



LEBANON CONSERVATION COMMISSION
APRIL 14, 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. March 10, 2022
 - 3. Permit Review**
 - A. Review and Comment on Zoning Board Special Exception application. Applicant proposes to construct a new 800 SF open-air pavilion & associated site work. Applicant requests a Special Exception pursuant to Article IV, Section 401.5 ("Wetlands Conservation District") of the Zoning Ordinance. CC2022-02 (10 minute presentation, 10 minute discussion)
 - B. Review and discussion re: Mt. Support Rd & Lahaye Dr Special Assessment District - DRAFT preliminary roundabout & traffic signal design alternatives
 - 4. Study Items**
 - A. Current Use Penalty Process and the LOST Fund (45 minutes)
 - B. Con Com Trails Coordinator Update - NH Recreational Trails Program grant application (15 minutes)
 - C. Master Plan Update - Actions & Strategies Status (45 minutes)
 - D. 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**
 - A. Continued Review of Chapter 52 - Conservation Land Regulations (5 minutes)
 - B. Continued Review of the Con Com's Rules of Procedure (10 minutes)
 - 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

Lebanon Conservation Commission Agenda
April 14, 2022

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
April 14, 2022**

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

March 10, 2022

DRAFT

**CONSERVATION COMMISSION
REGULAR MEETING MINUTES**

Remote Via Microsoft Teams

LebanonNH.gov/Live

March 10, 2022

6:30 PM

MEMBERS PRESENT: Sarah Riley (Chair), Bruce James (Vice Chair), Erling Heistad, Ernst Oidtmann, Barbara Hirai (Alt.), Chris Johnson, Susan Almy [6:39 PM], Darla Bruno (Alt.)

MEMBERS ABSENT: Megan Smith (Alt.), Donald Lacey

STAFF PRESENT: Mark Goodwin (GIS Coordinator), David Brooks (Planning Director)

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

Chair Riley promoted Ms. Hirai to sit for Mr. Lacey. She also appointed Ms. Bruno to sit for Ms. Almy until her later arrival.

2. APPROVAL OF MINUTES: February 10, 2022

Amendments:

- Page 5, line 13: to read “Chair Riley stated that the first Wild About Lebanon event, led by Mr. Heistad and Kim Rylander, has occurred. The second, led by Mr. Oidtmann will occur...”
- Page 5, line 24: change “Ms. Almy” to “Chair Riley”
- Page 5, line 24: add Two Rivers Conservation Area, and Star Hill to the property list
- Page 6, line 18: add a sentence, “Ms. Hirai asked if the Conservation Commission was interested in considering a land acknowledge statement at the beginning of each meeting.”
- Page 3, lines 1-3: check for clarity on the word “motor” versus “wheeled”

Mr. Heistad MOVED to approve the February 10, 2022 minutes, as amended.

Seconded by Mr. Oidtmann.

**** The Vote on the MOTION was approved by roll call Sarah Riley – aye; Bruce James – aye; Erling Heistad – aye; Ernst Oidtmann – aye; Barbara Hirai – aye; Chris Johnson – aye; Darla Bruno (remote) – aye; (7-0-0).***

Ms. Almy entered the meeting at 6:39 PM and took her seat.

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

Audra Klumb, A&E Klumb Environmental, explained that this proposal is for an expedited wetland application for a temporary 545 s.f. wetland impact. Utilities are proposed be run through a wetland to access the climbing gym facility. Some alternative options were reviewed. The wetland comes out of a culvert just north of the proposed crossing location. She looked at reaching the utilities around the culvert, but this would cause them to run through a City right-of-way area, which the City is not in favor of. A second option was to cross the utilities below the culvert, with two 45° bends. This would reduce the wetland impact, but still require crossing the City's right-of-way. The current proposal is the least impactful alternative, with 545 s.f. of a temporary impact. Once utilities are installed, the emergent wetland will be restored to its existing condition. If the Commission approves the expedited permit, it will allow for the State to review the project within 30 days, instead of the normal 75.

Chair Riley noted that, if the Commission does not approve the expedited permit, the project will default to the standard application and review process by DES. She explained that the Commission should only agree to sign this if it has no questions/concerns about the project and is ready to relinquish its rights.

Mr. Goodwin noted that the Commission's review of this project should also be expedited, if it believes the project is appropriate for an expedited permit.

Ms. Klumb explained that this wetland comes downstream from the north side of the road as an intermittent stream. It then crosses under Labombard Road, hit a section of riprap, and becomes an emergent wetland. There are no stream channels or defined beds associated with this wetland. The wetland leaves this site by flowing to the south and then to the west.

Mr. James asked how the wetland will be restored. Ms. Klumb explained that erosion control measures will be used to stabilize the site, prior to installation. Soil will be removed from the work area and stockpiled on the property. Once conduits are installed, the existing soil from the site will be replaced back into the same footprint. The area will then be replanted with wetland seed mix. Erosion controls will be kept in place until the area restabilizes. Conduit installations generally take approximately 1-2 weeks.

Ms. Hirai asked how invasives on the property will be contained. Ms. Klumb stated that the intention is to go out before work begins on the site to cut the seed heads from the phragmites, and bag and remove them.

Ms. Hirai explained that when this project was presented to the Planning Board, it was stated that there would be no wetland impacts. Now it appears that there will be wetland impacts. As the Commission is advisory to the Planning Board, she believes the Commission should have been consulted first.

In response to a question from Ms. Almy, Ms. Klumb explained that this project area does not contain an intermittent stream; that is located on an adjacent property.

1
2 Ms. Hirai expressed concern that this project could end up discouraging native species and
3 encouraging additional invasives on the property. Ms. Klumb stated that she would look into
4 how to improve on this concern.
5

6 Chair Riley explained that applicants are primarily supposed to look to avoid all wetland
7 impacts. While she is glad this proposal minimizes impacts, she questioned why the wetland on
8 site is seen as a better option than crossing the City's right-of-way sidewalk. Ms. Klumb stated
9 that the City is not in favor of this project crossing the right-of-way.
10

11 In response to a question from Mr. Heistad, Mr. Brooks explained that the Planning Board took
12 action on this item at its February 23, 2022, meeting. It is within the 30-day window if the
13 Commission would like for the Planning Board to revisit its decision. Mr. Brooks noted that, if a
14 project is determined to have a minimum impact, it does not trigger the local permitting process,
15 leading to the Planning Board taking jurisdiction of the process.
16

17 Chair Riley asked how the site was delineated. Ms. Klumb stated that she did not review a 30-
18 year history of the site but used what she could visually see at this time.
19

20 Mr. James asked if the Commission's comments and vote will go to DES. Chair Riley stated
21 that, if the Commission agrees, the expedited permit will go directly to DES and not allow for
22 further comment by the Commission. She does not believe the Commission has the ability to
23 make comments to DES on this item at this time. Mr. James stated that he is comfortable with
24 the wetland delineation that will be temporarily impacted and then restored. Chair Riley stated
25 that the Commission's job is to determine if there is a way for this project to move forward
26 without any wetland impacts.
27

28 Ms. Hirai asked if the Commission could place a condition on this item. Chair Riley stated that
29 this is not possible if the Commission agrees to move forward with the expedited permit. Ms.
30 Hirai expressed concern regarding possible invasives in the soil being moved around on site. She
31 explained that she would like a condition that the site will be monitored for a couple of years to
32 remove invasives.
33

34 Ms. Klumb explained that, generally, the State places conditions in the permit regarding there
35 not being additional invasives on site for a number of years. The wetland must be reestablished
36 using the State's conditions. Ms. Klumb noted that the Commission can submit its comments to
37 DES.
38

39 Chair Riley stated that signing this expedited permit means that the Commission surrenders all of
40 its rights to comment on this application. If the Commission would like to comment on this, it
41 should not sign the expedited permit.
42

43 Ms. Almy noted that there are two contradictory concerns, one regarding placing this project in
44 the right-of-way instead, and the other regarding monitoring for invasives on site.
45

1 Chair Riley stated that she believes the project could drill, instead of dig, under the right-of-way.
2 She is also concerned about invasives and sediment from the site washing into the wetland. Ms.
3 Klumb noted that erosion control will be in place on site.

4
5 Mr. James stated that this project is for a small wetland disturbance. The wetland will then be
6 restored at the end of the project. This area is part of a larger wetland, which he believes will
7 help protect against potential sediment loss. Other options were reviewed, and this proposal
8 minimizes the area of disturbance. He is comfortable with the proposal as presented.

9
10 Mr. Heistad stated that this area was a golden wetland until Route 120 was built. He is
11 uncomfortable with projects that could further endanger the wetland in this area and would prefer
12 for the State to look at this project more in-depth.

13
14 Mr. Oidtmann stated that this proposal is for a small, temporary disturbance. The area will be
15 restored as much as possible, with additional invasive species removal. He is in favor of
16 approving the expedited permit.

17
18 Chair Riley echoed the comments that the true impacts of this project were not properly
19 presented to the Planning Board. She believes impacting the wetlands instead of the City's right-
20 of-way also sets a bad precedent. She would prefer this to receive DES' full attention.

21
22 Noah Lynd, owner of the property, stated that he reviewed the Planning Board meeting and
23 potential impacts to the site did come up in the conversation. At that time, Kevin Worden,
24 Engineering Ventures, did state that there would be no wetland impacts as part of this project,
25 however, Mr. Lynd explained that he believes Mr. Worden was referring to there being no
26 permanent impacts.

27
28 ***Mr. James MOVED to direct the Chair to sign the Wetland Expedited Review (minimum***
29 ***impact only) application.***
30 ***Seconded by Mr. Oidtmann.***

31
32 **** The Vote on the MOTION failed by roll call Sarah Riley – nay; Bruce James – aye; Erling***
33 ***Heistad – nay; Ernst Oidtmann – aye; Barbara Hirai – nay; Chris Johnson – nay; Sue Almy –***
34 ***aye; (3-4-0).***

35
36 Mr. Goodwin stated that the applicant will now need to contact the Planning Office and come
37 back to the Commission at a different date.

