



**LEBANON CONSERVATION COMMISSION
DECEMBER 12, 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: 270 062 905#). If you have trouble accessing this meeting, please [email mark.goodwin@lebanonnh.gov](mailto:mark.goodwin@lebanonnh.gov)

2. Approval of Minutes

- A. November 14, 2024

3. Open to the Public

4. Permit Review

- A. **Review and Comment to NH DES and Lebanon Zoning Board of Adjustment: Mary Hitchcock Memorial Hospital (property owner), Families Flourish Northeast (applicant), 424 Mount Support Road, Tax Map 24, Lot 6** - Review and Comment on NHDES Wetlands Major Impact Application to construct a multi-family residential facility. The proposed project has approximately 6,437 square feet of permanent impact and approximately 799 square feet of temporary impact to the wetlands. **CC2024-03 (No NH DES number yet) (30 minutes)**

5. Study Items

- A. Zoning Amendments Review and Discussion (45 minutes)
B. Review of Request for Zoning Map Amendment: ICV of NH, LLC - 67 Etna Road, Tax Map 26, Lot 2 (30 minutes)
C. Status Update & Review - 2024 Con Com Goals (45 minutes)

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
REGULAR MEETING MINUTES
Remote Via Microsoft Teams
LebanonNH.gov/Live
November 14, 2024
6:30 PM**

MEMBERS PRESENT: Sarah Riley (Chair), Bruce James, (Vice Chair), Erling Heistad, Barbara Hirai, Donald Lacey, Ernst Oidtmann

MEMBERS ABSENT: Sean Dittrich (Alt.), Brandon Hill (Alt)

STAFF PRESENT: Mark Goodwin (GIS Coordinator), Crystal Taplin (remote), Nathan Reichert (remote – approximately 30 minutes)

1 **1. CALL TO ORDER –** Chair Riley called the meeting to order at 6:35PM

2
3 **2. APPROVAL OF MINUTES:**

4
5 *Mr. Donald Lacey MOVED* to approve October 10, 2024 Minutes as amended. The motion was
6 *Seconded by Erling Heistad.*

7
8 **Amendments:**

9 Page 2, line 29 change to Cormen Nature Preserve
10 Page 2, line 32, change to Rix Ledges and throughout document
11 Page 3, line 4, Hirai – and throughout document
12 Page 4, line 7 – change to Ms. Hirai
13 Page 4, line 17 – New Hampshire Fish and Game
14 Page 4, line - delete entire sentence
15 Page 4, Line 27 – strike entire sentence
16 Page 5, line 36, change to Ms. Hirai (from Almy)
17 Page 5, lines 49 and 52 should be Ms. Hirai

18
19 ** The MOTION was approved (5-0)*

20
21 **3. OPEN TO PUBLIC:** Mr. Dan Nash, a member of the public, sat in at this meeting.

22
23 **A.** No one from the public spoke.

24
25 **4. PERMIT REVIEW:**

26
27 **A.** None

28
29 **5. STUDY ITEMS:**

30
31 **A.** Zoning Amendments Review and Discussion

1 These will be discussed in the December 19, 2024 Conservation Commission meeting.

2
3 Chair Riley commented that she recalled Nate said some of the zoning amendments in the plan will affect
4 the Conservation Commission and that this Commission does not have the opportunity to review these
5 amendments that impact development *in advance*, nor can they make the complimentary comments and
6 recommendations that would add protection.

7
8 Chair Riley will forward the information from the October City Council meeting to Con Com members,
9 pertaining to relevant Zoning information. Ms. Taplin (remote) said that they are waiting for a legal
10 review of everything. Thereafter, the Conservation Commission will get a more detailed document from
11 Zoning.

12
13 B. Discussion RE: Northern Lebanon Community Plan (NLCP)

14
15 The Conservation Commission has two roles in this matter, one to provide their comments and two, to
16 make action items that might results in Zoning changes.

17
18 Mr. Goodwin initiated this conversation and shared a DRAFT of Next Steps (in green) he prepared, that
19 the ConCom worked from during this meeting, with their focus on the next steps. The document is in
20 response to the Strategic Goals and Recommendations (1.1 through 1.9) offered last month in the
21 Northern Lebanon Community Plan (NLCP) and sent to ConCom. He also displayed a map for the Con
22 Com to reference during their discussion. This Conservation Commission also agreed that the Study casts
23 a wide net and so it will be important to prioritize the things that are most important.

24
25 Recommendation 1.1

26
27 Formalize and map a 100-ft. wide Wildlife Corridor Passage Overlay District that connects the three
28 existing wildlife and required the installation of signage at all existing and new multi-use path and
29 roadway crossings that bisect the overlay district boundary.

30
31 Mr. Goodwin wrote:

32
33 Next Step: “Unsure as to “formalize” and Map 100’ Wildlife Corridor Passage and Overlay District. The
34 corridor from the Landmark Lands, across Mr. Support Road and Route 120, to the Nicole Corman
35 Nature Preserve, is encumbered land. There are opportunities to enhance the width of the corridor by
36 expanding to land on one or two parcels, and that could be accomplished either by landowner outreach
37 and a conservation proposal or could be part of a Planning Board site plan approval process.”

38
39 “The location of signage where the multi-use path could be a way to showcase the corridor if deemed
40 worthy? The location of signage where roadways intersect are likely better served to align previous
41 recommendations, including the concept of alerting vehicles well in advance of the corridor.”

42
43 Recommendation 1.2 Study the feasibility of decreasing traffic speeds and upsizing the existing culverts
44 for all three existing wildlife corridors within the Study Area.

45
46 Next Step: Existing Speed limits are adequate and unlikely to be lowered with the volume of traffic
47 served. Enforcement of existing speed limits is likely the more relevant action. Understanding what
48 enforcement measures are already in place and collaborating with the Lebanon Police as to suggesting
49 additional enforcement measures could be beneficial, such as flashing speed signs, etc.

Culvert upsizing opportunities are limited to four or five locations in total occurring on Mt. Support, Route 120, and Etna Road, with the best candidate existing along route 120.” Con Com/ “CoL staff should share the recommendations with the NH DOT contact.” Mark will add additional verbiage here regarding DOT...Culvert Database and will talk with Rebecca about this as well.

Recommendation 1.3 In partnership with the Lebanon Conservation Commission and the New Hampshire Fish and Game Department, develop public-facing education materials on the importance of the wildlife corridors and make them available at key City facilities.

Next Step: “Likely simply added to the list of topics that ConCom/CoL pushes out as part of the public educational messaging.”

Recommendation 1.4 If a parcel of developable land borders conservation lands, consider requiring a 100-foot, wooded or landscaped buffer between the property line and any new development to maintain a natural buffered area between existing preserved lands and any new developments.

Next Step: “Would a broad reaching zoning requirement as such have more unintended consequences than desired ones? Would defaulting to the Planning Board development review process, including conditioning approvals to include an appropriate distanced buffer when deemed necessary to avoid adverse impacts to the corridor be a better technique?”

There are already multiple examples of this is play and planners and the Planning Board need to continue to look for enhancements as opportunities present themselves and possibly additional buffers. These concepts are for the Planning Board, not the Conservation Commission.

Recommendation 1.5 Install signed and directional trailheads throughout the Study Area to promote the use of the extensive network of trails through existing conservation lands in and around the Study Area.

Next Step: “None of the Lebanon Conservation Commission reviewed this proposed action and did not see it’s association with the goals to preserve the ecological integrity of the area.”

Further, this recommendation could conflict with the goals of this Conservation Committee. Ms. Harai said that careful planning is needed to protect the ecological integrity. Chair Riley suggested they have a Trails for People and Wildlife workshop for the Planning Board, ConCom, Department of Recreation, the public, and all parties involved, so that all understand what is at stake, and the impacts of trails on these spaces.

Signage is important, but more signage is a separate issue from the possibility of adding more trails. This recommendation is not relevant to more trailheads, which should be a well thought out process and fall under the second Strategic Goal.

Recommendation 1.6 Mandate a percentage of new developments require dedicated public open space in the form of a landscaped plaza, pocket park, or a community garden, or natural areas.

Next Step: “ see previous note regarding PB process and conditioning of development approvals.” This is another area that needs Planning Board approval, and it seems this mandate has a very broad in scope.

Recommendation 1.7 Approach DHMC regarding their three parcel assemblages north of Lehay Drive (Parcel IDs 10-23, 10-24-200, and 10-25 for a total of approximately 9 acres) to gage their willingness to dedicate the land to the City for the purposes of creating a community park, inclusive of amenities and

1 programming of appropriate scale and size to reflect the land's existing natural features. Parking would
2 not be part of this area.

3
4 **Next Step:** "ConCom recommends that if this concept was to be pursued, the cleared area has potential,
5 but the existing forest and wetland area should remain in a natural state, and that parking should not be a
6 component of the proposal. Invasive species removal should be pursued as part of any initiative.

7
8 Recommendation 1.8 Require that any future development within 250-feet of wetlands include a certain
9 percentage of total site land cover as permeable surfaces.

10
11 **Next Step:** Explore additional buffers for existing wetlands within the study area.

12
13 Chair Riley shared that she thinks there should be a maximum permeable space rather than a percentage.
14 Also, regarding proximity to wetlands, this is an opportunity to have natural vegetation around these
15 wetlands. The recommendation as stated is much too broad, as it involves most of the City. Also, all
16 wetlands need a buffer, so the ConCom would like to take this opportunity to explore additional buffers
17 for existing wetlands, as stated above (in green).

18
19 Recommendation 1.9 Expand the coverage area of the Steep Slopes District to cover the entirety of the
20 Study Area where slopes are greater than or equal to 25-percent are located to preserve the natural
21 character of neighboring conservation lands, ridgelines, and rock formations.

22
23 **Next Step:** Additional analysis to determine whether any of the steep slopes are outside of what is already
24 encumbered land, and if so, do they want to warrant zoning protection?"

25
26 Chair Riley added some comments on Strategy 2, Connectivity Improvements (sidewalks, multi-use
27 paths, etc.), that she wants to be sure Planning understands the responsibilities of Conservation
28 Commissions and the fact that the Conservation Commission needs to get information in advance, and
29 included early in these processes, so that they can consider the impact on wetlands in advance of a project
30 being completed, not after the fact. This strategy calls for more trail connections, and hence this request.

31
32 Also, this study goes all the way to the Hanover border, and she does not know how these changes
33 correlate or impact Hanover's conservation?

34
35 Mr. James suggested they have conversations with Hanover. Mr. Riley asked how these different zones
36 impact the already impact of the central resources.

37
38 It is the same land in play, but different uses, and therefore different impacts as well. They need to learn
39 more about these impacts, for example residential versus light industrial.

40 41 **C. Status Update & Review – 2024 Con Com Goals**

42 Under property stewardship, they have made substantial progress on Boston Lot, which was a 2024 focus
43 for them. Ms. Harai asked that they put off most of this Goals discussion until their December meeting.

44
45 Regarding the Alana Cole trail, Ross from Upper Valley Trail Alliance, our local expert, allowed them to
46 borrow hand tools (they also have power tools for lending) from their tool lending library. They are a
47 resource for Con Com for expertise, lending, consultation, and actual work to be done.

48 Chair Riley suggested they go look at the *accessible* trails Distant Hills in Walpole, New Hampshire.
49 There has been much work done there to make trails accessible and safe. Power wheelchair users can use
50 these trails. She thinks it would be worthwhile for Con Com members to see this.

1 Rivers Conservation area was cleaned up by Mascoma Bank and team, during 2024.

2
3 Ms. Harai asked that they calculate the hours that volunteers and members have contributed in 2024. So
4 far, they have counted more than 300 hours so far this year, not counting individual contributions, paid
5 rangers, etc. They will get these numbers to Chair Riley so that she can include this in her 2024
6 spreadsheet.

7
8 They will continue the discussion of 2024 Con Com Goals/Results at the December 12, 2024 meeting.
9

10 **6. COMMITTEE REPORTS:** None

11
12 **7. OTHER BUSINESS:** None

13
14 **8. FUTURE AGENDA ITEMS:** None

15
16 **9. ADJOURNMENT:**

17
18 ***The meeting was adjourned at 9:00PM by Chair Riley.**

19
20 Respectfully submitted,

21 Cinda Mersel

22 Recording Secretary

**FAMILIES FLOURISH NORTHEAST
424 MT SUPPORT ROAD
LEBANON, NH**

NH WETLANDS PERMIT APPLICATION

Submitted for:
Families Flourish Northeast
PO Box 20
Enfield Center, NH 03749

Prepared by:

GM2 Associates, Inc.
197 Loudon Road, Suite 310
Concord, NH
&
Engineering Ventures, PC
85 Mechanic Street, Suite E2-3
Lebanon, NH

December 2024

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Coordination with Federal Agencies

Coordination with Lebanon Conservation Commission

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USGS Location Map

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Appendix B Checklist

USFWS IPaC Results

Tricolored Bat Consistency Determination Letter

Natural Heritage Bureau Review Report

Lebanon Conservation Commission Meeting Minutes

Photographs

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STANDARD DREDGE AND FILL WETLANDS PERMIT APPLICATION

Water Division / Land Resources Management
[Check the Status of your Application](#)



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

APPLICANT'S NAME: Families Flourish Northeast **TOWN NAME:** Lebanon

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

A person may request a waiver of the requirements in Rules Env-Wt 100-900 to accommodate situations where strict adherence to the requirements would not be in the best interest of the public or the environment but is still in compliance with RSA 482-A. A person may also request a waiver of the standards for existing dwellings over water pursuant to RSA 482-A:26, III(b). For more information, please consult the [Waiver Request Form](#).

SECTION 1 - REQUIRED PLANNING FOR ALL PROJECTS (Env-Wt 306.05; RSA 482-A:3, I(d)(2))

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.

Has the required planning been completed?	☒ Yes ☐ No
Does the property contain a PRA? If yes, provide the following information:	☒ Yes ☐ No
• Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NHFG) and NHB agreement for a classification downgrade) or a Project-Type Exception (e.g. Maintenance or Statutory Permit-by-Notification (SPN) project)? See Env-Wt 407.02 and Env-Wt 407.04.	☐ Yes ☒ No
• Protected species or habitat? ○ If yes, species or habitat name(s): Appalachian barren-strawbe ○ NHB Project ID #: NHB24-3391	☒ Yes ☐ No
• Bog?	☐ Yes ☒ No
• Floodplain wetland contiguous to a tier 3 or higher watercourse?	☐ Yes ☒ No
• Designated prime wetland or duly-established 100-foot buffer?	☐ Yes ☒ No
• Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone?	☐ 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:	

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

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

des.nh.gov

For dredging projects, is the subject property contaminated? • If yes, list contaminant:	☐ Yes ☒ No
Is there potential to impact impaired waters, class A waters, or outstanding resource waters?	☐ Yes ☒ No
For stream crossing projects, provide watershed size (see WPPT or Stream Stats): N/A	
SECTION 2 - PROJECT DESCRIPTION (Env-Wt 311.04(i))	
Provide a description of the project and the purpose of the project, the need for the proposed impacts to jurisdictional areas, an outline of the scope of work to be performed, and whether impacts are temporary or permanent.	
The proposed project involves the construction of a multi-family residential facility at 424 Mt. Support Road in Lebanon. The purpose of the facility is to provide a residential substance-use treatment center for pregnant and parenting women and their children. The proposed building will have a footprint of approximately 5,853 square feet and will be three stories tall. Work will also include the construction of a driveway, 15 parking spaces, and stormwater management/treatment measures. Construction is expected to occur in 2025-2026. The project proposes approximately 6,437 square feet of wetland impact. This includes approximately 5,638 square feet of permanent impact and 799 square feet of temporary impact. The permanent impacts will result from the construction of the building, parking spaces, and driveway. The temporary impacts will result from the construction of a retaining wall along the northern edge of the parking area.	
SECTION 3 - PROJECT LOCATION	
Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur.	
ADDRESS: 424 Mt Support Road	
TOWN/CITY: Lebanon	
TAX MAP/BLOCK/LOT/UNIT: 24 / 6	
US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: ☒ N/A	
(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places): 43.67213 N, 72.26367 W	

SECTION 4 - APPLICANT (DESIRED PERMIT HOLDER) INFORMATION (Env-Wt 311.04(a))

If the applicant is a trust or a company, then complete with the trust or company information.

NAME: Families Flourish Northeast

MAILING ADDRESS: PO Box 20

TOWN/CITY: Enfield Center

STATE: NH

ZIP CODE: 03749

EMAIL ADDRESS: tsullivan@sullivanconstruction.com

FAX:

PHONE: 603-637-1621

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

SECTION 5 - AUTHORIZED AGENT INFORMATION (Env-Wt 311.04(c))☐ N/A

LAST NAME, FIRST NAME, M.I.: Riordan, Jennifer

COMPANY NAME: GM2 Associates, Inc.

MAILING ADDRESS: 197 Loudon Road, Suite 310

TOWN/CITY: Concord

STATE: NH

ZIP CODE: 03301

EMAIL ADDRESS: jriordan@gm2inc.com

FAX:

PHONE: 603-856-7854

ELECTRONIC COMMUNICATION: By initialing here, I hereby authorize NHDES to communicate all matters relative to this application electronically. **JR****SECTION 6 - PROPERTY OWNER INFORMATION (IF DIFFERENT THAN APPLICANT) (Env-Wt 311.04(b))**

If the owner is a trust or a company, then complete with the trust or company information.

☐ Same as applicant

NAME: Mary Hitchcock Memorial Hospital, c/o David Duncan

MAILING ADDRESS: One Medical Center Drive

TOWN/CITY: Lebanon

STATE: NH

ZIP CODE: 03756

EMAIL ADDRESS: David.F.Duncan@hitchcock.org

FAX:

PHONE: 603-650-5880

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

SECTION 7 - RESOURCE-SPECIFIC CRITERIA ESTABLISHED IN Env-Wt 400, Env-Wt 500, Env-Wt 600, Env-Wt 700, OR Env-Wt 900 HAVE BEEN MET (Env-Wt 313.01(a)(3))

Describe how the resource-specific criteria have been met for each chapter listed above (please attach information about stream crossings, coastal resources, prime wetlands, or non-tidal wetlands and surface waters):

Wetlands were delineated in accordance with the requirements in Env-Wt 400.

Env-Wt 524 - Wetland impacts have been minimized where possible. The project will maintain hydrologic connections and existing wildlife habitat. Wetlands are not being used for stormwater treatment.

Env-Wt 600, 700, and 900 are not applicable.

SECTION 8 - AVOIDANCE AND MINIMIZATION

Impacts within wetland jurisdiction must be avoided to the maximum extent practicable (Env-Wt 313.03(a)).* Any project with unavoidable jurisdictional impacts must then be minimized as described in the [Wetlands Best Management Practice Techniques For Avoidance and Minimization](#) and the [Wetlands Permitting: Avoidance, Minimization and Mitigation fact sheet](#). For minor or major projects, a functional assessment of all wetlands on the project site is required (Env-Wt 311.03(b)(10)).*

Please refer to the application checklist to ensure you have attached all documents related to avoidance and minimization, as well as functional assessment (where applicable). Use the [Avoidance and Minimization Checklist](#), the [Avoidance and Minimization Narrative](#), or your own avoidance and minimization narrative.

**See Env-Wt 311.03(b)(6) and Env-Wt 311.03(b)(10) for shoreline structure exemptions.*

SECTION 9 - MITIGATION REQUIREMENT (Env-Wt 311.02)

If unavoidable jurisdictional impacts require mitigation, a mitigation [pre-application meeting](#) must occur at least 30 days but not more than 90 days prior to submitting this Standard Dredge and Fill Permit Application.

Mitigation Pre-Application Meeting Date: Month: Day: Year:

(☐ N/A - Mitigation is not required)

SECTION 10 - THE PROJECT MEETS COMPENSATORY MITIGATION REQUIREMENTS (Env-Wt 313.01(a)(1)c)

Confirm that you have submitted a compensatory mitigation proposal that meets the requirements of Env-Wt 800 for all permanent unavoidable impacts that will remain after avoidance and minimization techniques have been exercised to the maximum extent practicable: ☐ I confirm submittal.

(☐ N/A – Compensatory mitigation is not required)

SECTION 11 - IMPACT AREA (Env-Wt 311.04(g))

For each jurisdictional area that will be/has been impacted, provide square feet (SF) and, if applicable, linear feet (LF) of impact, and note whether the impact is after-the-fact (ATF; i.e., work was started or completed without a permit).

For intermittent and ephemeral streams, the linear footage of impact is measured along the thread of the channel. *Please note, installation of a stream crossing in an ephemeral stream may be undertaken without a permit per Rule Env-Wt 309.02(d), however other dredge or fill impacts should be included below.*

For perennial streams/ivers, the linear footage of impact is calculated by summing the lengths of disturbances to the channel and banks.

Permanent (PERM.) impacts are impacts that will remain after the project is complete (e.g., changes in grade or surface materials).

Temporary (TEMP.) impacts are impacts not intended to remain (and will be restored to pre-construction conditions) after the project is completed.

JURISDICTIONAL AREA		PERM. SF	PERM. LF	PERM. ATF	TEMP. SF	TEMP. LF	TEMP. ATF
Wetlands	Forested Wetland	4,004		☐	799		☐
	Scrub-shrub Wetland			☐			☐
	Emergent Wetland	1,634		☐	0		☐
	Wet Meadow			☐			☐
	Vernal Pool			☐			☐
	Designated Prime Wetland			☐			☐
	Duly-established 100-foot Prime Wetland Buffer			☐			☐
Surface	Intermittent / Ephemeral Stream			☐			☐
	Perennial Stream or River			☐			☐
	Lake / Pond			☐			☐
	Docking - Lake / Pond			☐			☐
	Docking - River			☐			☐
Banks	Bank - Intermittent Stream			☐			☐
	Bank - Perennial Stream / River			☐			☐
	Bank / Shoreline - Lake / Pond			☐			☐
Tidal	Tidal Waters			☐			☐
	Tidal Marsh			☐			☐
	Sand Dune			☐			☐
	Undeveloped Tidal Buffer Zone (TBZ)			☐			☐
	Previously-developed TBZ			☐			☐
	Docking - Tidal Water			☐			☐
TOTAL		5,638			799		

SECTION 12 - APPLICATION FEE (RSA 482-A:3, I)

☐ **MINIMUM IMPACT FEE:** Flat fee of \$400.

☐ **NON-ENFORCEMENT RELATED, PUBLICLY-FUNDED AND SUPERVISED RESTORATION PROJECTS, REGARDLESS OF IMPACT CLASSIFICATION:** Flat fee of \$400 (refer to RSA 482-A:3, 1(c) for restrictions).

☒ **MINOR OR MAJOR IMPACT FEE:** Calculate using the table below:

Permanent and temporary (non-docking): 6,437	SF	× \$0.40 =	\$ 2574.8
Seasonal docking structure:	SF	× \$2.00 =	\$
Permanent docking structure:	SF	× \$4.00 =	\$
Projects proposing shoreline structures (including docks) add \$400 =			\$
Total =			\$ 2574.8
The application fee for minor or major impact is the above calculated total or \$400, whichever is greater =			\$ 2574.8

\$2,574.80

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

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

des.nh.gov

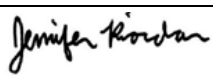
SECTION 13 - PROJECT CLASSIFICATION (Env-Wt 306.05)

Indicate the project classification.

☐ Minimum Impact Project☐ Minor Project☒ Major Project**SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311.11)****Initial each box below to certify:**

Initials: JR	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials: JR	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: JR	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: JR	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 15 - REQUIRED SIGNATURES (Env-Wt 311.04(d); Env-Wt 311.11)

SIGNATURE (OWNER):	PRINT NAME LEGIBLY:	DATE:
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER):	PRINT NAME LEGIBLY:	DATE:
SIGNATURE (AGENT, IF APPLICABLE): 	PRINT NAME LEGIBLY: Jennifer Riordan	DATE: 12/3/24

SECTION 16 - TOWN / CITY CLERK SIGNATURE (Env-Wt 311.04(f))

As required by RSA 482-A:3, I(a)(1), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.

TOWN/CITY CLERK SIGNATURE:	PRINT NAME LEGIBLY:
TOWN/CITY: Lebanon	DATE:

DIRECTIONS FOR TOWN/CITY CLERK:

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

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

DIRECTIONS FOR APPLICANT:

Submit the 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. Make check or money order payable to "Treasurer – State of NH".

Supplemental Narrative

Project Description

The proposed project involves the construction of a multi-family residential facility at 424 Mt. Support Road in Lebanon. The purpose of the facility is to provide a residential substance-use treatment center for pregnant and parenting women and their children. The proposed building will have a footprint of approximately 5,853 square feet and will be three stories tall. Work will also include the construction of a driveway, 15 parking spaces, and stormwater management/treatment measures. Construction is expected to occur in 2025-2026.

The property is currently owned by Mary Hitchcock Memorial Hospital. Families Flourish Northeast (FFNE) may lease the property from the Hospital. Options are currently being considered and an agreement will be finalized prior to construction.

Project Location / Existing Conditions

The project is located at 424 Mount Support Road (Parcel ID 24-6) in Lebanon. This is a 1.81-acre property that is situated to the southeast of the Lahaye Drive and Mount Support Road intersection. The property consists of a mowed field that is surrounded by forested wetland. The majority of the field is upland, although the wetland wraps around the edge and extends slightly into the field. A large, forested wetland is located east of the property, beyond the project limits. This wetland extends to Lahaye Drive and NH Route 120 and drains south toward a tributary of the Mascoma River. A building and parking lot are located to the south of the project area, on the adjacent parcel.

Wetlands on the property were delineated in May 2024. Additional information on the wetland resources is provided in the enclosed Wetland Delineation report.

There are no streams, prime wetlands, or mapped floodplains within the project area.

The project area is not within a designated river corridor and will not impact any impaired, Class A, or outstanding resource waters.

According to the Wildlife Action Plan, the project area is not mapped as Highest Ranked Habitat in NH or the Region.

Wetland Impacts

The project proposes approximately 6,437 square feet of wetland impact. This includes approximately 5,638 square feet of permanent wetland impact and approximately 799 square feet of temporary wetland impact. The permanent impacts will result from the construction of the building, parking spaces, and driveway. The temporary impacts will result from the construction of a small retaining wall along the northern edge of the parking area. These temporary impacts are necessary for access during construction and will be restored once work is completed.

Appalachian barren-strawberry (*Geum fragarioides*), a state-listed threatened plant species, is present in the forested area along the northern edge of the property. The project will result in approximately 704 square feet of permanent impact to wetland areas that contain this species and approximately 490 square feet of permanent impact upland areas that contain this species.

Wetland Impact Summary

	Permanent Wetland Impact	Temporary Wetland Impact	Total Wetland Impact
Forested Wetland	4,004 SF	799 SF	4,803 SF*
Emergent Wetland	1,634 SF	0 SF	1,634 SF
Total	5,638 SF	799 SF	6,437 SF

*Includes 704 SF of impact to wetland that contains a rare plant species.

Project Alternatives and Avoidance & Minimization Measures

Avoidance of wetland impacts was not possible due to the extensive wetlands on the property. The property at 424 Mount Support Road is preferred by FFNE due to its proximity to Dartmouth Hospital. Alternative sites are not currently accessible to the organization due to a lack of available properties near Dartmouth Hospital and cost considerations.

In 2022 FFNE entered into discussions with Alice Peck Day Hospital to locate their transitional housing at The Homestead Building at 127 Mascoma Street at the entrance to the Hospital. Over the next 14 months FFNE developed plans and met with City officials to renovate and develop the property. Unfortunately, FFNE was unable to come to an agreement and began the search for another property. FFNE engaged with Chip Brown of Brown Commercial Real Estate, LLC in March of 2024. Chip looked at all available properties and also looked at other properties that were not on the market but might be a good fit. The only property that fit FFNE's requirements is the land at 424 Mount Support Road in Lebanon. This property is owned by Mary Hitchcock Memorial Hospital. There are no other currently available properties that will meet FFNE's requirements.

Since wetland impacts could not be avoided, several alternative layouts were considered during the design process to minimize impacts. The following provides a summary of the alternative site layouts that were evaluated.

1. Parking lot on north side with two driveways (refer to enclosed "Alternative Layout 1" Plan) – This alternative was the initial layout that was presented to the Lebanon Conservation Commission on September 12, 2024. It included two driveways and a proposed parking lot on the north side of the building. This would result in more impacts to the forested wetland and rare plant population on the north side of the property. The total amount of permanent wetland impact would be approximately 9,045 square feet.
2. Taller building (4 floors) with a smaller footprint – This alternative would result in a smaller amount of wetland impact but the taller building would not meet zoning ordinances and would result in a more expensive building construction type (per the building code) and less efficient and more costly operations for FFNE.

Most of the proposed impacts are located within lower-functioning portions of the wetland within and adjacent to a mowed field. Impacts to the large, forested wetland to the north and east were avoided and minimized as much as possible by shifting the parking area to the south/west and rotating the building. A small retaining wall is proposed along the northern edge of the parking lot to reduce the wetland and rare plant impacts.

A functional assessment was completed using the US Army Corps of Engineers Highway Methodology. Functions provided by the wetlands within the project area include groundwater recharge and wetland-dependent wildlife habitat. Both of these functions are provided at a lower level. Portions of the wetland are regularly mowed and have limited vegetation diversity. Evidence of past fill is present along the southern

edge of the wetland, both on the 424 Mt Support Road property and the adjacent property to the south (420 Mt Support Road). The forested wetland on the northern side of the project area also provides threatened/endangered species habitat. Appalachian barren-strawberry, a state-listed threatened plant species, occurs along the northern edge of the project, extending north and northeast toward Lahaye Drive.

The large, forested swamp to the east of the project provides more functions since it has a greater diversity of vegetation, more extensive wetland hydrology, well developed hydric soils, and less evidence of past disturbance. This wetland extends to the east and southeast beyond the property and is part of a large wetland complex located between Mt Support Road and NH Route 120. Functions provided by this larger wetland include nutrient and sediment trapping, flood storage, groundwater recharge, noteworthiness, and wetland-dependent wildlife habitat. The functions are provided at a principal level.

The project will preserve wetlands that provide flood protection, recharge groundwater supply, provide wildlife habitat, and enhance water quality. The proposed impacts are located at the edges of the wetland, in areas that provide fewer functions. The higher-functioning portions of the wetland in the forested area to the east of the project will remain undisturbed. The total wetland area on the Lot 24-6 is approximately 55,000 square feet. Approximately 5,638 square feet (10% of the total wetland area on the property) will be permanently impacted. The remaining 90% will continue to provide flood storage and groundwater recharge.

Drainage and Stormwater Treatment

Stormwater will be collected from roofs and from surface flow and routed through a treatment and detention system prior to discharge. Stormwater will first flow through a hydrodynamic separator to pretreat the runoff, then flow through a proprietary treatment system (Jellyfish© filter by Contech Engineered Solutions), and then into underground detention chambers. An outlet control structure will regulate release from the underground chambers so that flow rates into the adjacent wetlands do not exceed existing conditions.

Mitigation

Wetland impacts were minimized where possible, however the project will involve a small amount of permanent impact to a wetland that contains a state-listed plant species. Consultation with the NH Natural Heritage Bureau (NHB) regarding impacts and proposed mitigation measures is ongoing. It is anticipated that mitigation may be required for Priority Resource Area (PRA) impacts, but the rare plant impacts still need to be discussed with NHB and NHDES.

Threatened & Endangered Species

State-Listed Species

The NHB report (NHB24-3391) indicated that Appalachian barren-strawberry (*Geum fragarioides*) is known to occur within the vicinity of the project. A field survey for this species was conducted in May 2024. The species is present in the forested area along the northern edge of the property. A small patch was also noted to the east of the project limits, near wetland flag B-34. The approximate extent of *G. fragarioides* is shown on the enclosed plans. Since the wetland in the northern and eastern portion of the property has documented occurrences of this species, it meets the definition of a Priority Resource Area under Env-Wt 103.65.

G. fragarioides is relatively abundant to the north and northeast of the project area. GM2 Associates conducted plant surveys in 2021-2023 for a separate project and estimated that 20,000+ plants are located in the wooded area southeast of the Lahaye Drive/Mount Support Road intersection (this number was extrapolated from two sample plots located southeast of the project area).

The proposed project will impact an estimated 1,195 square feet of the mapped *G. fragarioides* population (704 square feet within the mapped wetlands). This area contains scattered *G. fragarioides* plants. The impacts will result from the construction of the parking lot and will occur along the southwestern edge of the *G. fragarioides* patch. Impacts to the rare plants were minimized by shifting the proposed building and parking lot to the south. Consultation with NHB regarding impacts and proposed mitigation measures is ongoing.

Federally-Listed Species

The USFWS IPaC report indicated that tricolored bat (proposed endangered) and monarch butterfly (candidate species) may occur within the project area. A determination of “may affect – not likely to adversely affect” was received using the Northern Long-Eared Bat and Tricolored Bat Range-Wide Determination Key in IPaC.

Coordination with Federal Agencies

The project has not yet been discussed with the US Army Corps of Engineers or the US Environmental Protection Agency.

Coordination with Lebanon Conservation Commission

The project was presented to the Lebanon Conservation Commission on September 12, 2024 to obtain initial feedback on the proposed layout and the wetland impacts. Minutes from this meeting are enclosed. The conceptual layout presented to the Commission had approximately 9,045 square feet of impact, primarily from a proposed parking lot on the northern side of the building. Although the Commission was generally in support of the project, it had concerns regarding the amount of wetland impact, especially considering the recent impacts to this wetland from the City’s intersection improvement project. The Commission made several suggestions to reduce impacts, including off-site parking, reconfiguring the parking lots, constructing a taller building with a smaller footprint, selecting another site, redesigning deck areas, locating office space at another site, and rotating the proposed building.

These suggestions were considered and incorporated into the project design where feasible. Off-site parking is not allowed in the R-1 zoning district and a variance would be difficult to obtain, so this suggestion was not practicable. The proposed office space is necessary to support the goals of the organization and was kept on-site. The other suggestions, including rotating the building and reconfiguring the layout, were evaluated, as summarized above. Through this reconfiguration, permanent wetland impacts were able to be reduced by 3,407 square feet or approximately 38%.

The project is scheduled to be presented to the Lebanon Conservation Commission again in December 2024.

Construction Sequence / Erosion & Sediment Control

Proposed Construction Sequence:

1. Install perimeter control methods and protections for rare plants.
2. Install stabilized construction entrance.
3. Clear forested areas within project limits.
4. Rough grade site.
5. Install building foundation and construct building.
6. Install utility services and stormwater controls.
7. Fine grade site and install retaining walls, parking lots, and walkways.
8. Finish grade site and install topsoil, landscaping, and mulch.
9. Once disturbed areas are stabilized, remove perimeter controls.

Families Flourish Northeast
424 Mt. Support Road
Lebanon, NH

Proposed erosion and sediment controls are shown on the attached plans. Fiber rolls or a similar perimeter control will be installed around the edge of the work area. Areas of exposed soil will be stabilized with seed/mulch after final grading is complete and as needed for temporary stabilization during construction. Monitoring of erosion and sediment controls will be completed by the Contractor.

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STANDARD DREDGE AND FILL WETLANDS PERMIT APPLICATION ATTACHMENT A: MINOR AND MAJOR PROJECTS



Water Division/Land Resources Management
Wetlands Bureau

[Check the Status of your Application](#)

RSA/ Rule: RSA 482-A/ Env-Wt 311.10; Env-Wt 313.01(a)(1); Env-Wt 313.03

APPLICANT'S NAME: Families Flourish Northeast **TOWN NAME:** Lebanon

Attachment A is required for *all minor and major projects*, and must be completed *in addition* to the [Avoidance and Minimization Narrative](#) or [Checklist](#) that is required by Env-Wt 307.11.

For projects involving construction or modification of non-tidal shoreline structures over areas of surface waters having an absence of wetland vegetation, only Sections I.X through I.XV are required to be completed.

PART I: AVOIDANCE AND MINIMIZATION

In accordance with Env-Wt 313.03(a), the Department shall not approve any alteration of any jurisdictional area unless the applicant demonstrates that the potential impacts to jurisdictional areas have been avoided to the maximum extent practicable and that any unavoidable impacts have been minimized, as described in the [Wetlands Best Management Practice Techniques For Avoidance and Minimization](#).

SECTION I.I - ALTERNATIVES (Env-Wt 313.03(b)(1))

Describe how there is no practicable alternative that would have a less adverse impact on the area and environments under the Department's jurisdiction.

THERE ARE NO PRACTICABLE ALTERNATIVES, OTHER THAN THE NO-BUILD ALTERNATIVE, THAT WOULD COMPLETELY AVOID WETLAND IMPACTS. VARIOUS SITE LAYOUTS WERE CONSIDERED DURING THE PROJECT DESIGN IN EFFORT TO MINIMIZE WETLAND IMPACTS. THE CURRENTLY PROPOSED DESIGN HAS THE LEAST AMOUNT OF IMPACT WHILE STILL ACHIEVING THE PURPOSE AND GOALS OF THE PROJECT. IN ADDITION, THE PROPOSED LAYOUT AVOIDS IMPACTS TO THE HIGHER FUNCTIONING WETLANDS ON THE PROPERTY.

ADDITIONAL INFORMATION ON THE PROJECT ALTERNATIVES IS PROVIDED IN THE SUPPLEMENTAL NARRATIVE SECTION.

SECTION I.II - MARSHES (Env-Wt 313.03(b)(2))

Describe how the project avoids and minimizes impacts to tidal marshes and non-tidal marshes where documented to provide sources of nutrients for finfish, crustacean, shellfish, and wildlife of significant value.

N/A - The project will not impact marshes.

SECTION I.III - HYDROLOGIC CONNECTION (Env-Wt 313.03(b)(3))

Describe how the project maintains hydrologic connections between adjacent wetland or stream systems.

The project will not impact any streams. Hydrologic connections between adjacent wetlands will be maintained.

SECTION I.IV - JURISDICTIONAL IMPACTS (Env-Wt 313.03(b)(4))

Describe how the project avoids and minimizes impacts to wetlands and other areas of jurisdiction under RSA 482-A, especially those in which there are exemplary natural communities, vernal pools, protected species and habitat, documented fisheries, and habitat and reproduction areas for species of concern, or any combination thereof.

There are no exemplary natural communities, vernal pools, or documented fisheries on the property.

The NHB report indicated that Appalachian barren-strawberry, a state-listed threatened plant species, is known to occur within the vicinity of the project. A field survey for this species was conducted in May 2024. The species is present in the forested area along the northern edge of the property. The project will impact an estimated 1,195 SF of the mapped rare plant population. This area contains scattered barren-strawberry plants. Impacts were minimized by shifting the proposed building and parking lot to the south. Consultation with NHB regarding impacts and proposed mitigation measures is ongoing.

The USFWS IPaC report indicated that tricolored bat and monarch butterfly may occur within the project area. A determination of "may affect - not likely to adversely affect" was received using the Northern Long-Eared Bat and Tricolored Bat Range-Wide Determination Key in IPaC.

SECTION I.V - PUBLIC COMMERCE, NAVIGATION, OR RECREATION (Env-Wt 313.03(b)(5))

Describe how the project avoids and minimizes impacts that eliminate, depreciate or obstruct public commerce, navigation, or recreation.

The wetlands on the property are not used for public commerce, navigation, or recreation, so the project will not result in impacts to these uses.

SECTION I.VI - FLOODPLAIN WETLANDS (Env-Wt 313.03(b)(6))

Describe how the project avoids and minimizes impacts to floodplain wetlands that provide flood storage.

Although the wetlands within the project area likely retain some runoff from the adjacent upland and roadway, there are no mapped floodplains on the property and the wetlands likely provide limited flood storage. The proposed impacts are located at the edges of the wetland, in areas that provide less flood storage compared to the forested swamp that is located to the east and southeast of the property.

SECTION I.VII - RIVERINE FORESTED WETLAND SYSTEMS AND SCRUB-SHRUB – MARSH COMPLEXES (Env-Wt 313.03(b)(7))

Describe how the project avoids and minimizes impacts to natural riverine forested wetland systems and scrub-shrub – marsh complexes of high ecological integrity.

N/A - The project will not impact riverine forested wetland systems and scrub-shrub - marsh complexes.

SECTION I.VIII - DRINKING WATER SUPPLY AND GROUNDWATER AQUIFER LEVELS (Env-Wt 313.03(b)(8))

Describe how the project avoids and minimizes impacts to wetlands that would be detrimental to adjacent drinking water supply and groundwater aquifer levels.

No adverse impacts to drinking water supply or groundwater aquifer levels are anticipated since the proposed wetland impacts are in the lower-functioning portions of the wetland. Further east, there is a large, forested swamp that provides a higher level of groundwater recharge/discharge. Impacts to this portion of the wetland have been avoided.

SECTION I.IX - STREAM CHANNELS (Env-Wt 313.03(b)(9))

Describe how the project avoids and minimizes adverse impacts to stream channels and the ability of such channels to handle runoff of waters.

The project will not impact any stream channels.

SECTION I.X - SHORELINE STRUCTURES - CONSTRUCTION SURFACE AREA (Env-Wt 313.03(c)(1))

Describe how the project has been designed to use the minimum construction surface area over surface waters necessary to meet the stated purpose of the structures.

N/A - The project does not involve shoreline structures.

SECTION I.XI - SHORELINE STRUCTURES - LEAST INTRUSIVE UPON PUBLIC TRUST (Env-Wt 313.03(c)(2))

Describe how the type of construction proposed is the least intrusive upon the public trust that will ensure safe docking on the frontage.

N/A - The project does not involve shoreline structures.

SECTION I.XII - SHORELINE STRUCTURES – ABUTTING PROPERTIES (Env-Wt 313.03(c)(3))

Describe how the structures have been designed to avoid and minimize impacts on ability of abutting owners to use and enjoy their properties.

N/A - The project does not involve shoreline structures.

SECTION I.XIII - SHORELINE STRUCTURES – COMMERCE AND RECREATION (Env-Wt 313.03(c)(4))

Describe how the structures have been designed to avoid and minimize impacts to the public's right to navigation, passage, and use of the resource for commerce and recreation.

N/A - The project does not involve shoreline structures.

SECTION I.XIV - SHORELINE STRUCTURES – WATER QUALITY, AQUATIC VEGETATION, WILDLIFE AND FINFISH HABITAT (Env-Wt 313.03(c)(5))

Describe how the structures have been designed, located, and configured to avoid impacts to water quality, aquatic vegetation, and wildlife and finfish habitat.

N/A - The project does not involve shoreline structures.

