary trail, they do not use the bypass
- 25 road and have never ridden on Ticknor Road.”
- 26 • Page 5, line 35: Change “councilman” to “Conservation Commissioner”

27 ***Ms. Almy MOVED to approve the January 13, 2022 minutes, as amended.***

28 ***Seconded by Mr. Lacey.***

29 **** The Vote on the MOTION was approved (7-0-0).***

3. PERMIT REVIEW**A. None****4. STUDY ITEMS****A. Review of Chapter 52 – Conservation Land Regulations**

Chair Riley explained that this is a chance for the Commission to review this Chapter and make proposed changes. Changes to wording would go to the City Council for a public meeting.

Ms. Almy mentioned concern regarding 52-2 and 52-4. These sections deal with outdoor recreation and that belongs to Rec & Parks. She suggested the wording include passive outdoor recreation. Mr. Lacey stated that this section seems to give the Commission some say in properties that are not necessarily conservation lands. Mr. Goodwin stated that this could allow the Commission to have a say in adverse impacts on certain properties. Mr. Heistad stated that the Commission has always had recreation as a use on its properties, along with education. Chair Riley suggested that this item be placed on a list for further consideration.

Ms. Almy stated that there is currently a bill in legislature that will forbid towns/cities from removing guns from any place within them. This would make 52-7 D/E difficult to enforce. This legislation could also conflict with 52-10. Chair Riley stated that the Commission will need to be kept apprised on this item.

Ms. Hirai asked if e-bikes are included in 52-4 – Motorized Vehicles. Mr. Goodwin stated that he does not believe this type of bike is currently included. Mr. Johnson stated that inclusion of these bikes is a large debate in many forums lately. Chair Riley stated that the Upper Valley Mountain Bike Association allows e-mountain bikes in the Landmark land trails, thus people may also be using these on the City portion of these lands.

Chair Riley explained, regarding 52-5 D, that she was recently approached with a question about hunting/bow hunting in the Star Hill Conservation Area. It is sometimes unclear on the kiosks as to if hunting is allowed or not. Mr. Lacey noted that signs can be posted along a land creating a Hunter Safety Zone. Mr. Goodwin explained that if public funds are used to purchase a property, hunting cannot be restricted on it. Hunting is allowed on all conservation properties, except for what the State regulates – to not discharge a firearm within 300' of a home. This may also apply to bow hunting. Chair Riley stated that there may also be State regulations regarding hunting near trails. Mr. Goodwin explained that Fish & Game is the enforcement entity. Chair Riley suggested that signage on kiosks be updated, in order to remove any confusion.

Chair Riley noted difficulty finding the Camping Policy, as mentioned in 52-6 A(2). Mr. Goodwin explained that the policy document is kept separate from the code because it could be changed each year. Mr. Goodwin stated that the Camping Policy is hyperlinked to under the Boston Lot, as that is the only place it is permitted. Mr. Heistad asked about reviewing other potential areas in the City to allow camping on.

Chair Riley stated that 52-6 A notes a Park Ranger, and suggested the language be changed to Conservation Ranger.

Ms. Hirai stated, regarding 52-7 B, that she does not believe the Commission is currently updating its signage appropriately for motorized vehicles. Ms. Almy suggested that there be a posting at Boston Lot, as motor vehicles are allowed there. Chair Riley stated that Signal Hill, Boston Lot, and Goodwin Conservation Area have signs allowing non-motorized mountain bikes.

Chair Riley stated that 52-7 D references section 52-5 E – Fishing. She believes this is supposed to reference section 52-5 D instead. Ms. Almy explained that another issue with this section is that there are a number of animals, including red squirrels, that can be hunted at any time of year without a license.

Mr. Lacey pointed out an incongruence between 52-10 and 52-13.

Regarding 52-13, Chair Riley stated that the name of the East Wilder Boat Launch should be changed. Mr. Goodwin stated that he is unclear what the deed names the property as. Chair Riley stated that the Commission previously agreed to change the name of this property to the East Wilder Conservation Area.

Chair Riley noted that the Mill Parcel, Ticknor, and Hardy Hill Brook need to be added under 52-13.

Mr. Oidtmann stated that the East Wilder Boat Launch is still boat launch and it may be confusing to change the name. Chair Riley stated that it will still be used as a boat launch, but that the name does not reflect the rest of the vast shoreline in the area.

Chair Riley suggested that the Commission revisit this item at a future meeting.

B. Review of the Con Com's Rules of Procedure

Chair Riley stated that she would like 2.1 to be amended to include that the Commission consists of seven people, "one of which is the City Council representative." Under 2.2, she expressed concern over the wording regarding when the Chair can allow an alternate member to vote. Mr. Goodwin stated that this item is regulated by State law. Mr. Oidtmann stated that the handbook for NH Planning Land Use & Recreation does not mention alternates. He noted that there does not seem to be a limit on the number of alternates and believed this needs to be clarified. Chair Riley stated that, as a Conservation Commission, there would never be more than seven members voting at a time. Ms. Almy suggested that the sentence read, "...may not vote, unless, in the absence of any regular member, when the Chair shall appoint an alternate to fill such vacancy." Mr. Oidtmann stated that term limits are missing in Section 2; these should be listed as three years.

Mr. Oidtmann stated that he has a May 8, 2008, copy of the Rules & Procedures.

Ms. Almy noted that the start time for meetings currently is 6:30pm, and this should be amended under 4.2.

The group discussed item 5.2 – Quorum. Mr. Goodwin asked Mr. Oidtmann to send along his copy of the Rules of Procedure.

1 Mr. Oidtmann suggested adding item 4.6: If a member cannot attend a meeting s/he will notify
2 the Chair in a timely fashion. This could help in terms of making sure a quorum is present.

3 The Commission discussed updating Section 5.3 E(1) to reflect what meetings currently look
4 like. Ms. Almy noted that Open to Public is at the end of the meeting and that the group has
5 previously discussed moving this to be directly after approval of minutes. Chair Riley agreed.
6 Mr. Goodwin noted that the Chair can always take items out of order.

7 Chair Riley noted that, for Section 7.4, Commissioners can still vote on minutes/motions if they
8 were not at a previous meeting, as long as material has been properly reviewed.

9 Mr. Oidtmann asked about Section 7.3 and that it states, “a member who is disqualified shall
10 remove himself from the Commission, shall not take part in the public discussion...” Mr.
11 Goodwin stated that, typically, a Commissioner would need to identify that s/he is speaking as a
12 member of the public, instead of not being able to speak at all. The group discussed amending
13 the language to strike, “shall not take part in the public discussion,” and add at the end “The
14 disqualified member may express public opinion.”

15 Chair Riley stated that the Commission will review an edited revision of this document next
16 month.

17 **C. Con Com Trails Coordinator Position**

18 Mr. James explained that this proposal grew out of a meeting regarding possibly forming a Trails
19 Committee. It became clear that the consensus was that a Trails Coordinator might be a better
20 approach. This person would be the point person to work with the whole Commission or with
21 small groups, as needed. This person would work as a communications liaison between groups
22 interested in the trails. He was approached about filling this position and agreed. He is proposing
23 four broad areas of work for the position: Coordination & Communication, Stewardship,
24 Projects, and Long-term Planning. He stated that a key part of this position will be
25 communicating regularly with Mr. Goodwin, Chair Riley, and the Commission.

26 In response to a question from Mr. Oidtmann, Chair Riley stated that there needs to be a similar
27 analysis for the Conservation Ranger position so that there can be an understanding of
28 expectations in relationship to this role and the stewardship program. This could be placed on
29 next month’s agenda.

30 Mr. James stated he may try to make contact with every steward and walk the trails with them in
31 order to capture concerns. He will keep an ongoing log of his actions and communications.

32 Ms. Almy asked about the relationship between the Trails Coordinator and the Trail Stewardship
33 Coordinator. Ms. Hirai noted that she is not the volunteer steward’s coordinator, but she has been
34 working to develop outreach through the webpage and to recruit stewards. She does not want
35 trail work to overshadow the conservation work.

36 Mr. James stated that he wants to be cognizant of on and off-trail items and to balance those two
37 areas. He stated that he will update the Commission on his actions in this role monthly.

1 There was discussion regarding monitor reports and the separate forms that can be used by this
2 role. Mr. Goodwin stated that there are monitor reports and incident reports. Chair Riley stated
3 that the SeeClickFix app through the City can be used to report issues in the City, such as
4 downed trees, etc.

5 **5. COMMITTEE REPORTS**

6 **A. Reports from other committees:**

7 **--Conservation Lands Monitors (Various Members)**

8 Mr. Heistad stated that there is a pine tree that has fallen and needs to be moved at the top of
9 Signal Hill.

10
11 Chair Riley stated that the first Wild About Lebanon event has occurred. The second, led by Mr.
12 Heistad, will occur on February 19, 2022 at Farnum Hill. She is hoping that there will be one
13 more event while there's still snow on the ground at Two Rivers Conservation Area.

14
15 The group had discussions about the dog policy for the Wild About Lebanon walks. There was
16 consensus that dogs not be allowed on Wild About Lebanon walks. The Commission considered
17 reviewing its general dog policy on trails in the future.

18
19 **Mr. Lacey *MOVED* to add to the advertising of Wild About Lebanon that dogs please be**
20 **left at home, except for certified service dogs.**

21 ***Seconded by Mr. Heistad.***

22 **** The Vote on the MOTION was approved (7-0-0).***

23
24 Ms. Hirai stated that she and Ms. Almy reviewed a couple of conservation properties (Ticknor
25 and Goodwin) for any homeless camps. There were no people found, but cards for resources
26 were left in the empty tents.

27 28 **--Lebanon Biodiversity Group (D. Lacey)**

29 Mr. Lacey stated that he is working on the invasives at Baker's Crossing. He could use some
30 help dealing with some of the buckthorn on the property. Bluebird boxes will likely be put out
31 during the spring months.

32 33 **--Workshops & Educational Opportunities (Various Members)**

34 Chair Riley stated that on February 17th the Upper Valley Land Trust is having a lunch-and-learn
35 regarding the emerald ash borer via Zoom. The annual meeting for the Upper Valley
36 Conservation Commission will likely occur in March. She and Mr. Lacey attended the New
37 Hampshire Association of Resource Scientist's annual meeting, which presented examples of the
38 use of ARM funds for certain projects. There seems to be a need for partners in a successful
39 ARM project. The Commission should start thinking about who to partner with on certain
40 projects. Chair Riley stated that the Tree Board met earlier this month with a visioning exercise.

41 42 **6. OTHER BUSINESS**

43 Chair Riley stated that the group should have received FYIs that will be attached to agendas.

44 Mr. Goodwin stated that there have been a few inquiries regarding the Pike Industries application
45 and local mitigation. Staff is looking into if this is still open.

1
2 Ms. Hirai stated that different Zoom programs for outreach are being considered as part of
3 Taking Action for Wildlife. They are also looking into Big Night and vernal pool workshops as
4 well. Chair Riley stated that the vernal pool workshop will likely take place on either April 23rd
5 or April 30th.
6

7 **7. FUTURE AGENDA ITEMS**

8 Chair Riley asked that there be a shovel-ready project list or properties for developers to consider
9 for mitigation presented to the Commission at its next meeting. Mr. Goodwin stated that this
10 would be the Open Space Prioritization List. Chair Riley stated that this may be completed in
11 closed session. She asked if there are a couple of Commissioners to review this list prior to the
12 next meeting.
13

14 *Mr. Lacey MOVED to extend the meeting for 10 minutes.*

15 *Seconded by Mr. Johnson.*

16 ** The Vote on the MOTION was approved (7-0-0).*
17

18 Mr. Johnson noted that he has heard a lot of pushback on land acknowledgements from local
19 native peoples. This should be a future conversation.
20

21 Mr. Goodwin suggested that the Commission can have open discussions about general
22 properties, but specific properties should be discussed in closed session.
23

24 Chair Riley suggested that the Ranger position be discussed as part of a next agenda. She asked
25 about a small group to complete an analysis of this position. Mr. Goodwin stated that there is a
26 fine line between operations and human resource activities.
27

28 **8. OPEN TO THE PUBLIC**

29 **9. ADJOURNMENT:**

30 **The meeting was adjourned at 9:08 PM.**
31
32
33

34 Respectfully submitted,
35 Kristan Patenaude
36 Recording Secretary

**Agenda
Conservation Commission
March 10, 2022**

**Agenda Item #3A
Permit Review**

**Chaloux Properties, LLC,
NHDES Wetland Expedited
Review (minimum impact
only) application
33 Labombard Rd,
Map 51, Lot 15**



A & D Klumb Environmental, LLC

February 15, 2022

NH DES Wetlands Bureau
29 Hazen Drive
PO Box 95
Concord, NH 03301

RE: Map 51 Lot 15 Lebanon- Expedited Wetland Permit Application

Dear Wetland Reviewer,

A&D Klumb Environmental, LLC has been asked to prepare the included NH DES Expedited Minimum Impact wetland permit application for a temporary wetland impact associated with the installation of underground utilities for Map 51 Lot 15 located on Labombard Road in Lebanon, NH. The project proposes the construction of a climbing gym with parking area on the property. The utilities will lead underground from the utility service to the building on the property. The utilities will cross a narrow PEM1En wetland swale with a temporary 545 square feet of impact for the installation. Once the installation is complete the wetland soils will be replaced and seeded with a wetland seed mix, not to contain invasive seed.

The wetland enters the property via a culvert under Labombard where it is collected and slowed through a 25-foot long riprap apron where it then becomes an emergent wetland dominated by sensitive fern (*Onoclea sensibilis*), common reed (*Phragmites australis*), reed canary grass (*Phalaris arundinacea*), soft rush (*Juncus effusus*), rough leaf goldenrod (*Solidago rugosa*), red osier dogwood (*Cornus alba*), and glossy buckthorn (*Rhamnus cathartica*). The wetland flows southwesterly across the property and then continues off site flowing west.

Several alternatives were investigated in order to avoid or further minimize wetland impacts. The utilities lead underground from Labombard Road, approximately 185-feet south of the property corner. The utilities are required to be underground per the City of Lebanon Subdivision Regulations 13.8 C.

1. The alternative of going around the north end of the wetland was explored. This route would require that the utilities be installed within the edge of the right-of-way of Labombard Road/sidewalk and then go under the culvert before turning onto the property. This route is not favorable to the City of Lebanon and would require a license from the City Manager's Office as well as an excavation permit from Lebanon DPW, which Lebanon indicated may or may not get approved. The utilities would need to be installed 30-inches below surface, which would require them to be installed below the culvert that feeds the wetland and require a thicker sidewalk section above. This option was rejected due to the complexity of the installation and the need for the installation to be in the City right-of-way.
2. Another alternative was to lead north along the eastern edge of the wetland and cross the wetland through the riprap at the culvert outlet or at the end of the riprap. The original design of this installation included a 90-degree bend in the conduit to direct the conduit west, under the wetland, resulting in 160+/- square feet of wetland impact. The 90-degree bend will not work and must be two 45-degree bends creating a more gradual sweep, resulting in a wetland impact of approximately 400+/- square feet. This design location would require the installation below the sidewalk along the building, making access to the conduit in case of repair, difficult. The installation of the conduit within the slope of the road may also cause more disturbance at the wetland edge, due the machinery needed for the installation. This option was rejected because of the need to install the conduit within the edge of the City right-of-way and under the sidewalk along the building.

3. Option three directs the conduit more directly across the wetland at a naturally narrow location preventing the need for sharp bends in the conduit, slope installations, City right-of-way impacts, or requiring the conduit to be located under the concrete walkway. This option requires 545 square feet of temporary wetland impact and is the option proposed for this permit application.
4. Option four provided a direct crossing of the wetland but was through a wider area of the wetland. Therefore, a larger wetland impact (574 square feet) would have been needed. This option was rejected because it had a larger impact area than option three.

The project proposes to have the utility installation completed during low flow periods and includes a dewatering system, if necessary. The wetland soils will be replaced after the conduit installation and seeded with a wetland seed mix, not containing invasive species.

Please contact me with any questions or if you would like more information on the project.

Sincerely,



Audra L. Klumb, CWS #222
Architectural Historian





Env-Wt 310.01
**EXPEDITED MINIMUM IMPACT (EXP)
 WETLANDS PERMIT APPLICATION**
 Water Division/Land Resources Management
 Wetlands Bureau
[Check the Status of your Application](#)



RSA/Rule: RSA 482-A/Env-Wt 100-900

APPLICANT'S NAME: Noah Lynd and Josh Garrison

TOWN NAME: Lebanon

Administrative Use Only	Administrative Use Only	Administrative Use Only	File No.:
			Check No.:
			Amount:
			Initials:

SECTION 1 - REQUIRED PLANNING FOR ALL PROJECTS (Env-Wt 306.05; Env-Wt 603.03; Env-Wt 603.05)

Please use the [Wetland Permit Planning Tool \(WPPT\)](#), the Natural Heritage Bureau (NHB) [DataCheck Tool](#), the [Aquatic Restoration Mapper](#), or other sources to assist in identifying key features such as: [priority resource areas \(PRAs\)](#), [protected species or habitats](#), coastal areas, designated rivers, or designated prime wetlands.

Does the property contain a PRA? If yes, provide the following information:

- Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NHF&G) and NHB agreement for a classification downgrade) or a Project-Type Exception (e.g. Maintenance or Statutory Permit-by-Notification (SPN) project)? See Env-Wt 407.02 and Env-Wt 407.04).
- Protected species or habitat?
 - If yes, species or habitat name(s):
 - NHB Project ID #: NHB22-0529
- Bog?
- Floodplain wetland contiguous to a tier 3 or higher watercourse?
- Designated prime wetland or duly-established 100-foot buffer?
- Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone?

☐ Yes ☒ No

☐ Yes ☒ No

☐ Yes ☒ No

☐ Yes ☒ No

☐ Yes ☒ No

☐ Yes ☒ No

☐ Yes ☒ No

Is the property within a Designated River corridor? If yes, provide the following information:

- Name of Local River Management Advisory Committee (LAC):
- A copy of the application was sent to the LAC on Month: Day: Year:

☐ Yes ☒ No

For dredging projects, is the subject property contaminated?

- If yes, list contaminant(s):

☐ Yes ☒ No

Is there potential to impact impaired waters, class A waters, or outstanding resource waters?

☐ Yes ☒ No

For stream crossing projects, provide watershed size (see Wetland Permit Planning Tool or Stream Stats):

N/A

irm@des.nh.gov or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

SECTION 2 - ELIGIBILITY (Env-Wt 306.03; Env-Wt 310.01; Env-Wt 310.03)

You must confirm that your project meets **ALL** of the following statements to qualify for the EXP process:

- The project qualifies as minimum impact project (Env-Wt 306.03).
- The project does not include activities that are prohibited under RSA 482-A (Env-Wt 306.03(a)).
- The project does not include any work in a jurisdictional area that was started without first obtaining the applicable approval (Env-Wt 306.03(b)).
- No work has been done on the subject property pursuant to another EXP or a Statutory Permit-by-Notification (SPN) within 12 months of the date this EXP will be issued. Alternatively, if any work has been done on the subject property pursuant to another EXP or a SPN within 12 months of the date this EXP will be issued, then you are submitting information, including a plan, with this application demonstrating that:
 - The work proposed in this EXP application is wholly unrelated to and separate from the work already done under the EXP or SPN; and
 - The work proposed in this EXP application, when combined with work that has been done under previously issued EXPs or SPNs within the last 12 months, does not constitute a project for which a Standard Permit is required (Env-Wt 310.03(a)).
- If the project is located in a PRA, it also qualifies for an impact classification adjustment under Env-Wt 407.02 or a project-type exception (PTE) under Env-Wt 407.04 (Env-Wt 310.01(d)(6)).

☒ My project meets all statements above. Proceed to Section 3.

☐ My project does not meet all of the statements above. **Your project does not qualify for the EXP process. Your project either is not permissible or requires a Standard Permit.**

SECTION 3 - INFORMATION ON THE PROPOSED PROJECT (Env-Wt 310.01(c))

Identify the rule(s)/provision(s) which make the project a minimum impact project. Refer to the project list below and the [Expedited Minimum Impact \(EXP\) Project Classification Guidance Document](#).