38
39 Mr. Goodwin explained that there was nothing taken out of order, in terms of the Commission
40 reviewing this item after the Planning Board, due to the small significance of the project. While
41 he appreciates the Commission's due diligence, he noted the finite resources of the City and DES
42 staff. The time spent by those parties reviewing something such as a minimum temporary impact
43 in an industrial zone, takes away from time that could be spent on more significant issues. There
44 is a reason that certain items are candidates for the expedited review process.

Chair Riley stated that she would like for the process to include review by the Commission prior to being at the end of the line. She would also like for the Planning Board to ask for the Commission's comment more often. She noted that she would prefer the City to place more emphasis on avoiding impacts to wetlands, instead of avoiding the rights-of-way.

Ms. Hirai asked when the Commission is allowed to place conditions on this type of a permit. Mr. Goodwin explained that the Commission could have asked DES to place certain conditions, such as invasive species monitoring on this item. The Commission also should review the 7-8 standard conditions that DES places on all of these permits that generally address most of the basic issues.

Chair Riley stated signing the expedited permit indicates that the Commission has no concerns and that the project can move forward with minimum oversight. If the Commission has concerns, it should not sign. Mr. Brooks explained that the permit is still reviewed by the State, even in an expedited process. The nature of the Commission is in an advisory role, while the State is the permitting agency. Signing an expedited permit does not mean there is no review of the project; it simply means the process is more cursory. He noted that trainings on the permitting process are likely available if the Commission chooses.

4. STUDY ITEMS

A. Continued Review of Chapter 52 – Conservation Land Regulations

This item was tabled to later in the meeting.

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

This item was tabled to a later date.

C. Master Plan Update

The Commission took up this item at this time.

Mr. Brooks reviewed the Master Plan process in Lebanon. He explained that the Planning and 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. The proposal is to start with Chapter 5 - Natural Resources. The Planning Department envisions working directly with the Conservation Commission to review and update the Natural Resources chapter. The first step in the process is for the Commission to review the Natural Resource chapter's *Vision & Purpose Statement*. The Commission will then review and update the body of the Natural Resources chapter, including the *Issues & Priorities, Existing Conditions & Trends, and Future Challenges & Opportunities* sections. Next, the Commission will review and update the Outcomes, Actions, and Strategies of the Natural Resources chapter, and finally request that the Planning Board formally adopt the updated chapter. There will be extra steps taken to publicize that the Commission is working on the Master Plan update. He explained that this will likely be a 5–7-month process.

Ms. Hirai asked if the Commission would have the chance to consult with members of other boards/commissions throughout the process for their input. Mr. Brooks stated that this is a possibility, but the Commission should be the champion of working on this chapter.

Ms. Almy suggested including information into the *Vision & Purpose Statement* regarding global warming/climate change and its effect on wildlife, the biome, and people. Mr. Brooks stated that this could be included in the Energy chapter, but possibly also in other chapters. Mr. Goodwin explained that this could also be included in the *Issues & Priorities* section of the chapter.

Mr. James stated that there are three key points regarding natural environments/quality of life and economics, functions of natural systems and respecting property owners, and accessibility to City residents. These capture where the City should be going in the next 10 years and appear to be in line with where the Commission is heading as well.

Mr. Goodwin suggested adding “active climate change mitigation and adaptation measures” into the second sentence of the second paragraph of the *Vision & Purpose Statement*.

Ms. Almy noted a concern with dwindling wildlife corridors in Lebanon.

Ms. Hirai stated that she might like to be able to tweak the balance of certain items within the *Statement* as the process moves forward. Mr. Brooks explained that he would like a sense that the Commission is comfortable with the basic gist of the *Statement* as a way to move ahead. Mr. Johnson explained that he would like to focus effort on the implementation sections of this chapter.

Chair Riley noted that this *Vision & Purpose Statement* is for the City of Lebanon’s Master Plan and not for the Commission itself.

Mr. James explained that, as this chapter is about the City’s natural resources, it needs to have some focus on human/environment interactions.

D. Conservation Ranger

This item was tabled to later in next meeting.

E. Discussion re: NHMA Legislative Policy Proposals

Mr. Brooks explained that the City Council has recently taken a more active role in participating in the legislative policy process. The Commission received the 2021 policy positions that were previously adopted. The City Council is working on the policy positions for 2023-2024 and is asking other boards/committees to weigh in on these positions. NHMA has a spring conference to discuss items from all included towns and will finalize positions in the fall.

Mr. Goodwin noted that there is nothing that mentions greenhouse gases or climate change in the draft policy positions document.

The Commission agreed to do more research on this process in order to better comment in the future.

A. Continued Review of Chapter 52 – Conservation Land Regulations

The Commission took up this item at this time.

1 Mr. Goodwin explained that amending Chapter 52 requires a public hearing at the City Council
2 level. The Commission reviewed the amendments made during the last meeting. The
3 Commission noted that it would like a definition of “low-impact recreation.”
4

5 Ms. Hirai stated that she would also still like more information on e-bikes.
6

7 Mr. Oidtmann stated that he would like to add into 52-7 C “including boundary markers.” He
8 would also like to have added, “No person on any conservation land shall develop new trails or
9 shortcuts.”
10

11 Ms. Bruno suggested in 52-7 F spelling out a definition of “direct control” for dogs. She also
12 suggested not allowing lead fishing sinkers or lead bullets for hunting.
13

14 Ms. Almy stated that she would like to see something regarding living plant material included in
15 52-7 C.
16

17 ***Ms. Hirai MOVED to extend the meeting for 15 minutes.***
18 ***Seconded by Mr. Johnson.***
19

20 **** The Vote on the MOTION was approved (7-0-0).***
21

22 **F. Farnum Hill Preserve – Property Overview & Discussion**
23 *This item was tabled to the next meeting.*
24

25 **D. Conservation Ranger**

26 The Commission suggested being able to review the Ranger’s job description before hiring. Mr.
27 Goodwin noted that the City Manager’s Office has stated that it is not the Commission’s job to
28 review any job description.
29

30 Mr. Heistad suggested coming up with abilities and skills that could be considered for the
31 description.
32

33 Mr. Bruce stated that, if this is not in the Commission’s purview to review job descriptions, this
34 should be accepted. This Commission is not included in the Human Resources Department.
35

36 Chair Riley stated that she would have a meeting with the City Manager’s Office on this item.
37

38 *This item was tabled to the next meeting.*
39

40 **5. COMMITTEE REPORTS**

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

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

43 *This item was not discussed at this time.*
44

45 **--Lebanon Biodiversity Group (D. Lacey)**

1 Chair Riley stated that Mr. Lacey had a productive outing at Baker's. There may be efforts to
2 stabilize the area through planting certain species while invasives are cut.
3

4 **--Workshops & Educational Opportunities (Various Members)**

5 Mr. Lacey and Ms. Hirai recently attended a webinar for Funding for Trails sponsored by NH
6 Association for Conservation Commissions. There was a presentation on the Recreation for
7 Trails Program which funds projects through the Gas Tax. This pays for \$8,000-\$80,000 of
8 projects with a 20% match. The application period for proposals is from April – June, with a
9 grant being awarded in June 2023 needing to be spent to December 2023. Mr. Lacey stated that
10 he is open to writing the application proposal.
11

12 Chair Riley stated that there will be a workshop on vernal pools on April 30, 2022. Mr. Hirai
13 recently led a successful Wild About Lebanon walk at Two Rivers Conservation Area. The next
14 Wild About Lebanon will likely occur in early April.
15

16 **6. OTHER BUSINESS**

17 Mr. Oidtmann stated that he is still working to receive information regarding LUCT and Current
18 Use funds.
19

20 Chair Riley stated that there is an FYI to the Commission from DES regarding a shoreland
21 enforcement on the Connecticut River near Stateline Sports. Cutting occurred without a
22 shoreland permit. There was also a memo of concern from the public regarding the pipeline
23 project.
24

25 Mr. Goodwin explained that the Cemetery Sexton is proposing some plantings near the Rail
26 Trail. The Cemetery Board suggested asking the Commission for insight regarding appropriate
27 species.
28

29 **7. FUTURE AGENDA ITEMS**

30
31 **8. OPEN TO THE PUBLIC**
32

33 **9. ADJOURNMENT:**
34

35 **The meeting was adjourned at 9:18 PM.**
36

37 Respectfully submitted,
38 Kristan Patenaude
39 Recording Secretary

**Agenda
Conservation Commission
April 14, 2022**

**Agenda Item #3A
Permit Review**

**Review and Comment on
Zoning Board Special
Exception application
CC2022-02**

**CITY OF LEBANON
APPLICATION FOR**

SPECIAL EXCEPTION	☒	☒ SITE PLAN REVIEW (Minor)
VARIANCE	☐	☐ SUBDIVISION
MOTION FOR REHEARING	☐	☐ LOT LINE ADJUSTMENT
APPEAL OF AN ADMIN. DECISION	☐	☐ CONDITIONAL USE PERMIT

☐ OTHER _____

PROPERTY OWNER (APPLICANT):

NAME: Daniel Justynski, Dartmouth College Trustees TEL.#: 603.646.2654

MAILING ADDRESS: PO Box 5188, Hanover, NH 03755

E-MAIL ADDRESS: Daniel.J.Justynski@datmouth.edu

CO-APPLICANT, AGENT, OR LESSEE:

NAME: Jon Criswell, UVMBA TEL.#: 603.277.0116

MAILING ADDRESS: 14 Rayton Rd Hanover, NH 03755

E-MAIL ADDRESS: jon@smithandvansant.com

PROJECT LOCATION:

TAX MAP #: 74 LOT #: 8 PLOT #: 200 ZONE: RL-3

STREET ADDRESS OF PROJECT ⁰⁰ Masoma Street

IS THIS PROPERTY LOCATED IN THE: **WETLANDS** ☒ YES ☐ NO **HISTORIC DISTRICT** ☐ YES ☒ NO
FLOOD PLAIN ☐ YES ☒ NO

SCOPE OF PROJECT:

A new 800 SF open-air pavilion & associated site work.

