



LEBANON CONSERVATION COMMISSION
MAY 9, 2024 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE

1. Call to Order

- A. To participate in this meeting, please [join live via Microsoft Teams](#) or call 929-229-5356 (access code: 140 226 585#). If you have trouble accessing this meeting, please [email mark.goodwin@lebanonnh.gov](mailto:mark.goodwin@lebanonnh.gov)

2. Approval of Minutes

- A. April 11, 2024

3. Open to the Public

4. Permit Review

- A. **The City of Lebanon, 0 Barrows St, Tax Map 77, Lot 106** - Review and Comment on NHDES Wetland Expedited Minimum Impact Application to fill, regrade and stabilize approx. 945 sq ft of wetlands. (permanent impact) that exist within an isolated depression on the subject property. **CC2024-02 (NH DES # 2024-00988)**

5. Study Items

- A. Review and comment on proposal to amend Section 214 of the Zoning Ordinance re: regulation of governmental uses
- B. Eagle Scout Bat House Project
- C. Boston Lot Trail Use Discussion
- D. FERC Wilder Dam Response Letter

6. Committee Reports

- A. Biodiversity Group (Invasives)
- B. Stewardship
- Ranger
 - Trail Coordinator
 - Monitors and Stewards
- C. Wild about Lebanon
- D. Amphibian Crossings
- E. LUCT/Current Use
- F. Other Subcommittees

7. Other Business

- A. FYIs
- B. Follow Up

- C. Workshops and Educational Opportunities
- 8. Future Agenda Items**
- 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.

DRAFT

**LEBANON CONSERVATION COMMISSION
CITY COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
6:30PM THURSDAY APRIL 11, 2024**

MEMBERS PRESENT: Sarah Riley (Chair), Bruce James (Vice Chair) (REMOTE),
Barbara Hirai, Erling Heistad (City Council Rep.), Ernst
Oidtmann, Donald Lacey, Brandon Hill (Alt)

MEMBERS ABSENT: Sean Dittrich (Alt.), Chris Johnson, Susan Almy (Alt.)

STAFF PRESENT: Mark Goodwin (GIS Coordinator)

1. CALL TO ORDER

Chair Riley called the meeting to order at 6:32pm. Mr. Goodwin reviewed the City's meeting in-person and REMOTE attendance policies and procedures.

2. APPROVAL OF MINUTES March 14, 2024

Amendments:

Page 3, Line 28/29: Edit text to say abutment is red and rip rap is blue on map

Page 5, Line 12: Add "said" after Riley

Page 5, Line 20: Change "Snowmobile" to "Riverside"

Page 5, Line 25: Change "McElroy" to "McIlroy"

At 6:37pm, Chair Riley approved the appointment of Mr. Hill to sit in for Chris Johnson.

A MOTION was made Don Lacey by to approve the March 14, 2024 Meeting Minutes as amended. The Motion was seconded by Erling Heistad.

Roll Call Vote:

Voting in Favor – Ms. Hirai, Mr. Heistad, Mr. Lacey, Ms. Riley, Dr. Oidtmann, Mr. Hill, Mr. James

Voting Against – None

****The MOTION was approved (6-0).***

3. OPEN TO THE PUBLIC

No one from the public spoke.

4. PERMIT REVIEW

None

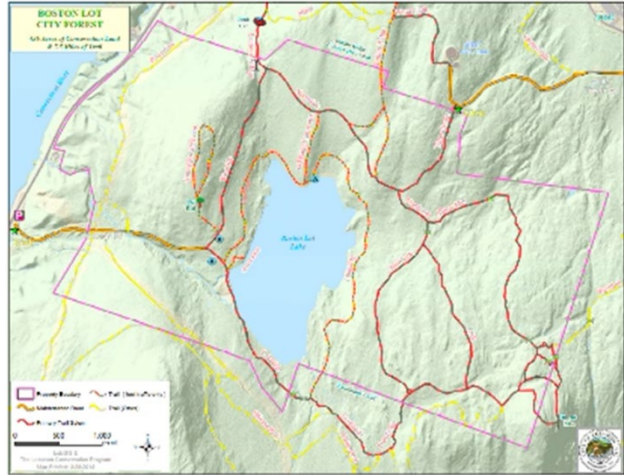
Chair Riley moved **Study Item 5C** to the top of the meeting, which is out of the order on the meeting agenda.

5. STUDY ITEM

C. Boston Lot Review & Discussion

Chair Riley said this discussion would focus on a review of the trail network on Boston Lot. She referenced a map that was included in the agenda packet for this meeting.

Mr. James presented several informational sign samples. He suggested the signs at Boston Lot should list what uses/activities are permitted and prohibited on Conservation Land trails.



The group reviewed a Boston Lot map (see right) and noted the trails that are both inside and outside the Boston Lot boundaries (purple lines). Mr. James noted that the Upper Valley Mountain Bike Association (UVMBA) manages a series of trails it established from Burnt Mountain Trail and how permitted activities and rules sometimes are different within Conservation Land than outside Conservation areas. The group discussed adding “You are entering Boston Lot” signs with lists of restrictions at appropriate points where the trails cross the boundaries.

Chair Riley said the group needs to determine what trails in Boston Lot should be continued and which, if any, should be discontinued regardless of how they were established. Mr. Goodwin said bikes are allowed on the red trails (see map), whereas the dashed lines are trails where bikes are not allowed.

The group discussed whether some trails with low rise or poor drainage should be reinforced so bike use would not damage them. Mr. Lacey noted that the UVMBA did a lot of work to minimize damage from bikes on the trails it manages, and perhaps the Commission should work with UVMBA to help build up other trails. Mr. Hill suggested trails could be rerouted around consistently wet areas. Mr. Goodwin said that might be a huge undertaking that would involve cutting trees and a lot of other work. Mr. James said in the White Mountains, they use puncheon (slightly raised board bridges) to raise the treadway instead of rerouting trails.

Chair Riley suggested Mr. James work with a small group to evaluate the existing trails in Boston Lot to determine what should be done, which could include the following:

- Hardening
- Raising up
- Rerouting
- Closing

Mr. James said he could rough out a map and proposal and bring it back to the Commission for its review. Chair Riley asked him to include vernal pools and water/wetland areas so the group can see the impact trails might have on those areas. Ms. Hirai suggested that a rubric should be developed to aid in creating and using a set of criteria by which to evaluate each trail. Mr. Hill said he would work with Mr. James to evaluate the trails on Boston Lot, make note of the conditions, take photos, and give ideas of what would be best for each trail going forward. Dr. Oidtmann suggested asking the Bike Association to participate in the evaluation.

The group discussed other rules/policies that possibly could be included on trail signs:

- Bike speed limit
- Bike and pedestrian sides or “lanes”
- Pedestrian priority
- Fire policy (may or may not include rules involving smoking or vaping)
- “Leave No Trace” policy

At 7:30pm, Mr. James left the meeting.

Mr. Hill said he and Mr. James will note the signage that may or may not exist on each trail while they are evaluating conditions.

A. FERC Wilder Dam Relicensing Comment Period Update

Mr. Goodwin gave an update on the status of the Wider Dam Relicensing project. He said now is the time for the City to make comments and put in requests to be incorporated into the licensing requirements. He said Parks, Arts, and Recreation Director Paul Coats has submitted a list of requests and concerns raised by his department.

Mr. Heistad said riverbank erosion is a problem. He suggested they could request a general contribution to a kitty or fund that could be used to address it on a case-by-case basis.

Chair Riley suggested that items in the Natural Resource Chapter of the Master Plan could be considered, particularly recommendations from the 2016 Wildlife Crossing Study:

- Increased wildlife crossing signage
- Maintain road to canoe portage

She said it would be good to slow traffic down where the wildlife signage would be located, which would involve NH DOT.

Chair Riley said the deadline for comments is now May 22. Mr. Goodwin said the Commission should compile its ideas into a letter that should be signed by Chair Riley.

Ms. Hirai said the Commission could suggest that the fluctuation in the river level be reduced, and asked if the Commission could get a report about when the river levels fluctuate. Mr. Goodwin said it could be added as a concern.

The group discussed the idea that it would be beneficial to have a fund to use as needs arise for projects or to support educational programs.

Chair Riley said that Kate Buckman of the CRC had noted she expected more mitigation measures related to water quality and wildlife and habitat concerns. She said the CRC also hopes to see the dedication of time and resources to study the impacts of the run of the river.

Ms. Hirai suggested that the Commission reach out to other towns and see what concerns/requests they may have and consider adding some or all of them to the letter it will submit. She noted that it may be impactful if several communities ask for the same things. Mr. Goodwin said he can share information received as online feedback.

Chair Riley also said fish passage and the proximity to the dam, which was raised as a concern in the NRI, should be included. Mr. Lacey said he would scan documents from the FERC/CRC for references to ecological or rare organisms in the NRI and look for specific recommendations.

Chair Riley said she would write a draft of the letter with the Commission's concerns and share it with group via email. She asked that suggestions could be sent back to her individually and not as a group (to avoid improper group "meeting" without public notice). She said she would bring a complete draft to the next meeting for the group to review/comment/approve for submittal.

B. Property Stewardship Discussion (continued)

Chair Riley said this item would be postponed until the next meeting.

6. COMMITTEE REPORTS

A. Biodiversity Group (Invasives)

Chair Riley said the Forest Health Group meetings kickoff next week. She asked Commission members to hang copies of the program in areas, including:

- CCBA
- CoOps
- Grocery stores
- Kiosk at the Lebanon Mall
- Hanover sites

Chair Riley said that the agenda for the April 17 City Council meeting includes a request to the utility providers to modify the ways that vegetation is managed within the right of way for power lines. She said that Mr. Lacey was reviewing the letter that would be sent from the City Council to the utilities.

Mr. Lacey explained that the letter asked the utilities to stop using herbicides to manage vegetation, and he said he was editing it to request targeted use of herbicides instead. He said not all herbicides are bad. Mr. Heistad noted the letter was originally written without the Commission's input. Chair Riley asked the Commission members to attend the April 17 meeting for this discussion.

1 Mr. Lacey said someone from Dartmouth Outing Club marked some trees in Bakers
2 Crossing to indicate where the club will hang their gates for an upcoming kayak event.
3 He said he had asked the club previously to let him know the dates of the event, but he
4 had not been notified. He asked if Commission members could reach out to club
5 members and ask them again to notify the Commission when the event will occur.

6
7 The group discussed the Emerald Ash Borer and the areas in which it has been seen.

8
9 Ms. Hirai said she was contacted by a volunteer coordinator at Hypertherm about a group
10 of employees that would like to work on Conservation Land. The Commission members
11 discussed activities that the volunteers could do and agreed a Commission member
12 should help lead and supervise the activities.

13
14 Chair Riley noted that garlic mustard season is coming soon.

15
16 **B. Stewardship**

17 No update

18
19 **C. Wild About Lebanon**

20 Chair Riley said there will be a Wild About Lebanon on April 22, 2024 at 4:00pm at the
21 Wheatley Trailhead on Star Hill Conservation Land.

22
23 **D. Amphibian Crossings**

24 Chair Riley said the amphibians are on the move.

25
26 **E. LUCT/Current Use**

27 No update

28
29 **F. Other Subcommittees**

30 Mr. Hill said the City Council site visit for the Trues Brook Road Bridge project will be
31 Wednesday, April 17 at 5:30pm.

32
33 ***A MOTION was made by Erling Heistad to extend the meeting to 9:15pm. The Motion was***
34 ***seconded by Brandon Hill.***

35
36 ****The MOTION was approved (6-0).***

37
38 **7. OTHER BUSINESS**

39 **A. FYIs**

40 Chair Riley said Pike Consulting has asked if there are any “shovel-ready” mitigation
41 projects that can be used for wetland mitigation for another project. Mr. Goodwin said there
42 is no list of projects. He said the advice given to project managers when wetland mitigation is
43 needed is to scale back on the impacts to wetlands on the given project, as opposed to
44 searching for other mitigation projects.

B. Follow Ups

None

C. Workshops and Educational Opportunities

Chair Riley said has been invited to attend the Route 120 Corridor Study meeting on April 24 at 5:00pm at DHMC in Auditorium E (3rd Floor), which will include a public charrette. She said she would forward the invitation to the Commission members and asked any available members to attend if they can.

Chair Riley reminded the group that Implicit Bias training is mandatory for all Commission members. She said the sessions, which will be held on April 15 and 16, will not be recorded.

Dr. Oidtmann said a Mascoma River Cleanup is planned for July 27, 2024.

8. FUTURE AGENDA ITEMS

9. ADJOURNMENT

The meeting adjourned at 9:15pm.

Respectfully submitted,
Paula Roux
Recording Secretary

PATHWAYS CONSULTING, LLC

Planning • Civil & Environmental Engineering • Surveying • Construction Assistance
240 Mechanic Street • Suite 100
Lebanon, New Hampshire 03766
(603) 448-2200 • Fax: (603) 448-1221

April 9, 2024

Emmanuel Uwizeye, Wetlands Specialist
New Hampshire Department of Environmental Services
Wetlands Bureau
29 Hazen Drive, Post Office Box 95
Concord, New Hampshire 03302-0095

RE: EXPEDITED MINIMUM IMPACT WETLANDS APPLICATION FOR CITY OF
LEBANON RESIDENTIAL DEVELOPMENT PROJECT, 0 BARROWS STREET,
LEBANON, NEW HAMPSHIRE (Project No. 13377)

Dear Emmanuel:

On behalf of the City of Lebanon (Owner and Applicant), please find enclosed application materials for proposed wetland impacts related to a future residential development project located at 0 Barrows Street in Lebanon, New Hampshire (NH). The application package includes this cover letter, a Expedited Minimum Impact (EXP) Wetlands Permit Application form, the United States Army Corps of Engineers (USACE) Appendix B - Required Information and Corps Secondary Impacts Checklist, the US Department of Interior Fish and Wildlife Service Threatened and Endangered Species IPAC review, a list of abutters, abutter notification letters, certified mail receipts, USGS and Property Maps, the NH Natural Heritage Bureau (NHB) report, site photographs, full-size (24" x 36") site plans, and a check in the amount of \$400.00 payable to "Treasurer, State of New Hampshire" for the required application fee.

Project Summary

The project is located at 0 Barrows Street on a property identified on the City of Lebanon (City) Tax Map 77 as Lot 106, which the Applicant owns. The project involves the placement of fill material over most of the existing site (including a small isolated wetland depression in the middle of the property) to raise and regrade the site in preparation for a future residential development, which is anticipated to include several single-family dwellings, access drives, parking areas, sidewalks, and utility work (see conceptual layout on Sheet 4 of the enclosed plans). The City is in the conceptual stage of planning for the residential development project, but has a surplus of clean fill available immediately from an on-going roadway project in the area that the City would like to utilize as fill for this site. The site would be cleared and grubbed prior to the start of earthwork, then leveled and regraded using the imported compacted clean fill to raise the grades on the site by approximately three to eight feet to accommodate the future development within the disturbance area depicted on the enclosed plans. The goal of the fill and regrading is to provide a moderately level surface on the site that is large enough for the anticipated residential dwellings and related development, while preserving the existing wetlands on the northwest side of the property that are part of a much larger wetland complex that extends onto an adjacent property northwest of the site.

The project will also include some minor drainage improvements to accommodate the new fill and regrading, including a new drainage inlet pipe, a catch basin, and an outlet in the middle of the property, and a new grass swale and a culvert crossing at the northeast corner of the site. The drainage inlet pipe along the southern property line is intended to maintain the existing drainage

pattern on the site by conveying runoff from the adjacent property to the south toward a new catch basin in the middle of the site that would also collect runoff from the surrounding surfaces. It would then discharge at the base of the fill slope into an existing wetland area on the northwest side of the property. This drainage system will include headwalls at the inlet and outlet pipes, a stone apron around the new catch basin (to trap sediment), and a stone plunge pool at the outlet to dissipate flow energy and trap sediment before discharging flow into the existing wetlands. The proposed grass swale on the northeast side of the site would convey runoff from the eastern portion of the site to a new off-site culvert located under Barrows Street that discharges to the north. The project will also include temporary and permanent stabilization and revegetation of all disturbances using seed, mulch, and erosion blankets (on 3:1 or greater slopes), temporary erosion and sediment control measures (e.g., silt fence, erosion socks, check dams, inlet protection, etc.), temporary construction staging and access at the end of Barrows Street and at the existing driveway entrance, and other incidental work.

The project will impact approximately 945 square feet (SF) of total wetland disturbances, all of which are permanent impacts. There are proposed impacts within 20 feet of the abutting property south of the site (Tax Map 77, Lot 86), and the City has been in contact with the property owner to obtain a letter of permission for the proposed work.

The existing wetland area that will be impacted by this project starts approximately 40 feet south of the existing paved driveway entrance from Barrows Street and extends approximately 100 feet to the southwest, terminating near the southern property line. The wetland area consists of a narrow depression that is in the range of 20 to 30 feet wide and approximately two to four feet below the surrounding upland areas. The ground surface consists of boulders, cobble, and some pockets of forest debris, but minimal ground vegetation, and there are some mixed deciduous and evergreen saplings and mature trees within the wetland area. There is a larger wetland on the northwest side of the property that extends to the north onto adjacent properties, and it is part of a larger wetland complex. The ground and vegetation conditions in this separate wetland are similar to the isolated depression that will be impacted. Both of the wetland areas on the property appear to have been impacted over many years by various uses on the property, adjacent fill, clearing, and lack of stormwater and erosion controls around the wetlands. Both wetland areas on the site also appear to lack many of the natural functions and values that would be expected for these types of wetlands. This is particularly evident for the small, isolated wetland that will be impacted. However, the wetland on the northwest side of the property is part of a much larger wetland ecosystem; therefore, we believe it warrants protection. In the fall of 2023, Rick Van de Poll, Ph.D delineated the wetlands within the property, and we located the wetland flags as part of our surveying work. The wetlands would be classified as palustrine forested broad-leaved deciduous/evergreen (PFO1/2).

The clearing, fill, regrading, and drainage work is anticipating to take place during the spring and summer of 2024, to the extent feasible, and minimize the potential for dewatering during trenching and excavation and avoid impacts to the larger wetland area on the site. Once the work is complete, all disturbances will be stabilized with seed and mulch and/or erosion blankets.

Design Alternative Considerations

The existing property is located on a previously impacted property zoned for residential development, and it is between dense residential development and the Interstate 89 highway

corridor. The existing property currently has no drainage or sediment control measures in-place; consequently, untreated and uncontrolled runoff is allowed to sheet flow off the disturbed areas directly into the adjacent wetlands on the site. The City is pursuing a residential development project that will provide for additional housing options within the community, utilize excess fill that is available from another roadway project, and improve stormwater management on this site. Although the proposed work will result in a permanent impact to a small area of previously impacted low-value wetlands, it will also provide additional protections to a second wetland on the site that is part of a larger higher-value wetland complex, which we believe is a reasonable tradeoff, given the site constraints noted previously. We also believe the location and design features incorporated into this project will minimize the potential impacts to the larger wetland area and its functions.

We are providing the following evaluation of several alternative designs that were considered during the design process to address the minimization and avoidance criteria in the New Hampshire Department of Environmental Services (NHDES) Wetlands Rules, and to support the site improvements as the “least impacting” alternative relative to the NHDES wetland jurisdictional areas. We reviewed the following design alternatives: (1) a “no-build” approach, (2) reduce overall wetland impacts, and (3) site improvements as proposed. The following summary addresses the factors that we considered in our alternatives analysis:

- **“No-Build” Approach:** The intent of the future development project is to provide additional affordable housing options in a current residential area, and address a number of identified deficiencies with the site, such as uncontrolled and untreated runoff (that currently flows toward the wetlands), safety concerns with the vacant lot, and high maintenance costs for the property in its current vacant state. The “no-build” approach for this application would involve not impacting the isolated wetlands within the middle of the site, but this approach would have a significant impact on the potential for future residential development, or any other viable options for upgrading the property. Existing runoff also currently flows through the unstabilized and disturbed site directly to the wetlands. Despite the fact that the “no-build” option would avoid wetland impacts associated with the new construction, it would not address the short-term or long-term impacts already occurring to the wetlands from uncontrolled and untreated runoff from the existing lot, such as erosion, sediment deposition, and water quality degradation; it would force the City to consider other alternatives that may impact adjacent areas; and it would not address any of the other general deficiencies with the current property. Therefore, the applicant needs to proceed with this project in some fashion to make use of, and improve the functionality of, the property, protect the surrounding areas and natural features, and enhance the current usage as an important local residential resource.
- **Reduce Overall Wetland Impacts:** This alternative would reduce the overall amount of impacts to the isolated wetland area within the middle of the property, or reducing the amount of fill placed on the property to preserve a portion of the wetland. Even though this alternative would reduce the amount of direct wetland impacts at the site, it would not prevent the on-going impacts that are already occurring to the portion of wetlands that would remain. This approach would also result in a smaller, low-value wetland surrounded by residential or other development, which would make it difficult to preserve or maintain any of the current functions and values that the wetland may provide. The applicant would also be required to reduce the number of residential

dwelling and overall footprint of development on the site if some portion of the wetland were preserved, thereby possibly rendering the overall development plan infeasible for the site. Furthermore, we expect that this approach would only shift the potential impacts to the other larger wetland area on the site, and reduce the potential to implement stormwater and erosion control enhancements that are planned for the site. On this basis, we do not believe that this alternative is desirable, it would not adequately protect the remaining portion of the isolated wetland that is preserved, it would increase the potential for impacts to the other wetland area on the site, and it does not represent a short-term or long-term avoidance or minimization of wetland impacts on this site.