- ☐ Aquatic Vegetation Control Projects (Env-Wt 510.08(a))
- ☐ Water Access Structure Construction Projects (Env-Wt 511.06(a))
- ☐ Beach Replenishment Projects (Env-Wt 511.07(a))
- ☐ Deck or Patio Repair Projects (Env-Wt 511.08(a))
- ☐ Breakwater Maintenance and Repair Projects (Env-Wt 512.07(b))
- ☐ Docking and Accessory Docking Structure Construction, Repair, and Replacement Projects (Env-Wt 513.24(a))
- ☐ Docking Structure Modification Projects (Env-Wt 513.25(a))
- ☐ Accessory Docking Structure Installation, Construction, Modification, Repair, and Replacement Projects (Env-Wt 513.26(a))
- ☐ Canopy Projects (Env-Wt 513.27(a))
- ☐ Bank/Shoreline Stabilization Construction Projects (Env-Wt 514.07(a))
- ☐ Dug-in Basins and Boathouse Construction or Modification Projects (Env-Wt 515.06(a), (b))
- ☐ Dug-in Basins and Boathouse Maintenance and Repair Projects (Env-Wt 515.07(a))
- ☐ Intake and Outflow Structure Construction, Maintenance and Repair Projects (Env-Wt 516.05; Env-Wt 516.06(b))
- ☐ Trail or Pathway Projects (Env-Wt 517.06(a); Env-Wt 517.06(d))
- ☐ Boardwalk Projects (Env-Wt 517.07(a); Env-Wt 517.09)
- ☐ Dry Hydrants and Other Non-Docking Structure Projects (Env-Wt 518.07(a)(1), (b))
- ☐ Pond Construction, Maintenance, and Repair Projects (Env-Wt 519.08(a), (b); Env-Wt 519.09(a))
- ☐ Residential Utility Installation Projects (Env-Wt 521.06(a)(7))

lrn@des.nh.gov or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

- ☐ Non-tidal Dredging Projects (Env-Wt 523.04(a))
☒ Residential, Commercial, and Industrial Development Projects (Env-Wt 524.06(b))
☐ Restoration/Enhancement Projects (Env-Wt 525.05)
☐ Dam Construction, Reconstruction, or Replacement Projects (Env-Wt 526.06(a))
☐ Dam Modification, Repair, or Maintenance Projects (Env-Wt 526.07(a))
☐ Pubic Highway Projects (Env-Wt 527.06; Env-Wt 527.07)
☐ Coastal Projects (Env-Wt 600)
☐ Stream Crossing Projects (Env-Wt 903.01(e))
☐ All Other Projects (Env-Wt 407.03)

Provide the project-specific information required by the rule(s)/provision(s). Refer to Chapters Env-Wt 400, Env-Wt 500, Env-Wt 600, and/or Env-Wt 900, as applicable, for project-specific application and design requirements.

The project is designed to meet the design criteria specified in Env-Wt 524.04 and the construction criteria specified in Env-Wt 524.05.

Please see applicable Standard Project Specific Worksheets for guidance.

For projects located on waterbodies, provide the linear feet of shoreline frontage on the property: linear feet

☒ Not applicable

Provide a brief description of the project and the purpose of the project, outlining the scope of work to be performed and whether impacts are temporary or permanent. DO NOT reply "See attached".

The project proposes the construction of a climbing gym facility with parking lot and utilities along the west side of Labombard Road in Lebanon. The utilities will run underground to the site. The underground alignment will require 545 square feet of temporary wetland impact for their installation. The emergent wetland will be reestablished once the utility conduits have been installed.

Identify the type of jurisdictional resources to be impacted and the area of impact in square feet and/or linear feet: The emergent wetland is located on the west side of Labombard Road and flows southwesterly off the property. The wetland is classified as Palustrine, Emergent, Persistent, Seasonally Flooded/Saturated, Mineral (PEM1En). The utility installation will result in 545 square feet of temporary wetland impact.

☐ Not applicable

SECTION 4 - PROJECT LOCATION (Env-Wt 310.01(b))

ADDRESS: Labombard Road

TOWN/CITY: Lebanon

TAX MAP/LOT NUMBER: 51/15

US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME:

☒ N/A

LATITUDE/LONGITUDE in decimal degrees (to five decimal places): 43.65497° North
72.24077° West

SECTION 5 - APPLICANT (DESIRED PERMIT HOLDER) INFORMATION (Env-Wt 310.01(a))

If the applicant is a trust or a company, then the name of the trust or company should be written as the applicant's name.

NAME: Noah Lynd and Josh Garrison

MAILING ADDRESS: PO Box 302

TOWN/CITY: Meridan

STATE: NH

ZIP CODE: 03770

PHONE: 914-844-8162

EMAIL ADDRESS (OPTIONAL): noah.lynd@icloud.com
joshua.r.garrison@gmail.com

ELECTRONIC COMMUNICATION: By initialing here: , I hereby authorize NHDES to communicate all matters relative to this application electronically.

SECTION 6 - AUTHORIZED AGENT INFORMATION (Env-Wt 310.01(a))

If the agent is a company, then the name of the company should be written as the agent's name.

NAME: Audr Klumb, A&D Klumb Environmental, LLC

MAILING ADDRESS: 34 Centennial Drive

TOWN/CITY: Webster

STATE: NH

ZIP CODE: 03303

PHONE: 603-746-5065

EMAIL ADDRESS (OPTIONAL): adke@klumbenv.com

ELECTRONIC COMMUNICATION: By initialing here: *K*, I hereby authorize NHDES to communicate all matters relative to this application electronically.

irm@des.nh.gov or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

SECTION 7 - PROPERTY OWNER INFORMATION, IF DIFFERENT FROM APPLICANT (Env-Wt 310.01(a))

If the owner is a trust or a company, then the name of the trust or company should be written as the owner's name.

NAME: Chaloux Properties, LLC c/o Jay Campion

MAILING ADDRESS: PO Box 4430

TOWN/CITY: Manchester

STATE: NH

ZIP CODE: 03108

PHONE: 603-252-5974

EMAIL ADDRESS (OPTIONAL): jay.campion@gmail.com

ELECTRONIC COMMUNICATION: By initialing here: , I hereby authorize NHDES to communicate all matters relative to this application electronically.

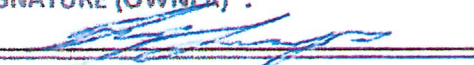
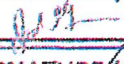
SECTION 8 - APPLICATION FEE (RSA 482-A:3, I)☒ \$400 for minimum impact projects. Please make your check or money order payable to: "Treasurer - State of NH".**SECTION 9 - REQUIRED CERTIFICATIONS (Env-Wt 310.01(d))**

Initial each box below to certify:

Initials: JG 	The proposed project meets the conditions and limits of the applicable minimum impact project rule.
Initials: JG 	All abutters have been notified.
Initials: JG 	If the project is to repair or replace a docking structure, the docking structure is an existing legal structure. ☒ N/A
Initials: JG 	The proposal is the alternative with the least adverse impact to jurisdictional areas, as required by Env-Wt 310.01(d)(4).
Initials: JG 	The project is not an after-the-fact application.
Initials: JG 	The project is: • Not located in a PRA, or • Is located in a PRA but is subject to a classification adjustment under Env-Wt 407.02 or a project-type exception under Env-Wt 407.04.
Initials: JG 	The applicant is aware of the limits of the EXP and understands and will comply with all conditions in the EXP and all applicable conditions in Env-Wt 307.

Initials: JG 	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials: JG 	The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief.
Initials: JG 	The signer understands that: - The submission of false, incomplete, or misleading information constitutes grounds for NHDES to: - Deny the application. - Revoke any approval that is granted based on the information. - If the signer is a certified wetland scientist, licensed surveyor, or professional engineer licensed to practice in New Hampshire, refer the matter to the joint board of licensure and certification established by RSA 310-A:1. - The signer is subject to the penalties specified in New Hampshire law for falsification in official matters, currently RSA 641. - The signature shall constitute authorization for the municipal conservation commission and the Department to inspect the site of the proposed project, except for minimum impact trail projects, where the signature shall authorize only the Department to inspect the site pursuant to RSA 482-A:6, II.
Initials: JG 	If the applicant is not the owner of the property, each property owner signature shall constitute certification by the signer that he or she is aware of the application being filed and does not object to the filing.

SECTION 10 - REQUIRED SIGNATURES (Env-Wt 310.01(d))

SIGNATURE (OWNER)*: 	PRINT NAME LEGIBLY: JAMES WILKINSON	DATE: 2/11/22
*Note: If the applicant is not the owner of the property, each property owner also shall sign and date the application provided that property owner signatures shall not be required for transportation projects adjacent to existing rights-of-way where an easement will be obtained prior to the start of construction (Env-Wt 311.11(d)). Check the following box if your project meets this exception: ☐.		
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER): 	PRINT NAME LEGIBLY: Josh Garrison	DATE: 2/15/22
SIGNATURE (AGENT, IF APPLICABLE): 	PRINT NAME LEGIBLY: Audra Klumb	DATE: 2/22/2022

SECTION 11 - CONSERVATION COMMISSION SIGNATURE (Env-Wt 310.01(h))**

The signed statement from the Conservation Commission may be submitted electronically.

The signature below certifies that the municipal Conservation Commission or, if there is no conservation commission, the local governing body, has reviewed this application and the municipality waives its right to intervene on the project, per RSA 482-A:11.

AUTHORIZED COMMISSION SIGNATURE: 	PRINT NAME LEGIBLY:	DATE:
--	---------------------	-------

SECTION 12 - LOCAL RIVER MANAGEMENT ADVISORY COMMITTEE SIGNATURE (Env-Wt 310.01(i))**

The signature below certifies that the LAC waives its right to intervene per RSA 482-A:11:

☒ N/A This project is **not** within a Designated River Corridor)

AUTHORIZED LAC REPRESENTATIVE SIGNATURE:

PRINT NAME LEGIBLY:

DATE:

****Note:** If the application is administratively complete, except for the signed statement from the Conservation Commission and/or LAC, the application will be processed under the application processing times established in RSA 482-A:3, XIV (Env-Wt 310.02(h)). The applicant may also indicate that they are applying for a minimum impact application under standard processing timelines.

SECTION 14 - TOWN / CITY CLERK SIGNATURE (Env-Wt 310.01(f))

As required by RSA 482-A:3, I(a)(1), I hereby certify that the municipality has received four copies of the application, including all attachments.

TOWN/CITY CLERK SIGNATURE:

PRINT NAME LEGIBLY:

TOWN/CITY:

DATE:

DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3, I(a)(1)

1. IMMEDIATELY sign the original application form and four copies in the signature space provided above.
2. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
3. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board.
4. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

DIRECTIONS FOR APPLICANT:

Submit the single, original permit application form bearing the signature of the Town/City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery at the address at the bottom of this page.



**US Army Corps
of Engineers**®
New England District

**New Hampshire General Permits (GPs)
Appendix B - Corps Secondary Impacts Checklist
(for inland wetland/waterway fill projects in New Hampshire)**

1. Attach any explanations to this checklist. Lack of information could delay a Corps permit determination.
2. All references to "work" include all work associated with the project construction and operation. Work includes filling, clearing, flooding, draining, excavation, dozing, stumping, etc.
3. See GC 5, regarding single and complete projects.
4. Contact the Corps at (978) 318-8832 with any questions.

1. Impaired Waters	Yes	No
1.1 Will any work occur within 1 mile upstream in the watershed of an impaired water? See http://des.nh.gov/organization/divisions/water/wmb/section401/impaired_waters.htm to determine if there is an impaired water in the vicinity of your work area.*		X
2. Wetlands	Yes	No
2.1 Are there are streams, brooks, rivers, ponds, or lakes within 200 feet of any proposed work?		X
2.2 Are there proposed impacts to SAS, special wetlands. Applicants may obtain information from the NH Department of Resources and Economic Development Natural Heritage Bureau (NHB) DataCheck Tool for information about resources located on the property at https://www2.des.state.nh.us/nhb_datacheck/ . The book Natural Community Systems of New Hampshire also contains specific information about the natural communities found in NH.		X
2.3 If wetland crossings are proposed, are they adequately designed to maintain hydrology, sediment transport & wildlife passage?	X	
2.4 Would the project remove part or all of a riparian buffer? (Riparian buffers are lands adjacent to streams where vegetation is strongly influenced by the presence of water. They are often thin lines of vegetation containing native grasses, flowers, shrubs and/or trees that line the stream banks. They are also called vegetated buffer zones.)		X
2.5 The overall project site is more than 40 acres?		X
2.6 What is the area of the previously filled wetlands?	0 sq.ft.	
2.7 What is the area of the proposed fill in wetlands?	545 sq.ft temp	
2.8 What is the % of previously and proposed fill in wetlands to the overall project site?	<1%	
3. Wildlife	Yes	No
3.1 Has the NHB & USFWS determined that there are known occurrences of rare species, exemplary natural communities, Federal and State threatened and endangered species and habitat, in the vicinity of the proposed project? (All projects require an NHB ID number & a USFWS IPAC determination.) NHB DataCheck Tool: https://www2.des.state.nh.us/nhb_datacheck/ USFWS IPAC website: https://ecos.fws.gov/ipac/location/index	X	

3.2 Would work occur in any area identified as either “Highest Ranked Habitat in N.H.” or “Highest Ranked Habitat in Ecological Region”? (These areas are colored magenta and green, respectively, on NH Fish and Game’s map, “2010 Highest Ranked Wildlife Habitat by Ecological Condition.”) Map information can be found at: • PDF: https://wildlife.state.nh.us/wildlife/wap-high-rank.html . • Data Mapper: www.granit.unh.edu . • GIS: www.granit.unh.edu/data/downloadfreedata/category/databycategory.html .		X
3.3 Would the project impact more than 20 acres of an undeveloped land block (upland, wetland/waterway) on the entire project site and/or on an adjoining property(s)?		X
3.4 Does the project propose more than a 10-lot residential subdivision, or a commercial or industrial development?	X	
3.5 Are stream crossings designed in accordance with the GC 21? N/A		
4. Flooding/Floodplain Values	Yes	No
4.1 Is the proposed project within the 100-year floodplain of an adjacent river or stream?		X
4.2 If 4.1 is yes, will compensatory flood storage be provided if the project results in a loss of flood storage?		
5. Historic/Archaeological Resources		
For a minimum, minor or major impact project - a copy of the Request for Project Review (RPR) Form (www.nh.gov/nhdhr/review) with your DES file number shall be sent to the NH Division of Historical Resources as required on Page 11 GC 8(d) of the GP document**	X	

*Although this checklist utilizes state information, its submittal to the Corps is a Federal requirement.

** If your project is not within Federal jurisdiction, coordination with NH DHR is not required under Federal law.

Attachment 1.

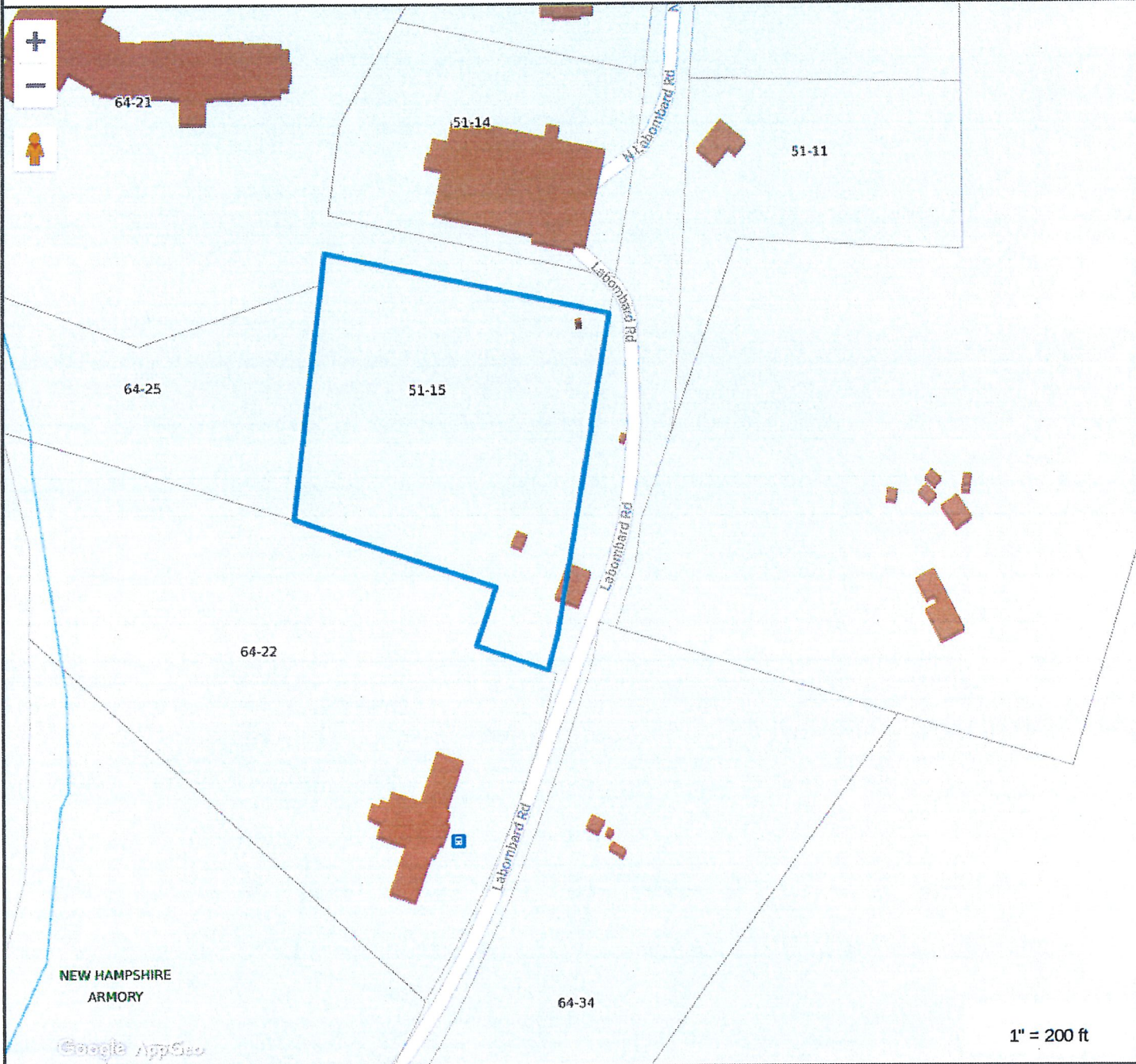
City Tax Map

Abutter List

Copy of Certified Mail Receipts



Map 51 Lot 25 Labombard Rd, Lebanon



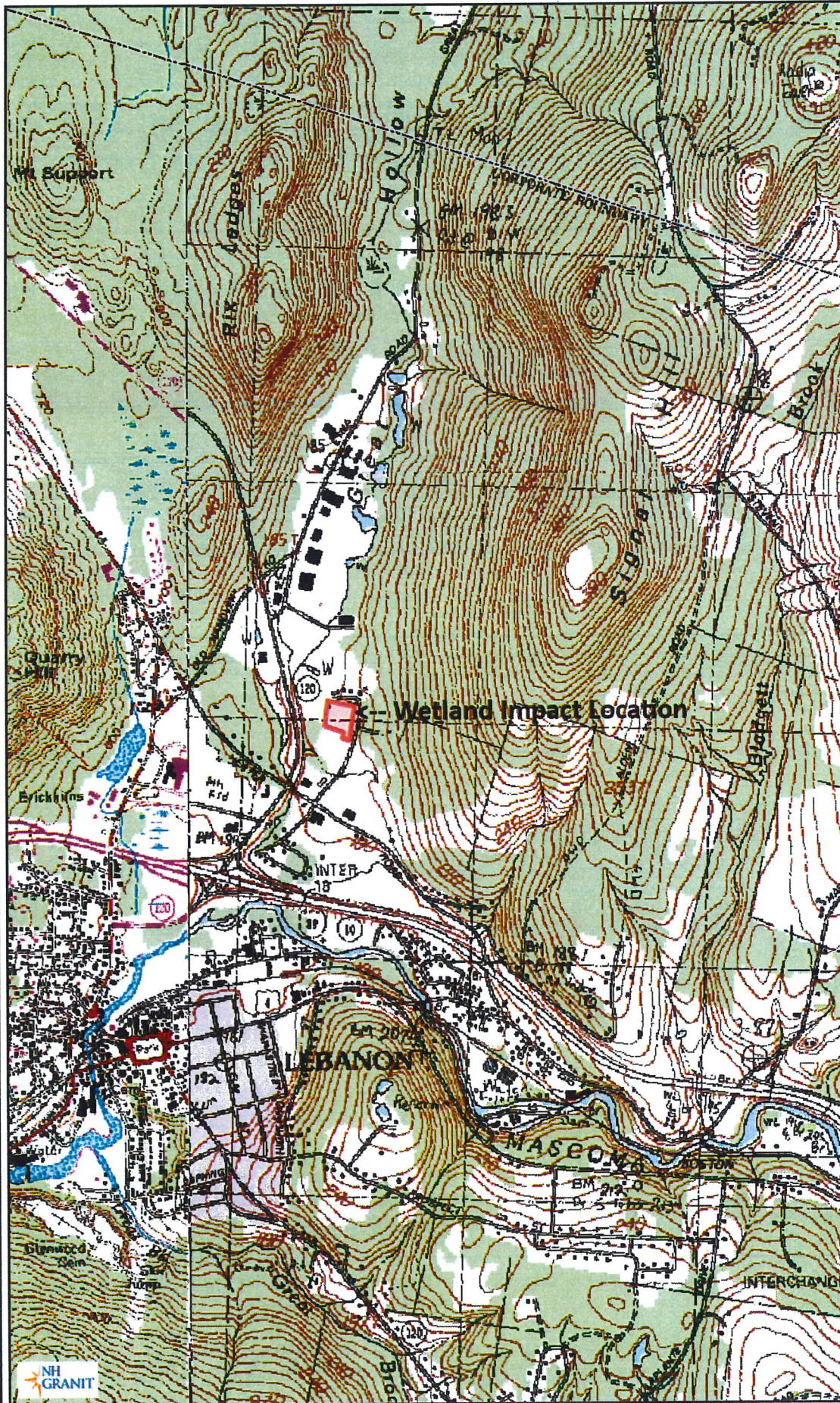
Property Information Property ID 51-15 Location 33 LABOMBARD RD Owner CHALOUX PROP LLC	 MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT City of Lebanon, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map. Geometry updated 12/29/2021 Data updated 11/18/2018	Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.
---	---	--

Attachment 2.