TYPE OF OCCUPANCY:

EXISTING ☐ VACANT ☐ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL
PROPOSED ☐ VACANT ☐ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☒ COMMERCIAL ☐ INDUSTRIAL
IF USE IS **COMMERCIAL** OR **INDUSTRIAL**, PLEASE NOTE **SPECIFIC**
USE: Recreational use

SIGNATURE BLOCK:

FOR PLANNING BOARD APPLICATIONS ONLY: I, the undersigned, hereby submit this application on the date noted below with the knowledge and understanding that the Planning Board shall determine if the submitted application is complete according to its regulations at its next regularly scheduled meeting on May 2, 2022, 2022, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

PROPERTY OWNER: Daniel Justynski DATE: 3/31/22

NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW: I hereby designate the person listed above as my agent for the purpose of procuring the necessary local permits for the proposed work as described herein. Representations made by my agent may be accepted as though made by me personally, and I understand that I am bound by any official decision made on the basis of such representation.

PROPERTY OWNER: Daniel Justynski DATE: 3/31/22

DATE RECEIVED	FILE # (MAP/LOT)	APPLICATION #	FEE - \$ AMOUNT	DATE PAID	VOUCHER #
3/31/2022	74-8-200	CC2022-02	NA for CC		

2B2022-09-SEVAR

(Last Revised 4/04/18)

CITY OF LEBANON, NEW HAMPSHIRE SUPPORT STATEMENT WETLANDS SPECIAL EXCEPTION

I hereby request a Wetlands Special Exception pursuant to Article IV, Section 401.5 of the Zoning Ordinance for the property identified in the attached Zoning Board of Adjustment Application.

The project is not located within the High and Very High Value Wetlands according to *Natural Lebanon: Results of the Phase II Natural Resource Inventory of the City of Lebanon, NH (June 2010)* and further depicted in the Lebanon Wetland Overlay District Map.

401.5 Special Exceptions.

Except for projects proposed within the High and Very High Value wetlands portion of the Wetland Conservation District, projects that qualify for a Permit by Notification, Minimum Impact Expedited Permit or any other type of Minimum Impact Permit from the State of NH Dept. of Environmental Services Wetlands Bureau shall be exempt from the requirement to obtain a special exception. However, a notification form informing of said projects shall be supplied to the Zoning Administrator.

Please provide:

- A written statement addressing the conditions below. (Please be prepared to discuss them with the Board during your public hearing. You must show that you have met all the special conditions required of this Wetland Special Exception. See Responses highlighted below.
- A wetland delineation plan certified by a Wetland Scientist. N/A
- One copy of the State of NH Wetland Permit Application. N/A

Upon application to the Zoning Board of Adjustment, excepting the Wetland Conservation District identified as Very High or High Value wetland, a special exception may be requested to permit the erection of a structure; the construction of streets, roads, and other access ways; for pipelines, powerlines, and other transmission lines; and the construction of fences, footbridges, catwalks and docks within the Wetlands Conservation District, provided that all of the following conditions are found to exist, in lieu of the findings required by Section 801.3:

- A. The use for which the exception is sought cannot feasibly, after consideration of all alternatives, be carried out on a portion or portions of the lot which are outside the Wetlands Conservation District; and

When taking property line setbacks and wetland buffer setbacks into consideration there is no area in which to build the proposed project while conforming to both all setbacks.

- B. Due to the provisions of the Wetlands Conservation District, as applied to the particular characteristics, setting and environment of the property, the lot cannot

reasonably be used for any of the uses permitted or allowed by special exception, without some form of special exception under this section; and

As proposed this project requires (2) special exceptions . One for use as an outdoor recreation facility as allowed for under 314.2 . A second for Wetland Buffer Special Exception as allowed for under 401.5.

- C. The design and construction of the proposed use is consistent with the purpose and intent of Section 401.1 (A), (B) and (C) of this Ordinance (see 401.1 below), and adequate conservation measures shall be taken to mitigate the detrimental effects of the proposed use on the natural function of the wetlands. Such measures may include but are not limited to wetland restoration or enhancement, wetland preservation, or the construction and maintenance of new wetland areas adjacent to the proposed use to replace those portions of the natural wetland affected by the proposed use; and

Measures to protect adjacent wetland from stormwater runoff include an oversized drywell (based on NH Residential Dry Well Guide) located along the roof drip edge.

- D. The proposed construction design of pipelines, powerlines and other transmission lines shall include provisions for restoration of the site as closely as possible to its original grade and conditions; and

N/A

- E. The proposed use shall not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of ground water, or any other reason; and

This project shall not create a hazard in the terms described above.

- F. All required Federal and State wetlands permits have been applied for. Note: A zoning permit shall not be issued until all such permits have been granted.

N/A

- G. The project is capable of conforming to all existing best management practices, as referenced in Appendix A, and will be implemented in a way which conforms to those practices, and which complies with any other conditions imposed by the Zoning Board of Adjustment.

Project is capable of conforming to best management practices as referenced in Appendix A.

401.1 Purposes.

The purposes of the Wetlands Conservation District are to:

- A. *Preserve wetlands, which provide flood protection, recharge groundwater supply, augment*

stream flow during dry periods, provide wildlife habitat, and enhance water quality; and which are important for such other reasons as those cited in RSA 482-A:1.

- B. Prevent the development of structures and land uses on wetlands, which would contribute to the pollution of surface or ground water, disrupt wetland ecosystems, and damage property due to flooding.*
- C. Prevent unnecessary or excessive expenses to the City of Lebanon for essential services and utilities because of the incompatible use of wetlands.*

**CITY OF LEBANON, NEW HAMPSHIRE
SUPPORT STATEMENT FOR A SPECIAL EXCEPTION**

One cover application, one abutters list, a filing fee and ten copies of the site plan must accompany this support statement.

I (we) hereby request a Special Exception as provided for in Article(s) _____, Section(s) 314.2, 401.5, of the Lebanon Zoning Ordinance.

PROJECT DESCRIPTION *(Please provide your plans for the property with as much detail as possible with respect to your proposed. You can respond in the space provided, or attach a separate statement.)*

This project is for a 20' x 40' open air pavilion serving users of the nature Walk Trailhead which access the
Landmark/Boston Lot recreation trails. It will provide shelter from sun and rain and be available for
gatherings for groups that use the trailhead as a base for activity (Little Bellas, Hanover Parks & Rec,
UVMBA trailwork days, Group rides, etc.)

In order to grant a Special Exception, the Zoning Board of Adjustment must make affirmative findings of certain conditions. Those conditions are listed below:

(You can respond in the space provided, or attach a separate statement. Please be prepared to address the conditions with the Board during your public hearing. You must show that you have met all the conditions.)

SECTION 801.3 Special Exceptions - To hear and decide special exceptions to the terms of this ordinance upon matters which the Board is required to pass under this ordinance. In passing upon any application for a special exception, the Board shall make each of the following findings:

- A. That the special exception is specifically authorized by a provision of this ordinance:

314.2: Outdoor recreation facility allowed by Special Exception

Table 401.5: Special Exception required for structures in wetland 100' buffer zone.

- B. That all special conditions required of the special exception have been met:

314.2: N/A

401.5 See Wetlands Special Exception Support Statement

- C. That there are no existing violations of this ordinance on the property that the granting of this special exception would not remedy:

N/A

CITY OF LEBANON, NEW HAMPSHIRE
SUPPORT STATEMENT FOR A SPECIAL EXCEPTION
Page 2

D. That the character of the area shall not be adversely affected:
This project will create a gathering place and positively contribute to the character of the area as a hub for outdoor recreation activities.

E. That no hazard or nuisance will be created:
No hazards or nuisance created.

F. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted:
N/A

G. That granting the special exception will not result in undue municipal expense:
N/A

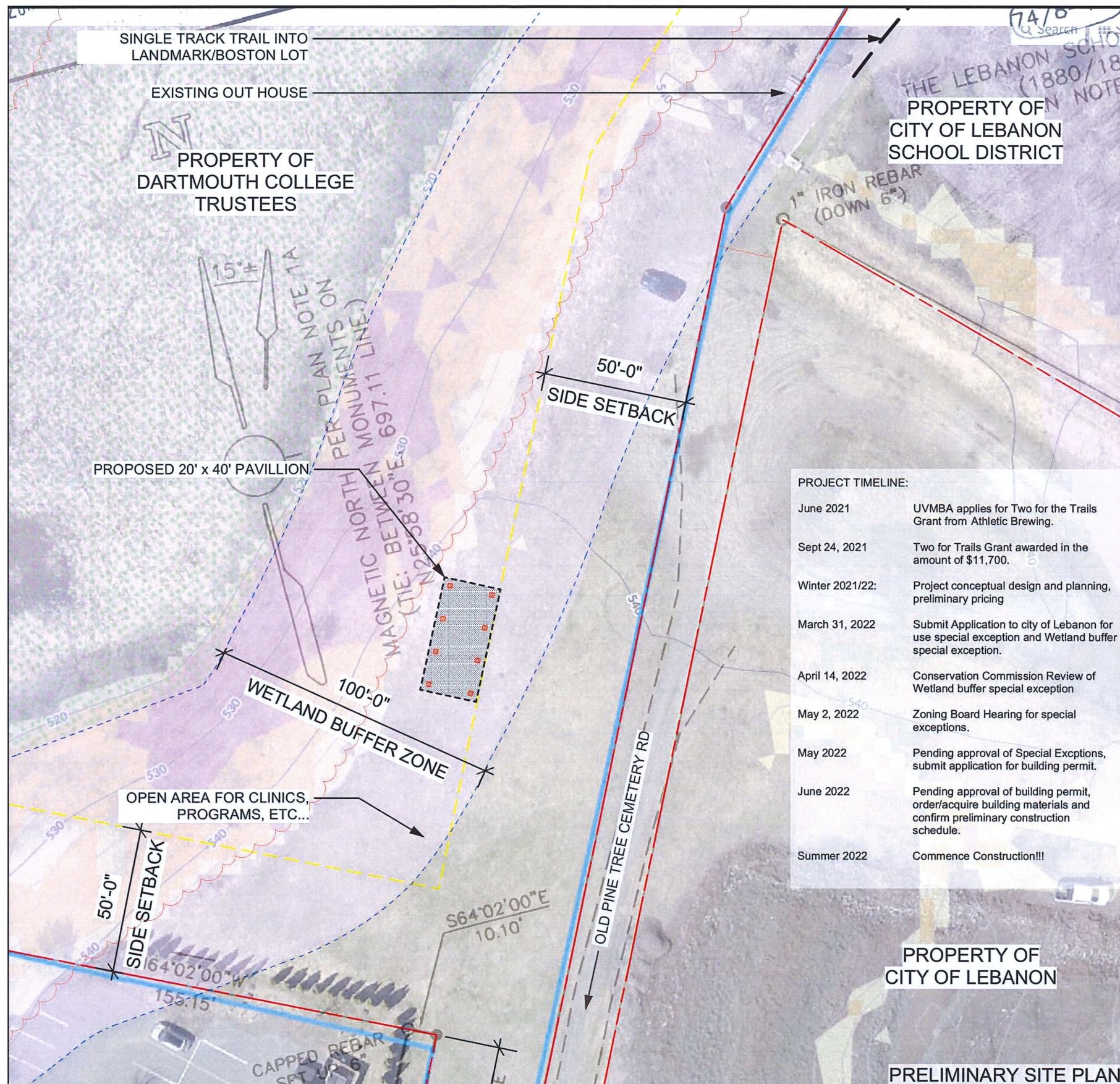
H. That the proposed special exception will be developed in a manner compatible with the spirit and intent of the ordinance:
Yes.