- **Site Improvements as Proposed:** The proposed site grading and drainage improvements will require direct permanent wetland impacts to the isolated wetlands within the middle of the site; however, the permanent impacts are to a low-value, previously disturbed and impacted wetland area that provides minimal natural functions and values compared to the other wetlands on the site that will be preserved. As discussed herein, implementing the site grading and drainage measures as proposed will provide a higher level of stormwater management and sediment control for the site, and remove sediment, debris, suspended solids, and other stormwater pollutants prior to discharging into the wetlands on the northwest side of the site, which will be a substantial improvement when compared to the current state of the site that allows uncontrolled and untreated runoff to flow into the wetlands. The proposed inlet, catch basin, and outlet measures will also be reduced and control stormwater flow through the site, which will reduce the potential for erosion and scouring at the proposed outlet and within the downstream wetlands.

Considering the aforementioned factors, we believe the proposed design is the most viable and least impacting alternative available for this project.

Permitting Considerations

As noted in the project summary, the total wetland impact associated with the proposed site grading and related activities will amount to approximately 945 SF. We assume the project will be classified as a minimum impact project under Env-Wt 306.03 based on the minimal impact area of non-tidal wetlands and surface waters (and banks), and it complies with the criteria in Env-Wt 524.06 (b) for Residential, Commercial, and Industrial Development Projects listed on the attached EXP form.

Prior to submitting this application, we submitted a project inquiry to the NHNHBB, and we obtained the attached Report No. NHB24-0282, stating “although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project.”

We have also submitted a Request for Project Review to the NH Division of Historical Resources (NHDHR) to identify any potential historical or archaeological resources that may exist on the site. Although we do not expect to find any potential resources within the project area, we will provide a copy of the formal response from the NHDHR after receipt.

We look forward to your review of this project. Please do not hesitate to contact us with any questions regarding this application.

Sincerely,

PATHWAYS CONSULTING, LLC



Scott A. Williams, P.E.
Project Manager

SAW:aml

Enclosures

cc: City of Lebanon w/enclosures
City Clerk w/enclosures (four copies)

Vendor: 003573

Payee: TREASURER STATE OF NEW

Check Date: 04/11/2024

Check Number: 00000117844

Invoice Number	PO Number	Date	Description/Detail	Amount	Discount
04-08-24 WETLANDS		04/08/24	WETLAND PERMIT APPLICATION - 0 BARRO	400.00	

Invoice Amount	400.00	Discount Amount	0.00	Check Total:	\$400.00
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THE FACE OF THIS CHECK IS PRINTED BLUE - THE BACK CONTAINS A SIMULATED WATERMARK



CITY OF LEBANON
51 NORTH PARK STREET
LEBANON, NH 03766-1381
(603)448-0682

Check #: 00000117844
Check Date: 04/11/2024

Pay: Four Hundred and NO/100 Dollars*****Check Amount
\$400.00

To Order Of:
TREASURER STATE OF NEW HAMPSHIRE
NHDES WETLANDS BUREAU
PO BOX 95
CONCORD, NH 03302-0095

Vicki L. Lee
Finance Director
Shawn W. Gunkel
City Manager

⑈ 1 1 7 8 4 4 ⑈ 2 1 1 7 7 0 2 1 3 ⑈ 9 3 1 4 6 7 9 5 4 ⑈



EXPEDITED MINIMUM IMPACT (EXP) WETLANDS PERMIT APPLICATION

Water Division / Land Resources Management



[Check the Status of your Application](#)

RSA/Rule: RSA 482-A/Env-Wt 100-900 (Env-Wt 310.01)

APPLICANT'S NAME: City of Lebanon

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:	☐ Yes ☒ No
- Does the project qualify for an Impact Classification Adjustment (such as an NH Fish and Game Department (NHFG) and NHB agreement for a classification downgrade) or a Project-Type Exception (such as a 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 #: NHB24-0282 - 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:	☐ Yes ☒ No
- Name of Local River Management Advisory Committee (LAC): - A copy of the application was sent to the LAC on Month: Day: Year:	
For dredging projects, is the subject property contaminated?	☐ Yes ☒ No
If yes, list contaminant(s):	
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):	

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

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

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))

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- ☐ 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))
☐ Public 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. 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 will include filling, regrading, and stabilizing approximately 945 square feet of wetlands (permanent impact) that exist within an isolated depression on the subject property for future a planned residential development by the City of Lebanon. The proposed work will include minor drainage improvements and temporary erosion and sediment controls to protect a separate wetland area on the northwest side of the property that extends beyond the property boundary. The proposed work is planned for the summer of 2024.

Identify the type of jurisdictional resources to be impacted and the area of impact in square feet and/or linear feet:

The existing wetland that will be impacted is classified as palustrine forested (PFO1/2) and encompasses approximately 945 square feet of jurisdictional areas (all permanent impacts).

☐ Not applicable)

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

ADDRESS: 0 Barrows Street

TOWN/CITY: Lebanon

TAX MAP/LOT NUMBER: Tax Map 77, Lot 106

US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME:

☒ N/A

LATITUDE/LONGITUDE in decimal degrees (to five decimal places): 43.6496° North
-72.2565° 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: City of Lebanon Department of Public Works

MAILING ADDRESS: 193 Dartmouth College Highway

TOWN/CITY: Lebanon

STATE: NH

ZIP CODE: 03766

PHONE: 603-448-3112 ext 6146

EMAIL ADDRESS (OPTIONAL): rod.finley@lebanonnh.gov

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

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: Pathways Consulting, LLC

MAILING ADDRESS: 240 Mechanic Street, Suite 100

TOWN/CITY: Lebanon

STATE: NH

ZIP CODE: 03766

PHONE: 603-448-2200

EMAIL ADDRESS (OPTIONAL): scott.williams@pathwaysconsult.com

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

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: City of Lebanon

MAILING ADDRESS: 51 North Park Street

TOWN/CITY: Lebanon

STATE: NH

ZIP CODE: 03766

PHONE: 603-448-4220

EMAIL ADDRESS (OPTIONAL): david.brooks@lebanonnh.gov

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

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: 	The proposed project meets the conditions and limits of the applicable minimum impact project rule.
Initials: 	All abutters have been notified.
Initials: 	If the project is to repair or replace a docking structure, the docking structure is an existing legal structure. ☒ N/A
Initials: 	The proposal is the alternative with the least adverse impact to jurisdictional areas, as required by Env-Wt 310.01(d)(4).
Initials: 	The project is not an after-the-fact application.
Initials: 	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: 	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.

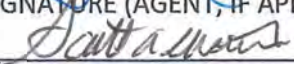
irm@des.nh.gov or (603) 271-2147

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Initials: 	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials: 	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: 	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.
Initials: 	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: Rodrick J. Finley, P.E., City Engineer	DATE: 4/5/24
*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: Rodrick J. Finley, P.E., City Engineer	DATE: 4/5/24
SIGNATURE (AGENT, IF APPLICABLE): 	PRINT NAME LEGIBLY: Scott A. Williams, P.E., Project Manager	DATE: 04/05/24

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: <i>Kara Tracy - Deputy</i>	PRINT NAME LEGIBLY: <i>Kara Tracy</i>
TOWN/CITY: <i>Lebanon</i>	DATE: <i>4/11/24</i>

DIRECTIONS FOR TOWN/CITY CLERK:

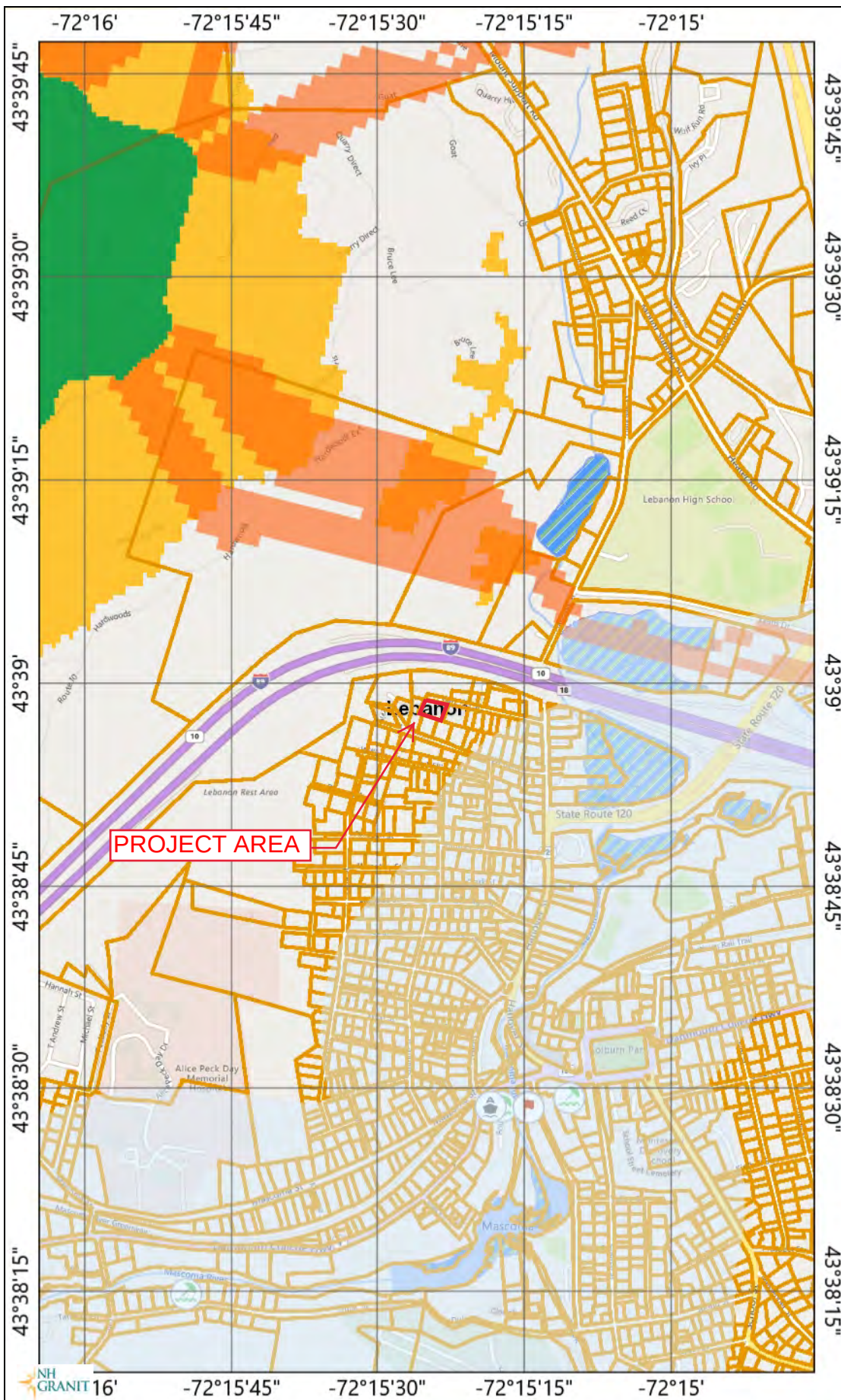
Per RSA 482-A:3, I(a)(1)

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.

Priority Resource Map - 0 Barrows Street, Lebanon, NH



Legend

- Dock Registrations
- Active Permits
 - AGRICULT
 - EMERGENCY
 - EXPEDITED
 - PBN
 - ROADWAYREG
 - SHORE-PBN
 - SHORELAND
 - SPN
 - STD APP
 - TRAILS
 - UTILITY
 - WET-PBN
- NH Parcels
- Additional Lines
- City/Town
- Designated Rivers with a
 - Ammonoosuc
 - Ashuelot
 - Cocheco
 - Cold
 - Connecticut
 - Contoocook
 - Exeter
 - Isinglass
 - Lamprey
 - Little
 - Mascoma
 - Merrimack-Lower
 - Merrimack-Upper

Map Scale

1: 12,988

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Map Generated: 3/20/2024



Notes



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New England District

Appendix B

Regional General Permits (GPs) Required Information and Corps Secondary Impacts Checklist

In order for the Corps of Engineers to properly evaluate your application, applicants must submit the following information along with the New Hampshire DES Wetlands Bureau application or permit notification forms. Some projects may require more information. For a more comprehensive checklist, go to www.nae.usace.army.mil/regulatory, “Forms/Publications” and then “Application and Plan Guideline Checklist.” Check with the Corps at (978) 318-8832 for project-specific requirements. For your convenience, this Appendix B is also attached to the State of New Hampshire DES Wetlands Bureau application and Permit by Notification forms.

All Projects:

- Corps application form ([ENG Form 4345](#)) as appropriate.
- Photographs of wetland/waterway to be impacted.
- Purpose of the project.
- Legible, reproducible black and white (no color) plans no larger than 11”x17” with bar scale. Provide locus map and plan views of the entire property.
- Typical cross-section views of all wetland and waterway fill areas and wetland replication areas.
- In navigable waters, show mean low water (MLW) and mean high water (MHW) elevations. Show the high tide line (HTL) elevations when fill is involved. In other waters, show ordinary high water (OHW) elevation.
- On each plan, show the following for the project:
- Vertical datum and the NAVD 1988 equivalent with the vertical units as U.S. feet. Don’t use local datum. In coastal waters this may be mean higher high water (MHHW), mean high water (MHW), mean low water (MLW), mean lower low water (MLLW) or other tidal datum with the vertical units as U.S. feet. MLLW and MHHW are preferred. Provide the correction factor detailing how the vertical datum (e.g., MLLW) was derived using the latest National Tidal Datum Epoch for that area, typically 1983-2001.
- Horizontal state plane coordinates in U.S. survey feet based on the Traverse Mercator Grid system for the State of New Hampshire (Zone 2800) NAD 83.
- Show project limits with existing and proposed conditions.
- Limits of any Federal Navigation Project in the vicinity of the project area and horizontal State Plane Coordinates in U.S. survey feet for the limits of the proposed work closest to the Federal Navigation Project;
- Volume, type, and source of fill material to be discharged into waters and wetlands, including the area(s) (in square feet or acres) of fill in wetlands, below the ordinary high water in inland waters and below the high tide line in coastal waters.
- Delineation of all waterways and wetlands on the project site,;
- Use Federal delineation methods and include Corps wetland delineation data sheets. See GC 2 and www.nero.noaa.gov/hcd for eelgrass survey guidance.
- GP 3, Moorings, contains eelgrass survey requirements for the placement of moorings.
- For activities involving discharges of dredged or fill material into waters of the U.S., include a statement describing how impacts to waters of the U.S. are to be avoided and minimized, and either a statement describing how impacts to waters of the U.S. are to be compensated for (or a conceptual or detailed mitigation plan) or a statement explaining why compensatory mitigation should not be required for the proposed impacts. Please contact the Corps for guidance.



**US Army Corps
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**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.

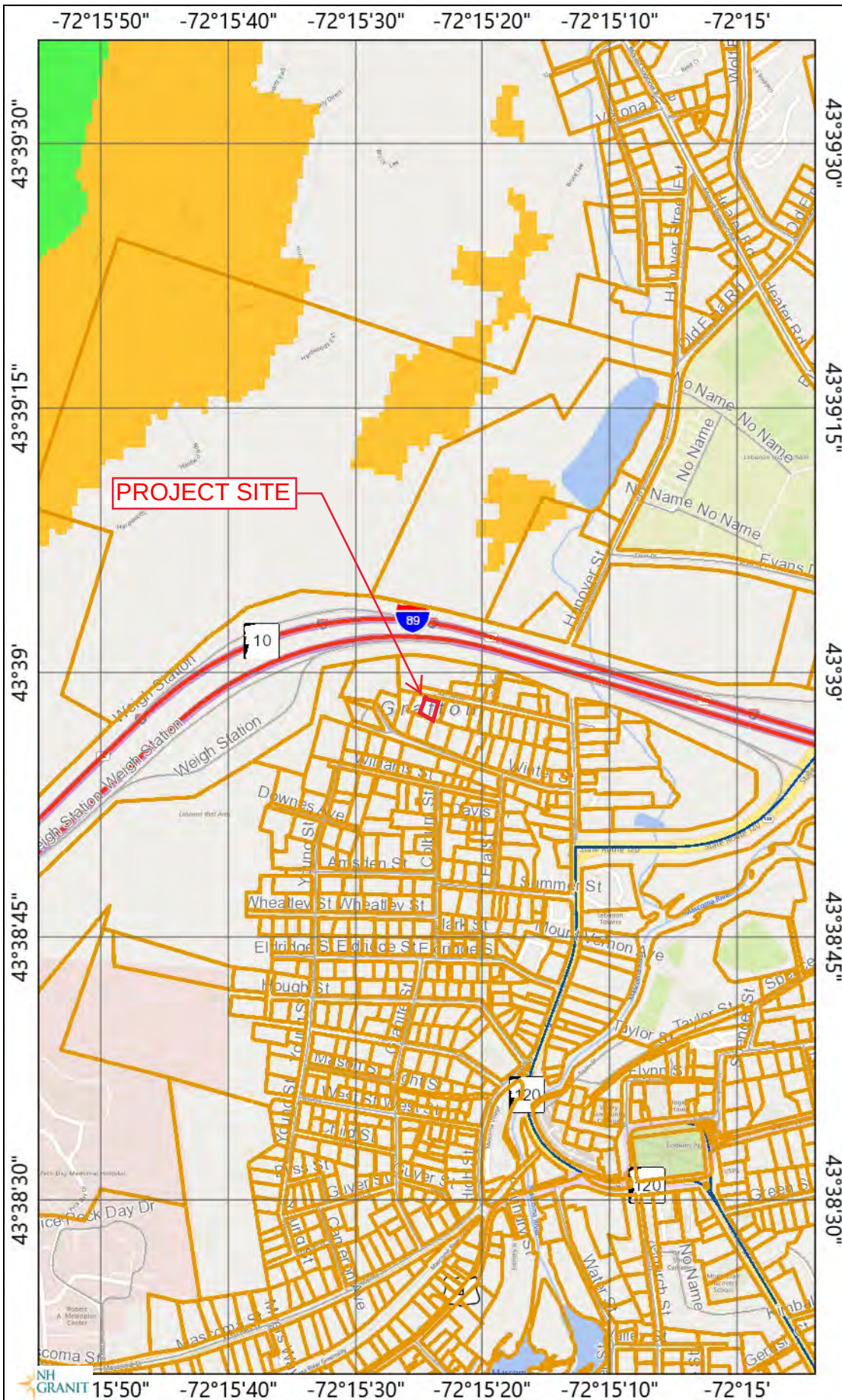
1. Impaired Waters	Yes	No
1.1 Will any work occur within 1 mile upstream in the watershed of an impaired water? See http://des.nh.gov/organization/divisions/water/wmb/section401/impaired_waters.htm to determine if there is an impaired water in the vicinity of your work area.*		X
2. Wetlands	Yes	No
2.1 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?		
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?	N/A	
2.7 What is the area of the proposed fill in wetlands?	945 Sq Ft	
2.8 What is the % of previously and proposed fill in wetlands to the overall project site?	<5%	
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: www.wildlife.state.nh.us/Wildlife/Wildlife_Plan/highest_ranking_habitat.htm. • 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.