USGS Topographic Map



USGS Map Showing Property Boundaries



Legend

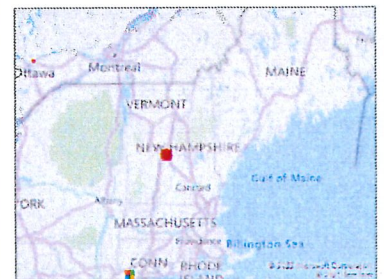
- State
- County
- City/Town

Map Scale
1: 24,000

© NH GRANIT, www.granit.unh.edu
Map Generated: 2/14/2022



Notes



Attachment 3.

Photographs





Photo 1. View west from Labombard Road looking toward the proposed wetland impact area and Wetland Flag A-15.



Photo 2. View northwest from Labombard Road toward the project development area.





Photo 3. View north along the road edge of Labombard Road showing the wetland and proposed impact area at the left/center.



Photo 4. View south into the property from the road that leads to the hotel. Labombard road is in the left of this photo.

Attachment 4.

Natural Heritage Bureau Review

US Fish and Wildlife IPaC



**New Hampshire Natural Heritage Bureau
NHB DataCheck Results Letter**

To: Audra Klumb
34 Centennial Drive
Webster, NH 03303

From: NH Natural Heritage Bureau

Date: 2/11/2022 (This letter is valid through 2/11/2023)

Re: Review by NH Natural Heritage Bureau of request dated 2/11/2022

Permit Types: Wetland Standard Dredge & Fill - Minimum
General Permit

NHB ID: NHB22-0529

Applicant: Audra Klumb

Location: Lebanon
Tax Map: 51, Tax Lot: 15
Address: Labombard Road

Proj. Description: The project proposes the construction of a climbing gym on the undeveloped property. The utilities will lead underground from Labombard Road and must cross a small emergent wetland area, with approximately 545 sq.ft. of temporary wetland impact. The work will be completed during the low flow period.

The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded occurrences for sensitive species near this project area.

A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.

Based on the information submitted, no further consultation with the NH Fish and Game Department pursuant to Fis 1004 is required.

New Hampshire Natural Heritage Bureau
NHB DataCheck Results Letter

MAP OF PROJECT BOUNDARIES FOR: NHB22-0529





United States Department of the Interior

FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Phone: (603) 223-2541 Fax: (603) 223-0104
<http://www.fws.gov/newengland>



In Reply Refer To:
Project Code: 2022-0008759
Project Name: The Notch Climbing Gym

February 16, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2))

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- **Official Species List**

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
(603) 223-2541

Project Summary

Project Code: 2022-0008759

Event Code: None

Project Name: The Notch Climbing Gym

Project Type: Commercial Development

Project Description: The project proposes to construct a climbing gym and parking lot with necessary utilities. The site is located on the west side of Labombard Road. A small wetland area will be temporarily impacted (545 sq.ft.) for the installation of underground utilities.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.655082500000006,-72.241549182754,14z>



Counties: Grafton County, New Hampshire

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

IPaC User Contact Information

Name: Audra Klumb
Address: 34 Centennial Drive
City: Webster
State: NH
Zip: 03303
Email: adke@klumbenv.com
Phone: 6037465065

Attachment 5.

Project Drawings

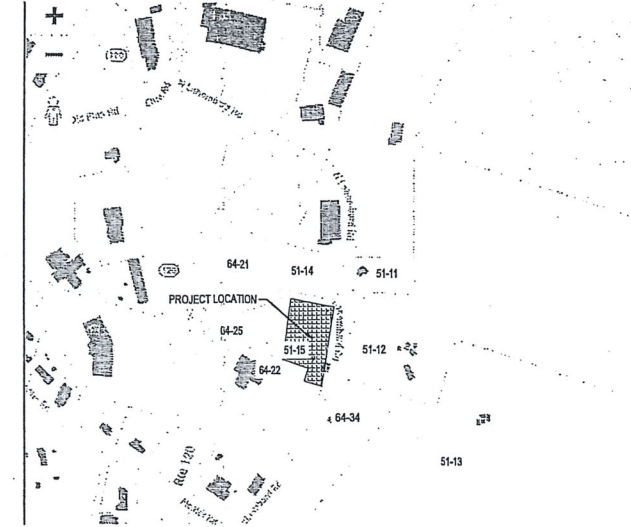
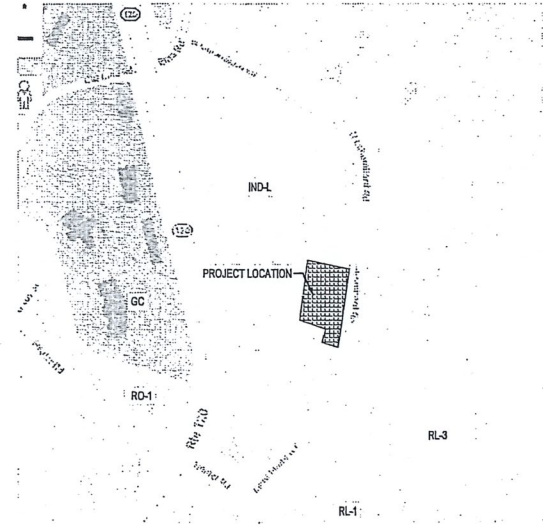
A&D Klumb Environmental, LLC
34 Centennial Drive Webster, NH 03303



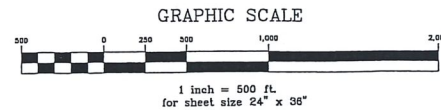
603-746-5065
adke@klumbenv.com

THE NOTCH CLIMBING GYM

LABOMBARD RD.



TAX MAP
1" = 500'



DRAWING LIST

Lebanon zoning regulations			
	Existing	Required	Proposed
Zoning District	IND-1		IND-L
Tax Lot #	51-15		
Area of lot	3.4 Acres	2 Acres (min.)	2.55 Acres
# of stories	n/a		2
Impervious Area	n/a		37,000 sq. ft.
Short/Long Term Bicycle Storage	n/a	8	8
Gross Floor Area Main Floor	n/a		10,000 sq. ft.
Gross Floor Area Mezzanine	n/a		2,250 sq. ft.
Impervious Area (% of lot)	n/a		33%
Overlay Districts	Wetlands	Wetlands	Wetlands
Proposed Use	n/a		Climbing Gym
Building (Footprint)	n/a	43,560 sq. ft. (maximum)	10,000 sq. ft.
Parking/Use			
-employee/customer	49	1 per 300 sq. ft. FA	
# of stories			
Impervious Area	TBD		
Impervious Area (% of lot)	TBD		
Setbacks			
Front	n/a	40'	61'
Rear	n/a	20'	131'
Side	n/a	20'	32'
Max building coverage	n/a	50%	
Building Height	n/a	65' (max.)	47'

Lebanon zoning regulations			
	Existing	Required	Proposed
Zoning District	IND-1		IND-L
Tax Lot #	51-15		
Area of lot	3.4 Acres	2 Acres (min.)	2.55 Acres
# of stories	n/a		2
Impervious Area	n/a		37,000 sq. ft.
Short/Long Term Bicycle Storage	n/a	8	8
Gross Floor Area Main Floor	n/a		10,000 sq. ft.
Gross Floor Area Mezzanine	n/a		2,250 sq. ft.
Impervious Area (% of lot)	n/a		33%
Overlay Districts	Wetlands	Wetlands	Wetlands
Proposed Use	n/a		Climbing Gym
Building (Footprint)	n/a	43,560 sq. ft. (maximum)	10,000 sq. ft.
Parking/Use			
-employee/customer	49	1 per 300 sq. ft. FA	
# of stories			
Impervious Area	TBD		
Impervious Area (% of lot)	TBD		
Setbacks			
Front	n/a	40'	61'
Rear	n/a	20'	131'
Side	n/a	20'	32'
Max building coverage	n/a	50%	
Building Height	n/a	65' (max.)	47'

WETLANDS CONSULTANT
A&D KLUMB ENVIRONMENTAL, LLC
34 CENTENNIAL DRIVE
WEBSTER, NH 03303

Owner Name	Owner Address	Owner City	Owner State	Owner Zip
CHALOUX PROP LLC	PO BOX 4430	MANCHESTER	NH	03108
DARTMOUTH TRANSP CO INC	7 LANGDON ST	CONCORD	NH	03301
HATCH, FREDERIC & MARGARET	24 LABOMBARD RD	LEBANON	NH	03766
MARY HITCHCOCK MEM HOSPITAL	ONE MEDICAL CENTER DR	LEBANON	NH	03756
ROUTE 120 HOTEL LLC	1359 HOOKSET RD	HOOKSET	NH	03106
KLUBIO LLC	39 LABOMBARD RD	LEBANON	NH	03766

Owner Name	Owner Address	Owner City	Owner State	Owner Zip
CHALOUX PROP LLC	PO BOX 4430	MANCHESTER	NH	03108
DARTMOUTH TRANSP CO INC	7 LANGDON ST	CONCORD	NH	03301
HATCH, FREDERIC & MARGARET	24 LABOMBARD RD	LEBANON	NH	03766
MARY HITCHCOCK MEM HOSPITAL	ONE MEDICAL CENTER DR	LEBANON	NH	03756
ROUTE 120 HOTEL LLC	1359 HOOKSET RD	HOOKSET	NH	03106
KLUBIO LLC	39 LABOMBARD RD	LEBANON	NH	03766

[illegible]

**ENGINEERING
VENTURES PC**

208 Flynn Avenue, Suite 2A, Burlington, VT 05401 • 802-683-6225
85 Mechanic Street, Suite E23, Lebanon, NH 03766 • 603-442-9333
414 Union Street, Schenectady, NY 12305 • 518-630-9514
www.engineeringventures.com

WRIGHT CONSTRUCTION COMPANY
31 STATION ROAD
MOUNT HOLLY, VT 05758
802-747-8234

Cover Sheet

LABOMBARD ROAD
THE NOTCH CLIMBING GYM
CITY OF LEBANON, GRAFTON COUNTY, NEW HAMPSHIRE

Sheet Title:	Project Title:
EV Project #	21580
Drawn By:	AM
Checked By:	KW
Scale:	-
Date:	12/13/2021

C0.0

NOTED: 2/14/2021 ERM

8/19/2021 10:50 AM LEBANON CLIMBING GYM/GRAFTON COUNTY FILES/2021/06/14 WETLAND PLANNING

EROSION CONTROL LEGEND

EROSION PREVENTION AND SEDIMENT CONTROL STRATEGY
THE FOLLOWING TECHNIQUES WILL BE UTILIZED AS PART OF A SEDIMENT AND EROSION CONTROL PROGRAM. THE SEDIMENT AND EROSION CONTROL PROGRAM WILL BE IMPLEMENTED IN STAGES. CERTAIN ITEMS FROM ONE STAGE WILL LIKELY OVERLAP OR TAKE PLACE CONCURRENTLY WITH ITEMS FROM OTHER STAGES. ANY PRODUCTS SHALL NOT BE USED.

TEMPORARY INLET PROTECTION - STONE COLLARS AND/OR INLET SOCKS. INSTALL AS INDICATED ON PLANS. STONE TO BE REMOVED AND REPLACED WITH CLEAN STONE WHEN SEDIMENT IS $\leq 1/2$ DEPTH OF STONE. REMOVE ALL SEDIMENT COLLECTED IN STRUCTURE OR SOCK AS SOON AS POSSIBLE.

STONE CHECK DAM
THIS STRUCTURAL MEASURE IS ALONG DITCHES/ SWALES AND IN OTHER LOCATIONS INDICATED ON THIS PLAN TO SLOW STORMWATER RUNOFF AND TRAP SEDIMENT PARTICLES. THESE WILL REMAIN IN PLACE AND BE MAINTAINED UNTIL THE PROJECT SITE HAS BEEN PERMANENTLY STABILIZED.

PERMANENT EROSION CONTROL NETTING
THIS STRUCTURAL MEASURE IS INSTALLED IN AREAS THAT HAVE SLOPES 3:1 AND GREATER AND IN OTHER LOCATIONS INDICATED ON THIS PLAN TO STABILIZE THE SLOPE AND REDUCE THE EROSION POTENTIAL. THE NETTING IS TYPICALLY IMPREGNATED WITH GRASS SEED AND SOMETIMES STAPLED TO THE EXPOSED SOIL. THESE WILL REMAIN IN PLACE AND BE MAINTAINED UNTIL THE PROJECT SITE HAS BEEN PERMANENTLY STABILIZED.

TEMPORARY STABILIZED CONSTRUCTION ENTRANCE
THIS STRUCTURAL MEASURE IS A STABILIZED PAD OF AGGREGATE UNDERLAIN WITH FILTER FABRIC LOCATED AT ANY POINT WHERE TRAFFIC WILL BE ENTERING OR LEAVING A CONSTRUCTION SITE TO OR FROM A PUBLIC RIGHT-OF-WAY, STREET, ALLEY, DRIVEWAY, OR PARKING AREA. THE PURPOSE OF A STABILIZED CONSTRUCTION ENTRANCE IS TO REDUCE OR ELIMINATE THE TRACKING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY OR STREETS. THIS WILL REMAIN IN PLACE AND BE MAINTAINED UNTIL THE PROJECT SITE HAS BEEN PERMANENTLY STABILIZED. ONCE REQUIRED, THE IMPACTED AREA SHALL BE SEEDED AND MULCHED.

TEMPORARY SEDIMENT BASIN
THIS STRUCTURAL MEASURE INVOLVES CONSTRUCTING TEMPORARY SEDIMENT BASINS IN THE LOCATION OF PROPOSED STORMWATER PONDING. GENERALLY THE STORMWATER PONDING CAN BE CONSTRUCTED AS SHOWN ON THE PLANS HOWEVER OFFICE ON THE OUTLET STRUCTURES SHALL BE OMITTED UNTIL THE SITE IS STABILIZED TO IMPROVE RUNOFF AND ALLOW FOR SETTLING OF SUSPENDED FINES. THIS WILL REMAIN IN PLACE AND BE MAINTAINED UNTIL THE PROJECT SITE HAS BEEN PERMANENTLY STABILIZED. ONCE THE SITE IS STABILIZED, SEDIMENT SHALL BE REMOVED FROM THE BASINS AND THE OUTLET OFFICE SHALL BE DRILLED INTO THE OUTLET STRUCTURE AS NOTED ON THE PLANS.

TEMPORARY STAGING AND WASTE AREAS (APPROXIMATE)
THESE ARE APPROVED LOCATIONS WHERE NON-SOIL, NON-ERODIBLE MATERIALS MAY BE STORED. SOILS SHALL NOT BE STORED IN THESE AREAS.

TEMPORARY SOIL STOCKPILE AREAS (APPROXIMATE)
THESE ARE APPROVED LOCATIONS WHERE TOPSOIL AND OTHER SOIL MATERIALS MAY BE STORED. THESE STOCKPILES WILL BE PROTECTED FROM EROSION BY A NUMBER OF METHODS, INCLUDING INSTALLING SILT FENCING AROUND THE DOWN GRADIENT PERIMETER OF THE STOCKPILE AND SEEDING AND MULCHING THE STOCKPILE WHEN NOT IN USE FOR MORE THAN FIVE DAYS.

TEMPORARY SILT FENCING
THIS STRUCTURAL MEASURE IS A TEMPORARY BARRIER OF GEOTEXTILE FABRIC USED TO INTERCEPT SEDIMENT LAUNDRY FROM SMALL DRAINAGE AREAS OF DISTURBED SOIL. IT IS INSTALLED ALONG THE PERIMETER OF IMPACTED AREAS AND ALONG THE BASE OF THE FILL SLOPES. ADDITIONALLY, WHEN DESIGNATED ALONG THE LIMITS OF DISTURBANCE, INSTALL CONSTRUCTION FENCE BEHIND THE SILT FENCE. SILT FENCING IS EFFECTIVE IN REDUCING STORMWATER RUNOFF VELOCITIES, ASSIST IN THE DEPOSITION OF TRANSPORTED SEDIMENT LOAD AND PREVENT EROSION OF SOILS ONTO ADJACENT AREAS. THESE WILL REMAIN IN PLACE AND BE MAINTAINED UNTIL THE PROJECT SITE HAS BEEN PERMANENTLY STABILIZED.

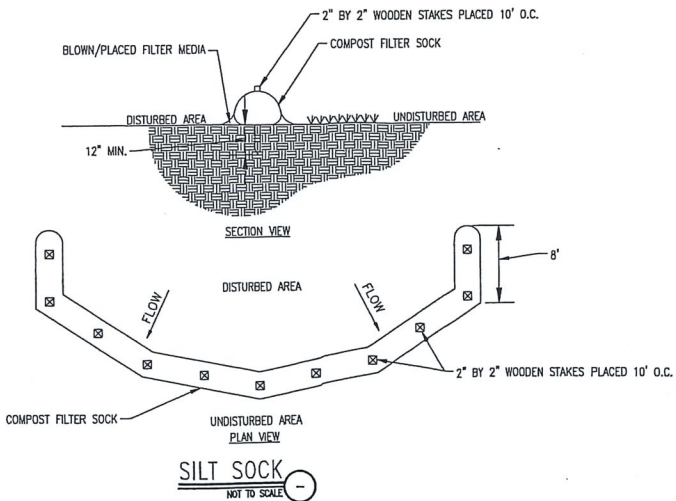
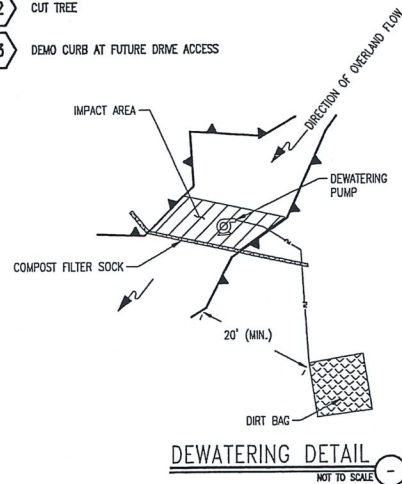
LIMITS OF DISTURBANCE
THE CONTRACTOR SHALL CONTAIN ANY EARTH MOVING ACTIVITIES WITHIN THE DESIGNATED LIMITS SHOWN ON THIS PLAN. THE DESIGNER SHALL REVIEW THE SITE TO MAKE ANY ADJUSTMENTS TO ACCOUNT FOR ENVIRONMENTALLY SENSITIVE AREAS, SPECIFIC TREES AND SPECIAL AREAS OF CONCERN.