I. That the general welfare of the City will be protected:
Yes.

Please Note:

Pursuant to Section 802.4B, "Special Conditions", the Board may attach whatever conditions it deems necessary in order to assure compliance with the purposes of this ordinance.

A special exception shall expire if: (1) the use is not in place within two years of the date of issuance of a zoning permit or approval by the Zoning Board of Adjustment for a special exception or, (2) if the use is discontinued for any reason for more than two (2) years. In such cases, a new application for a special exception must be completed.



PROJECT TIMELINE:

June 2021	UV MBA applies for Two for the Trails Grant from Athletic Brewing.
Sept 24, 2021	Two for Trails Grant awarded in the amount of \$11,700.
Winter 2021/22:	Project conceptual design and planning, preliminary pricing
March 31, 2022	Submit Application to city of Lebanon for use special exception and Wetland buffer special exception.
April 14, 2022	Conservation Commission Review of Wetland buffer special exception
May 2, 2022	Zoning Board Hearing for special exceptions.
May 2022	Pending approval of Special Exceptions, submit application for building permit.
June 2022	Pending approval of building permit, order/acquire building materials and confirm preliminary construction schedule.
Summer 2022	Commence Construction!!!



NATURE WALK TRAILHEAD - PROPOSED PAVILLION

03.19.22

SITE PLAN UNDERLAY FROM CTY OF LEBANON GIS: <https://lebanonnh.mapgeo.io/>

PROPERTY LINE BASEMAP INFO FROM ANNEXATION PLAN FOR DARTMOUTH COLLEGE TRUSTEES. 287 MASCOMASTREET EXTENSION, LEBANON, NH DATED FEBRUARY 6, 2006

0 20 40 60 80 100 FT

PRELIMINARY- NOT FOR CONSTRUCTION

SUPPORT STATEMENT FOR A VARIANCE

Amended as to comply with amended State statute and intent statement*

CITY OF LEBANON, NEW HAMPSHIRE

Variance Standards: RSA 674:33 Effective Jan. 1, 2010

One cover application with an abutters list, required filing fee and ten copies of the site plan (if larger than 8 ½ in. x 11in.) must accompany this support statement.

I (we) hereby request a variance from the terms of Article(s) _____
Section(s) 314.3 of the Lebanon Zoning Ordinance.

In order to grant a Variance, the Zoning Board of Adjustment must make affirmative findings of certain conditions. Those conditions are listed below:

801.2 Variances.

A. To authorize, upon appeal in specific case, variances from the terms of this ordinance, no variance shall be granted unless each of the following conditions are met:

1. That the variance, if authorized, will not be contrary to the public interest;

There is perhaps greater public interest and benefit in putting more distance between the wetland and the proposed structure than in conforming to the property line setback.

2. That the variance will observe the spirit of the Ordinance.

The variance, if granted, will still observe the spirit of the ordinance by giving priority to the wetland while still conforming to some minimum setback, as yet to be determined by the zoning

3. That by the granting of the variance, substantial justice will be done;

By granting this variance justice will be done in terms of protecting the wetland, to a greater degree, than if meeting the property line setback.

4. That the variance, if authorized, will not diminish the values of surrounding properties

By creating a gathering place to be used by users of the Boston Lot trail system the values of surrounding properties will not be diminished. and;

5. That denial of the variance would result in unnecessary hardship.

(a) In this section "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property

_____; and

(ii) The proposed use is a reasonable one.

The proposed use (Outdoor recreation structure) is a reasonable and is allowed in the RL-3 zone by special exception.

(b) If the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformity with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

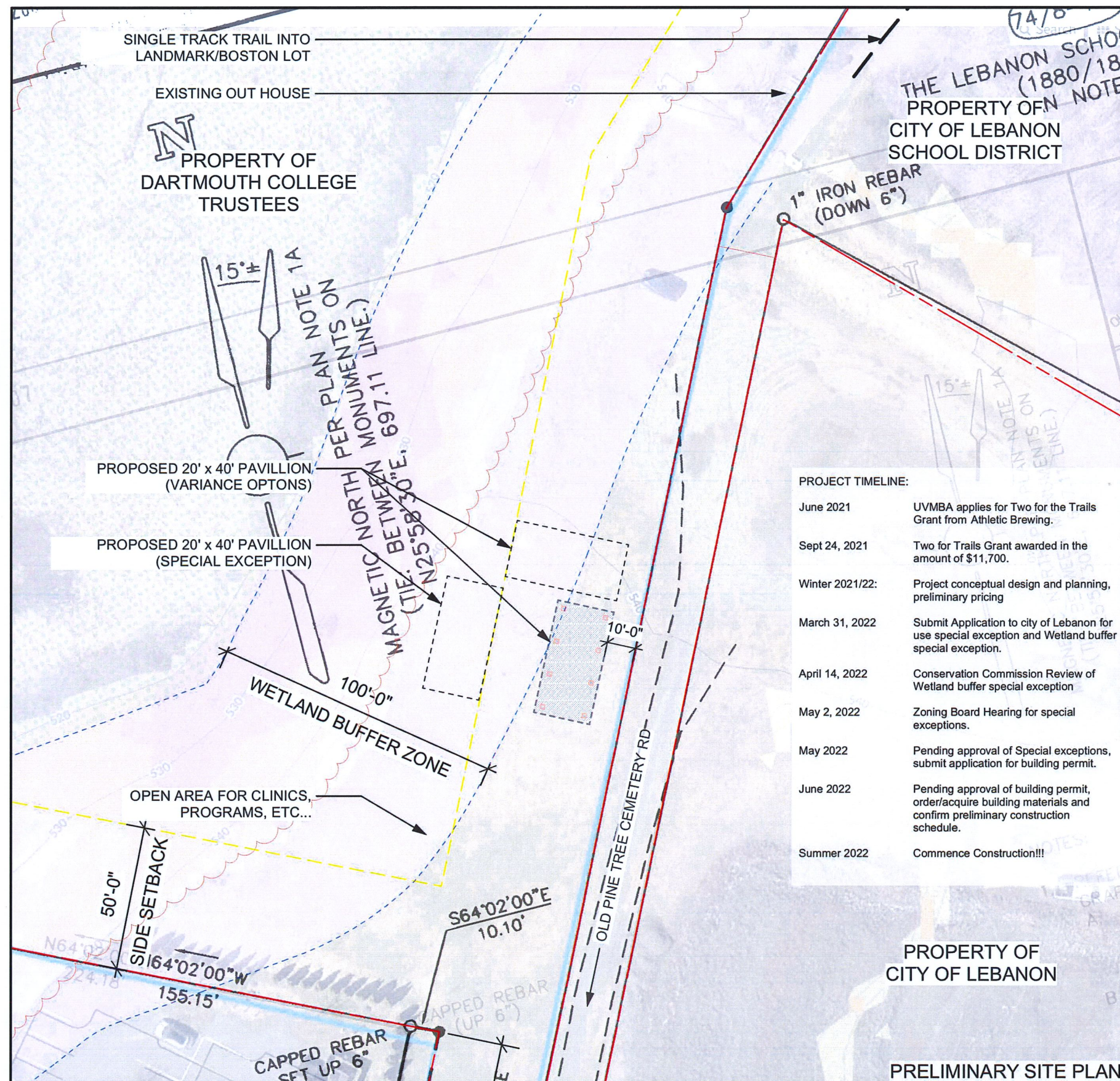
The rather unusual configuration of conditions on this site and with this proposed structure It could be argued that a greater hardship is put on the watershed if the proposed structure is sited to conform to the property line setback.

A variance shall expire if: (1) the use is not in place within two years of the date of issuance of a zoning permit or approval by the Zoning Board of Adjustment for a variance; or, (2) if the use is discontinued for any reason for more than two (2) years. In such cases, a new application for a variance must be completed.

****This form was amended as to comply with an amended statute and intent statement (below) contained in Senate Bill #147.***

Statement of Intent:

"The intent of [this statutory change] is to eliminate the separate 'unnecessary hardship' standard for 'area' variances, as established by the New Hampshire supreme court in the case of *Boccia v. City of Portsmouth*, 155 N.H. 84 (2004), and to provide that the unnecessary hardship standard shall be deemed satisfied, in both use and area variance cases, if the applicant meets the standards established in *Simplex Technologies v. Town of Newington*, 145 N.H. 727 (2001), as those standards have been interpreted by subsequent decisions of the supreme court. If the applicant fails to meet those standards, an unnecessary hardship shall be deemed to exist only if the applicant meets the standards prevailing prior to the *Simplex* decision, as exemplified by cases such as *Governor's Island Club, v. Town of Gilford*, 124 N.H. 126 (1983)."