WAP Map - Highest Ranking Habitat - Barrows Street



Legend

- Parcels
- State
- County
- City/Town
- Turnpikes
- Interstates
- US Routes
- State Routes
- Local Roads
- WAP 2020: Highest Ranked Wildlife Habitat**
- 1 Highest Ranked Habitat in NH
- 2 Highest Ranked Habitat in Region
- 3 Supporting Landscape

Map Scale

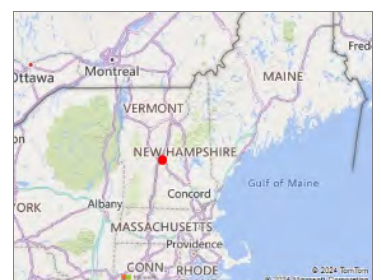
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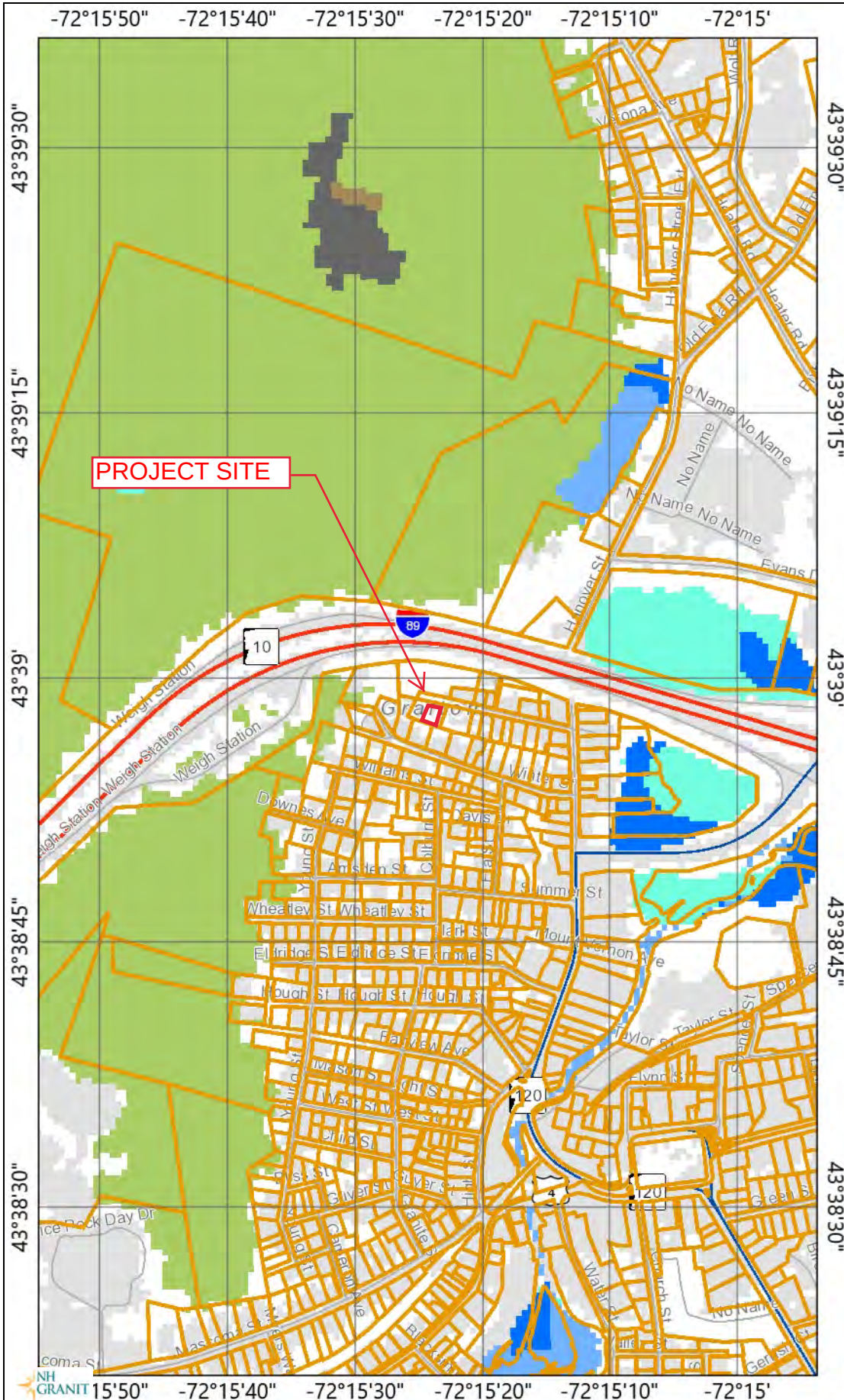
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Notes



WAP Map - Habitat - Barrows Street



Legend

- Parcels
- State
- County
- City/Town
- Turnpikes
- Interstates
- US Routes
- State Routes
- Local Roads
- WAP 2020: Wildlife Habitat I Cover**
- Alpine
- Appalachian oak-pine
- Cliff and Talus slope
- Coastal island and Rocky coast
- Developed Impervious
- Developed or Barren land
- Dune
- Floodplain forest
- Grassland
- Hemlock-hardwood-pine
- High-elevation spruce-fir
- Lowland spruce-fir
- Northern hardwood-conifer
- Northern swamp
- Open water
- Peatland
- Pine barren
- Rocky ridge
- Salt marsh
- Sand/Gravel
- Temperate swamp
- Marsh and shrub wetland

Map Scale

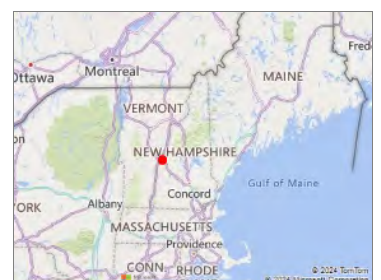
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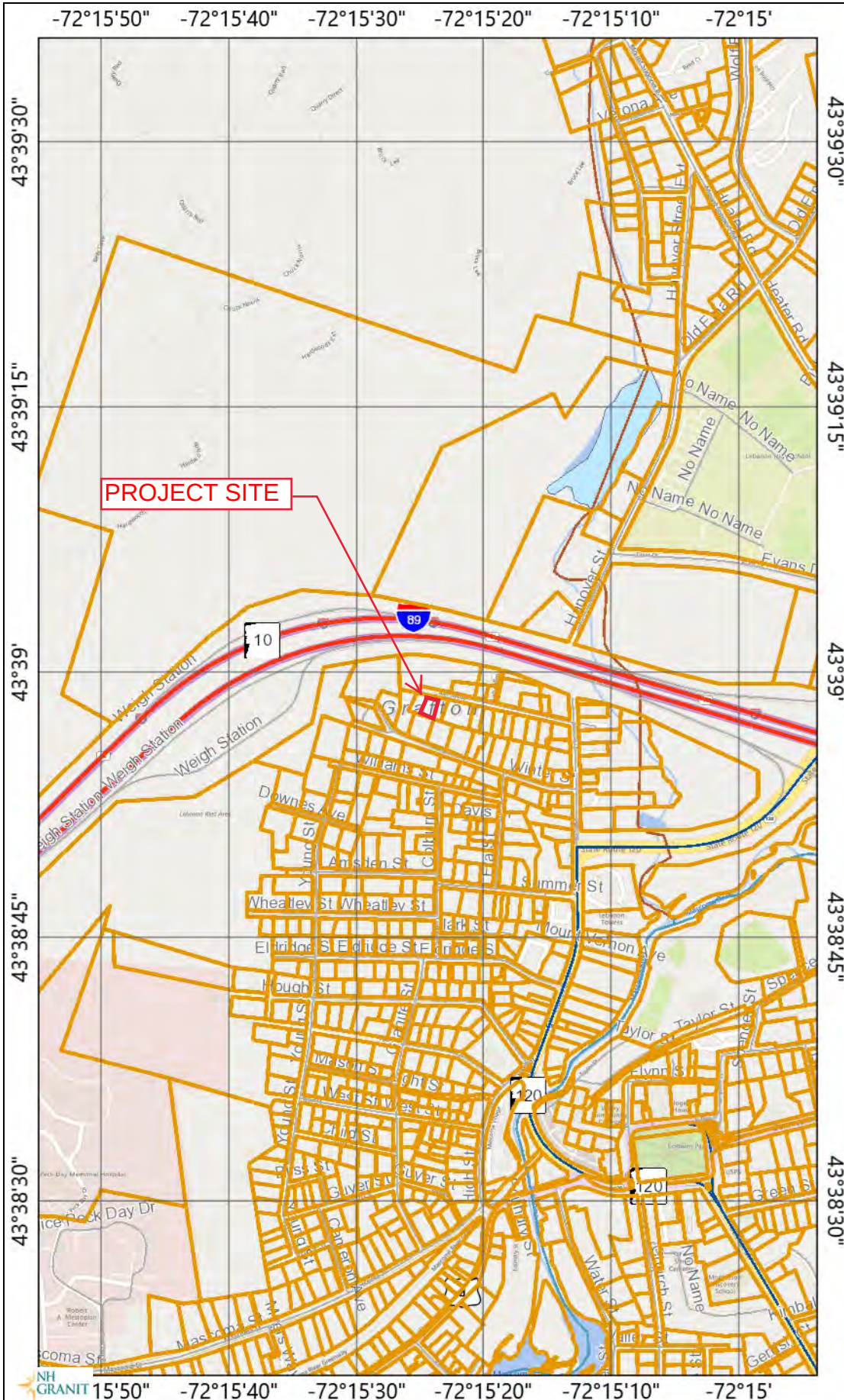
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Notes



WAP Map - Aquatic Habitat - Barrows Street



Legend

- ▬ Parcels
- ▬ State
- ▬ County
- ▬ City/Town
- ▬ Turnpikes
- ▬ Interstates
- ▬ US Routes
- ▬ State Routes
- ▬ Local Roads
- WAP 2020: Rivers and Streams
 - ▬ Coldwater
 - ▬ Large Warm
 - ▬ Tidal
 - ▬ Warm/Cool
- WAP 2020: Estuarine and Marine
 - Estuarine
 - Marine
- WAP 2020: Lakes and Ponds
 - Unclassified
 - Coldwater lake
 - Coldwater pond
 - Warm/cool lake
 - Warm/cool pond

Map Scale

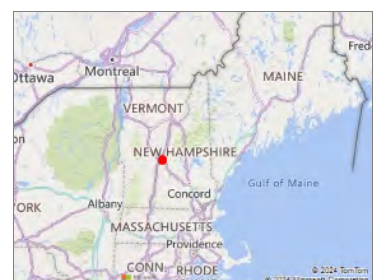
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Notes





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



In Reply Refer To:

January 29, 2024

Project Code: 2024-0041860

Project Name: City of Lebanon - Barrows Street

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:

Updated 4/12/2023 - Please review this letter each time you request an Official Species List, we will continue to update it with additional information and links to websites may change.

About Official Species Lists

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. Federal and non-Federal project proponents have responsibilities under the Act to consider effects on listed species.

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 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. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested by returning to an existing project's page in IPaC.

Endangered Species Act Project Review

Please visit the “**New England Field Office Endangered Species Project Review and Consultation**” website for step-by-step instructions on how to consider effects on listed

species and prepare and submit a project review package if necessary:

<https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review>

NOTE Please do not use the **Consultation Package Builder** tool in IPaC except in specific situations following coordination with our office. Please follow the project review guidance on our website instead and reference your **Project Code** in all correspondence.

Northern Long-eared Bat - (Updated 4/12/2023) The Service published a final rule to reclassify the northern long-eared bat (NLEB) as endangered on November 30, 2022. The final rule went into effect on March 31, 2023. You may utilize the **Northern Long-eared Bat Rangewide Determination Key** available in IPaC. More information about this Determination Key and the Interim Consultation Framework are available on the northern long-eared bat species page:

<https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis>

For projects that previously utilized the 4(d) Determination Key, the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective. If your project was not completed by March 31, 2023, and may result in incidental take of NLEB, please reach out to our office at newengland@fws.gov to see if reinitiation is necessary.

Additional Info About Section 7 of the Act

Under section 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to determine whether projects may affect threatened and endangered species and/or designated critical habitat. If a Federal agency, or its non-Federal representative, determines 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 Federal agency also may need to consider proposed species and proposed critical habitat in the consultation. 50 CFR 402.14(c)(1) specifies the information required for consultation under the Act regardless of the format of the evaluation. 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:

<https://www.fws.gov/service/section-7-consultations>

In addition to consultation requirements under Section 7(a)(2) of the ESA, please note that under sections 7(a)(1) 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. Please contact NEFO if you would like more information.

Candidate species that appear on the enclosed species list have no current protections under the ESA. The species' occurrence on an official species list does not convey a requirement to

consider impacts to this species as you would a proposed, threatened, or endangered species. The ESA does not provide for interagency consultations on candidate species under section 7, however, the Service recommends that all project proponents incorporate measures into projects to benefit candidate species and their habitats wherever possible.

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/program/migratory-bird-permit>

<https://www.fws.gov/library/collections/bald-and-golden-eagle-management>

Please feel free to contact us at **newengland@fws.gov** with your **Project Code** in the subject line if you need more information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat.

Attachment(s): Official Species List

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: 2024-0041860

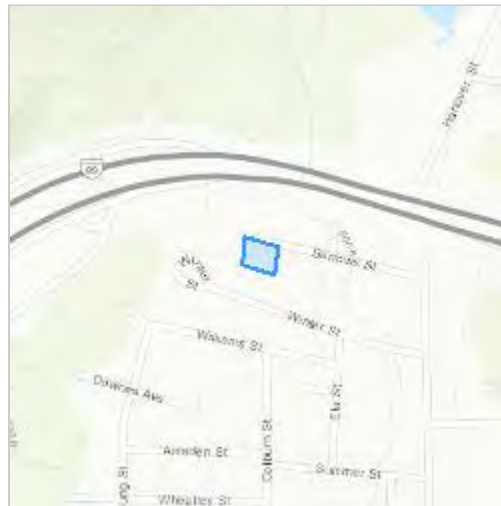
Project Name: City of Lebanon - Barrows Street

Project Type: Residential Construction

Project Description: The City of Lebanon is seeking to use an existing half acre lot at the end of Barrow Street as potential housing development site. The project includes impacting an existing 200 square foot wetland area.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.6494894,-72.25667651706733,14z>



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	Endangered

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.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Lebanon city

Name: Dylan Spencer

Address: 240 Mechanic Street

City: Lebanon

State: NH

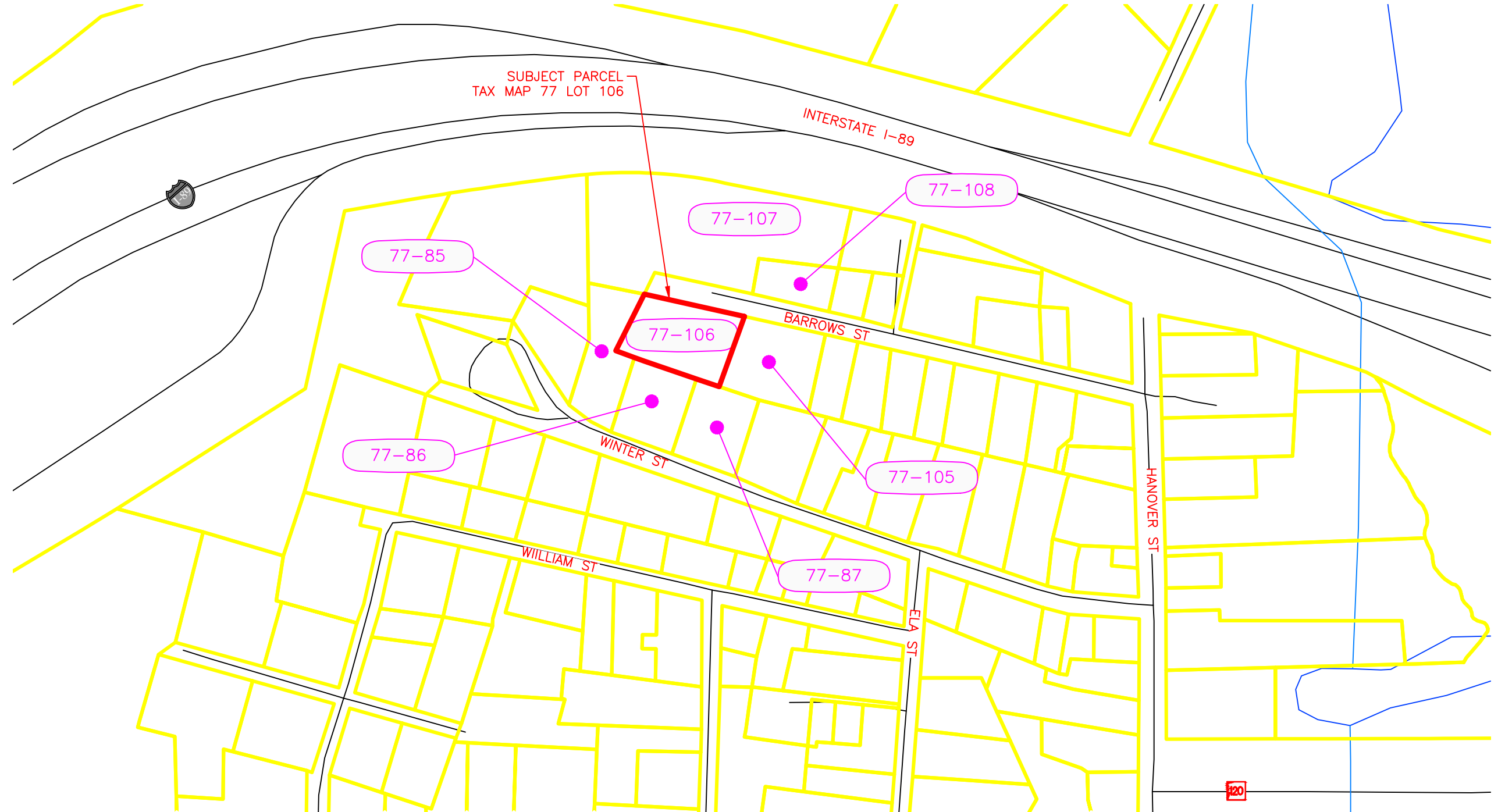
Zip: 03766

Email: dylan.spencer@pathwaysconsult.com

Phone: 6034482200



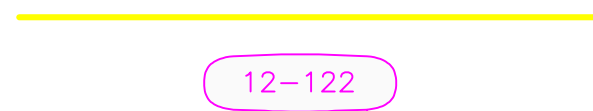
NAD83-NH GRID



LEGEND

BOUNDARY LINE

TAX MAP/LOT NO.



Pathways Consulting, LLC

240 Mechanic Street, Suite 100
Lebanon, New Hampshire 03766
(603) 448-2200 FAX: (603) 448-1221

PROPERTY MAP FOR CITY OF LEBANON - RESIDENTIAL DEVELOPMENT PROJECT 0 BARROWS STREET, LEBANON, NEW HAMPSHIRE

SCALE: AS SHOWN
DESIGNED BY: DAS
DRAWN BY: DAS
CHECKED BY: SAW
DATE: 04-05-24
PROJ. NO. 13377

FIGURE

A

TABLE 1 LIST OF ABUTTERS CITY OF LEBANON - RESIDENTIAL DEVELOPMENT PROJECT 0 BARROWS STREET, LEBANON, NEW HAMPSHIRE 03766 Project No. 13377			
MAP-LOT	OWNER NAME	PARCEL ADDRESS	MAILING ADDRESS
77-85	MARK A. & REBECCA J. KIDDER	41 WINTER STREET LEBANON, NH 03766	41 WINTER STREET LEBANON, NH 03766
77-86	THUY HONE C/O STEPHEN LE	37 WINTER STREET LEBANON, NH 03766	37 WINTER STREET LEBANON, NH 03766
77-87	WANDA JEAN BACHMANN	29 WINTER STREET LEBANON, NH 03766	29 WINTER STREET LEBANON, NH 03766
77-105	RANDALL A. & LOURIE A. HERRIN	20 BARROWS STREET LEBANON, NH 03766	44 STONY BROOK ROAD LEBANON, NH 03766
77-107	CITY OF LEBANON	0 BARROWS STREET LEBANON, NH 03766	51 NORTH PARK STREET LEBANON, NH 03766
77-106	Applicant: CITY OF LEBANON DEPARTMENT OF PUBLIC WORKS	0 BARROWS STEET, LEBANON, NH 03766	193 DARTMOUTH COLLEGE HIGHWAY LEBANON, NH 03766
	Owner: CITY OF LEBANON		51 NORTH PARK STREET LEBANON, NH 03766
	Engineer: PATHWAYS CONSULTING, LLC		240 MECHANIC STREET, SUITE 100 LEBANON, NH 03766

PATHWAYS CONSULTING, LLC

Planning • Civil & Environmental Engineering • Surveying • Construction Assistance
240 Mechanic Street • Suite 100
Lebanon, New Hampshire 03766
(603) 448-2200 • Fax: (603) 448-1221

Certified Mail

April 9, 2024

Mark A. & Rebecca J. Kidder
41 Winter Street,
Lebanon, New Hampshire 03766

RE: WETLANDS PERMIT APPLICATION FOR THE CITY OF LEBANON,
RESIDENTIAL DEVELOPMENT PROJECT, 0 BARROWS STREET, LEBANON,
NEW HAMPSHIRE (Project No. 13377)

Dear Abutter:

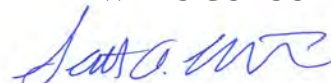
In accordance with RSA 482-A, we are notifying you as an abutter that the City of Lebanon (property owner and applicant) is applying for a wetland permit from the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau for wetland impacts associated with a future residential development project located on the 0 Barrows Street parcel (Tax Map 77, Lot 106). The project involves tree clearing, placement of fill in an isolated wetlands depression, grading, and minor drainage improvements that will result in permanent impacts to approximately 945 square feet of jurisdictional wetlands. The project will also include temporary erosion and sediment control measures, temporary construction staging and access, final site restoration and stabilization, and other incidental work on the property.

Once the application is filed, it will be available for review with plans that show the proposed project during normal business hours at our office, at the Clerk's office at the City of Lebanon (City), 51 North Park Street, Lebanon, New Hampshire, or once received by the NHDES, at the offices of the NHDES Wetlands Bureau (8:00 a.m. to 4:00 p.m.), (603) 271-2147). If you would like to review application materials, we suggest you call ahead to the appropriate office to arrange a review time.

Please do not hesitate to contact us, the City, or the NHDES Wetlands Bureau if you have any comments or questions about this application.