STORMWATER POLLUTION PREVENTION NOTES

- E1 LIMIT OF DISTURBANCE (AREA OF DISTURBANCE = 57,000 SF)
- E2 PORTABLE SANITATION FACILITIES, TO BE STAKED DOWN AND SECURED
- E3 INLET PROTECTION (TYP.)
- E4 SILT FENCE
- E5 CONCRETE WASHOUT
- E6 STABILIZED CONSTRUCTION ENTRANCE
- E7 CHECK DAM
- E8 TEMPORARY SEDIMENT FOREBAY

DEMO NOTES

- X1 CUT BACK TREE LINE
- X2 CUT TREE
- X3 DEMO CURB AT FUTURE DRIVE ACCESS



WETLAND NOTES AND LEGEND

CONSTRUCTION SEQUENCE:
PROPOSED UTILITY PROJECT/WETLAND IMPACT AREA
THE NOTCH CLIMBING GYM, LABOMBARD ROAD
TAX MAP 51 - LOT 15
LEBANON, NEW HAMPSHIRE

- ALL PRINCIPALS INVOLVED IN THE CONSTRUCTION (I.E. OWNER, EXCAVATOR OPERATOR, CONTRACTOR) WILL MEET FOR A PRE CONSTRUCTION MEETING TO DISCUSS THE SEQUENCE AND SCHEDULING OF THE CONSTRUCTION.
- PRIOR TO ANY CONSTRUCTION ALL SEDIMENT AND EROSION CONTROL STRUCTURES WILL BE INSTALLED AND INSPECTED REGULARLY. COMPOST FILTER SOCK WILL BE PLACED DOWNGRADE OF THE LIMITS OF IMPACT, BEGIN DEWATERING OF WORK AREA AS NECESSARY. DEWATERING MUST BE DIRECTED TO A DIRT BAG LOCATED OUTSIDE OF NIDES JURISDICTION.
- EXCAVATE UTILITY TRENCH IN WETLANDS. STOCKPILE MATERIAL OUTSIDE OF NIDES JURISDICTION TO REUSE.
- INSTALL UTILITY LINES ACROSS EXCAVATED WETLAND AREA. BACKFILL OVER CONDUIT.
- RESTORE WETLAND USING STOCKPILED WETLAND SOIL. FINAL GRADE SHOULD MATCH THE PRE-CONSTRUCTION WITHIN 3 DAYS OF ACHIEVING FINAL GRADE. SEED THE IMPACTED WETLAND AREA WITH A WETLAND STABILIZATION MIX1/. MULCH WITH 2-3 INCHES OF WEED FREE STRAW.
- WITHIN 3 DAYS OF ACHIEVING FINAL GRADE, SEED THE IMPACTED WETLAND AREA WITH A WETLAND STABILIZATION MIX1/. MULCH WITH 2-3 INCHES OF WEED FREE STRAW.
- SLOWLY REMOVE COMPOST FILTER SOCK ONCE THE PROJECT IS COMPLETE AND THE SITE IS STABILIZED.
- ONCE THE AREA IS STABILIZED WITH 85% VEGETATIVE GROWTH IN THE WETLAND AREA, REMOVE TEMPORARY SEDIMENT AND EROSION CONTROLS.

WETLAND STABILIZATION MIX1/
AGROSTIS STOLONIFERA (CREEPING BENT GRASS), ELYMUS VIRGINICUS (VIRGINIA WILD RYE), CAREX VULPINOIDEA (FOX SEDGE), AGROSTIS ALBA (RED TOP)
THIS SEED MIX IS DESIGNED FOR IMMEDIATE STABILIZATION IN WETLAND AREAS ADJACENT TO RECENTLY INSTALLED CULVERTS, FILMS, FILL SLOPES, DITCH LINES AND RETAINING WALLS. THIS MIX PROVIDES QUICK AND PERMANENT STABILIZATION IN THESE EROSION PRONE LOCATIONS.
RECOMMENDED SEEDING RATES: 1LB/1,000 SQ.FT.

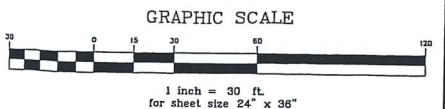
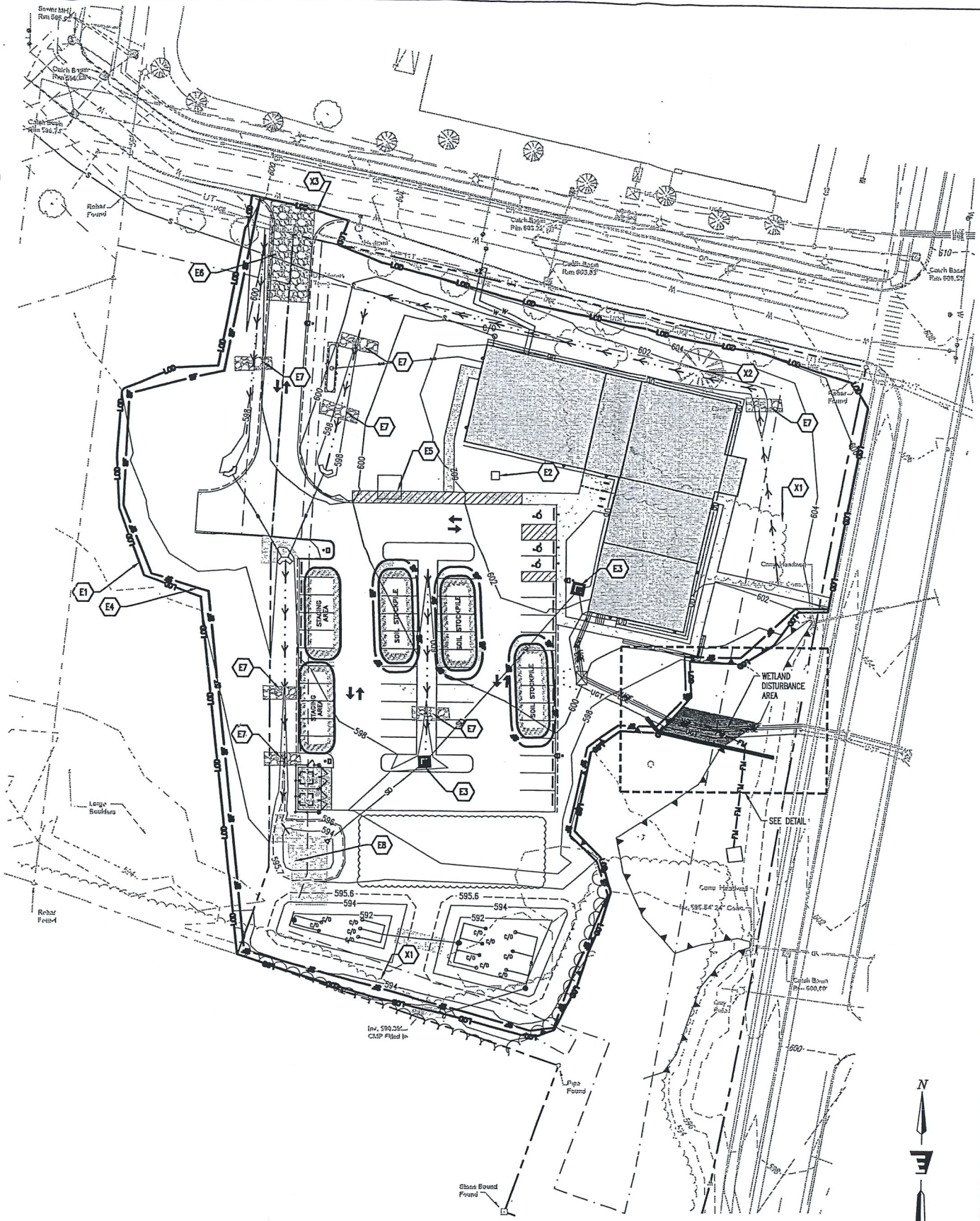
WETLANDS IMPACTS		
IMPACT	SF	LF
WETLANDS	545	15
TOTAL	545	15

LINEAR DISTANCE TO DISTURBANCE AREA SUMMARY:
LOT 51-14 - 240 LF
LOT 64-22 - 198 LF
LOT 04-23 - 305 LF
LOT 51-12 - 117 LF
LOT 51-11 - 135 LF
LOT 64-21 - 380 LF

AREA OF WETLAND DISTURBANCE

NOTES:

- IMPROVEMENTS WITHIN WETLAND DISTURBANCE AREA TO BE CONSTRUCTED DURING THE NO FLOW PERIOD.
- WETLAND DISTURBANCE AREA TO BE SEEDING WITH A WETLAND CONSERVATION SEED MIX (MIX1/) AND SHALL NOT INCLUDE INVASIVE PLANT SEEDS.
- ENV-WT 524.05(A) A CONSTRUCTION NOTICE SHALL BE FILED WITH THE DEPARTMENT AT LEAST 48 HOURS PRIOR TO COMMENCING WORK; AND (B) ALL WORK SHALL BE CONDUCTED IN ACCORDANCE WITH THE APPROVED PLAN.



Stamp	
Date	
Description	
No.	

ENGINEERING VENTURES PC
238 Flynn Avenue, Suite 2A, Burlington, VT 05401 • 802-483-8225
85 Mechanic Street, Suite E2-3, Lebanon, NH 03766 • 603-443-8933
414 Union Street, Schenectady, NY 12306 • 518-530-8514
www.engineeringventures.com

WRIGHT CONSTRUCTION COMPANY
31 STATION ROAD
MOUNT HOLLY, VT 05758
802-747-4234

Wetland Impacts Figure / Wetland Details
LABOMBARD ROAD
THE NOTCH CLIMBING GYM
CITY OF LEBANON, GRAFTON COUNTY, NEW HAMPSHIRE

Sheet Title: WT-1

EV Project #	21580
Drawn By:	AM
Checked By:	KW
Scale:	1"=30'
Date:	12/13/2021

**Agenda
Conservation Commission
March 10, 2022**

**Agenda Item #4A
Study Items**

Continued Review of Chapter 52 – Conservation Land Regulations

Chapter 52. Conservation Land Regulations

[HISTORY: Adopted by the City Council of the City of Lebanon 10-2-2002 by Ord. No. 2002-5, effective 10-2-2002. Amendments noted where applicable.]

GENERAL REFERENCES

Conservation Commission — See Ch. 31, Art. I.

Snow traveling vehicles — See Ch. 172.

§ 52-1. Title.

This chapter shall be known and may be cited as the "Ordinance for the Regulation of Conservation Land of the City of Lebanon."

§ 52-2. Declaration of purpose.

Over the years, the City has acquired the ownership of various tracts of land to be held for public use, such as natural resource conservation, open space preservation,  **low-impact outdoor recreation**, nature study, and other similar uses, and may acquire similar tracts in the future. In order to protect and preserve such tracts of land while allowing for reasonable public use, this Conservation Land Ordinance is hereby adopted.

§ 52-3. Authority.

This chapter is adopted pursuant to RSA 41:11-a, Town Property, 47:17, Bylaws and Ordinances, and 231-A:4, Public Trail Use Restrictions.

§ 52-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CONSERVATION LAND

Any tract of land acquired by the City for the purposes of natural resource conservation, open space preservation, outdoor recreation, nature study, and other similar uses, as set forth in § 52-13 of this chapter, and to which the public has access as set forth herein. The location and boundaries shall be determined by reference to the deeds or other recorded documents by which the City acquired an interest therein.

MOTORIZED VEHICLES

Any motor vehicle, moped, motorcycle, motor-driven cycle, off-highway recreational vehicle, or snow traveling vehicle as defined in RSA Chapter 259.

POWER CHAIR

A motorized wheelchair used by an individual with a disability or with infirmity.

POWER SCOOTER

A motorized chair, usually having three wheels and a steering column, used by an individual with a disability or with infirmity.

SPECIAL PERMIT

A permit issued by the City Manager, or his/her designated representative, in response to an application which contains the following information:

- A. A description of specific activity for which permission is requested.
- B. The location of the activity on the conservation land.
- C. The duration of the activity and the starting date.
- D. The name and address and telephone number of the person making the request and the name and address and telephone number of the person who will be responsible, if different from the applicant.
- E. If applicable, the name of the group for which the request is made.
- F. The number of people in the group and age level.

WHEELED VEHICLE

Any vehicle or contraption, with or without motive power, designed for carrying property or people wholly on its own structure that is supported on the ground by either inflated or solid wheels. The term shall also include, but is not limited to, roller skates, in-line skates, roller skis, skateboards, and mountain boards, so called.

§ 52-5. Approved activities.

The following activities, if pursued in a manner otherwise lawful, are permitted as a matter of right on conservation land, except when such lands are posted under § **52-11**:

- A. Hiking, to include cross-country skiing and snowshoeing.
- B. Horseback riding.
- C. Nature study, observation, data gathering, or other educational activities; provided, however, that any such activity which entails making any physical changes to the land or its flora or fauna, including but not limited to the marking of study plots, erection of physical structures of any kind, or the cutting, gathering, or removal of vegetation or soil, shall require prior written permission of the Lebanon Conservation Commission.
- D. Hunting of wild game as otherwise may be permitted by state or City law during the designated seasons, unless prohibited by the posting of signs.
- E. Fishing.
- F. Sledding.
- G. Nonmotorized boating.
- H. Swimming.
- I. Ice skating.
- J. Mountain biking in places authorized by the Lebanon Conservation Commission and specifically posted for such use.

§ 52-6. Special permit activities; appeal.

- A. The following activities are allowed only after securing a special permit approved by the City Manager, or his/her designated representative, who shall notify the Lebanon Chief of Police, the Fire Chief, and Park Ranger. change to "the Conservation Ranger, and the Conservation Commission:" 

- (1) The kindling of any fire, including any camp or cooking fire, after securing a fire permit from the Fire Department.

We found this on the b-lot website, but it needs to be linkable, findable.

- (2) Camping in conformance with the Camping Policy adopted by the Lebanon Conservation Commission on October 28, 2010, as may be amended from time to time.
[Amended 12-1-2010 by Ord. No. 2010-3]

- B. Any person aggrieved by a decision made by the City Manager concerning a request for a special permit may, within five working days of receipt of the decision, file a written appeal with the Lebanon Conservation Commission setting forth the reasons why the appellant is aggrieved. The Lebanon Conservation Commission shall meet and review the appeal within 45 days from the date of the appeal being filed. The decision of the Lebanon Conservation Commission shall be final.

§ 52-7. Prohibited conduct on conservation land.

No person on any conservation land shall:

- A. Deposit any rubbish, waste, or other offensive or unsightly material.
- B. Travel by any motorized vehicle or by any wheeled vehicle, whether motorized or not, unless specifically authorized by the Lebanon Conservation Commission and specifically posted for such use.
- C. Deface, destroy, or remove any sign, bench, fence, stone wall, or other structure(s), or any living plant material existing on the Conservation Land except for forestry and recreation management practices and educational activities specifically authorized by the Lebanon Conservation Commission. *Should this read 52-5D or E? E is fishing. is hunting*
- D. Remove or have in his/her possession any animal's nest or remove the young or eggs of an animal, or injure or kill any animal unless operating with a valid license during hunting season as stated in § 52-5E, or remove injured or abandoned animals for the purpose of rehabilitation unless operating under valid state or federal permits.
- E. Carry or use any firearm, crossbow, or bow except during hunting season as stated in § 52-5D.
- F. Allow any pet under one's ownership or custody to enter onto Conservation land unless the animal is under the direct control of the owner or custodian.

§ 52-8. Implements for persons with disabilities or infirmities.

Notwithstanding § 52-7B above, people with disabilities or infirmities are permitted to travel by wheelchair, power scooter, or power chair over trails designated for their use by the Lebanon Conservation Commission and specifically posted for such use.

§ 52-9. Exemption.

There shall be exempted from the prohibition of vehicular use emergency vehicles as defined in RSA 259:28, and vehicles of the City of Lebanon used for the purpose of maintenance or repair of the conservation land or any sewer or water line contained therein.

§ 52-10. Deed restrictions and other ordinances/regulations.

Whenever the provisions of this chapter conflict with each other or with deed restrictions affecting any conservation lands, or with other municipal, state, or federal ordinances, statutes, laws, or regulations, the stricter provision shall govern.

§ 52-11. Authority of Lebanon Conservation Commission.

In order to provide for the controlled and equitable use of the conservation lands and to protect the safety of users and to preserve the natural environment, the Lebanon Conservation Commission may issue, and provide for the proper posting of, rules and regulations which:

- A. Fix times and dates when the conservation lands shall be closed to public use whenever such restrictions are necessary to protect the public or the lands;

- B. Restrict the use of all conservation lands, individual conservation lands, or parts thereof, for any use which may be determined by the Lebanon Conservation Commission to be detrimental to forest or open space management after conducting a duly noticed public hearing; or
- C. Lay out proper open space land uses in accordance with the open space plan and other management studies dealing with these conservation lands.

§ 52-12. Penalties for offenses.

The penalty for a violation of this chapter shall be as set forth in RSA 41:11-b, as amended. In addition the violator shall be responsible for the restoration of the conservation land to the satisfaction of the Conservation Commission.

§ 52-13. Conservation lands.

The provisions of this chapter shall apply to all tracts acquired as conservation land, as listed below, and to any other tract which may in the future be designated as conservation land by the City Council at the time of, or subsequent to, its acquisition by the City. Such designation of additional tracts shall not be required to follow the procedures for amending an ordinance.

Baker's Crossing Conservation Area	Need to add:
Boat Launch, East Wilder Road	
Boston Lot	Ticknor
Chambers Memorial Area	Mill parcel
Cole Conservation Area	Hardy hill brook
Farnum Hill Reserve	Change names for:
Goodwin Conservation Area	Boat launch
Jackson Conservation Area	Cole?
Lebrun Meadow	
Signal Hill	
Starr Hill	
True's Ledges	
Two Rivers Conservation Area	
Zeev Darer Memorial Natural Area	

**Agenda
Conservation Commission
March 10, 2022**

**Agenda Item #4B
Study Items**

Continued Review of the Con Com's Rules of Procedure

ARTICLE 1 GOVERNING RULES

ARTICLE 2 MEMBERSHIP

2.2 ALTERNATE MEMBERS. Alternate members of the Commission shall join the regular members in all presentations, public hearings, and discussions, **but except that such alternates** may not vote on any proposal or motion before the Commission **unless so directed by the Chair**. In the absence of any regular member, the Chair shall appoint an alternate to fill such vacancy. Said alternate shall then act as a regular member. **The council representative may only be replaced by the alternate council representative.**

ARTICLE 3 OFFICERS AND DUTIES

3.2 DUTIES OF THE CHAIR. The Chair shall call the meeting together, preside over all meetings and hearings of the Commission, put all questions, maintain order, decide all questions of order and procedure, subject to these rules,

and shall appoint any committees found necessary to carry out the business of the Commission.

The Chair may present to the Commission such matters as in the Chair's judgement require attention. At the request of any Member, the Chair shall direct that the yeas and nays be taken and entered on the record on any question before the Commission.

When the Commission has no established rule of parliamentary practice, the Chair shall be guided as nearly ~~as may be by~~ Robert's Rules of Order.

as may be possible by

The Chair shall exercise a general supervision over the business, papers, and property of the Commission and shall execute all formal documents on behalf of the Commission.

3.3 DUTIES OF THE VICE CHAIR. The Vice Chair shall assume the duties and powers of the Chair in the Chair's absence.

3.4 VACANCIES AMONG OFFICERS. Any vacancy among the officers of the Commission shall be filled by election, for the unexpired term, at the next regular meeting of the Commission.

ARTICLE 4 MEETINGS

4.1 ANNUAL MEETINGS. The annual meeting of the Commission shall be the regular meeting held in the month of January each year or if there is no meeting due to a lack of business then the first regular meeting held thereafter.

4.2 REGULAR MEETINGS. Regular meetings of the Commission shall be held on the second Thursday of the month unless there is no business to transact, in which case no meeting shall be held. Regular meetings shall normally start at ~~7:00 p.m. and terminate at 9:30 p.m.~~ regardless of all business, as listed on the agenda, being completed. **6:30 p.m. and terminate at 9:00 p.m.**

4.3 SPECIAL MEETINGS. Special meetings of the Commission may be called by the Chair provided that at least 48 hours notice of the time, place, and business of such meeting be given each member of the Commission and provided that the special meeting is given the proper public notice.