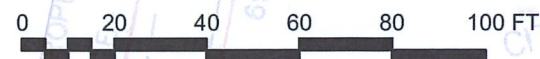
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Summer 2022	Commence Construction!!!

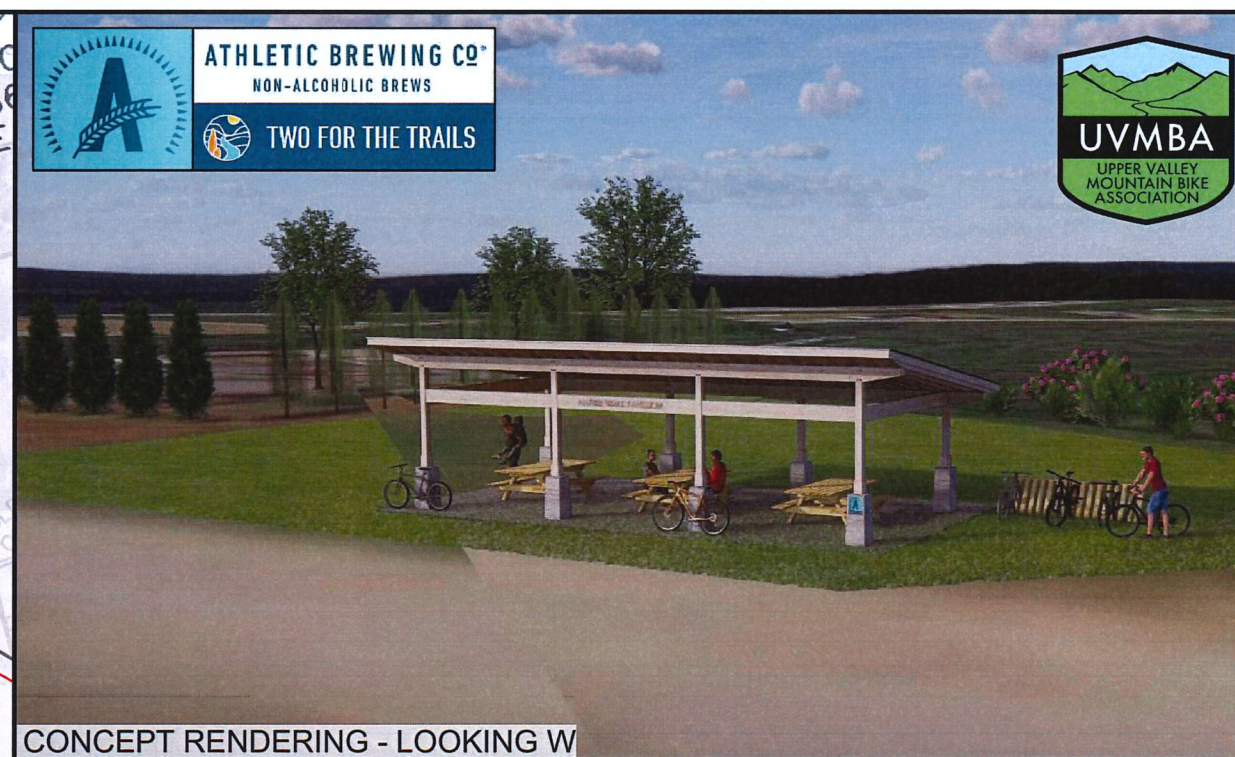
NATURE WALK TRAILHEAD - PROPOSED PAVILION

04.05.22

SITE PLAN UNDERLAY FROM CTY OF LEBANON GIS: <https://lebanonnh.mapgeo.io/>
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CONCEPT RENDERING - LOOKING W



CONCEPT RENDERING - LOOKING NE

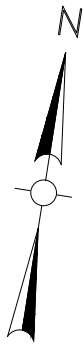


CONCEPT RENDERING - BIRDSEYE

**Agenda
Conservation Commission
April 14, 2022**

**Agenda Item #3B
Permit Review**

**Review and discussion re:
Mt. Support Rd & Lahaye Dr
Special Assessment District -
DRAFT preliminary
roundabout & traffic signal
design alternatives**



10-8-200
MARY HITCHCOCK
MEDICAL CENTER
ONE MEDICAL CENTER DRIVE
LEBANON, NH 03756

#5 REBAR
FOUND 10" PROJ.
W/OPC "PATHWAYS"

149
CB 149
RIM=781.62
COULD NOT OPEN

LAHAYE DRIVE

CB
RIM=
INV. 1
SUMP=2
COULD
THERE
PIPES IN

MATCH SEE SHEET 2

1

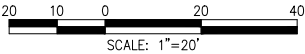
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FOUND 9" PROJ.

BENCHMARK
MNS IN UPW
ELE:789.31

GSEC 3
FP 91-3

CB 7420
RIM=782.63
COULD NOT OPEN

24-4
DARTMOUTH COLLEGE
TRUSTEES
PO BOX 5188
HANOVER, NH 03755



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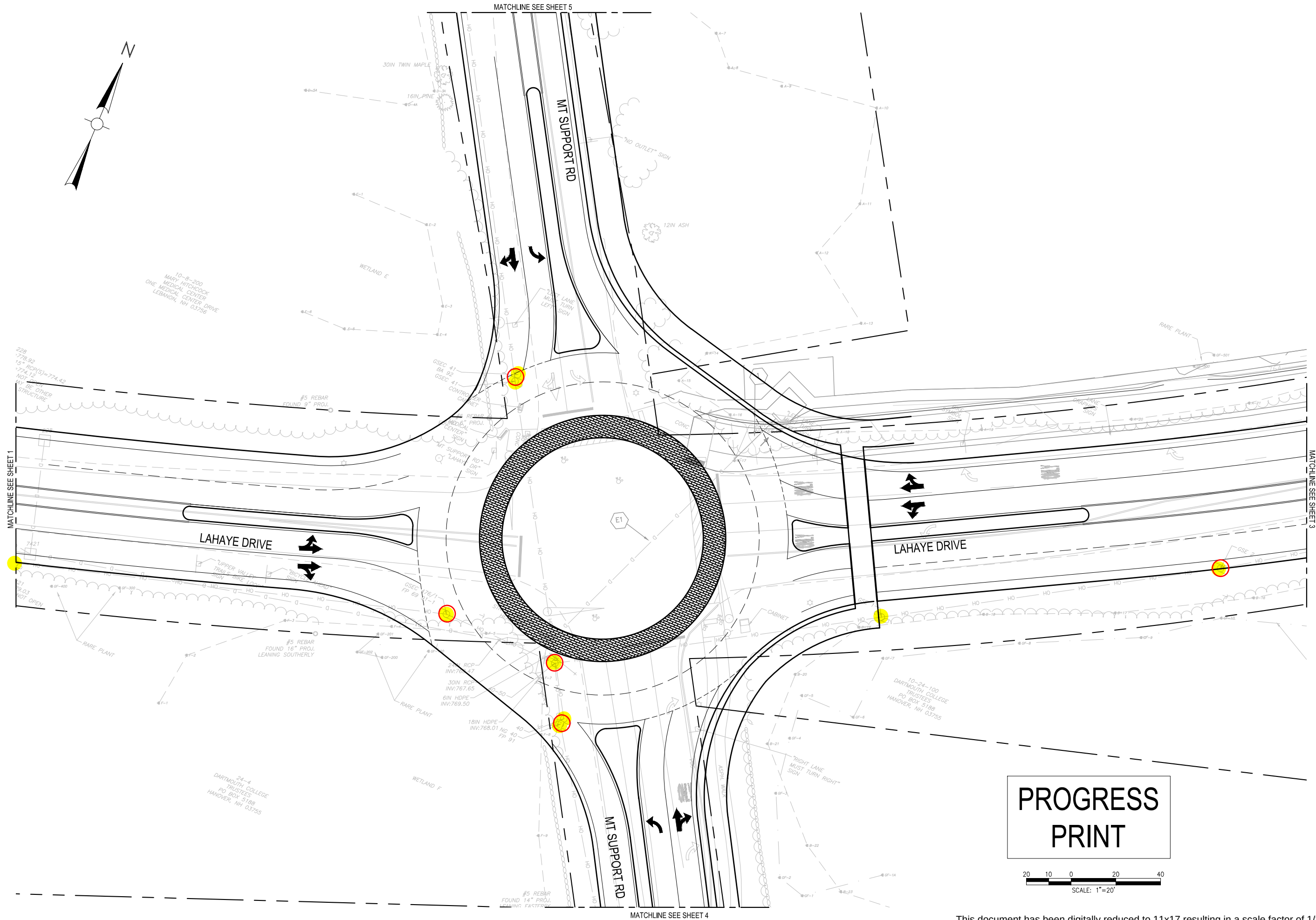
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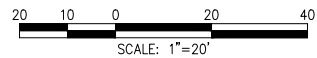
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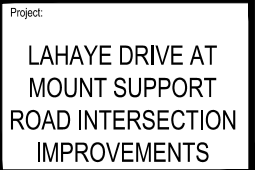
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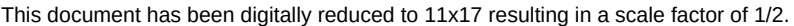
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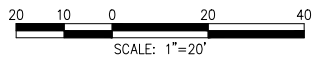
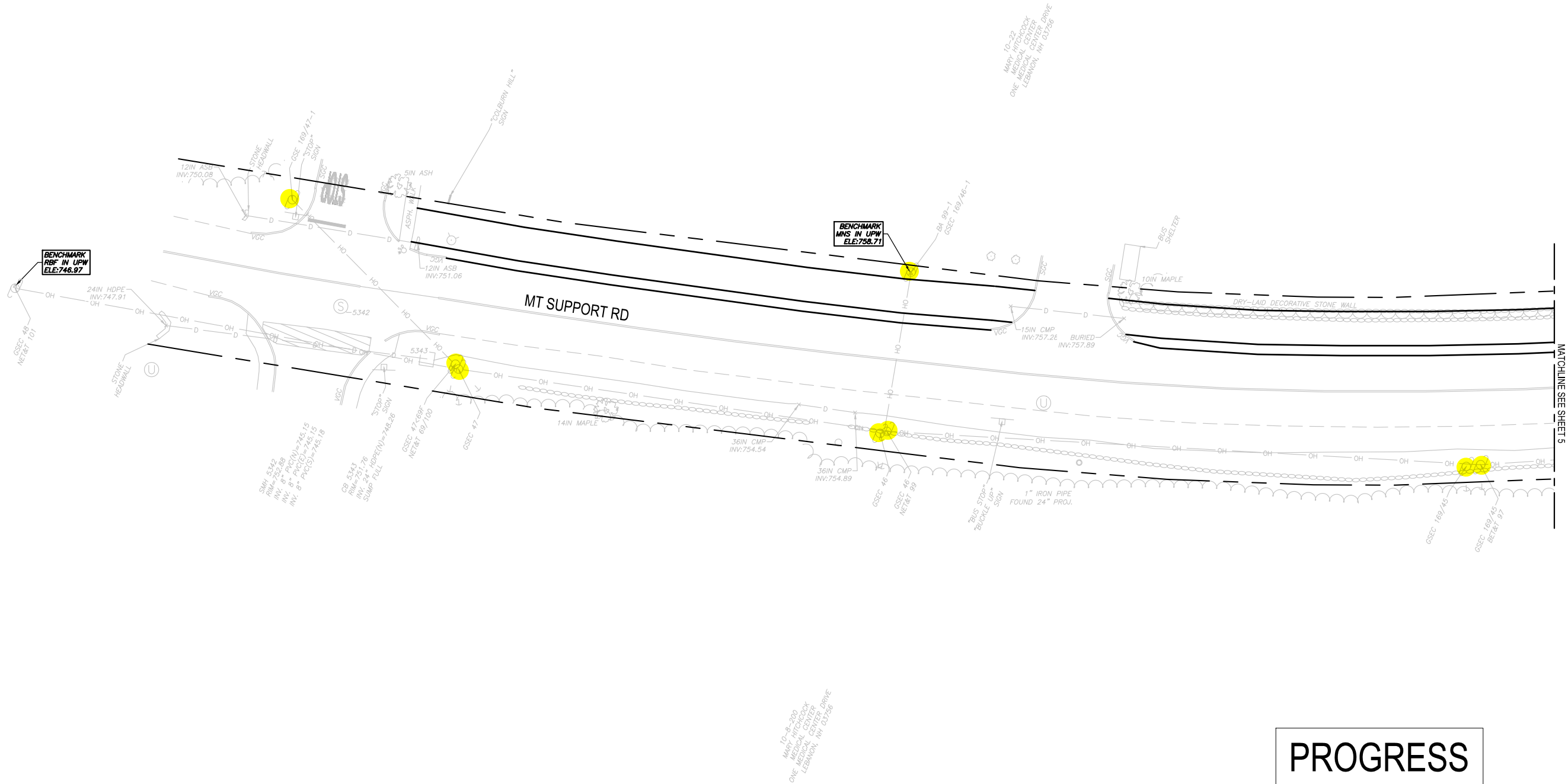
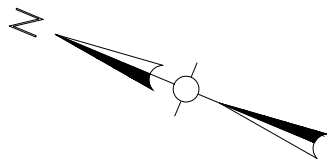
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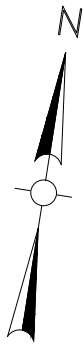
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#5 REBAR
FOUND 10" PROJ.
W/OPC "PATHWAYS"