Sincerely,

PATHWAYS CONSULTING, LLC



Scott A. Williams, P.E.
Project Manager

PATHWAYS CONSULTING, LLC

Planning • Civil & Environmental Engineering • Surveying • Construction Assistance
240 Mechanic Street • Suite 100
Lebanon, New Hampshire 03766
(603) 448-2200 • Fax: (603) 448-1221

Certified Mail

April 9, 2024

Thuy Hone
C/O Stephen Le
37 Winter Street
Lebanon, New Hampshire 03766

RE: WETLANDS PERMIT APPLICATION FOR THE CITY OF LEBANON,
RESIDENTIAL DEVELOPMENT PROJECT, 0 BARROWS STREET, LEBANON,
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PATHWAYS CONSULTING, LLC



Scott A. Williams, P.E.
Project Manager

PATHWAYS CONSULTING, LLC

Planning • Civil & Environmental Engineering • Surveying • Construction Assistance
240 Mechanic Street • Suite 100
Lebanon, New Hampshire 03766
(603) 448-2200 • Fax: (603) 448-1221

Certified Mail

April 9, 2024

Wanda Jean Bachmann
29 Winter Street
Lebanon, New Hampshire 03766

RE: WETLANDS PERMIT APPLICATION FOR THE CITY OF LEBANON,
RESIDENTIAL DEVELOPMENT PROJECT, 0 BARROWS STREET, LEBANON,
NEW HAMPSHIRE (Project No. 13377)

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PATHWAYS CONSULTING, LLC



Scott A. Williams, P.E.
Project Manager

PATHWAYS CONSULTING, LLC

Planning • Civil & Environmental Engineering • Surveying • Construction Assistance
240 Mechanic Street • Suite 100
Lebanon, New Hampshire 03766
(603) 448-2200 • Fax: (603) 448-1221

Certified Mail

April 9, 2024

Randall A. & Lourie A. Herrin
44 Stony Brook Road
Lebanon, New Hampshire 03766

RE: WETLANDS PERMIT APPLICATION FOR THE CITY OF LEBANON,
RESIDENTIAL DEVELOPMENT PROJECT, 0 BARROWS STREET, LEBANON,
NEW HAMPSHIRE (Project No. 13377)

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Sincerely,

PATHWAYS CONSULTING, LLC



Scott A. Williams, P.E.
Project Manager

PATHWAYS CONSULTING, LLC

Planning • Civil & Environmental Engineering • Surveying • Construction Assistance
240 Mechanic Street • Suite 100
Lebanon, New Hampshire 03766
(603) 448-2200 • Fax: (603) 448-1221

Certified Mail

April 9, 2024

City Of Lebanon
51 North Park Street
Lebanon, New Hampshire 03766

RE: WETLANDS PERMIT APPLICATION FOR THE CITY OF LEBANON,
RESIDENTIAL DEVELOPMENT PROJECT, 0 BARROWS STREET, LEBANON,
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Sincerely,

PATHWAYS CONSULTING, LLC


Scott A. Williams, P.E.
Project Manager

7021 1970 0000 2904 0987

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☐ Adult Signature Restricted Delivery	\$	

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24 Winter Street
City, State, ZIP+4[®]
Lebanon, NH 03766

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Lebanon, NH 03766

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Street and Apt. No., or PO Box No.
44 Stony Brook Road
City, State, ZIP+4[®]
Lebanon, NH 03766

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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☐ Return Receipt (electronic)	\$	
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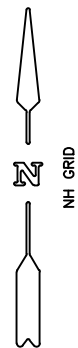
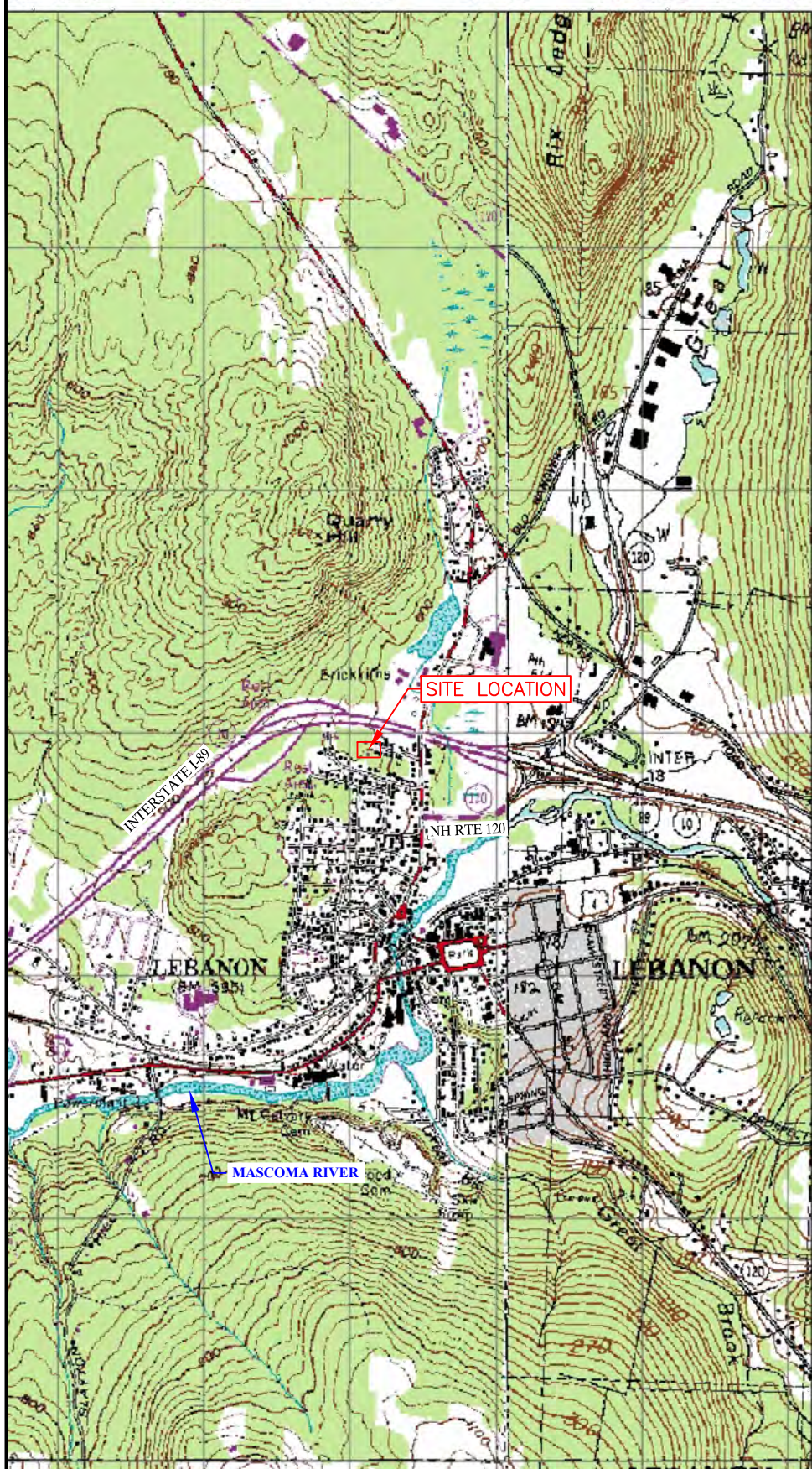
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Street and Apt. No., or PO Box No.
41 Winter Street
City, State, ZIP+4[®]
Lebanon, NH 03766

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

-72°16'15" -72°15'50" -72°15'25" -72°15' -72°14'35" -72°14'10"



Legend

- State
- County
- City/Town

Map Scale
1: 24,000



© NH GRANIT, www.granit.unh.edu
Map Generated: 1/30/2024



Pathways Consulting, LLC
240 Mechanic Street, Suite 100
Lebanon, New Hampshire 03766
(603) 448-2200 FAX: (603) 448-1221

SITE LOCATION MAP FOR
CITY OF LEBANON - RESIDENTIAL DEVELOPMENT PROJECT
(TAX MAP 77, LOT 106)
0 BARROWS STREET - LEBANON, NH

SCALE: AS SHOWN
DESIGNED BY: DAS
DRAWN BY: DAS
CHECKED BY: SAW
DATE: 04/05/24
PROJ. NO. 13377

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

To: Dylan Spencer, Pathways Consulting, LLC
240 Mechanic Street

Lebanon, NH 03766

From: NH Natural Heritage Bureau

Date: 2/9/2024 (valid until 2/9/2025)

Re: Review by NH Natural Heritage Bureau of request submitted 1/29/2024

Permits: NHDES - Wetland Standard Dredge & Fill - Minor, USACE - General Permit

NHB ID: NHB24-0282

Applicant: Dylan Spencer

Location: Lebanon
0 Barrows Street

Project

Description: The City of Lebanon is seeking to use an existing half acre lot at the end of Barrow Street as a potential housing development site. The project includes impacting an existing 900 square foot wetland area.

The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program 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.

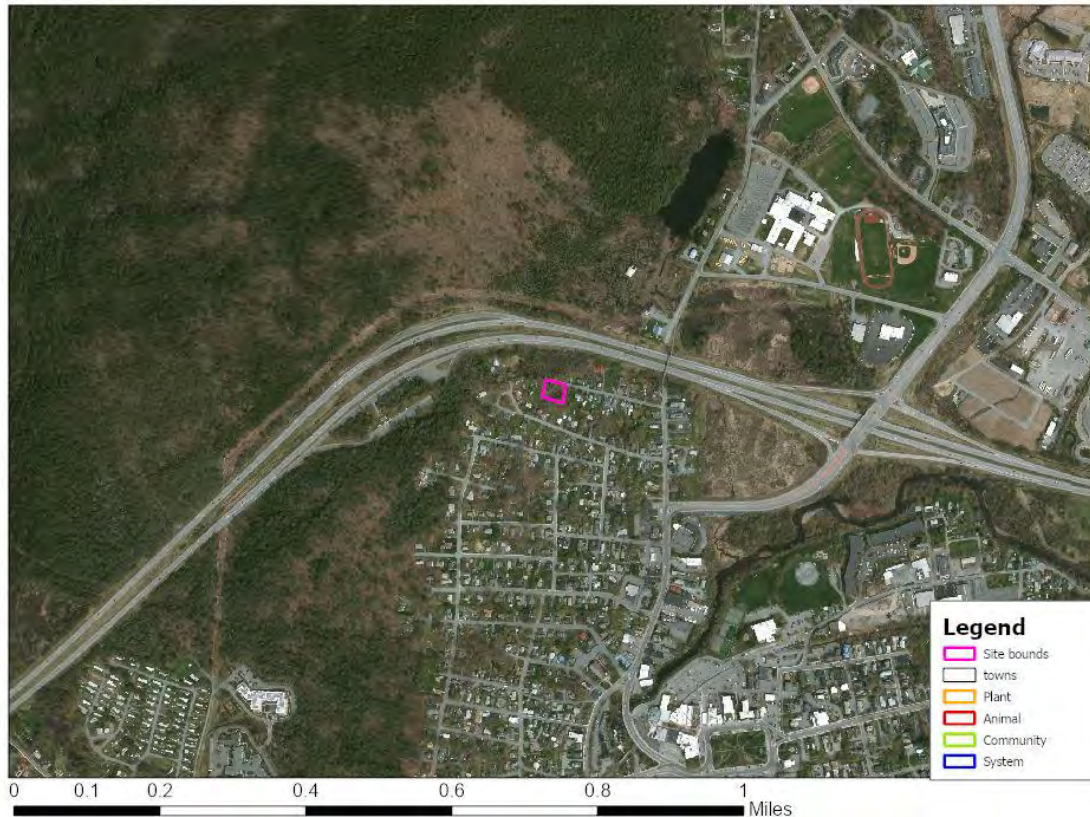
It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 1/29/2024 11:53:37 AM, and cannot be used for any other project.

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: NHB24-0282

NHB24-0282



SITE PHOTOGRAPHS

**CITY OF LEBANON
RESIDENTIAL DEVELOPMENT PROJECT
LEBANON, NEW HAMPSHIRE
NHDES WETLANDS PERMIT APPLICATION**

PROJECT LOCATION:

**0 BARROWS STREET
LEBANON, NEW HAMPSHIRE**

APPLICANT:

**CITY OF LEBANON
DEPARTMENT OF PUBLIC WORKS
193 DARTMOUTH COLLEGE HIGHWAY
LEBANON, NEW HAMPSHIRE 03766**

PROPERTY OWNER:

**CITY OF LEBANON
51 NORTH PARK STREET
LEBANON, NEW HAMPSHIRE 03766**

Dated: April 9, 2024

Pathways Project No. 13377

AGENT FOR OWNER:



PATHWAYS CONSULTING, LLC

Planning • Civil & Environmental Engineering • Surveying • Construction Assistance
240 Mechanic Street • Suite 100
Lebanon, New Hampshire 03766
(603) 448-2200 • Fax: (603) 448-1221 • www.pathwaysconsult.com

Site Photographs



Photograph No. 1 (dated 02/13/2024): View to the southeast from the west end of Barrows Street showing the north end of the subject property and the existing driveway entrance.



Photograph No. 2 (dated 02/13/2024): View to the southwest from the existing driveway showing the north end of the wetlands within the middle of the property that will be impacted.



Photograph No. 3 (dated 02/13/2024): View to the south from the north end of the wetlands within the middle of the property that will be impacted.



Photograph No. 4 (dated 02/13/2024): View to the south from within the wetlands in the middle of the property that will be impacted.



Photograph No. 5 (dated 02/13/2024): View of standing water in the south end of the wetlands in the middle of the property that will be impacted.



Photograph No. 6 (dated 02/13/2024): View to the north from the west side of the property showing the existing swale draining toward the existing wetlands on the northwest side of the property that will be preserved.



Photograph No. 7 (dated 02/13/2024): View to the north from the west side of the property showing the south end of the wetlands on the northwest side of the property.



Photograph No. 8 (dated 02/13/2024): View to the north from within the wetlands on the northwest side of the property.



Photograph No. 9 (dated 02/13/2024): View of standing water on the west side of the wetlands on the northwest side of the property.



Photograph No. 10 (dated 02/13/2024): View to the west from the end of Barrows Street showing the existing wetlands at the bottom of the slope.



Photograph No. 11 (dated 02/13/2024): View to the northwest from the end of Barrows Street showing the existing wetlands at the bottom of the slope.

NHDES WETLAND APPLICATION PLANS FOR

THE CITY OF LEBANON

RESIDENTIAL DEVELOPMENT PROJECT

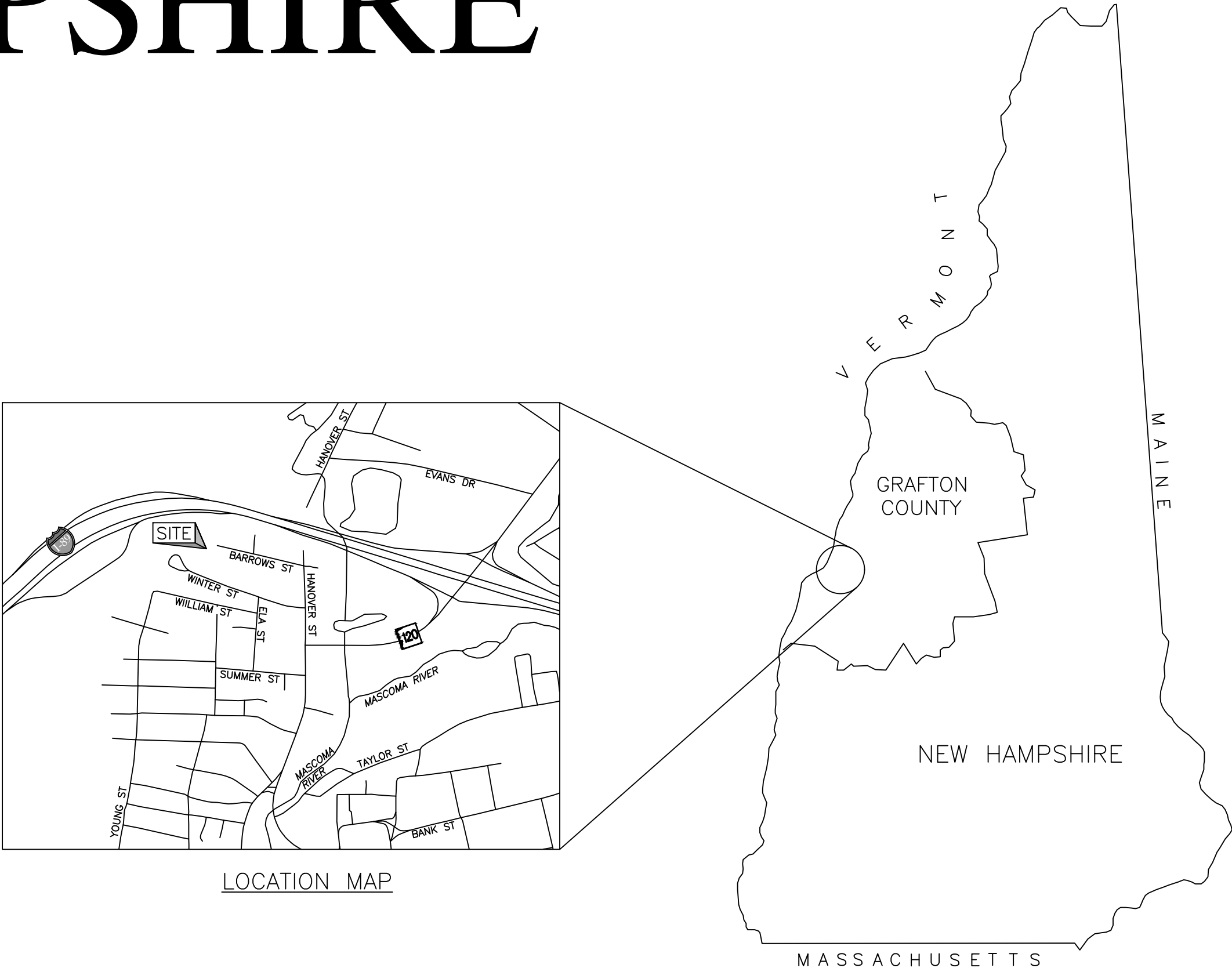
0 BARROWS STREET

LEBANON, NEW HAMPSHIRE

APRIL 5, 2024

INDEX OF SHEETS		
SHEET	1	COVER, INDEX OF SHEETS & LOCATION MAP
SHEET	2	EXISTING CONDITIONS PLAN
SHEET	3	PROPOSED SITE PLAN
SHEET	4	CONCEPTUAL SITE DEVELOPMENT
SHEET	5	EROSION AND SEDIMENT CONTROL DETAILS
SHEET	6	MISCELLANEOUS DETAILS

FOR PERMITTING ONLY
(NOT FOR CONSTRUCTION)

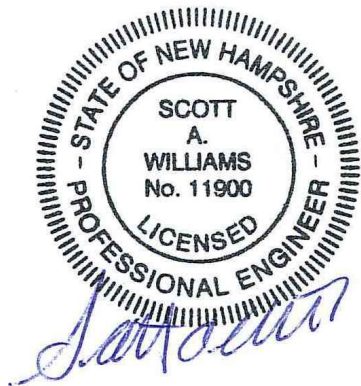


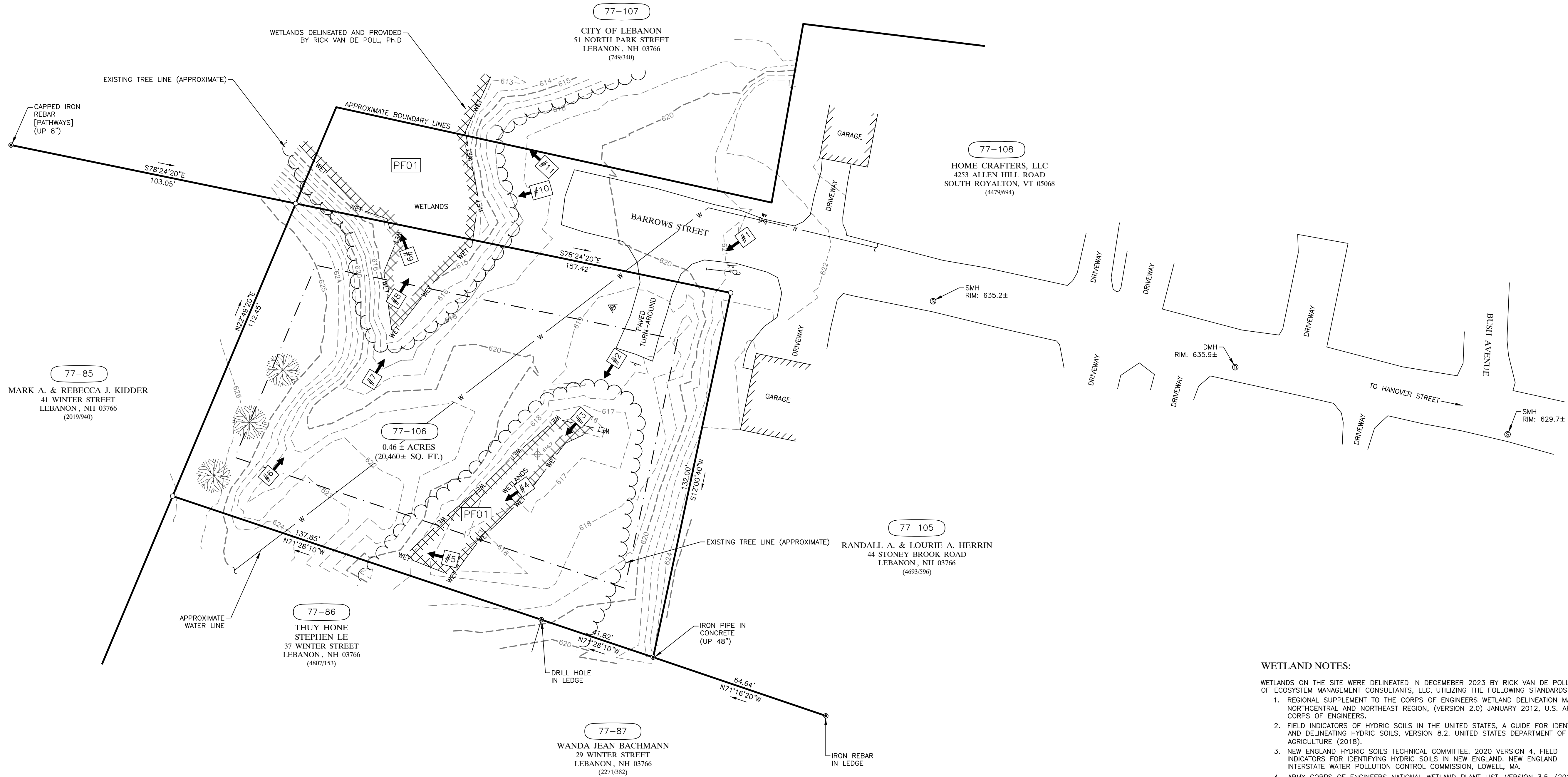
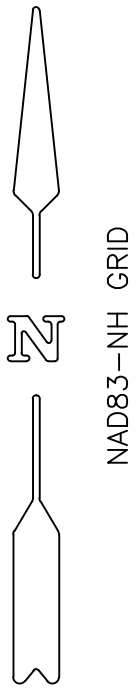
PATHWAYS PROJECT NO. 13377

CIVIL ENGINEER
PATHWAYS CONSULTING, LLC
240 MECHANIC STREET, SUITE 100
LEBANON, NEW HAMPSHIRE 03766
(603) 448-2200

RECORD OWNER:
THE CITY OF LEBANON
51 NORTH PARK STREET
LEBANON, NEW HAMPSHIRE 03766

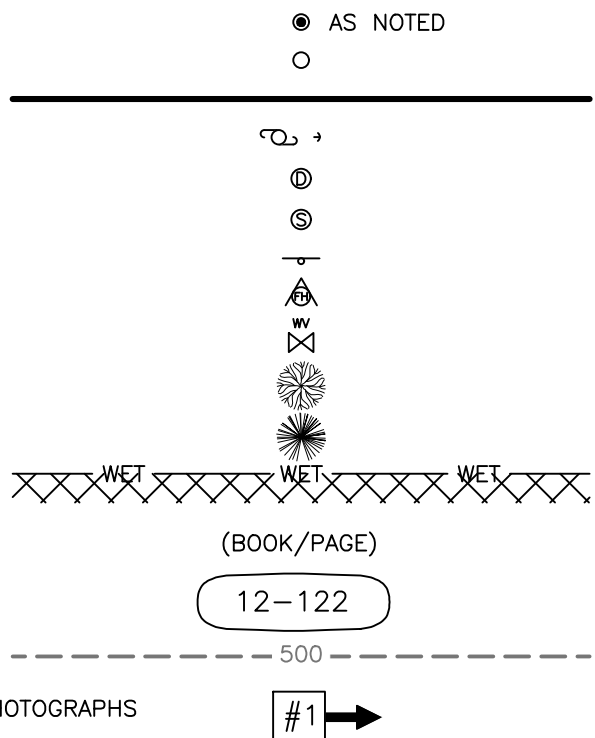
APPLICANT:
CITY OF LEBANON
DEPARTMENT OF PUBLIC WORKS
193 DARTMOUTH COLLEGE HIGHWAY
LEBANON, NEW HAMPSHIRE 03766