4.4 PLACE OF MEETING. Meetings of the Commission shall normally be held at City Hall, in the City of Lebanon, or at some other public place in the City of Lebanon, or at any site at which the Commission finds it necessary to conduct its business.

4.5 **OPEN MEETINGS.** All meetings of the Commission and its committees shall be open to the public except as stipulated by RSA 91-A.

ARTICLE 5 CONDUCT OF BUSINESS

5.1 **CALL TO ORDER.** Meetings shall be called to order by the Chair, or in the Chair's absence, by the Vice-Chair. In the absence of both, the most senior member of the Commission present at the meeting shall preside as the acting Chair.

5.2 **QUORUM.** The Commission shall only conduct a meeting and transact business when a quorum is present. A quorum shall be at least a majority of the total membership, not to include alternate membership, of the Commission.

not including alternate members unless appointed as regular members by the Chair.

5.3 **ORDER OF BUSINESS.** The order of business, unless taken out of order by motion, shall be as follows, and shall be shown on the agenda of each regular meeting.

Suggested reordering of agenda:

- | | |
|--------------------------|---------------------------------------|
| A. Call to Order | Call to Order |
| B. Approval of Minutes | Approval of Minutes |
| C. Public Hearings | Open to the Public |
| 1. Old Business | Permit Review |
| 2. New Business | Study Items |
| D. Public Review | Committee & other Board Reports |
| 1. Old Business | Lebanon Biodiversity Group |
| 2. New Business | Ranger report |
| E. Other Business | Trail report |
| 1. City Planner's Report | Conservation Lands Monitors |
| 2. Study Items | Tree board update |
| 3. Miscellaneous | Planning update |
| F. Open to the Public | Other committee or boards? |
| G. Adjournment | Wild about Lebanon |
| | Amphibian Program |
| | Land Conservation |
| | Workshops & Educational Opportunities |
| | Other Business |
| | FYIs |
| | Future Agenda Items |

5.4 MINUTES. Records shall be kept of those Commissioners present and those absent. The minutes of previous meetings shall be submitted for acceptance at the regular meeting and any errors noted and corrections made, after which the regular order of business may be taken up. The reading of the minutes may be dispensed with and the same accepted if there are no objections.

5.5 RECESS OF THE MEETING. The Chair may order a temporary halt to the proceedings of the meeting. Said recess should normally not exceed 30 minutes. Upon ordering the recess, the Chair shall state the time and place for reconvening.

5.6 CONTINUANCE OF THE HEARING. The Commission may continue a hearing if the application cannot be disposed of on the day set. No further public notice shall be necessary provided that the date, time, and place of the continued hearing shall be announced before adjournment.

5.7 ADJOURNMENT OF MEETING. The Commission shall adjourn each meeting to its next regularly scheduled meeting or to a special meeting specifying time, date, and place.

ARTICLE 6 COMMITTEES

6.1 AUTHORIZATION. The Chair is authorized to appoint Committees to study and to report upon such matters as directed by the Chair which is germane to the purposes of the Commission.

6.2 MEMBERSHIP. All Committees shall consist of not more than three Commission members.

6.3 DUTIES. The duties of any Committee shall be defined by the Commission at a regular meeting.

6.4 COMMITTEE CHAIR. The Chair will be elected by the Committee.

6.5 MEETINGS. The Chair of a Committee shall call the same at such time and place as he or she may deem proper whenever there is any business requiring the attention of the Committee.

6.6 INVESTIGATIONS. If necessary for the proper consideration of any matter referred to the Committee, the Committee is authorized to make investigations and request the City staff for such surveys, plans, estimates, and recommendations as may be deemed necessary.

ARTICLE 7 VOTING

7.1 MAJORITY VOTE REQUIRED. Determinations on any matter before the Commission shall require the concurrence of a majority of the regular members present at that meeting.

7.2 CONTINUANCE OF DELIBERATIONS. If the Commission is unable to obtain the concurrence of a majority of its members on a motion because of the absence of one or more members from the vote, it shall continue the matter for reconsideration before the members present.

7.3 CONFLICT OF INTEREST. No member should participate in deciding or should sit upon the hearing of any question if:

A. that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizenry; or

B. that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law, namely:

1. is related to any applicant or abutter;
2. has assisted or advised the applicant or any abutter;
3. has directly or indirectly given his opinion or has formed an opinion;
4. is prejudiced to any degree regarding the case;
5. if it appears to a reasonable person that the member is not indifferent or impartial with regard to the case.

Any member who has employed an attorney, said attorney now appearing before the Commission, shall so inform the Commission and in generic terms give the cause of the employment (e.g. will, business contract) for the record. Such employment could possibly be cause for disqualification.

A member who is disqualified shall remove himself from the Commission, shall not take part in the public discussion, **and shall sit with the public until** such time as the Board has completed its consideration of the case at that meeting. The member may then return to the Board. **...and shall sit with, and may speak as a member of, the public until...**

When an uncertainty arises as to whether a member is disqualified under RSA 673:14, the Board shall vote on the question but such vote shall be advisory and non-binding. Any person may request such a vote at any time.

If as a result of disqualification the Board loses its quorum, then there shall be an

adjournment or recess of consideration of the matter until there is a quorum either at the same meeting or the next available meeting.

7.4 VOTE OF MEMBERS PREVIOUSLY ABSENT. For matters continued from a previous meeting, any member absent from such meeting shall not cast a vote on the matter until the member examines the public record and minutes of the proceedings and becomes familiar with the evidence.

7.5 RECONSIDERATION OF A FORMER VOTE. If an applicant is aggrieved by a Commission's duly passed decision, in whole or in part, the applicant may request in writing the Commission to reconsider the matter.

At a regularly scheduled meeting or at a special meeting, the applicant shall present evidence different from or in addition to evidence presented for the former vote. At the conclusion of the applicant's presentation, the Commission, by majority vote, shall determine whether or not the evidence presented is substantially different from or in addition to the fact established for the former vote. A motion, duly passed, to accept the evidence and to reconsider the matter must be made by a member who voted in the majority on the former vote. After deliberation, the Commission shall then vote on the matter.

An applicant must file a request to reconsider prior to the Commission's decision being forwarded to the appropriate authority requesting or requiring the Commission's determination on a wetlands matter.

ARTICLE 8 E-MAIL AND OTHER COMMUNICATIONS BETWEEN MEETINGS

8.1 PURPOSE. The aims of this Article are:

- A. To ensure compliance with the letter and spirit of the Right-to-Know Law, RSA 91-A, and with the Due Process rights of parties before the Commission;
- B. To clarify Commission members' ability, between meetings, to research issues and prepare motions or other potential Commission actions, thus promoting efficient use of meeting time, but only to the extent allowed by law; and,
- C. To clarify the role of electronic media such as E-mail in achieving these goals.

8.2 DEFINITIONS. In this Article:

- A. Communication means a transfer of information, objective or subjective, from one person to another. It includes face-to-face or phone conversations, letters, memos, E-mails, web sites, or any other medium, regardless of the location or ownership of any device or equipment used.
- B. Distribution is a one-way communication between meetings involving more than one Commission member where no between-meeting response (except acknowledgment of receipt) occurs or is expected.
- C. Exchange is a communication between meetings, or series of communications, involving more than one Commission member which includes a between-meeting response, or expectation of a response.
- D. Ex Parte Communication is communication, other than at a legally-noticed meeting, between a Commission member and a person with an interest in, or affected by, a pending or future case.

8.3 ACTIVITIES BETWEEN MEETINGS OF INDIVIDUAL MEMBERS. Individual Commission members may, between meetings, prepare drafts of motions or other potential

Commission actions. They may also research or investigate general or specific factual issues. However, if the research pertains to a case, the member shall, at the public hearing, report all findings to the Commission, and parties to the case shall be given a meaningful opportunity to respond.

8.4 DISTRIBUTIONS. A Distribution may be made to any number of Commission members, so long as it does not become an Exchange. Whenever a member makes a Distribution concerning a pending or future case and it involves a quorum of the Commission (counting all senders and recipients):

- A. A copy shall be forwarded to the City Planner, who shall determine, under RSA 91-A or other applicable law, whether the Distribution is subject to public disclosure and shall place the copy in the appropriate file;
- B. The member making the Distribution shall report on it, and its contents, at the public hearing on the case unless the information is exempt from disclosure under RSA 91-A; and,
- C. Parties to the case shall be given a meaningful opportunity to respond to the information in the Distribution.

8.5 EXCHANGES. Exchanges involving a quorum or more of the Commission or of any Conservation Commission Committee are prohibited. Such Exchanges shall be considered deliberations and shall occur only at meetings noticed in accordance with RSA 91-A. An Exchange pertaining to any activity allowed under Subsection 8.3 is permitted if the number of Commission or Committee members involved is less than a quorum; however:

- A. Each member involved shall be responsible for preventing the number of members involved from reaching a quorum;
- B. Information discussed in, or generated by, an Exchange between members shall not be subject to further Distribution; and
- C. No Exchange shall include any vote or straw vote, or any Ex Parte Communication.

8.6 EX PARTE COMMUNICATIONS. Commission members shall not initiate Ex Parte Communications. If an Ex Parte Communication is initiated by another person, the Commission member contacted shall:

- A. Refrain from discussing the substance or merits of a case;
- B. Inform the person, if necessary, that such a discussion could lead to disqualification;
- C. Refer the person to the Planning Office or to a Commission meeting, as

appropriate; and

D. Report on the conversation to the Commission at a public meeting.

8.7 SCHEDULING AND AGENDA. Notwithstanding Subsections 8.4, 8.5, and 8.6, nothing in this policy prevents any Distributions, Exchanges or Ex Parte Communications which pertain solely to:

A. Scheduling of meetings or hearings;

B. The determination or ordering of agenda items or topics to be taken up at meetings or hearings; or

C. General procedural requirements pertaining to such scheduling and agenda matters.

8.8. CONSERVATION COMMISSION COMMITTEES. A Conservation Commission Committee shall be considered a public body, and all provisions of RSA 91-A and this Article, applicable to a quorum of the Commission, shall also apply to a quorum of a committee.

ARTICLE 9 ADMINISTRATIVE

9.1 ADOPTION. Upon adoption of these rules, the Chair shall file a copy of these rules and all amendments with the City Clerk as a public record and post a copy in two or more public places for 15 days.

9.2 AMENDMENTS. These rules may be amended at any regular meeting by an affirmative vote of a quorum of the Commission provided that such amendment has been presented in writing to each member of the Commission at least 30 days preceding the meeting at which the vote is taken.

9.3 ATTENDANCE. A Commission member may be excused for nonattendance of a meeting or hearing for valid reasons if he or she notifies the Chair prior to the meeting or hearing.

These rules of procedure were adopted by the Conservation Commission on 10-31-90 and amended on: 07-07-94, Section 4.2, meeting time;
05-11-95, Section 4.2, meeting date;
05-09-96, Section 4.2, meeting time;
03-13-97, Section 5.4, acceptance of minutes;
11-09-00, Section 4.1, annual meeting.

Chair

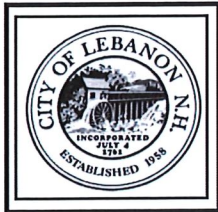
Date

These Rules of Procedures supersede all other rules and By-Laws.

**Agenda
Conservation Commission
March 10, 2022**

**Agenda Item #4C
Study Items**

Master Plan Update



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Conservation Commission

CC: Mark Goodwin, Senior Planner/GIS Coordinator
Rebecca Owens, Associate Planner

FROM: David Brooks, Planning & Development Director

RE: Review and Update of Master Plan Chapter 5: Natural Resources

DATE: February 17, 2022

Conservation Commission members,

The City's Master Plan was adopted by the Planning Board on March 26, 2012 as "a comprehensive plan to implement the community vision for 2030." We are now just over half-way through the 18-year planning horizon on which the Master Plan is based. While implementation efforts continue across various chapters and led by various boards, committees, and City departments, it is time to review and update the Plan to track efforts and resources, to document progress and achievements over the last 10 years, and to outline a refined set of actions and strategies to be pursued in the remaining years leading up to the 2030 planning horizon.

The Planning & Development Department is initiating a new approach to reviewing and updating the Master Plan on a chapter-by-chapter basis over the next 3-4 years. We propose to start in 2022 with Natural Resources (Chapter 5), one of the chapters on which the City has made significant progress and which has seen significant changes in existing conditions and circumstances since 2012.

However, instead of working with the Steering Committee for the Implementation of the Master Plan (SCIMP), the Planning Department now envisions working directly with the Conservation Commission to review and update the Natural Resources chapter. The Department believes that the Commission, whose purpose and charge aligns with the Natural Resources chapter, is much better positioned than SCIMP to function as the "champion" for reviewing and updating the chapter and, subsequently, to monitor implementation and track progress into the future.

Attached is a memo providing some background on the Master Plan and outlining the Planning Department's overall approach to updating the Plan. In addition, Department staff has communicated with the Commission's Chairperson and staff liaison to outline a more specific process for the Commission to review and update the chapter over the next several months. As proposed, the Commission would undertake the following steps:

Step 1: March, 2022

Review the Natural Resource chapter's *Vision & Purpose* Statement

If the Commission feels that the existing *Vision & Purpose* statement still accurately reflects the direction the community would like to proceed with respect to Natural Resource, or if the statement requires only minor modifications, then the Commission would proceed to Step 2 and beyond. However, if the Commission feels that the *Vision & Purpose* statement no longer reflects the community's goals or needs with respect to the

chapter, then the Planning & Development Department may halt the review and update process until a broader visioning effort can be undertaken to ascertain the community's new preferred direction.

Step 2: April – June, 2022

Review and update the body of the Natural Resources chapter, including the *Issues & Priorities, Existing Conditions & Trends, and Future Challenges & Opportunities*.

This will be the opportunity to document past efforts and accomplishments since 2012 as well as changes in conditions and circumstances since the Natural Resources chapter was last reviewed. This is also where we will outline and update what opportunities and challenges that still remain to be tackled prior to 2030.

Step 3: July – August, 2022

Review and update the Outcomes, Actions, and Strategies of the Natural Resources chapter

This will be the opportunity to 'check off' actions and strategies that have already been completed and to remove any actions and strategies that are no longer necessary, feasible, or desirable. This will also be an opportunity to add new actions and strategies that are now possible or appropriate. Ideally, the review process will result in a shorter, more-focused list of actions and strategies to be pursued in the remaining 7-8 years leading up to 2030. This may also be an opportunity to incorporate additional details on timelines, key stakeholders, potential costs, and funding sources to help with implementation of the remaining actions and strategies.

Step 4: September – November, 2022

Decide to support all proposed changes to the Natural Resources chapter and request that the Planning Board formally adopt the updated chapter.

By statute, the Planning Board is responsible for preparing and amending the Master Plan to guide the development of the municipality. As a result, it is the Planning Board that is tasked with holding a public hearing and for making the final decision to adopt the updated chapter into the Master Plan. The Conservation Commission would be expected to help present and advocate for the updated chapter to be formally adopted into the Master Plan.

While the Planning Board will hold a public hearing at the end of the process to formally adopt the updated chapter, the Planning Department will also take steps to inform the public that the Conservation Commission will be working to review and update the chapter over a series of meetings. We will also look for opportunities to report out on the actions and strategies that have already been completed so the general public can be made aware of accomplishments over the past 10 years. Obviously, the Commission's meetings are already publicly noticed, but we will take extra steps to use the City's website, LebNews, and social media accounts to spread the word more broadly.

The Planning & Development Department looks forward to working with the Conservation Commission members to complete this review and update process so that City resources and effort can continue to be appropriately directed toward the community's goals with respect to Lebanon's Natural Resources.



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: SCIMP Committee
Planning Board
Board/Committee Chairpersons and Staff Liaisons
City Department Heads

CC: Shaun Mulholland, City Manager
Paula Maville, Deputy City Manager
Planning Department Staff

FROM: David Brooks, Planning & Development Director

RE: Lebanon Master Plan Review and Update Process

DATE: January 4, 2022

As you know, the City's Master Plan was adopted by the Planning Board on March 26, 2012 as "a comprehensive plan to implement the community vision for 2030." We are now just over half-way through the 18-year planning horizon on which the Master Plan is based.

Previous implementation strategies created with and for the Steering Committee for the Implementation of the Master Plan (SCIMP) envisioned focusing efforts and resources on key themes for certain time periods, while leaving open the possibility of addressing significant issues as they arose (see the Gantt chart below). In reality, the City has had to be much more flexible and opportunistic in its implementation efforts and has rarely been able to focus on themes in the sequence or for the duration envisioned in the chart below. As an example, Downtown Lebanon became a focus as early as 2014 due to concerns brought to light by the condition of the tunnel under the pedestrian mall. As a result, efforts to focus on West Lebanon's downtown were delayed until late 2019. Similarly, the City has already begun to take a more proactive approach to economic development instead of waiting until 2023.

Master Plan Theme	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
transportation																		
landuse																		
env/energy																		
openspace																		
water resource																		
nat res protection																		
cult/arts																		
downtown - W Leb																		
downtown - Leb																		
urban design																		
historic																		
housing																		
utilities																		
recreation																		
econ dev																		
dev review																		
government																		

Shading represents the years where the theme is a focus. Gradient indicates opportunistic addressing of theme.
Does not preclude opportunistic (grants, co-located projects, etc.) addressing of Master Plan actions at other times
MP Update - proposed timeframe for updating the Master Plan
MP Redo - proposed timeframe for a major overhaul of the Master Plan and the Master Plan process

Although the City has addressed a lot of the actions and strategies outlined in the Master Plan and made progress on many of the Plan's themes, implementation overall has been much more scatter-shot than originally intended.

Tracking and reporting on implementation efforts has also been a challenge. The 2012 Master Plan does not include a stand-alone implementation chapter and there is often little detail included within the chapter Outcomes as to how or when to address the various actions and strategies. In the first years after adoption, there was relatively little attention paid on how to keep track of efforts and resources and how best to report on successes and achievements to the broader public. As a result, by the time the Planning Department, Planning Board, and SCIMP attempted to develop a tracking and reporting system around 2018, the task of summarizing more than 6 years of effort across 17 themes had become overwhelming and never gained significant traction.

The original implementation strategy anticipated two planned updates to the Master Plan to be undertaken 6 years and 12 years following adoption, specifically in 2018 and 2024. However, while the effort to create a tracking and reporting process stalled, there was no effort made at a general Master Plan update around 2018. Now that nearly 10 years have passed since its adoption, a review and update of the Master Plan is warranted.

In the years since the Master Plan was adopted, it has become clear to the Planning Department that the SCIMP committee may not be the best mechanism for implementing or updating the Plan. Composed of members of the City Council, Planning Board, and Conservation Commission, SCIMP does not have broad representation reflecting the themes covered by the Master Plan or necessarily even a solid understanding of what has been happening or should be happening with other chapters of the Plan, such as Economic Development, Historic Resources, or Community Design and Civic Art. As a result, the Planning Department envisions winding down and eliminating the SCIMP committee.

Instead, the Planning Department now envisions working directly with existing boards or committees, whenever possible, to review and update individual chapters of the Master Plan. Where there is an existing board or committee whose purpose and charge aligns with a particular chapter of the Master Plan, we believe that board or committee is much better positioned than SCIMP to function as the "champion" for reviewing and updating the chapter and, subsequently, to monitor implementation and track progress into the future. For example, Planning staff proposes to work with the Economic Development Commission on the Economic Development chapter (Chapter 6), the Heritage Commission on the Historic Resources chapter (Chapter 11), and the Arts & Culture Commission on the Community Design and Civic Art chapter (Chapter 12). For any chapters where there is no existing board or committee to work with (e.g. Community Facilities and Services or Housing), the Planning Department proposes to create a short-term task force or working group composed of appropriate stakeholders to complete the review and update process.

To ensure adequate staffing and other resources for the effort and to avoid burnout in the process, the Planning Department proposes to address a few chapters per year over a multi-year period. The chapter update process would begin with a review of the *Vision & Purpose* statement to ascertain whether, in the opinion of the board, committee, or working group, it still accurately reflects the community's goals or needs with respect to the particular topic. Where a *Vision & Purpose* statement is determined to still be accurate, the next step would be to review and validate the *Issues & Priorities* section and to bring the *Existing Conditions & Trends* and *Future Challenges & Opportunities* sections up-to-date based on actions and accomplishments or changes of circumstances since 2012. Finally, the update process would include a review and update of the *Outcomes* and the corresponding *Strategies* and *Actions* for each chapter to remove strategies or actions that have been completed or deemed inappropriate and to consider adding

new strategies or actions that may now be feasible. Where possible, it may be appropriate to consider adding an implementation section and/or further details on timelines, key stakeholders, potential costs, and funding sources for the updated actions and strategies. Following the review and update process by the appropriate board, committee, or working group, the revised chapter would be forwarded to the Planning Board for review, a public hearing, and proposed adoption into the Master Plan.