SECTION I.XV - SHORELINE STRUCTURES – VEGETATION REMOVAL, ACCESS POINTS, AND SHORELINE STABILITY (Env-Wt 313.03(c)(6))

Describe how the structures have been designed to avoid and minimize the removal of vegetation, the number of access points through wetlands or over the bank, and activities that may have an adverse effect on shoreline stability.

N/A - The project does not involve shoreline structures.

PART II: FUNCTIONAL ASSESSMENT**REQUIREMENTS**

Ensure that project meets the requirements of Env-Wt 311.10 regarding functional assessment (Env-Wt 311.04(j); Env-Wt 311.10).

FUNCTIONAL ASSESSMENT METHOD USED:

USACE Highway Methodology

NAME OF CERTIFIED WETLAND SCIENTIST (FOR NON-TIDAL PROJECTS) OR QUALIFIED COASTAL PROFESSIONAL (FOR TIDAL PROJECTS) WHO COMPLETED THE ASSESSMENT: JENNIFER RIORDAN (CWS #269)

DATE OF ASSESSMENT: 11/11/2024

Check this box to confirm that the application includes a NARRATIVE ON FUNCTIONAL ASSESSMENT:



For minor or major projects requiring a standard permit without mitigation, the applicant shall submit a wetland evaluation report that includes completed checklists and information demonstrating the RELATIVE FUNCTIONS AND VALUES OF EACH WETLAND EVALUATED. Check this box to confirm that the application includes this information, if applicable:



Note: The Wetlands Functional Assessment worksheet can be used to compile the information needed to meet functional assessment requirements.



**AVOIDANCE AND MINIMIZATION
WRITTEN NARRATIVE**
Water Division/Land Resources Management
Wetlands Bureau



[Check the Status of your Application](#)

RSA/ Rule: RSA 482-A/ Env-Wt 311.04(j); Env-Wt 311.07; Env-Wt 313.01(a)(1)b; Env-Wt 313.01(c)

APPLICANT'S NAME: Families Flourish Northeast

TOWN NAME: Lebanon

An applicant for a standard permit shall submit with the permit application a written narrative that explains how all impacts to functions and values of all jurisdictional areas have been avoided and minimized to the maximum extent practicable. This attachment can be used to guide the narrative (attach additional pages if needed). Alternatively, the applicant may attach a completed [Avoidance and Minimization Checklist \(NHDES-W-06-050\)](#) to the permit application.

SECTION 1 - WATER ACCESS STRUCTURES (Env-Wt 311.07(b)(1))

Is the primary purpose of the proposed project to construct a water access structure?

No

SECTION 2 - BUILDABLE LOT (Env-Wt 311.07(b)(1))

Does the proposed project require access through wetlands to reach a buildable lot or portion thereof?

No

SECTION 3 - AVAILABLE PROPERTY (Env-Wt 311.07(b)(2))*

For any project that proposes permanent impacts of more than one acre, or that proposes permanent impacts to a PRA, or both, are any other properties reasonably available to the applicant, whether already owned or controlled by the applicant or not, that could be used to achieve the project's purpose without altering the functions and values of any jurisdictional area, in particular wetlands, streams, and PRAs?

**Except as provided in any project-specific criteria and except for NH Department of Transportation projects that qualify for a categorical exclusion under the National Environmental Policy Act.*

The project proposes less than one acre of permanent impact, but will impact a PRA (wetland containing a state-listed plant species). The property at 424 Mount Support Road is preferred by the applicant due to its proximity to Dartmouth Hospital. Alternative sites are not currently accessible to the applicant due to a lack of available properties near Dartmouth Hospital and cost considerations. Several alternative layouts were considered during the design process to minimize wetland impacts, as discussed in the enclosed Project Alternatives and Avoidance & Minimization Measures narrative.

SECTION 4 - ALTERNATIVES (Env-Wt 311.07(b)(3))

Could alternative designs or techniques, such as different layouts, different construction sequencing, or alternative technologies be used to avoid impacts to jurisdictional areas or their functions and values as described in the [Wetlands Best Management Practice Techniques For Avoidance and Minimization](#)?

Information on the alternative layouts that were evaluated during the design process is included in the enclosed Project Alternatives and Avoidance & Minimization Measures narrative.

SECTION 5 - CONFORMANCE WITH Env-Wt 311.10(c) (Env-Wt 311.07(b)(4))**

How does the project conform to Env-Wt 311.10(c)?

***Except for projects solely limited to construction or modification of non-tidal shoreline structures only need to complete relevant sections of Attachment A.*

Most of the proposed impacts are located within lower-functioning portions of the wetland within and adjacent to a mowed field. Impacts to the higher-functioning portions of the wetland in the forested area to the north and east were avoided and minimized as much as possible by shifting the parking area to the south/west and rotating the building.

Stormwater management and treatment is proposed to minimize water quality impacts from the proposed impervious surface.

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USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road data; Natural Earth Data; U.S. Department of State HIU; NOAA National Centers for Environmental Information



USGS Location Map
Families Flourish Northeast
424 Mt Support Road
Lebanon, NH



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May 13, 2024

Mr. Nik Fiore, PE
Engineering Ventures, PC
85 Mechanic Street, Suite E2-3
Lebanon, NH 03766

RE: Wetland Delineation
424 Mt. Support Road
Lebanon, NH

Dear Mr. Fiore,

On May 7, 2024, GM2 Associates, Inc. (GM2) completed a wetland delineation for the property located at 424 Mt. Support Road (Map 24, Lot 6) in Lebanon, NH. Wetland resources were delineated in accordance with the US Army Corps of Engineers (USACE) 1987 Methodology and the USACE Northcentral and Northeast Region Supplement (2012). Individually-labeled flags were placed to designate the wetland limits on the property. Photographs from the site visit are included in Attachment A and wetland determination data forms are included in Appendix B.

The property is approximately 2 acres in size and is located on the east side of Mt. Support Road, south of the Mt. Support Road/Lahaye Drive intersection. The property includes forested areas and a mowed field. A building and small parking lot are located to the south, on the adjacent parcel. Wetlands resources that were delineated include a forested/emergent wetland that wraps around the northern, eastern, and southern portions of the property (flag series B-20 to B-56). This wetland continues beyond the property and is part of a large wetland system that extends to the east and southeast.

At the time of the site visit, the delineated wetland had saturated soils, with small pockets of standing water along the northern and eastern edges of the property. The forested areas of the wetland are predominantly vegetated with red maple (*Acer rubrum*), glossy buckthorn (*Frangula alnus*), silky dogwood (*Cornus amomum*), sensitive fern (*Onoclea sensibilis*), and creeping yellow-loosestrife (*Lysimachia nummularia*). Tatarian honeysuckle (*Lonicera tatarica*) is present along the wetland edge. The emergent areas are vegetated with sensitive fern, creeping yellow-loosestrife, goldenrod (*Solidago* sp.), horsetail (*Equisetum* sp.), and various grasses. The upland portions of the field are vegetated with various grasses, clover (*Trifolium* sp.), horsetail, and scattered dandelion (*Taraxacum officinale*) and English plantain (*Plantago lanceolata*).

Soils within the wetland met hydric soil indicator F6 (redox dark surface). Based on a review of the Natural Resources Conservation Service (NRCS) Web Soil Survey, soils within the majority of the property are mapped as Pittstown loam, 3 to 8 percent slopes, very stony. This soil type is classified as moderately well drained. Poorly drained soil (Stissing silt loam, 0 to 3 percent slopes, very stony) is mapped along the eastern edge of the property.

The wetland located on the property is regulated by the NH Department of Environmental Services and the US Army Corps of Engineers. Impacts to this wetland would require permits from both agencies. Section 401 of Lebanon's Zoning Ordinance includes a Wetlands Conservation District. This ordinance provides protection for a 100-foot buffer around wetlands of High or Very High Value according to Lebanon's Natural Resource Inventory and as shown on the Lebanon Wetland Overlay District Map. According to this map, the wetland delineated on and adjacent to the property at 424 Mt. Support Road is not considered High Value and does not have a 100-foot buffer.

While on site for the wetland delineation, GM2 also completed a rare plant survey for the subject property. A large patch of Appalachian barren-strawberry (*Geum fragarioides*) is located in the forested area in the northern portion of the property. Barren-strawberry plants are scattered throughout the woods, with the largest concentration of plants located in the northwest corner. In addition, a small patch of plants (approximately 8 feet in diameter) was found at the edge of the woods near wetland flag B-34. No barren strawberry plants were found along the southern edge of the property or in the field. Appalachian barren-strawberry is a state-listed threatened plant species and is protected under the NH Native Plant Protection Act (RSA 217-A). The NH Natural Heritage Bureau should be consulted if the proposed work could impact these plants.

Please contact me at jriordan@gm2inc.com or 603-856-7854 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Riordan". The script is cursive and fluid, with the first name and last name clearly distinguishable.

Jennifer Riordan
Senior Environmental Scientist
GM2 Associates, Inc.

ATTACHMENT A

PHOTOGRAPHS

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Photo 1. Forested wetland located near flag B-34 in the eastern portion of the property.



Photo 2. View toward emergent wetland in the southern portion of the property.



Photo 3. View west toward edge of forested/emergent wetland.



Photo 4. Appalachian barren-strawberry plants in northern portion of property.

ATTACHMENT B

WETLAND DETERMINATION DATA FORMS

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WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: 424 Mt. Support Road City/County: Lebanon / Grafton Sampling Date: 5/7/24
 Applicant/Owner: Mary Hitchcock Memorial Hospital State: NH Sampling Point: DP-1
 Investigator(s): J. Riordan Section, Township, Range: _____
 Landform (hillside, terrace, etc.): _____ Local relief (concave, convex, none): concave Slope (%): _____
 Subregion (LRR or MLRA): LRR R Lat: 43.6720 N Long: 72.2636 W Datum: _____
 Soil Map Unit Name: 336B - Pittstown loam, 3-8% slopes, very stony NWI classification: Not mapped

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u>X</u> No _____ Hydric Soil Present? Yes <u>X</u> No _____ Wetland Hydrology Present? Yes <u>X</u> No _____	Is the Sampled Area within a Wetland? Yes <u>X</u> No _____ If yes, optional Wetland Site ID: <u>Wetland B</u>
Remarks: (Explain alternative procedures here or in a separate report.) Data point located near flag B-42. Area is mowed.	

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one is required; check all that apply)</u> _____ Surface Water (A1) _____ Water-Stained Leaves (B9) _____ High Water Table (A2) _____ Aquatic Fauna (B13) <u>X</u> Saturation (A3) _____ Marl Deposits (B15) _____ Water Marks (B1) _____ Hydrogen Sulfide Odor (C1) _____ Sediment Deposits (B2) _____ Oxidized Rhizospheres on Living Roots (C3) _____ Drift Deposits (B3) _____ Presence of Reduced Iron (C4) _____ Algal Mat or Crust (B4) _____ Recent Iron Reduction in Tilled Soils (C6) _____ Iron Deposits (B5) _____ Thin Muck Surface (C7) _____ Inundation Visible on Aerial Imagery (B7) _____ Other (Explain in Remarks) _____ Sparsely Vegetated Concave Surface (B8)	<u>Secondary Indicators (minimum of two required)</u> _____ Surface Soil Cracks (B6) _____ Drainage Patterns (B10) _____ Moss Trim Lines (B16) _____ Dry-Season Water Table (C2) _____ Crayfish Burrows (C8) _____ Saturation Visible on Aerial Imagery (C9) _____ Stunted or Stressed Plants (D1) _____ Geomorphic Position (D2) _____ Shallow Aquitard (D3) _____ Microtopographic Relief (D4) <u>X</u> FAC-Neutral Test (D5)
Field Observations: Surface Water Present? Yes _____ No <u>X</u> Depth (inches): _____ Water Table Present? Yes _____ No <u>X</u> Depth (inches): _____ Saturation Present? Yes <u>X</u> No _____ Depth (inches): <u>0</u> (includes capillary fringe)	Wetland Hydrology Present? Yes <u>X</u> No _____
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:	
Remarks:	

VEGETATION – Use scientific names of plants.

Sampling Point: DP-1

Tree Stratum (Plot size: <u>30'</u>)	Absolute % Cover	Dominant Species?	Indicator Status	
1. <u>None</u>				
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
				=Total Cover
Sapling/Shrub Stratum (Plot size: <u>15'</u>)				
1. <u>None</u>				
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
				=Total Cover
Herb Stratum (Plot size: <u>5'</u>)				
1. <u>Solidago sp.</u>	20	Yes		
2. <u>Onoclea sensibilis</u>	20	Yes	FACW	
3. <u>Lysimachia nummularia</u>	20	Yes	FACW	
4. <u>Equisetum</u>	3	No		
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				
10. _____				
11. _____				
12. _____				
	63			=Total Cover
Woody Vine Stratum (Plot size: <u>30'</u>)				
1. <u>None</u>				
2. _____				
3. _____				
4. _____				
				=Total Cover

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 66.7% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____ (A)	_____ (B)
Prevalence Index = B/A = _____	

Hydrophytic Vegetation Indicators:

 1 - Rapid Test for Hydrophytic Vegetation

X 2 - Dominance Test is >50%

 3 - Prevalence Index is ≤3.0¹

 4 - Morphological Adaptations¹ (Provide supporting data in Remarks or on a separate sheet)

 Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata:

Tree – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes X No

Remarks: (Include photo numbers here or on a separate sheet.)

SOIL

Sampling Point: DP-1

[illegible]

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:		Indicators for Problematic Hydric Soils ³ :	
☐ Histosol (A1)	☐ Polyvalue Below Surface (S8) (LRR R, MLRA 149B)	☐ 2 cm Muck (A10) (LRR K, L, MLRA 149B)	
☐ Histic Epipedon (A2)		☐ Coast Prairie Redox (A16) (LRR K, L, R)	
☐ Black Histic (A3)	☐ Thin Dark Surface (S9) (LRR R, MLRA 149B)	☐ 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)	
☐ Hydrogen Sulfide (A4)	☐ High Chroma Sands (S11) (LRR K, L)	☐ Polyvalue Below Surface (S8) (LRR K, L)	
☐ Stratified Layers (A5)	☐ Loamy Mucky Mineral (F1) (LRR K, L)	☐ Thin Dark Surface (S9) (LRR K, L)	
☐ Depleted Below Dark Surface (A11)	☐ Loamy Gleyed Matrix (F2)	☐ Iron-Manganese Masses (F12) (LRR K, L, R)	
☐ Thick Dark Surface (A12)	☐ Depleted Matrix (F3)	☐ Piedmont Floodplain Soils (F19) (MLRA 149B)	
☐ Sandy Mucky Mineral (S1)	☒ Redox Dark Surface (F6)	☐ Mesic Spodic (TA6) (MLRA 144A, 145, 149B)	
☐ Sandy Gleyed Matrix (S4)	☐ Depleted Dark Surface (F7)	☐ Red Parent Material (F21)	
☐ Sandy Redox (S5)	☐ Redox Depressions (F8)	☐ Very Shallow Dark Surface (TF12)	
☐ Stripped Matrix (S6)	☐ Marl (F10) (LRR K, L)	☐ Other (Explain in Remarks)	
☐ Dark Surface (S7)			

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed): Type: _____ Depth (inches): _____	Hydric Soil Present? Yes <u>X</u> No _____
---	---

Remarks:

This data form is revised from Northcentral and Northeast Regional Supplement Version 2.0 to reflect the NRCS Field Indicators of Hydric Soils version 7.0 March 2013 Errata. (http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_051293.docx)

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: 424 Mt. Support Road City/County: Lebanon / Grafton Sampling Date: 5/7/24
 Applicant/Owner: Mary Hitchcock Memorial Hospital State: NH Sampling Point: DP-2
 Investigator(s): J. Riordan Section, Township, Range: _____
 Landform (hillside, terrace, etc.): _____ Local relief (concave, convex, none): convex Slope (%): _____
 Subregion (LRR or MLRA): LRR R Lat: 43.6720 N Long: 72.2636 W Datum: _____
 Soil Map Unit Name: 336B - Pittstown loam, 3-8% slopes, very stony NWI classification: Not mapped

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u> If yes, optional Wetland Site ID: _____
Hydric Soil Present?	Yes _____ No <u>X</u>	
Wetland Hydrology Present?	Yes _____ No <u>X</u>	
Remarks: (Explain alternative procedures here or in a separate report.) Upland data point located near flag B-42. Area is mowed.		

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one is required; check all that apply)</u> _____ Surface Water (A1) _____ Water-Stained Leaves (B9) _____ High Water Table (A2) _____ Aquatic Fauna (B13) _____ Saturation (A3) _____ Marl Deposits (B15) _____ Water Marks (B1) _____ Hydrogen Sulfide Odor (C1) _____ Sediment Deposits (B2) _____ Oxidized Rhizospheres on Living Roots (C3) _____ Drift Deposits (B3) _____ Presence of Reduced Iron (C4) _____ Algal Mat or Crust (B4) _____ Recent Iron Reduction in Tilled Soils (C6) _____ Iron Deposits (B5) _____ Thin Muck Surface (C7) _____ Inundation Visible on Aerial Imagery (B7) _____ Other (Explain in Remarks) _____ Sparsely Vegetated Concave Surface (B8)		<u>Secondary Indicators (minimum of two required)</u> _____ Surface Soil Cracks (B6) _____ Drainage Patterns (B10) _____ Moss Trim Lines (B16) _____ Dry-Season Water Table (C2) _____ Crayfish Burrows (C8) _____ Saturation Visible on Aerial Imagery (C9) _____ Stunted or Stressed Plants (D1) _____ Geomorphic Position (D2) _____ Shallow Aquitard (D3) _____ Microtopographic Relief (D4) _____ FAC-Neutral Test (D5)
Field Observations: Surface Water Present? Yes _____ No <u>X</u> Depth (inches): _____ Water Table Present? Yes _____ No <u>X</u> Depth (inches): _____ Saturation Present? Yes _____ No <u>X</u> Depth (inches): _____ (includes capillary fringe)	Wetland Hydrology Present? Yes _____ No <u>X</u>	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		

VEGETATION – Use scientific names of plants.

 Sampling Point: DP-2

Tree Stratum (Plot size: <u>30'</u>)	Absolute % Cover	Dominant Species?	Indicator Status																	
1. <u>None</u>				Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A) Total Number of Dominant Species Across All Strata: <u>1</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>0.0%</u> (A/B)																
2. _____																				
3. _____																				
4. _____																				
5. _____																				
6. _____																				
7. _____																				
			=Total Cover	Prevalence Index worksheet: <table style="width: 100%;"> <tr> <th style="width: 50%;">Total % Cover of:</th> <th style="width: 50%;">Multiply by:</th> </tr> <tr> <td>OBL species <u>0</u></td> <td>x 1 = <u>0</u></td> </tr> <tr> <td>FACW species <u>0</u></td> <td>x 2 = <u>0</u></td> </tr> <tr> <td>FAC species <u>0</u></td> <td>x 3 = <u>0</u></td> </tr> <tr> <td>FACU species <u>16</u></td> <td>x 4 = <u>64</u></td> </tr> <tr> <td>UPL species <u>0</u></td> <td>x 5 = <u>0</u></td> </tr> <tr> <td>Column Totals: <u>16</u> (A)</td> <td><u>64</u> (B)</td> </tr> <tr> <td colspan="2" style="text-align: center;">Prevalence Index = B/A = <u>4.00</u></td> </tr> </table>	Total % Cover of:	Multiply by:	OBL species <u>0</u>	x 1 = <u>0</u>	FACW species <u>0</u>	x 2 = <u>0</u>	FAC species <u>0</u>	x 3 = <u>0</u>	FACU species <u>16</u>	x 4 = <u>64</u>	UPL species <u>0</u>	x 5 = <u>0</u>	Column Totals: <u>16</u> (A)	<u>64</u> (B)	Prevalence Index = B/A = <u>4.00</u>	
Total % Cover of:	Multiply by:																			
OBL species <u>0</u>	x 1 = <u>0</u>																			
FACW species <u>0</u>	x 2 = <u>0</u>																			
FAC species <u>0</u>	x 3 = <u>0</u>																			
FACU species <u>16</u>	x 4 = <u>64</u>																			
UPL species <u>0</u>	x 5 = <u>0</u>																			
Column Totals: <u>16</u> (A)	<u>64</u> (B)																			
Prevalence Index = B/A = <u>4.00</u>																				
			=Total Cover																	
Sapling/Shrub Stratum (Plot size: <u>15'</u>)																				
1. <u>None</u>																				
2. _____																				
3. _____																				
4. _____																				
5. _____																				
6. _____																				
7. _____																				
			=Total Cover	Hydrophytic Vegetation Indicators: <u>1</u> - Rapid Test for Hydrophytic Vegetation <u>2</u> - Dominance Test is >50% <u>3</u> - Prevalence Index is ≤3.0 ¹ <u>4</u> - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <u> </u> Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.																
			=Total Cover																	
Herb Stratum (Plot size: <u>5'</u>)																				
1. <u>Unknown grass</u>	<u>85</u>	<u>Yes</u>																		
2. <u>Equisetum</u>	<u>10</u>	<u>No</u>																		
3. <u>Trifolium repens</u>	<u>10</u>	<u>No</u>	<u>FACU</u>																	
4. <u>Plantago lanceolata</u>	<u>3</u>	<u>No</u>	<u>FACU</u>																	
5. <u>Taraxacum officinale</u>	<u>3</u>	<u>No</u>	<u>FACU</u>																	
6. _____																				
7. _____																				
8. _____																				
9. _____																				
10. _____																				
11. _____																				
12. _____																				
			111 =Total Cover	Definitions of Vegetation Strata: Tree – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/shrub – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall. Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vines – All woody vines greater than 3.28 ft in height. Hydrophytic Vegetation Present? Yes <u> </u> No <u> X </u>																
			=Total Cover																	
Woody Vine Stratum (Plot size: <u>30'</u>)																				
1. <u>None</u>																				
2. _____																				
3. _____																				
4. _____																				
			=Total Cover																	

Remarks: (Include photo numbers here or on a separate sheet.)

Grass species could not be identified. Wetland delineation was conducted early in the growing season and the area is mowed.

SOIL

Sampling Point: DP-2

[illegible]¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- _____ Histosol (A1)
- _____ Histic Epipedon (A2)
- _____ Black Histic (A3)
- _____ Hydrogen Sulfide (A4)
- _____ Stratified Layers (A5)
- _____ Depleted Below Dark Surface (A11)
- _____ Thick Dark Surface (A12)
- _____ Sandy Mucky Mineral (S1)
- _____ Sandy Gleyed Matrix (S4)
- _____ Sandy Redox (S5)
- _____ Stripped Matrix (S6)
- _____ Dark Surface (S7)

- ___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
- ___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**)
- ___ High Chroma Sands (S11) (**LRR K, L**)
- ___ Loamy Mucky Mineral (F1) (**LRR K, L**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) (**LRR K, L**)

Indicators for Problematic Hydric Soils³:

☐ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**)
☐ Coast Prairie Redox (A16) (**LRR K, L, R**)
☐ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
☐ Polyvalue Below Surface (S8) (**LRR K, L**)
☐ Thin Dark Surface (S9) (**LRR K, L**)
☐ Iron-Manganese Masses (F12) (**LRR K, L, R**)
☐ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
☐ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
☐ Red Parent Material (F21)
☐ Very Shallow Dark Surface (TF12)
☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches):

Hydric Soil Present?	Yes	No	X
----------------------	-----	----	---

Remarks:

This data form is revised from Northcentral and Northeast Regional Supplement Version 2.0 to reflect the NRCS Field Indicators of Hydric Soils version 7.0 March 2013 Errata. (http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_051293.docx)



WETLANDS FUNCTIONAL ASSESSMENT WORKSHEET

Water Division/Land Resource Management Wetlands Bureau



[Check the Status of your Application](#)

RSA/Rule: RSA 482-A / Env-Wt 311.03(b)(10); Env-Wt 311.10

APPLICANT LAST NAME, FIRST NAME, M.I.: Families Flourish Northeast

As required by Env-Wt 311.03(b)(10), an application for a standard permit for minor and major projects must include a functional assessment of all wetlands on the project site as specified in Env-Wt 311.10. This worksheet will help you compile data for the functional assessment needed to meet federal (US Army Corps of Engineers (USACE); if applicable) and NHDES requirements. Additional requirements are needed for projects in tidal area; please refer to the [Coastal Area Worksheet \(NHDES-W-06-079\)](#) for more information.

Both a desktop review and a field examination are needed to accurately determine surrounding land use, hydrology, hydroperiod, hydric soils, vegetation, structural complexity of wetland classes, hydrologic connections between wetlands or stream systems or wetland complex, position in the landscape, and physical characteristics of wetlands and associated surface waters. The results of the evaluation are to be used to select the location of the proposed project having the least impact to wetland functions and values (Env-Wt 311.10). This worksheet can be used in conjunction with the [Avoidance and Minimization Written Narrative \(NHDES-W-06-089\)](#) and the [Avoidance and Minimization Checklist \(NHDES-W-06-050\)](#) to address Env-Wt 313.03 (Avoidance and Minimization). If more than one wetland/ stream resource is identified, multiple worksheets can be attached to the application. All wetland, vernal pools, and stream identification (ID) numbers are to be displayed and located on the wetlands delineation of the subject property.

SECTION 1 - LOCATION (USACE HIGHWAY METHODOLOGY)

ADJACENT LAND USE: roadway, residential, undeveloped forest

CONTIGUOUS UNDEVELOPED BUFFER ZONE PRESENT? ☐ Yes ☒ No

DISTANCE TO NEAREST ROADWAY OR OTHER DEVELOPMENT (in feet): 25

SECTION 2 - DELINEATION (USACE HIGHWAY METHODOLOGY; Env-Wt 311.10)

CERTIFIED WETLAND SCIENTIST (if in a non-tidal area) or QUALIFIED COASTAL PROFESSIONAL (if in a tidal area) who prepared this assessment: Jennifer Riordan (CWS #269)

DATE(S) OF SITE VISIT(S): 5/7/2024

DELINEATION PER ENV-WT 406 COMPLETED? ☒ Yes ☐ No

CONFIRM THAT THE EVALUATION IS BASED ON:

- ☒ Office and
☒ Field examination.

METHOD USED FOR FUNCTIONAL ASSESSMENT (check one and fill in blank if "other"):

- ☒ USACE Highway Methodology.
☐ Other scientifically supported method (enter name/ title):

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

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

www.des.nh.gov

SECTION 3 - WETLAND RESOURCE SUMMARY (USACE HIGHWAY METHODOLOGY; Env-Wt 311.10)	
WETLAND ID: Wetland B	LOCATION: (LAT/ LONG) 43.6722 N/72.2637 W
WETLAND AREA:	DOMINANT WETLAND SYSTEMS PRESENT: palustrine
HOW MANY TRIBUTARIES CONTRIBUTE TO THE WETLAND? None on Lot 24-6	COWARDIN CLASS: PFO1E, PEM1E, PSS1E
IS THE WETLAND A SEPARATE HYDRAULIC SYSTEM? ☐ Yes ☒ No if not, where does the wetland lie in the drainage basin? 	IS THE WETLAND PART OF: ☐ A wildlife corridor or ☐ A habitat island? IS THE WETLAND HUMAN-MADE? ☐ Yes ☒ No
IS THE WETLAND IN A 100-YEAR FLOODPLAIN? ☐ Yes ☒ No	ARE VERNAL POOLS PRESENT? ☐ Yes ☒ No (If yes, complete the Vernal Pool Table)
ARE ANY WETLANDS PART OF A STREAM OR OPEN-WATER SYSTEM? ☐ Yes ☒ No	ARE ANY PUBLIC OR PRIVATE WELLS DOWNSTREAM/ DOWNGRADIENT? ☐ Yes ☒ No
PROPOSED WETLAND IMPACT TYPE:	PROPOSED WETLAND IMPACT AREA:
SECTION 4 - WETLANDS FUNCTIONS AND VALUES (USACE HIGHWAY METHODOLOGY; Env-Wt 311.10)	
The following table can be used to compile data on wetlands functions and values. The reference numbers indicated in the "Functions/ Values" column refer to the following functions and values: 1. Ecological Integrity (from RSA 482-A:2, XI) 2. Educational Potential (from USACE Highway Methodology: Educational/Scientific Value) 3. Fish & Aquatic Life Habitat (from USACE Highway Methodology: Fish & Shellfish Habitat) 4. Flood Storage (from USACE Highway Methodology: Floodflow Alteration) 5. Groundwater Recharge (from USACE Highway Methodology: Groundwater Recharge/Discharge) 6. Noteworthiness (from USACE Highway Methodology: Threatened or Endangered Species Habitat) 7. Nutrient Trapping/Retention & Transformation (from USACE Highway Methodology: Nutrient Removal) 8. Production Export (Nutrient) (from USACE Highway Methodology) 9. Scenic Quality (from USACE Highway Methodology: Visual Quality/Aesthetics) 10. Sediment Trapping (from USACE Highway Methodology: Sediment /Toxicant Retention) 11. Shoreline Anchoring (from USACE Highway Methodology: Sediment/Shoreline Stabilization) 12. Uniqueness/Heritage (from USACE Highway Methodology) 13. Wetland-based Recreation (from USACE Highway Methodology: Recreation) 14. Wetland-dependent Wildlife Habitat (from USACE Highway Methodology: Wildlife Habitat) First, determine if a wetland is suitable for a particular function and value ("Suitability" column) and indicate the rationale behind your determination ("Rationale" column). Please use the rationale reference numbers listed in Appendix A of USACE <i>The Highway Methodology Workbook Supplement</i>. Second, indicate which functions and values are principal ("Principal Function/value?" column). As described in <i>The Highway Methodology Workbook Supplement</i>, "functions and values can be principal if they are an important physical component of a wetland ecosystem (function only) and/or are considered of special value to society, from a local, regional, and/or national perspective". "Important Notes" are to include characteristics the evaluator used to determine the principal function and value of the wetland.	

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FUNCTIONS/ VALUES	SUITABILITY (Y/N)	RATIONALE (Reference #)	PRINCIPAL FUNCTION/VALUE? (Y/N)	IMPORTANT NOTES
1	☐ Yes ☒ No	Ecological Integrity	☐ Yes ☐ No	Wetland is near road, contains invasive plant species. Evidence of fill on south side of wetland.
2	☐ Yes ☒ No	Educational Potential 1	☐ Yes ☐ No	Wetland contains rare plant species but overall does not provide much educational potential.
3	☐ Yes ☒ No	Fish & Aquatic Life Habitat 1	☐ Yes ☐ No	Wetland is not associated with a watercourse.
4	☐ Yes ☒ No	Flood Storage 2,9	☐ Yes ☐ No	Wetland is not associated with a watercourse. Flood storage potential within project area is limited. Large wetland east of project provides flood storage.
5	☒ Yes ☐ No	Groundwater Recharge 2,10,15	☐ Yes ☒ No	Wetland does not contain an inlet. Appears to have a high water table.
6	☒ Yes ☐ No	Noteworthiness 1	☒ Yes ☐ No	Rare plant species occurs in northern portion of property
7	☐ Yes ☒ No	Nutrient Trapping 3	☐ Yes ☐ No	Wetland in project area retains some runoff but has limited vegetation. Large wetland east of project area provides nutrient trapping.
8	☐ Yes ☒ No	Production Export	☐ Yes ☐ No	Wetland has limited vegetation diversity
9	☐ Yes ☒ No	Scenic Quality	☐ Yes ☐ No	Wetland can be viewed from Mt Support Road but does not provide much aesthetic value
10	☐ Yes ☒ No	Sediment Trapping 1,2	☐ Yes ☐ No	Wetland is not associated with a watercourse. Deepwater habitat not present on site. Wetland to east of project area likely has more sediment trapping potential.
11	☐ Yes ☒ No	Shoreline Anchoring	☐ Yes ☐ No	Wetland is not associated with a watercourse.
12	☐ Yes ☒ No	Uniqueness/Heritage	☐ Yes ☐ No	Wetland is not considered locally unique. Not designated as a high value wetland.

13	☐ Yes ☒ No	Wetland-Based Recreation	☐ Yes ☐ No	Wetland does not provide recreational opportunities.
14	☒ Yes ☐ No	Wetland-Dependent Wildlife Habitat 6,7,11	☐ Yes ☒ No	Wetland is adjacent to a large forested swamp

SECTION 5 - VERNAL POOL SUMMARY (Env-Wt 311.10)

Delineations of vernal pools shall be based on the characteristics listed in the definition of "vernal pool" in Env-Wt 104.44. To assist in the delineation, individuals may use either of the following references:

- *Identifying and Documenting Vernal Pools in New Hampshire 3rd Ed.*, 2016, published by the New Hampshire Fish and Game Department; or
- The USACE *Vernal Pool Assessment* draft guidance dated 9-10-2013 and form dated 9-6-2016, Appendix L of the USACE New England District *Compensatory Mitigation Guidance*.

All vernal pool ID numbers are to be displayed and located on the wetland delineation of the subject property.

"Important Notes" are to include documented reproductive and wildlife values, landscape context, and relationship to other vernal pools/wetlands.

Note: For projects seeking federal approval from the USACE, please attach a completed copy of The USACE "Vernal Pool Assessment" form dated 9-6-2016, Appendix L of the USACE New England District *Compensatory Mitigation Guidance*.

VERNAL POOL ID NUMBER	DATE(S) OBSERVED	PRIMARY INDICATORS PRESENT (LIST)	SECONDARY INDICATORS PRESENT (LIST)	LENGTH OF HYDROPERIOD	IMPORTANT NOTES
1					
2					
3					
4					
5					

SECTION 6 - STREAM RESOURCES SUMMARY

DESCRIPTION OF STREAM:	STREAM TYPE (ROSGEN):
HAVE FISHERIES BEEN DOCUMENTED?	DOES THE STREAM SYSTEM APPEAR STABLE?

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

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

www.des.nh.gov

☐ Yes ☐ No	☐ Yes ☐ No			
OTHER KEY ON-SITE FUNCTIONS OF NOTE: 				
The following table can be used to compile data on stream resources. "Important Notes" are to include characteristics the evaluator used to determine principal function and value of each stream. The functions and values reference number are defined in Section 4.				
FUNCTIONS/ VALUES	SUITABILITY (Y/N)	RATIONALE	PRINCIPAL FUNCTION/VALUE? (Y/N)	IMPORTANT NOTES
1	☐ Yes ☐ No		☐ Yes ☐ No	
2	☐ Yes ☐ No		☐ Yes ☐ No	
3	☐ Yes ☐ No		☐ Yes ☐ No	
4	☐ Yes ☐ No		☐ Yes ☐ No	
5	☐ Yes ☐ No		☐ Yes ☐ No	
6	☐ Yes ☐ No		☐ Yes ☐ No	
7	☐ Yes ☐ No		☐ Yes ☐ No	
8	☐ Yes ☐ No		☐ Yes ☐ No	
9	☐ Yes ☐ No		☐ Yes ☐ No	
10	☐ Yes ☐ No		☐ Yes ☐ No	
11	☐ Yes ☐ No		☐ Yes ☐ No	
12	☐ Yes ☐ No		☐ Yes ☐ No	
13	☐ Yes ☐ No		☐ Yes ☐ No	
14	☐ Yes ☐ No		☐ Yes ☐ No	
SECTION 7 - ATTACHMENTS (USACE HIGHWAY METHODOLOGY; Env-Wt 311.10)				
☒ Wildlife and vegetation diversity/abundance list.				
☒ Photograph of wetland.				

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

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

www.des.nh.gov

- ☒ Wetland delineation plans showing wetlands, vernal pools, and streams in relation to the impact area and surrounding landscape. Wetland IDs, vernal pool IDs, and stream IDs must be indicated on the plans.
- ☐ For projects in tidal areas only: additional information required by Env-Wt 603.03/603.04. Please refer to the [Coastal Area Worksheet \(NHDES-W-06-079\)](#) for more information.



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

Appendix B
New Hampshire General Permits
Required Information and USACE Section 404 Checklist

USACE Section 404 Checklist

1. Attach any explanations to this checklist. Lack of information could delay a USACE 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 3 for information on single and complete projects.
4. Contact USACE at (978) 318-8832 with any questions.
5. The information requested below is generally required in the NHDES Wetland Application. See page 61 for NHDES references and Admin Rules as they relate to the information below.

1. Impaired Waters	Yes	No
1.1 Will any work occur within 1 mile upstream in the watershed of an impaired water? See the following to determine if there is an impaired water in the vicinity of your work area. * https://nhdes-surface-water-quality-assessment-site-nhdes.hub.arcgis.com/ https://www.des.nh.gov/water/rivers-and-lakes/water-quality-assessment https://www4.des.state.nh.us/onestopdatamapper/onestopmapper.aspx		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 tidal SAS, prime wetlands, or priority resource areas? 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://www4.des.state.nh.us/NHB-DataCheck/ .	X	
2.3 If wetland crossings are proposed, are they adequately designed to maintain hydrology, sediment transport & wildlife passage?		N/A
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?	unknown SF	
2.7 What is the area of the proposed fill in wetlands?	5,638 SF	
2.8 What % of the overall project sire will be previously and proposed filled wetlands?	~7%	
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://www4.des.state.nh.us/NHB-DataCheck/ . USFWS IPAC website: https://ipac.ecosphere.fws.gov/	X	

3.2 Would work occur in any area identified as either "Highest Ranked Habitat in N.H." or "Highest Ranked Habitat in Ecological Region"? (These areas are colored magenta and green, respectively, on NH Fish and Game's map, "2010 Highest Ranked Wildlife Habitat by Ecological Condition.") Map information can be found at: • PDF: https://wildlife.state.nh.us/wildlife/wap-high-rank.html. • Data Mapper: www.granit.unh.edu. • GIS: www.granit.unh.edu/data/downloadfreedata/category/databycategory.html.		X
3.3 Would the project impact more than 20 acres of an undeveloped land block (upland, wetland/waterway) on the entire project site and/or on an adjoining property(s)?		X
3.4 Does the project propose more than a 10-lot residential subdivision, or a commercial or industrial development?		X
3.5 Are stream crossings designed in accordance with the GC 31?		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 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 37 GC 14(d) of the GP document**	X***	
6. Minimal Impact Determination (for projects that exceed 1 acre of permanent impact)	Yes	No
Projects with greater than 1 acre of permanent impact must include the following: • Functional assessment for aquatic resources in the project area. • On and off-site alternative analysis. • Provide additional information and description for how the below criteria are met.		N/A
6.1 Will there be complete loss of aquatic resources on site?		
6.2 Have the impacts to the aquatic resources been avoided and minimized to the greatest extent practicable?		
6.3 Will all aquatic resource function be lost?		
6.4 Does the aquatic resource (s) have regional significance (watershed or ecoregion)?		
6.5 Is there an on-site alternative with less impact?		
6.6 Is there an off-site alternative with less impact?		
6.7 Will there be a loss to a resource dependent species?		
6.8 Are indirect impacts greater than 1 acre within and adjacent to the project area?		
6.9 Does the proposed mitigation replace aquatic resource function for direct, indirect, and cumulative impacts?		

*Although this checklist utilizes state information, its submittal to USACE is a federal requirement.

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

***RPR form was submitted to DHR. A response is pending.



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:

11/07/2024 16:16:40 UTC

Project Code: 2025-0016376

Project Name: FFNE - 424 Mt Support Road

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: 2025-0016376

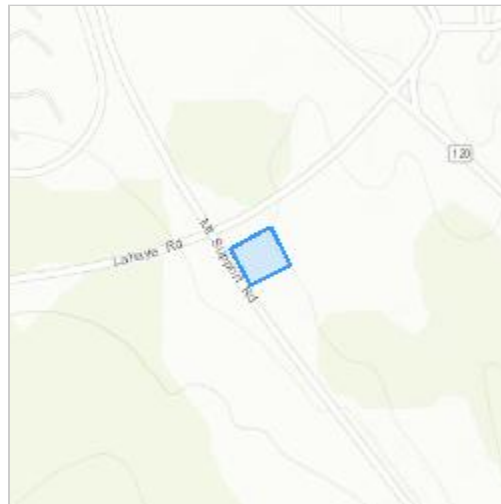
Project Name: FFNE - 424 Mt Support Road

Project Type: Residential Construction

Project Description: The proposed project involves the construction of a multi-family residential facility at 424 Mt. Support Road in Lebanon, NH. The purpose of the facility is to provide a residential substance-use treatment center for pregnant and parenting women and their children. The proposed building will have a footprint of approximately 5,530 square feet and will be three stories tall. Work will also include the construction of a driveway and 15 parking spaces. Proposed stormwater treatment is anticipated to include rain gardens or subsurface treatment and subsurface detention. The project will result in approximately 6,790 square feet of wetland impact from the construction of the building, parking spaces, and driveway, and associated grading. Construction is expected to occur in 2025-2026.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.6721844,-72.26359288930603,14z>



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
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed 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: Private Entity
Name: Jennifer Riordan
Address: 197 Loudon Road, Suite 310
City: Concord
State: NH
Zip: 03301
Email: jriordan@gm2inc.com
Phone: 6038567854

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers



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:

12/02/2024 18:05:17 UTC

Project code: 2025-0016376

Project Name: FFNE - 424 Mt Support Road

Federal Nexus: yes

Federal Action Agency (if applicable): Army Corps of Engineers

Subject: Technical assistance for 'FFNE - 424 Mt Support Road'

Dear Jennifer Riordan:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on December 02, 2024, for 'FFNE - 424 Mt Support Road' (here forward, Project). This project has been assigned Project Code 2025-0016376 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements may not be complete.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key (Dkey), invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid. Note that conservation measures for northern long-eared bat and tricolored bat may differ. If both bat species are present in the action area and the key suggests more conservative measures for one of the species for your project, the Project may need to apply the most conservative measures in order to avoid adverse effects. If unsure which conservation measures should be applied, please contact the appropriate Ecological Services Field Office***

Determination for the Northern Long-Eared Bat and Tricolored Bat

Based upon your IPaC submission and a standing analysis completed by the Service, your project has reached the following effect determination(s):

Species	Listing Status	Determination
Tricolored Bat (<i>Perimyotis subflavus</i>)	Proposed Endangered	NLAA

Federal agencies must consult with U.S. Fish and Wildlife Service under section 7(a)(2) of the Endangered Species Act (ESA) when an action *may affect* a listed species. Tricolored bat is proposed for listing as endangered under the ESA, but not yet listed. For actions that may affect a proposed species, agencies cannot consult, but they can *confer* under the authority of section 7(a)(4) of the ESA. Such conferences can follow the procedures for a consultation and be adopted as such if and when the proposed species is listed. Should the tricolored bat be listed, agencies must review projects that are not yet complete, or projects with ongoing effects within the tricolored bat range that previously received a NE or NLAA determination from the key to confirm that the determination is still accurate.