LEGEND

EXISTING IRON PIPE OR REBAR
CAPPED REBAR TO BE SET
BOUNDARY LINE
UTILITY POLE/GUY WIRE
DRAIN MANHOLE
SANITARY MANHOLE
SIGN
HYDRANT
GATE VALVE
HARDWOOD TREE
SOFTWOOD TREE
WETLANDS
DEED REFERENCE
TAX MAP/LOT NO.
CONTOUR
APPROXIMATE LOCATION OF SITE PHOTOGRAPHS



WETLAND NOTES:

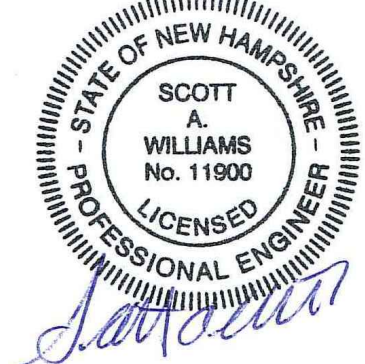
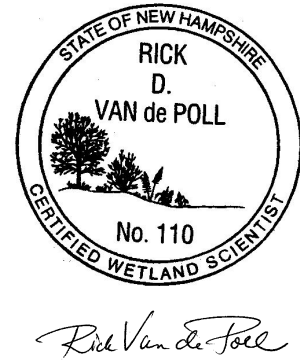
- WETLANDS ON THE SITE WERE DELINEATED IN DECEMBER 2023 BY RICK VAN DE POLL, Ph.D. OF ECOSYSTEM MANAGEMENT CONSULTANTS, LLC, UTILIZING THE FOLLOWING STANDARDS:
- REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTH-CENTRAL AND NORTHEAST REGION, (VERSION 2.0) JANUARY 2012, U.S. ARMY CORPS OF ENGINEERS.
 - FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, A GUIDE FOR IDENTIFYING AND DELINEATING HYDRIC SOILS, VERSION 8.2. UNITED STATES DEPARTMENT OF AGRICULTURE (2018).
 - NEW ENGLAND HYDRIC SOILS TECHNICAL COMMITTEE, 2020 VERSION 4, FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND. NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION, LOWELL, MA.
 - ARMY CORPS OF ENGINEERS NATIONAL WETLAND PLANT LIST, VERSION 3.5. (2020)

THE FOLLOWING WETLANDS ARE PRESENT WITHIN SITE AREA (SEE PLAN FOR ABBREVIATIONS AND LIMITS):

PF01 = PALUSTRINE FORESTED, BROAD-LEAVED DECIDUOUS

GENERAL SURVEY NOTES:

- HORIZONTAL DATUM: NH STATE PLANE GRID NAD83 (SURVEY FEET) FROM GPS OBSERVATION.
- VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88) FROM GPS OBSERVATION.
- UNDERGROUND UTILITIES ARE APPROXIMATE AND NOT WARRANTED TO BE EXACT OR COMPLETE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY EXCAVATION OR SITE MODIFICATIONS.
- PATHWAYS CONSULTING, LLC COLLECTED DATA FOR THIS PLAN IN DECEMBER 2023 AND JANUARY 2024 UNDER PARTIALLY SNOW COVERED CONDITIONS.



REVISION NO.	DATE	DESCRIPTION	MADE BY	CHECKED BY	APPROVED BY

EXISTING CONDITIONS PLAN FOR
CITY OF LEBANON - RESIDENTIAL DEVELOPMENT PROJECT
(TAX MAP 77, LOT 106)

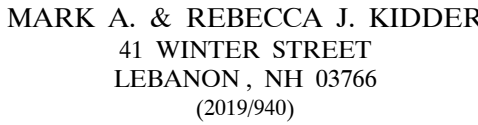
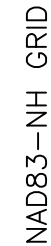
0 BARROWS STREET, LEBANON, NEW HAMPSHIRE 03766

PATHWAYS CONSULTING, LLC

240 MECHANIC STREET, SUITE 100
LEBANON, NEW HAMPSHIRE 03766
(603) 448-2200

SCALE: AS SHOWN
DESIGNED BY:
DRAWN BY: DAS
CHECKED BY: SAW
DATE: 04-05-24
PROJ. NO. 13377

2
SHEET 2 OF 6

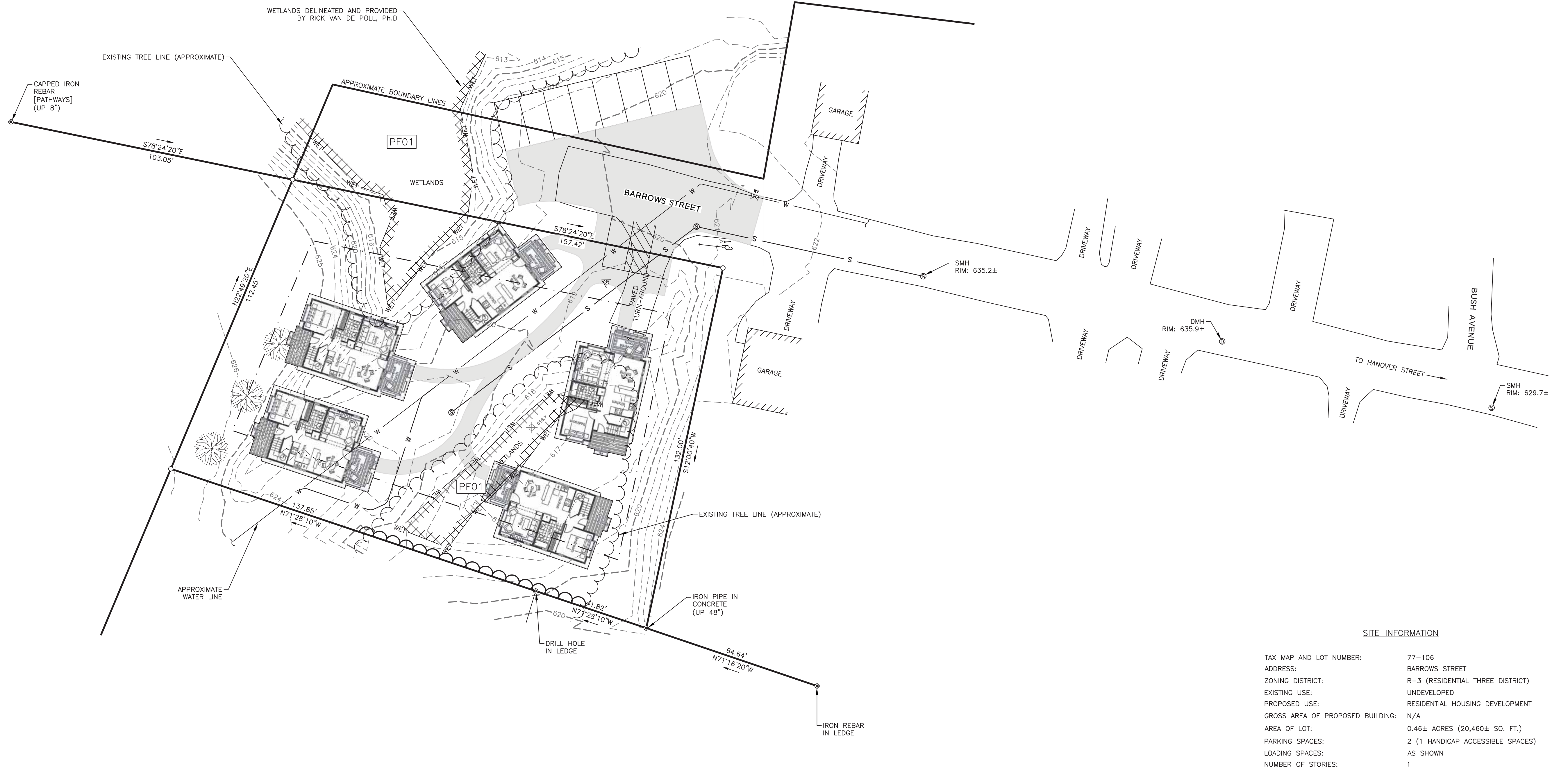


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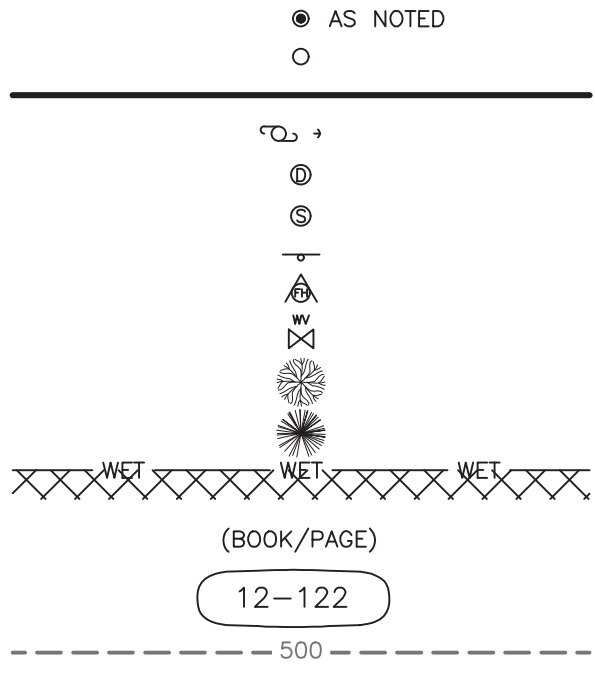
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12-122



LEGEND

- EXISTING IRON PIPE OR REBAR
- CAPPED REBAR TO BE SET
- BOUNDARY LINE
- UTILITY POLE/GUY WIRE
- DRAIN MANHOLE
- SANITARY MANHOLE
- SIGN
- HYDRANT
- GATE VALVE
- HARDWOOD TREE
- SOFTWOOD TREE
- WETLANDS
- DEED REFERENCE
- TAX MAP/LOT NO.
- CONTOUR



SITE INFORMATION

TAX MAP AND LOT NUMBER: 77-106
ADDRESS: BARROWS STREET
ZONING DISTRICT: R-3 (RESIDENTIAL THREE DISTRICT)
EXISTING USE: UNDEVELOPED
PROPOSED USE: RESIDENTIAL HOUSING DEVELOPMENT
GROSS AREA OF PROPOSED BUILDING: N/A
AREA OF LOT: 0.46± ACRES (20,460± SQ. FT.)
PARKING SPACES: 2 (1 HANDICAP ACCESSIBLE SPACES)
LOADING SPACES: AS SHOWN
NUMBER OF STORIES: 1

LOT SIZE/DIMENSION:	AREA (SQ. FT.)	WIDTH	MAX. HEIGHT
CLASS 1	10,000	75'	35'±
CLASS 2	15,000	75'	35'±
CLASS 3	40,000	100'	35'±

BUILDING SETBACKS:	FRONT	SIDE	REAR
CLASS 1	20'	15'	20'
CLASS 2	20'	15'	20'
CLASS 3	25'	25'	30'

FOR INFORMATION ONLY



REVISION NO.	DATE	DESCRIPTION	MADE BY	CHECKED BY	APPROVED BY

CONCEPTUAL SITE DEVELOPMENT PLAN FOR
CITY OF LEBANON - RESIDENTIAL DEVELOPMENT PROJECT
(TAX MAP 77, LOT 106)
0 BARROWS STREET, LEBANON, NEW HAMPSHIRE 03766

PATHWAYS CONSULTING, LLC
240 MECHANIC STREET, SUITE 100
LEBANON, NEW HAMPSHIRE 03766
(603) 448-2200

SCALE: AS SHOWN
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4
SHEET 4 OF 6

EROSION CONTROL SPECIFICATIONS

1. SOIL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IN ACCORDANCE WITH "NEW HAMPSHIRE STORMWATER MANAGEMENT", VOLUMES 1, 2, & 3, DECEMBER 2008 (OR LATEST EDITION). THE CONTRACTOR SHALL HAVE REFERENCE TO THESE PUBLICATIONS.
2. IMMEDIATE ATTENTION TO EROSION CONTROL PRACTICES DRAMATICALLY IMPROVES SOIL AND MOISTURE CONSERVATION AND REDUCES NEGATIVE IMPACTS ON WATER QUALITY. THE CONTRACTOR SHALL GIVE PRIORITY TO THE TIMELY INSTALLATION OF BOTH TEMPORARY AND PERMANENT EROSION AND SEDIMENT CONTROL MEASURES.
3. THE EROSION AND SEDIMENT CONTROL PRACTICES SHOWN ON THIS PLAN ARE THE MINIMUM REQUIRED FOR ANTICIPATED SITE CONDITIONS. DURING THE CONSTRUCTION PERIOD, THESE PRACTICES SHALL BE UPGRADED AS NEEDED FOR UNEXPECTED STORM EVENTS AND MODIFIED TO ACCOUNT FOR CHANGING SITE CONDITIONS.
4. THE BOUNDARIES OF THE CLEARING LIMITS SHOWN ON THE PLANS SHALL BE CLEARLY FLAGGED BY SURVEY TAPE OR FENCING, IF REQUIRED, PRIOR TO CONSTRUCTION. DURING THE CONSTRUCTION PERIOD, NO DISTURBANCE BEYOND THE CLEARING LIMITS SHALL BE PERMITTED. THE CLEARING LIMITS SHALL BE MAINTAINED FOR THE DURATION OF CONSTRUCTION.
5. THE SMALLEST PRACTICAL AREA SHALL BE DISTURBED DURING CONSTRUCTION, BUT SHALL NOT EXCEED 5 ACRES AT ANY ONE TIME BEFORE STABILIZATION, UNLESS OTHERWISE APPROVED BY NHDOT AND ADDRESSED ADEQUATELY IN THE SWPPP AND EROSION CONTROL PLANS. A CONSTRUCTION SEQUENCE HAS BEEN DEVELOPED TO FACILITATE INSTALLATION OF EROSION CONTROL MEASURES AND THE COMPLETION OF GRADING, SEEDING, AND LANDSCAPING AS SOON AS POSSIBLE WITHIN A DISTURBED AREA.
6. STABILIZED CONSTRUCTION ENTRANCES SHALL BE INSTALLED AT THE BEGINNING OF CONSTRUCTION AND MAINTAINED FOR THE DURATION OF THE PROJECT. ADDITIONAL MEASURES, SUCH AS CONSTRUCTED WHEEL WASH SYSTEMS OR WASH PADS, MAY BE REQUIRED TO ENSURE THAT ALL PAVED AREAS ARE KEPT CLEAN AND TRACK OUT TO ROAD RIGHT OF WAY DOES NOT OCCUR FOR THE DURATION OF THE PROJECT. ANY SEDIMENT TRACKED ONTO PAVED AREAS SHALL BE REMOVED BY THE END OF THE SAME WORK DAY IT IS NOTED, AND IF NOTED ON A NON-WORK DAY, NOT LATER THAN THE END OF THE NEXT WORK DAY.
7. EARTH STOCKPILES SHALL BE SEEDED AND MULCHED AND HAVE A SILT FENCE INSTALLED ON THE DOWNSLOPE SIDE, AT A MINIMUM. STOCKPILES SHALL BE COVERED WITH IMPERVIOUS TARPS AND/OR STABILIZED WITH TEMPORARY SEED AND MULCH TO PROTECT MATERIALS IN THE EVENT THAT THEY WILL REMAIN FOR LONGER THAN 1 MONTH.
8. INSTALL EROSION CONTROL MEASURES AS SHOWN. CLEAN ACCUMULATED SEDIMENT AS NECESSARY. LEAVE IN PLACE UNTIL DISTURBED AREAS HAVE BEEN ADEQUATELY STABILIZED.
9. DISTURBED AREAS RESULTING FROM SILT FENCE REMOVAL SHALL BE PERMANENTLY SEEDED, CUT AND FILL SLOPES CALL FOR INTENSIVE EROSION CONTROL MEASURES. INSTALLED MULCH NETTING OR OTHER SLOPE STABILIZATION MEASURES AS SHOWN ON NHDOT CONTRACT PLANS FOR ALL SLOPES 3:1 (1 RISE ON 3 RUN) AND STEEPER.
10. ALL DISTURBED AREAS SHALL BE TEMPORARILY STABILIZED WITH MULCH AND/OR MULCH NETTING BEFORE THE END OF EACH WORK DAY.
11. ROADWAYS SHALL BE STABILIZED WITH BASE COURSE AND BINDER WITHIN 3 WEEKS OF INITIAL DISTURBANCE OF THE SLOPES ON A SECTION OF ROADWAY, IN ADDITION TO COMPLETING DISTURBED SLOPES TO FINAL GRADE WITH FINAL SEEDING OR OTHER PRESCRIBED STABILIZATION.
12. WHEN WORK IS SUSPENDED WITHIN THE GROWING SEASON, ALL DISTURBED AREAS SHALL BE TEMPORARILY STABILIZED WITH SEED AND MULCH WITHIN 14 DAYS. OUTSIDE THE GROWING SEASON, ALL DISTURBED AREAS SHALL BE TEMPORARILY STABILIZED WITH MULCH; MULCH AND TACK ON SLOPES STEEPER THAN 3:1; OR EROSION MATTING ON SLOPES STEEPER THAN 2:1.
13. TEMPORARY STABILIZATION OF DISTURBED AREAS:

SEED BED PREPARATION: TILL THREE INCHES DEEP MIXING IN FERTILIZER. APPLY 2 TONS/ACRE (100#/1,000 SQ. FT.)

FERTILIZER: UNIFORMLY APPLY NOT LESS THAN 300#/ACRE (7#/1,000 SQ. FT.) OF 10-20-20 OR EQUIVALENT.

SEEDING: SELECT APPROPRIATE SEEDING MIXTURE FROM TABLE 1 BELOW. SPREAD SEED UNIFORMLY. FIRM SOIL BY ROLLING OR PACKING; IF NOT FEASIBLE, THEN RAKE LIGHTLY TO COVER SEEDS.

MULCHING: MULCH ALL DISTURBED AREAS WITH 1-1/2 TO 2 TONS OF STRAW PER ACRE (70-90#/1,000 SQ. FT.). ANCHOR ON ALL SLOPES 3:1 OR STEEPER AND ON SLOPES SUBJECT TO WASH OR WIND BLOWN CONDITIONS. JUTE OR OTHER BIODEGRADABLE NETTING, STAKING AND STAPLING MAY BE REQUIRED.

TABLE 1
PLANT SELECTION AND SEEDING RATES

SPECIES	PER ACRE	PER 1,000 SQ.FT.	REMARKS
WINTER RYE	2 BU OR 112 LBS.	2.5 LBS.	BEST FOR FALL SEEDING. SEED AUGUST 15 TO SEPTEMBER 15 FOR BEST COVER. SEED TO DEPTH OF ONE INCH.
OATS	2 1/2 BU OR 80 LBS.	2 LBS.	BEST FOR SPRING SEEDINGS. LATER THAN MAY 15 FOR SUMMER PROTECTION. SEED TO DEPTH OF ONE INCH.
ANNUAL RYE	40 LBS.	1 LB.	GROWS QUICKLY, BUT IS OF SHORT GRASS DURATION. USE WHERE APPEARANCES ARE IMPORTANT. COVER SEED WITH NO MORE THAN 1/4 INCH OF SOIL. WITH MULCH, SEEDING MAY BE DONE THROUGHOUT GROWING SEASON. OTHERWISE SEED EARLY SPRING OR BETWEEN AUGUST 15 & SEPTEMBER 15.

14. PERMANENT STABILIZATION OF DISTURBED AREAS:

SEED BED PREPARATION: TOPSOIL (SANDY LOAM, LOAM, OR SILT LOAM), FRIABLE, FREE OF STUMPS, WOOD, AND ROOTS. STONES MORE THAN 1-1/2 INCHES IN DIAMETER OR LENGTH SHALL BE PLACED OVER ALL DISTURBED AREAS IN A 4" (MINIMUM) THICK LAYER. TOPSOIL SHALL BE FREE OF HERBICIDES AND TOXIC MATERIALS. TILL THREE INCHES DEEP, MIXING IN THE FERTILIZER AND LIME.

FERTILIZER: UNIFORMLY APPLY NOT LESS THAN 500#/ACRE (12#/1,000 SQ. FT.) OF 10-20-20 OR EQUIVALENT.

SEEDING: SPREAD SEED UNIFORMLY. FIRM SOIL BY ROLLING OR PACKING; IF NOT FEASIBLE, THEN RAKE LIGHTLY TO COVER SEEDS.

MULCHING: MULCH ALL DISTURBED AREAS WITH 1-1/2 TO 2 TONS OF STRAW PER ACRE (70-90#/1,000 SQ. FT.). ANCHOR ON ALL SLOPES 3:1 OR STEEPER AND ON SLOPES SUBJECT TO WASH OR WIND BLOWN CONDITIONS. JUTE OR OTHER BIODEGRADABLE NETTING, STAKING AND STAPLING MAY BE REQUIRED.