If, during the chapter review process, it is determined that a current *Vision & Purpose* statement is no longer accurate or reflective of the community's goals or needs, then it would most likely be appropriate to re-engage the broader public as part of a visioning process for that particular chapter before revisiting the other sections of the chapter. The Planning Department will determine a process and schedule for any such visioning efforts, as necessary.

The Planning Department proposes the following tentative schedule for reviewing and updating Master Plan chapters on a rolling basis over the next few years, (understanding that the timing and sequence of chapter updates may still change):

<u>Year</u>	<u>Chapter</u>	<u>"Champion"</u>
2022	Natural Resources (Ch. 5)	Conservation Commission
2022	Energy (Ch. 13)	Lebanon Energy Advisory Committee
2023	Housing (Ch. 7)	Working Group/TBD
2023	West Lebanon CBD (Ch. 4)	West Leb. Revitalization Advisory Comm.
2023	Economic Development (Ch. 6)	Economic Development Commission
2024	Historic Resources (Ch. 11)	Heritage Commission
2024	Transportation (Ch. 9)	Working Group/TBD
2024	Recreation (Ch. 10)	Working Group/TBD
2023	Community Art and Civic Design (Ch. 12)	Arts & Culture Commission
2025	Community Facilities and Services (Ch. 8)	Working Group/TBD
2025	Land Use (Ch. 2)	Planning Board
2025	Lebanon CBD (Ch. 3)	Working Group/TBD

At the end of the process outlined above, we anticipate having an updated Master Plan that will continue to guide the community through to the end of the original planning horizon of 2030. We will also have engaged boards and committees primed to continue monitoring implementation efforts, tracking progress, and reporting on achievements.

Natural Resources

5 |

Vision & Purpose

5 | A

Lebanon's natural environment shall be widely considered a community asset, comprised of public and private ownership, whose conservation is essential to our continued health, quality of life, and the health of all species. It shall be recognized as in the public interest to encourage the preservation of open space, thus providing a healthful and attractive outdoor environment for the work and recreation of the City's citizens, maintaining the character of the City's landscape, and conserving its land, water, forest, agricultural, and wildlife resources.

Significant public and private investment shall improve the quality of our water, air and soils and shall have ensured the clarity of the night sky. A concerted combination of land protection, responsible stewardship and creative site planning shall conserve significant natural areas and important natural systems for the benefit of current and future generations while respecting and preserving the rights of property owners. Conservation areas, other open spaces, and greenbelts shall be linked with the City's built environment to provide "green infrastructure" (a network of natural lands, working landscapes and other open spaces that conserves ecosystem values and functions and provides associated benefits to people) supportive of convenient public access and compatible recreation, viable waterways, and thriving wildlife populations.

The City of Lebanon shall identify its significant natural resources and promote the preservation, conservation, responsible management, and harmonious use of those resources for current and future generations.

key points | vision & purpose



- Recognize that conservation of the natural environment is essential to maintaining the City's quality of life and economic vitality
- Conserve open space and maintain the functions of natural systems while respecting the rights of property owners
- Establish a connected network of open spaces, conservation lands, greenbelts, and working farm and forest land that is accessible to City residents

Issues & Priorities

5 | B

Balancing Resource Protection and Growth

5 | B-1

Lebanon, as the regional center of the Upper Valley, will continue to face demand for growth and development. The City will need to change how it grows and develops if we are to retain the open spaces and rural character that residents value.

key points | issues & priorities



- Seek a balanced approach to protecting the City's natural resources while accommodating anticipated growth and maintaining the City's role as a regional center
- Maintain the healthy, functioning natural systems that contribute to the City's quality of life and economic vitality

Healthy Environment, Healthy Community

5 | B-2

Without clean air, water and soil, Lebanon will not be a place people want to live or work. For example, protecting the quality of the water in the Mascoma River is a paramount issue for Lebanon, which depends on the river as a municipal water supply. However, connections between public health and the health of the natural environment go beyond concerns about pollution. Healthy, functioning ecosystems provide many benefits to human communities, and degraded ecosystems can create hazards.

Existing Conditions & Trends

5 | C

Among the City of Lebanon's greatest assets is the abundance and high quality of its existing natural resources, including, but not limited to: clean air and water, wildlife habitat, undeveloped natural vistas, agricultural and

natural resources | 5-1

City of Lebanon Master Plan Adopted March 26, 2012

key points | existing conditions & trends

- Clean air and dark night-time skies should not be taken for granted as the City continues to grow and develop.
- Lebanon's hillsides and ridgelines are defining characteristics of the landscape, and are especially vulnerable to poorly planned development.
- The City's water resources (rivers, streams, lakes, ponds, wetlands, floodplains) serve multiple functions, and their health is critical to Lebanon remaining an attractive place for people to live and work.
- While a large percentage of Lebanon remains undeveloped, a relatively small amount of open space is permanently protected from future development. Open space, scenic views and rural character contribute significantly to the City's quality of life.
- There is a diversity of plant and animal species living in the City in a variety of habitats. Biodiversity is a hallmark of the health of the City's natural environment.
- Nearly all the energy consumed in the City is imported.

forestry enterprises, and open space. The 2010 Lebanon Phase II Natural Resource Inventory (NRI) provides a detailed description of Lebanon's natural resources and a foundation for future planning efforts. The following sections provide a general description of natural resource features.

Air and Sky

Clean air contributes to public health and clear skies. Air pollution is a technically complex problem, but it is vital that high standards for air quality be enforced in planning Lebanon's growth. The primary threats to the region's air quality are our own automobiles, compounded by New England's geographic and meteorological position as 'America's tailpipe'. Emissions from industrial manufacturing and power generation well to our west reach New Hampshire as acid rain, which has rendered lakes and ponds void of life, leached minerals and nutrients out of forest soils, and accelerated weathering of stone structures. High levels of ground ozone affect the breathing process and aggravate asthma in chronic sufferers.

As development has expanded in Lebanon in recent decades, the use of outdoor lighting has grown, particularly on Route 12A. While some lighting certainly is needed for visibility and security purposes, excessive lighting of commercial and industrial developments, parking lots, and streets can alter the character of a community. Excessive lighting wastes energy and causes glare, can impair vision, and cause accidents. Sky glow, which is reflected light visible in the night sky over large developments, reduces one's ability to see celestial elements at night. Additionally, excessive lighting can negatively affect wildlife, particularly local and long-distance bird and amphibian migration, as well as the biorhythms of fish.

5 | C-1

Landform

Lebanon's landform is defined by the ridgelines and undulating hills that rise from the river valleys. The ridgelines are the most visible element in our scenic landscape and very much define the City's character. As is intrinsic to northern New England, much of Lebanon has steep slopes.

Construction, cutting and filling, and loss of vegetation on steep slopes can reduce soil stability, increase runoff and erosion, degrade water quality, compromise wildlife and plant habitat, and diminish the City's natural landscape. Locating development on steep slopes can also increase maintenance costs for infrastructure such as roads and sewer/septic systems. The City currently has a steep slope overlay district in order to prevent development on slopes in excess of 25 percent. The Steep Slope District currently includes all areas having slopes in excess of 25 percent that are located within the RL-3 zone.

Lebanon's ridgelines create corridors through which wildlife can move, provide habitat for species like raptors and bobcats, and sustain many plants and animals not found at lower elevations. Some of the City's exemplary natural communities, including those defined by the New Hampshire Natural Heritage Bureau as rare or exceptional, are found on ridgelines. The City's ridgelines contribute greatly to Lebanon's scenic character due to their current undeveloped state. The ridgelines are highly visible from many vantage points around the City, so a small development or even a single house on a ridgeline could be visible for miles.

As Lebanon has grown, the availability of flat dry land suitable for development has decreased. As a result, new development increasingly occurs in less suitable areas, such as those that have thin soils over bedrock, or

5 | C-2

outright ledge. Blasting may be required to make such land suitable for building. On the other hand, blasting may negatively affect underground water resources in bedrock faults and fissures, in addition to degrading the City's naturally scenic resources.

5|C-3

Water Resources

Lebanon's water resources include more than 130 miles of rivers and year-round streams, as well as floodplains, wetlands, vernal pools and other hydrologically connected features as described in great detail within the NRI.

5|C-3a

Surface Waters. Major surface waters in Lebanon include: the Connecticut and Mascoma Rivers, and their many tributaries (Hardy Hill Brook, Great Brook, Stoney Brook, Blodgett Brook, among others); and Mascoma Lake, Boston Lot Lake and a number of smaller ponds.

Similar to many communities in New Hampshire, the terrain in Lebanon has resulted in roadways having been built in close proximity to surface waters. This has increased the vulnerability of these surface waters to pollution and spills. As described in the Community Facilities and Services chapter of this plan, the Mascoma River is Lebanon's public drinking water supply. As such, the City has particular concern for safeguarding the river's water quality. However, most of the river's watershed, its tributaries and headwaters, are outside the City.

In 2011, the Mascoma River became the sixteenth protected river in the New Hampshire Rivers Management and Protection Program (RMPP). The designation formalizes a local and state partnership for the management of the River. A local advisory committee will coordinate the development and adoption of a river corridor management plan.

The New Hampshire Shoreland Water Quality Protection Act is a regulatory measure that offers limited protection to the Mascoma River, as well as other surface waters in the City (Mascoma Lake, Bloods/Trues Brook, Great Brook and Boston Lot Lake). Within the 250-foot protected shoreland of these water bodies, various protection measures apply.

In 1998, the Lebanon Planning Board adopted the recommendations in the Connecticut River Corridor Management Plan of the Connecticut River Joint Commission (CRJC) regarding the protection of the Connecticut River and its watershed. The CRJC advises that preserving vegetated buffers along waterways, including smaller streams, is the most effective protection for water resources. Buffers filter polluted runoff, stabilize banks, regulate stream flow, recharge aquifers, and provide important habitat, among other benefits.

5|C-3b

Floodplains. The floodplains along the City's surface waters have experienced substantial development during the past 40 years, most notably, significant portions of the developed area on the west side of Route 12A. Floodplain development reduces flood storage capability, increasing the likelihood of greater flooding including areas not previously affected and increasing the threat to life and property posed by flooding. Floodplain development also reduces the scenic and habitat value of the river valleys. Since 1980, the City has been in compliance with the National Flood Insurance Program, which is administered by the Federal Emergency Management Agency. This program prohibits development in the actual floodway, but permits it in the 100-year floodplain if the developments are flood-proofed.



mascoma river

5 | C-3c

Wetlands. Within Lebanon, there are an estimated 1,500 acres of wetlands. The small, incremental filling and degradation of wetlands over the years continues to add up to a significant loss of wetland acreage and function. Some wetland ecosystems in the City have become increasingly isolated islands surrounded by development, which decreases their ecological value, particularly as habitat. The NRI provides descriptive information related to the functions and values of Lebanon's wetlands, as well as a priority ranking of their importance.

The value of wetlands for groundwater and stream recharge, flood attenuation, pollution abatement, and wildlife habitat is still vastly under-appreciated. Wetlands and their valuable functions essentially do the work of engineers free of charge, saving us money and effort in pollutant and flood mitigation.

5 | C-4

Land Resources

5 | C-4a

Open Space. Lebanon residents have a long history of expressing their appreciation for and desire to maintain open space. Open space helps define community character, is home for wildlife and plants, protects drinking water supplies, and provides opportunities for recreation.

In addition to the numerous ecological benefits that it provides, studies have demonstrated the high economic value contributed by open space land. Open space is a "fiscal winner" for the City, as it brings in more money in taxes than it uses in services. Open space also increases the value of nearby developed land. It is vitally important to attracting and retaining businesses, and is also the foundation of the agriculture, forestry, tourism, and recreation industries.

The City still has a considerable amount of undeveloped (open/forested/agricultural) land. The NRI identifies 19,274 acres within Lebanon as undeveloped or natural habitat, representing approximately 72% of the City's land area, in addition to 635 acres of agricultural land. Approximately 15,000 acres of open space lands are in Current Use, a reduced-rate property tax classification that is intended to help preserve the land base for forestry, agriculture, and other traditional uses.

5 | C-4b

Conserved Land. Approximately 2,100 acres of land within the City are conserved and protected from future development. These conservation lands offer many beautiful and accessible areas that provide important habitat for plants and wildlife; protect water and air quality; and fulfill resident's needs for recreational opportunities, an experience of nature close to home, and outdoor solitude. ADA access is provided where feasible and has been incorporated into the management policies of the City's conservation lands.

There are more than 21 miles of trails on the City's conservation lands, as depicted on the 2010 Lebanon Trails map. Additionally, there are ongoing efforts to identify and plan for additional linkages to a community wide trail network. The City employs a seasonal ranger to help maintain the City's conservation lands, including the trails, and has recently stepped up efforts to recruit volunteers to assist as well.

5 | C-4c

Working Land. Agriculture and forestry play an important role in the regional and state economies, as well as in stewardship of our natural resources and scenic landscape.

Increased development pressures and decreased profitability of small farms (partially due to higher tax burdens) have gradually diminished the rural and agricultural character of Lebanon's outlying areas. However, the working farms and orchards that remain continue to contribute to our economy, and the City's remaining

Property	Acres
Alana Cole Conservation Area	18
Bakers Crossing Conservation Area	5
Boston Lot	439
Chambers Memorial Reserve	20
East Wilder Boat Launch	2.5
Farmum Hill Reserve	864
Goodwin Conservation Area	105
Jackson Property	15
Lebrun Meadow	23
Mill Parcel	4
Signal Hill Conservation Area	220
Starr Hill Natural Area	36
Ticknor Conservation Area	76
Trues Brook Natural Area	2
Two Rivers Conservation Area	24
Zeev Darer Memorial Natural Area	21
Total	1,874.5

conserved land

undeveloped prime agricultural soils leave the door open for continued farming in the future. Local farms provide fresh, high-quality food directly to the community and the region, eliminating the need for energy- and cost-intensive shipment and travel. They contribute directly and also indirectly to the economy by providing the quality of life that attracts companies and their workforce as well as tourists.

Forest lands are a dominant feature of Lebanon's landscape and ecosystem. Much of Lebanon is still wooded, and the City's productive forests are an important renewable resource. Several forest-based commercial enterprises (logging, milling, maple sugaring) rely upon the availability of healthy woodland. Forest fragmentation and conversion to other uses have many ecological, economic, and social impacts, such as reduced water quality, habitat loss, and declining traditional recreational opportunities

5 | C-5 Plants and Animals

5 | C-5a **Biodiversity.** Biodiversity enriches the community by providing environmental, economic, and social benefits. A diverse ecosystem can better survive disease and disturbance; can maintain essential biological services such as natural recycling of nutrients and wastes; and can provide models and resources for human advances in agricultural, medical, and other endeavors.

Lebanon is home to a wide variety and abundance of plants and animals, including more than 40 rare or endangered species. The 2010 Natural Resource Inventory provides a tremendous amount of information related to Lebanon's biodiversity, identifying 73 "Significant Ecological Areas" (SEAs) within the City's borders.

5 | C-5b **Urban Forests.** Trees in residential and commercial neighborhoods serve many important roles in the City of Lebanon. Among other benefits, urban trees provide shade, beauty, windbreak, cleaner air, privacy, and higher property values. When planted in the proper location, trees can help decrease summer cooling and winter heating bills. Also, the leaves, branches and trunks of trees catch rainwater before it reaches the pavement, reducing runoff, erosion, pollution, and other stormwater effects.

5 | C-5c **Invasive Species.** Through the efforts of the Connecticut River Joint Commissions, the New Hampshire Department of Agriculture Invasive Species Program, and other organizations, the City has been learning about problems associated with invasive exotic plants in Lebanon and in the region. The Conservation Commission regularly recommends that developers eliminate or limit the spread of such plants in the course of their work, and the Planning Board's Site Plan Review Regulations include a list of invasive exotic species that cannot be used to satisfy the landscaping requirements. However, broader coordinated efforts are needed. Purple loosestrife, buckthorns, honeysuckles, barberries, Japanese knotweed, as well as other invasive plants, occur and are spreading on all city-owned conservation lands, along roadsides and power-line cuts, as well as on private land throughout Lebanon.

5 | C-6 Energy

Lebanon's energy future is tied to policies and economic forces at the state, national, and international levels. Most of the City's energy sources are imported from outside of the region, although wood remains an important fuel for many residents. Approximately four percent of the energy demand is satisfied by energy generated within the region (UVLSPRC Regional Plan, 1998). The Lebanon Energy Advisory Committee (LEAC) is

currently developing an energy master plan, which will address energy conservation as well as other related measures.

Future Challenges & Opportunities

Impact of Development on Natural Resources

Lebanon's natural resources have degraded over time as the City has grown and changed. Many formerly open fields, including some of the Northeast's richest soils, have been covered with shopping centers, houses, and other types of development. Some of the City's most significant floodplains and wetlands were drained or filled in before the advent of protective regulations, and development pressure continues to affect these resources. In the uplands, wooded ridges and hillsides are being fragmented by roads and rural development. Increasing vehicle emissions, fertilizers, pesticides, road salt and other pollutants threaten air and water quality even in rural areas of Lebanon.

Most current environmental impacts result from development, often driven by regional pressures. New parking lots, stores, offices, industries, medical facilities and services attract more people and stimulate demand for more development. Small environmental impacts may not be immediately visible and dramatic, but over time the impacts accumulate and can be damaging in the long term. As Lebanon faces growth pressures, careful planning and better protection are needed to ensure that the City preserves its vital natural resources as it grows as a vital economic center. Without proper protection through local regulations, incentives and educational efforts, the City could lose the very assets that have made this community a desirable place to live and do business.

Air and Sky

Air Pollution. Local sources of air pollution, such as emissions from vehicles and industries, and dust from construction sites, should be monitored by the City as well as by the state. The Clean Air Act of 1970 directs the states to regulate air pollution under guidance from the federal Environmental Protection Agency. When air quality in a region declines and causes an area to be in non-attainment (non-compliance), the Clean Air Act requires that pollution-control programs be implemented to reduce the pollution concentrations to within allowable limits. Now that portions of New Hampshire no longer meet Clean Air Act standards, the City cannot take clean air for granted. Detailed information on air quality, including regulations and solutions, can be obtained from the NHDES Division of Air Resources.

Outdoor Lighting. Outdoor lighting installations should be designed to provide the minimum light levels needed for adequate visibility while avoiding over lighting and its associated problems such as glare, sky glow and light trespass. For instance, down-lit fixtures, cut-off lighting, timers and motion detectors can be used.

Landform

Steep Slopes. To avoid adverse impacts from development on steep slopes, the City should consider expanding the existing steep slope overlay district to apply appropriately to all zoning districts. The steep slope district



key points | future challenges & opportunities

- As Lebanon faces growth pressures, careful planning and better protection are needed to ensure that the City preserves its important natural resources as it grows as a vital economic center.
- Lebanon needs to act, in concert with the state and federal governments, to prevent air pollution and preserve dark nighttime skies as the City continues to grow and develop.
- Lebanon needs to expand its regulations applying to development on steep slopes to cover the entire City and to address the related issues of ridgeline development and the potential ecological damage caused by blasting.
- Lebanon needs to be actively developing and implementing watershed protection plans, particularly for the Mascoma River (the City's water source), in coordination with neighboring communities and the state.
- Lebanon needs an open space plan to identify key open space resources, and identify strategies and techniques to maintain open space for future generations.
- Lebanon needs to seek out the information and expertise needed to more effectively protect plant and animal species, and improve the quality of habitat on public lands.
- City government should lead by example through its efforts to conserve energy in City operations and increase use of renewable, local energy sources.
- There should be greater coordination among City departments, staff and volunteers to increase the effectiveness of Lebanon's efforts to protect natural resources.

should be reviewed and modified as needed to incorporate appropriate measures such as performance or review process techniques.