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination key for the northern long-eared bat and tricolored bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Candidate

You may coordinate with our Office to determine whether the Action may cause prohibited take of the animal species listed above. Note that if a new species is listed that may be affected by the identified action before it is complete, additional review is recommended to ensure compliance with the Endangered Species Act.

Next Steps

Consultation with the Service is necessary. The project has a federal nexus (e.g., Federal funds, permit, etc.), but you are not the federal action agency or its designated (in writing) non-federal representative. Therefore, the ESA consultation status is incomplete and no project activities should occur until consultation between the Service and the Federal action agency (or designated non-federal representative), is completed.

As the federal agency or designated non-federal representative deems appropriate, they should submit their determination of effects to the Service by doing the following.

1. Log into IPaC using an agency email account and click on My Projects, click "Search by record locator" to find this Project using **879-152331869**. (Alternatively, the originator of the project in IPaC can add the agency representative to the project by using the Add Member button on the project home page.)
2. Review the answers to the Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key to ensure that they are accurate.

3. Click on Review/ Finalize to convert the ‘not likely to adversely affect’ consistency letter to a concurrence letter. Download the concurrence letter for your files if needed.

If no changes occur with the Project or there are no updates on listed species, no further consultation/coordination for this project is required for the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place before project implements any changes which are final or commits additional resources.

If you have any questions regarding this letter or need further assistance, please contact the New England Ecological Services Field Office and reference Project Code 2025-0016376 associated with this Project.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

FFNE - 424 Mt Support Road

2. Description

The following description was provided for the project 'FFNE - 424 Mt Support Road':

The proposed project involves the construction of a multi-family residential facility at 424 Mt. Support Road in Lebanon, NH. The purpose of the facility is to provide a residential substance-use treatment center for pregnant and parenting women and their children. The proposed building will have a footprint of approximately 5,853 square feet and will be three stories tall. Work will also include the construction of a driveway, 15 parking spaces, and stormwater drainage/treatment. Construction is expected to occur in 2025-2026.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.6721844,-72.26359288930603,14z>



DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect, but not likely to adversely affect” for a least one species covered by this determination key.

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed bats or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Is the action area wholly within Zone 2 of the year-round active area for northern long-eared bat and/or tricolored bat?

Automatically answered

No

3. Does the action area intersect Zone 1 of the year-round active area for northern long-eared bat and/or tricolored bat?

Automatically answered

No

4. Does any component of the action involve leasing, construction or operation of wind turbines? Answer 'yes' if the activities considered are conducted with the intention of gathering survey information to inform the leasing, construction, or operation of wind turbines.

Note: For federal actions, answer ‘yes’ if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

5. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

6. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

No

7. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

Note: This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

No

8. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

9. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

No

10. [Semantic] Is the action area located within 0.5 miles of a known bat hibernaculum?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

11. Does the action area contain any winter roosts or caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating bats?

No

12. Does the action area contain (1) talus or (2) anthropogenic or naturally formed rock shelters or crevices in rocky outcrops, rock faces or cliffs?

No

13. Will the action cause effects to a bridge?

Note: Covered bridges should be considered as bridges in this question.

No

14. Will the action result in effects to a culvert or tunnel at any time of year?

No

15. Are trees present within 1000 feet of the action area?

Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

Yes

16. Does the action include the intentional exclusion of bats from a building or structure?

Note: Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats or tricolored bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local Ecological Services Field Office to help assess whether northern long-eared bats or tricolored bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures.

No

17. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats**?

No

18. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

19. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic permanently or temporarily on one or more existing roads?

Note: For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

20. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

21. Will the proposed Action involve the creation of a new water-borne contaminant source (e.g., leachate pond, pits containing chemicals that are not NSF/ANSI 60 compliant)?

Note: For information regarding NSF/ANSI 60 please visit <https://www.nsf.org/knowledge-library/nsf-ansi-standard-60-drinking-water-treatment-chemicals-health-effects>

No

22. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

No

23. Will the action include drilling or blasting?

No

24. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

No

25. Will the proposed action involve the use of herbicides or other pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

No

26. Will the action include or cause activities that are reasonably certain to cause chronic or intense nighttime noise (above current levels of ambient noise in the area) in suitable summer habitat for the northern long-eared bat or tricolored bat during the active season?

Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time. Sources of chronic or intense noise that could cause adverse effects to bats may include, but are not limited to: road traffic; trains; aircraft; industrial activities; gas compressor stations; loud music; crowds; oil and gas extraction; construction; and mining.

Note: Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

No

27. Does the action include, or is it reasonably certain to cause, the use of permanent or temporary artificial lighting within 1000 feet of suitable northern long-eared bat or tricolored bat roosting habitat?

Note: Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

No

28. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

Yes

29. Will the proposed action occur exclusively in an already established and currently maintained utility right-of-way?

No

30. Does the action include emergency cutting or trimming of hazard trees in order to remove an imminent threat to human safety or property? See hazard tree note at the bottom of the key for text that will be added to response letters

Note: A "hazard tree" is a tree that is an immediate threat to lives, public health and safety, or improved property.

No

31. Does the project intersect with the 0- 9.9% forest density category?

Automatically answered

No

32. Does the project intersect with the 10.0- 19.9% forest density category map?

Automatically answered

No

33. Does the project intersect with the 20.0- 29.9% forest density category map?

Automatically answered

No

34. Does the project intersect with the 30.0- 100% forest density category map?

Automatically answered

Yes

35. Will the action cause trees to be cut, knocked down, or otherwise brought down across an area greater than 100 acres in total extent?

No

36. Will the proposed action result in the use of prescribed fire?

Note: If the prescribed fire action includes other activities than application of fire (e.g., tree cutting, fire line preparation) please consider impacts from those activities within the previous representative questions in the key. This set of questions only considers impacts from flame and smoke.

No

37. Does the action area intersect the tricolored bat species list area?

Automatically answered

Yes

38. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

39. Has a presence/probable absence bat survey targeting the [tricolored bat and following the Service's Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines](#) been conducted within the project area?

No

40. Is suitable summer habitat for the tricolored bat present within 1000 feet of project activities?

(If unsure, answer ""Yes."")

Note: If there are trees within the action area that may provide potential roosts for tricolored bats (e.g., clusters of leaves in live and dead deciduous trees, Spanish moss (*Tillandsia usneoides*), clusters of dead pine needles of large live pines) answer ""Yes."" For a complete definition of suitable summer habitat for the tricolored bat, please see Appendix A in the [Service's Range-wide Indiana Bat and Northern long-eared Bat Survey Guidelines](#).

Yes

41. Do any of the trees proposed for cutting or other means of knocking down, bringing down, topping, or trimming provide potential roosts for tricolored bats (e.g., clusters of leaves in live and dead deciduous trees, Spanish moss (*Tillandsia usneoides*), clusters of dead pine needles of large live pine trees)?

Note: Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

Yes

42. Will any tree cutting/trimming or other knocking or bringing down of trees be conducted during the Pup Season for tricolored bat?

Note: Bat activity periods for your state can be found in Appendix L of the [Service's Range-wide Indiana Bat and Northern long-eared Bat Survey Guidelines](#).

No

43. Do you have any documents that you want to include with this submission?

No

PROJECT QUESTIONNAIRE

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

0.2

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Jennifer Riordan
Address: GM2 Associates, 197 Loudon Road, Suite 310
City: Concord
State: NH
Zip: 03301
Email: jriordan@gm2inc.com
Phone: 6038567854

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers



NHB DataCheck Results Letter

NH Natural Heritage Bureau

Please note: maps and NHB record pages are **confidential** and shall be redacted from public documents.

To: Jennifer Riordan, GM2 Associates, Inc.
197 Loudon Road, Suite 310
Concord, NH 03301
jriordan@gm2inc.com

From: NHB Review
NH Natural Heritage Bureau
Main Contact: Maddie Severance - nhbreview@dncr.nh.gov

cc:

Date: 11/26/2024 (valid until 11/26/2025)
Re: DataCheck Review by NH Natural Heritage Bureau and NH Fish & Game
Permits: MUNICIPAL POR - Lebanon, NHDES - Standard Dredge & Fill - Minor, USACE - General Permit

NHB ID: NHB24-3391

Town: Lebanon
Location: 424 Mt Support Road

Project Description: The proposed project involves the construction of a multi-family residential facility at 424 Mt. Support Road in Lebanon. The purpose of the facility is to provide a residential substance-use treatment center for pregnant and parenting women and their children. The proposed building will have a footprint of approximately 5,530 square feet and will be three stories tall. Work will also include the construction of a driveway and 15 parking spaces. Proposed stormwater treatment is anticipated to include rain gardens or subsurface treatment and subsurface detention. The project will result in approximately 6,790 square feet of wetland impact from the construction of the building, parking spaces, and driveway, and associated grading. Construction is expected to occur in 2025-2026.

Next Steps for Applicant:

NHB's database has been searched for records of rare species and exemplary natural communities. Please carefully read the comments and consultation requirements below.

NHB Comments: NHB recommends a survey for Appalachian barren-strawberry (*Geum fragarioides*). There is a known record of this rare plant in the proposed project area and it may be impacted by the proposed project. This species occurs in forests, woodlands, riparian terraces, river banks, fields, clearings, and logging roads. Surveys should occur in suitable habitat in all proposed impact areas including areas used for the staging of equipment.

Surveys should occur from early May to early June when this plant is in flower. Surveys should be performed by a qualified botanist (qualified botanist requirements found here <https://www.nhdf.dncr.nh.gov/sites/g/files/ehbemt866/files/inline-documents/botanist-qualifications.pdf>).



NHB DataCheck Results Letter

NH Natural Heritage Bureau

Please note: maps and NHB record pages are **confidential** and shall be redacted from public documents.

Please contact NHB with results when surveys are complete. If located, please document plants with GPS, shapefiles, diagnostic photos, and one of the reporting forms posted on our website at: <https://www.nhdfldncr.nh.gov/natural-heritage/environmental-reviews>. If the target rare plant is not found please put together a brief survey report/memo that includes the date of the survey, name of surveyor, map and photos of survey area, and a list of the dominant species observed.

Please contact NHB with any questions regarding surveys.

NHFG Comments: No comments at this time.

NHB Consultation

If this NHB DataCheck letter includes records of rare plants and/or natural communities/systems, please contact NHB and provide any requested supplementary materials by emailing nhbreview@dncr.nh.gov.

If this NHB DataCheck letter DOES NOT include any records of rare plants and/or natural communities/systems, no further consultation with NHB is required.

NH Fish and Game Department Consultation

If this NHB DataCheck letter DOES NOT include ANY wildlife species records, then, based on the information submitted, no further consultation with the NH Fish and Game Department pursuant to Fis 1004 is required.

If this NHB DataCheck letter includes a record for a threatened (T) or endangered (E) wildlife species, consultation with the New Hampshire Fish and Game Department under Fis 1004 may be required. To review the Fis 1000 rules (effective February 3, 2022), please go to <https://www.wildlife.nh.gov/wildlife-and-habitat/nongame-and-endangered-species/environmental-review>. All requests for consultation and submittals should be sent via email to NHFGreview@wildlife.nh.gov or can be sent by mail, and **must include the NHB DataCheck results letter number and "Fis 1004 consultation request" in the subject line.**

If the NHB DataCheck response letter does not include a threatened or endangered wildlife species but includes other wildlife species (e.g., Species of Special Concern), consultation under Fis 1004 is not required; however, some species are protected under other state laws or rules, so coordination with NH Fish & Game is highly recommended or may be required for certain permits. While some permitting processes are exempt from required consultation under Fis 1004 (e.g., *statutory permit by notification, permit by rule, permit by notification, routine roadway registration, docking structure registration, or conditional authorization by rule*), coordination with NH Fish & Game may still be required under the rules governing those specific permitting processes, and it is recommended you contact the applicable permitting agency. For projects not requiring consultation under Fis 1004, but where additional coordination with NH Fish and Game is requested, please email NHFGreview@wildlife.nh.gov, and include the NHB DataCheck results letter number and "review request" in the email subject line.

Contact NH Fish & Game at (603) 271-0467 with questions.



NHB DataCheck Results Letter

NH Natural Heritage Bureau

Please note: maps and NHB record pages are **confidential** and shall be redacted from public documents.

NHB Database Records:

The following record(s) have been documented in the vicinity of the proposed project.
Please see the map and detailed information about the record(s) on the following pages.

Plant species	State ¹	Federal	Notes
Appalachian barren-strawberry (<i>Geum fragarioides</i>)	T	--	Occurs in sandplains, disturbed openings, mesic forests, dry forests, and thin woods. Threats include development, logging activities, recreational activities, trail development, and exotic species invasions.

¹Codes: "E" = Endangered, "T" = Threatened, "SC" = Special Concern, "--" = an exemplary natural community, or a rare species tracked by NH Natural Heritage that has not yet been added to the official state list.
An asterisk (*) indicates that the most recent report for that occurrence was 20 or more years ago.

Disclaimer: NHB’s database can only tell you of known occurrences that have been reported to NHFG/NHB. Known occurrences are based on information gathered by qualified biologists or members of the public, reported to our offices, and verified by NHB/NHFG.
However, many areas have never been surveyed, or have only been surveyed for certain species.
NHB recommends surveys to determine what species/natural communities are present onsite.

[Intentionally Blank]

FINAL

**LEBANON CONSERVATION COMMISSION
CITY COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
6:30PM THURSDAY SEPTEMBER 12, 2024**

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

MEMBERS ABSENT: Sean Dittrich (Alt.)

STAFF PRESENT: Mark Goodwin (GIS Coordinator)

1. CALL TO ORDER

Chair Riley called the meeting to order at 6:30pm.

Mr. Johnson said he was attending remotely because he is feeling ill.

2. APPROVAL OF MINUTES August 8,, 2024

A MOTION was made Don Lacey by to approve the August 8, 2024 Meeting Minutes as amended. The Motion was seconded by Erling Heistad.

Amendments:

Page 1 Header: add Alt to Susan Almy

Page 1 Header: Add Brandon Hill to Members Absent

Page 2 Line 7: Change "Mr. Barrows" to Barros Street

Page 3 Line 39: Strike Line 39

Page 3, Line 43: Change to read "There will be a Sustainable Lebanon Green the Ground Event at Baker's Crossing on Saturday, September 14 from 10am to noon. This event will focus on meadow management and plant diversity."

Page 3 Line 47: Change to read Howe Library

Page 3 Line 48: Change to "part of the Seeing the Forest for the Trees Program"

Page 4, Line 4: Edit to read "Hirai contacted people from Hypertherm."

Page 4 Line 6: Change to "Point in Time Homeless Count"

Page 4, Line 30: Change "Barbara" to "Ms. Almy"; Add just before that sentence: "The authors were quite open to following up on this and issues of wetland and shale that make plans for trails along 120 rather difficult."

Page 4, Line 33&41: Change LEAC to Con Com.

Page 4 Line 43: Change to read: “Mr. Goodwin mentioned that the City is looking for a Conservation Commission representative for the Housing Task Force that is being formed.”

Page 4 Line 46: Change to read “Ms. Almy said she will be the Con Com representative to the working group.”

Page 4 Line 50: Change “member” to “members”; Change “Saturdays” to “Fridays”

Page 5 Line 2: Change last paragraph to read: “Work was done on Northwest corner of Boston Lot on Friday. The team consisted of three Con Com members as well as 15 people from Hypertherm. They worked on the east side of the lake. They will do this work again with a team from Hypertherm on August 30.” Add a new paragraph: “Ernst said that the Mascoma River Cleanup on July 27 was sponsored by Con Com and the Rotary Club.

Page 5 Line 21: Change “Mr. Goodwin” to “Mr. Heistad”

Roll Call Vote:

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

Voting Against – None

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

3. OPEN TO THE PUBLIC

No one from the public spoke.

4. PERMIT REVIEW – None

5. STUDY ITEMS

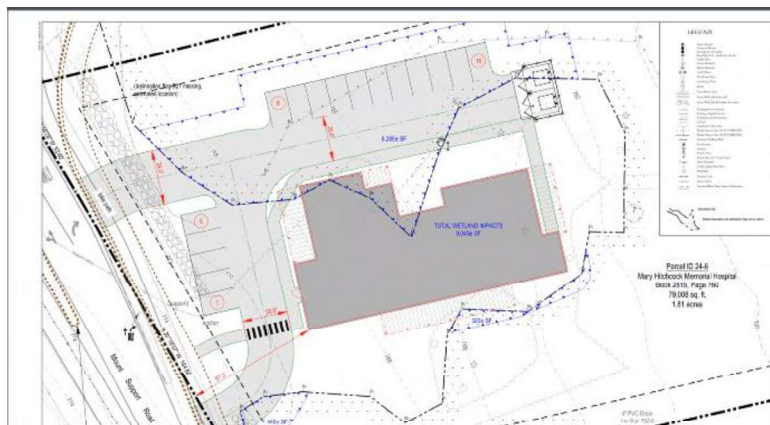
A. Conceptual Review of Potential Wetland Impacts of 424 Mount Support Road

Mr. Tom Sullivan (Family Flourish New England), Nik Fiore (Engineering Ventures), Sue Cobb (Red Bird Consulting), Mark Montany (Black River Design), and Jennifer Reardon (GM2) were present on behalf of the applicant.

Mr. Sullivan said the intent of the proposed facility is as a place of recovery for women and children in association with Dartmouth Health. He gave a brief overview of the project.

Mr. Fiore said the purpose of this conceptual review is to get the Commission’s first impressions and feedback on the proposed site. He gave an overview of the potential wetland impacts on the proposed site on Mount Support Road.

He shared a map of the proposed project on the site, noting that the areas outside the blue dotted line are considered wetland areas. He said, in the proposed project design, the parking areas would cause the most impact to the wetlands.



Mr. James noted that the wetland area most impacted on the site is where the parking lots would be located. He asked how to prevent permeable surfaces being placed on wetlands and asked if the parking areas could be relocated on the site. The group discussed snow removal on permeable surfaces and whether the project building could be elevated (for example, “on stilts”).

Mr. Lacey asked if any rare plant species are on the site. Ms. Reardon said there are some that are similar to the plants growing near the nearby proposed roundabout project. She said most of the plant population is near the rear of the parking area to the north of LeHaye Drive, but she said a good portion of the population is not affected by the parking lot.

Ms. Hirai asked if off-site parking could be used. Mr. Fiore said off-site parking is not allowed in the R-1 district, and a variance would be difficult to obtain.

Ms. Almy noted that it seems like water would run off the parking lot surface and to the east into the wetlands. She said it is harder to treat once it is in the wetlands. Dr. Oidtmann asked if a roof could be put over the parking lots to reduce the amount of snow that needs to be plowed and/or treated with chemicals. He said he is concerned that 9,000 square feet of wetlands will be impacted by this current design.

Mr. Hill asked if the parking area could be located directly against the building structure. Mr. Fiore said that would require disturbing the wetlands to build the needed the stormwater treatment for that. Mr. Hill asked if the parking area could be located to the south of the building and Mr. Fiore said an outdoor open space/recreation area was planned for that area.

Mr. James suggested installing rain gardens for stormwater management and Mr. Fiore said they were open to that idea, but DES doesn’t allow digging up wetlands to put in rain gardens, so they would have to be located outside the wetlands.

The Commission made several suggestions to redesign the plans to reduce the impact to the wetlands areas:

- Build a taller building with a smaller footprint
- Choose another site
- Rotate the building 90 degrees
- Locate office space at another site
- Redesign deck areas

Chair Riley said she shares the other Commission members’ concerns that projects like this one would chip away at wetlands areas, which is costly to the City.

Mr. Fiore noted that the site is particularly ideal because of its proximity to DH, so they want to try to use it for this project.

Mr. Sullivan said he and the team would research all of the Commission’s suggestions and come back at a later date with information they have learned.

6. COMMITTEE REPORTS

A. Biodiversity Group (Invasives)

Mr. Lacey said he has been treating Japanese knotweed in the following locations:

- Baker's Crossing
- Ticknor
- Mill Parcel
- 2 Rivers

He said the ideal time to treat knotweed is the first few weeks after August 1.

Ms. Hirai said she and a team of volunteers pulled honeysuckle on August 30 at Honeysuckle Loop.

B. Stewardship

Mr. James said he has a new group of volunteer stewards, but has had some trouble contacting them. He said he has been out patrolling trails.

Mr. Hill said on August 30, a team of 6 Hypertherm volunteers and 3 Commission members gathered to work on the following:

- Pulling honeysuckle
- Moving lumber to northeast corner of Boston Lot Lake

He said now that the lumber has been located on the site, the wood will be cut and assembled into bridges.

Ms. Hirai said a good short-term project for volunteers could be clearing areas of 2 Rivers. Chair Riley noted that the mowing that Mr. Lacey has done has transformed the property and made trails more accessible.

Ms. Almy noted that, on August 27, she noted that there were two tree falls on the lower part of Linell Loop on the Goodwin Trail.

Mr. Hill said he has spoken with the Upper Valley Mountain Bike Club about one trail on Burnt Mountain that is half owned by the City and half by the UVMBC. He said they were in agreement that the trail could be closed.

He said he also discussed the installation of signs (that Ranger Tietjen has been creating) for the following:

- Burnt Mountain Trail
- Burnt Mountain Bypass
- Burnt Mountain Cutoff (sign has not yet been made)

He said the UVMBC is upgrading all of its signage and agreed to take down old signs to put up new ones. He said one sign that indicates the start of Boston Lot property is actually located on the Club's land, but he said they were okay with it remaining.

Mr. Hill noted one sign with information about camping and permits is located in an unusual place. He said he would like to make these rules, as well as the rules about fishing, clearer on signs on the trails.

Mr. Hill said that the tent that has been on Boston Lot for about six weeks is still there but seems to be abandoned. Chair Riley said it can be removed.

C. Wild About Lebanon

D. Amphibian Crossing

E. LUCT/Current Use

F. Other Subcommittees

Chair Riley said the Tree Advisory Board is compiling a list of locations for street trees and has indicated initial sites are the Advance Transit bus stops. She said there will be a Tree Walk this Saturday at Pine Knoll Cemetery.

Chair Riley would like to talk with Ms. Almy regarding environmental justice issues at the state level.

Ms. Hirai said she and Mr. Heistad will attend the Class VI Roads meeting on Thursday. She said the discussion will be about signage on trails/roads.

Ms. Almy said she joined the Housing Task Force.

6. OTHER BUSINESS

A. FYIs

Chair Riley said the Commission received a letter from two residents expressing concerns about the residential housing project proposed near the Densmore Brickyard site. The group discussed the project at length and discussed with Mr. Goodwin ways to express the Commission's concerns to the Planning Board.

Mr. James volunteered to write a draft of a letter to provide to the Planning Board. Mr. Hill said the Planning Board has found that letters or requests that ask them to take particular action (for example, to ask the developer to provide specific information to allay concerns) to be most helpful. Mr. James said he would try to have a draft of the letter ready by the next Conservation Commission meeting.

The group discussed if they should create a subcommittee to work on reviewing the letter. Mr. Hill said he can advise the Commission of when the project will next be on the Planning Board Meeting agenda and Commission members can plan to attend as citizens to express the Commission's concerns.

A. Follow Ups

Chair Riley said she sent the Commission members a link to a video on the water quality certification process associated with the licensing of the Wilder Dam.

Chair Riley said that DES approved the permit by notification for the City to install monitoring wells for the alternative drinking water project at these locations:

- The Wastewater Treatment Plant
- 2 Rivers

Chair Riley asked if the Conservation Commission and/or Upper Valley Land Trust should be notified when actions are happening on Conservation Land. Mr. Goodwin said he would look into this notification about the wells.

Chair Riley said the Wetland Permit was approved for the Barrows Street project.

B. Workshops and Educational Opportunities

Chair Riley said the Sustainable Lebanon Green the Ground workshop will be on Saturday at 10am at Baker's Crossing. She said Jim Kennedy will talk about meadows.

She reminded the group that the Tree Advisory Board would hold a tree walk at the Pine Knoll Cemetery at 1:00pm with Liz McKinley

8. FUTURE AGENDA ITEMS

9. ADJOURNMENT

A MOTION was made by Erling Heistad to adjourn the meeting to 8:45pm. The Motion was seconded by Susan Almy.

Roll Call Vote:

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

Voting Against – None

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

The meeting adjourned at 8:45pm.

Respectfully submitted,
Paula Roux
Recording Secretary



Photo 1. Wetland impact area in northwest portion of property (near flag B-22)



Photo 2. Wetland impact area in southwest portion of property (near flag B-49)



Photo 3. View west toward wetland impact area near flag B-27



Photo 4. View toward wetland impact area in southern portion of property, looking southeast from Mt. Support Road



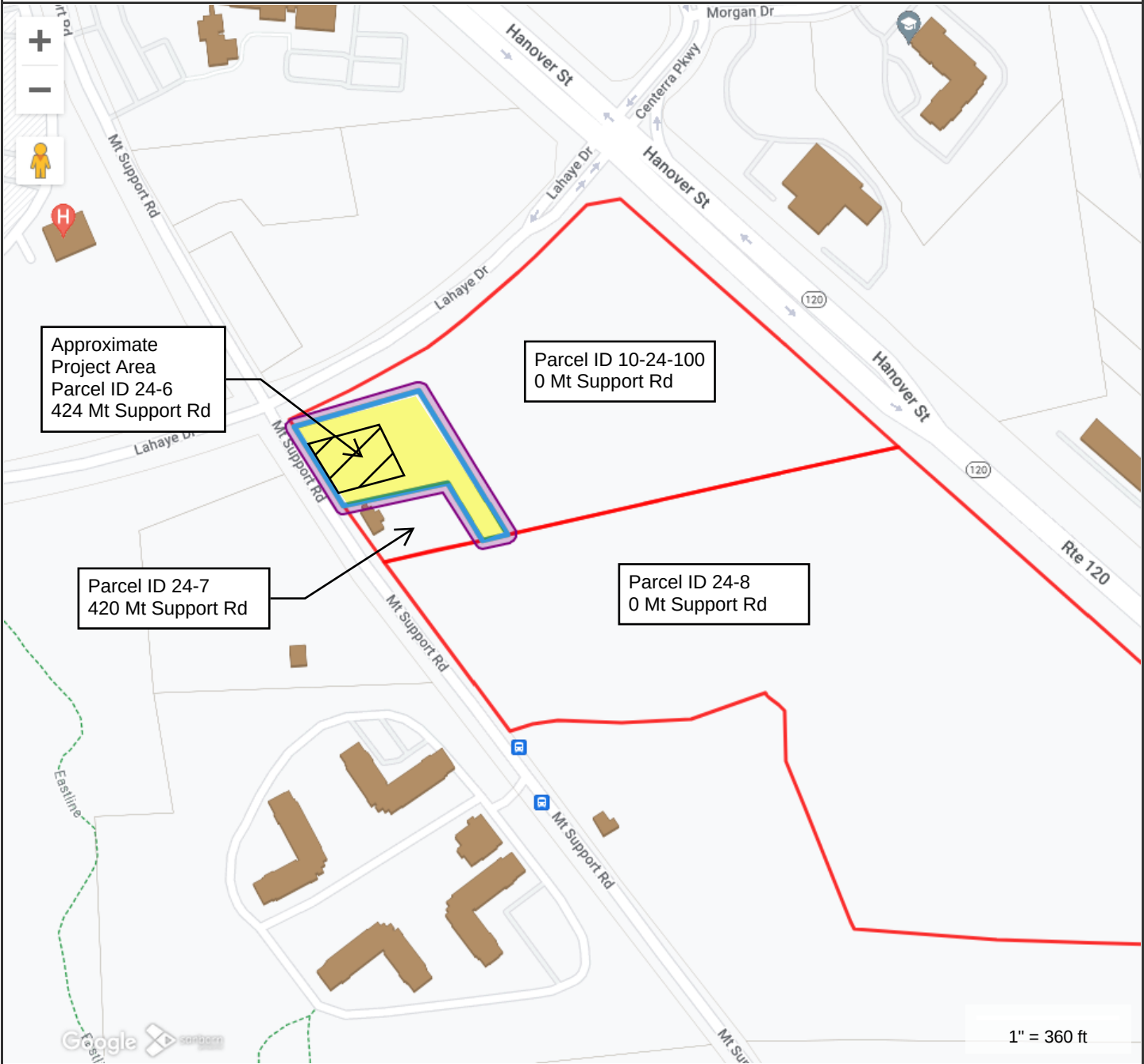
Photo 5. Upland field in center of project area. Looking east from Mt. Support Road.



Photo 6. Forested wetland to east of project area (near flag B-33)

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Tax Map



Property Information Property ID 24-6 Location 424 MOUNT SUPPORT RD Owner MARY HITCHCOCK MEM HOSPITAL	 MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT City of Lebanon, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map. Geometry updated 07/15/2024 Data updated 11/18/2018	Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.
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List of Abutting Properties

Parcel ID	Property Address	Owner Name and Mailing Address
24-7	420 Mount Support Road	Upper Valley Supportive 226 Holiday Drive, Suite 20 White River Junction, VT 05001
10-24-100	0 Mount Support Road	Dartmouth College Trustees PO Box 5188 Hanover, NH 03755
24-8	0 Mount Support Road	Dartmouth College Trustees PO Box 5188 Hanover, NH 03755

ABUTTER NOTIFICATION OF WETLANDS PERMIT APPLICATION

Via Certified Mail

December 3, 2024

**Re: NHDES Wetlands Permit Application
Families Flourish Northeast
424 Mount Support Road
Lebanon, NH**

Dear Sir or Madam:

This letter is to inform you that a Wetlands Permit Application will be submitted to the NH Department of Environmental Services (NHDES) Wetlands Bureau for a proposed multi-unit residential facility at 424 Mount Support Road in Lebanon, New Hampshire. The project involves the construction of a 5,853-square foot building, parking spaces, and driveway. Under state law RSA 482-A:3 I (d)(1), I am required to notify you via certified mail about this wetland permit application which proposes work abutting your property.

Once the permit application is submitted to NHDES, a copy of the permit application, including the plans associated with the project proposal, will be available for public review at the Town Clerk's Office in Lebanon. A copy of the permit application, including the plans associated with the project proposal, can also be reviewed at the NHDES headquarters in Concord by scheduling a file review by emailing filereview@des.nh.gov or calling (603) 271-2919.

If you have questions, you may contact my agent at the contact information provided below.

Sincerely,

Families Flourish Northeast
PO Box 20
Enfield Center, NH 03749

Agent's Contact Information:

Jennifer Riordan
GM2 Associates, Inc.
197 Loudon Road, Suite 310
Concord, NH 03301
603-856-7854
jriordan@gm2inc.com

9589 0710 5270 2179 2913 61

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
Hanover, NH 03755	
Certified Mail Fee	\$4.85
Extra Services & Fees (check box, add fee to appropriate)	\$4.10
☒ Return Receipt (hardcopy)	\$0.00
☐ Return Receipt (electronic)	\$0.00
☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00
Postage	\$0.73
Total Postage	\$7.68
Sent To	Dartmouth College Trustees
Street and Apt.	PO Box 5188
City, State, ZIP	Hanover, NH 03755
PS Form 3800	

0301 36
DEC 04 2024
CONCORD NH RETAIL

9589 0710 5270 2179 2913 78

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
White River Junction, VT 05001	
Certified Mail Fee	\$4.85
Extra Services & Fees (check box, add fee to appropriate)	\$4.10
☒ Return Receipt (hardcopy)	\$0.00
☐ Return Receipt (electronic)	\$0.00
☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00
Postage	\$0.73
Total Postage	\$9.68
Sent To	Upper Valley Supportive
Street and Apt.	226 Holiday Drive, Suite 20
City, State, ZIP	White River Junction, VT 05001
PS Form 3800	

0301 36
DEC 04 2024
CONCORD NH RETAIL

FAMILIES FLOURISH NORTHEAST

424 MOUNT SUPPORT ROAD

SITE DEVELOPMENT PLANS

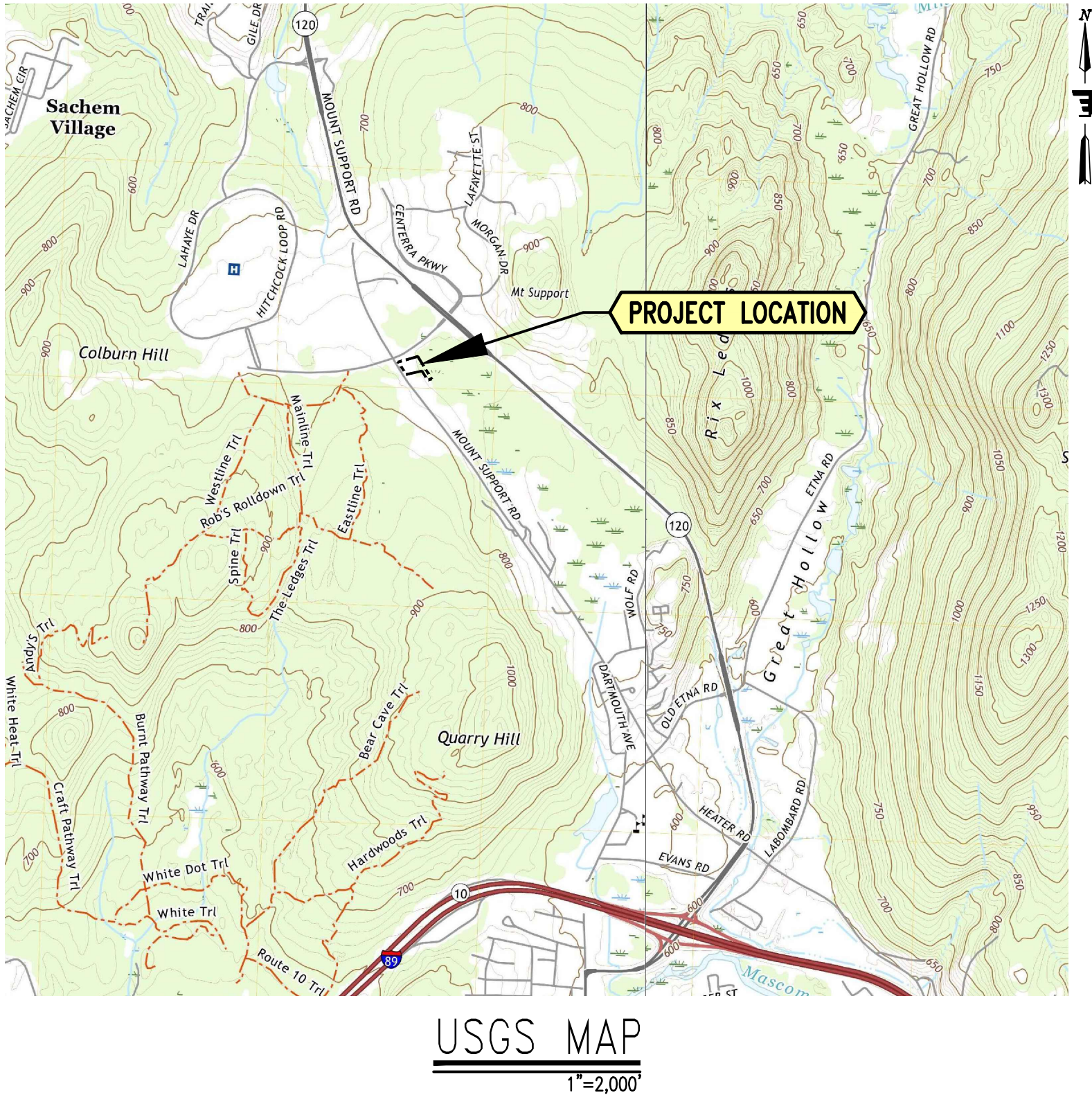
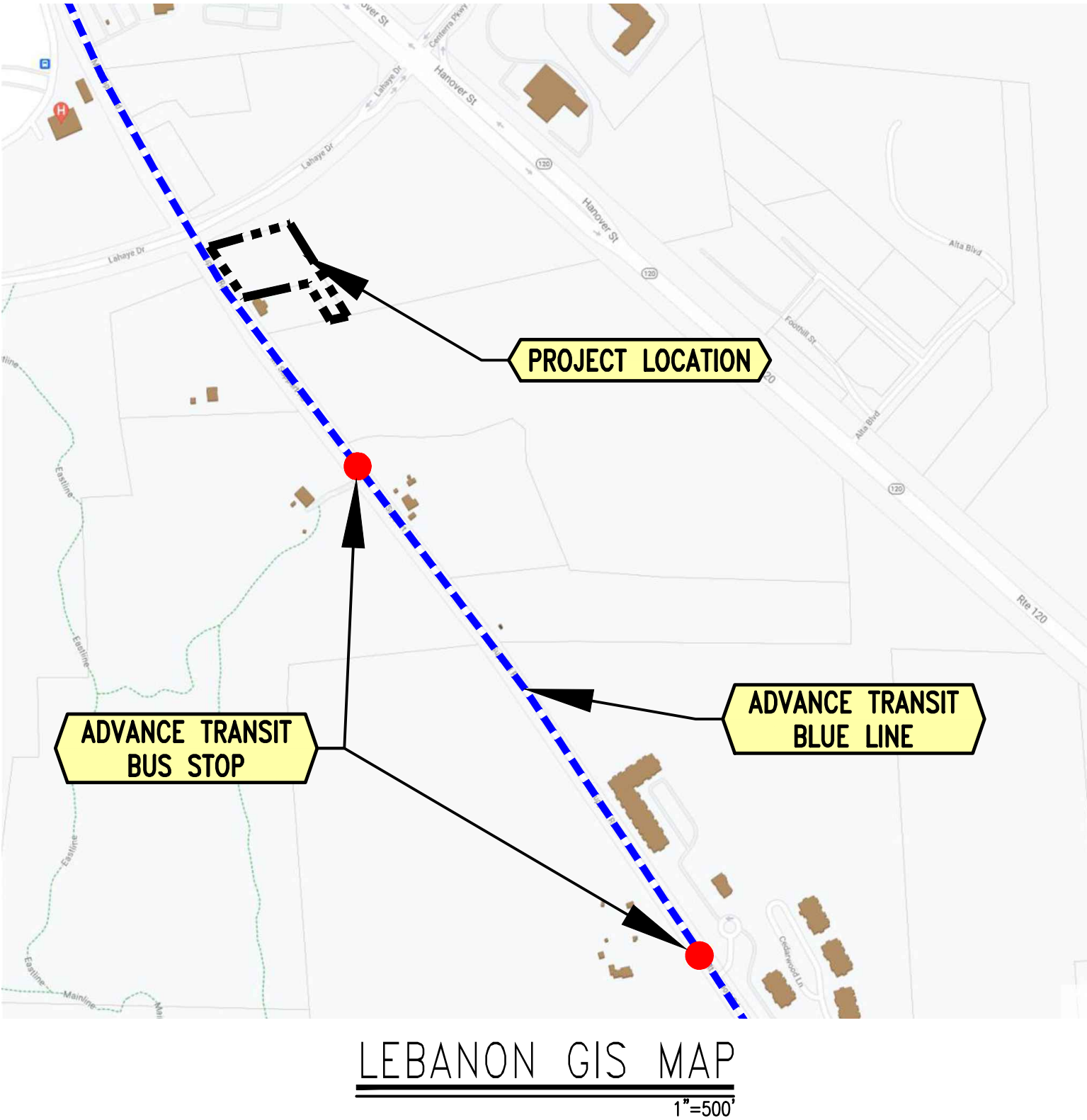


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C2.0	WETLANDS IMPACT EXHIBIT	ENGINEERING VENTURES	4 of 7
C2.1	SITE LAYOUT PLAN	ENGINEERING VENTURES	5 of 7
C2.2	GRADING AND DRAINAGE PLAN	ENGINEERING VENTURES	6 of 7
C2.4	EROSION PREVENTION AND SEDIMENT CONTROL PLAN	ENGINEERING VENTURES	7 of 7

SUBJECT PROPERTY:

TAX MAP 24 LOT 6
CITY OF LEBANON
GRAFTON COUNTY
NEW HAMPSHIRE, 03766

OWNER\APPLICANT:

MARY HITCHCOCK MEMORIAL HOSPITAL
FACILITIES MANAGEMENT
ONE MEDICAL CENTER DRIVE
LEBANON, NEW HAMPSHIRE 03756

CONSULTANTS:

CIVIL ENGINEER:
ENGINEERING VENTURES, PC
NICHOLAS A. FIORE, PE
85 MECHANIC ST. SUITE B2-2
LEBANON, NH 03766
(603) 442-9333

ARCHITECT:
BLACK RIVER DESIGN, ARCHITECTS
JESSE REMICK, AIA
73 MAIN STREET
MONTPELIER, VERMONT 05602
(802) 223-2044

TOPOGRAPHIC SURVEY:
CARDIGAN MOUNTAIN LAND SURVEYS, LLC
SCOTT SANBORN, LLS
32 PEASLEE ROAD
ORANGE, NEW HAMPSHIRE 03741
(603) 523-7535

WETLAND SCIENTIST:
GWZ ASSOCIATES, INC.
JENNIFER RIORDAN, CWS
197 LOUDON ROAD
CONCORD, NH 03301
(603) 856-7854

Stamp	
Date	
Description	
No.	
ENGINEERING VENTURES PC	
208 Flynn Avenue, Suite 2A, Burlington, VT 05401 • 802-863-6225	
85 Mechanic Street, Suite E2-3, Lebanon, NH 03766 • 603-442-9333	
414 Union Street, Schenectady, NY 12305 • 518-630-9614	
www.engineeringventures.com	
FFNE	
235 Whitford Street	
Manchester, NH, 03104	
COVER SHEET	FAMILIES FLOURISH NORTHEAST
Sheet Title	Project Title
EV Project #	22063
Drawn By:	JWF
Checked By:	NAF
Scale:	NO SCALE
Date:	12/03/2024
C0.0	