149
CB 149
RIM=781.62
COULD NOT OPEN

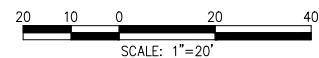
LAHAYE DRIVE

#5 REBAR
FOUND 9" PROJ.

BENCHMARK
MNS IN UPW
ELE:789.31

7420
CB 7420
RIM=782.63
COULD NOT OPEN

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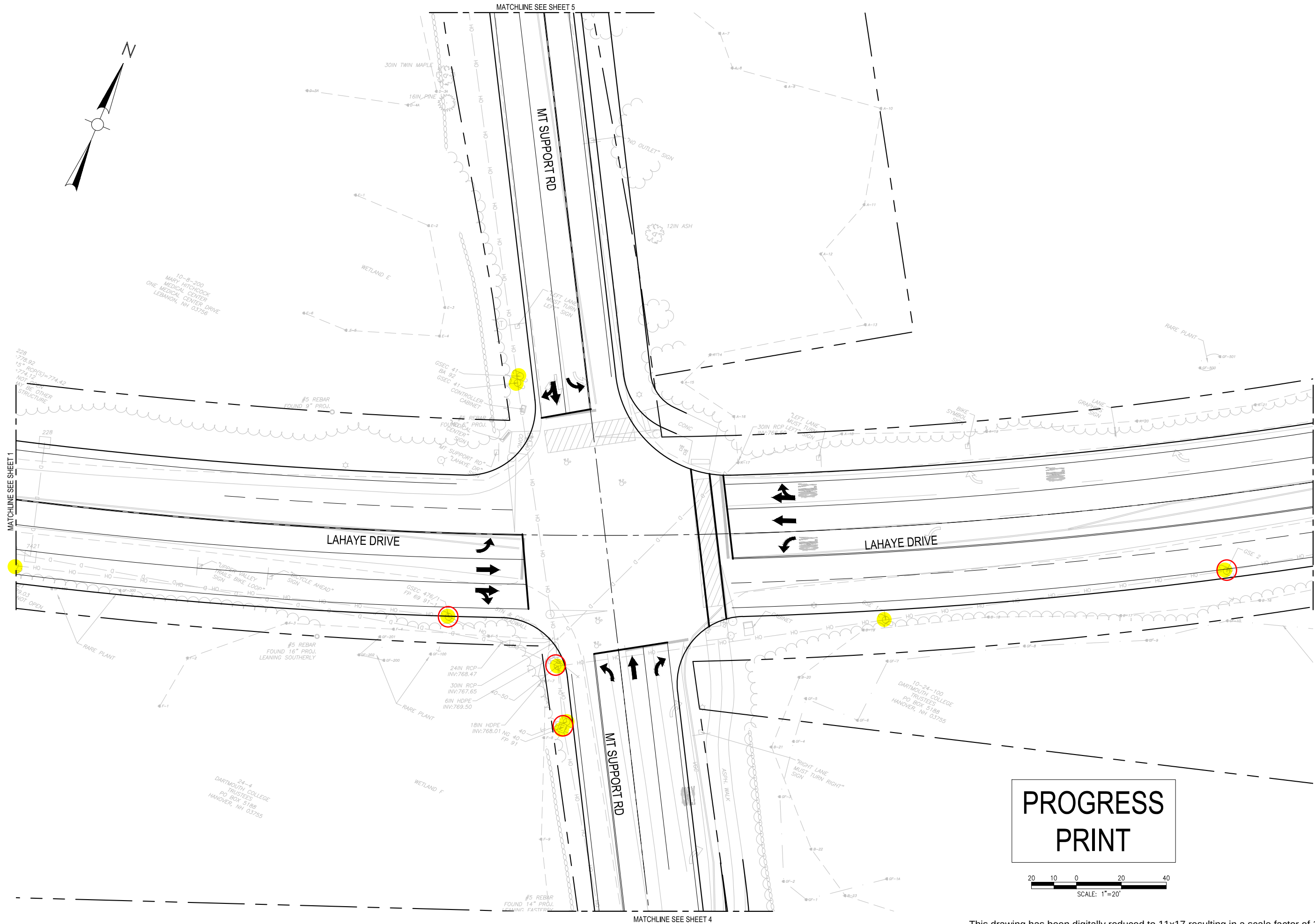
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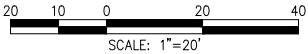
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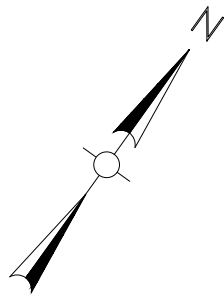
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WETLAND A

36IN RCP
INV:757.44

HOSPITAL
EMERGENCY
SIGN

TRAFFIC
LIGHT
SYMBOL

BEAM GR

LAHAYE DRIVE

30IN RCP
INV:757.54

ROUTE 120
SIGN

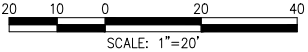
ROUTE
SIGN

GRAPHIC
SIGN

BEAM GR

WETLAND B

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PRELIMINARY DESIGN

Scale: AS SHOWN

Date: March 2022

Drawn By: CMG

Reviewed By: JWS

Approved By: JWS

W&S Project No.: ENG21-1276

W&S File No.:

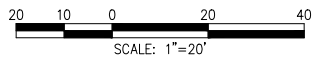
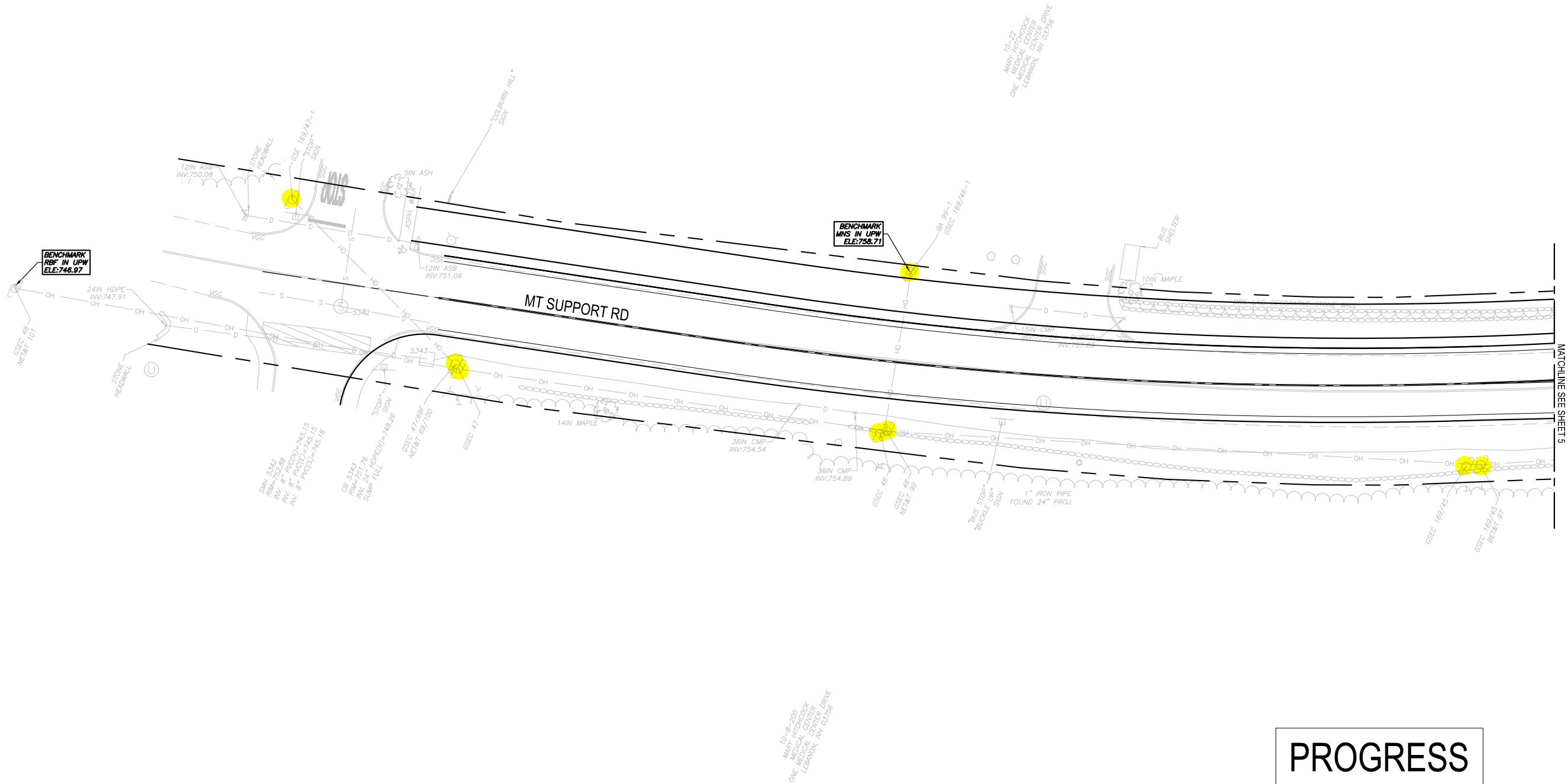
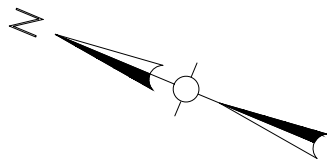
Drawing Title:

PRELIMINARY
INTERSECTION
LAYOUT SHEET 4

Sheet Number:

4

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PROGRESS
PRINT

This drawing has been digitally reduced to 11x17 resulting in a scale factor of 1/2.

Project:
**LAHAYE DRIVE AT
MOUNT SUPPORT
ROAD INTERSECTION
IMPROVEMENTS**



Weston & Sampson Engineers, Inc.
55 Walkers Brook Drive, Suite 100
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Consultants:

Revisions:		
No.	Date	Description

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Drawing Title:
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INTERSECTION
LAYOUT SHEET 6**

Sheet Number:
6
Page 35 of 40
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Rev. 1.0 Date: 11/20/21

**Agenda
Conservation Commission
April 14, 2022**

**Agenda Item #4A
Study Items**

Current Use Penalty Process and the LOST Fund

CURRENT USE CRITERIA BOOKLET

(2) Provide an updated map with the corresponding change.

(c) The current use tax assessment shall reflect the category and current use status as of April 1 of the year in which the change occurred and shall not be changed until April 1 of the new tax year.

PART Cub 307 CHANGE IN USE OF THE LAND TO A NON-QUALIFYING USE

Cub 307.01 When Current Use Land is Changed.

(a) The municipal assessing officials shall assess the land use change tax to the landowner, or to the party responsible for the right-of-way land use change tax, at the time of a change to a non-qualifying use by completing Form A-5 "Municipality Land Use Change Tax Bill" as described in Cub 309.04.

(b) Land assessed as current use shall be considered changed, and the land use change tax imposed pursuant to Cub 308.03, when a change to the land takes place that is contrary to the requirements of the category under which the land is assessed.

(c) Such change in use shall be deemed to occur when:

(1) The parcel or tract of land is sold or transferred to another owner and no longer meets the minimum acreage requirements described in the category in which the land is classified except when:

a. The transferred parcel of land is less than the minimum qualifying current use acreage, but is contiguous to and has identical ownership as the land owned by the purchaser; and

b. The purchaser advises the municipal assessing officials, in writing within 60 days from the date of the sale, of the purchaser's intent to file Form A-10 "Application for Current Use Assessment" for additional qualifying land within the abutting tract; or

(2) Development occurs which changes the condition of the land so as to disqualify it from current use assessment.

(d) If the purchaser in (c)(1)b., above, does not file Form A-10 "Application for Current Use Assessment" on or before the next April 15, the land use change tax shall be imposed as of the date on which the sale or change in use occurred.

(e) An adjoining property owner who constructs a right-of-way access road on a parcel of current use land, pursuant to RSA 79-A:7 VI, (e), which does not meet the qualifying current use criteria in Cub 303.06, shall be assessed a right-of-way land use change tax and shall be the party responsible for payment of the tax.

CURRENT USE CRITERIA BOOKLET

Cub 307.02 Development Other Than Condominiums.

(a) In the case of a development, other than condominiums, any land in the development area undergoing physical changes as referenced in Cub 301.02, including land identified in the development plan required to satisfy the density, setback, or other condition, that requires that land to remain undeveloped as part of the plan approval shall be removed from current use pursuant to RSA 79-A:7, I.

(b) Any lot or site, or combination of adjacent lots or sites shown thereon, which are under identical ownership shall remain in current use until such time as there is no longer 10 qualifying acres of developable land, as shown on the approved development plan.

Cub 307.03 Condominium Developments.

(a) In the case of a condominium development, the development area land undergoing physical changes as referenced in Cub 301.02, including the percentage interest in the common land area assigned to the unit(s), shall be removed from current use pursuant to RSA 79-A:7, I.

(b) Individual land use change tax bills shall be issued for each unit and the percentage of ownership interest in the condominium declaration language shall be used as the basis to calculate the amount of land value attributable to each unit.

Cub 307.04 When Land is Sold or Transferred. If a parcel of land is sold or transferred to another owner and still meets the minimum or other acreage requirements as described in the category in which the land is assessed, the land shall remain in current use.

Cub 307.05 When Farm Land Does Not Produce \$2,500 Annual Gross Income. Farm land which qualified for current use assessment under Cub 304.01(a)(5) and (6) shall be considered changed and the land use change tax imposed when the landowner cannot demonstrate to the municipal assessing officials that at least \$2,500 gross income was earned each year from the sale of non-processed crops grown in the parcel of land for 4 out of the 5 previous years.

PART Cub 308 ASSESSING THE USE CHANGE TAX

Cub 308.01 "Owner at the time of the change", in the case of a change in use resulting from a sale of land, means the person or persons who purchased the land.

Cub 308.02 Assessing Full and True Value.

(a) For purposes of this section, the full and true value of the land, as referenced in RSA 79-A:7 shall be based on the highest and best use of the land as of:

- (1) The date the actual physical change was begun; or
- (2) The date on which the parcel no longer qualifies for current use assessment due to size.

(b) The full and true value of the land being disqualified pursuant to RSA 79-A:7 shall be based upon the highest and best use of the land, and include:

CURRENT USE CRITERIA BOOKLET

- (1) The value of all betterments to the land; and
- (2) The value of all earthen materials in the case of a legal excavation site pursuant to Cub 308.03(f) below.

Cub 308.03 The Land Use Change Tax.

(a) The land use change tax shall not be assessed until the extent of the change in use becomes determinable.

(b) For purposes of this section, one tax year shall be April 1 to March 31.

(c) The land use change tax shall be assessed as of the date the development began.

(d) If the change in use is not completed within one tax year, the full and true value shall be determined and the land use change tax assessed when the change in use is completed to a point that the municipal assessing officials are satisfied that the development plan, as originally submitted or as subsequently amended, has been complied with, and they are able to determine the number of acres on which the use has changed.

(e) If the change in use is not completed within one tax year and extends into 2 or more tax years, the following shall apply:

(1) The highest and best use of the property, pursuant to Cub 301.09, shall be established to determine the full and true value of the non-qualifying land;

(2) The municipal assessing officials shall determine as of April 1 of the second tax year the portion of land on which betterments or other physical changes have occurred and shall assess the land use change tax on the non-qualifying land; and

(3) The municipal assessing officials shall:

a. Assess the non-qualifying land at its highest and best use as of April 1 of the second tax year, and each subsequent year thereafter; and

b. Assess the remaining qualifying land as current use land.

(f) The full and true value for sand and gravel pits, stone quarries, and mines shall be determined and the land use change tax assessed pursuant to Cub 308.02 (b), above, as follows:

(1) On the portion of land being excavated, at the time the excavation begins; and

(2) Based upon the breadth, depth, and scope of the development plan submitted to the local regulator pursuant to RSA 155-E, and as determined by the municipal assessing officials, prior to commencing excavation.

CURRENT USE CRITERIA BOOKLET

(g) If any physical changes are made to the land prior to the issuance of any required local, state, or federal permit or approval, or if such changes otherwise violate any local ordinance, state, or federal law, the municipal assessing officials may:

(1) Delay the assessment of the land use change tax until any and all required permits or approvals have been obtained or illegal actions remedied; and

(2) Base the land use change tax on the highest and best use of the land at that later time pursuant to RSA 79-A:7, V, (a).