5 | D-3b

Ridgelines. As recommended in the 1986, 1993 and 2006 Lebanon Master Plans, a ridgeline conservation overlay district should be incorporated into Lebanon's Zoning Ordinance, in order to ensure proper siting of development that would minimize impacts to the existing landscape and scenic qualities of the ridgelines. Adopting a ridgeline conservation overlay district would assist with maintaining the functions and values of these ecologically sensitive areas. The overlay district could include regulating the siting and design of telecommunications towers, wind turbines and associated facilities.

5 | D-3c

Bedrock and Blasting. Examining the effects of blasting on groundwater, as well as on the viewsheds of Lebanon, should be part of the development review process. Ideally, City staff should confer with experts in hydro-geomorphology. The New Hampshire Department of Environmental Services Geology Unit is actively mapping bedrock geology in partnership with municipalities, and also is interested in conducting a comprehensive study of the effects of blasting on water quality and quantity. The City should participate in these projects.

Water Resources

5 | D-4

5 | D-4a

Watershed Protection. As Lebanon is dependent on the Mascoma River for its drinking water and is the most populous community in the watershed, it would make sense for the City to take the lead in planning efforts for the watershed. The development and adoption of a water resources management plan would lay the groundwork for appropriate ordinances to protect Lebanon's surface and ground waters. Elements of the plan should include techniques or methods to address water quality degradation resulting from non-point source pollution, erosion, runoff, etc., such as:

- Implementing measures into the development review process (e.g. Low Impact Development)
- Limiting the amount of impervious areas
- Preserving vegetated stream buffers
- Reducing herbicides, pesticides and road salt near waterways.

Other elements could include landowner education and outreach, a water quality testing program, watershed clean-up events, aquifer and source water overlay districts, and land conservation techniques (e.g. easements, acquisition). The Water Treatment Plant sub-watershed would be the logical starting point for defining the scope of a water resources management plan but Lebanon residents would benefit from having a plan include all of the community's water resources.

Any watershed protection efforts in both the Mascoma River and Connecticut River watersheds should be coordinated with other watershed communities. Continued participation in the Upper Valley Lake Sunapee Regional Planning Commission, the Mascoma River Local Advisory Committee, and Connecticut River Joint Commission's (CRJC) Upper Valley River Subcommittee will offer opportunities for regional information sharing and collaborative solutions to common challenges. Partnerships with private organizations to achieve water resource objectives can be beneficial, as evidenced by examples such as the Lebanon Rotary Club's String of Pearls project, which seeks to preserve some of the remaining green areas along the Mascoma River.



boston lot lake

A comprehensive community campaign to clean up Lebanon's waterways would enhance water quality and scenic resources. As these natural assets improve, the City will benefit greatly from increased property values and quality of life. The Lebanon Rotary Club has performed a considerable public service by organizing a biennial clean-up of the Mascoma River. This event could be augmented by other local civic, neighborhood, or school groups, and supported by the City, to bring further attention to the river.

5 | D-4b

Wetland Conservation. The Lebanon Zoning Ordinance does have a wetlands conservation overlay district to prevent the destruction of wetlands. Designation of wetlands as "prime" is an added layer of protection in the state dredge-and-fill permitting process. *Buffers for Wetlands and Surface Waters: A Guide for New Hampshire Municipalities* (Audubon Society of New Hampshire and New Hampshire Office of State Planning, revised 1997) recommends 100 feet as a reasonable minimum buffer width to protect the values of wetlands under most circumstances. The Lebanon Conservation Commission has historically promoted the idea of including a variable wetland buffer within the Lebanon Zoning Ordinance.

5 | D-5

Land Resources

5 | D-5a

Open Space Planning. Since responsible growth is so important to the City's livelihood and vitality, it is critical to identify and implement planning techniques that encourage respectful development while preserving important landscapes. An open space plan should be developed to identify key open space lands; natural, scenic, and historic resources; as well as important strategies and tools for implementing the plan. A primary goal for developing this plan should be to maximize the size of connected open space areas in order to improve possible public access, and to conserve and prevent further fragmentation of wildlife habitat. Without proactive techniques in place to identify key parcels before a landowner makes the decision to sell or develop a parcel, Lebanon's rural landscapes will remain at risk. The other important step in this process is to conduct an outreach and education program, so that members of the public can learn more about and participate in the benefits of land conservation and the resources available.

A forward-looking land conservation program, based on an open space plan, should be generated to purchase or accept gifts of property, conservation and public access easements, and development rights from willing landowners for important properties. Priorities for selection of these properties should come from the open space plan but should include:

- Drinking water supply protection lands
- River & lake access, Significant Ecological Areas from the NRI, greenways, and key wildlife corridors & crossings
- Geologic features such as Rix Ledges, Devil's Kitchen, Tipping Rock, and Granite Flumes

The Land and Community Heritage Investment Program (LCHIP) could be one source of funding for high-priority projects, if the state legislature continues to fund it. Money received from Land Use Change Tax penalties (for removing land from the New Hampshire Current Use program) should continue to be used to conserve new lands, as well as to maintain previously acquired ones. The City should continue to dedicate 100 percent of its Current Use penalty receipts to the Lebanon Open Space Trust fund, as recommended in Land Use chapter of this Master Plan.



wetland outlines south of lebanon high school

Besides purchasing open space or protective easements, there are many innovative land use controls that can be used to preserve more open space areas, such as conservation design and transfer of development rights. Generally speaking, conventional subdivision design creates residential developments in which all land is divided into house lots and streets, with the only open space typically being the yards around single-family homes. On the other hand, conservation design provides greater flexibility for the design of a development to encourage the preservation of valuable open land and natural features and to promote more efficient use of land, community facilities, services and utilities. As a result, the same number of homes can be built in a less land-consumptive manner. This technique allows the balance of the property to be permanently protected and added to an interconnected network of community green spaces. Conservation design is an equitable way to balance both conservation and development objectives.

As recommended in the Land Use chapter, the City should require conservation design where appropriate with incentives to ensure that conservation design is a financially favorable alternative for developers. The chapter also recommends that the City apply conservation design principles to industrial and commercial development.

The City should also study transfer of development rights and other methods to protect important open space. These innovative techniques could help the City attain a pattern of development that matches the overall vision of this Master Plan. The timely development of a comprehensive open space plan will provide a guide for this process, by helping the City identify important natural, historical, and cultural features that it wishes to preserve, and prioritize its opportunities.

As potential trail linkages are identified, the City should work with willing landowners, land trusts, and other conservation and recreation groups to acquire trail easements when feasible. The City also should negotiate with developers of large or strategically located parcels to protect existing trails and/or set aside additional land, if feasible, for a trail system or connection.

City-owned conservation properties should continue to be guided by management plans developed by professional land stewards, with policy oversight from the Lebanon Conservation Commission. Implementation of management recommendations could be achieved by a combination of professional staff and volunteer assistance, with outreach to neighbors of these properties.

5 | D-5b

Working Lands. Since agriculture is an important contributor to Lebanon's scenic, historic, and cultural quality of life, incentives should be created or continued to ensure that farmlands will remain open and viable in the future. For instance, the City can allow flexibility in regulations and policies to accommodate the unusual needs of agricultural businesses, such as expanding agricultural uses in some zoning districts. The community also should continue to actively support the Lebanon Farmer's Market and marketing of Lebanon's agricultural resources, and target with farmers the fiscal, regulatory, and practical obstacles to sustaining local agriculture.

In conducting silvicultural activities, sound forestry practices should be followed, especially on ridgelines, steep slopes, and adjacent to waterways, to prevent sedimentation and erosion that contribute to the degradation of water quality. The New Hampshire Division of Forests and Lands has a publication entitled *Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire* (2000) that is a good reference for anyone working in the woods, along with *Good Forestry in the Granite State: Recommended Voluntary Forest Management Practices for New Hampshire* (2010).

5 | D-6

Plants and Animals

5 | D-6a

Urban Forests and Greenways. As people become more aware of the benefits of trees, they realize the importance of maintaining the health of existing trees and the desirability of planting new ones. It is very important that native and site-suitable species be planted in the right places, in order to keep maintenance costs low and reduce impacts from natural hazards such as ice storms.

The City may want to consider contracting with a forester or developing a volunteer tree board to inventory important trees, especially those in the Lebanon and West Lebanon downtowns, and to develop a tree preservation plan outlining proper care and maintenance. Alternatively or additionally, the City could re-create the tree warden position to encourage tree-planting in municipal rights-of-way. Such an effort might even produce a valuable input for greening locations such as the Route 120/I-89 (Exit 18) interchange. Public education is also important in regards to timber and woodlot management, as well as residential trees. To this end, the City should continue observing Arbor Day and maintain its Tree City USA status.

5 | D-6b

Biodiversity. The NRI offers the basis for proposing changes to zoning, site plan, and/or subdivision regulations so as to minimize any adverse impacts from new development. Several state agencies and other organizations can offer the City practical, research-based suggestions in this regard, such as the NHDES interdepartmental fact sheets on minimizing development impacts on wildlife, and on habitat-sensitive site design and development practices. When large parcels are developed near important natural areas, existing wildlife corridors should be identified and preserved, including road crossings and fish-friendly culverts constructed with the advice of wildlife biologists. Conservation design and other innovative zoning techniques (elaborated upon in the Land Use chapter of this Master Plan) might also be utilized to provide or protect habitat. The NRI can serve as the foundation for an Open Space Plan, which in turn will provide guidance and specificity as to maintaining the existing biodiversity that Lebanon enjoys.

5 | D-6c

Invasive Species. It is time to inventory infestations of invasive species in Lebanon, and develop plans to control these plants and increase awareness of the damage that can be done when they are left unchecked. City workers and private landowners and contractors alike should follow best-management practices for removal and disposal of invasive species. Roadside mowing, for example, should be done prior to seed development and the blades should be scrupulously cleaned before leaving the mowing site.

5 | D-7

Energy Conservation

While the City is limited in the influence it can have on a global scale, it can exert some control over local energy choices. LEAC's Energy Master Plan, currently being written, will detail Lebanon's energy use, choices and priorities. The City should make a shift toward greater local reliance on renewable resources such as geothermal, solar, wind, clean wood, and hydro power. Examples worth serious consideration include converting public streetlights to solar power, recovering methane from the Lebanon landfill, and installing wood-chip-fired boilers or geothermal heat pumps in new public building projects such as new schools. Incentives should be given to large commercial projects for doing the same.

City government can provide leadership to the community by reducing its own energy use while reducing budget costs over the long term. Many energy conservation upgrades were made throughout City Hall several years ago, following an energy audit by an independent firm. Audits should be periodically carried out for all

City buildings and operations. The City also can play an important role in encouraging energy conservation for transportation, by encouraging cluster development on residential, commercial, and industrial sites. Mixed-use development, as well as encouraging alternatives to automobile use, will help decrease multiple automobile trips and save energy. In addition to directing development patterns, the City can encourage energy-efficient site designs. For instance, siting buildings with southern exposure, as well as planting trees for winter wind buffers and summer shade, can effectively reduce energy costs over the long term.

5 | D-8

Coordination

Development and growth are inevitable and welcome, but it is imperative that the City direct development in order to preserve its open land and scenic resources. This can best be achieved through a comprehensive municipal open space plan; coordinated zoning, site plan, and subdivision regulations; and the Capital Improvement Plan.

The Conservation Commission and related staff play a pivotal role as stewards of the City's natural and scenic assets and, along with the Recreation Commission and related staff, its recreational assets. As volunteers, Conservation Commissioners have an important job to do with limited time and resources. Accordingly, City staff and Conservation Commission members should continue to keep one another apprised of ongoing opportunities for training and education, so that they can be better-informed and more effective decision-makers. Communication should be improved among the City's boards, departments, and citizens, to ensure that the policies and actions of one body are not inconsistent with those of others, and that Lebanon's treasured natural resources are not compromised. Efforts to partner with local and regional organizations, neighboring towns, and state agencies (along with private landowners themselves) also should continue on behalf of conservation.

Through successive master plans, land conservation efforts, municipal elections, partnerships with the private sector, and other processes, the people of Lebanon have sustained an interest in protecting the City's natural resources and scenic character. The Conservation Commission should continue to engage the public in conservation, with multiple partners in the schools, in scouting and other service organizations, in recreational contexts, and in neighborhoods by sponsoring community educational events, outings, workdays, and celebrations.

Outcomes & Strategies

OUTCOME 1

Seek a balanced approach to protecting the City's natural resources while accommodating anticipated growth and maintaining the City's role as a regional center.

STRATEGIES		ACTIONS
1	Guide development into existing areas as designated in the Land Use chapter to protect outlying rural areas and open space lands.	1 Develop an Open Space Plan, with public participation, that will inventory natural and cultural features, and recommend green space corridors for continued wildlife habitat and for the benefit of residents.
2	Guide new development away from wildlife habitat areas that have been identified in the Natural Resources Inventory.	2 Explore voluntary land protection measures on Tipping Rock, Rix Ledges, Devil's Kitchen, and Granite Flumes to protect the unique geological features of those areas.
3	Investigate innovative land use regulations such as transfer of development rights to preserve open space, natural resources and important wildlife habitat and corridors, taking into consideration the rights of property owners and abutters.	3 Apply for Land and Community Heritage Investment Program (LCHIP) and other funding sources for land conservation projects.
4	Require open space or conservation design for all ecologically important land.	4 Adopt a policy whereby the Recreation Department and Conservation Commission as well as the School Board are notified when the City acquires or decides to sell property, or when land is offered to the City.
5	Purchase easements or property for conservation throughout the City, particularly in critical habitat areas as identified in both the Natural Resource Inventory and Open Space Plan.	5 Authorize the Conservation Commission to periodically review all city-owned property and to recommend what land should have conservation easements.
6	Encourage the creation of a private conservation council to act with no personal benefit to acquire easements or purchase property in situations where the City may not be able to respond quickly to a priority parcel because of legal or other constraints.	6 Conduct education and outreach to members of the public about the benefits of land conservation and options for conserving land.
7	Develop a land acquisition/conservation easement program to protect scenic views.	7 Create incentives in the Zoning Ordinance for agricultural businesses and expand the importance of maintaining and increasing agricultural activity within the City.
8	Include City gateways in open space planning.	8 Contract with a licensed forester to work with the Conservation Commission in developing forest management plans.
9	Support efforts to establish more scenic roads.	9 Adopt and implement appropriate logging guidelines to encourage best management practices (BMPs) for logging in the city-owned forested areas.
10	Discourage exterior area illumination of prominent physical features and landscapes that dramatically impact the nighttime landscape.	10 Place protective third-party easements on city-owned land with important habitat areas.
11	Review lighting design elements of development proposals to ensure that adequate minimal lighting is planned, but over lighting is avoided.	11 Work with the NH Department of Transportation to develop landscaping plans for Route 120 between Exit 18 and Hanover Street.
12	Require the use of renewable energy in heating and cooling systems in new construction of public buildings.	12 Create a scenic corridor overlay district to protect the City's highway corridors from inappropriate development and visual blight, and landscaping standards for all major entry corridors to the City.
13	Continue to support land use patterns that promote alternatives to single occupancy vehicles, such as public transit, park-and-ride facilities, sidewalks, and bikeways/bike paths.	13 Develop recommended landscaping guidelines for distribution to landowners, regarding such issues as the protection of existing trees and landscaping, choosing plant species native to the region, and planting to screen utility facilities and equipment.
14	Encourage the use of energy conservation measures through site plan review, such as orienting buildings to take advantage of natural light and heat, and providing vegetation for summer shading and wind buffers.	14 Adopt a ridgeline ordinance to protect ridgelines from poorly sited development and consider including hillsides and wildlife corridors to lowlands
15	Continue to encourage mixed-use growth centers rather than strip-type sprawling development patterns.	15 Adopt lighting standards that minimize sky glow and glare.
16	Encourage and support transportation alternatives to single-occupancy vehicles, including mass transit, pedestrian and bicycle paths and facilities, ride-sharing, etc.	16 Develop and approve a wind turbine ordinance to enforce the appropriate siting and design of wind turbines.

City of Lebanon Master Plan Adopted March 26, 2012

OUTCOME 1

Seek a balanced approach to protecting the City's natural resources while accommodating anticipated growth and maintaining the City's role as a regional center.

STRATEGIES

- 17 Encourage recycling citywide, including in city-owned facilities.
- 18 Encourage the use of renewable energy resources and provide information on these resources to residents on the City website and in the City newsletter.

ACTIONS

- 17 Develop and approve a telecommunications ordinance to enforce the appropriate siting and design of telecommunications towers.
- 18 Conduct periodic energy audits of all City buildings, infrastructure (including streetlights) and operations to identify areas of energy waste and recommend cost-effective energy conservation measures.
- 19 Establish a citywide recycling program to include periodic household hazardous waste days.

OUTCOME 2

Maintain the healthy, functioning natural systems that contribute to the City's quality of life and economic vitality.

STRATEGIES

- 1 Enforce stormwater and erosion control standards and conditions during and after construction, perhaps by requiring a bond, to ensure that there is no increase in surface water flows after development.
- 2 Make impervious surface reduction a goal of parking policies and regulations in the Zoning Ordinance.
- 3 Educate landowners regarding best management practices, such as proper household hazardous waste disposal, recycling, and composting through materials disseminated at City Hall, and through the City website and newsletter.
- 4 Acquire or seek donations of parcels, conservation easements, development rights, and rights-of-way adjacent to important bodies of water for protection of public access, water quality, public water supplies, floodplains, wetlands and wildlife habitat.
- 5 Support the Rotary Club's biennial clean-ups of the Mascoma River and encourage other groups to adopt other water bodies for cleanup.
- 6 Seek outside funding or volunteers to clean up sites in coordination with the regional planning commission.
- 7 Continue alliances with neighboring communities and regional organizations, such as the Mascoma Watershed Conservation Council, to foster cooperation in protecting water bodies and watersheds.
- 8 Develop and disseminate public education materials regarding the importance of protecting our water supply sources.
- 9 Investigate and consider utilizing recent innovations in stormwater management and groundwater recharge systems (ex. low-impact development) in critical locations where more traditional techniques prove inadequate.
- 10 Develop and disseminate public education materials regarding the importance of protecting our water supply sources.
- 11 Investigate and consider utilizing recent innovations in stormwater management and groundwater recharge systems (ex. low-impact development) in critical locations where more traditional techniques prove inadequate.

ACTIONS

- 1 Review site plan and subdivision regulations and update with the following components incorporating standards from the Stormwater Management and Erosion and Sediment Control Handbook: erosion/sedimentation control; on-site stormwater treatment; proper road design; minimize impervious surfaces.
- 2 Develop and adopt a variable width buffer zone along select streams and rivers.
- 3 Develop and adopt a Water Resources Management Plan.
- 4 Create source water overlay for existing drinking water sources based on the Model Rule for the Protection of Water-Supply Watersheds and the 1999 Mascoma Watershed study.
- 5 Develop and adopt an aquifer protection overlay district to more strictly regulate development adjacent to potential drinking water sources.
- 6 Conduct land use and environmental constraints studies of the Mascoma River, Stoney Brook, Hardy Hill Brook, and Blodgett Brook corridors to guide appropriate development in order to protect drinking water supplies.
- 7 Provide ditches, treatment swales, detention ponds, and catch basins that will prevent road run-off and accidental spills from discharging into water bodies, especially public water supply sources.
- 8 Develop an ordinance more stringent than that developed by Federal Emergency Management Agency to restrict development or filling in of floodplains to provide flood storage, water quality protection, and wildlife habitat adjacent to waterways.
- 9 Request updated flood hazard mapping by FEMA, as recommended in the 2002 Connecticut River Corridor Management Plan.
- 10 Inventory and legally designate prime wetlands for special protection.
- 11 Adopt a variable width wetland buffer zone, as appropriate, based on functions and values as recommended by *Buffers for Wetlands and Surface Waters: A Guidebook for NH Municipalities*.