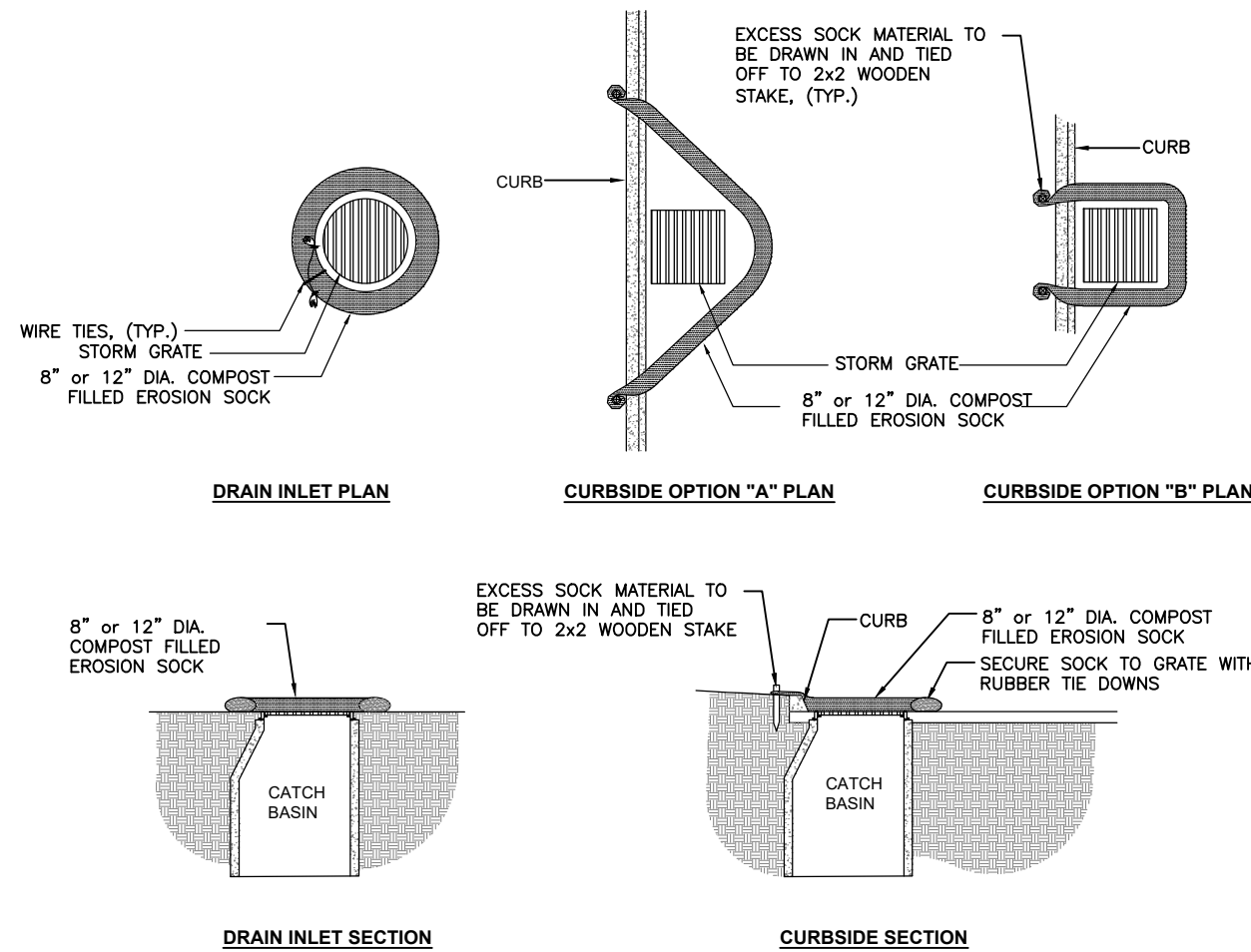
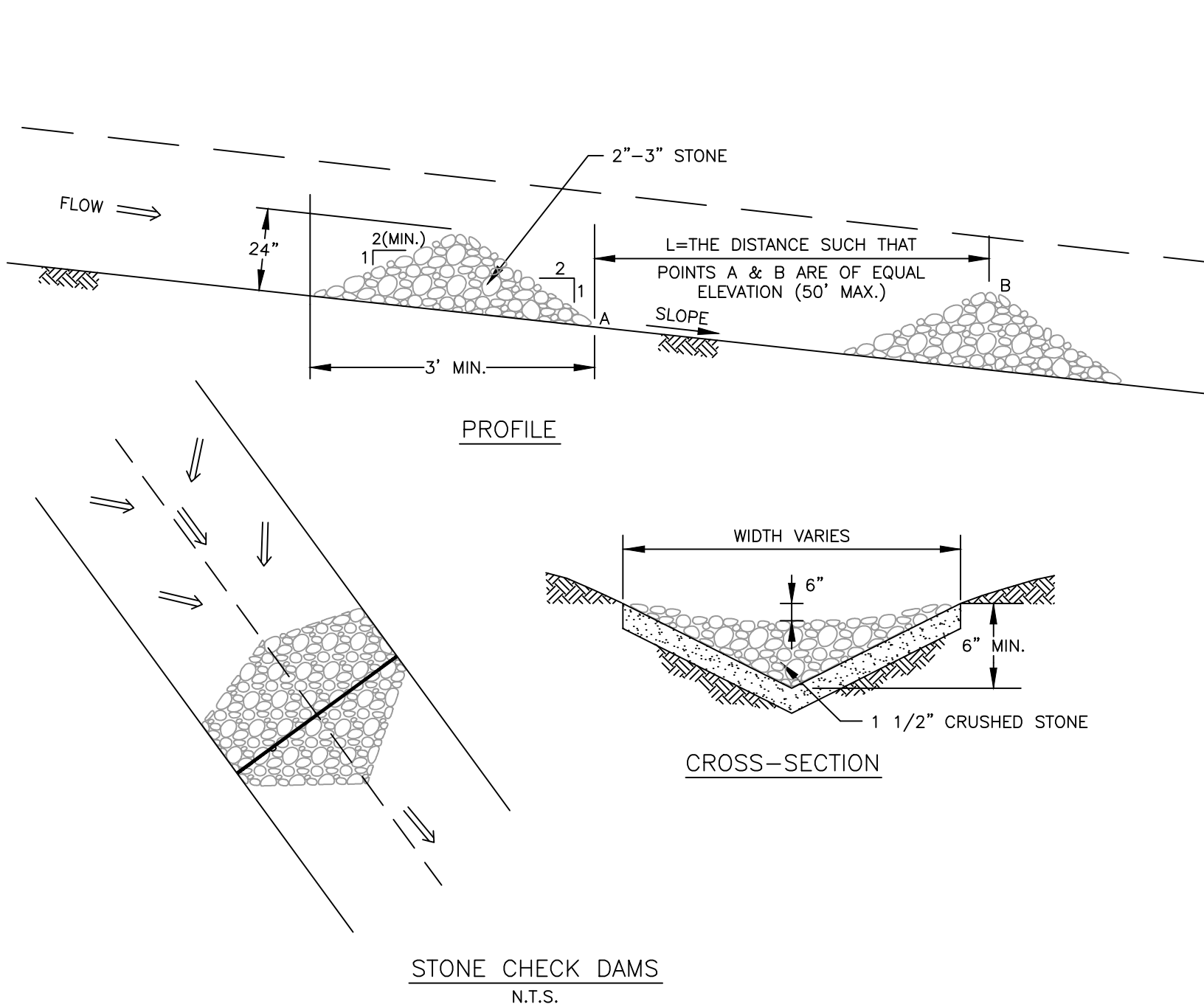
GRASS MATERIALS (SHADY GENERAL LAWN MIX)

GRASS SEED SHALL BE FRESH, CLEAN, NEW-CROP SEED AND SHALL MEET THE PROVISIONS OF THE NEW HAMPSHIRE AGRICULTURAL AND VEGETABLE SEEDS LAW. SEED SPECIFIED IN THIS SECTION SHALL MEET THE FOLLOWING ANALYSIS:

	LBS/ACRE
CHEWING FESCUE "SR 5000"	40
CHAMPION PERENNIAL RYE GRASS	30
HARD FESCUE "SR 3000"	25
RED FESCUE - "PENNLAWN"	25
BLUEGRASS - "GLADE"	10
	130 LBS/ACRE

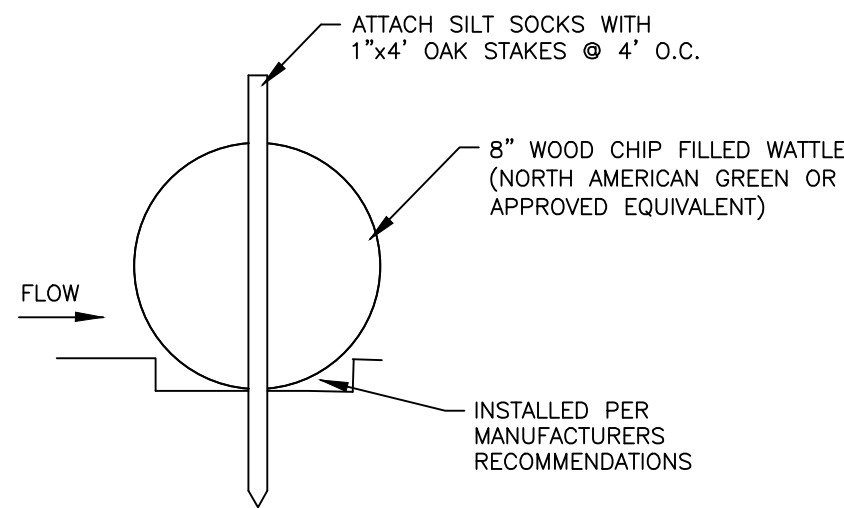
OTHER SEED MIXTURES AND SEEDING RATES AS RECOMMENDED BY THE USDA - SOIL CONSERVATION SERVICE AND APPROVED BY OWNER MAY BE UTILIZED ONLY UPON PRIOR WRITTEN PERMISSION FROM THE ENGINEER.

15. MAINTENANCE: REGULAR MAINTENANCE SHALL OCCUR DURING THE CONSTRUCTION PERIOD UNTIL SUCH TIME AS PERMANENT STABILIZATION IS ESTABLISHED. MINOR MAINTENANCE ACTIVITIES RECOMMENDED ON REGULAR INSPECTION REPORTS SHALL BE ADDRESSED BY THE END OF THE NEXT WORK DAY. ADDITIONAL MAINTENANCE MAY INCLUDE:
- A. DISTURBED AREAS WILL BE FERTILIZED AND RESEEDED, WHERE NECESSARY.
- B. CATCH BASINS WILL BE CHECKED AND CLEANED AS NECESSARY.
- C. DRAINAGE AND GRASS TREATMENT SWALES SHALL BE CHECKED FREQUENTLY AND CLEANED AS REQUIRED.
- D. THE SILT FENCES AND HAYBALE DIKES WILL BE CHECKED ON A REGULAR BASIS AND REPAIRED AS NECESSARY TO CORRECT ANY DAMAGE, DETERIORATION, AND SHORT CIRCUITING. SEDIMENT WILL BE REMOVED WHEN IT REACHES ON-THIRD OF THE HEIGHT OF SILT FENCE AND ONE-HALF THE HEIGHT OF OTHER BMP'S SUCH AS EROSION CONTROL SOCKS.
- E. THE BOTTOM OF SEDIMENT BASINS SHALL BE PERIODICALLY CLEANED, WITH THE SEDIMENT REMOVED TO A SECURE LOCATION.
16. SITE VISITS: THE SWPPP MONITOR SHALL BE CONTACTED ON A REGULAR BASIS TO OBSERVE THE INSTALLATION AND MAINTENANCE OF EROSION AND SEDIMENT CONTROL PRACTICES, AND IN THE EVENT OF ANY EROSION, SEDIMENTATION OR TURBIDITY ISSUES THAT ARISE, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT THE APPROVED SWPPP AND EROSION CONTROL PLANS ARE KEPT UPDATED REGULARLY.
17. ALL PERMANENT DITCHES, SWALES AND DRAINAGE STRUCTURES SHALL BE STABILIZED USING THE VEGETATIVE AND NON-STRUCTURAL BMP'S PRIOR TO DIRECTING RUNOFF TO THEM. THE CONTRACTOR SHALL INSPECT ALL EROSION CONTROLS DAILY AND PRIOR TO ANY ANTICIPATED RAIN EVENTS. THE SWPPP MONITOR SHALL INSPECT ALL EROSION CONTROLS AT LEAST ONCE EVERY 7 DAYS AND WITHIN 24 HOURS OF ANY RAINFALL EVENT OF 0.25" OR GREATER RAINFALL THAT OCCURS WITHIN A 24 HOUR PERIOD. ALL DAMAGED SILT FENCES SHALL BE REPAIRED. SEDIMENT DEPOSITS SHALL BE REMOVED AS NECESSARY. THE MAXIMUM AMOUNT OF TIME ANY AREA MAY BE DISTURBED WITHOUT STABILIZATION SHALL BE 14 DAYS.
18. AN AREA SHALL BE CONSIDERED PERMANENTLY STABILIZED IF ONE OF THE FOLLOWING HAS OCCURRED:
- A. BASE COURSE GRAVELS HAVE BEEN INSTALLED IN AREAS TO BE PAVED;
- B. A MINIMUM OF 85% VEGETATED GROWTH HAS BEEN ESTABLISHED;
- C. A MINIMUM OF 3" OF NON-EROSIVE MATERIAL SUCH AS STONE OR RIPRAP HAS BEEN INSTALLED;
- D. EROSION CONTROL BLANKETS HAVE BEEN PROPERLY INSTALLED; OR
- E. NON-VEGETATIVE COVER, SUCH AS HYDROLYSIS EROSION CONTROL BLANKETS, RIPRAP, STONE FILL, GABIIONS AND/OR GEOTEXTILES HAVE BEEN PROPERLY INSTALLED.
19. WINTER CONSTRUCTION NOTES:
- A. TEMPORARY SEEDING SHALL OCCUR PRIOR TO SEPTEMBER 15TH
- B. ALL PROPOSED VEGETATED AREAS WHICH DO NOT EXHIBIT A MINIMUM OF 85% VEGETATIVE GROWTH BY OCTOBER 15TH, OR WHICH ARE DISTURBED AFTER OCTOBER 15TH, SHALL BE STABILIZED BY SEEDING AND INSTALLING EROSION CONTROL BLANKETS ON SLOPES GREATER THAN 3:1, AND SEEDING AND PLACING 3 TO 4 TONS OF MULCH PER ACRE, SECURED WITH ANCHORED NETTING, ELSEWHERE. THE INSTALLATION OF EROSION CONTROL BLANKETS OR MULCH NETTING SHALL OCCUR OVER ACCUMULATED SNOW OR ON FROZEN GROUND AND SHALL BE COMPLETED IN ADVANCE OF THAW OR SPRING MELT EVENTS;
- C. ALL DITCHES OR SWALES WHICH DO NOT EXHIBIT A MINIMUM OF 85% VEGETATIVE GROWTH BY OCTOBER 15TH, OR WHICH ARE DISTURBED AFTER OCTOBER 15TH, SHALL BE STABILIZED TEMPORARILY WITH STONE OR EROSION CONTROL BLANKETS APPROPRIATE FOR THE DESIGN FLOW CONDITIONS; AND
- D. AFTER NOVEMBER 15TH, INCOMPLETE ROAD OR PARKING SURFACES, WHERE WORK HAS STOPPED FOR THE WINTER SEASON, SHALL BE PROTECTED WITH A MINIMUM OF 3 INCHES OF CRUSHED GRAVEL PER NHDOT ITEM 304.3.

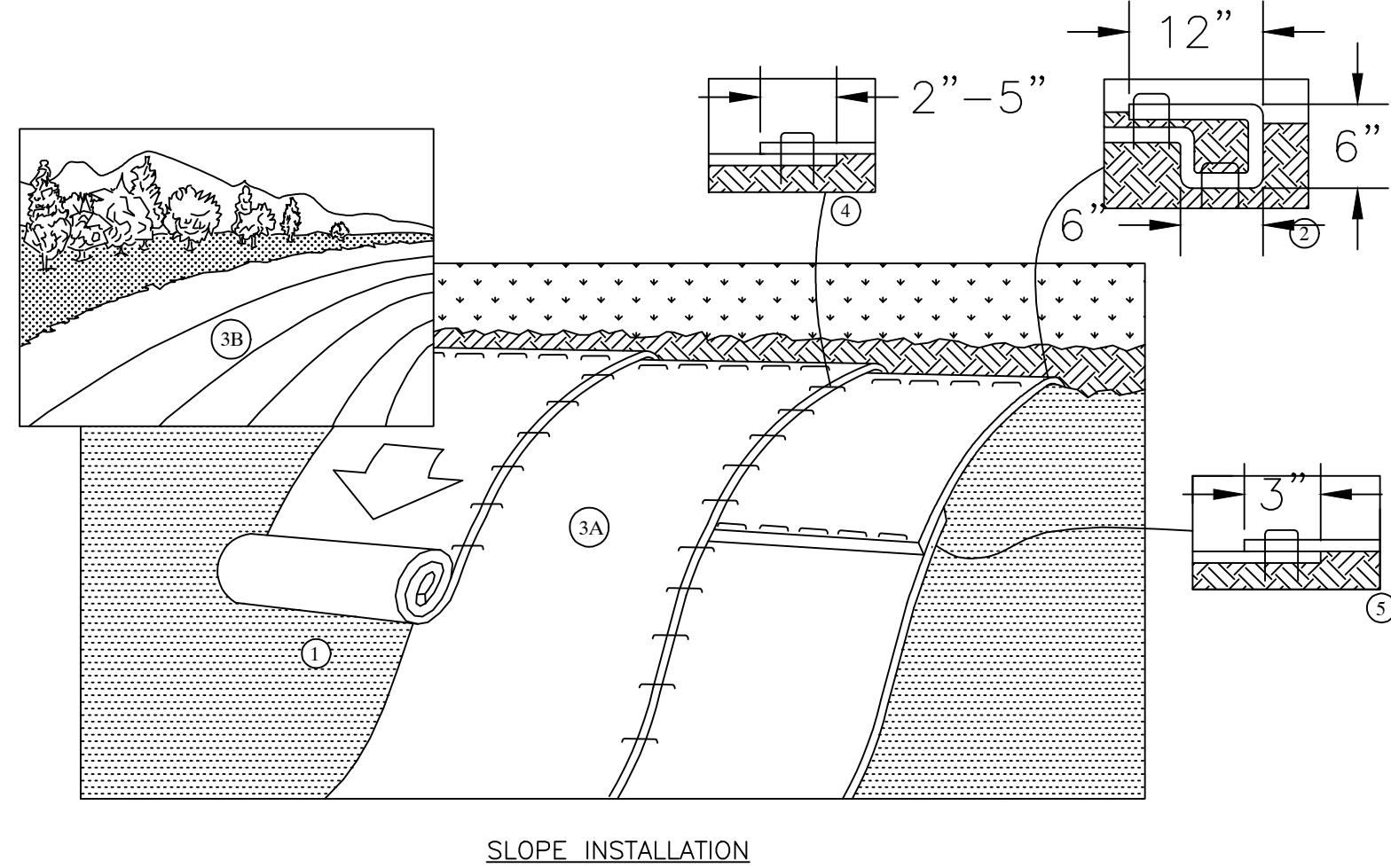


- NOTES:
1. NOT SUITABLE FOR USE IN AREAS SUBJECT TO VEHICULAR AND PEDESTRIAN TRAVEL
 2. MATERIAL TO MEET MANUFACTURER SPECIFICATIONS.
 3. SEDIMENT SHOULD BE REMOVED FROM BEHIND EROSION SOCK ONCE THE ACCUMULATED HEIGHT HAS REACHED THE HEIGHT OF THE SOCK.
 4. CONTRACTOR IS REQUIRED TO COMPLY WITH ALL MANUFACTURER REQUIREMENTS.
 5. SOCKS TO BE DEGRADABLE COMPOST SOCKS AND SHALL BE MESH TUBE OVAL TO ROUND IN CROSS-SECTION. COMPOSED OF A KNITTED BIODEGRADABLE OR PHOTODEGRADABLE MATERIAL WITH 1/4 TO 1/2 INCH OPENINGS. FABRIC MUST BE CLEAN, EVENLY WOVEN, FREE OF ENCRUSTED CONCRETE OR OTHER CONTAMINATED MATERIALS, FREE FROM CUTS, TEARS, BROKEN OR MISSING YARNS AND THIN, OPEN, OR WEAK PIECES.
 6. COMPOST MAY BE DERIVED FROM GREEN MATERIAL CONSISTING OF CHIPPED, SHREDED, OR GROUND VEGETATION; OR CLEAN RECYCLED WOOD PRODUCTS. COMPOST MUST NOT BE DERIVED FROM MIXED MUNICIPAL SOLID WASTE AND BE REASONABLY FREE OF VISIBLE CONTAMINATES. COMPOST MUST NOT CONTAIN PLANT, PETROLEUM PRODUCTS, PESTICIDES OR OTHER CHEMICAL RESIDUES, HARMFUL TO ANIMAL LIFE OR PLANT GROWTH. COMPOST MUST NOT POSSESS OBJECTIONABLE ODORS.
 7. COMPOST MATERIAL TO BE DISPERSED ON SITE, AS DETERMINED BY ENGINEER.

EROSION SOCK INLET PROTECTION
N.T.S.