STANDARD ABBREVIATIONS

BENCHMARK	BM	END OF VERTICAL CURVE ELEVATION	EVCE	LIMITS OF CONSTRUCTION	LOC	REINFORCED CONCRETE PIPE	RCP
BEGINNING OF VERTICAL CURVE ELEVATION	BVCE	END OF VERTICAL CURVE STATION	EVCS	LIMITS OF DISTURBANCE	LOD	RIGHT-OF-WAY	ROW
BEGINNING OF VERTICAL CURVE STATION	BVCS	EXISTING	EX	MAXIMUM	MAX	SANITARY	SAN
CAST-IN-PLACE	CIP	EXISTING GRADE/GROUND	EG	MINIMUM	MIN	SANITARY MANHOLE	SMH
CAST IRON	CI	FINISHED FLOOR	FF	MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES	MUTCD	SEPTIC TANK	ST
CATCH BASIN	CB	FINISHED GRADE/GROUND	FG	MONITORING WELL	MW	SILT FENCE	SF
CENTERLINE	CL	FIELD INLET	FI	MONUMENT	MON	SLOPE	S=
CLEAN OUT	C/O	FLARED END SECTION	FES	NOT IN CONTRACT	NIC	STATION	STA
CORRUGATED METAL PIPE	CMP	FOOT, FEET	FT	NOT TO SCALE	NTS	STORM MANHOLE	DMH
CUBIC FEET	CF	FOOTING	FTG	POINT OF CURVATURE	PC	TANGENT	TAN
CUBIC FEET PER SECOND	CFS	FOUNDATION	FND	POINT OF INTERSECTION	PI	TANGENT TO CURVE	TC
CUBIC YARD	CY	GALLONS PER MINUTE	GPM	POLYETHYLENE, PROFESSIONAL ENGINEER	PE	TAPPING SLEEVE AND VALVE	TS&V
DIAMETER	DA	GATE VALVE	GV	PROPERTY LINE	PL	TEMPORARY BENCHMARK	TBM
DISTRIBUTION BOX	D-BOX	HEADWALL	HW	PERC TEST, POINT OF TANGENCY	PT	TEST PIT	TP
DUCTILE IRON	DI	HIGH DENSITY POLYETHYLENE	HDPE	POND	PND	TOP OF BANK	TOB
EDGE OF CONCRETE	EOC	HYDRANT	HYD	QUANTITY	QTY	TOP OF CURB	TOC
EDGE OF GRAVEL	EOG	INTERSECTION	INT	QUALITY ASSURANCE	QA	TOP OF WALL	TOW
EDGE OF PAVEMENT	EOP	INVERT	INV	QUALITY CONTROL	QC	TYPICAL	TYP
ELECTRIC	ELEC	IRON PIN	IP	RADIUS	R=	VERIFY IN FIELD	VIF
ELECTRIC MANHOLE	EMH	IRON PIPE SIZE	IPS			WATER VALVE	WV
ELEVATION	ELEV	LENGTH	L=				

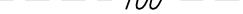
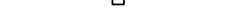
GENERAL NOTES

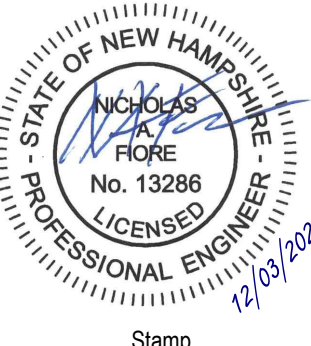
- EXACT OBJECT LOCATIONS MAY DIFFER FROM THAT AS SHOWN, AND ADDITIONAL SUB-SURFACE AND SURFACE UTILITIES AND STRUCTURES MAY EXIST. THE CONTRACTOR IS TO PROCEED WITH GREAT CARE IN EXECUTING ANY WORK.
- UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES. EXITING UTILITY LOCATIONS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL FIELD VERIFY ALL UTILITIES. ALL DISCREPANCIES SHALL BE REPORTED TO THE OWNER AND ENGINEER. SITE CONTRACTOR SHALL CALL UTILITY LOCATOR SERVICE AND UTILITY OWNERS 72 HOURS, EXCLUSIVE OF WEEKENDS AND HOLIDAYS, PRIOR TO ANY DIGGING, DRILLING, OR BLASTING:
 - DIG SAFE (TEL: #811)
 - NON DIG SAFE MEMBER FACILITY OPERATORS IF KNOWN. A LIST OF DIG SAFE MEMBERS BY STATE CAN BE FOUND ON THE DIG SAFE WEB SITE WWW.DIGSAFE.COM
- THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY CONDITIONS THAT VARY FROM THOSE SHOWN ON THE PLANS. THE CONTRACTOR'S WORK SHALL NOT VARY FROM THE PLANS WITHOUT THE EXPRESSED APPROVAL FROM THE ENGINEER.
- THE CONTRACTOR IS INSTRUCTED TO COOPERATE WITH ANY AND ALL OTHER CONTRACTORS PERFORMING WORK ON THIS JOB SITE DURING THE PERFORMANCE OF THIS CONTRACT.
- THE CONTRACTOR SHALL RESTORE LAWNS, DRIVEWAYS, CULVERTS, SIGNS AND OTHER PUBLIC OR PRIVATE PROPERTY DAMAGED OR REMOVED TO EXISTING CONDITIONS OR BETTER AS DETERMINED BY THE ENGINEER. ANY DAMAGED TREES, SHRUBS AND/OR HEDGES SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE, UNLESS NOTED OTHERWISE.
- THE CONTRACTOR SHALL COMPLY WITH ALL REQUIRED PERMITS.
- THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING, AND INCURRING THE COST OF ALL REQUIRED PERMITS, INSPECTIONS, AND CERTIFICATES.
- THE CONTRACTOR WILL PROTECT EXISTING PROPERTY LINE MONUMENTATION. ANY MONUMENTATION DISTURBED OR DESTROYED, AS JUDGED BY THE ENGINEER OR OWNER SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE UNDER THE SUPERVISION OF A NEW HAMPSHIRE STATE LICENSED LAND SURVEYOR.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO EXAMINE ALL PLAN SHEETS AND SPECIFICATIONS, AND COORDINATE WORK WITH ALL CONTRACTS FOR THE SITE.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONDUCT EXPLORATORY TEST PITS AS MAY BE REQUIRED TO DETERMINE UNDERGROUND CONDITIONS.
- ALL TRENCH EXCAVATION AND ANY REQUIRED SHEETING AND SHORING SHALL BE DONE IN ACCORDANCE WITH THE LATEST OSHA REGULATIONS FOR CONSTRUCTION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR DEWATERING AND THE MAINTENANCE OF SURFACE DRAINAGE DURING THE COURSE OF WORK.
- MAINTAIN FLOW FOR ALL EXISTING UTILITIES, UNLESS NOTED OTHERWISE.
- ALL SITE FILL SHALL MEET SELECTED FILL STANDARDS UNLESS NOTED OTHERWISE ON THE DRAWINGS.
- CONTRACTOR TO GRADE ALL AREAS ON THE SITE TO PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS AND IMPERVIOUS SURFACES.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL FIELD LAYOUT. THE CONTRACTOR SHALL PROVIDE MARKED-UP AS-BUILT PLANS FOR ALL UTILITIES SHOWING CONNECTIONS, BENDS, VALVES, LENGTHS OF LINES AND INVERTS. AS-BUILT PLANS SHALL BE REVIEWED BY THE OWNER AND HIS REPRESENTATIVES BEFORE UTILITIES WILL BE ACCEPTED.
- CONTRACTOR SHALL BE RESPONSIBLE FOR PROPER INSTALLATION, MONITORING, MAINTENANCE AND REMOVAL OF ALL TEMPORARY EROSION CONTROL MEASURES AND TAKING PRECAUTIONARY STEPS TO AVOID ANY SEDIMENT TRANSFER TO NEIGHBORING SITES OR WATERS OF THE STATE.

SYMBOL LEGEND

PROPOSED FEATURES	EXISTING FEATURES
 BOUND	 BOUND
 BENCHMARK	 BENCHMARK
 DRILL HOLE	 DRILL HOLE
 SURVEY POINT	 SURVEY POINT
 IRON PIN	 IRON PIN
 TP1	 TP1
 B1	 B1
 BORING	 BORING
 P1	 P1
 PERC TEST	 PERC TEST
 CATCH BASIN (SQUARE)	 CATCH BASIN (SQUARE)
 CATCH BASIN (ROUND)	 CATCH BASIN (ROUND)
 HEADWALL	 HEADWALL
 FLARED END SECTION	 FLARED END SECTION
 STONE APRON	 STONE APRON
 DRAIN MANHOLE (DMH)	 DRAIN MANHOLE (DMH)
 DRAINAGE CLEAN OUT	 DRAINAGE CLEAN OUT
 SANITARY SEWER MANHOLE (SMH)	 SANITARY SEWER MANHOLE (SMH)
 SANITARY CLEAN OUT	 SANITARY CLEAN OUT
 HYDRANT	 HYDRANT
 WATER SHUTOFF	 WATER SHUTOFF
 TAPPING SLEEVE & VALVE	 TAPPING SLEEVE & VALVE
 GATE VALVE	 GATE VALVE
 WELL	 WELL
 UTILITY POLE	 UTILITY POLE
 GUY POLE	 GUY POLE
 ELECTRICAL MANHOLE	 ELECTRICAL MANHOLE
 BUILDING MOUNTED LIGHT	 BUILDING MOUNTED LIGHT
 LIGHT POST	 LIGHT POST
 TELEPHONE MANHOLE	 TELEPHONE MANHOLE
 NATURAL GAS MANHOLE	 NATURAL GAS MANHOLE
 COMMUNICATION MANHOLE	 COMMUNICATION MANHOLE
 BOLLARD	 BOLLARD
 SINGLE POLE SIGN	 SINGLE POLE SIGN
 DOUBLE POLE SIGN	 DOUBLE POLE SIGN
 SPOT ELEVATION	 SPOT ELEVATION
 ACCESSIBLE PARKING STALL	 ACCESSIBLE PARKING STALL
 DRAINAGE FLOW	 DRAINAGE FLOW
 DECIDUOUS TREE	 DECIDUOUS TREE
 CONIFEROUS TREE	 CONIFEROUS TREE

LINETYPE LEGEND

PROPOSED FEATURES	EXISTING FEATURES
 100 MAJOR CONTOUR	 100 MAJOR CONTOUR
 98 MINOR CONTOUR	 98 MINOR CONTOUR
 EDGE OF RIVER	 EDGE OF RIVER
 EDGE OF POND	 EDGE OF POND
 FLOOD PLAIN	 FLOOD PLAIN
 PROPERTY LINE	 PROPERTY LINE
 RIGHT OF WAY	 RIGHT OF WAY
 SETBACK	 SETBACK
 EASEMENT	 EASEMENT
 LIMIT OF CONSTRUCTION	 LIMIT OF CONSTRUCTION
 LIMIT OF DISTURBANCE	 LIMIT OF DISTURBANCE
 SILT FENCE/ STRAW FIBER ROLL	 SILT FENCE
 SEDIMENT/TURBIDITY CURTAIN	 SEDIMENT/TURBIDITY CURTAIN
 DEMOLITION WORK	 DEMOLITION WORK
 CENTERLINE	 CENTERLINE
 EDGE OF PAVEMENT	 EDGE OF PAVEMENT
 EDGE OF GRAVEL	 EDGE OF GRAVEL
 EDGE OF CONCRETE	 EDGE OF CONCRETE
 CURB	 CURB
 FENCE (BARBED WIRE)	 FENCE (BARBED WIRE)
 FENCE (CHAIN LINK)	 FENCE (CHAIN LINK)
 FENCE (WOODEN)	 FENCE (WOODEN)
 GUARD RAIL	 GUARD RAIL
 TREE LINE	 TREE LINE
 EDGE OF WETLANDS - DELINEATED	 EDGE OF WETLANDS - DELINEATED
 EDGE OF WETLANDS - APPROXIMATE	 EDGE OF WETLANDS - APPROXIMATE
 EDGE OF RARE PLANTS - DELINEATED	 EDGE OF RARE PLANTS - DELINEATED
 STONE WALL	STONE WALL
 SANITARY SEWER	SANITARY SEWER
 SANITARY SEWER APPROX.	SANITARY SEWER APPROX.
 SEWER FORCEMAIN	SEWER FORCEMAIN
 SEWER SERVICE	SEWER SERVICE
 DISPOSAL AREA LATERAL	DISPOSAL AREA LATERAL
 STORM LINE	STORM LINE
 STORM LINE APPROX.	STORM LINE APPROX.
 UNDER DRAIN	UNDER DRAIN
 FOUNDATION DRAIN	FOUNDATION DRAIN
 ROOF DRAIN	ROOF DRAIN
 DITCH/SWALE	DITCH/SWALE
 TELECOMM	TELECOMM
 TELECOMM APPROX.	TELECOMM APPROX.
 UNDERGROUND TELECOMM	UNDERGROUND TELECOMM
 OVERHEAD TELECOMM	OVERHEAD TELECOMM
 ELECTRIC LINE	ELECTRIC LINE
 ELECTRIC APPROX.	ELECTRIC APPROX.
 UNDERGROUND ELECTRIC	UNDERGROUND ELECTRIC
 OVERHEAD ELECTRIC	OVERHEAD ELECTRIC
 ELECTRICAL SITE LIGHTING	ELECTRICAL SITE LIGHTING
 WATER LINE	WATER LINE
 WATER APPROX.	WATER APPROX.
 WATER SERVICE	WATER SERVICE
 GAS LINE	GAS LINE
 GAS APPROX.	GAS APPROX.
 CABLE TV	CABLE TV
 UNDERGROUND CABLE TV	UNDERGROUND CABLE TV
 OVERHEAD CABLE TV	OVERHEAD CABLE TV
 STEAM LINE	STEAM LINE
 LOW PRESSURE STEAM	LOW PRESSURE STEAM
 HIGH PRESSURE STEAM	HIGH PRESSURE STEAM
 HOT WATER	HOT WATER
 CHILLED WATER	CHILLED WATER



STATE OF NEW HAMPSHIRE
NOAH FLORES
No. 13286
LICENSED PROFESSIONAL ENGINEER
12/29/2024

Stamp

Date					
Description					
No.					



ENGINEERING VENTURES PC

208 Flynn Avenue, Suite 2A, Burlington, VT 05401 • 802-863-6225
85 Mechanic Street, Suite E2-3, Lebanon, NH 03766 • 603-442-9333
414 Union Street, Schenectady, NY 12305 • 518-630-9614
www.engineeringventures.com

FFNE

235 Whitford Street
Manchester, NH, 03104

Sheet Title:

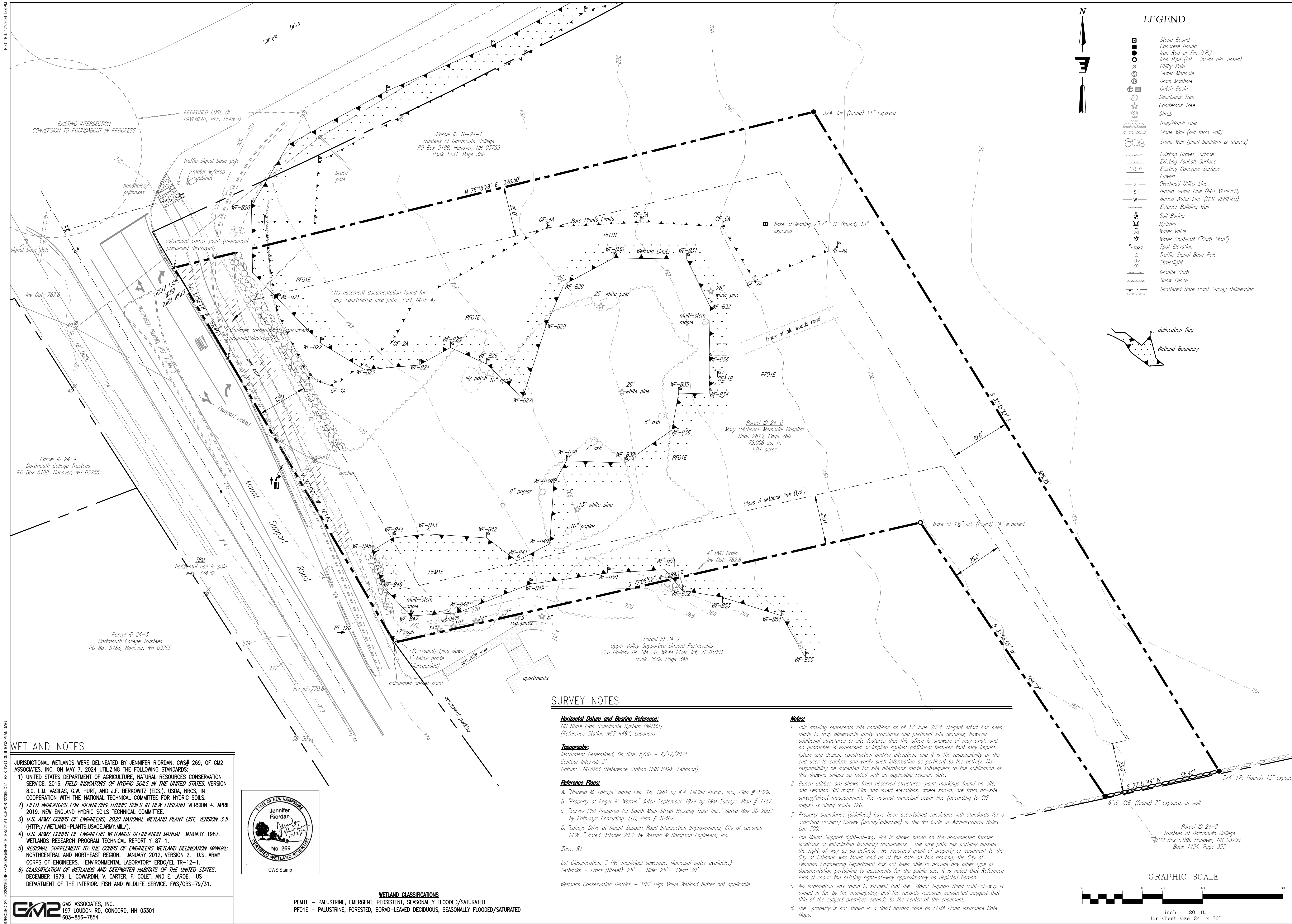
SITE LEGEND AND NOTES

Project Title:

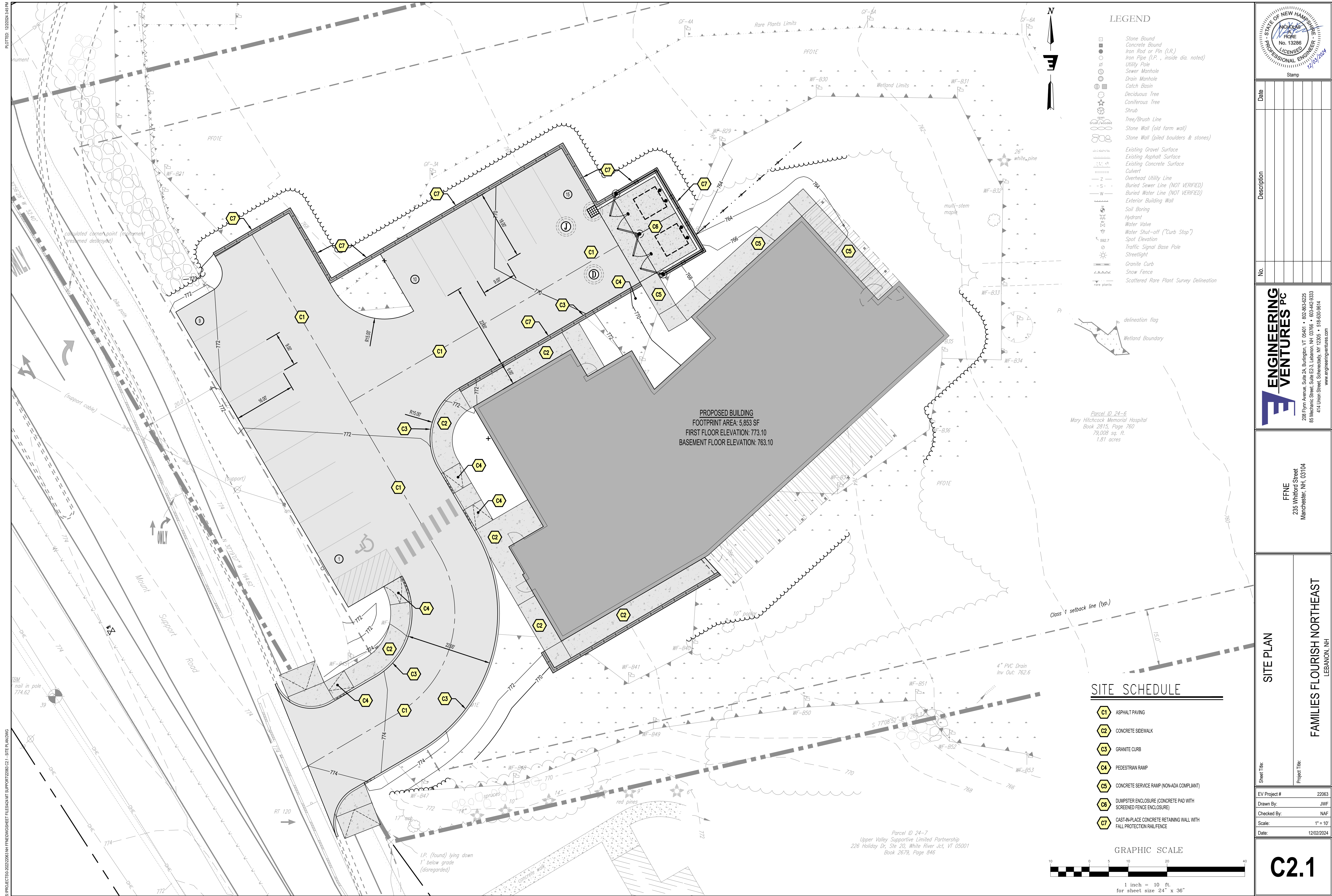
FAMILIES FLOURISH NORTHEAST
LEBANON, NH

EV Project #	22063
Drawn By:	JWF
Checked By:	NAF
Scale:	1" = 10'
Date:	12/02/2024

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S:\PROJECTS\2022\22063 NH FFLN\DWG\SHEET FILES\22063 C2.2 - GRADING AND DRAINAGE PLAN.DWG



LEGEND

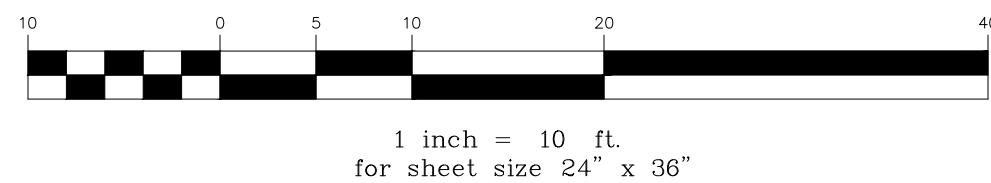
- Stone Bound
- Concrete Bound
- Iron Rod or Pin (L.R.)
- Iron Pipe (I.P., inside dia. noted)
- Utility Pole
- Sewer Manhole
- Drain Manhole
- Catch Basin
- Deciduous Tree
- Coniferous Tree
- Shrub
- Tree/Brush Line
- Stone Wall (old farm wall)
- Stone Wall (piled boulders & stones)
- Existing Gravel Surface
- Existing Asphalt Surface
- Existing Concrete Surface
- Culvert
- Overhead Utility Line
- Buried Sewer Line (NOT VERIFIED)
- Buried Water Line (NOT VERIFIED)
- Exterior Building Wall
- Soil Boring
- Hydrant
- Water Valve
- Water Shut-off ("Curb Stop")
- Spot Elevation
- Traffic Signal Base Pole
- Streetlight
- Granite Curb
- Snow Fence
- Scattered Rare Plant Survey Delineation

Parcel ID 24-6
Mary Hitchcock Memorial Hospital
Book 2815, Page 760
79,008 sq. ft.
1.81 acres

STORMWATER SCHEDULE

- D1** 4" I.D., PRECAST CONCRETE CATCH BASIN
RIM: 769.01
INV. OUT (12" HDPE): 765.90
SUMP: 763.90
- D2** 4" I.D., PRECAST CONCRETE, JELLYFISH FILTER (JF4)
RIM: 769.30
INV. IN (12" HDPE): 765.82
INV. OUT (12" HDPE): 765.57
SUMP: 763.15
- D3** 4RXTC SC740 DETENTION CHAMBER SYSTEM
TOP OF STONE: 768.51
TOP OF CHAMBER: 768.41
INLET INV. (12" HDPE): 765.51
OUTLET INV. (12" HDPE): 765.51
BOTTOM OF CHAMBER: 765.51
BOTTOM OF STONE: 765.01
- D4** 4" I.D., PRECAST CONCRETE MANHOLE
WITH WEIR WALL
RIM: 770.36
INV. IN (12" HDPE): 765.45
INV. OUT (12" HDPE): 765.20
- D5** DAYLIGHT DRIN LINE THROUGH RETAINING
WALL, INV. OUT (12" HDPE): 764.00

GRAPHIC SCALE



STATE OF NEW HAMPSHIRE
Professional Engineer
No. 13286
12/2/2024

Stamp

Date

Description

No.

ENGINEERING
VENTURES PC

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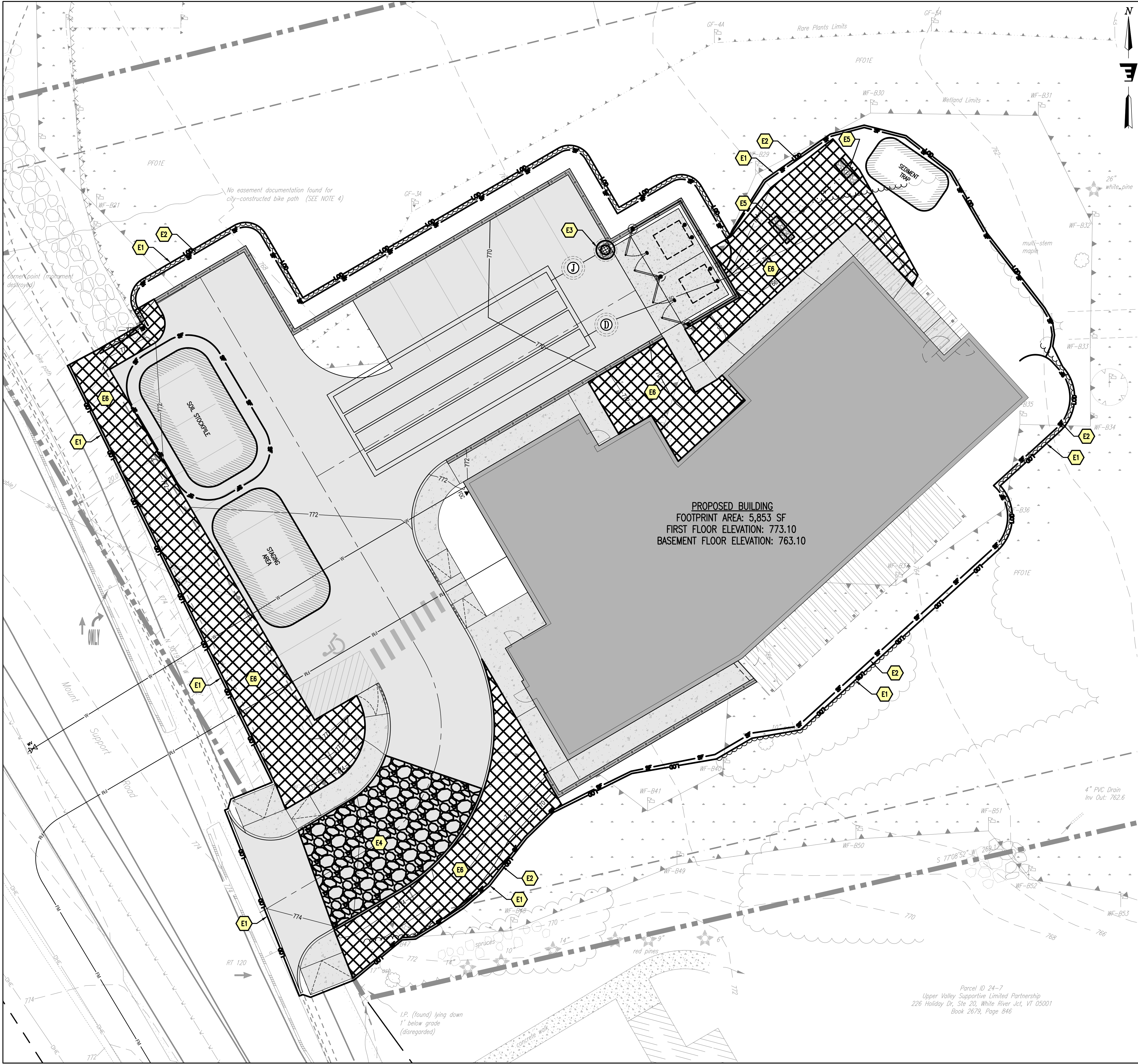
GRADING AND DRAINAGE PLAN
FAMILIES FLOURISH NORTHEAST
LEBANON, NH

EV Project # 22063
Drawn By: JWF
Checked By: NAF
Scale: 1" = 10'
Date: 12/02/2024

C2.2

Page 103 of 191

PROJECTS\2022\2023\NH-FIN\DWGS\2023\2023-02-24-EPSC-PLAN\DWG 2023-02-24-EPSC-PLAN.DWG
S:\PROJECTS\2022\2023\NH-FIN\DWGS\2023\2023-02-24-EPSC-PLAN\DWG 2023-02-24-EPSC-PLAN.DWG
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EROSION CONTROL LEGEND

EROSION PREVENTION AND SEDIMENT CONTROL STRATEGY
THE FOLLOWING TECHNIQUES WILL BE UTILIZED AS PART OF A SEDIMENT AND EROSION CONTROL PROGRAM. THE SEDIMENT AND EROSION CONTROL PROGRAM WILL BE IMPLEMENTED IN STAGES. CERTAIN ITEMS FROM ONE STAGE WILL LIKELY OVERLAP OR TAKE PLACE CONCURRENTLY WITH ITEMS FROM OTHER STAGES.

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

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

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

TEMPORARY STABILIZED CONSTRUCTION ENTRANCE
THIS STRUCTURAL MEASURE IS A STABILIZED PAD OF AGGREGATE UNDERLAIN WITH FILTER FABRIC LOCATED AT ANY POINT WHERE TRAFFIC WILL BE ENTERING OR LEAVING A CONSTRUCTION SITE TO OR FROM A PUBLIC RIGHT-OF-WAY, STREET, ALLEY, SIDEWALK, OR PARKING AREA. THE PURPOSE OF A STABILIZED CONSTRUCTION ENTRANCE IS TO REDUCE OR ELIMINATE THE TRACKING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY OR STREETS. THIS WILL REMAIN IN PLACE AND BE MAINTAINED UNTIL THE PROJECT SITE HAS BEEN PERMANENTLY STABILIZED. ONCE THE SITE IS STABILIZED, SEDIMENT SHALL BE REMOVED FROM THE BASINS AND THE OUTLET ORIFICE SHALL BE DRILLED INTO THE OUTLET STRUCTURE AS NOTED ON THE PLANS.

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

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

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

TEMPORARY STRAW FIBER ROLL
STRAW FIBER ROLLS ARE FLEXIBLE, CYLINDRICAL SEDIMENT RETENTION FIBER ROLLS (SRFRS) COMPRISED OF VARIOUS TYPES OF COMPRESSED MATRIXES, DESIGNED TO REDUCE HYDRAULIC ENERGY AND FILTER SEDIMENT-LADEN STORMWATER RUNOFF ON SLOPES AND IN CHANNELS. SRFRS ARE DESIGNED TO BE USED AS PERIMETER CONTROLS, SLOPE INTERCEPTOR DEVICES, CHECK DAMS, AROUND TEMPORARY SOIL STOCKPILES, AT CURB CUTS AND DRAIN INLETS. SRFRS SHOULD BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S GUIDELINES AND SECURED WITH WOODEN STAKES. THESE WILL REMAIN IN PLACE AND BE MAINTAINED UNTIL THE PROJECT SITE HAS BEEN PERMANENTLY STABILIZED.

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

EROSION CONTROL SCHEDULE

- E1 LIMIT OF DISTURBANCE
- E2 DOUBLE ROW OF STRAW FIBER ROLL (TYP.)
- E3 INLET PROTECTION (TYP.)
- E4 STABILIZED CONSTRUCTION ENTRANCE
- E5 CHECK DAM
- E6 EROSION CONTROL NETTING

GRAPHIC SCALE

10 0 5 10 20 40

1 inch = 10 ft.
for sheet size 24" x 36"

STATE OF NEW HAMPSHIRE
NO. 13286
FORE
LICENSED
PROFESSIONAL ENGINEER
12/2/2024

Stamp

Date

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FFNE
235 Whitford Street
Manchester, NH 03104

EROSION PREVENTION AND
SEDIMENT CONTROL PLAN

FAMILIES FLOURISH NORTHEAST
LEBANON, NH

EV Project #
22063

Drawn By:
JWF

Checked By:
NAF

Scale:
1" = 10'

Date:
12/02/2024

C2.4

Page 104 of 191



208 Flynn Avenue, Suite 2A, Burlington, VT 05401 • Tel: 802-863-6225
85 Mechanic Street, Suite E2-3, Lebanon, NH 03766 • Tel: 603-442-9333
414 Union Street, Schenectady, NY 12305 • Tel: 518-630-9614

December 4, 2024

City of Lebanon Conservation Commission
51 North Park St
Lebanon, NH 03766

RE: Wetlands Special Exception Application
NH Wetlands Permit Application
Families Flourish Northeast, 424 Mt Support Rd
Tax Map 24 Lot 6

Dear City of Lebanon Conservation Commission,

On behalf of Mary Hitchcock Memorial Hospital (Owner) and Families Flourish Northeast (FFNE) (Co-Applicant), Engineering Ventures, PC (EV) is pleased to submit the enclosed application package for a Wetlands Special Exception for a project located at 424 Mt Support Rd (Tax Map 24 Lot 6).

The proposed project involves the construction of a multi-family residential facility at 424 Mt. Support Road in Lebanon. The purpose of the facility is to provide a residential substance-use treatment center for pregnant and parenting women and their children. The proposed building will have a footprint of approximately 5,853 square feet and will be three stories tall. Work will also include the construction of a driveway, 15 parking spaces, and stormwater management/treatment measures. Construction is expected to occur in 2025-2026.

Please refer to the attached materials for detailed information on the project.

We respectfully request that the Conservation Commission formulate comments to both the Lebanon ZBA and NHDES during the you next scheduled meeting.

Thank you for your time and consideration with this project.

Sincerely,
ENGINEERING VENTURES, PC

A handwritten signature in blue ink, appearing to read 'Nicholas A. Fiore', is written over a horizontal line.

Nicholas A. Fiore, PE
Vice President

Enc: Application Form
Certified Notification List
Fee Schedule
Supplemental Narrative
Support Statement
Site Development Plans: 3 half-size copies.

WETLANDS	☒	☐	SITE PLAN REVIEW
VARIANCE	☐	☐	SUBDIVISION
MOTION FOR REHEARING	☐	☐	LOT LINE ADJUSTMENT
APPEAL OF AN ADMIN. DECISION	☐	☐	OTHER ()

Page 106 of 191

CERTIFIED NOTIFICATION LIST

Notice shall be sent by certified mail to the Owner; Applicant, if different from Owner; Abutters; Holders of conservation, preservation, or agricultural preservation restrictions (as defined under RSA 477:45) on the subject property; the holders of easements, rights-of-way, and other restrictions; and every engineer, architect, land surveyor, or soil or wetlands scientist whose seal appears on any plan submitted to the Board; and any other persons required by RSA 676:4, I(d). The names and mailing addresses shall be furnished by the Applicant.

672:3 Abutter. – "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.
Source. 1983, 447:1. 1986, 33:2. 2002, 216:1, eff. July 15, 2002.

PLEASE PROVIDE NAMES & MAILING ADDRESSES FOR ALL PERSONS LISTED ABOVE.

Map & Lot Number: 24-6	Map & Lot Number:
Property Owner: Mary Hitchcock Memorial Hospital One Medical Center Drive Lebanon, NH 03756	Applicant, Co-Applicant, Agent, or Lessee: Families Flourish North East c/o Tom Sullivan 258 South River Road Bedford, NH 03110
Map & Lot Number: 24-7	Map & Lot Number: 24-3, 24-4, 10-24-100, 24-8
Upper Valley Supportive Housing 226 Holiday Drive, Suite 20 White River Junction, VT 05001	Dartmouth College Trustees PO Box 5188 Hanover, NH 03755
Map & Lot Number:	Map & Lot Number:
Engineering Ventures c/o Nicholas Fiore 85 Mechanic Street, Suite E2-3 Lebanon, NH, 03766	GM2 c/o Jennifer Riordan 197 Loudon, Road, Suite 310 Concord, NH 03301

Map & Lot Number:	Map & Lot Number:
Red Bird Integrated Consulting c/o Sue Cobb 42 Collins Mountain Road Richmond, VT 05477	Black River Design c/o Mark Montminy 73 Main Street, Room 9 Montpelier, VT 05602
Map & Lot Number:	Map & Lot Number:
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Map & Lot Number:	Map & Lot Number:

(Revised 2/8/2024)

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414 Union Street, Schenectady, NY 12305 • 518-630-9614

Date: December 4, 2024

To: City of Lebanon Zoning Board of Adjustment

From: Engineering Ventures, Nicholas A. Fiore, P.E.

Re: Support Statement - Wetlands Special Exception

On behalf of Mary Hitchcock Memorial Hospital (Owner) and Families Flourish Northeast (FFNE) (Co-Applicant), Engineering Ventures, PC (EV) hereby requests a Wetlands Special Exception pursuant to Article IV, §401.5 of the Zoning Ordinance for the property located at 424 Mount Support Road. The project is not located within the High and Very High Value Wetlands according to *Natural Lebanon: Results of the Phase II Natural Resource Inventory of the City of Lebanon, NH (June 2010)* and further depicted in the Lebanon Wetland Overlay District Map.

Upon application to the Zoning Board of Adjustment, a special exception may be requested to permit the erection of a structure; the construction of streets, roads, and other access ways; for pipelines, powerlines, and other transmission lines; and the construction of fences, footbridges, catwalks and docks within the Wetlands Conservation District, provided that all of the following conditions are found to exist:

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

There are no alternative site designs for this use which would not impact wetlands, and several alternative layouts were considered during the design process to minimize wetland impacts. Avoidance of wetland impacts was not possible due to the extensive wetlands on the property. The property at 424 Mount Support Road is preferred by Families Flourish due to its proximity to Dartmouth Hospital. Alternative sites are not currently accessible to the organization due to a lack of available properties near Dartmouth Hospital and cost considerations.

The following provides a summary of the alternative site layouts that were evaluated:

- Initial Layout (Presented to Lebanon Conservation Commission on September 12, 2024) – The initial site layout included two driveways with the majority of the parking on the north side of the building. The total amount of permanent wetland impact would be approximately 9,045 square feet. This would result in more impact to the forested wetland and rare plant population on the north side of the property compared to the currently proposed layout.
- Taller Building (4 floors) with Smaller Footprint – This would result in a smaller amount of wetland impact but the taller building would not meet zoning ordinances and would result in a more expensive building construction type (per the building code).

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- Alternatives with the long side of the building set to the front setback line did not yield lower impacts.
- Alternatives with the parking lot south of the building (instead of north) did not yield lower impacts.

- B. Due to the provisions of the Wetlands Conservation District, as applied to the particular characteristics, setting and environment of the property, the lot cannot reasonably be used for any of the uses permitted or allowed by special exception, without some form of special exception under this section; and

401.6, B, 1: No septic tank or leach field shall be constructed or enlarged to be within 75 feet of any wetland of low, medium-low or medium value, or to within 100 feet of any wetland of High or Very High Value.

No place on the site is more than 75 feet from a wetland, so an on-site septic system is not possible. The closest connection point to the City's sewer system is 1,300 feet south on Mt Support Road.

A single-family or two-family home could maybe fit on the site without impacting wetlands, but installing a system to connect to the City's system is financially unrealistic for a single-family or two-family home builder/owner.

Any development large enough to afford building a connection to the City's system will impact wetlands on the site.

A development like FFNE could arguably be smaller than other developments because it has access to grants to help offset costs, where others might not.

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

The project team fully believes it can meet these criteria. Stormwater treatment and management will be a key component. We will work with NH DES to determine the best approach regarding the measures listed above.

A functional assessment was completed using the US Army Corps of Engineers Highway Methodology. Functions provided by the wetlands within the project area include groundwater recharge and wetland-dependent wildlife habitat. Both of these functions are provided at a lower level. Portions of the wetland are regularly mowed and have limited vegetation diversity. Evidence of past fill is present along the southern edge of the wetland, both on the 424 Mt Support Road property and the adjacent property to the south (420 Mt Support Road). The forested wetland on the northern side of the project area also provides threatened/endangered species habitat.

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Appalachian barren-strawberry (*Geum fragarioides*), a state-listed threatened plant species, occurs along the northern edge of the project, extending north and northeast toward Lahaye Drive.

The large, forested swamp to the east of the project provides more functions since it has a greater diversity of vegetation, more extensive wetland hydrology, well developed hydric soils, and less evidence of past disturbance. This wetland extends to the east and southeast beyond the property and is part of a large wetland complex located between Mt Support Road and NH Route 120. Functions provided by this larger wetland include nutrient and sediment trapping, flood storage, groundwater recharge, noteworthiness (threatened/endangered species habitat), and wetland-dependent wildlife habitat. The functions are provided at a principal level.

The project will preserve wetlands that provide flood protection, recharge groundwater supply, augment stream flow during dry periods, provide wildlife habitat, and enhance water quality. The proposed impacts are located at the edges of the wetland, in areas that provide fewer functions. The higher-functioning portions of the wetland in the forested area to the east of the project will remain undisturbed. Impacts to the Appalachian barren strawberry plants along the northern portion of the property were minimized by shifting the building and parking lot to the south. The total wetland area on the Lot 24-6 is approximately 55,000 square feet. Approximately 5,638 square feet (10 %) of the total wetland area on the property will be permanently impacted. The remaining 90% will continue to provide flood storage and groundwater recharge.

The project is not expected to contribute to increased flooding or pollution of surface or groundwater. The project is also not expected to result in unnecessary or excessive expenses to the City of Lebanon for essential services and utilities because of the incompatible use of wetlands. Stormwater will be collected from roofs and from surface flow and routed through a treatment and detention system prior to discharge. Stormwater will first flow through a hydrodynamic separator to pretreat the runoff, then flow through a proprietary treatment system (Jellyfish© filter by Contech Engineered Solutions), and then into underground detention chambers. An outlet control structure will regulate release from the underground chambers so that flow rates into the adjacent wetlands do not exceed existing conditions.