(h) The municipal assessing officials shall complete their portion of Form A-5 "Municipality Land Use Change Tax Bill" in accordance with Cub 309.04, and submit it to the tax collector with the Form A-5W "Land Use Change Tax Warrant".

(i) The tax collector shall:

(1) Complete his or her portion of Form A-5; and

(2) Bill the property owner or, pursuant to RSA 79-A:7, II, bill the responsible party.

(j) Upon receipt of payment from the property owner, the tax collector shall:

(1) Sign the Form A-5;

(2) Remit the original Form A-5 to the county registry of deeds with the recording fee; and

(3) Upon receipt of the recorded Form A-5 from the county registry of deeds, submit a copy to the municipal assessing officials.

(k) Upon receipt of payment from the right-of-way responsible party, the tax collector shall:

(1) Sign the Form A-5; and

(2) Provide a copy of the signed Form A-5 to the municipal assessing officials.

Cub 308.04 Appeal of Land Use Change Tax.

(a) Any person aggrieved by the assessment of a land use change tax may, within 2 months of the notice of tax date and not afterwards, apply in writing to the municipal assessing officials for an abatement of the land use change tax.

(b) Upon receipt of the abatement request, the municipal assessing officials shall either grant or deny the abatement request within 6 months after the notice of tax date.

(c) If the municipal assessing officials neglect or refuse to abate the land use change tax, any person aggrieved may appeal within 8 months of the notice of tax date and not afterwards to either the board of tax and land appeals or superior court in accordance with RSA 79-A:10.

In accordance with NH RSA Chapter 79-A:25, the City Council had, on September 21, 1994, designated that 25% of collected Land Use Change Assessments (Current Use) be directed to the Conservation Commission Lebanon Open Space Trust account. This allocation was increased on October 16, 2002 to 100% effective 2003. Moneys shown are "collected" Land Use Change Assessments -- not billed or expected, estimated or projected.						
Distribution of Unexpended/Uncommitted Conservation Commission budget. This is done pursuant to NH RSA 36-A:5, I "A town or city, having established a conservation commission as authorized by RSA 36-A:2, may appropriate money as deemed necessary for the purpose of this chapter. The whole or any part of money so appropriated in any year and any gifts of money received pursuant to RSA 36-A:4 may be placed in a conservation fund and allowed to accumulate from year to year. Money may be expended from said fund by the conservation commission for the purposes of this chapter without further approval of the town meeting."						
2022 LEBANON OPEN SPACE						
Beginning Balance						
			\$	1,443,727.04		
Transfer from General Fund:						
Unexpended/Uncommitted Appropriated Balance						
Conservation Budget (Year End)						
Interest Earnings Allocation 2022				\$0.00		
				\$0.00		
Contributions						
CURRENT USE ASSESSMENTS BILLED JANUARY						
			Map 119-1 Lot 200/Taylor			
				\$2,000.00 PAID 2/7/2022		
ENDING BALANCE						
			\$	1,445,727.04		

**Agenda
Conservation Commission
April 14, 2022**

**Agenda Item #4B
Study Items**

**Con Com Trails
Coordinator Update –
NH Recreational Trails
Program grant application**

Prospectus for the Lebanon Conservation Commission meeting April 14, 2022

Prepared by Bruce James, Vice Chair and Trails Coordinator

Title:

Funding for a bridge over Great Brook in the Goodwin Conservation Area in Lebanon

Funding source:

State of New Hampshire Recreation Trails Program for 2022

Website:

<https://www.nhstateparks.org/about-us/trails-bureau/grants/recreational-trails-program>

Nature of the program:

Funding from Federal gas tax revenue distributed to states by the Federal Highway Administration

Administered by the Bureau of Trails of the NH Division of Parks and Recreation within NH Department of Natural and Cultural Resources

Grants from \$8,000 – 80,000

Funds can be used for:

- maintenance and restoration of existing trails;
- construction of new trails;
- development and rehabilitation of trailside and trailhead facilities/linkages;
- educational projects for trail safety and/or environmental education;
- purchase and lease of trail construction and maintenance equipment (must be solely used for this project!)

City of Lebanon and Conservation Commission are eligible to apply.

20% match of total cost of project is required from the City

Program contact: Alexis Rudko @ Bureau of Trails

603-271-3254

alexis.m.rudko@dncr.nh.gov

Timetable for proposals for 2022

Proposal information posted online in April, 2022

Proposals due in June, 2022

Award decisions in fall, 2022

Contracts finalized in June, 2023

Work must be completed by December 31, 2023

Management of proposal writing

Bruce James would take lead in preparing a proposal.

A City employee probably would be designated as the Project Administrator and contact.

A representative of the project (Bruce or Project Administrator or both) is required to attend one of three workshops held in May in Concord or Lancaster

Possible design of a bridge:

Bridge designed and built for a trail in Groton, CT (contact of Mark Goodwin provided these images and the engineering design):



Estimated cost for 60 foot span: ~ \$60,000

Required match must be greater than or equal to 20% of the total project cost.

Notes on what can and cannot be used for the match from the RTP proposal information:

*Items and services that are not eligible for grant funding, are also not eligible as part of the match pledge. The match pledge may consist of any funds or the fair market value of materials and services provided in-kind at the sponsors expense or donated by a third party. The value of volunteer labor may be counted towards the match portion. **Grantees must be able to document and justify skilled labor value. This includes hourly rate of labor from actual employer.** Labor provided from town or government employees may be credited at employee wage plus benefits, however this still must be documented that the employee receives benefits. Inmate labor may be used at the actual cost incurred by the administering agency only. All match must be stated in application. If you are applying for other grants as match, **have alternatives in case you are denied said grant.***

**Agenda
Conservation Commission
April 14, 2022**

**Agenda Item #4C
Study Items**

Master Plan Update - Actions & Strategies Status

Blue = More appropriately tasked to a different group/body

Yellow = An ongoing endeavor, i.e. there is no "completed" (and that includes both shades of yellow)

Magenta = Are these actions that the ConCom is interested in engaging with?

Green = Actions that have been completed, noting that additional efforts can always be undertaken (both shades of green)

5 | E

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

- 1 Guide development into existing areas as designated in the Land Use chapter to protect outlying rural areas and open space lands.
- 2 Guide new development away from wildlife habitat areas that have been identified in the Natural Resources Inventory.
- 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.
- 4 Require open space or conservation design for all ecologically important land.
- 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.
- 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.
- 7 Develop a land acquisition/conservation easement program to protect scenic views.
- 8 Include City gateways in open space planning.
- 9 Support efforts to establish more scenic roads.
- 10 Discourage exterior area illumination of prominent physical features and landscapes that dramatically impact the nighttime landscape.
- 11 Review lighting design elements of development proposals to ensure that adequate minimal lighting is planned, but over lighting is avoided.
- 12 Require the use of renewable energy in heating and cooling systems in new construction of public buildings.
- 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.
- 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.
- 15 Continue to encourage mixed-use growth centers rather than strip-type sprawling development patterns.
- 16 Encourage and support transportation alternatives to single-occupancy vehicles, including mass transit, pedestrian and bicycle paths and facilities, ride-sharing, etc.

ACTIONS

- 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 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 Apply for Land and Community Heritage Investment Program (LCHIP) and other funding sources for land conservation projects.
- 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 Authorize the Conservation Commission to periodically review all city-owned property and to recommend what land should have conservation easements.
- 6 Conduct education and outreach to members of the public about the benefits of land conservation and options for conserving land.
- 7 Create incentives in the Zoning Ordinance for agricultural businesses and expand the importance of maintaining and increasing agricultural activity within the City.
- 8 Contract with a licensed forester to work with the Conservation Commission in developing forest management plans.
- 9 Adopt and implement appropriate logging guidelines to encourage best management practices (BMPs) for logging in the city-owned forested areas.
- 10 Place protective third-party easements on city-owned land with important habitat areas.
- 11 Work with the NH Department of Transportation to develop landscaping plans for Route 120 between Exit 18 and Hanover Street.
- 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 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 Adopt a ridgeline ordinance to protect ridgelines from poorly sited development and consider including hillsides and wildlife corridors to lowlands.
- 15 Adopt lighting standards that minimize sky glow and glare.
- 16 Develop and approve a wind turbine ordinance to enforce the appropriate siting and design of wind turbines.

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 Blodget 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

- 12 Continue educational programs to promote public awareness of the conservation lands, appreciation of their natural features, and appropriate activities on those lands.
- 13 Coordinate local volunteers to continue the care, maintenance, promotion, and appropriate use of conservation lands.
- 14 Continue to plan and publicize a program of nature walks in the City's conservation lands to enhance public appreciation of them.
- 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.
- 16 Negotiate with developers to protect existing trails and/or set aside additional land for a trail system.
- 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.
- 18 Investigate and recommend appropriate measures to ensure handicapped accessibility on conservation lands where feasible.
- 19 Continue participation in the "Tree City USA" program to call attention to the City's natural resources.
- 20 Continue to celebrate Arbor Day to raise awareness of the importance of trees to all residents.
- 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.
- 22 Protect existing wildlife corridors, such as the one across Route 120 and Mt. Support Road, with guidance from wildlife biologists.
- 23 Educate landowners about the importance of preserving wildlife habitat on their own 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.

ACTIONS

- Explore the expansion of the Steep Slope Overlay District. 12
- 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. 13
- Update maps of existing trails and make them available to the public. 14
- Identify selected Class VI Roads as part of the green infrastructure trail system. 15
- Resume and publicize the "Wild about Lebanon" program and its regularly scheduled volunteer-led informational walks to City parks. 16
- 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. 17
- Develop and adopt an urban tree ordinance to protect urban and residential trees. 18
- 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. 19
- Develop a wildlife habitat overlay zone for critical habitat areas, including deer yards, bear habitat, vernal pools and wildlife corridors. 20
- Inventory areas that have been impacted by invasive species and develop a plan to address these areas. 21
- Hold annual tours of City parks and conservation lands for City Council members and all other City boards. 22
- Eradicate invasive species from city-owned land. 23