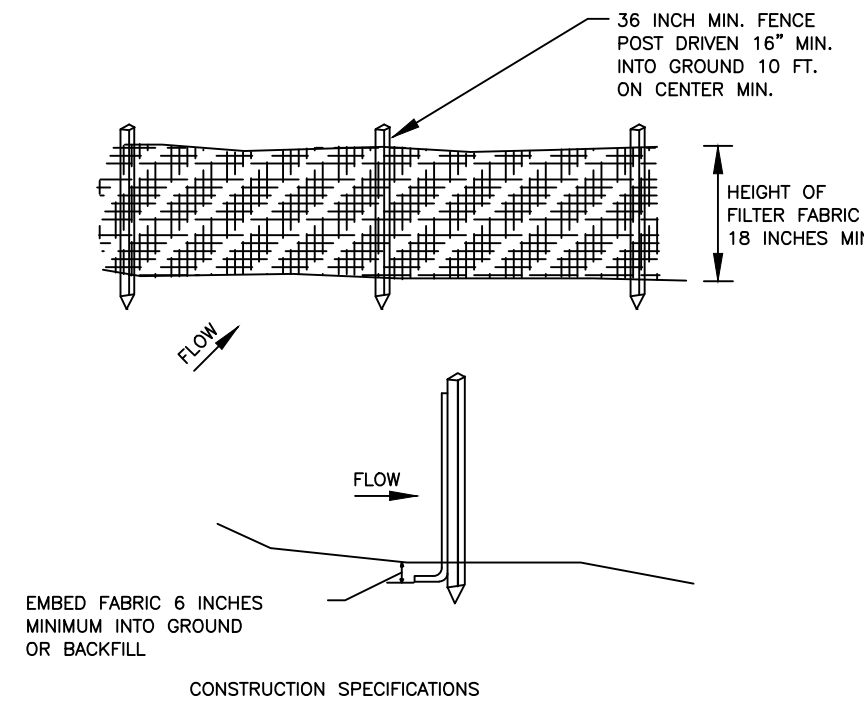


EROSION CONTROL SOCK DETAIL
N.T.S.



1. PREPARE SOIL BEFORE INSTALLING ROLLED EROSION CONTROL PRODUCTS (RECP'S), INCLUDING ANY NECESSARY APPLICATION OF LIME, FERTILIZER, AND SEED.
NOTE: WHEN USING CELL-O-SEED DO NOT SEED PREPARED AREA. CELL-O-SEED MUST BE INSTALLED WITH PAPER SIDE DOWN.
 2. BEGIN AT THE TOP OF THE SLOPE BY ANCHORING THE RECP'S WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" APART IN THE BOTTOM OF THE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING. APPLY SEED TO COMPACTED SOIL AND FOLD REMAINING 12" PORTION OF RECP'S BACK OVER SEED AND COMPACTED SOIL. SECURE RECP'S OVER COMPACTED SOIL WITH A ROW OF STAPLES/STAKES SPACED APPROXIMATELY 12" APART ACROSS THE WIDTH OF THE RECP'S.
 3. ROLL THE RECP'S (A) DOWN OR (B) HORIZONTALLY ACROSS THE SLOPE. RECP'S WILL UNROLL WITH APPROPRIATE SIDE AGAINST THE SOIL SURFACE. ALL RECP'S MUST BE SECURELY FASTENED TO SOIL SURFACE BY PLACING STAPLES/STAKES IN APPROPRIATE LOCATIONS AS SHOWN IN THE STAPLE PATTERN GUIDE. WHEN USING THE DOT SYSTEM, STAPLES/STAKES SHOULD BE PLACED THROUGH EACH OF THE COLORED DOTS CORRESPONDING TO THE APPROPRIATE STAPLE PATTERN.
 4. THE EDGES OF PARALLEL RECP'S MUST BE STAPLED WITH APPROXIMATELY 2"-5" OVERLAP DEPENDING ON RECP'S TYPE.
 5. CONSECUTIVE RECP'S SPLICED DOWN THE SLOPE MUST BE PLACED END OVER END (SHINGLE STYLE) WITH AN APPROXIMATE 3" OVERLAP. STAPLE THROUGH OVERLAPPED AREA, APPROXIMATELY 12" APART ACROSS ENTIRE RECP'S WIDTH.
- NOTE:
*IN LOOSE SOIL CONDITIONS, THE USE OF STAPLE OR STAKE LENGTHS GREATER THAN 6" MAY BE NECESSARY TO PROPERLY SECURE THE RECP'S.

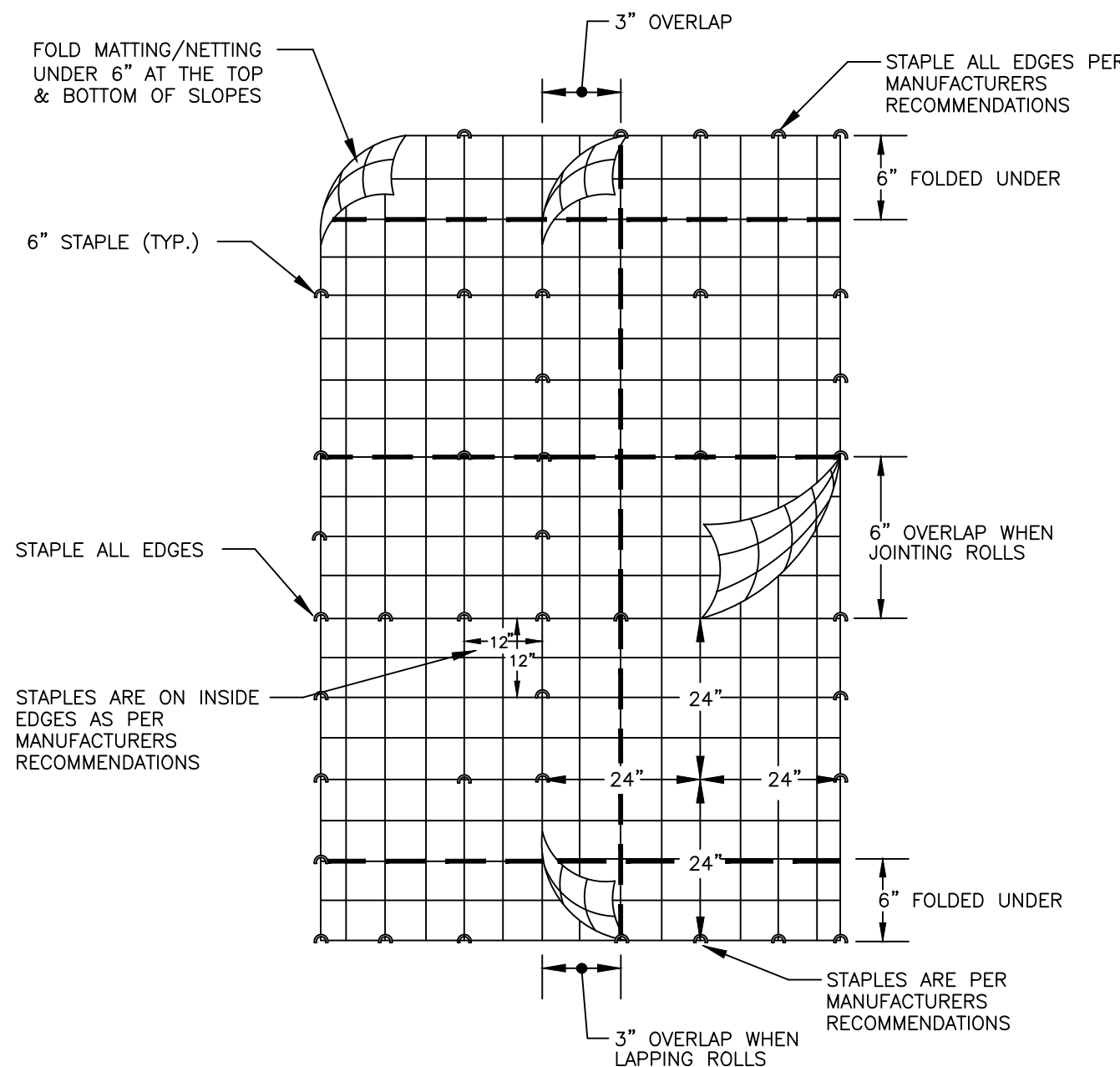
EROSION CONTROL BLANKETS
N.T.S.



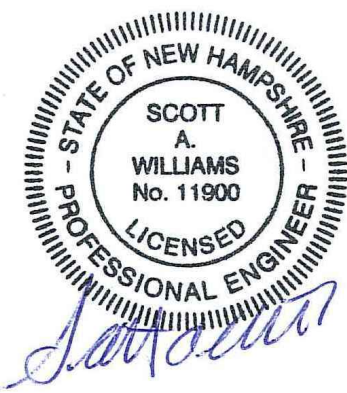
CONSTRUCTION SPECIFICATIONS

1. SILT FENCE MAY BE EITHER PREMANUFACTURED OR PREPARED ON SITE. INSTALLATION SHALL BE IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS.
2. SILT FENCE SHALL BE LOCATED AS SHOWN ON THE PLAN AND WHEREVER CONSTRUCTION ACTIVITIES MAY RESULT IN A TEMPORARY RUNOFF TO A STREAM OR WETLAND WHICH MAY CARRY SILT OR SEDIMENT.
3. THE TRENCH SHALL BE TIED IN PLACE BY PLACEMENT IN A 6 INCH TRENCH AND BACKFILLING WITH A SUITABLE MATERIAL.
4. WHEN A TRENCH CANNOT BE CONSTRUCTED, THE FABRIC MAY BE FOLDED AT THE BASE IN A MANNER SUCH THAT A MINIMUM OF 6 INCHES OF FABRIC LIES ON THE GROUND TOWARD THE DIRECTION OF FLOW. THE FOLDED FABRIC SHALL BE COVERED TO A DEPTH OF 6 INCHES WITH SUITABLE MATERIAL EXTENDING A MINIMUM OF 4 INCHES BEYOND THE FABRIC.
5. SUPPORTING STAKES SHALL BE PLACED NO MORE THAN 10 FEET APART.
6. MAINTENANCE SHALL BE PERFORMED AS NEEDED. FENCING SHALL BE REPLACED WHEN TORN, WHEN TRENCHING IS DISTURBED, WHEN THE FENCE DISPLAYS PLUGGING AS EVIDENCED BY SILT-LADEN APPEARANCE, WHEN WATER IS EXCESSIVELY RETARDED BY THE FENCE, OR WHENEVER "BULGES" APPEAR.

SILT FENCE
N.T.S.



MULCH NETTING & TURF RE-INFORCEMENT MATTING
N.T.S.



FOR PERMITTING ONLY
(NOT FOR CONSTRUCTION)

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EROSION AND SEDIMENT CONTROL DETAILS FOR
CITY OF LEBANON - RESIDENTIAL DEVELOPMENT PROJECT
(TAX MAP 77, LOT 106)

0 BARROWS STREET, LEBANON, NEW HAMPSHIRE 03766

PATHWAYS CONSULTING, LLC

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DESIGNED BY: SAW

DRAWN BY: DAS

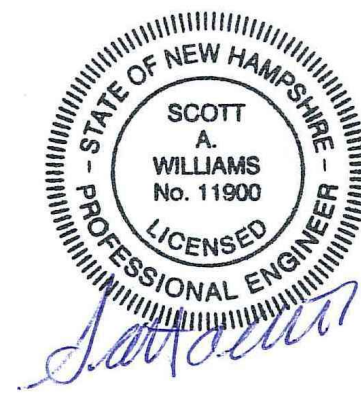
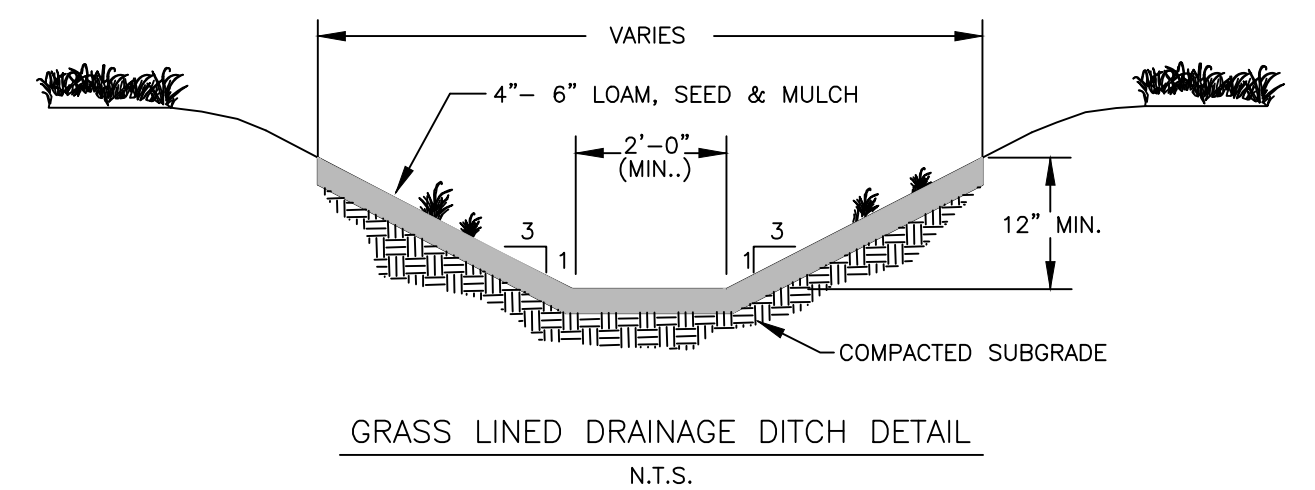
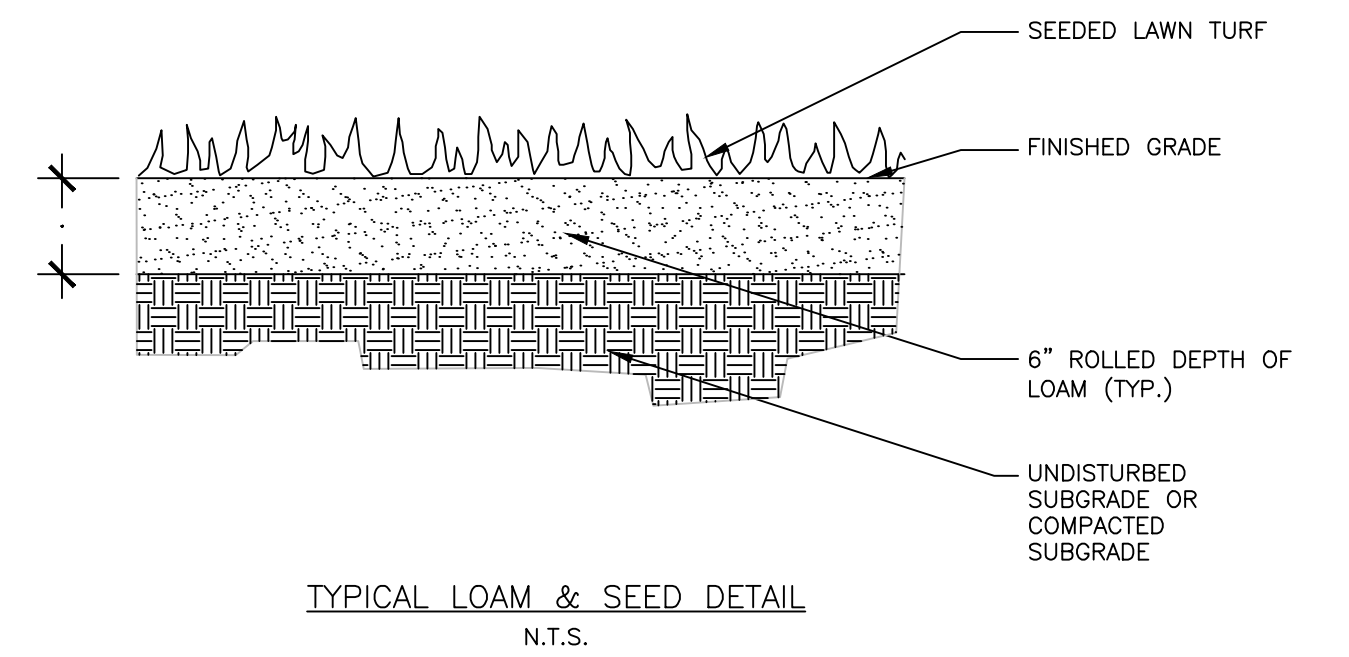
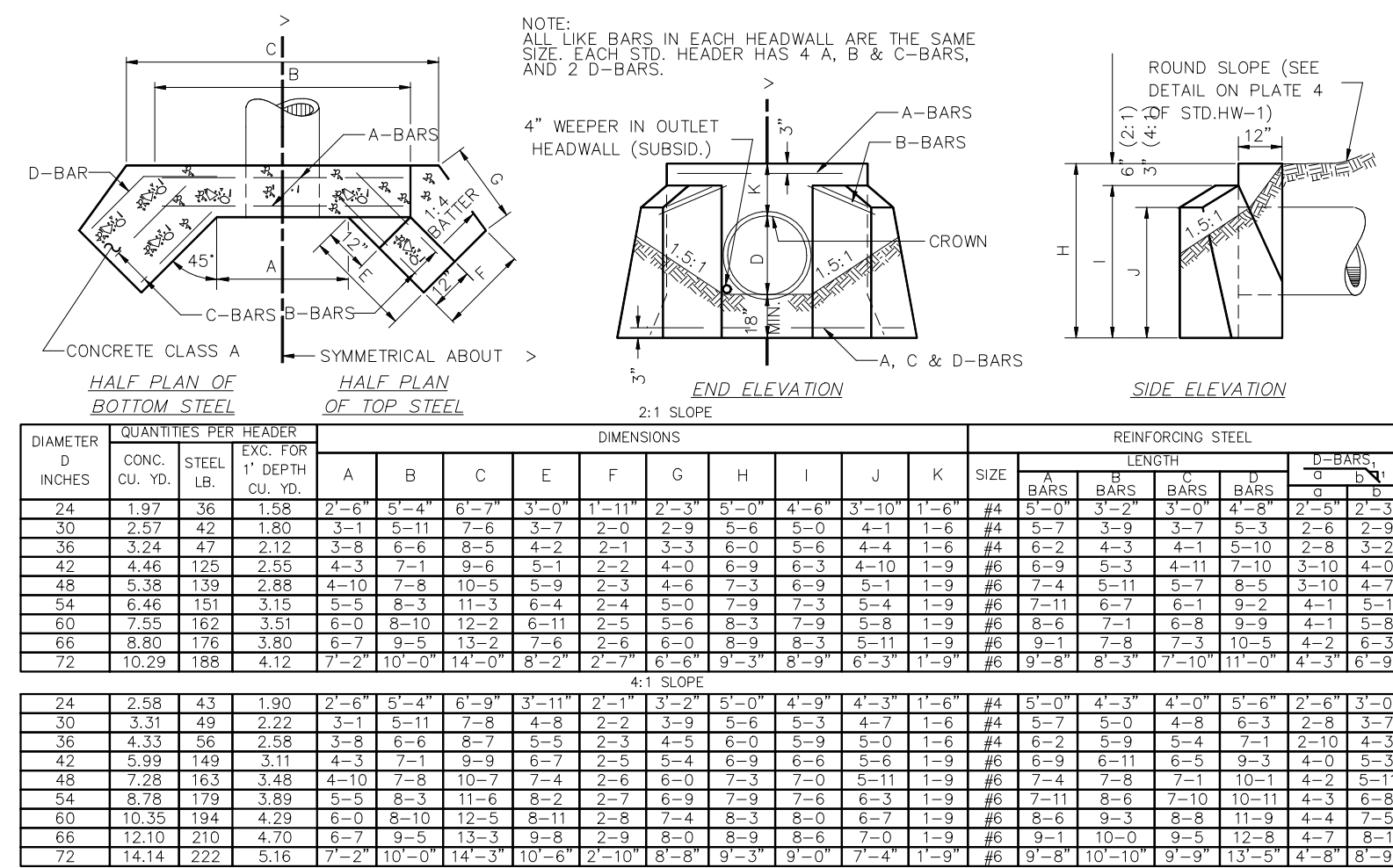
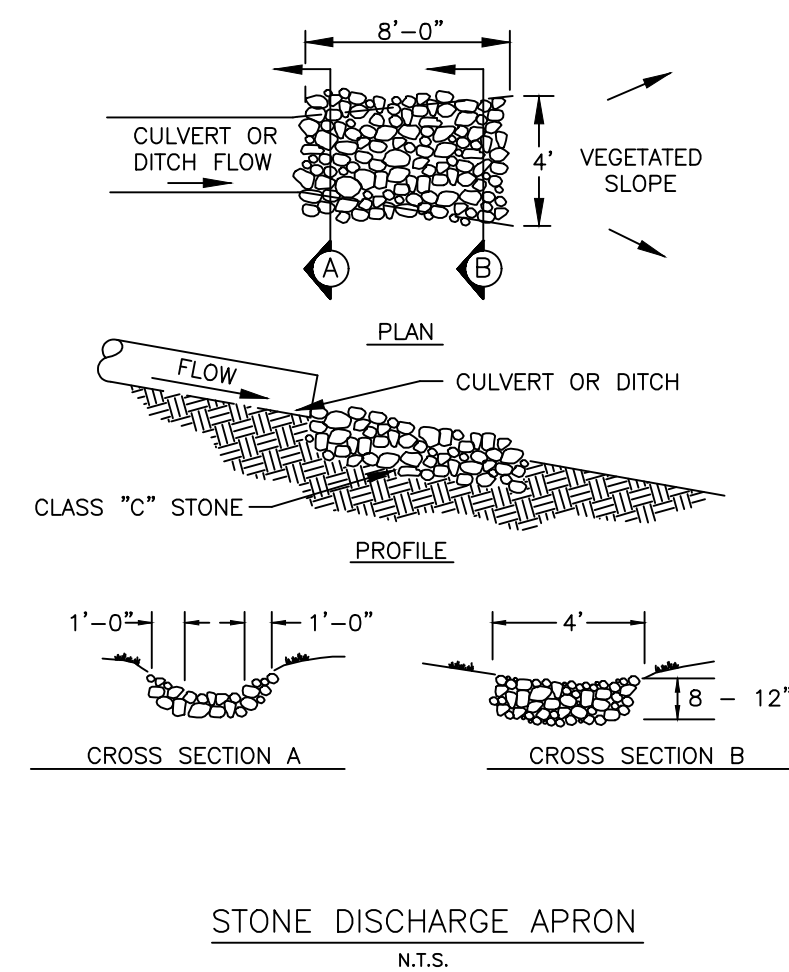
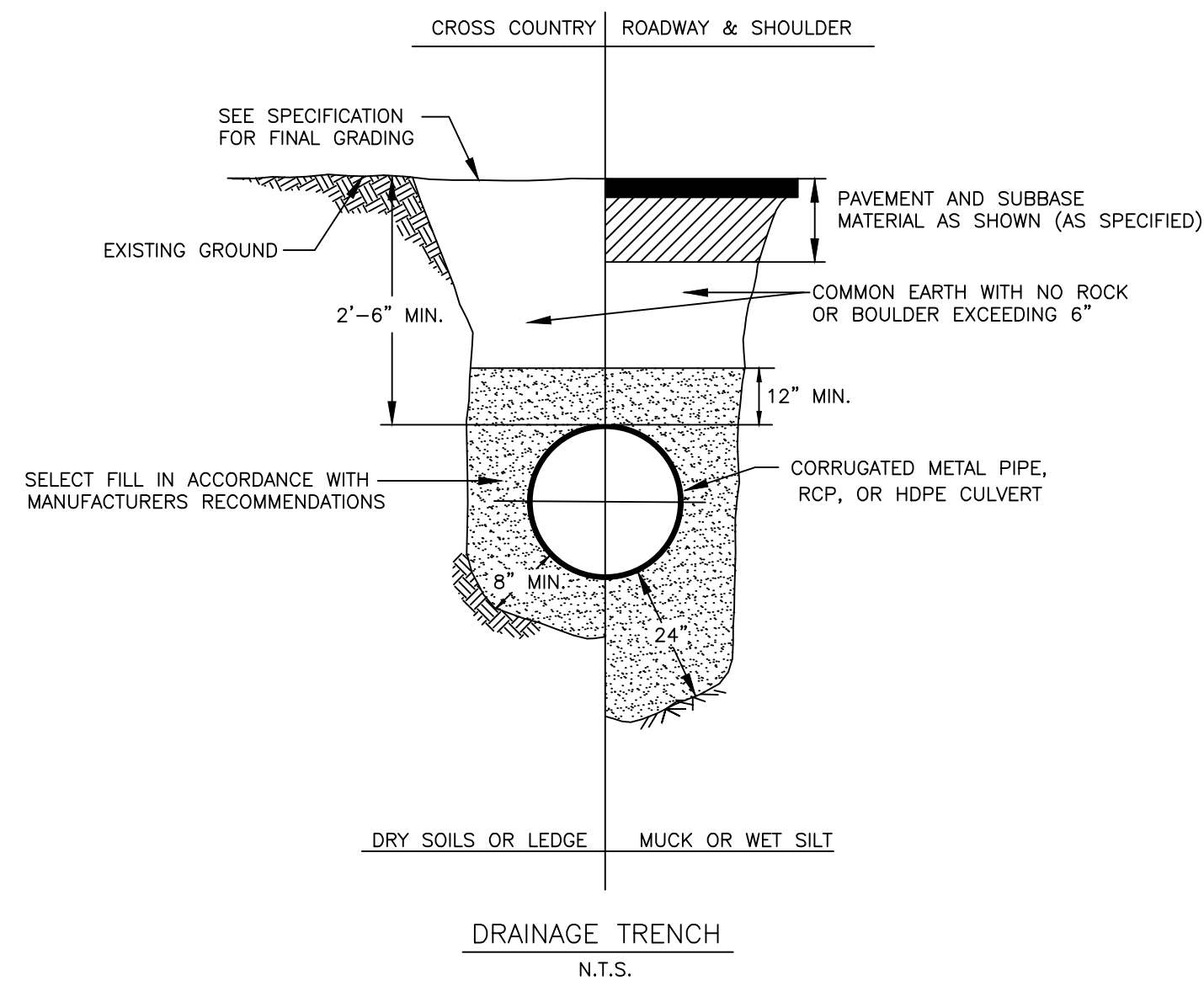
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DATE: 04-05-24