Since the proposed amount of permanent wetland impact is over 5,000 square feet, wetland mitigation is anticipated to be required by the US Army Corps of Engineers. There are no opportunities for wetland creation on-site since this would require additional wetland impact. Although there is potential to enhance the lower-functioning wetlands on the property, USACE requires a ratio of 1:10 for vegetation enhancement and this could not be met on-site. Post-construction, approximately 4,000 square feet of wetland that is suitable for enhancement would remain. Approximately 56,380 square feet would be needed to meet the USACE-required ratio of 1:10. Off-site opportunities for wetland creation, restoration/enhancement, or preservation are not preferred since there are few available properties in the vicinity of the project and this could substantially increase costs for the applicant, both for property acquisition and long-term monitoring requirements. The USACE also prefers that applicants use a mitigation bank or in-lieu fee program, if available, instead of permittee-responsible mitigation (such as wetland creation).

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

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N/A

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

The project team fully believes that this project will not create a hazard to individual or public health, safety and welfare. Stormwater management will be a key component to meeting this criterion. Having residences adjacent to wetland provides a beneficial educational opportunity.

- F. The project is capable of complying with all State and Federal wetlands and wetlands permitting requirements. Note: Applications for required Federal and State wetland permits need not have been applied for, but a zoning permit shall not be issued until all such permits have been granted.

Appropriate applications will be made to NHDES and US Army Corps.

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

The project team fully believes that these best management practices can and will be met.

Standard erosion and sedimentation control measures will be implemented during construction of the project. Silt fencing will be installed along the downhill edges of the site work and where otherwise indicated on the plans. Stone construction entrances will be implemented to prevent vehicles from transporting dirt and soil off the site. Once the catch basins are installed, inlet protections will be used until the site is stabilized. Once final grades are established, landscaping features will be installed for the project area.

Once constructed, stormwater will be collected from roofs and from surface flow and routed through a treatment and detention system prior to discharge. Stormwater will first flow through a hydrodynamic separator to pretreat the runoff, then flow through a proprietary treatment system (Jellyfish® filter by Contech Engineered Solutions), and then into underground detention chambers. An outlet control structure will regulate release from the underground chambers so that flow rates into the adjacent wetlands do not exceed existing conditions.

801.3 Special Exceptions.

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

1. That the special exception is specifically authorized by a provision of this Ordinance.

Section 401.5 of the Lebanon Zoning Ordinance authorizes special exceptions for the construction within the subject wetlands.

2. That all special conditions required of the special exception have been met.

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The special conditions presented in Section 401.5 for a Wetlands Special Exception are addressed above.

3. That there are no existing violations of this Ordinance on the property that the granting of this special exception would not remedy.

The subject property is currently a vacant lot and there are no known existing violations of the Ordinance on the property.

4. That the character of the area shall not be adversely affected.

As stated above, only 10% of the property's wetlands will be impacted by this project. The overwhelming majority will be unaltered, and these wetlands connect to a much larger wetland complex off site. The relatively minor impacts will not adversely affect the character of the surrounding wetlands complex.

5. That no hazard or nuisance will be created.

No hazard or nuisance will be created by the impacts to the wetlands on site. On site stormwater controls will ensure that downstream wetlands are not inundated.

6. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.

This project is completely contained within its own parcel save for one driveway onto Mount Support Road. The location of the driveway has been coordinated with the City's Engineering Department and their design team for the reconstruction of the Mount Support Road and Lahaye Drive intersection. Traffic to and from the site will be minimal. Not only will the capacity of existing or planned community facilities and services not be adversely impacted, but the project site design is accommodating of the City's bike path which is partially within the subject lot.

7. That granting the special exception will not result in undue municipal expense.

All stormwater and wetlands in the site drain to the east, away from the City right-of-way. The building will be served by utilities constructed at the owner's expense. There is no opportunity for undue municipal expense associated with this project.

8. That the proposed special exception will be developed in a manner compatible with the spirit and intent of the Ordinance.

To meet the spirit and intent of the Ordinance, several design options were considered for this project in an effort to minimize the wetlands impacts. The project team discussed a preferred (at the time) option with the Lebanon Conservation Commission on September 12, 2024 and came away with additional ideas and options to consider. While some of those ideas proved infeasible, the discussion did lead to some critical thinking by the design team and alterations to the site design. This resulted in a reduction in the wetland impacts from 9,045± square feet of

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permanent impacts in the September 12 plan to 5,638± square feet of permanent impacts and 799± square feet of temporary impacts.

9. That the general welfare of the City will be protected.

The project team fully believes that this project will not create a hazard to the general welfare of the City. Stormwater management will be a key component to meet this criterion regarding site design. Having residences adjacent to wetland provides a beneficial educational opportunity. And a facility that provides these essential services improves the general welfare of the City.

Supplemental Narrative

Project Description

The proposed project involves the construction of a multi-family residential facility at 424 Mt. Support Road in Lebanon. The purpose of the facility is to provide a residential substance-use treatment center for pregnant and parenting women and their children. The proposed building will have a footprint of approximately 5,853 square feet and will be three stories tall. Work will also include the construction of a driveway, 15 parking spaces, and stormwater management/treatment measures. Construction is expected to occur in 2025-2026.

The property is currently owned by Mary Hitchcock Memorial Hospital. Families Flourish Northeast (FFNE) may lease the property from the Hospital. Options are currently being considered and an agreement will be finalized prior to construction.

Project Location / Existing Conditions

The project is located at 424 Mount Support Road (Parcel ID 24-6) in Lebanon. This is a 1.81-acre property that is situated to the southeast of the Lahaye Drive and Mount Support Road intersection. The property consists of a mowed field that is surrounded by forested wetland. The majority of the field is upland, although the wetland wraps around the edge and extends slightly into the field. A large, forested wetland is located east of the property, beyond the project limits. This wetland extends to Lahaye Drive and NH Route 120 and drains south toward a tributary of the Mascoma River. A building and parking lot are located to the south of the project area, on the adjacent parcel.

Wetlands on the property were delineated in May 2024. Additional information on the wetland resources is provided in the enclosed Wetland Delineation report.

There are no streams, prime wetlands, or mapped floodplains within the project area.

The project area is not within a designated river corridor and will not impact any impaired, Class A, or outstanding resource waters.

According to the Wildlife Action Plan, the project area is not mapped as Highest Ranked Habitat in NH or the Region.

Wetland Impacts

The project proposes approximately 6,437 square feet of wetland impact. This includes approximately 5,638 square feet of permanent wetland impact and approximately 799 square feet of temporary wetland impact. The permanent impacts will result from the construction of the building, parking spaces, and driveway. The temporary impacts will result from the construction of a small retaining wall along the northern edge of the parking area. These temporary impacts are necessary for access during construction and will be restored once work is completed.

Appalachian barren-strawberry (*Geum fragarioides*), a state-listed threatened plant species, is present in the forested area along the northern edge of the property. The project will result in approximately 704 square feet of permanent impact to wetland areas that contain this species and approximately 490 square feet of permanent impact upland areas that contain this species.

Wetland Impact Summary

	Permanent Wetland Impact	Temporary Wetland Impact	Total Wetland Impact
Forested Wetland	4,004 SF	799 SF	4,803 SF*
Emergent Wetland	1,634 SF	0 SF	1,634 SF
Total	5,638 SF	799 SF	6,437 SF

*Includes 704 SF of impact to wetland that contains a rare plant species.

Project Alternatives and Avoidance & Minimization Measures

Avoidance of wetland impacts was not possible due to the extensive wetlands on the property. The property at 424 Mount Support Road is preferred by FFNE due to its proximity to Dartmouth Hospital. Alternative sites are not currently accessible to the organization due to a lack of available properties near Dartmouth Hospital and cost considerations.

In 2022 FFNE entered into discussions with Alice Peck Day Hospital to locate their transitional housing at The Homestead Building at 127 Mascoma Street at the entrance to the Hospital. Over the next 14 months FFNE developed plans and met with City officials to renovate and develop the property. Unfortunately, FFNE was unable to come to an agreement and began the search for another property. FFNE engaged with Chip Brown of Brown Commercial Real Estate, LLC in March of 2024. Chip looked at all available properties and also looked at other properties that were not on the market but might be a good fit. The only property that fit FFNE's requirements is the land at 424 Mount Support Road in Lebanon. This property is owned by Mary Hitchcock Memorial Hospital. There are no other currently available properties that will meet FFNE's requirements.

Since wetland impacts could not be avoided, several alternative layouts were considered during the design process to minimize impacts. The following provides a summary of the alternative site layouts that were evaluated.

1. Parking lot on north side with two driveways (refer to enclosed "Alternative Layout 1" Plan) – This alternative was the initial layout that was presented to the Lebanon Conservation Commission on September 12, 2024. It included two driveways and a proposed parking lot on the north side of the building. This would result in more impacts to the forested wetland and rare plant population on the north side of the property. The total amount of permanent wetland impact would be approximately 9,045 square feet.
2. Taller building (4 floors) with a smaller footprint – This alternative would result in a smaller amount of wetland impact but the taller building would not meet zoning ordinances and would result in a more expensive building construction type (per the building code) and less efficient and more costly operations for FFNE.

Most of the proposed impacts are located within lower-functioning portions of the wetland within and adjacent to a mowed field. Impacts to the large, forested wetland to the north and east were avoided and minimized as much as possible by shifting the parking area to the south/west and rotating the building. A small retaining wall is proposed along the northern edge of the parking lot to reduce the wetland and rare plant impacts.

A functional assessment was completed using the US Army Corps of Engineers Highway Methodology. Functions provided by the wetlands within the project area include groundwater recharge and wetland-dependent wildlife habitat. Both of these functions are provided at a lower level. Portions of the wetland are regularly mowed and have limited vegetation diversity. Evidence of past fill is present along the southern

edge of the wetland, both on the 424 Mt Support Road property and the adjacent property to the south (420 Mt Support Road). The forested wetland on the northern side of the project area also provides threatened/endangered species habitat. Appalachian barren-strawberry, a state-listed threatened plant species, occurs along the northern edge of the project, extending north and northeast toward Lahaye Drive.

The large, forested swamp to the east of the project provides more functions since it has a greater diversity of vegetation, more extensive wetland hydrology, well developed hydric soils, and less evidence of past disturbance. This wetland extends to the east and southeast beyond the property and is part of a large wetland complex located between Mt Support Road and NH Route 120. Functions provided by this larger wetland include nutrient and sediment trapping, flood storage, groundwater recharge, noteworthiness, and wetland-dependent wildlife habitat. The functions are provided at a principal level.

The project will preserve wetlands that provide flood protection, recharge groundwater supply, provide wildlife habitat, and enhance water quality. The proposed impacts are located at the edges of the wetland, in areas that provide fewer functions. The higher-functioning portions of the wetland in the forested area to the east of the project will remain undisturbed. The total wetland area on the Lot 24-6 is approximately 55,000 square feet. Approximately 5,638 square feet (10% of the total wetland area on the property) will be permanently impacted. The remaining 90% will continue to provide flood storage and groundwater recharge.

Drainage and Stormwater Treatment

Stormwater will be collected from roofs and from surface flow and routed through a treatment and detention system prior to discharge. Stormwater will first flow through a hydrodynamic separator to pretreat the runoff, then flow through a proprietary treatment system (Jellyfish® filter by Contech Engineered Solutions), and then into underground detention chambers. An outlet control structure will regulate release from the underground chambers so that flow rates into the adjacent wetlands do not exceed existing conditions.

Mitigation

Wetland impacts were minimized where possible, however the project will involve a small amount of permanent impact to a wetland that contains a state-listed plant species. Consultation with the NH Natural Heritage Bureau (NHB) regarding impacts and proposed mitigation measures is ongoing. It is anticipated that mitigation may be required for Priority Resource Area (PRA) impacts, but the rare plant impacts still need to be discussed with NHB and NHDES.

Threatened & Endangered Species

State-Listed Species

The NHB report (NHB24-3391) indicated that Appalachian barren-strawberry (*Geum fragarioides*) is known to occur within the vicinity of the project. A field survey for this species was conducted in May 2024. The species is present in the forested area along the northern edge of the property. A small patch was also noted to the east of the project limits, near wetland flag B-34. The approximate extent of *G. fragarioides* is shown on the enclosed plans. Since the wetland in the northern and eastern portion of the property has documented occurrences of this species, it meets the definition of a Priority Resource Area under Env-Wt 103.65.

G. fragarioides is relatively abundant to the north and northeast of the project area. GM2 Associates conducted plant surveys in 2021-2023 for a separate project and estimated that 20,000+ plants are located in the wooded area southeast of the Lahaye Drive/Mount Support Road intersection (this number was extrapolated from two sample plots located southeast of the project area).

The proposed project will impact an estimated 1,195 square feet of the mapped *G. fragarioides* population (704 square feet within the mapped wetlands). This area contains scattered *G. fragarioides* plants. The impacts will result from the construction of the parking lot and will occur along the southwestern edge of the *G. fragarioides* patch. Impacts to the rare plants were minimized by shifting the proposed building and parking lot to the south. Consultation with NHB regarding impacts and proposed mitigation measures is ongoing.

Federally-Listed Species

The USFWS IPaC report indicated that tricolored bat (proposed endangered) and monarch butterfly (candidate species) may occur within the project area. A determination of “may affect – not likely to adversely affect” was received using the Northern Long-Eared Bat and Tricolored Bat Range-Wide Determination Key in IPaC.

Coordination with Federal Agencies

The project has not yet been discussed with the US Army Corps of Engineers or the US Environmental Protection Agency.

Coordination with Lebanon Conservation Commission

The project was presented to the Lebanon Conservation Commission on September 12, 2024 to obtain initial feedback on the proposed layout and the wetland impacts. Minutes from this meeting are enclosed. The conceptual layout presented to the Commission had approximately 9,045 square feet of impact, primarily from a proposed parking lot on the northern side of the building. Although the Commission was generally in support of the project, it had concerns regarding the amount of wetland impact, especially considering the recent impacts to this wetland from the City’s intersection improvement project. The Commission made several suggestions to reduce impacts, including off-site parking, reconfiguring the parking lots, constructing a taller building with a smaller footprint, selecting another site, redesigning deck areas, locating office space at another site, and rotating the proposed building.

These suggestions were considered and incorporated into the project design where feasible. Off-site parking is not allowed in the R-1 zoning district and a variance would be difficult to obtain, so this suggestion was not practicable. The proposed office space is necessary to support the goals of the organization and was kept on-site. The other suggestions, including rotating the building and reconfiguring the layout, were evaluated, as summarized above. Through this reconfiguration, permanent wetland impacts were able to be reduced by 3,407 square feet or approximately 38%.

The project is scheduled to be presented to the Lebanon Conservation Commission again in December 2024.

Construction Sequence / Erosion & Sediment Control

Proposed Construction Sequence:

1. Install perimeter control methods and protections for rare plants.
2. Install stabilized construction entrance.
3. Clear forested areas within project limits.
4. Rough grade site.
5. Install building foundation and construct building.
6. Install utility services and stormwater controls.
7. Fine grade site and install retaining walls, parking lots, and walkways.
8. Finish grade site and install topsoil, landscaping, and mulch.
9. Once disturbed areas are stabilized, remove perimeter controls.

Families Flourish Northeast
424 Mt. Support Road
Lebanon, NH

Proposed erosion and sediment controls are shown on the attached plans. Fiber rolls or a similar perimeter control will be installed around the edge of the work area. Areas of exposed soil will be stabilized with seed/mulch after final grading is complete and as needed for temporary stabilization during construction. Monitoring of erosion and sediment controls will be completed by the Contractor.

FAMILIES FLOURISH NORTHEAST

424 MOUNT SUPPORT ROAD

SITE DEVELOPMENT PLANS

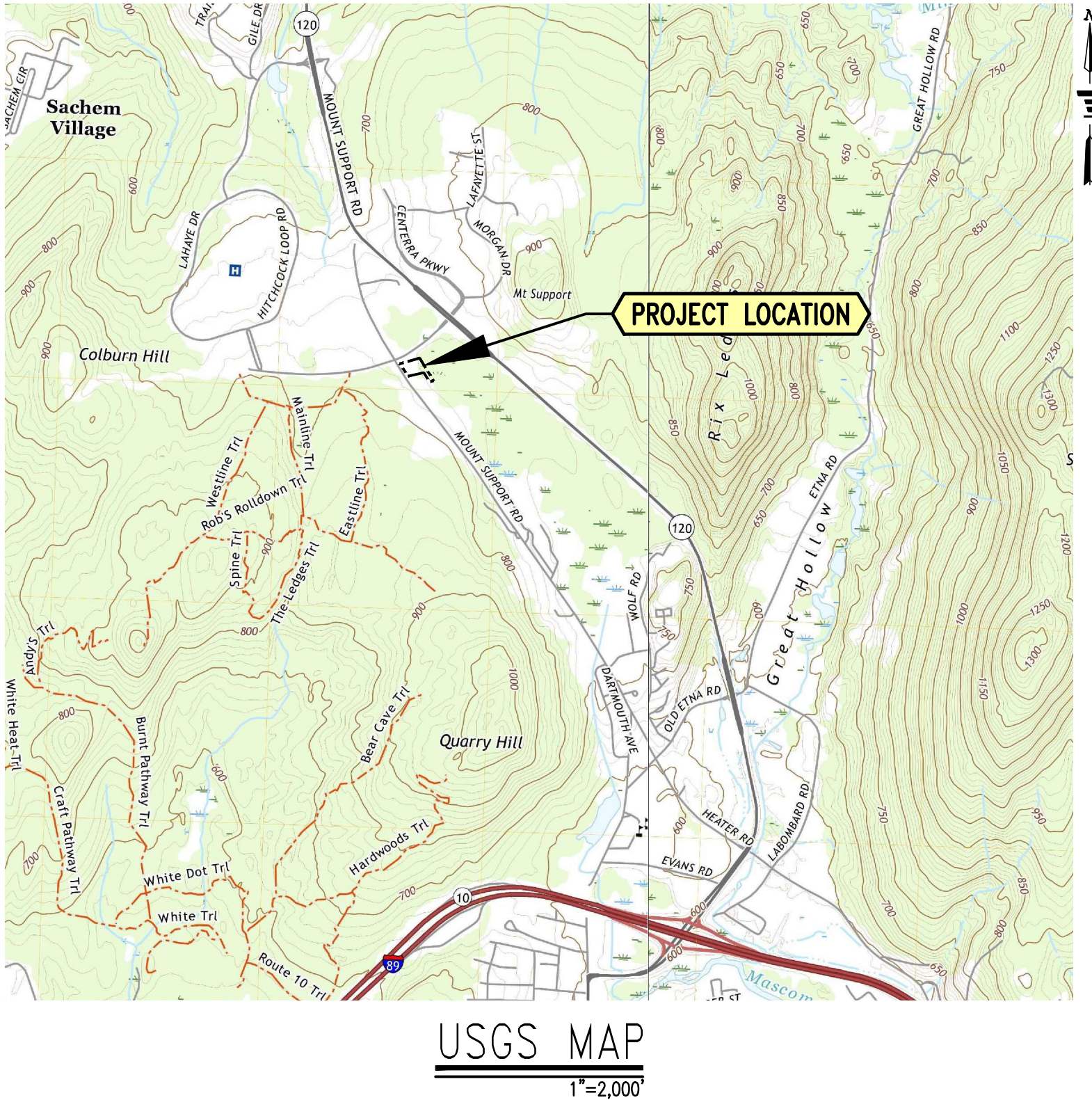
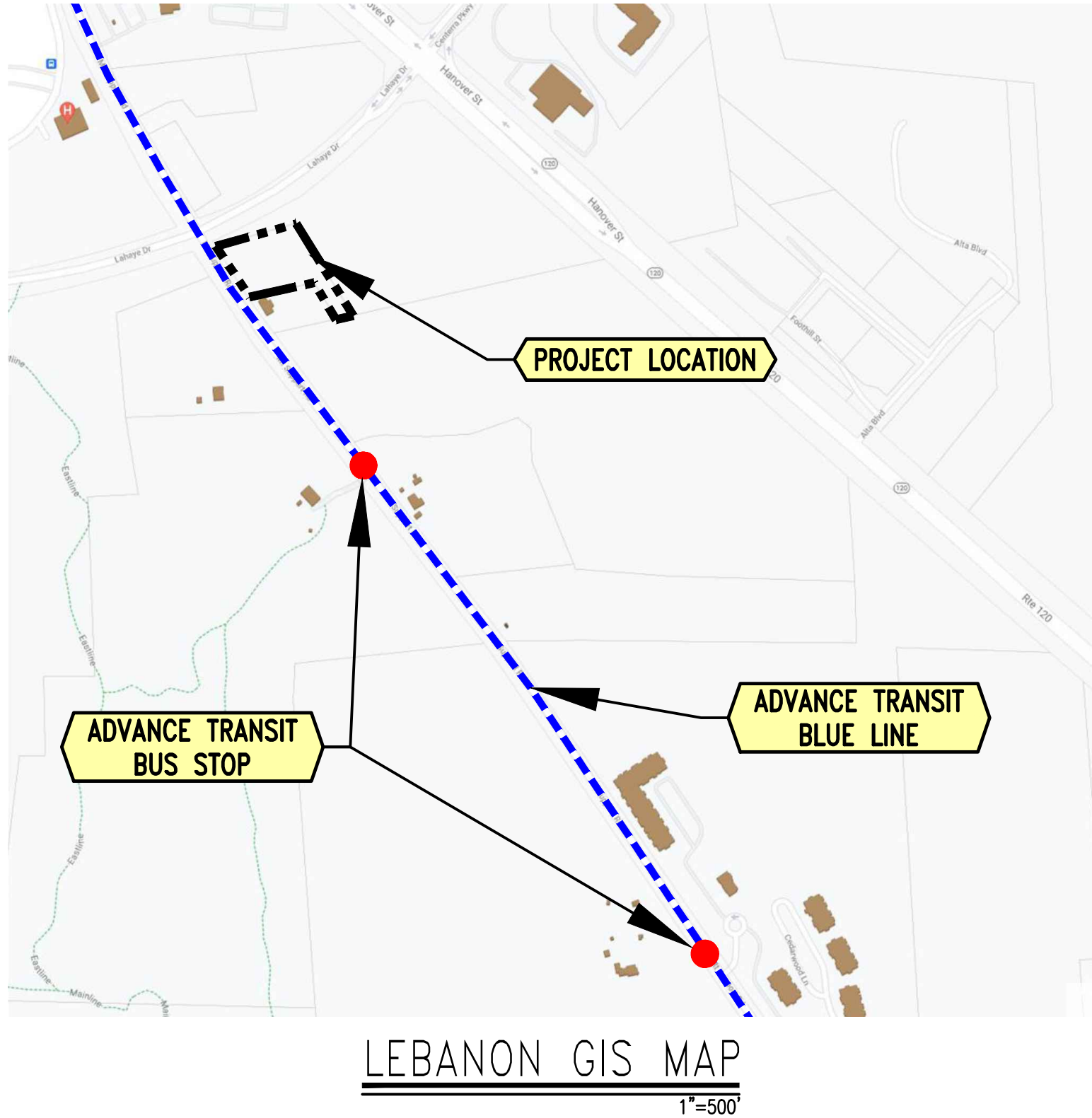


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SUBJECT PROPERTY:

TAX MAP 24 LOT 6
CITY OF LEBANON
GRAFTON COUNTY
NEW HAMPSHIRE, 03766

OWNER\APPLICANT:

MARY HITCHCOCK MEMORIAL HOSPITAL
FACILITIES MANAGEMENT
ONE MEDICAL CENTER DRIVE
LEBANON, NEW HAMPSHIRE 03756

CONSULTANTS:

CIVIL ENGINEER:
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ARCHITECT:
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TOPOGRAPHIC SURVEY:
CARDIGAN MOUNTAIN LAND SURVEYS, LLC
SCOTT SANBORN, LLS
32 PEASLEE ROAD
ORANGE, NEW HAMPSHIRE 03741
(603) 523-7535

WETLAND SCIENTIST:
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JENNIFER RIORDAN, CWS
197 LOUDON ROAD
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Stamp	
Date	
Description	
No.	
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Manchester, NH, 03104	
COVER SHEET	FAMILIES FLOURISH NORTHEAST
Sheet Title	Project Title
EV Project #	22063
Drawn By:	JWF
Checked By:	NAF
Scale:	NO SCALE
Date:	12/03/2024
C0.0	

STANDARD ABBREVIATIONS

BENCHMARK	BM	END OF VERTICAL CURVE ELEVATION	EYCE	LIMITS OF CONSTRUCTION	LOC	REINFORCED CONCRETE PIPE	RCP
BEGINNING OF VERTICAL CURVE ELEVATION	BVCE	END OF VERTICAL CURVE STATION	EVCS	LIMITS OF DISTURBANCE	LOD	RIGHT-OF-WAY	ROW
BEGINNING OF VERTICAL CURVE STATION	BVCS	EXISTING	EX	MAXIMUM	MAX	SANITARY	SAN
CAST-IN-PLACE	CIP	EXISTING GRADE/GROUND	EG	MINIMUM	MIN	SANITARY MANHOLE	SMH
CAST IRON	CI	FINISHED FLOOR	FF	MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES	MUTCD	SEPTIC TANK	ST
CATCH BASIN	CB	FINISHED GRADE/GROUND	FG	MONITORING WELL	MW	SILT FENCE	SF
CENTERLINE	CL	FIELD INLET	FI	MONUMENT	MON	SLOPE	S=
CLEAN OUT	C/O	FLARED END SECTION	FES	NOT IN CONTRACT	NIC	STATION	STA
CORRUGATED METAL PIPE	CMP	FOOT, FEET	FT	NOT TO SCALE	NTS	STORM MANHOLE	DMH
CUBIC FEET	CF	FOOTING	FTG	POINT OF CURVATURE	PC	TANGENT	TAN
CUBIC FEET PER SECOND	CFS	FOUNDATION	FND	POINT OF INTERSECTION	PI	TANGENT TO CURVE	TC
CUBIC YARD	CY	GALLONS PER MINUTE	GPM	POLYETHYLENE, PROFESSIONAL ENGINEER	PE	TAPPING SLEEVE AND VALVE	TS&V
DIAMETER	DA	GATE VALVE	GV	PROPERTY LINE	PL	TEMPORARY BENCHMARK	TBM
DISTRIBUTION BOX	D-BOX	HEADWALL	HW	PERC TEST, POINT OF TANGENCY	PT	TEST PIT	TP
DUCTILE IRON	DI	HIGH DENSITY POLYETHYLENE	HDPE	POND	PND	TOP OF BANK	TOB
EDGE OF CONCRETE	EOC	HYDRANT	HYD	QUANTITY	QTY	TOP OF CURB	TOC
EDGE OF GRAVEL	EOG	INTERSECTION	INT	QUALITY ASSURANCE	QA	TOP OF WALL	TOW
EDGE OF PAVEMENT	EOP	INVERT	INV	QUALITY CONTROL	QC	TYPICAL	TYP
ELECTRIC	ELEC	IRON PIN	IP	RADIUS	R=	VERIFY IN FIELD	VIF
ELECTRIC MANHOLE	EMH	IRON PIPE SIZE	IPS			WATER VALVE	WV
ELEVATION	ELEV	LENGTH	L=				

GENERAL NOTES

- EXACT OBJECT LOCATIONS MAY DIFFER FROM THAT AS SHOWN, AND ADDITIONAL SUB-SURFACE AND SURFACE UTILITIES AND STRUCTURES MAY EXIST. THE CONTRACTOR IS TO PROCEED WITH GREAT CARE IN EXECUTING ANY WORK.
- UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES. EXITING UTILITY LOCATIONS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL FIELD VERIFY ALL UTILITIES. ALL DISCREPANCIES SHALL BE REPORTED TO THE OWNER AND ENGINEER. SITE CONTRACTOR SHALL CALL UTILITY LOCATOR SERVICE AND UTILITY OWNERS 72 HOURS, EXCLUSIVE OF WEEKENDS AND HOLIDAYS, PRIOR TO ANY DIGGING, DRILLING, OR BLASTING:
 - DIG SAFE (TEL: #811)
 - NON DIG SAFE MEMBER FACILITY OPERATORS IF KNOWN. A LIST OF DIG SAFE MEMBERS BY STATE CAN BE FOUND ON THE DIG SAFE WEB SITE WWW.DIGSAFE.COM
- THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY CONDITIONS THAT VARY FROM THOSE SHOWN ON THE PLANS. THE CONTRACTOR'S WORK SHALL NOT VARY FROM THE PLANS WITHOUT THE EXPRESSED APPROVAL FROM THE ENGINEER.
- THE CONTRACTOR IS INSTRUCTED TO COOPERATE WITH ANY AND ALL OTHER CONTRACTORS PERFORMING WORK ON THIS JOB SITE DURING THE PERFORMANCE OF THIS CONTRACT.
- THE CONTRACTOR SHALL RESTORE LAWNS, DRIVEWAYS, CULVERTS, SIGNS AND OTHER PUBLIC OR PRIVATE PROPERTY DAMAGED OR REMOVED TO EXISTING CONDITIONS OR BETTER AS DETERMINED BY THE ENGINEER. ANY DAMAGED TREES, SHRUBS AND/OR HEDGES SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE, UNLESS NOTED OTHERWISE.
- THE CONTRACTOR SHALL COMPLY WITH ALL REQUIRED PERMITS.
- THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING, AND INCURRING THE COST OF ALL REQUIRED PERMITS, INSPECTIONS, AND CERTIFICATES.
- THE CONTRACTOR WILL PROTECT EXISTING PROPERTY LINE MONUMENTATION. ANY MONUMENTATION DISTURBED OR DESTROYED, AS JUDGED BY THE ENGINEER OR OWNER SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE UNDER THE SUPERVISION OF A NEW HAMPSHIRE STATE LICENSED LAND SURVEYOR.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO EXAMINE ALL PLAN SHEETS AND SPECIFICATIONS, AND COORDINATE WORK WITH ALL CONTRACTS FOR THE SITE.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONDUCT EXPLORATORY TEST PITS AS MAY BE REQUIRED TO DETERMINE UNDERGROUND CONDITIONS.
- ALL TRENCH EXCAVATION AND ANY REQUIRED SHEETING AND SHORING SHALL BE DONE IN ACCORDANCE WITH THE LATEST OSHA REGULATIONS FOR CONSTRUCTION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR DEWATERING AND THE MAINTENANCE OF SURFACE DRAINAGE DURING THE COURSE OF WORK.
- MAINTAIN FLOW FOR ALL EXISTING UTILITIES, UNLESS NOTED OTHERWISE.
- ALL SITE FILL SHALL MEET SELECTED FILL STANDARDS UNLESS NOTED OTHERWISE ON THE DRAWINGS.
- CONTRACTOR TO GRADE ALL AREAS ON THE SITE TO PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS AND IMPERVIOUS SURFACES.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL FIELD LAYOUT. THE CONTRACTOR SHALL PROVIDE MARKED-UP AS-BUILT PLANS FOR ALL UTILITIES SHOWING CONNECTIONS, BENDS, VALVES, LENGTHS OF LINES AND INVERTS. AS-BUILT PLANS SHALL BE REVIEWED BY THE OWNER AND HIS REPRESENTATIVES BEFORE UTILITIES WILL BE ACCEPTED.
- CONTRACTOR SHALL BE RESPONSIBLE FOR PROPER INSTALLATION, MONITORING, MAINTENANCE AND REMOVAL OF ALL TEMPORARY EROSION CONTROL MEASURES AND TAKING PRECAUTIONARY STEPS TO AVOID ANY SEDIMENT TRANSFER TO NEIGHBORING SITES OR WATERS OF THE STATE.

SYMBOL LEGEND

PROPOSED FEATURES	EXISTING FEATURES
BOUND	BOUND
BENCHMARK	BENCHMARK
DRILL HOLE	DRILL HOLE
SURVEY POINT	SURVEY POINT
IRON PIN	IRON PIN
TP1	TP1
B1	B1
BORING	BORING
P1	P1
PERC TEST	PERC TEST
CATCH BASIN (SQUARE)	CATCH BASIN (SQUARE)
CATCH BASIN (ROUND)	CATCH BASIN (ROUND)
HEADWALL	HEADWALL
FLARED END SECTION	FLARED END SECTION
STONE APRON	STONE APRON
DRAIN MANHOLE (DMH)	DRAIN MANHOLE (DMH)
DRAINAGE CLEAN OUT	DRAINAGE CLEAN OUT
SANITARY SEWER MANHOLE (SMH)	SANITARY SEWER MANHOLE (SMH)
SANITARY CLEAN OUT	SANITARY CLEAN OUT
HYDRANT	HYDRANT
WATER SHUTOFF	WATER SHUTOFF
TAPPING SLEEVE & VALVE	TAPPING SLEEVE & VALVE
GATE VALVE	GATE VALVE
WELL	WELL
UTILITY POLE	UTILITY POLE
GUY POLE	GUY POLE
ELECTRICAL MANHOLE	ELECTRICAL MANHOLE
BUILDING MOUNTED LIGHT	BUILDING MOUNTED LIGHT
LIGHT POST	LIGHT POST
TELEPHONE MANHOLE	TELEPHONE MANHOLE
NATURAL GAS MANHOLE	NATURAL GAS MANHOLE
COMMUNICATION MANHOLE	COMMUNICATION MANHOLE
BOLLARD	BOLLARD
SINGLE POLE SIGN	SINGLE POLE SIGN
DOUBLE POLE SIGN	DOUBLE POLE SIGN
SPOT ELEVATION	SPOT ELEVATION
ACCESSIBLE PARKING STALL	ACCESSIBLE PARKING STALL
DRAINAGE FLOW	DRAINAGE FLOW
DECIDUOUS TREE	DECIDUOUS TREE
CONIFEROUS TREE	CONIFEROUS TREE

LINETYPE LEGEND

PROPOSED FEATURES	EXISTING FEATURES
MAJOR CONTOUR	MAJOR CONTOUR
MINOR CONTOUR	MINOR CONTOUR
EDGE OF RIVER	EDGE OF RIVER
EDGE OF POND	EDGE OF POND
FLOOD PLAIN	FLOOD PLAIN
PROPERTY LINE	PROPERTY LINE
RIGHT OF WAY	RIGHT OF WAY
SETBACK	SETBACK
EASEMENT	EASEMENT
LIMIT OF CONSTRUCTION	LIMIT OF CONSTRUCTION
LIMIT OF DISTURBANCE	LIMIT OF DISTURBANCE
SILT FENCE/ STRAW FIBER ROLL	SILT FENCE
SEDIMENT/TURBIDITY CURTAIN	SEDIMENT/TURBIDITY CURTAIN
DEMOLITION WORK	DEMOLITION WORK
CENTERLINE	CENTERLINE
EDGE OF PAVEMENT	EDGE OF PAVEMENT
EDGE OF GRAVEL	EDGE OF GRAVEL
EDGE OF CONCRETE	EDGE OF CONCRETE
CURB	CURB
FENCE (BARBED WIRE)	FENCE (BARBED WIRE)
FENCE (CHAIN LINK)	FENCE (CHAIN LINK)
FENCE (WOODEN)	FENCE (WOODEN)
GUARD RAIL	GUARD RAIL
TREE LINE	TREE LINE
STONE WALL	STONE WALL
SANITARY SEWER	SANITARY SEWER
SANITARY SEWER APPROX.	SANITARY SEWER APPROX.
SEWER FORCEMAIN	SEWER FORCEMAIN
SEWER SERVICE	SEWER SERVICE
DISPOSAL AREA LATERAL	DISPOSAL AREA LATERAL
STORM LINE	STORM LINE
STORM LINE APPROX.	STORM LINE APPROX.
UNDER DRAIN	UNDER DRAIN
FOUNDATION DRAIN	FOUNDATION DRAIN
ROOF DRAIN	ROOF DRAIN
DITCH/SWALE	DITCH/SWALE
TELECOMM	TELECOMM
TELECOMM APPROX.	TELECOMM APPROX.
UNDERGROUND TELECOMM	UNDERGROUND TELECOMM
OVERHEAD TELECOMM	OVERHEAD TELECOMM
ELECTRIC LINE	ELECTRIC LINE
ELECTRIC APPROX.	ELECTRIC APPROX.
UNDERGROUND ELECTRIC	UNDERGROUND ELECTRIC
OVERHEAD ELECTRIC	OVERHEAD ELECTRIC
ELECTRICAL SITE LIGHTING	ELECTRICAL SITE LIGHTING
WATER LINE	WATER LINE
WATER APPROX.	WATER APPROX.
WATER SERVICE	WATER SERVICE
GAS LINE	GAS LINE
GAS APPROX.	GAS APPROX.
CABLE TV	CABLE TV
UNDERGROUND CABLE TV	UNDERGROUND CABLE TV
OVERHEAD CABLE TV	OVERHEAD CABLE TV
STEAM LINE	STEAM LINE
LOW PRESSURE STEAM	LOW PRESSURE STEAM
HIGH PRESSURE STEAM	HIGH PRESSURE STEAM
HOT WATER	HOT WATER
CHILLED WATER	CHILLED WATER

STATE OF NEW HAMPSHIRE
NOAH FLORES
No. 13286
PROFESSIONAL ENGINEER
LICENSED
12/29/2024

Stamp

Date

Description

No.

ENGINEERING
VENTURES PC

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85 Mechanic Street, Suite E2-3, Lebanon, NH 03766 • 603-442-9333
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FFNE
235 Whitford Street
Manchester, NH, 03104

SITE LEGEND AND NOTES

FAMILIES FLOURISH NORTHEAST
LEBANON, NH

Sheet Title

EV Project # 22063

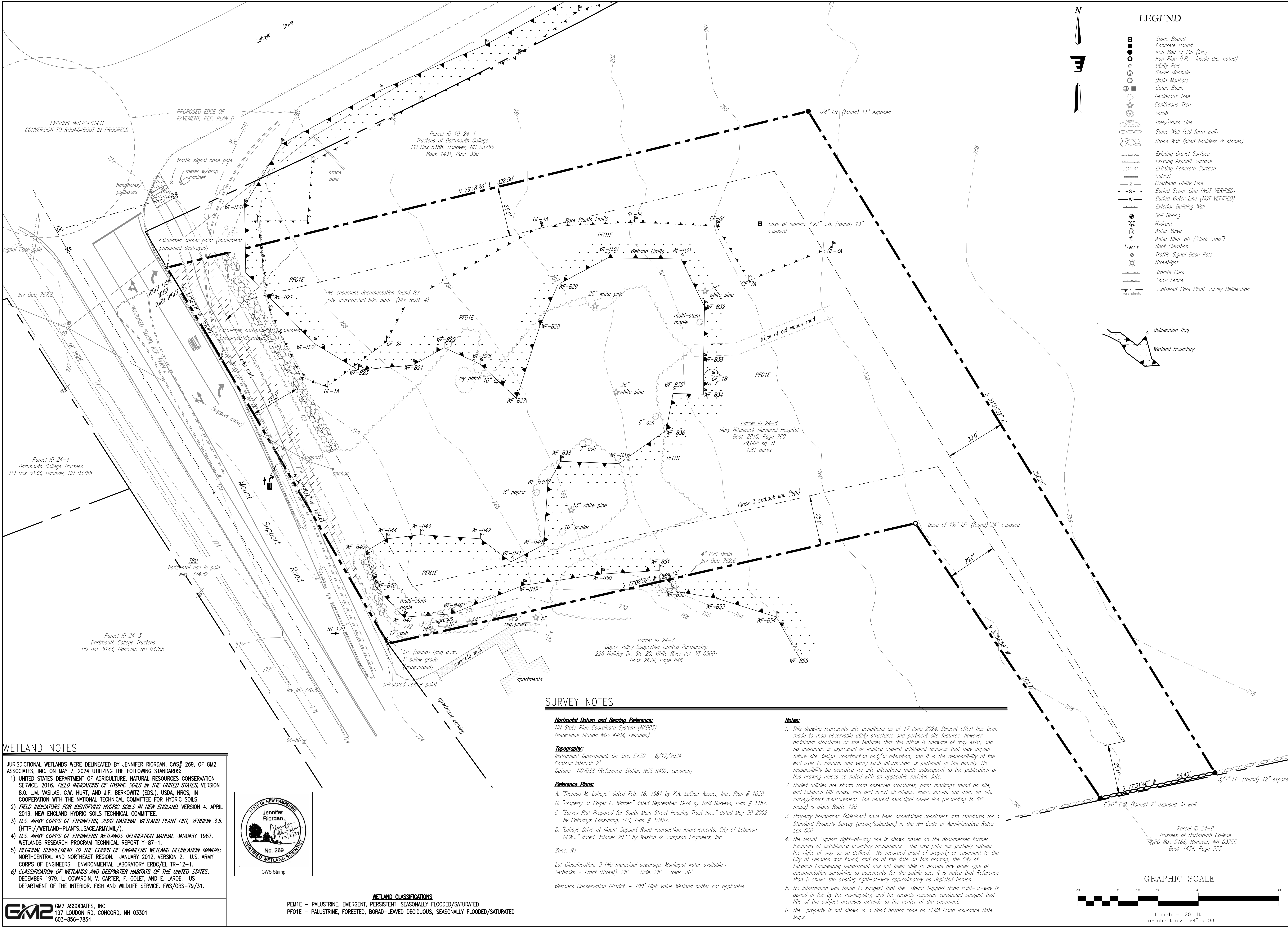
Drawn By: JWF

Checked By: NAF

Scale: 1" = 10'

Date: 12/02/2024

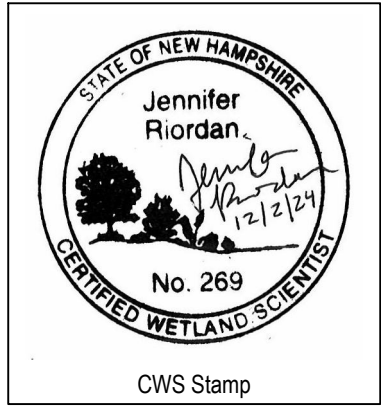
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WETLAND NOTES

JURISDICTIONAL WETLANDS WERE DELINEATED BY JENNIFER RIORDAN, CWS# 269, OF GM2 ASSOCIATES, INC. ON MAY 7, 2024 UTILIZING THE FOLLOWING STANDARDS:

- 1) UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE. 2016. *FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES*, VERSION 8.0. L.M. VASILAS, G.W. HURT, AND J.F. BERKOWITZ (EDS.). USDA, NRCS, IN COOPERATION WITH THE NATIONAL TECHNICAL COMMITTEE FOR HYDRIC SOILS.
- 2) *FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND*, VERSION 4. APRIL 2019. NEW ENGLAND HYDRIC SOILS TECHNICAL COMMITTEE.
- 3) *U.S. ARMY CORPS OF ENGINEERS, 2020 NATIONAL WETLAND PLANT LIST, VERSION 3.5*. ([HTTP://WETLAND-PLANTS.USACE.ARMY.MIL/](http://wetland-plants.usace.army.mil/)).
- 4) *U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL*. JANUARY 1987. WETLANDS RESEARCH PROGRAM TECHNICAL REPORT Y-87-1.
- 5) *REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION*. JANUARY 2012, VERSION 2. U.S. ARMY CORPS OF ENGINEERS. ENVIRONMENTAL LABORATORY ERDC/EL TR-12-1.
- 6) *CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES*. DECEMBER 1979. L. COWARDIN, V. CARTER, F. GOLET, AND E. LAROE. U.S. DEPARTMENT OF THE INTERIOR. FISH AND WILDLIFE SERVICE. FWS/OBS-79/31.