OUTCOME 2 Maintain the healthy, functioning natural systems that contribute to the City's quality of life and economic vitality.	
STRATEGIES	ACTIONS
12 Continue educational programs to promote public awareness of the conservation lands, appreciation of their natural features, and appropriate activities on those lands.	12 Explore the expansion of the Steep Slope Overlay District.
13 Coordinate local volunteers to continue the care, maintenance, promotion, and appropriate use of conservation lands.	13 Hire a licensed forester to develop management plans for city-owned conservation areas together with the Society for the Protection of New Hampshire Forests, UNH Cooperative Extension, and other similar organizations.
14 Continue to plan and publicize a program of nature walks in the City's conservation lands to enhance public appreciation of them.	14 Update maps of existing trails and make them available to the public.
15 Work with local land trusts to acquire trail easements when feasible, with an eye to linking to existing trails to provide a comprehensive network.	15 Identify selected Class VI Roads as part of the green infrastructure trail system.
16 Negotiate with developers to protect existing trails and/or set aside additional land for a trail system.	16 Resume and publicize the "Wild about Lebanon" program and its regularly scheduled volunteer-led informational walks to City parks.
17 Encourage volunteer help and hire a Park Ranger to implement park education (such as Adopt-a Park and Junior Ranger programs) and to build and maintain trails.	17 Identify parks and recreational facilities through publicity and signage that includes a brief history of who donated the land, interesting facts about the property, and existing trails and/or flora in the area.
18 Investigate and recommend appropriate measures to ensure handicapped accessibility on conservation lands where feasible.	18 Develop and adopt an urban tree ordinance to protect urban and residential trees.
19 Continue participation in the "Tree City USA" program to call attention to the City's natural resources.	19 Develop master landscaping plans for the central business districts and gateways, identifying and recommending appropriate street tree and other planting opportunities in consultation with a Garden Club and/or a landscape architect.
20 Continue to celebrate Arbor Day to raise awareness of the importance of trees to all residents.	20 Develop a wildlife habitat overlay zone for critical habitat areas, including deer yards, bear habitat, vernal pools and wildlife corridors.
21 Encourage Dartmouth College to continue working with the City through the Landmark Lands Committee to inventory and evaluate Dartmouth College Lands before development is proposed.	21 Inventory areas that have been impacted by invasive species and develop a plan to address these areas.
22 Protect existing wildlife corridors, such as the one across Route 120 and Mt. Support Road, with guidance from wildlife biologists.	22 Hold annual tours of City parks and conservation lands for City Council members and all other City boards.
23 Educate landowners about the importance of preserving wildlife habitat on their own land.	23 Eradicate invasive species from city-owned land.
24 Raise awareness of invasive species by sponsoring educational lectures and field trips.	
25 Continue formal cooperative planning among adjacent communities through the Upper Valley Lake Sunapee Regional Planning Commission and other organizations like the Mascoma Watershed Conservation Council.	
26 Take the lead on developing a Mascoma Watershed Plan to protect our drinking water source.	
27 Identify opportunities for training and information sharing on natural resource issues for the Conservation Commission, Planning Board, and other volunteer boards.	
28 Identify opportunities for training and information sharing on natural resource issues for the Conservation Commission, Planning Board, and other volunteer boards.	
29 Encourage City board members & administration to pursue on-going dialogue in areas of mutual interest.	
30 Continue to work with the School Board to provide a curriculum within the schools that involves education about and access to the waterways within Lebanon, and the City's conservation lands.	

**Agenda
Conservation Commission
March 10, 2022**

**Agenda Item #4E
Study Items**

Discussion re: NHMA Legislative Policy Proposals



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Conservation Commission
Heritage Commission
Pedestrian & Bicyclist Advisory Committee
Planning Board

FROM: David Brooks, Planning & Development Director

RE: NH Municipal Association Legislative Policy Process

DATE: February 8, 2022

To Board, Committee, and Commission members

During its meeting on February 2, 2022, the City Council reviewed and discussed the New Hampshire Municipal Association's (NHMA's) Legislative Policy Process for 2023-2024.

Each Fall, NHMA holds a Legislative Policy Conference to establish priorities and positions on behalf of its member communities for the upcoming legislative sessions. The process begins with a solicitation of policy proposals from local officials to create an initial issues list. The deadline for communities to submit policy proposals is April 15, 2022. Upon receipt, NHMA's legislative policy committees, including General Administration and Governance, Finance and Revenue, and Infrastructure, Development, and Land Use, will review all policy proposals and make recommendations for the full Legislative Policy Conference in September.

This year, as part of the City's consideration of potential policy proposals, the Council has invited other boards and committees to provide ideas and input into the process. This is a new invitation that has not previously been extended to individual boards and committees in the past.

Attached for your review is NHMA's final adopted Legislative Policy Positions for 2021-2022. Many of the adopted policy positions do not relate to any individual board's or committee's areas of responsibility, or are tangential at best. However, some of the policy positions under the Infrastructure, Development, and Land Use may be relevant or of interest.

Please review the relevant adopted policy positions in advance of your next meeting. Then, each full board, committee, or commission will be given an opportunity to provide feedback to the City Council on policies that should be supported or opposed, as appropriate.

If there is an issue that is not represented among the currently adopted policy positions that a board or committee feels should be highlighted, a template form is provided for each proposed new legislative policy.

Understanding that this is a new process, department staff will be available to offer guidance to each board, committee, or commission for these discussions.



New Hampshire Municipal Association

2021-2022 Legislative Policy Positions

General Administration and Governance

Local Authority and Efficiency

NHMA supports maintaining local government authority without infringement by the state, and supports measures that enable municipalities to exercise existing authority more efficiently and with greater discretion.

NHMA supports:

- Legislation granting towns the same authority to adopt ordinances that cities have under RSA 47:17;
- The authority of municipalities to regulate or limit the use of firearms on municipal property, and to regulate the carrying of firearms by municipal employees while on duty;
- Legislation allowing a town, by vote of its legislative body, to authorize appointment of the town clerk or town clerk/tax collector by the governing body, or by the chief executive officer based on a town charter;
- Legislation allowing municipalities to satisfy notice publication requirements through the use of electronic notification rather than newspaper publication, in addition to posting notice in public places.

NHMA opposes legislation that detracts from existing local authority.

Right-to-Know Law

NHMA supports the purposes of the Right-to-Know Law: to ensure the greatest possible public access to the actions, discussions, and records of all public bodies, and to ensure government's accountability to the people. NHMA also supports measures to make the law clearer and make compliance with public access requirements easier and less burdensome for public officials and employees and less costly for taxpayers.

NHMA supports:

- Reasonable requirements to make governmental records available electronically if no additional cost is involved;
- The ability to recover reasonable labor costs for responding to voluminous, excessive, or vexatious record requests;
- Exemptions from disclosure that are easy to administer and that provide appropriate protection for confidential and other sensitive information;
- An expedited and inexpensive process for resolving right-to-know complaints;
- Legislation and funding that provide support for education about the Right-to-Know Law.

Elections

NHMA believes that state and local elections should be fair and open, that voting should be simple and convenient without risking election integrity or security, and that election processes should be efficient without imposing undue burdens on local officials.

NHMA supports:

- Establishment of an independent redistricting commission to draw election districts fairly and without regard to partisan advantage;
- Local autonomy over town and city elections;
- More frequent state review and approval of electronic ballot-counting devices;
- Registration and voting processes that are not unnecessarily complex or burdensome, either to voters or to election officials;
- The use of secure technology such as electronic poll books to make election processes more efficient;
- Greater flexibility in the processing of absentee ballots;
- State assistance for the cost of accommodations for disabled voters in local elections.

Labor and Employment

NHMA recognizes the importance of municipal employees, the need for good working conditions, and the right of employees to organize if they choose. NHMA also believes municipal employers should be free to set reasonable terms and conditions of employment or negotiate the same with their employees or employee representatives, without undue state interference.

NHMA supports existing laws governing public employee labor relations, and opposes changes that impose greater burdens or liabilities on employers.

NHMA opposes:

- Legislation creating a mandatory “evergreen clause” for public employee collective bargaining agreements;

- Mandatory binding arbitration as a mechanism to resolve impasses in municipal employee collective bargaining;
- A right to strike for public employees;
- New mandated employee benefits, including any proposal to enhance retirement system benefits that may increase employer costs in future years;
- Unnecessary limits on municipalities' discretion in making hiring decisions;
- Restrictions on municipalities' ability to privatize or use contracted services.

Substance Misuse Prevention & Response

NHMA supports programs to address substance use disorder and response to substance use issues, to include treatment and recovery support programs.

NHMA supports:

- State funding to address substance use disorder for the following efforts:
 - Prevention
 - Treatment
 - Recovery
 - Enforcement;
- Legislation that supports prevention, treatment, recovery, and enforcement efforts.

NHMA opposes:

- Reductions in state funding for substance use disorder or recovery support programs;
- Legislation that makes it more difficult to address the substance use disorder problem in our communities.

Finance and Revenue

Property Taxes and Related Revenues

NHMA supports legislation that allows municipalities to manage property tax levies in a manner that stabilizes tax rates and ensures equity, fairness, and efficiency in the assessment and collection of property taxes.

NHMA supports:

- The continuing right of municipalities to use any recognized method of appraisal upheld by the New Hampshire judicial system;
- Legislation to ensure that:

- property taxes are assessed to the proper owner by requiring that all owner name changes be separately filed at the registry of deeds when such an owner change is not created by a transfer of the property, and
- all liens, whether of a private or institutional nature, be filed at the registry of deeds, and that all changes to the name of a recorded lienholder be similarly filed;
- A legislative commission to study assessment and collection of property taxes and/or municipal utility fees on manufactured housing on land of another and on transient-type properties;
- Legislation ensuring fairness and accuracy in property tax exemptions including ensuring that all household income and assets are taken into account;
- Legislation that prohibits the use of the income approach by a taxpayer in any appeal of assessed value if the taxpayer refuses to provide such information as requested by the municipality;
- A legislative commission to study reimbursement through payments in lieu of taxes (PILOTs) for municipal services provided to exempt charitable properties, including charitable non-profit housing projects;
- Legislation amending RSA 80:56 to enable municipalities to charge a fee for any financial remittance issued to the municipality that is returned as uncollectible;
- Legislation to lower the abatement interest rate that municipalities pay under RSA 76:17-a from six percent to four percent to align it better with the interest rates on delinquent taxes that were lowered by the legislature in 2019.

NHMA opposes:

- Legislation that directly or indirectly increases property taxes, including but not limited to new or expanded mandatory exemptions or credits, or changes in the process for valuing, assessing, or taxing specific classes of properties;
- Legislation that undermines the basic goals of the current use program or reduces the 10-acre minimum size requirement for qualification for current use beyond those exceptions now allowed by the rules of the Current Use Board;
- Legislation that expands the definition of “charitable” in RSA 72:23-1 unless the state reimburses municipalities for the commensurate loss of property tax base;
- An assessment methodology for big box stores that employs comparisons to “dark store” properties abandoned or encumbered with deed restrictions on subsequent use.

State Aid and Non-Property Tax Revenues

NHMA supports funding of state aid to municipalities, supports legislation authorizing local control over non-property tax revenue streams, and opposes legislation that reduces, suspends, or eliminates existing local taxes, fees, or state aid.

NHMA supports:

- Full restoration of revenue sharing under RSA 31-A;

- A state transportation policy that provides adequate and sustainable funding for state and municipal infrastructure and transportation systems and maintains at least the 12 percent share of state highway funds distributed to municipalities;
- Legislation authorizing the establishment of local option fees and providing for periodic adjustments to statutory fees to compensate for factors including, but not limited to, the effects of inflation, such as an increase in the maximum optional fee for transportation improvements;
- Legislation to ensure the collection of unpaid bills for ambulance and other emergency services;
- Reimbursement from the state for the cost of municipal services provided to state-owned properties;
- Legislation amending motor vehicle registration enforcement laws to ensure collection of all state and local registration fees owed by New Hampshire residents;
- Legislation amending RSA 36-A:5 II to allow trustees of trust funds to invest conservation funds instead of only the town treasurer, if voted by the legislative body;
- Programming that supports reduced cost, cost sharing, or equipment sharing that upgrades or replaces aging or unsafe transportation network(s) for towns.

NHMA opposes:

- Suspension of the statutory catch-up provision of the meals and rooms tax distribution;
- Diversion of state highway funds for non-state transportation network purposes.

New Hampshire Retirement System (NHRS)

NHMA supports the continuing existence of a retirement system for state, municipal, school, and county government employees that is secure, solvent, fiscally healthy, and financially sustainable, and that both employees and employers can rely on to provide retirement benefits for the foreseeable future.

NHMA supports:

- Restoration of the state's 35% share of employer costs for police, teachers, and firefighters in the current defined benefit plan and any successor plan;
- Inclusion of participation by a municipal official designated by NHMA on any legislative study committee or commission formed to research alternative retirement system benefits plans or designs;
- Performance of an actuarial analysis of any legislation proposing benefits changes or other plan changes that may affect employer contribution rates.

NHMA opposes:

- Legislation expanding benefits that increase current or future employer contribution costs;
- Legislation that assesses additional charges on employers beyond NHRS board-approved rate changes;
- Legislation that expands the eligibility of NHRS membership to positions not currently covered by the plan;

- Legislation further restricting a municipality's ability to employ NHRS retirees in part-time positions or the imposition of any fees or penalties associated with such employment.

Education Funding

NHMA supports a revenue structure for funding an adequate education to meet the state's responsibilities as defined by the constitution, statutes, and the common law with revenue sources that are predictable, stable, and sustainable.

NHMA supports:

- A revenue structure that is not disruptive to the long-term economic health of the state;
- A revenue structure that is efficient in its administration;
- A revenue structure that is fair to citizens with lower to moderate incomes.

NHMA opposes:

- Retroactive changes to the adequate education funding distribution formula after the notice of grant amounts has been provided to local governments.

Infrastructure, Development, and Land Use

Energy, Environment, and Sustainability

NHMA supports preservation and enhancement of municipal energy, climate, and sustainability planning for communities, protection of the natural environment, and implementation of clean and renewable energy, while recognizing the need for municipalities to manage their resources and the natural environment without undue cost.

NHMA supports:

- Legislation that broadens municipalities' ability to install and use renewable energy sources, including higher caps or elimination of caps on net energy metering;
- Legislation that provides financial and other assistance to municipalities for conservation techniques and installation and maintenance of renewable energy sources;
- Legislation that allows municipalities to adopt local environmental regulations that are no less stringent than those implemented by the state;
- Legislation that enables municipalities to enact measures that promote local energy and land use systems that are both economically and environmentally sustainable;

- Legislation that protects and preserves local natural resources and public infrastructure, builds community resilience, and fosters adaptation to climate change and mitigates its risks;
- Policies that support customer and community choice in energy supply and use competitive market-based mechanisms to promote innovation, cost effectiveness, and sustainability; and
- Legislation that provides state or federal assistance to municipalities to mitigate environmental inequity impacts faced by their residents, and drive early local engagement in decision processes.

NHMA opposes:

- Legislation that overrides local determinations of appropriate energy sources and regulations.

Water Resources Protection, Control, and Management

NHMA supports measures enabling municipalities to protect, control, and manage efficiently and safely water and its resources, treatment, and movement, with a focus on management and infrastructure. NHMA believes any new mandates that impose additional costs on municipalities must be funded by the state or federal government.

NHMA supports:

- Legislation that provides state or federal investment in maintaining and making improvements to the state's critical water infrastructure, including, but not limited to, public drinking water, wastewater, and stormwater systems, and dams;
- Legislation that encourages regional and innovative solutions to drinking water, wastewater, stormwater, and groundwater issues;
- Regulation of emerging contaminants at feasibly achievable levels when supported by relevant scientific and technical standards that are broadly accepted by peer review and cost-benefit analyses, when coupled with appropriate state or federal funding.

NHMA opposes:

- Enactment of stricter drinking water, wastewater, or stormwater regulations for municipalities unless any costs of compliance are funded by the state or federal government.

Solid Waste Management

NHMA recognizes the need for cost-efficient solid waste disposal mechanisms that allow municipalities to protect, control, and manage efficiently and safely solid waste. NHMA believes any new mandates that impose additional costs on municipalities must be funded by the state or federal government.

NHMA supports:

- Programs that support municipal, regional, and state efforts to handle solid waste disposal through reduction, reuse, recycling, resource recovery, composting, and other measures, while maintaining local control;
- Comprehensive state programs to deal with existing and emerging contaminants at no additional cost to municipalities.

NHMA opposes:

- Increased tipping fees to pay for solid waste programs unless they are fully reimbursed by the state.

Housing

NHMA recognizes the need for diverse and affordable housing in New Hampshire and the responsibility of each municipality to afford reasonable opportunities for the development of diverse and affordable housing. NHMA believes municipalities should have discretion in how to satisfy this responsibility and supports legislation that enables municipalities to find innovative ways to ensure an adequate supply of housing.

NHMA supports:

- Legislation that allows municipalities to require the inclusion of affordable and diverse housing opportunities as part of new housing developments;
- Financial and other incentives to municipalities to encourage development of diverse and affordable housing;
- Statewide efforts to provide housing for those recovering from substance misuse, subject to reasonable municipal regulation;
- Policies that encourage documentation and financial traceability of cash and bartered rental transactions;
- Legislation and policies that encourage creative and flexible approaches to meeting housing needs of current and future demographics in different regions.

NHMA opposes:

- Legislation and policies that allow for or encourage housing practices that exclude people from and decrease the availability of quality, affordable housing;
- Legislation that erodes local control over land use decisions.

Land Use

NHMA supports the long-standing authority of municipalities to regulate land use matters with minimal interference from the state.

NHMA supports:

- Legislation authorizing municipalities to regulate short-term rentals of residential properties, including licensing requirements and health and safety protections;
- Legislation enabling municipalities at their discretion to adopt more recent editions of national/international building and fire codes than the current state-adopted editions.

NHMA opposes:

- Legislation that limits municipal control in implementing statewide priorities in zoning and land use regulation;
- New state mandates requiring municipalities to allow specific types of housing;
- All other statewide land use mandates.

Information Technology, Communications, and Cybersecurity

NHMA supports initiatives to make the most current information and communication technology accessible to New Hampshire communities, so long as local authority over land use regulation and safety issues is not compromised.

NHMA supports:

- Legislation that increases the ability of municipalities, especially those in rural and remote areas, to facilitate and advance access to reliable broadband technology to the premises in their communities;
- Legislation that provides flexibility for municipalities in accessing poles and pole attachments, including legislation that directs the New Hampshire Public Utilities Commission to adopt the FCC rule on access to poles called “One-Touch-Make-Ready” in order to facilitate bringing high-speed fiber optic cable to service all New Hampshire communities, homes, and businesses by internet service providers (ISPs) in an expedient and cost-effective manner;
- Legislation that provides state and federal investment, including grants, for installation of high-speed fiber optic broadband technology to serve all New Hampshire communities, homes, and businesses;

- Legislation that requires or encourages and incentivizes providers to disclose information to local government relative to access and broadband connections provided in the municipality to help municipalities better understand and address the needs of their community;
- State investment in cybersecurity assistance to municipalities to protect data and infrastructure.

NHMA opposes:

- Legislation that limits municipalities' ability to prevent or regulate deployment of technologies that would impede vehicular or pedestrian passage on roadways or sidewalks;
- Statewide mandates on cybersecurity practices unless any associated costs are funded by the state or federal government.

Transportation

NHMA supports state policies that ensure access to convenient, efficient, reliable, and safe multi-modal transportation in New Hampshire as cost effectively as possible.

NHMA supports:

- Appropriate funding for state and local modes of transportation, including but not limited to roads, culverts, and bridges;
- Continued state and federal investment in public transit projects designed to reduce traffic on New Hampshire's roads.

NHMA opposes:

- Any action or inaction by the New Hampshire Department of Transportation that results in the downshifting of road, bridge, culvert, or drainage maintenance responsibilities from the state to municipalities.

Economic Development, Recovery, and Vitality

NHMA supports allowing municipalities to implement measures to foster economic development which allows for the preservation and creation of jobs and vitality within our communities.

NHMA supports:

- Legislation that allows for local adoption of more options and more flexibility to provide incentives for economic recovery and development;

- Expansion and more flexibility of state tax credit and exemption programs to foster economic recovery, development, and vitality.

NHMA opposes:

- Legislation that makes it more burdensome to implement economic recovery, development, and vitality measures.



New Hampshire Municipal Association 2023-2024 Legislative Policy Process

Explanation of Proposed Policy

Submitted by (Name): _____ Date: _____

Title of Person Submitting Policy: _____

City or Town: _____ Phone: _____

To see if NHMA will SUPPORT/OPPOSE:

Municipal interest to be accomplished by proposal:

Explanation:

A sheet like this should accompany each proposed legislative policy. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal and an explanation that describes the nature of the problem or concern from a municipal perspective and discusses the proposed action that is being advocated to address the problem. Mail to NHMA, 25 Triangle Park Drive, Concord, NH 03301; or e-mail to governmentaffairs@nhmunicipal.org **no later than the close of business on April 15, 2022.**