PROJ. NO. 13377

SHEET 5 OF 6

5



FOR PERMITTING ONLY
(NOT FOR CONSTRUCTION)

From: [Crystal Taplin](#)
To: [Uwizeye, Emmanuel](#)
Cc: [Tim Corwin](#); [Nathan Reichert](#); [Rod Finley](#); [Mark Goodwin](#)
Subject: City of Lebanon Intent to Intervene CC2024-02
Date: Wednesday, April 17, 2024 5:02:20 PM

Good Afternoon,

Re: The City of Lebanon, 0 Barrows St, Tax Map 77, Lot 106 - Review and Comment on NHDES Wetland Expedited Minimum Impact Application to fill, regrade and stabilize approx. 945 sq ft of wetlands. (permanent impact) that exist within an isolated depression on the subject property. CC2024-02

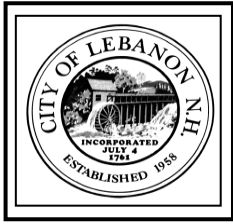
This letter is to notify you of the Lebanon Conservation Commission's intent to intervene on the State Wetland application mentioned above.

The Conservation Commission will be reviewing this application at their regular meeting on Thursday, May 9, 2024. Any comments will be forwarded to you on or about May 20th. If you need comments sooner than that, please let me know and I can request that the minutes be completed sooner than the 5 business day regulatory time frame.

If you have any questions, please contact the Planning Office at 603-448-1457.

Crystal Taplin
City of Lebanon
Planning & Development Department
Administrative Assistant

Please Note City Hall is Open Monday – Thursday from 7 AM – 5 PM
We are closed on Fridays



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Conservation Commission

FROM: Planning and Development Department Staff

RE: Proposed Amendment to Section 214 of the Zoning Ordinance – Governmental Uses

DATE: May 6, 2024

On March 20, 2024, City staff presented to the City Council a proposed amendment to Section 214 (“Governmental Uses”) of the Zoning Ordinance for initial consideration. The proposed amendment is discussed in the attached materials which were included with the March 20, 2024 City Council meeting agenda packet. Following the March 20th presentation, the City Council voted to submit the proposed amendment to the Zoning Board of Adjustment, Planning Board and Conservation Commission for review and comment, in accordance with Section 1000 of the Zoning Ordinance.

Section 1000.3 (“Amendment Procedures”), subsection C of the Zoning Ordinance requires review and comment by the Conservation Commission regarding any proposed zoning amendment as follows:

All proposed [zoning] amendments shall be forwarded to the Planning Board and Conservation Commission. Planning Board and Conservation Commission shall place the proposed amendment on their agenda for discussion and comment at least thirty (30) days prior to the City Council public hearing. The Planning Board and Conservation Commission shall forward their comments and recommendations to the City Council at least seven (7) days prior to City Council public hearing.

The Conservation Commission’s comments should be limited to the potential impact of the amendment on matters or concerns within the Commission’s purview. However, Commission members are welcome to and should feel free to provide general comments or suggestions on the proposed amendment in the members’ individual capacity as a City resident. Comments may be provided to staff and/or to the City Council at the public hearing on the proposed amendment.

For the Commission’s reference and review, attached are the relevant materials from the March 20, 2024, City Council agenda packet, which including the following:

- Staff Memo to the City Council providing a description of the proposed amendment.
- A redline of Section 214 of the Zoning Ordinance.
- A legal memo providing background on Section 214.
- A copy of RSA 674:54 (“Governmental Uses”).
- A legal opinion from Christine Fillmore, Esq., dated March 21, 2024.

Once review has been completed by the Conservation Commission and the other land use boards, the City Council will hold a public hearing followed by a vote on whether to adopt the amendment.

Attachments

**Agenda
Lebanon City Council
March 20, 2024**

10. New Business:

**10.C – Request for Zoning Amendment: Text Amendment for
Section 214, Governmental Uses, of the Lebanon Zoning Ordinance**

Background

“Governmental use” is defined in NH RSA 674:54, I, as meaning: “a use, construction, or development of land owned or occupied, or proposed to be owned or occupied, by the state, university system, the community college system of New Hampshire, or by a county, town, city, school district, or village district, or any of their agents, for any public purpose which is statutorily or traditionally governmental in nature.” Pursuant to the statute, governmental uses are not subject to local land use regulations, including zoning regulations and site plan review regulations. Projects that meet the statutory definition of “governmental use” may be reviewed by the governing body or by the Planning Board, but any comments issued pursuant to such reviews are non-binding and advisory only.

By contrast, Section 214 of the Lebanon Zoning Ordinance regulates Governmental Uses as follows: “Governmental Uses shall be governed by RSA 674:54; provided, however, that governmental uses proposed by the City of Lebanon shall be considered to be subject to this Ordinance, unless expressly exempted from it by vote of the City Council.” Rather than rely on NH RSA 674:54, which exempts governmental uses from local zoning regulations, Section 214 specifically requires the City’s governmental use projects to conform to the requirements of the Zoning Ordinance.

Requiring the City’s governmental use projects to comply with local zoning regulations has the potential effect that certain projects will be designed in a suboptimum manner in order to comply with Zoning Ordinance requirements that were primarily drafted and intended to apply to private land developments and not public infrastructure projects. Alternatively, it requires those projects to obtain zoning relief from the Zoning Board of Adjustment. This concern was recently brought to the Council’s attention in the context of the Trues Brook Road bridge reconstruction project, which would have required both a Variance and a Special Exception from the Zoning Board. Similarly, the Lahaye Drive/Mt. Support Road Intersection Project and the Lahaye Drive Multi-Use Path/TAP Project would have required Special Exceptions from the Zoning Board. The City Council ultimately exempted all three projects from the requirements of the Zoning Ordinance.

The conditions for granting a variance or special exception, as the case may be, are listed in the Zoning Ordinance and the Zoning Board is tasked with approving or denying the request on the merits of the application. Even if approved, any aggrieved abutter could appeal the ZBA decision. Any appeal could adversely affect a project’s construction schedule and potentially lead to an undesirable result that is contrary to public interest.

As explained further in the attached memorandum from Attorney Christine Johnston, the statutory exemption of governmental uses from local zoning regulations reflects the nature of governmental

uses, which have fundamentally different issues than private development. It is City staff's position that modifying Section 214 to exempt all governmental uses from the requirements of the Zoning Ordinance will ensure that municipal improvement projects, such as building roads, replacing bridges, constructing public facilities, and other governmental needs, are optimally designed to serve the public interest and aren't jeopardized by having to obtain approval from the Zoning Board of Adjustment. However, it is understood and acknowledged that projects undertaken by the City, or on City land or property, which do not meet the statutory definition of a Governmental Use, would continue to be fully subject to the provisions of the local zoning ordinance and land use regulations.

Action

If the Council decides to move forward with the proposed amendment to Section 214, the following motion is offered for consideration:

MOVED, that the Lebanon City Council in accordance with the City of Lebanon Zoning Ordinance, Article X, Section 1000.3, Amendment Procedures, submits the Zoning Ordinance amendment as shown in the redline dated March 11, 2024, included with the March 20, 2024 City Council agenda packet, to the Planning Board, Conservation Commission, and Zoning Board of Adjustment for their review and comment. The City Council hereby sets the following tentative review schedule:

Planning Board – April 22, 2024

Zoning Board of Adjustment – May 6, 2024

Conservation Commission – May 9, 2024

City Council Final Review – June 5, 2024

City Council Public Hearing – June 19, 2024

Included in this Section:

1. Proposed amendment (redline) of Section 214 of the Zoning Ordinance, prepared on March 11, 2024
2. Memorandum of Background Information on Section 214 of the Zoning Ordinance from Attorney C. Christine Johnston, dated March 10, 2024
3. NH RSA 674:54, Governmental Land Uses

DRAFT AMENDMENT TO SECTION 214 OF THE CITY OF LEBANON ZONING ORDINANCE

ARTICLE II GENERAL PROVISIONS

SECTION 214 GOVERNMENTAL USES.

Governmental ~~u~~Uses ~~shall be governed by as defined in~~ RSA 674:54; ~~whether proposed by the City of Lebanon or another governmental entity, shall be subject to the provisions of that statute and shall not be subject to the City of Lebanon Zoning Ordinance. Any use, construction, or development of land occurring on governmentally owned or occupied land but which is not a governmental use as defined in RSA 674:54 is fully subject to the City of Lebanon Zoning Ordinance;~~ provided, however, that ~~the City Council may vote governmental uses proposed by the City of Lebanon shall be considered to be subject to this Ordinance, unless to~~ expressly exempted from it by vote of the City Council ~~any non-governmental use by the City of Lebanon from compliance with the Ordinance.~~

MEMORANDUM

TO: Lebanon City Council; Shaun Mulholland, City Manager

FROM: C. Christine Johnston

DATE: March 10, 2024

RE: Background Information –Section 214 of Zoning Ordinance

This information is provided pursuant to a request from the City Manager’s Office for background information on Section 214 of the City’s Zoning Ordinance and the current discussion of a potential amendment to that section.

Section 214 currently reads as follows:

“Governmental Uses shall be governed by RSA 674:54; provided, however, that governmental uses proposed by the City of Lebanon shall be considered to be subject to this Ordinance, unless expressly exempted from it by vote of the City Council.”

In other words, governmental uses by any governmental entity other than the City are not subject to the Zoning Ordinance, but governmental uses proposed by the City itself are subject to it unless the Council votes specifically to make it exempt.

Historical background of the regulation of governmental uses of land:

Historically, municipalities have not been subject to their own zoning ordinances unless they have affirmatively chosen to include a provision in the zoning ordinance stating that the ordinance applies to the municipality itself. *McGrath v. Manchester*, 113 N.H. 355 (1973). In 1996, however, there was still some confusion about whether subdivision and site plan regulations applied to municipal land use projects. RSA 674:54 was first enacted in 1996 to answer this question and provide a clear process for municipalities to follow for their own land use projects.

The original form of the 1996 bill would have made almost all governmental projects subject to local land use ordinances and regulations to the same extent as private developments. However, significant concerns were raised by NH DOT, the university system, other state agencies, and some municipalities. Aside from the costs associated with the application and hearing process before various land use boards, the major concerns involved the very real potential for significant delays that could make many projects difficult or impossible to complete, and the potential that approvals would be denied, either at the local level or by a court on appeal. Although the new land use docket and the Housing Appeals Board have sped up land use appeals somewhat, complicated cases can still be tied up on appeal for a year or more, and a further appeal to the NH Supreme Court usually takes another year. Furthermore, many appeals go to court and are remanded back to the local land use board, only to be appealed again after the next round. This kind of delay can make some projects impossible to complete or take so long that they are no longer useful or effective.

Ultimately, the bill that was adopted in 1996 as RSA 674:54 was one that had been changed to substantially the form it is in today, in which a governmental entity planning a project for a governmental use is required to notify the Planning Board and governing body of the project, provide details, and obtain non-binding comments before the project can occur. In reaching this final language (which is, other than a few additions over the years, still the law today), the legislature concluded that there are fundamentally different issues involved with governmental land uses than there are with private development. While some private development may be focused on the common good (and that is usually the goal of land use regulation, of course), governmental land uses are intended to carry out governmental functions, which are, by definition, intended to benefit the public good in some way. The reason we have local government is to provide services and structure that society needs. When a government needs to build a road, replace a bridge, operate a wastewater treatment facility, build a fire station, expand or renovate City offices, develop a park, etc., such projects are all intended to directly or indirectly benefit the public. The legislature recognized that government can't be subjected to all of the same regulations as private developers because, if it is, government can't function in the way that we all need it to.

As a practical matter, very few cities and towns around New Hampshire have provisions in their zoning ordinances that specifically subject the municipality itself to its own zoning restrictions. Of the 13 cities, Lebanon is one of only two in which city land use projects are entirely subject to zoning (Nashua is the other one). Two others subject themselves to some but not all zoning: The City of Laconia requires its projects to obtain a conditional use permit from the planning board but is otherwise exempt; Keene includes standards for the construction of public infrastructure, regardless of who constructs them, but otherwise does not subject itself to its own land use regulations. The remainder of the cities are not subject to their own zoning.

RSA 674:54:

This statute applies to “governmental uses” of land, which are defined in the law as “a use, construction, or development of land owned or occupied, or proposed to be owned or occupied, by the state, university system, the community college system of New Hampshire, or by a county, town, city, school district, or village district, or any of their agents, for any public purpose which is statutorily or traditionally governmental in nature.” RSA 674:54, I.

- When a governmental entity plans a land use project which is “statutorily or traditionally governmental in nature” and which “constitutes a substantial change in use or a substantial new use,” it must provide written notice to the governing body and planning board of the municipality in which the project will occur.
- The notice must include plans, specifications, explanations of the proposed changes available at the time, a statement of the governmental nature of the use, and a proposed construction schedule.
- This notice must be provided at least 60 days before the beginning of construction.
- Either the governing body or planning board of the municipality where the project will occur may conduct a public hearing relative to the proposed governmental use. If a hearing is to be held, it must occur within 30 days after receipt of the notice. A representative of the governmental entity which provided the notice must be available at

the hearing to present the plans, specifications, and construction schedule, and to provide explanations.

- Within 30 days after the hearing, the governing body or planning board may issue non-binding written comments to the entity proposing the project regarding whether the proposal conforms (or not) with the normally-applicable land use regulations.

Of course, sometimes governmental entities are involved in land use projects which are not traditionally or statutorily “governmental” in nature (such as building a housing development). In those cases, the government would be fully subject to the provisions of the local zoning ordinance and land use regulations. RSA 674:54, II-a.

Certain kinds of projects are exempt from both local zoning and from the RSA 675:54 process:

- The layout and construction of public highways of any class
 - Distribution lines or transmission apparatus of governmental utilities (not including wireless communications facilities)
 - Erection, installation, or maintenance of poles, structures, conduits, and cables, or wires in, under, or across any public highways under RSA 231
 - Licenses or leases for telecommunication facilities in, under, or across railroad rights of way (other than wireless communications facilities)
 - The Governor also may declare any governmental use exempt from RSA 674:54 in the event of exigent circumstances where the delay entailed by compliance with that statute would endanger public health or safety
- RSA 674:54, III and IV.

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Governmental Use of Property

Section 674:54

674:54 Governmental Land Uses. –

I. In this section, "governmental use" means a use, construction, or development of land owned or occupied, or proposed to be owned or occupied, by the state, university system, the community college system of New Hampshire, or by a county, town, city, school district, or village district, or any of their agents, for any public purpose which is statutorily or traditionally governmental in nature.

II. The state, university system, community college system of New Hampshire, county, town, city, school district, or village district shall give written notification to the governing body and planning board, if such exists, of a municipality of any proposed governmental use of property within its jurisdiction, which constitutes a substantial change in use or a substantial new use. Written notification shall contain plans, specifications, explanations of proposed changes available at the time, a statement of the governmental nature of the use as set forth in paragraph I, and a proposed construction schedule. Such notification shall be provided at least 60 days prior to the beginning of construction. Either the governing body or planning board of the municipality may conduct a public hearing relative to the proposed governmental use. Any such hearing shall be held within 30 days after receipt of notice by the governing body or planning board. A representative of the governmental entity which provided notice shall be available to present the plans, specifications, and construction schedule, and to provide explanations. The governing body or planning board may issue nonbinding written comments relative to conformity or nonconformity of the proposal with normally applicable land use regulations to the sponsor of the governmental use within 30 days after the hearing.

II-a. Any use, construction, or development of land occurring on governmentally owned or occupied land, but which is not a governmental use as defined in paragraph I, shall be fully subject to local land use regulations.

II-b. The construction and operation of any solid waste disposal facility on land owned or occupied by any city or town within another city or town shall be subject to local land use regulations to the same extent as if the land were owned and occupied by a private entity. Nothing in this paragraph shall affect the construction and operation of a solid waste facility on land owned by a solid waste management district formed under RSA 53-A or RSA 53-B or any combination of municipalities authorized by an act of the general court, if the land is located within a city or town that is part of the district.

III. This section shall not apply to:

(a) The layout or construction of public highways of any class, or to the distribution lines or transmission apparatus of governmental utilities, provided that the erection of a highway or utility easement across a parcel of land, shall not, in and of itself, be deemed to subdivide the remaining land into 2 or more lots or sites for conveyance for development purposes in the absence of subdivision approval under this title. For purposes of this subparagraph, "transmission apparatus" shall not include wireless communication facilities.

(b) The erection, installation, or maintenance of poles, structures, conduits and cables, or wires in, under, or across any public highways under RSA 231, or licenses or leases for telecommunication facilities in, under, or across railroad rights of way. For purposes of this subparagraph, "structures" shall not include wireless communications facilities.

IV. In the event of exigent circumstances where the delay entailed by compliance with this section would endanger public health or safety, the governor may declare a governmental use exempt from the requirements of this section.

Source. 1996, 262:1. 1998, 281:2. 2007, 29:1, eff. May 14, 2007; 361:32, eff. July 17, 2007.

March 21, 2024

Nathan Reichert, Director of Planning & Development
City of Lebanon
51 S. Park Street
Lebanon, NH 03766

**RE: Proposed Zoning Amendment
Governmental Uses; Section 214**

Mr. Reichert:

This is a preliminary legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance concerning a proposed amendment to revise Section 214 (“Governmental Uses”). The proposed amendment would provide that “governmental uses” as defined in RSA 674:54, whether by the City or by another governmental entity, are subject to the process in RSA 674:54. Uses by the City which do not constitute governmental uses would be fully subject to the provisions of the Zoning Ordinance unless the City Council voted to make a particular use exempt.

I have reviewed the following documents in connection with this opinion:

- Proposed amendment language dated March 11, 2024
- Staff Memo to City Council provided March 20, 2024 regarding the requested amendment

The Ordinance requires this legal review to cover: (a) whether such amendments are within the authority delegated to the City under State law; (b) whether the form is appropriate; and (c) whether, from an administrative point of view, the amendments can be administered and enforced.

My answer to the three questions in Section 1000.2.B(2) is “yes” and I discern no legal or administrative issues of concern with that request.

Please do not hesitate to contact me about any aspect of this.

Sincerely,



C. Christine Johnston