GM2 GM2 ASSOCIATES, INC.
197 LOUDON RD, CONCORD, NH 03301
603-856-7854

WETLAND CLASSIFICATIONS
PEM1E – PALUSTRINE, EMERGENT, PERSISTENT, SEASONALLY FLOODED/SATURATED
PFO1E – PALUSTRINE, FORESTED, BORAD-LEAVED DECIDUOUS, SEASONALLY FLOODED/SATURATED

SURVEY NOTES

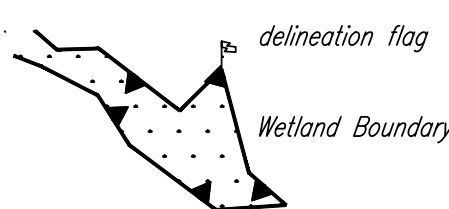
- Horizontal Datum and Bearing Reference:**
NAD83
(Reference Station NGS K49X, Lebanon)
- Topography:**
Instrument Determined, On Site: 5/30 – 6/17/2024
Contour Interval: 2'
Datum: NGVD88 (Reference Station NGS K49X, Lebanon)
- Reference Plans:**
A. "Theresa M. Lahaye" dated Feb. 18, 1981 by K.A. LeClair Assoc., Inc., Plan # 1029.
B. "Property of Roger K. Warren" dated September 1974 by T&M Surveys, Plan # 1157.
C. "Survey Plat Prepared for South Main Street Housing Trust Inc.," dated May 30 2002 by Pathways Consulting, LLC, Plan # 10467.
D. "Lahaye Drive at Mount Support Road Intersection Improvements, City of Lebanon DPW..." dated October 2022 by Weston & Sampson Engineers, Inc.
- Zone:** R1

Lot Classification: 3 (No municipal sewerage. Municipal water available.)
Setbacks – Front (Street): 25' Side: 25' Rear: 30'
Wetlands Conservation District – 100' High Value Wetland buffer not applicable.

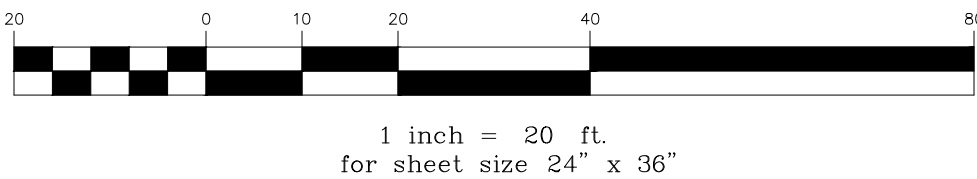
- Notes:**
1. This drawing represents site conditions as of 17 June 2024. Diligent effort has been made to map observable utility structures and pertinent site features; however additional structures or site features that this office is unaware of may exist, and no guarantee is expressed or implied against additional features that may impact future site design, construction and/or alteration, and it is the responsibility of the end user to confirm and verify such information as pertinent to the activity. No responsibility is accepted for site alterations made subsequent to the publication of this drawing unless so noted with an applicable revision date.
 2. Buried utilities are shown from observed structures, point markings found on site, and Lebanon GIS maps. Rim and invert elevations, where shown, are from on-site survey/direct measurement. The nearest municipal sewer line (according to GIS maps) is along Route 120.
 3. Property boundaries (sidelines) have been ascertained consistent with standards for a Standard Property Survey (urban/suburban) in the NH Code of Administrative Rules Lan 500.
 4. The Mount Support right-of-way line is shown based on the documented former locations of established boundary monuments. The bike path lies partially outside the right-of-way as so defined. No recorded grant of property or easement to the City of Lebanon was found, and as of the date on this drawing, the City of Lebanon Engineering Department has not been able to provide any other type of documentation pertaining to easements for the public use. It is noted that Reference Plan D shows the existing right-of-way approximately as depicted hereon.
 5. No information was found to suggest that the Mount Support Road right-of-way is owned in fee by the municipality, and the records research conducted suggest that title of the subject premises extends to the center of the easement.
 6. The property is not shown in a flood hazard zone on FEMA Flood Insurance Rate Maps.

LEGEND

- Stone Bound
- Concrete Bound
- Iron Rod or Pin (I.R.)
- Iron Pipe (I.P., inside dia. noted)
- Utility Pole
- Sewer Manhole
- Drain Manhole
- Catch Basin
- Deciduous Tree
- Coniferous Tree
- Shrub
- Tree/Brush Line
- Stone Wall (old farm wall)
- Stone Wall (piled boulders & stones)
- Existing Gravel Surface
- Existing Asphalt Surface
- Existing Concrete Surface
- Culvert
- Overhead Utility Line
- Buried Sewer Line (NOT VERIFIED)
- Buried Water Line (NOT VERIFIED)
- Exterior Building Wall
- Soil Boring
- Hydrant
- Water Valve
- Water Shut-off ("Curb Stop")
- Spot Elevation
- Traffic Signal Base Pole
- Streetlight
- Granite Curb
- Snow Fence
- Scattered Rare Plant Survey Delineation



GRAPHIC SCALE



STATE OF NEW HAMPSHIRE
No. 13286
JENNIFER RIORDAN
PROFESSIONAL ENGINEER
LICENSED
12/2/2024

Stamp

Date

Description

No.

ENGINEERING
VENTURES PC

208 Flynn Avenue, Suite 2A, Burlington, VT 05401 • 802-863-6225
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414 Union Street, Schenectady, NY 12305 • 518-830-9614
www.engineeringventures.com

FFNE
235 Whitford Street
Manchester, NH, 03104

EXISTING CONDITIONS PLAN

Project Title:
FAMILIES FLOURISH NORTHEAST
LEBANON, NH

EV Project #
22063

Drawn By:
JWF

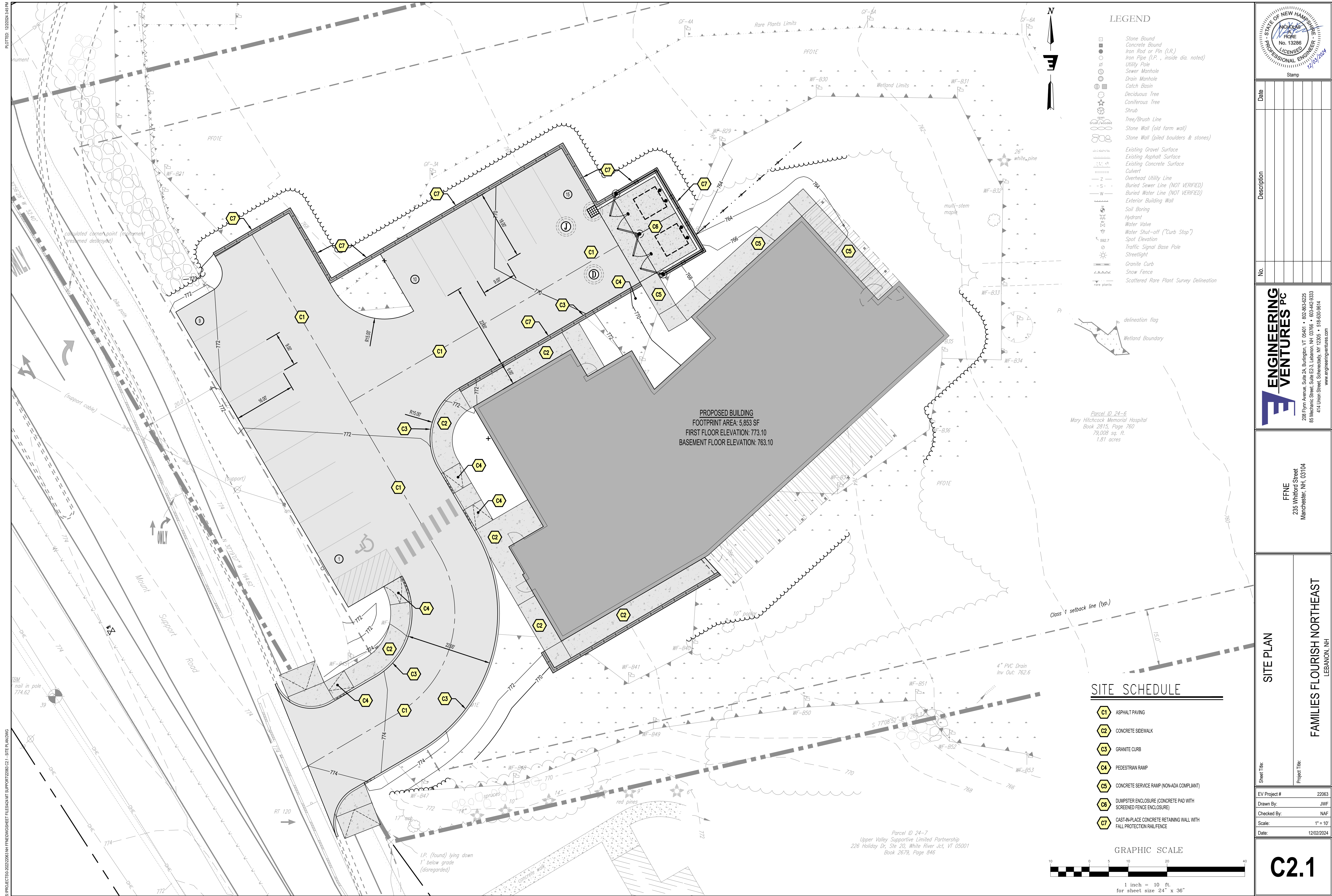
Checked By:
NAF

Scale:
1" = 1'

Date:
12/02/2024

C1.1

Page 122 of 191







7

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

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

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

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

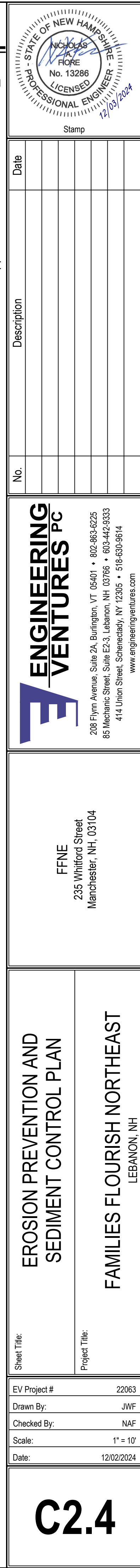
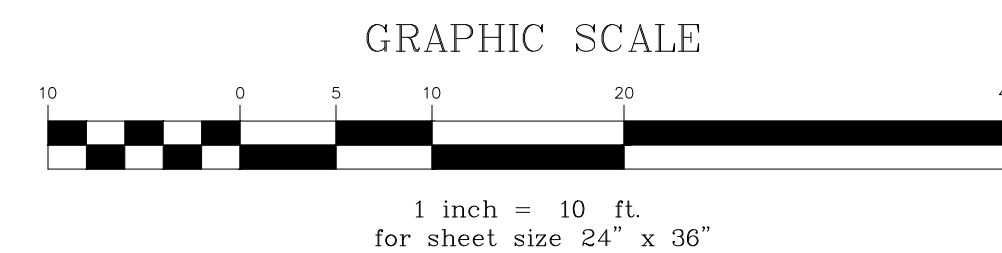
TEMPORARY STAGING AND WASTE AREAS (APPROXIMATE)
THESE ARE APPROVED LOCATIONS WHERE NON-SOIL, NON-ERODIBLE MATERIALS MAY
BE STORED. SOILS SHALL NOT BE STORED IN THESE AREAS.

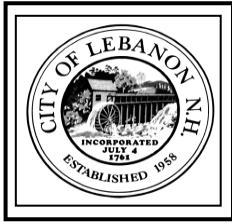
TEMPORARY SOIL STOCKPILE AREAS (APPROXIMATE)
THESE ARE APPROVED LOCATIONS WHERE TOPSOIL AND OTHER SOIL MATERIALS MAY BE STORED. THESE STOCKPILES WILL BE PROTECTED FROM EROSION BY A NUMBER OF METHODS, INCLUDING INSTALLING SILT FENCING AROUND THE DOWN GRADIENT PERIMETER OF THE STOCKPILE AND SEEDING AND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

TEMPORARY STRAW FIBER ROLL
STRAW FIBER ROLLS ARE FLEXIBLE, CYLINDRICAL SEDIMENT RETENTION FIBER ROLLS (SRFRs) COMPRISED OF VARIOUS TYPES OF COMPRESSED MATRICES, DESIGNED TO REDUCE HYDRAULIC ENERGY AND FILTER SEDIMENT-LADEN STORMWATER RUNOFF ON SLOPES AND IN CHANNELS. SRFRs ARE DESIGNED TO BE USED AS PERIMETER CONTROLS, SLOPE INTERCEPTOR DEVICES, CHECK DAMS, AROUND TEMPORARY SOIL STOCKPILES, AT CURB CUTS AND DRAIN INLETS. SRFRs SHOULD BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S GUIDELINES AND SECURED WITH WOODEN STAKES. THESE WILL REMAIN IN PLACE AND BE MAINTAINED UNTIL THE PROJECT SITE HAS BEEN PERMANENTLY STABILIZED.

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

- E1** LIMIT OF DISTURBANCE
- E2** DOUBLE ROW OF STRAW F
- E3** INLET PROTECTION (TYP.)
- E4** STABILIZED CONSTRUCTION
- E5** CHECK DAM
- E6** EROSION CONTROL NETTING





CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon Conservation Commission

FROM: Planning and Development Department Staff

RE: 2024-2025 Proposed Zoning Amendments

DATE: November 25, 2024

Conservation Commission Members,

On October 23, 2024, Planning and Development Department staff presented to the City Council a set of proposed Zoning Ordinance and Zoning Map amendments for initial consideration. Following the presentation, the City Council agreed to move the proposed amendments forward for further review pursuant to the amendment process outlined in Section 1000 of the Zoning Ordinance. Section 1000.3.C requires review and comment by the Planning Board regarding any proposed zoning amendment:

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 current set of proposed amendments are attached along with an opinion from the City's legal counsel. The drafts included in this packet include the edits and changes recommended by legal counsel.

Given the complexity of the amendments, the Planning staff intends to schedule several public meetings in December dedicated to public education and engagement. Events will be held at the City Hall, DHMC, and Kilton Library.

Once review by the Planning Board and other land use boards is complete, the amendments will be scheduled for a public hearing before the City Council in January 2025.

The amendments that are proposed this year originate from four sources:

1. Zoning Amendments generated by the Pattern Zones Study.
2. Zoning Map Amendment generated by the Route 120 / Northern Lebanon Neighborhood Plan.
3. Staff proposed technical amendments.
4. A private zoning change petition.

OVERVIEW OF AMENDMENTS

A. Pattern Zones Study

The Pattern Zones Study which utilized InvestNH Planning Grant funding was commissioned to analyze the possibility of architecturally designed, pre-approved, infill housing development within downtown West Lebanon and Lebanon.

The Pattern Zones Study includes three primary areas of focus:

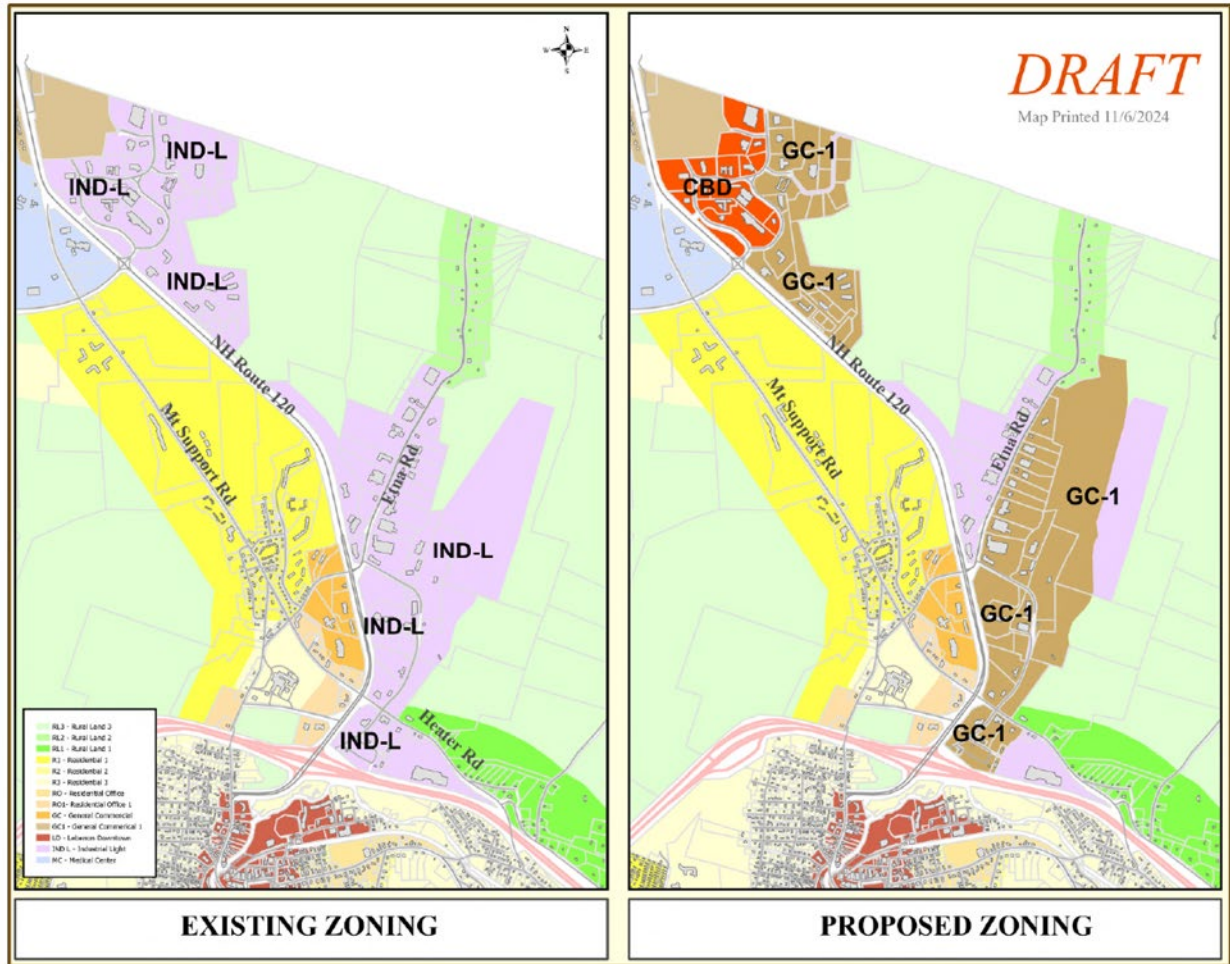
1. Creation of a Pattern Zones Overlay District to promote infill housing development within the study area.
2. A Preapproved Architecturally Designed Pattern Book, consisting of 15-25 house designs that can be accessed free of charge to those seeking to build a new house in the study area. The Pattern Book will be contracted for three years with Pattern Zones Co. and will be accessible online. The final stages of its approval are currently under development.
3. A sensitivity analysis, provided at the City Council meeting in September, analyzed housing market trends, zoning codes and the current neighborhood configuration to match housing opportunity with regulatory structure. The Zoning recommendations are based upon the sensitivity analysis.

B. 120 – North Lebanon Study

The 120 North Lebanon Study was initiated in January 2024 and concluded with a presentation to City Council in September 2024. The study included substantial public engagement with the people that live and work in the Northern Lebanon neighborhood. The study makes a series of recommendations within three categories: Conservation, Zoning, and City amenities including transportation improvements. Specific recommendations include the creation of a wildlife crossing and land use-based protections for the crossing, and the re-zoning of the area to maximize development in line with the current and future needs of the neighborhood.

1. Zoning Map changes.
 - a. The changes proposed within the study area are to rezone the areas around Centerra business park to Central Business District (CBD).
 - b. The Altaria developments and surrounding areas are to be rezoned as General Commercial One (GC-1).
 - c. The areas along Etna Road, Labombard Road, Heater Road and Little Heater Road are also to be rezoned GC-1. Proposed Map:

Proposed Zoning Map:



2. The Conservation Wildlife Corridor recommendations are being referred to the Conservation Commission for further work. The necessary details to create the recommended overlay, its buffers and design requirements need to be further refined. The 120 Study - Conservation recommendations will be shared with the Conservation Commission at their October meeting and further discussion will be had at the November meeting. It is expected that a path forward for the recommendations will be discussed at the November meeting. Ultimately the Conservation Commission will work to make a series of recommendations to the City Council on the topic.
3. Small changes also need to be made to Sections 501 and 508 to allow developments that were approved as Planned Unit Development (PUD) or Planned Business Park (PBP) to take advantage of the additional uses that the rezoning will permit, if the owner chooses to do so.

C. Staff Technical Amendments

1. Recovery Houses

- Lebanon currently lacks a use code and definition for a recovery house. Staff is working with Lynn Goodwin – Lebanon Human Services Director, the [New](#)

[Hampshire Coalition of Recovery Houses](#), and Leigh Hays – Chief Building Official and Health Officer to cooperatively regulate the use. Creating the recovery house definition and use code will help protect the City and its neighborhoods and allow a much-needed service to be established under appropriate regulation.

- The State Legislature along with the State Fire Marshal, NHCORR and NH Building Officials have established a process to define a recovery house within the State Fire and Building Codes. The same definition from state law is proposed to be used as the definition for the Lebanon Zoning Ordinance. By employing the state definition, we synchronize with the state permitting requirements. The applicable RSA is attached for reference.
- There have been incidents of illicit non-accredited and unpermitted “sober house” or “recovery house” operations adversely impacting neighborhoods and putting people at risk. Cities that do not define a recovery house use have been the subject of litigation, with false claims about discrimination leading to damages. The City of Lebanon currently does not have a definition, nor a use code. Thus, the City is vulnerable to unfounded litigation and disrupted neighborhoods at the hands of unscrupulous operators preying on those in need of recovery and support.

2. Medical Center Two (MC2)

- It is proposed to create a Medical Center 2 (MC2) zoning district and corresponding map amendment including the following properties:
 - Tax Map 90 Lot 59 – 10 Alice Peck Day Drive
 - Tax Map 76 Lot 4 – 23 Alice Peck Day Drive
 - Tax Map 76 Lot 6 - 0 Young Street
 - Tax Map 76 Lot 7 – 0 Hough Street
- The campus of Alice Peck Day Memorial Hospital is currently zoned Residential-Three (R-3). The R-3 zoning district greatly limits the ability for the campus to maintain a thriving modern day medical campus with all the amenities and services needed to serve the Lebanon community.
- Like the Medical Center (MC) zoning district that covers the DHMC neighborhood, it is recommended that the Medical Center 2 (MC2) zoning district be created, and the zoning map changed to rezone the APD campus. Establishing the proposed zoning district will allow for an orderly development of the campus that better serves the needs of the community.
- Currently, a housing project on campus that will serve APD employees is being contemplated. Establishing the MC2 district will streamline APD’s permitting process as they potentially develop much needed housing on campus to serve their employees.

3. Miscellaneous minor amendments:

- **Section 201 (“Yard Requirements”)** – to allow stairs and stairwells in additional to architectural details to project up to 2 ft. into minimum required yards.
- **Section 212 (“Anti-Nuisance Standards”)** – in connection with the development of a proposed nuisance ordinance to be proposed to the City

Council at a later date, remove anti-nuisance standards from the Zoning Ordinance which, historically, have been challenging to enforce.

- **Section 213 (“Impact Fees”)** – to clarify procedures for requesting a waiver of impact fees from the Planning Board.
- **Section 215 (“Location of Accessory Use”)** - to (a) require applicants for a shared driveway to produce an easement with maintenance provisions and (b) allow off-site utility improvements by conditional use permit.
- **Section 507 (“Density Bonuses”)** - to allow density bonuses for multi-family developments in the R-1 and R-2 Districts that provide for workforce housing, are energy efficient, and/or incorporate renewable energy systems.
- **Section 509 (“Cottage Developments”)** - to clarify that building sites of no less than 1,500 sq. ft. shall be provided for both attached and detached cottages and a related amendment to the Section 607.1 minimum off-street parking requirements to require one (1) off-street parking spaces per cottage.
- **Section 604 (“Group Day Care Facilities”) & Appendix A (“Definitions”)** - pursuant to the recently enacted HB 1567, clarify that family day care homes and family group day care homes are allowed as an accessory use to any primary residential use.
- **Section 607.1 (“Minimum Off-Street Parking Requirements”)** - pursuant to the recently enacted HB 1400, permit Planning Board to authorize alternative parking solutions for residential uses.
- **Section 607.8 (“Electric Vehicles”)** - to clarify the minimum percentage of EVSE-installed, EV-ready, and EV-capable spaces for multi-family dwelling and non-residential uses.
- **Section 608 (“Signs”)** - to add a new section permitting freestanding non-static signs (i.e. digital message boards) on certain streets within the GC District, and related changes to the sign illumination standards and the sign enforcement provisions.
- **Section 801 (“Powers and Duties”) & Appendix A (“Definitions”)** - pursuant to the recently enacted HB 1359, clarify who has standing to appeal an administrative decision to the Zoning Board of Adjustment, and who has standing to request a rehearing, and to clarify that the term “abutter” shall have the same meaning as provided by statute (i.e. NH RSA 672:3).

4. Map Amendments

- **Re-zone 31 Romano Cir. complex**

- It is proposed to rezone 31 Romano Circle, Tax Map 101, Lot 20, to Residential Office (RO), changing from Residential Two (R-2).
- The 31 Romano Circle complex has been under the jurisdiction of the Lebanon Housing Authority since its inception in the mid 1970's. The property is currently zoned R-2. The current use as a multi-family housing complex predates its current zoning and is therefore deemed pre-existing legal non-conforming.
- Over the history of the property several expansions have occurred. The most recent project currently in front of the Planning Board seeks approval for a new accessory office building use. During the summer of 2024, a Variance to allow the proposed office building was narrowly approved by

the Zoning Board by a vote of 3-2. Unfortunately, the legal requirements of a Variance greatly challenge the LHA's ability to nimbly permit even the most basic change.

- With this rezoning, LHA can utilize a Special Exception use code for: Residential - Multi-family dwelling (5 dwelling units or more) per Section 601 with a density calculation of 3,000 square feet per unit. Upon utilization of the Special Exception code possible changes are approved by the Zoning Board under a much simpler criterion. Without the change even minor changes to the plans, like the addition of a maintenance building, require a Variance. The difference between a Special Exception and a Variance is a major improvement in the LHA's ability to continue providing services to Lebanon's affordable housing market.
- **Re-zone Northern Lebanon pursuant to the proposed 120 study area recommendations. (see 120 – North Lebanon Study above)**
- **Private Zoning Change Petition – Map Amendment**
 - A private Zoning Change Petition was received from Dan Nash, AGD, representing Oakes Storage, LLC to rezone 92 Riverside Drive (Tax Map 111 Lot 16).

November 13, 2024

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

**RE: Proposed Zoning Amendment
Pattern Zones Overlay District
Section 411 and Map Amendment**

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 create a new Section 411 ("Pattern Zones Overlay District"). The proposed amendment would establish a new overlay zoning district including much of the downtown areas in Lebanon and West Lebanon to preserve the historic downtown characteristics of these areas and increase density and housing choices in those locations to promote infill housing development..

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

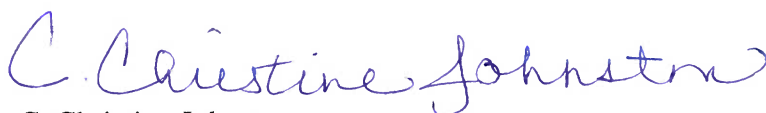
- Proposed amendment language dated November 7, 2024 and November 13, 2024
- Staff Memo to City Council dated October 15, 2024 and provided to me on November 7, 2024 regarding the requested amendment

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

Section 411 Pattern Zones Overlay District

Section 411.1 - Purpose

The purpose of the Pattern Zone Overlay District is to create additional housing that fits the character of the existing neighborhood in Downtown Lebanon and Downtown West Lebanon, to establish and preserve the characteristics of the historical downtown areas of Lebanon and West Lebanon, and to increase density and housing choices in the district.

Section 411.2 - Description of Pattern Zones Overlay District

The areas and boundaries of the Pattern Zone Overlay District are shown on the Pattern Zone Overlay District Map of the City of Lebanon and made a part of this Ordinance and the Official Zoning Map of the City of Lebanon. The Pattern Zone Overlay District Map is attached hereto as Appendix D.

Note: staff proposes to update to the overlay district map to also include properties along Prospect Street to the Reservoir Road intersection including 50, 58, 60, 62, 64, 59 and 75 Prospect Street.

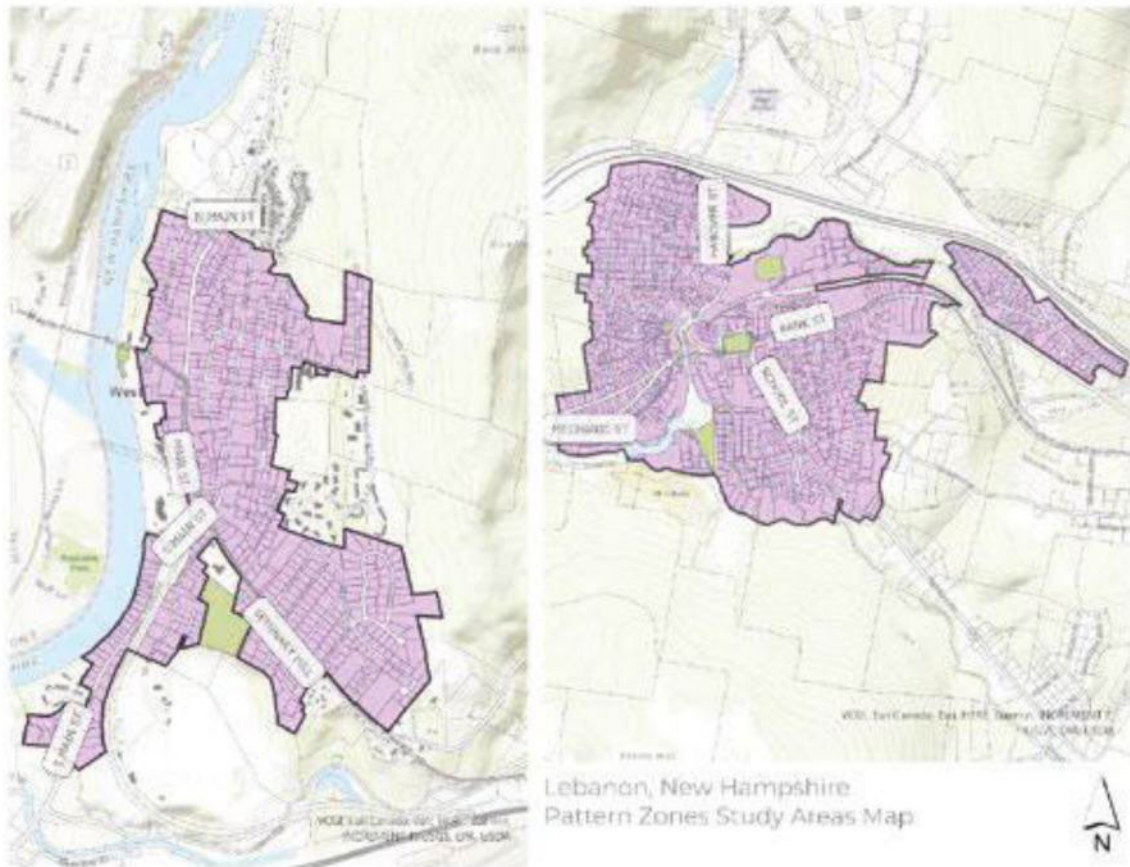


Figure 2: Pre-Approved Plans Program Study Areas Map.

Section 411.3 Permitted Uses

The Overlay District regulations are intended to only be used for uses allowed within the Pattern Zone Overlay District Table of Uses Table of Uses. Any nonresidential uses shall adhere to regulations set forth in Article III based on the underlying zoning district.

Pattern Zone Overlay District Table of Uses

Permitted Uses	Special Exception
Residential: 1. One-Family Dwelling 2. Two-Family Dwelling 3. Accessory Dwelling Unit per Section 610 4. Cottage Development per Section 509 with a minimum 20,000 sq. ft. lot Commercial/Non-Residential 1. Any listed in the Base Zoning District pursuant to Article III.	Residential: 1. Tri-Plex (3 units) 2. Quad-plex (4 units) 3. Townhouses / Rowhomes up to 4 units Commercial/Non-Residential: 1. Any listed in the Base Zoning District pursuant to Article III.

Section 411.4 Table of Areas, Dimensions, and Coverage

Minimum Lot Requirements					Maximum Limitations	
Area	Frontage	Front Yard	Side Yard	Rear Yard	Lot Coverage % of impervious cover	Height
4,000 sq. ft.	40' on lot that abuts a street* 15' on a flag shaped lot* 0' if on rear split lot* *Pursuant to 411.6	10' OR pursuant to 411.9 Front Yard	5'	10'	60% by right 60% - 80% by Special Exception pursuant to 411.8	45'

Section 411.5 - Parking

A minimum of one on-site parking space per dwelling unit is required.

Section 411.6 - Creating New Lots in the Overlay District

- Notwithstanding underlying zoning districts, new lots within the overlay may be created utilizing the overlay lot dimensional requirements.
- Creating a **flag lot** split shall provide 15' of frontage and meet the minimum lot area requirements.
 - Front yard setback requirements shall begin at the point where the lot widens.
- The creation of a rear lot without the street frontage required by RSA 674:41 may only be approved if all of the following conditions are met:
 - A perpetual deeded easement in favor of the rear lot to use a driveway across a lot which does have legally-sufficient frontage, acceptable to an attorney for the

City, shall be submitted with the application for approval by the Planning Board. If the subdivision is approved, the execution and recording of the easement in the registry of deeds shall be a condition of approval.

2. The driveway shall be shown on the subdivision plan.
3. The Planning Board shall determine that the driveway is sufficient for access to the rear lot.

Section 411.7 Shading and Buffers

- A. Preservation of a property's existing trees is encouraged to maintain a natural shade canopy upon the property.
- B. Properties shall be landscaped to achieve a minimum of 30% shade coverage.
- C. New houses located with the minimum 5' side yard setback from a property line must have a vegetative buffer.

Section 411.8 Impervious Cover

- A. Within the overlay district, impervious cover shall be limited as follows:
 1. The maximum impervious cover shall be up to 60% by right.
 2. Maximum impervious cover up to 80% may be permitted by Special Exception pursuant to Section 801.3.
 3. For purposes of this overlay district impervious cover shall be defined as: A structure or land surface with a low capacity for infiltration, including but not limited to pavement, roofs, roadways, and compacted soils, that has a Curve Number of 98 or greater.
 4. Impervious cover determinations when in question shall be made by the City Engineer.
- B. An applicant for a Special Exception to allow impervious cover up to 80% shall meet the criteria of Section 801.3 in addition to the following:
 1. A stormwater management plan shall be provided to the Board. The plan must demonstrate that all stormwater is managed and treated onsite with a preference for low impact development stormwater management methods. Applicants may tie into the City's stormwater drain system as may be permitted by the City Code.

Section 411.9 Snow, Garbage, Fuel Tanks

- A. A snow storage plan shall be submitted with the application and, if approved, shall be a condition of the approval.
- B. Garbage/recycling receptacle storage plan shall be submitted with the application and, if approved, shall be a condition of approval.
 1. Garbage/recycling shall not be stored in the front yard of the property.
 2. Applicable screening shall be provided.
 3. If a dumpster is used then it shall be enclosed, stored on a hard surface and meet screening requirements. A dumpster shall meet setback requirements, not interfere with parking, be located in the rear or side yard and beyond the front line of the structure and meet the setback requirements.

- C. Exterior fuel storage within the overlay shall:
1. Meet all zoning setback requirements.
 2. Fuel storage tanks shall be located within the rear yard.
 3. Underground fuel storage may be located in the front, side or rear yard provided they meet the required yard setbacks.

*** Options for Section 411.10 ***

Option A

Section 411.10 Pattern Book Requirements

The architectural plan for a building within the overlay pursuant to these requirements shall be selected from the Pattern Zones Book (a catalog of preapproved house plans available through the Lebanon Planning and Development Department from 2025-2028).

Option B

Section 411.10 Architecturally Designed Plans

The architectural plan for a building within the overlay pursuant to these requirements shall be designed by a licensed Architect.

Option C

Section 411.10 Design Guidelines

The following design guidelines shall apply to any design that is not preapproved within the Pattern Zones Book, a catalog of preapproved house plans available through the Lebanon Planning and Development Department from 2025-2028:

- A. A majority of these requirements shall be employed in the building's design: a. Front porch, Wood appearing siding or brick exterior, a peaked roof, street facing entry, street facing windows, garage located behind the front building line, chimney, non-split-level design.
- B. All designs shall demonstrate that the proposed design fits the architectural characteristics of the street block in which it will be located.

411.11 Front Yard

The required front yard may be reduced to the average front yard of the existing buildings on the same side of the street in the same block and located within 300 feet of the subject lot, provided that there are at least 2 such buildings. This reduction shall not be allowed for lots fronting on a state highway.

Appendix A - new definition

Flag lot - A lot that has access to a street by means of a narrow strip of land.

November 14, 2024

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

RE: Proposed Zoning Amendments – Map Amendments

Mr. Reichert:

This is a preliminary legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance concerning three proposed amendments to the zoning map. Please note that the legal opinion regarding the proposed map amendment to create a new Medical Center Two zoning district has been provided separately.

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

- Staff Memo to City Council dated October 15, 2024 and provided to me on November 7, 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.

Other than as explained below, 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.

All zoning map amendments should be analyzed to determine whether they would constitute “spot zoning,” which is not a permissible exercise of the power to divide land into different zoning districts. It is, of course, within the City’s legal authority to amend its zoning map. Planning goals, the division of the City into zoning districts, and the uses to be permitted within each district are policy matters within the purview of the City. However, zoning map amendments must comply with the “rational basis” level of Due Process analysis to be constitutional. This means map amendments must not be arbitrary and they must be in reasonable furtherance of some valid public land use regulatory purpose.

Spot zoning isn’t determined automatically by the size of the land being rezoned or the number of parcels affected. An area is spot zoned when it is singled out for treatment different from that of similar surrounding land which cannot be justified on the basis of health, safety, morals or general welfare of the community, and which is not in accordance with a comprehensive plan. E.g., Miller v. Town of Tilton, 139 N.H. 429, 432 (1995). The mere fact that an area is small, or that it is rezoned at the request of a single owner, or that it is of greater benefit to that owner than

to others, would not necessarily make it spot zoning so long as there is a public need or a compelling public reason for the change. Id.

In considering whether rezoning constitutes spot zoning, courts may consider whether the change is made in response to some public need. See Shadlick v. Concord, 108 N.H. 319 (1967) (zoning change was made in response to growing need for multi-family housing which already existed in proximity to the rezoned area, and thus was part of a comprehensive plan rather than spot zoning). Also relevant is whether there are sufficient opportunities for the targeted use elsewhere in the community, particularly if those other areas aren't being used. See Bosse v. Portsmouth, 107 N.H. 523 (1967) (rezoning of one parcel for industrial use when it was surrounded by residential uses was spot zoning because many other areas in the city were available for industrial use but weren't being used that way). The common thread in the case law is that a court will consider whether there is a reason or combination of reasons for the change that is in the public interest and consistent with the community's development goals.

A. Petitioned Map Amendment Request: Parcel 111-16

This involves one relatively small parcel (2.94 acres) which the owner is requesting to have changed from RL-1 to GC. There are no GC lots directly abutting this parcel but there appear to be four GC lots across the street from it. The request does not identify any public good that would result from the change other than tax revenue. All of the justifications are related specifically to the burdens on the business currently operating on this lot and the owner's desire to make "warehouse" a permitted or CUP use for this property (which it is in GC but not RL-1) to eliminate the need to obtain a variance when making changes to the property.

Benefits which would be specific to the owner aren't relevant to the public good/compelling need analysis. It is fine if there are benefits to the owner, but to change the zoning designation of one lot there must be some public good or need that is consistent with the City's land use goals and comprehensive development plan. The materials I have reviewed do not identify the public benefit to be gained or how this change would be consistent with the City's planning goals.

What would be relevant is if there were legitimate planning-focused reasons for the change. Would it be consistent with the City's planning goals to change this lot to GC so that certain uses can be allowed/encouraged there? Does this line up with the City's anticipated future uses of this area? Are there specific reasons that uses permitted in the RL-1 district don't make sense anymore? These are the kinds of questions that can be answered by looking at the future use map, master plan, topography, street configuration, traffic issues, etc.

Without such a planning or public benefit justification, I believe this amendment would likely constitute spot zoning and would not be legally proper.

B. 31 Romano Circle

This proposal involves one parcel (7.88 acres) which is under the jurisdiction of the Lebanon Housing Authority and has been used as a multi-family affordable housing complex for some time. The existing multi-family complex on this lot pre-dates the current R-1 zoning designation

November 14, 2024

Page 3

(in which it is not a permitted use), which means it is a legally pre-existing nonconforming use. As a result, every change to the property to expand, reconfigure, or alter the multi-family development or its accessory uses require a variance. The proposal is to change this parcel from R-2 to RO. The parcels immediately surrounding this one are also R-2 (although there are only abutting properties on either side; the lot backs up onto the Connecticut River). Although this is one lot, it would not create an "island" of RO because there are 9 other RO lots directly across the street.

Because the proposal is to rezone only one parcel, we must consider whether it would constitute spot zoning. Such changes are permissible so long as they meet a public need or serve a comprehensive planning goal. In this case, the reason for the map amendment as I understand it is to remove barriers to the continued development of affordable housing on this property. It is already part of the neighborhood. The City is currently engaged in an across-the-board effort to increase its housing stock at all levels and this proposal (to facilitate the continued provision of moderate income housing) would seem to serve that community goal and fit in with the other changes being made to encourage housing development.

As a result, I believe that this map amendment should be permissible and would not constitute spot zoning. However, I recommend that the documentation for this change go a bit further in spelling out the community planning goals and public interest that would be served by this change. That might happen as part of the public hearing on the amendment (and be captured in the minutes) and/or in the staff memo.

C. Northern Lebanon Rezoning

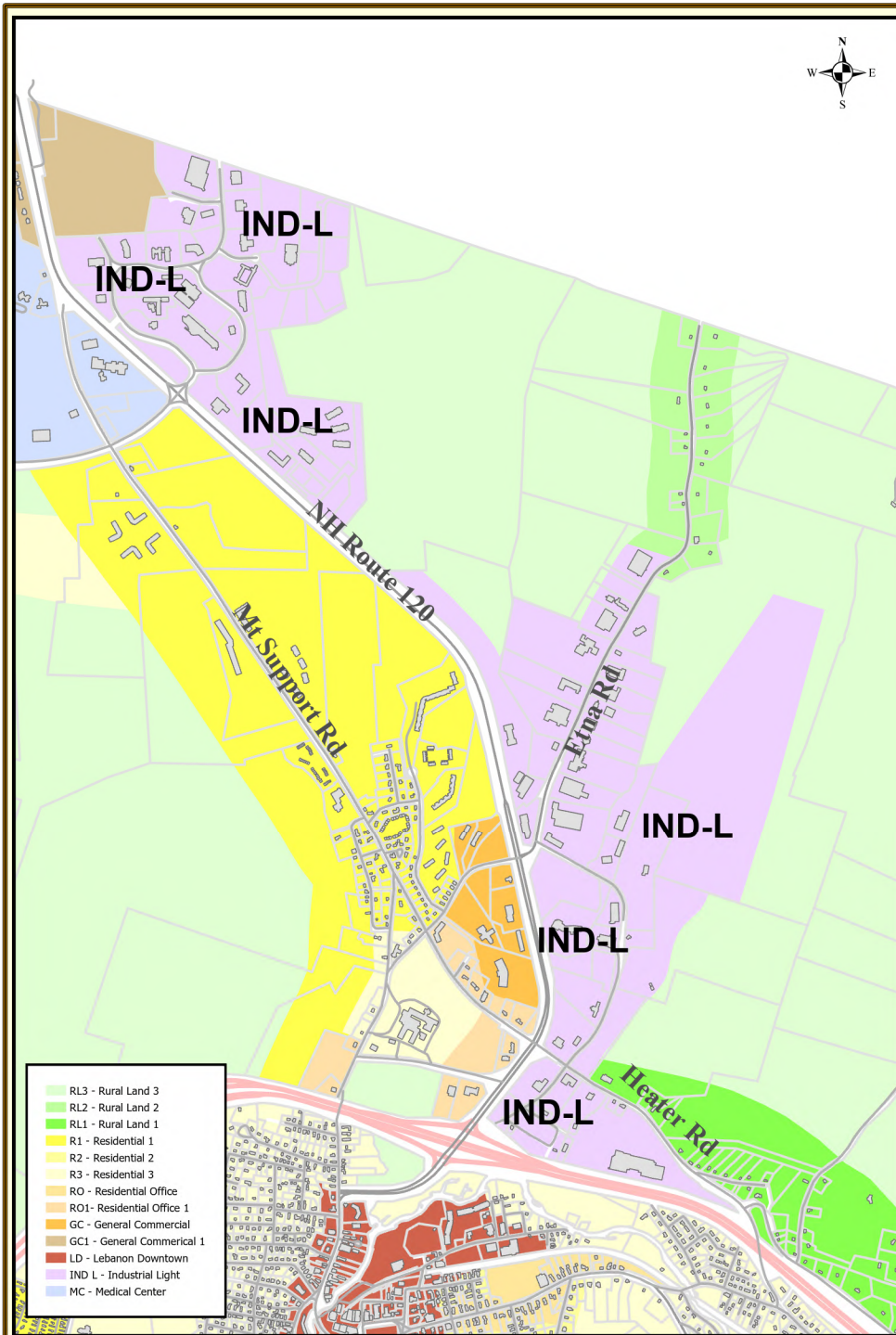
This proposal involves a large-scale rezoning of several dozen lots in the Northern Lebanon area around Centerra Business Park, the Altaria developments, and Etna Road, Labombard Road, Heater Road and Little Heater Road. It follows a 9-month study undertaken by the City with substantial public engagement to consider the future of this area regarding conservation, zoning, and City services including transportation. Specific recommendations came from this study to rezone this area to maximize development in line with the current and future needs of the neighborhood. I see no spot zoning issues with this proposal as it is clearly driven by and in service to a comprehensive planning effort for that area.

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

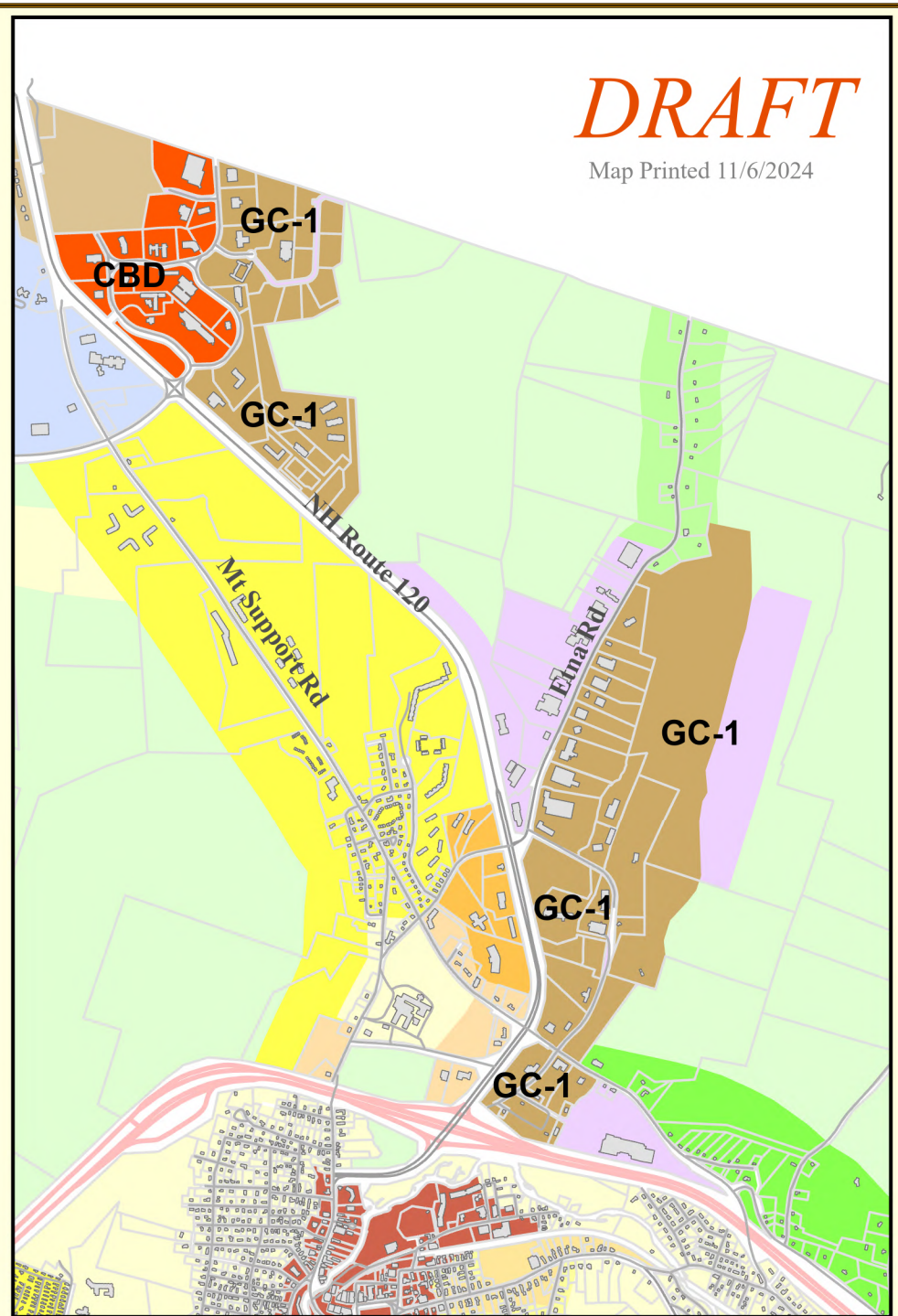
Sincerely,



C. Christine Johnston



EXISTING ZONING



PROPOSED ZONING

DRAFT

Map Printed 11/6/2024

SECTION 501 PLANNED UNIT DEVELOPMENT (PUD).

[...]

501.4 Commercial or Industrial Planned Unit Developments.

[...]

- D. Uses Allowed in a Commercial or Industrial PUD. Any non-residential use permitted or allowed by ***special exception*** or ***conditional use*** in the IND-L, CB, GC, or GC-1 Districts is allowed in a Commercial PUD. Such uses allowed by ***special exception*** or ***conditional use*** shall be considered permitted uses when included as part of a proposed Commercial PUD and shall not require separate ***special exception*** or ***conditional use*** approval.

Any non-residential use permitted or allowed by ***special exception*** or ***conditional use*** permit in the IND-L and IND-RA Districts is allowed in an Industrial PUD. Such uses allowed by ***special exception*** or ***conditional use*** shall be considered permitted uses when included as part of a proposed Industrial PUD and shall not require separate ***special exception*** or ***conditional use*** approval. Additionally, no more than 25 percent of the ***gross floor area*** in an Industrial PUD may be allocated to ***hotels, restaurants, personal services*** and retail sales necessary to serve the needs of the other businesses in the PUD (or of their employees).

Dwelling units in ***one-family, two-family*** and ***multi-family dwellings*** or appropriate mixes thereof may be allowed in Commercial or Industrial PUDs, at the discretion of the Planning Board, provided that the Board determines that such residential uses are compatible within the proposed PUD. For PUDs or portions thereof in the IND-L or IND-RA Districts, the density of residential uses allowed pursuant to this section shall be determined based on a maximum of 25% of the net land area of the PUD not planned for open space, roads, or utilities and calculated at a density of 13 ***dwelling units*** per acre. For PUDs or portions thereof located in the GC, GC-1, or CB Districts, the density of residential uses allowed pursuant to this section shall be determined by the Planning Board pursuant to Sections 305.5, 305A.4, and 306.5, respectively. Where allowed, such ***dwelling units*** may be clustered together and/or distributed within the Commercial or Industrial PUD in ***mixed use buildings*** at the discretion of the Planning Board.

[...]

SECTION 508 PLANNED BUSINESS PARKS.

[...]

508.4 Sectors, Allowed Uses.

- A. The ***planned business park*** shall be shown on an approved Subdivision Plan and Use Allocation Plan. The Subdivision Plan and Use Allocation Plan approved by

the Planning Board shall designate the allocation of the Industrial/ Office, Commercial and Residential Uses within the Park.

- B. No more than 20% of the net land area not planned for open space, roads, or utilities shall be used for the Commercial Sector.
- C. Unless limited by the Planning Board at the time of subdivision approval, the following uses shall be permitted.
 - 1. The following uses shall be permitted by right for any **planned business park** Industrial/Office Sector: **light industry**; **warehouse**; trucking terminal; publishing/printing; plumbing, electrical or carpentry shop; research laboratory; local government use; **essential service**; outdoor storage per Section 303.4 (less than 20%); **group day care facility** per Section 604; general business offices, research facilities, medical office buildings; **health clubs**, Educational Facility, College/University; Educational Facility, Vocational School; and **accessory uses** to a permitted use. Retail showrooms per Sections 303.5 and 303A.5 shall be allowed by **conditional use** permit.
 - 2. The following uses shall be permitted by right for any **planned business park** Commercial Sector: **retail store(s)** up to a cumulative maximum of 20,000 sq. ft. of **gross floor area**; **personal service**; bank, branch bank; **restaurant**, sandwich shop/deli; refreshment stand; **office**; **motel**; **hotel**; movie theater; **membership club**; **amusements (indoor)**; printing (i.e. retail copy store); radio or TV studio; **group day care facility** per Section 604; local government use; and **health clubs**.
- D. **Dwelling units** in **one-family**, **two-family** and **multi-family dwellings** or appropriate mixes thereof at the discretion of the Planning Board, shall be provided for in all **planned business parks**. The maximum number of **dwelling units** allowed pursuant to this section shall be based on a minimum of 15% and a maximum of 25% of the net land area of the park not planned for open space, roads, or utilities and calculated at a density of 13 **dwelling units** per acre. Such **dwelling units** may be clustered together and/or distributed within the Park at the discretion of the Planning Board. For **planned business parks** in the GC-1 and CB District or portions thereof, the density of residential uses allowed pursuant to this section shall be determined by the Planning Board pursuant to Sections 305A.4 and 306.5, respectively.

[...]

SECTION 305A GENERAL COMMERCIAL ONE DISTRICT (GC-1)

305A.2 Table of Uses

Permitted Uses	Uses by Conditional Use Permit (see Section 302.4)
<u>Residential</u> 1. <i>Multi-family dwelling</i> (see section 305A.4) <u>Commercial/Non-Residential</u> 2. <i>Dwelling Unit(s) above first floor</i> 3. <i>Essential service</i> 4. <i>Financial Institution</i> 5. <i>Group Day Care facility</i> per Section 604 6. <i>Office</i> 7. <i>Personal Service</i> 8. <i>Renewable Energy System</i> per Section 612	<u>Commercial/Non-Residential</u> 1. <i>Alternative treatment center</i> per Section 613 2. Drycleaning pick up station 3. <i>Educational facility, college/university</i> 4. <i>Inpatient rehabilitation facility</i> 5. <i>Light Industry</i> 6. Research Laboratory 7. <i>Restaurant</i> , sandwich shop 8. Retail Store <u>Planned Developments</u> 9. Commercial- o Or Industrial PUD per Section 501 10. <i>Manufactured Housing PURD</i> per Section 504 <i>11. Planned Business Park</i>

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Section 306 Central Business District

306.2 Table of Uses

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> 1. Dwelling Unit(s) above first floor 2. Multi-family dwelling (see section 305A.4) 3. Senior Housing Complex <u>Commercial/Non-Residential</u> 4. Amusement (indoor) 5. Community Center 6. Drycleaning Pickup Station 7. Financial Institution 8. Group Daycare Facility 9. Funeral Home 10. Health Club 11. Hotel 12. House of Worship 13. Laundromat 14. Library 15. Local Government Use 16. Membership Club 17. Motel 18. Museum 19. Office 20. Personal Service	<u>Commercial/Non-Residential</u> 1. Craftsman's Shop 2. Drive Through Facility 3. Educational Facility, college/university <u>Uses by Conditional Use Permit</u> (See section 302.4) <u>Commercial/Non-Residential</u> 1. Essential Service 2. Other uses per Section 306.4 3. Parking Facility 4. Publishing/Printing 5. Recreational Facility, indoor 6. Recreational Facility, outdoor <u>Planned Developments</u> 7. <u>Commercial or Industrial</u> PUD per Section 501 7-8. Planned Business Park

SECTION 501 PLANNED UNIT DEVELOPMENT

501.4 Commercial or Industrial Planned Unit Developments

C. Tract Size: All Commercial or Industrial PUDs shall have a minimum tract size of 10 acres.

<u>District</u>	<u>Minium Tract Size</u>
<u>Industrial</u>	<u>10 acres</u>
<u>CB</u>	<u>10 Acres</u>
<u>GC</u>	<u>10 Acres</u>
<u>GC 1</u>	<u>10 Acres</u>

[...]

SECTION 508 PLANNED BUSINESS PARKS

[...]

508.2 General Requirement. A **planned business park** is an [allowed](#) use ~~permitted~~ in the Light Industrial District, [General Commercial One District, Central Business District,](#) and the Industrial Rail Access District.

[...]

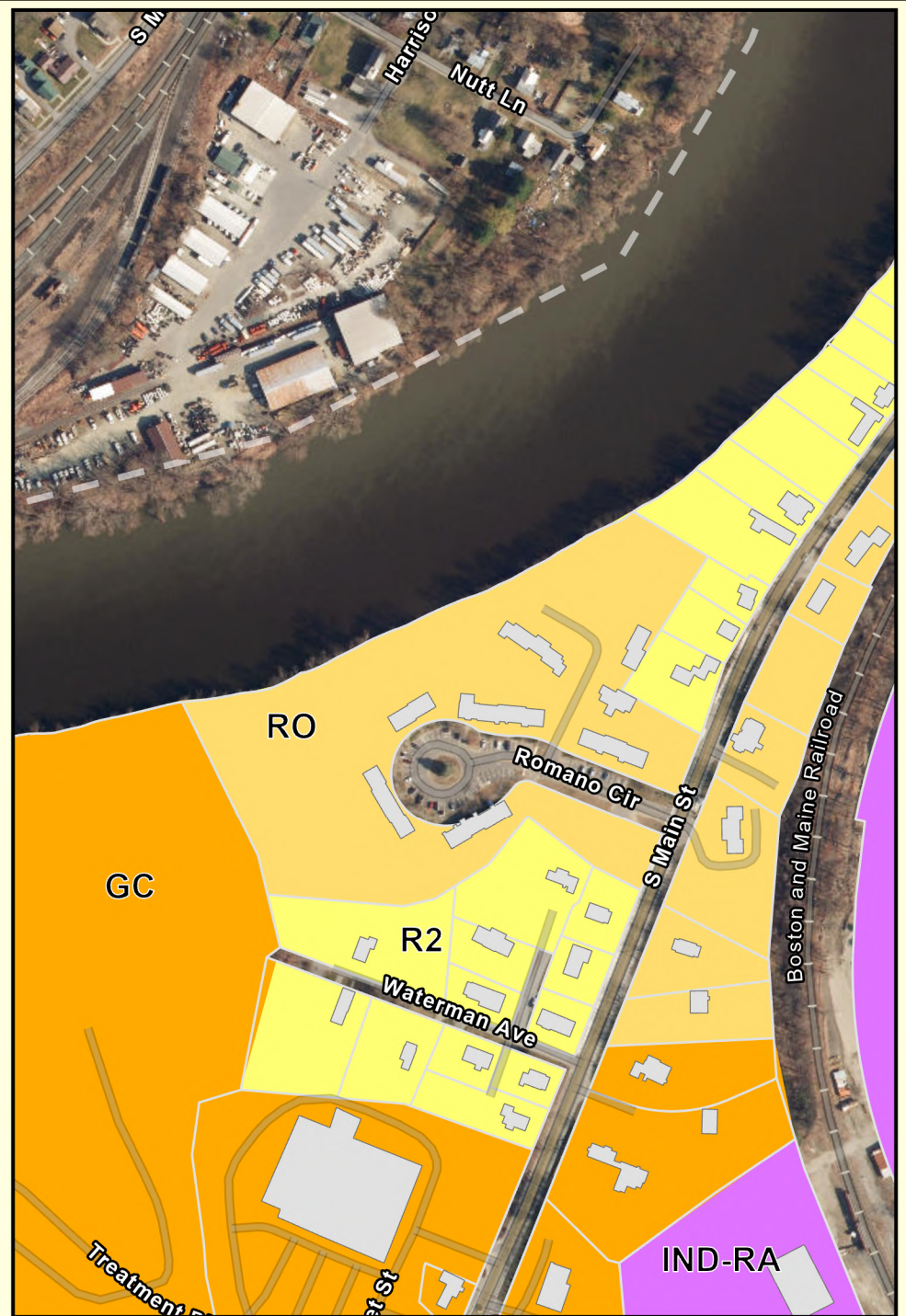
- R2 - Residential 2
- RO - Residential Office
- GC - General Commercial
- IND RA - Industrial Rail Access

DRAFT

Map Printed 11/26/2024



EXISTING ZONING



PROPOSED ZONING



27 September 2024

Honorable Mayor and City Council
City of Lebanon
51 North Park Street
Lebanon, NH 03766

Re: Request for Zoning Change

Dear Mayor and Councilors:

On behalf of Oakes Storage, LLC and Oakes Real Estate SPE, LLC, this letter is being written to request a zoning change to be part of the city's annual zoning review.

Request #1. Rezone parcel 111-16 on Riverside Drive to GC (see attached "92 Riverside Drive").

Parcel 111-16 is a self storage facility. The existing operation maxes out the usable property. As can be seen on the site plan, the parcel is an odd shape and has been fully developed for storage. There is little risk of this change promoting a project that has harmful impacts, as it is essentially fully developed. The need is to change the use of this land to a use allowed as a "Conditional Use". The current RL-1 zoning places an unnecessary burden on the landowner to obtain either a zoning special exception or a variance to make any changes to the property. This property will be a responsible, quiet, and productive business for the city. The property will generate roughly \$30,000 of tax revenue each year.

The two parcels across the street are zoned GC. Making this change fits with those properties.

Establishing this proper zoning to this parcel would be just, appropriate, and not cause the potential for harmful impacts from development.

Please let me know if you have any questions regarding this request.

Sincerely,

Daniel A. Nash, PE
Principal



City Council
Request for Zoning Changes
27Sep2024

Attachments:

-92 Riverside Drive

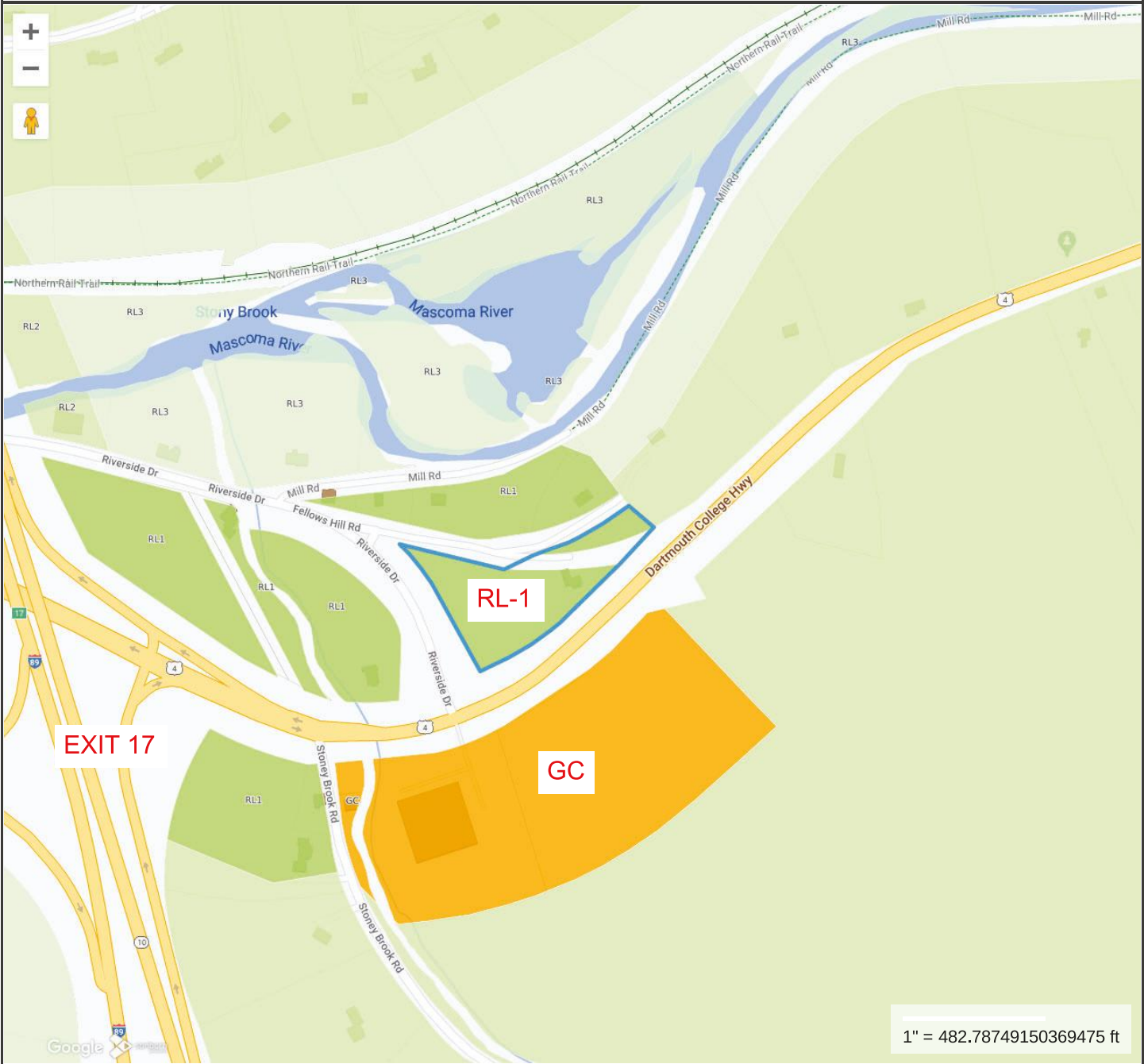
-GC

-Site Plan, Oakes Storage

CC: Robert Oakes

M:\2020_projects\20-001\zoning\zone_change_sep24\letter_col_27Sep2024.docx

92 RIVERSIDE DRIVE



Property Information

Property ID 111-16
Location 92 RIVERSIDE DR
Owner OAKES STORAGE LLC +



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Lebanon, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 07/15/2024
Data updated 11/18/2018

Print map scale is approximate.
Critical layout or measurement activities should not be done using this resource.

Map Theme Legends

Zoning District

- RL3 - RURAL LAND 3
- RL2 - RURAL LAND 2
- RL1 - RURAL LAND 1
- R1 - RESIDENTIAL 1
- R2 - RESIDENTIAL 2
- R3 - RESIDENTIAL 3
- RO - RESIDENTIAL OFFICE
- RO1 - RESIDENTIAL OFFICE 1
- GC- GENERAL COMMERCIAL
- GC-1 - GENERAL COMMERCIAL 1
- CB - CENTRAL BUSINESS
- IND-L - INDUSTRIAL LIGHT
- IND-RA - INDUSTRIAL RAIL ACCESS
- IND-H - INDUSTRIAL HEAVY
- MC - MEDICAL CENTER
- PB - PROFESSIONAL BUSINESS
- LD - LEBANON DOWNTOWN

SECTION 305 GENERAL COMMERCIAL DISTRICT (GC).

305.1 Purpose.

The purpose of the GC District is to provide ample land with good highway access for the location of commercial development serving the regional and local markets.

305.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> 1. Dwelling unit(s) above first floor 2. Multi-family dwelling (see Section 305.5)	<u>Commercial/Non-Residential</u> 1. Alternative treatment center per Section 613 2. Bus terminal 3. Educational facility, college/university 4. Essential service 5. Truck terminal
<u>Commercial/Non-Residential</u> 3. Amusements (indoor) 4. Car wash 5. Community center 6. Drive-in restaurant, refreshment stand 7. Drive-through facility 8. Drycleaning pick-up station 9. Financial institution 10. Funeral home 11. Group day care facility per Section 604 12. Health club 13. Hotel 14. House of worship 15. Laundromat 16. Local government use 17. Membership club 18. Motel 19. Movie theater 20. Office 21. Personal service 22. Publishing/printing 23. Radio or TV studio 24. Recreational facility, indoor	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
	<u>Commercial/Non-Residential</u> 1. Care and treatment of animals 2. Contractor's yard 3. Craftsman's shop 4. Plumbing, electrical or carpentry shop 5. Produce stand 6. Recreational facility, outdoor 7. Warehouse 8. Wholesale sales <u>Planned Developments</u> 9. Commercial PUD per Section 501

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
25. Renewable energy system per Section 612 26. Restaurant , sandwich shop 27. Retail product pickup 28. Retail store 29. Service station 30. Vehicular repair 31. Vehicular sales	

305.3 Table of Area, Dimension and Coverage.

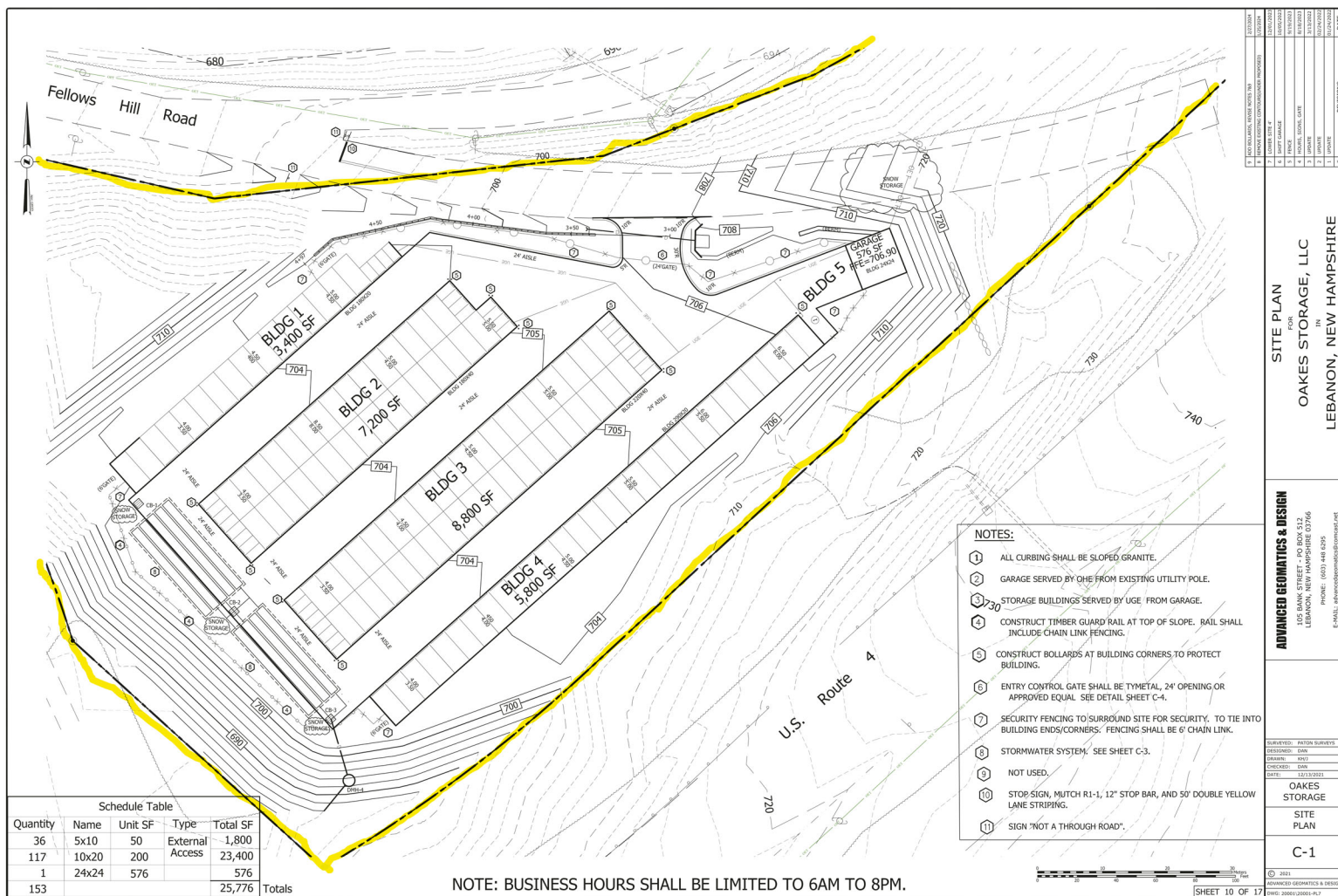
Minimum Lot Requirements					Maximum Limitations	
Area	Frontage	Front Yard	Side Yard	Rear Yard	Building Coverage	Height
50,000 square feet	150'	40'	20'	20'	30%	45' See Section 305.4

305.4 Special Height Restriction.

On **parcels** adjacent to residential districts the height limitation of the adjacent residential district shall apply; but, on such **parcels**, **building height** may be increased above the residential limitation by one (1) foot for each two (2) feet that the **building** is set back from the required set back line(s) on sides of the **lot** adjacent to the residential district. However, in no case shall the height exceed 45 feet.

305.5 Dwelling Unit Density.

Density determinations for **multi-family dwellings** and **mixed use buildings** shall be made by the Planning Board during the course of site review based on site specific conditions and factors such as the availability of parking and/or the ability to provide required parking, the availability of adequate water and sewer, and the ability to provide required site improvements and to meet all other requirements of the Site Plan Review Regulations and all other applicable City regulations.



27 September 2024

We, the voters, call on the City of Lebanon to make these changes to establish fair and just zoning for this property.

[illegible]

November 14, 2024

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

**RE: Proposed Zoning Amendment
Recovery Houses – Section 614**

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 create a new Section 614 to address recovery houses. The proposed amendment would define “recovery houses,” add them as a use permitted by special exception in several zoning districts, and establish the criteria for approval and operation.

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

- Proposed amendment language dated November 7, 2024 and November 13, 2024
- Staff Memo to City Council dated October 15, 2024 and provided to me on November 7, 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

ATTACHMENTS:

Recovery House

Recovery House Definition, Use Code Additions, and Text:

Proposed Definition for Appendix A:

Recovery House: As defined in RSA 153:10-d, II, as the same may be amended: A residence that provides a safe, healthy, family-like, substance free living environment that supports individuals in recovery from addiction and is centered on peer support and a connection to services that promote long-term recovery; provided that "recovery housing" shall not include a halfway house or any other facility requiring a license pursuant to RSA 151.

Proposed Article III Table of Use Amendments for City Council approval:

Allow "recovery house" by Special Exception per Section 614 in the following zoning districts:

- CB - Central Business
- LD - Lebanon Downtown
- GC - General Commercial
- RO- Residential Office
- MC- Medical Center
- MC2- Medical Center Two
- IND-L- Industrial Light

Proposed Article III Table of Use Amendments for voter approval:

Allow "recovery house" by Special Exception per Section 614 in the following zoning districts:

- R-1- Residential One
- R-2- Residential Two

Proposed amendment to Article VI of the Zoning Ordinance - new Section 614:

Section 614 Recovery Houses.

614.1 Purpose.

The purpose of this section is to institute reasonable regulations for the establishment of recovery houses in accordance with RSA 153:10-d Exemption for Recovery Houses and to protect the health, safety, and welfare of the patrons of such operations, and of the citizens of Lebanon, and to prevent the deleterious siting of recovery houses within the City.

614.2 Certification Required.

To establish and operate a recovery house, the following standards shall be met:

A. The recovery house shall be certified and maintain certification by the New Hampshire Coalition of Recovery Residences at all times while in operation. Documentation of this certification and recertification shall be provided immediately to the Zoning Official, Fire Chief, Police Chief, and the City Clerk.

1. A letter from the New Hampshire Coalition of Recovery Residences (NHCORR) confirming the recovery house certification process has commenced shall accompany all City permit applications for the establishment of a new recovery house.

2. Upon final New Hampshire Partnership of Recovery Residences (NHPRR) certification of a new recovery house the certification shall immediately be communicated to the Zoning Official, Fire Chief, Police Chief and City Clerk. The recovery house may not begin operation under

any City approval until certification has been received and transmitted to the City as required by this section.

- B. A 24-hour emergency contact person with contact information and the approved building occupant load shall be posted in the common area of the building, so it is readily visible to residents and emergency responders. A 24-hour emergency contact person with contact information shall be provided, kept updated and remain on file with the Police Chief and Fire Chief.

614.3 Special Exception Application Requirements.

An application for a Special Exception shall include the following documentation:

- A. A location map demonstrating adherence to the 1320 ft. (1/4 mile) bus stop radius requirement set forth in Section 614.3.
- B. A site plan and floor plan demonstrating adherence to the requirements of RSA 153:10-d Exemption for Recovery Houses.
- C. A letter from the New Hampshire Coalition of Recovery Residences (NHCORR) confirming the recovery house certification process has begun.
- D. A proposed site plan depicting the following:
 - 1. A garbage management plan with locations of exterior garbage receptacles and compliance with the applicable criteria set forth in Section 614.3. If a garbage dumpster is being used, the plan shall demonstrate compliance with the applicable location and screening requirements as set forth in the Site Plan Review Regulations.
 - 2. A proposed smoking compliance plan that meets the standards of 153:10-d Exemption for Recovery Houses and the applicable criteria set forth in Section 614.4.
 - 3. A parking plan sufficient to demonstrate that the recovery house has sufficient parking to meet the needs of its residents.

614.4 Special Exception Criteria.

In addition to the general Special Exception criteria set forth in Section 801.3 and the certification requirements set forth in Section 614.2, an applicant for a Special Exception shall demonstrate compliance with the following criteria:

- A. The recovery house will be operated in a manner harmonious to the neighborhood and shall maintain a residential home appearance from the street view.
- B. The recovery house shall have walkable and bikeable access to and be located within $\frac{1}{4}$ mile (1320 ft.) of a bus stop.
- C. Smoking areas are not permitted in the front yard of a recovery house.
- D. A designated smoking area shall meet applicable setback for the zoning district and if abutting a residential use screening shall be provided.
- E. All garbage receptacles shall be stored in a location on the side or rear of the house.

November 13, 2024

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

**RE: Proposed Zoning Amendment
Medical Center Two (MC-2) District
Section 31X and Map Amendment**

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 create a new zoning district (Medical Center Two, MC-2) to include four lots that are currently part of the R-3 district. The proposed amendment would establish this new district to facilitate the continued development of this area for inpatient and outpatient health care and other related and complimentary uses, including but not limited to housing for employees.

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

- Proposed amendment language dated November 7, 2024 and November 13, 2024
- Staff Memo to City Council dated October 15, 2024 and provided to me on November 7, 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.

Other than as explained below, 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.

All zoning map amendments should be analyzed to determine whether they would constitute “spot zoning,” which is not a permissible exercise of the power to divide land into different zoning districts. It is, of course, within the City’s legal authority to amend its zoning map. Planning goals, the division of the City into zoning districts, and the uses to be permitted within each district are a policy matter entirely within the purview of the City; they are not appropriate for me to comment on as part of a legal review. However, zoning map amendments must comply with the “rational basis” level of Due Process analysis to be constitutional. This means map amendments must not be arbitrary and they must be in reasonable furtherance of some valid public land use regulatory purpose.

November 13, 2024

Page 2

Spot zoning isn't determined automatically by the size of the land being rezoned or the number of parcels affected. An area is spot zoned when it is singled out for treatment different from that of similar surrounding land which cannot be justified on the basis of health, safety, morals or general welfare of the community, and which is not in accordance with a comprehensive plan. E.g., Miller v. Town of Tilton, 139 N.H. 429, 432 (1995). The mere fact that an area is small, or that it is rezoned at the request of a single owner, or that it is of greater benefit to that owner than to others, would not necessarily make it spot zoning so long as there is a public need for it or a compelling public reason for it. Id.

In considering whether rezoning constitutes spot zoning, courts may consider whether the change is made in response to some public need. See Shadlick v. Concord, 108 N.H. 319 (1967) (zoning change was made in response to growing need for multi-family housing which already existed in proximity to the rezoned area, and thus was part of a comprehensive plan rather than spot zoning). Also relevant is whether there are sufficient opportunities for the targeted use elsewhere in the community, particularly if those other areas aren't being used. See Bosse v. Portsmouth, 107 N.H. 523 (1967) (rezoning of one parcel for industrial use when it was surrounded by residential uses was spot zoning because many other areas in the city were available for industrial use but weren't being used that way). The common thread in the case law is that a court will consider whether there is a reason or combination of reasons for the change that is in the public interest and consistent with the community's development goals.

This amendment would create a new MC-2 district comprised of four contiguous lots which are currently occupied by a large hospital campus. They are all currently in the R-3 district, which is not a good fit for the existing use. While there are only four lots involved, they total just over 59 acres. The change is proposed to facilitate the continued development of a medical campus that serves the City's needs, including but not limited to the development of housing for the employees who work there.

This proposed change appears to further the City's comprehensive development plan and serve the public interest. However, I do recommend that the documentation of the City's consideration of this proposed change include specific and additional information about the ways in which it fits into the City's development goals, as well as what the community planning interest, public interest, and public benefit would be.

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

Sincerely,



C. Christine Johnston

ATTACHMENTS:
Medical Center

SECTION 31X MEDICAL CENTER TWO DISTRICT (MC-2).

31X.1 Purpose.

The purpose of the Medical Center Two District is to provide for the provision of inpatient and outpatient health care and other related and complimentary uses, including but not limited to housing for employees and staff.

31X.2 Permitted Uses.

MC-2 DISTRICT

Permitted Uses	Conditional Use Permit (see Section 302.4)
1. Hospital 2. Hospice 3. Medical office 4. Nursing home 5. Senior housing complex 6. Essential service 7. Renewable energy system per Section 612	1. Group day care facility 2. Group residence 3. Parking facility 4. Multi-family dwelling

31X.3 Table of Area, Dimensions and Coverage.

MC-2 DISTRICT

Minimum Lot Requirements					Maximum Limitations	
Lot Area	Lot Frontage	Front Yard	Side Yard	Rear Yard	Height	Building Coverage
30,000 sq.ft.	100'	20'	15'	20'	60' (See Section 31X.4)	40%

31X.4 Special Height Restriction.

On parcels adjacent to residential districts, the height limitation of the adjacent residential district shall apply; provided, however, that on such parcels, building height may be increased above the residential limitation by one (1) foot for each

two (2) feet that the building is set back from the required setback line(s) on sides of the lot adjacent to the residential district, but shall in no case exceed 60 feet.

31x.5 Dwelling Unit Density.

Density determinations for multi-family dwellings shall be made by the Planning Board during the course of site plan review based on site specific conditions and factors such as the availability of parking and/or the ability to provide required parking, the availability of adequate water and sewer, and the ability to provide required site improvements and to meet all other requirements of the Site Plan Review Regulations and all other applicable City regulations.

November 14, 2024

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

**RE: Proposed Zoning Amendment
Staff Technical Amendments**

Mr. Reichert:

This is a preliminary legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance concerning the set of staff technical amendments. The proposed amendments are those listed in the "Miscellaneous Minor Amendments" section of the Staff Memo provided to the City Council dated October 15, 2024.

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

- Proposed amendment language dated November 7, 2024 and revised dated November 11, 2024
- Staff Memo to City Council dated October 15, 2024 and provided to me on November 7, 2024 regarding the requested amendments

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 these proposed amendments.

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

Sincerely,



C. Christine Johnston

DRAFT MISCELLANEOUS MINOR AMENDMENTS TO THE CITY OF LEBANON ZONING ORDINANCE

[...]

ARTICLE II GENERAL PROVISIONS

[...]

SECTION 201 YARD REQUIREMENTS.

Except as otherwise provided herein, no **building** or **structure** other than accessory structures and buildings of 130 sq. ft. or less per Section 201.8 below shall occupy any part of any yard required by ARTICLE III, except that **architectural details** may extend not more than two (2) feet into any required yard and stairs and stairwells may extend not more than six (6) feet into any required yard.

[...]

SECTION 212 ANTI-NUISANCE STANDARDS(reserved).

212.1 General.

~~No use shall emit noise, odors, dust and smoke that is obnoxious, harmful or a nuisance to abutting properties or the neighborhood. Noise, odors and dust emitted by farming uses, including the keeping of livestock and poultry, that were existent as of the date of enactment of this Ordinance are exempt from this provision.~~

212.2 Noxious Gases.

~~No use shall emit any noxious gases which endanger the health, comfort, safety or welfare of any person, or which may have a tendency to cause injury or damage property, business or vegetation.~~

212.3 Vibration.

~~No use shall cause, as a result of normal operations, a vibration which creates displacement of 0.002 of one inch.~~

212.4 Vision Impairment.

~~No use shall have lighting or signs which create glare which would impair or obstruct the vision of a driver of any motor vehicle.~~

212.5 Fire, Explosion or Safety Hazard.

~~No use shall be such so as to potentially cause a fire, explosion or safety hazard.~~

SECTION 213 IMPACT FEES.

[...]

213.8 Waivers.

[...]

B. The Planning Board may grant full or partial waivers of impact fees to an assessed property where the Board based on credible evidence presented by the applicant finds that one or more of the following criteria are met with respect to the particular public capital facilities for which impact fees are normally assessed:

1. An assessed property may apply to the Planning Board for a full or partial waiver of impact fee assessments imposed by this Ordinance on the basis of other contributions toward public capital facilities. The amount of such a waiver shall not exceed the value of land, facilities construction, or other contributions for public capital facilities. The value of on-site and off-site improvements which are required by the Planning Board as a result of subdivision or site plan review, and which would have to be completed by the developer, regardless of the impact fee provisions, shall not be considered eligible for waiver under this Ordinance. The value of contributions or improvements shall be credited only toward facilities of like kind, and may not be credited to other categories of impact fee assessment. All costs incurred by the City for the review of a proposed waiver, including consultant and counsel fees, shall be paid by the applicant.
2. The Planning Board may waive an impact fee, in whole or in part where, in the opinion of the Board, in consultation with the Board's legal counsel, such fee would, due to interference with constitutionally-vested rights, pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of this Ordinance.

A waiver request made pursuant to this subsection shall require a public hearing before the Planning Board but shall not require notice to abutters. Notice of the public hearing shall be posted in at least two (2) public places and shall be published in a newspaper of general circulation in Lebanon not less than ten (10) nor more than thirty (30) days before the date of the meeting at which the request will be considered.

[...]

SECTION 215 LOCATION OF ACCESSORY USE.

215.1 General.

An **accessory use** shall be permitted only upon the same **lot** where its respective primary use lawfully exists. In the case of lots in two or more zoning districts, an **accessory use** shall be permitted only on that portion of the **lot** where its respective primary use is permitted.

215.2 Exceptions.

Notwithstanding Section 215.1:

- A. ~~An **accessory use** shall be permitted only upon the same **lot** where its respective primary use lawfully exists, except that (i) a **driveway** may cross over an adjacent **lot** provided that the use the **driveway** serves is a permitted use on the **lot** over which the **driveway** crosses, and provided the affected property owners jointly apply for a zoning permit. In the case of a driveway providing sole access to the lot, the zoning permit application shall include a copy of an easement securing the perpetual right to utilize the driveway and identifying maintenance responsibilities. and (ii) a~~
- B. A common **driveway** serving not more than two adjacent **lots** is also permissible provided that the use(s) the common **driveway** serves is (are) permitted use(s) on the **lot(s)** over which the common **driveway** crosses, and provided the affected property owners jointly apply for a zoning permit, the application for which shall include a copy of an easement securing the perpetual right to utilize the driveway and identifying maintenance responsibilities. ~~In the case of lots in two or more zoning districts, an **accessory use** shall be permitted only on that portion of the **lot** where its respective primary use is permitted.~~
- C. Utility improvements including but not limited to stormwater management facilities located on an abutting lot may be approved by **conditional use permit** provided that, in addition to the findings required by Section 302.4.D, the Planning Board finds that (a) a lot line adjustment between the two properties is impractical and (b) such arrangements are formalized in a draft legal instrument acceptable to an attorney representing the City and submitted with the Conditional Use Permit application for approval by the Planning Board. The execution of such instrument as approved by the City shall be a condition on any approval under this section.

[...]

ARTICLE V SUBDIVISIONS AND PLANNED DEVELOPMENTS

[...]

SECTION 507 DENSITY BONUSES ~~FOR CERTAIN PLANNED DEVELOPMENT.~~

PURD's, PRecs, and manufactured housing parks ~~PURDs, and multi-family developments in the R-1 District and R-2 District~~ may receive an increased density bonus pursuant to Table 507.1 and the provisions of this section.

507.1 Increased Density Bonuses.

Maximum Amount of Bonus Available

<u>Type of Development</u>	<u>For Use of Technique</u>	<u>For Workforce Housing</u>	<u>For Energy Efficient Design</u>	<u>For Renewable Energy Systems</u>
PURD or PRec	12%	10%	10%	10%
Manufactured housing PURD	12%	----	10%	10%
<u>Multi-family development in the R-1 and R-2</u>	<u>----</u>	<u>10%</u>	<u>10%</u>	<u>10%</u>

507.2 Criteria for Award of Bonus.

The Planning Board may allow a gross density of development greater than allowed under Article III of this Ordinance for PURDs, PRecs, **manufactured housing PURDs**, ~~or and~~ multi-family developments in the R-1 District and R-2 District ~~PRec's~~ up to a maximum bonus allowed by Table 507.1. The Planning Board may approve a density bonus for any one or more of the categories identified in Section 507.1. Density bonuses granted pursuant to this section shall be cumulative. The following guidelines shall be used in determining whether a bonus shall be awarded.

[...]

SECTION 509 COTTAGE DEVELOPMENTS.

[...]

509.6 Design Standards. The following design standards are intended to define design parameters to create a small community of cottages oriented around open space and to achieve compatibility with adjacent uses.

- A. Individual Cottage Spaces. ~~For each detached cottage, the~~ The site plan approved by the Planning Board shall delineate a regularly-shaped building site for each ~~detached cottage~~ of no less than 1,500 sq. ft. Each such building site shall be usable and may not include wetlands and/or steep slopes.

[...]

- I. Site Plan Review. Cottage developments shall demonstrate compliance with all applicable design requirements of the Site Plan Review Regulations. Consequently, applicants are required to apply for Site Plan Review contemporaneously with applying for a Conditional Use Permit.

[...]

ARTICLE VI ADDITIONAL STANDARDS FOR SPECIFIC USES

[...]

SECTION 604 GROUP DAY CARE FACILITIES.

[...]

604.3 ~~Family Day~~Home-Based Care Home.

Home-based care (*family day care home* and *family group day care home*) ~~The care in the home of six (6) or fewer children (inclusive of children under 6 years old who live in the home)~~ is allowed as an accessory use to any primary residential use permitted in any residential use district as long as all requirements for such programs adopted in rules of the New Hampshire Department of Health and Human Services (He-C 4002) are met, and no zoning permit is required, provided that persons living off the premises are not employed. If persons living off the premises are employed, such child care is a home business subject to the requirements of Section 600 (home business permits).

The care in the home of more than six (6) children (inclusive of any children under 6 years old who live in the home) is a **group day care facility** under this Ordinance.

[...]

SECTION 607 PARKING.

607.1 ~~Table of~~ Minimum Off-Street Parking Requirements.

[...]

D. For residential uses as defined in RSA 676:16-a, I, an alternative parking solution as that term is defined in RSA 676:16-a, I, may be authorized by the Planning Board notwithstanding the requirements of the Table of Minimum Off-Street Parking Requirements pursuant to RSA 676:16-a ("On-Site Parking Requirements).

TABLE OF MINIMUM OFF-STREET PARKING REQUIREMENTS
(Rounded down to the nearest whole - See Section 607.2)

<u>TYPE OF USE</u>	<u>UNITS OF MEASUREMENT</u>	<u>PARKING SPACES PER UNIT (I.E. RATIO)</u>
RESIDENTIAL		
<i>Dwelling, One-family/Two-family</i> detached and attached	<i>Dwelling units</i>	2.0
<i>Dwelling</i> , Studio Apartment	<i>Dwelling units</i>	1.0

<u>TYPE OF USE</u>	<u>UNITS OF MEASUREMENT</u>	<u>PARKING SPACES PER UNIT (I.E. RATIO)</u>
Dwelling , Apartment, One-bedroom and up	Dwelling units	1.5
Senior Housing	Dwelling units	1.0
Group residence	Residents	0.33
Lodging house	Rental units	2.0 base + 1.0/bed
<u>Cottage development</u>	<u>Cottage</u>	<u>1.0</u>

[...]

607.8 Electric Vehicles.

[...]

C. EV Infrastructure Requirements / Off-Street EV Parking Requirements. **EVSE-installed spaces, EV-ready spaces, and EV-capable spaces** shall be provided as follows:

1. One- and Two-Family Dwellings. All new **one- and two-family dwellings** shall provide at least one (1) **EV-ready** space per **dwelling unit**.
2. Multi-Family Dwellings. Parking for **multi-family dwellings and senior housing complexes** shall include a minimum of 65% of EVSE-installed, EV-ready, and EV-capable spaces as follows:
 - a. **EVSE-installed spaces** for a minimum of 5% of proposed **off-street parking spaces**.
 - b. **EV-ready spaces** for a minimum of 20% of proposed **off-street parking spaces**.
 - c. **EV-capable spaces** for a minimum of ~~65~~40% of proposed **off-street parking spaces**.
3. Non-Residential Uses. Parking for uses requiring or proposing to provide 30 or more **off-street parking spaces** shall include a minimum of 50% of EVSE-installed, EV-ready, and EV-capable spaces as follows:
 - a. **EVSE-installed spaces** for a minimum of 2% of proposed **off-street parking spaces**, with a minimum of two **EVSE-installed spaces**.
 - b. **EV-ready spaces** for a minimum of 10% of proposed **off-street parking spaces**.
 - c. **EV-capable spaces** for a minimum of ~~50~~38% of proposed **off-street parking spaces**.

[...]

SECTION 608 SIGNS.

[...]

608.2 General Provisions.

[...]

- C. Enforcement. Any **sign** displayed or erected which is not authorized by this Section and/or is not in compliance with all applicable regulations set forth herein shall be removed, and shall be subject to all available enforcement options pursuant to NH RSA Chapter 676.

In the course of investigating a brightness or luminance complaint, the Planning and Development Department may request a certification of the brightness or luminance by an independent contractor. If the investigation and certification indicate that the sign exceeds any applicable brightness or luminance levels specified in Section 608, the owner of the sign shall turn off the sign within twenty-four (24) hours of a request to do so by the City, and the sign shall remain off until the brightness or luminance of the sign is brought into compliance.

[...]

608.3 Prohibited Signs.

The following are prohibited:

[...]

- C. **Non-static signs**, except **digital signs** as may permitted according to Section 608.2.H.3 and Section 608.4.A.7 ("Freestanding Digital Signs").

[...]

608.4 Non-Residential Uses.

- A. Non-Residential Uses in Commercial and Industrial Districts. Signage for non-residential uses in the **commercial** and **industrial districts** shall be subject to the following requirements:

[...]

4. Freestanding Signs. A **lot** in the **commercial** and **industrial districts** may display one **freestanding sign** subject to the following regulations:

a. Sign Area and Height Regulations.

- i. **Freestanding signs** must comply with the dimensions set forth in the following table:

	Zoning District					
Maximum	GC & GC-1	CB	LD	IND-L	IND-RA	IND-H
height	25 ft.	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.
sign area	64 sq. ft.	32 sq. ft.	24 sq. ft.	64 sq. ft.	64 sq. ft.	64 sq. ft.

- ii. Strip Plazas and Multi-Tenant Buildings. A **freestanding sign** for a property improved with a **strip plaza** or **multi-tenant building** may exceed the maximum **sign area** set forth in Section 608.4.A.4.a.i by up to 50 percent, except in the CB and LD Districts.
- iii. Height. For purposes of measuring the height of a **freestanding sign**, height shall mean the vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the **sign** structure.
- iv. The size of a **freestanding sign** may exceed the maximum **sign area** set forth in Section 608.4.A.4.a.i by up to 15 percent in order to accommodate numerals identifying the property address or building address, or for a **freestanding sign** on a property improved with a **strip plaza** or **multi-tenant building**, by up to 15 percent in addition to the increase in **sign area** allowed per Section 608.4.A.a.ii.

[...]

e. Freestanding Digital Signs. **Freestanding signs** may incorporate a **digital sign** subject to the following:

- i. **Freestanding digital signs** are only allowed in the General Commercial (GC) on properties with frontage on the following streets:
 - Mechanic Street
 - Miracle Mile
 - Plainfield Road
 - South Main Street
- ii. No more than one (1) display per hour shall be allowed.
- iii. Displays shall contain static messages only.
- iv. **Freestanding digital signs** shall be programmed to automatically freeze in a single display in the event of a malfunction or computer/system error.
- v. The Planning and Development Department shall be provided with an on-call contact person and phone number for each **freestanding digital sign**. The contact person must have the ability and authority to make immediate modifications to the displays and lighting levels should the need arise.

- vi. The **digital sign** portion of a **freestanding digital sign** may be no larger than 50% of the **sign area** of the **freestanding digital sign**.
- vii. No **freestanding digital sign** may be located within one hundred (100) feet of a residential dwelling.
- viii. **Freestanding digital signs** shall operate with no more than 0.3 foot candles at the property line.
- ix. If a **freestanding digital sign** is located in the line of sight of a residential dwelling, such sign shall not operate at brightness levels of more than one-tenth (0.1) foot candles above ambient light levels (at measurement conditions) as measured to the nearest property line of the residential dwelling from the electronic sign.

[...]

6. Illumination. **Signs** may have either **external illumination** or **internal illumination**, subject to the following:

[...]

- d. Maximum Luminance. ~~Luminance~~ An illuminated sign shall ~~measure~~ operate with no more than 0.3 fc ~~above ambient light conditions~~ at the property line.

[...]

ARTICLE VIII BOARD OF ADJUSTMENT

[...]

SECTION 801 POWERS AND DUTIES.

The powers and duties of the Board shall be as prescribed by NH RSA 674:33, as amended. The powers and duties are:

801.1 Administrative Appeals.

As set forth in RSA 676:5, I, appeals to the Board concerning any matter within the Board's powers as set forth in RSA 674:33 may be ~~made~~ taken by the applicant, an abutter as defined by RSA 672:3, ~~any person aggrieved~~ or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. In exercising this power, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

[...]

802.5 Rehearings and Appeals.

As provided by NH RSA 677:2, as amended, within 30 days after any order or decision of the Board, any party to the action or proceeding or any abutter as defined by RSA 672:3 ~~person directly affected by it~~ may apply for a rehearing.

[...]

APPENDIX A DEFINITIONS

[...]

ABUTTER: This term shall have the meaning as set forth in RSA 672:3, as amended. ~~Abutter means the owner of record of a lot located in New Hampshire and which adjoins or is within two hundred (200) feet (including across the street or waterway) of the subject lot. In the case of an abutting lot being under a condominium or other collective form of ownership, the term "ABUTTER" means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII. Additionally, the individual owners of condominium units which are located on a parcel within two hundred (200) feet of the subject lot shall be notified only by first class mail.~~ any person whose property is located in New Hampshire and adjoins or is directly across the street or streams from the land under construction.

[...]

FAMILY DAY CARE HOME: This term shall have the meaning as set forth in RSA 170-E:2, IV(a), as amended

FAMILY GROUP DAY CARE HOME: This term shall have the meaning as set forth in RSA 170-E:2, IV(b), as amended

[...]

SIGN, DIGITAL: A *non-static sign* or portion of a *sign* that changes appearance by any electronic process or remote control.

[...]

SIGN, FREESTANDING DIGITAL: A *freestanding sign* that incorporates a *digital sign*.



Matthew C. Decker
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603.448.2221 Main
603.448.5949 Fax

November 25, 2024

Via E-mail Only

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

**RE: Proposed Zoning Amendment – Map Amendment
for 67-69 Etna Road, Tax map 26, Lot 2**

Mr. Reichert:

My firm (by Attorney Christine Johnston) previously provided a legal opinion letter dated as of November 14, 2024 concerning certain proposed zoning map amendments, including the Northern Lebanon Rezoning proposal. I am now providing you a preliminary legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance (“ZO”) concerning a follow-on map amendment proposal in relation to the Northern Lebanon Rezoning proposal – that 67-69 Etna Road, a/k/a Tax Map 26, Lot 2 (“Lot 26-2”), be rezoned from IND-L to GC-1.

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

- October 30, 2024 Letter from Advanced Geomatics & Design (“AGD”), Daniel A. Nash, PE, Principal, requesting to rezone parcel 26-2 on Etna Road from IND-L to GC-1, with the following attachments:
 - City of Lebanon GIS Map of Lot 26-2
 - Extract from October 23, 2024 “Staff Memorandum – Proposed Zoning Amendments”, Page 3 of 15, with annotations showing Lot 26-2 in relation to other proposed North Lebanon/Route 120 Corridor zoning map amendments
 - A citizen petition pursuant to ZO Section 1000.2(C) bearing the signatures of five purported Lebanon residents and requesting a change to the zoning ordinance¹

¹ Note: ZO Section 1000.2(C) provides that zoning amendments may be proposed “[b]y petition of any number of voters”. It is not abundantly clear from the face of the petition attached to AGD’s letter that it is intended to refer to the re-zoning of Lot 26-2. The heading of the petition refers to a “Zoning Change to LD Zone (Mechanic Street)” and references a letter to the City Council dated October 21, 2024 as the source of the requested zoning change. AGD’s cover letter by itself cannot be deemed the voter petition required by ZO Section 1000.2(C), because the letter is written “[o]n behalf of ICV of NH, LLC”, the owner of Lot 26-2, a corporation that is not a “voter” of Lebanon. To the extent there is doubt whether the proposed zoning amendment has been sufficiently petitioned, I note that the petition signatures are dated October 30, 2024 (the same date as AGD’s cover letter), the author of AGD’s letter, Mr. Nash, is also a signatory of the petition, and Mr. Nash may be presumed to be a voter of Lebanon. His attachment of the petition bearing his signature to his cover letter proposing the zoning amendment to Lot 26-2 supports a conclusion that Mr. Nash is the required “voter” who is petitioning this amendment.

November 25, 2024

Page 2

- November 13, 2024 Staff Memo to City Council re: ICV of NH, LLC Proposed Zoning Map Amendment
- November 20, 2024 Lebanon City Council Agenda Packet, Item 10.B
- November 20, 2024 Video of Lebanon City Council Meeting concerning Agenda Item 10.B

The ZO requires this legal review to address: (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 1000.3.B(2) is “yes” and I discern no legal or administrative issues of concern with AGD’s request.

AGD’s proposal is that Lot 26-9 should also be rezoned from IND-L to GC-1, to the extent that other IND-L zoned lots to the north and south along the east side of Route 120 are also under consideration for re-zoning from IND-L to GC-1 under the Northern Lebanon Rezoning proposal.

The Northern Lebanon Rezoning proposal involves a large-scale rezoning of several dozen lots in the Northern Lebanon area around Centerra Business Park, the Altaria developments, and Etna Road, Labombard Road, Heater Road and Little Heater Road. Specific recommendations came from a Northern Lebanon Community Plan study (“NLCP”) to rezone this area to maximize development in line with the current and future needs of the neighborhood. Per the November 20 Staff Memo, I understand that Lot 26-2 was not included in the NLCP’s recommendations for re-zoning due to the prevalence of sensitive natural features on the lot and NLCP’s recommendation to explore further regulatory protection for the lot’s natural features. However, this does not mean that the City would not have the general authority to include this lot in the Northern Lebanon Rezoning plan, if it so chose.

With respect to the issue of spot zoning, I respectfully refer you to the full discussion provided by Attorney Johnston in her November 14 opinion letter. I see no spot zoning issue with AGD’s proposal, as it is requesting that Lot 26-2 be re-zoned along with other nearby lots and, as Mr. Nash asserted to the City Council, a public need for the change may be found (e.g. Mr. Nash explained that the rezoning of Lot 26-2 from IND-L to GC-1 would enable additional housing units to be developed on the lot, and Lebanon is in great need of additional housing).

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

Sincerely,



Matthew C. Decker

10. New Business:

10.B – Request for Zoning Map Amendment – ICV of NH, LLC, 67-69 Etna Road, Tax Map 26, Lot 2, Lebanon, NH

Background

On October 30, 2024, Dan Nash, of Advanced Geomatics & Design, requested a zoning map amendment on behalf of his client, ICV of NH, LLC, for a property located at 67-69 Etna Road, Tax Map 26, Lot 2, Lebanon, NH. The property is currently zoned Light Industrial (IND-L) and is improved with a mixed-tenant building at 67 Etna Road and a 75-unit residential condominium building at 69 Etna Road.

Mr. Nash requests to have the ICV property rezoned from IND-L to General Commercial-One (GC-1) in conjunction with other rezoning proposals derived from the Route 120 / Northern Lebanon Community Plan (NLCP), which was presented to the City Council in September 2024. Mr. Nash has suggested that the ICV property was overlooked in the study process and should be included for consideration for a zone change.

The Planning and Development Department has prepared a brief memo clarifying that the ICV property was not “overlooked” in the study. Rather, no zoning change was recommended for that property in light of the other findings and recommendations of the NLCP study.

Nevertheless, if the Council elects to move the zoning request forward for consideration, Mr. Nash has requested that it be allowed to catch up with same review timeline as the staff-initiated zoning amendments, which were “kicked off” on October 23, 2024. It is noted that as a map-only zoning amendment, the Zoning Board of Adjustment is not required to review the request.

Action

If the Council decides to move forward with the proposed amendment request, 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 proposed Zoning Map amendment as described in the October 30, 2024 letter from Dan Nash of Advanced Geomatics & Design, to the Planning Board and Conservation Commission for their review and comment. The City Council hereby sets the following tentative review schedule:

Legal Review – by November 25, 2024

Planning Board – November 25, 2024

Conservation Commission – December 12, 2024

City Council Work Session Review – January 8, 2025

City Council Public Hearing – January 22, 2025

Included In This Section:

1. October 30, 2024 letter from Dan Nash, of Advanced Geomatics & Design, including attachments.
2. Planning & Development Department memorandum, dated November 13, 2024



30 October 2024

Honorable Mayor and City Council
City of Lebanon
51 North Park Street
Lebanon, NH 03766

Re: Request for Zoning Change

Dear Mayor and Councilors:

On behalf of ICV of NH, LLC, this letter is being written to request a zoning change to be part of the city's annual zoning review.

Request #1. Rezone parcel 26-2 on Etna Road to GC-1 (see attached "Lot 26-2").

Parcel 26-2 is a large, mixed use industrial parcel. It currently has an office building and an a multi-family building on it. The parcel is unsuitable for typical industrial building as it is steep and boulder. The land could support one or two more multi-family structures, if re-zoned.

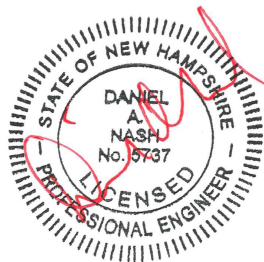
This parcel is in between the other parcels being considered for change to GC-1. It has the same characteristics as those parcels and could provide similar benefit to the city. Making this change fits with those properties. I believe this parcel was overlooked in the study process and should be included for consideration for a zone change.

Establishing this proper zoning to this parcel would be just, appropriate, and not cause the potential for harmful impacts from development.

Please let me know if you have any questions regarding this request.

Sincerely,

Daniel A. Nash, PE
Principal



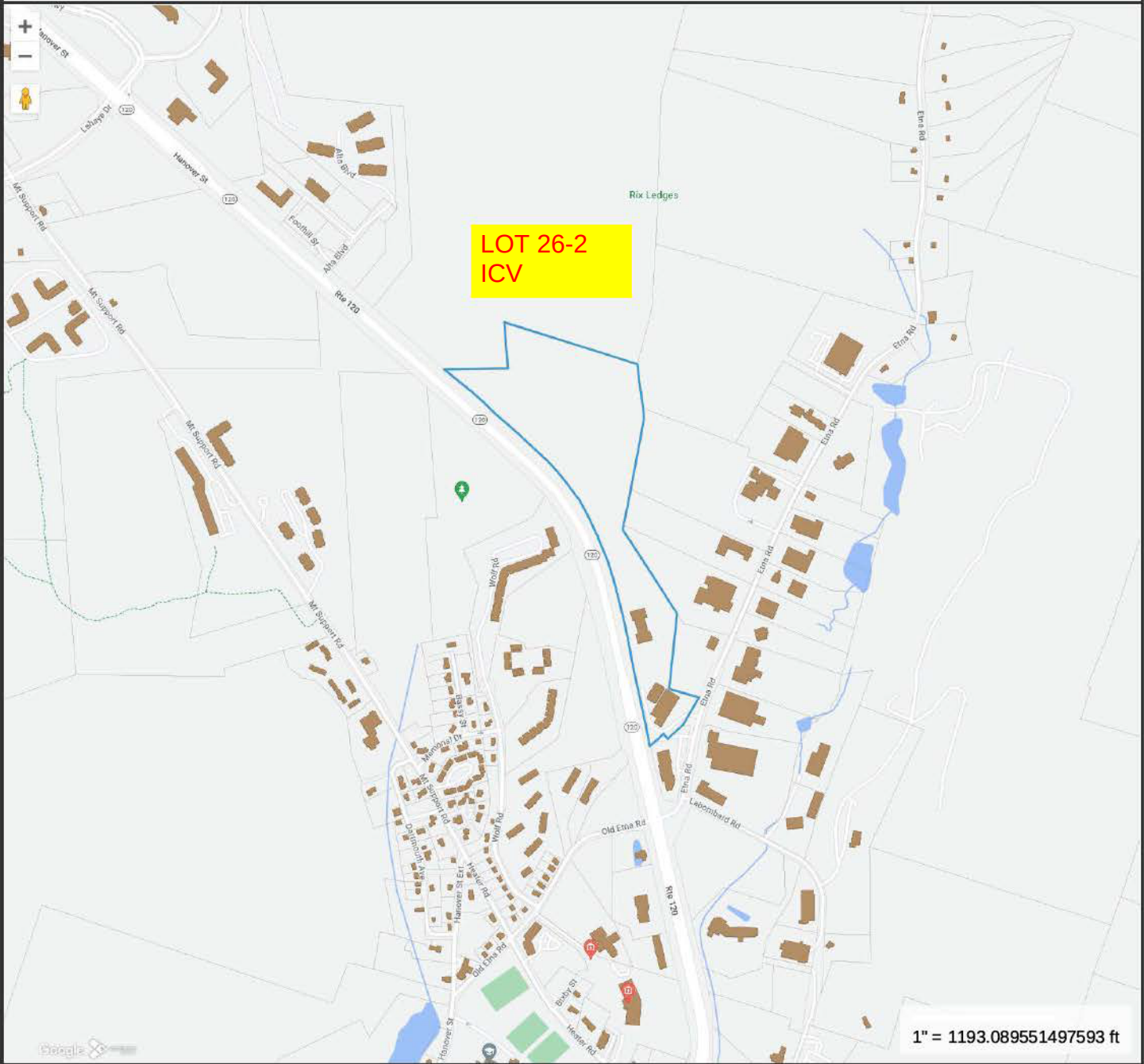
City Council
Request for Zoning Change
30Oct2024

Attachments:

- Lot 26-2
- North Lebanon zone change map
- signed petition

CC: Robert Sprayregen, ICV

M:\2024_projects\24-016\zone_change_2024\letter_col_30Oct2024.docx



Property Information

Property ID 26-2
Location 67 ETNA RD
Owner ICV HOLDINGS OF NH LLC



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Lebanon, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 07/15/2024
Data updated 11/18/2018

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.

**LOT 26-2
ICV**

The Pattern Zones Study includes three primary areas of focus:

1. Creation of a Pattern Zones Overlay District to promote infill housing development within the study area.
2. A Preapproved Architecturally Designed Pattern Book, consisting of 15-25 house designs that can be accessed free of charge to those seeking to build a new house in the study area. The Pattern Book will be contracted for three years with Pattern Zones Co. and will be accessible online. The final stages of its approval are currently under development.
3. A sensitivity analysis, provided at the City Council meeting in September, analyzed housing market trends, zoning codes and the current neighborhood configuration to match housing opportunity with regulatory structure. The Zoning recommendations are based upon the sensitivity analysis.

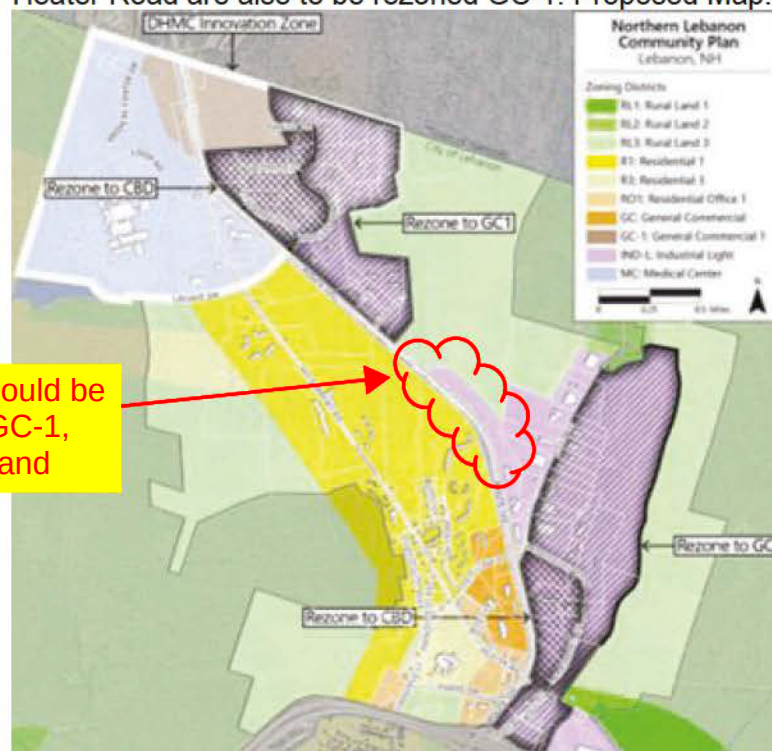
B. 120 – North Lebanon Study

The 120 North Lebanon Study was initiated in January 2024 and concluded with a presentation to City Council in September 2024. The study included substantial public engagement with the people that live and work in the Northern Lebanon neighborhood. The study makes a series of recommendations within three categories: Conservation, Zoning, and City amenities including transportation improvements. Specific recommendations include the creation of a wildlife crossing and land use-based protections for the crossing, and the re-zoning of the area to maximize development in line with the current and future needs of the neighborhood.

1. Zoning Map changes.

- a. The changes proposed within the study area are to rezone the areas around Centerra business park to Central Business District (CBD).
- b. The Altaria developments and surrounding areas are to be rezoned as General Commercial One (GC-1).
- c. The areas along Etna Road, Labombard Road, Heater Road and Little Heater Road are also to be rezoned GC-1. Proposed Map:

ICV land that should be considered for GC-1, as other IND-L land



Petition for Zoning Change to LD zone

(Mechanic Street)

21 October 2024

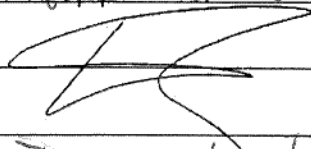
Members of the Lebanon City Council,

As voters of the City of Lebanon, we petition you to make changes to the zoning ordinance.

-Our request is under the provisions of the Zoning Ordinance, Section 1002.2.C..

-Our requests are outlined in AGD letter to the City Council dated 21Oct24

We, the voters, call on the City of Lebanon to make these changes to establish fair and just zoning for this property.

Name of Resident	Signature of Resident	Address and Phone	Date Signed
Daynel Parri's	Daynel Parri's	200 Maccoma St 603-898-6543	10/30
Jennifer Labrie	Jennifer Labrie	8 Forster Street 603-252-5149	10/30
Brenna Labrie	Brenna Labrie	603-790-3165	10/30
	Robert Oakes	603-443-0492	10/30
Daniel Nash	Daniel Nash	603-448-6023	30 Oct 24



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon City Council

CC: Shaun Mulholland, City Manager
David Brooks, Deputy City Manager

FROM: Planning and Development Department Staff

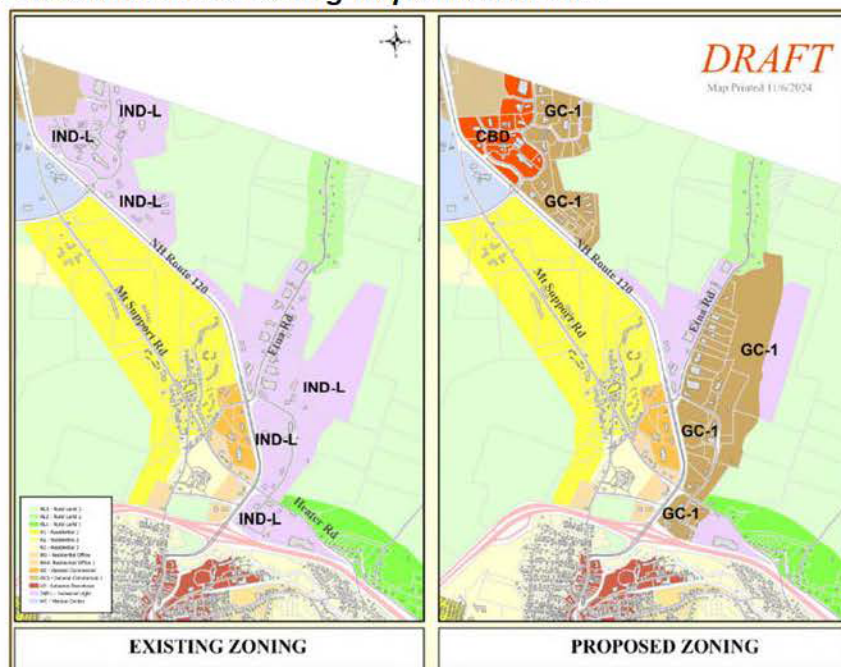
RE: Request by ICV of NH, LLC, to Rezone Tax Map 26, Lot 2 from IND-L to GC-1

DATE: November 13, 2024

On October 30, 2024, the City received a request from Dan Nash, of Advanced Geomatics and Design, on behalf of ICV of NH, LLC, pursuant to Section 1000.2.C of the Zoning Ordinance, to rezone 67 Etna Road (Tax Map 26, Lot 2) from Industrial Light (IND-L) to General Commercial-One (GC-1). ICV of NH, LLC's proposed zoning map amendment is set forth in the attached letter dated October 30, 2024, from Dan Nash, PE. Regarding the recently finalized "Northern Lebanon Community Plan" ("NLCP"), Mr. Nash's letter states that the subject parcel "was overlooked in the study process and should be included for consideration for a zone change."

The subject property was included within the study area for the NLCP which extended from I-89 Exit 18 to the Hanover town line along Route 120, Etna Road, and Mount Support Road. The NLCP does not include any rezoning recommendations relative to 67 Etna Road. By contrast, several other NLCP-recommended zoning map amendments are currently under review by the City's land use board following a "kick off" by the City Council in October. Those map amendments, as depicted in Figure 1, will return to the City Council for a public hearing in January.

Figure 1. NLCP-Recommended Zoning Map Amendments



NLCP Strategy 1 calls for the protection of the existing conservation areas, wildlife corridors, steep slopes and ecosystems, all of which are prominent features of the subject parcel, as well as the other parcels within the study area located between Route 120 and Etna Road and south of the Altaria development. Additional study is underway on how best to implement the recommendations of the NLCP including but not limited to locating and creating a wildlife corridor overlay district, conservation area buffers, and/or expansion of the steep slopes district. Given the prevalence of the sensitive natural features on the subject property and the NLCP's recommendation to explore further regulatory protections for these areas and features, no change in the underlying zoning for the property was proposed in the study.

RECOMMENDATION:

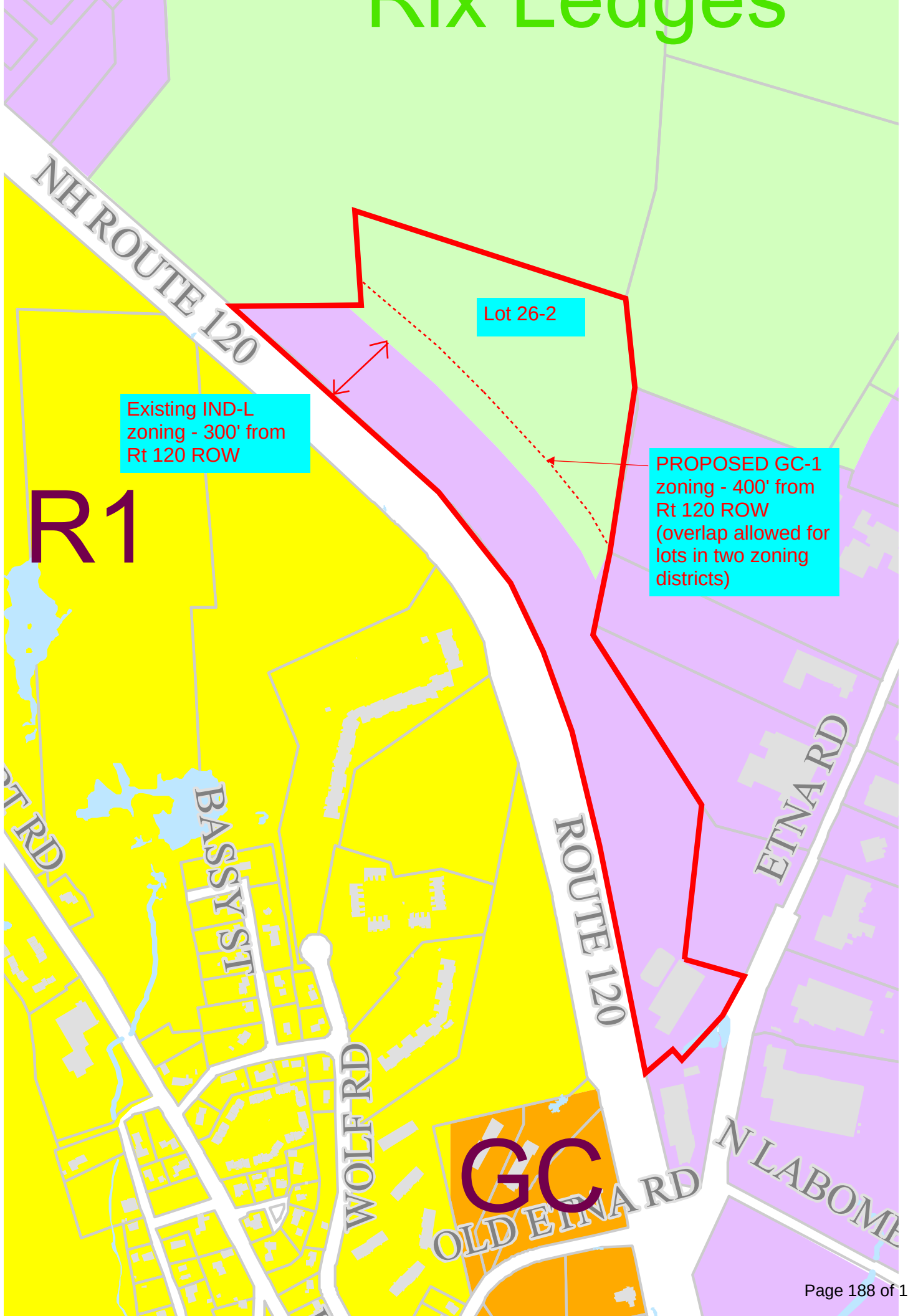
Should the City Council elect to proceed with consideration of the proposed zoning map amendment, the Planning and Development Department recommends that the Council establish a tentative schedule for review, as is required pursuant to Section 1000.3.A of the Zoning Ordinance. Staff offers the following tentative schedule for review and comment, which will allow this proposal to proceed on the same timeline as the zoning amendments that the Council "kicked off" in October:

City Council decision to proceed:	November 20, 2024
Legal review:	by November 25, 2024
Planning Board:	November 25, 2024
Conservation Commission:	December 12, 2024
City Council setting public hearing:	January 8, 2025
City Council public hearing:	January 22, 2025

=====

Supporting Materials:

- October 30, 2024 rezoning request letter from Dan Nash, of Advanced Geomatics, on behalf of ICV of NH, LLC, including attachments



Goals for 2024

The Commission engaged in a lengthy discussion regarding desired goals for the coming year, as summarized via the following outline:

Property Stewardship

- Forest Management Plans (review existing and determine gaps) and more engagement related to recommended action/activities (MP 5.4b.2) (2024 focus on Boston Lot)
- Review gaps and needs for infrastructure, e.g., footbridges, etc. (MP 5.4b.2)
- Signage/Kiosks/Map resources (MP 5.4b.2) (SP 5.7.2)
- Trail Maintenance (ongoing care of existing trails) (MP 5.4b.2 & MP 5.4b.5) (SP 5.7.3)

~ Collaborate with the Nature Conservancy on the Elm Tree Restoration project (SP 5.6.1)

New 2024yr: Pursue Alana Cole trail for compliance with ADA access (an existing MP action item; possible Strategic Plan item)

Education / Outreach

- Workshop for ConCom to increase awareness of aquifer/water resource status, including future plans. (MP 5.6a.7) (SP 5.8.1) *The who/when/what?*
- Increased ConCom knowledge of general topic of water resource (internal education for ConCom members) *The who/when/what?*
- Develop and disseminate public education materials regarding the importance of protecting our water supply sources (SP 5.8.1) (DES soak up rain, etc)
- Continued support for Wild About Lebanon (MP 5.6a.5) (SP 5.7.1)
- Host Amphibian Crossing Program (SP5.9.4)
- ~ Host annual Mascoma River clean-up (SP 5.8.3)
- Propose the creation of a **River Keeper position** to the City, including assigning role to an existing staff position; perhaps a contracted (consultant) position or volunteer position **New 2024 SP Item?**
- **New 2024yr** Participation with the pending Upper Valley Working Forest group

- Increased awareness and encouragement for land protection (MP 5.6a.4) *The who/when/what?*

Land Conservation

- Add to the conservation portfolio of conservation land within the City of Lebanon (MP 5.4a.1) (SP 5.6.2)
- Review and modify as needed existing regulations related to OS protection (e.g., ridgeline, aquifer, steep slopes, etc.) (MP 5.2b.2 & MP 5.5a.4) *Steep slopes* (SP 5.9.1)
- As part of the Wetland Permit process, have mitigation projects in the hopper to offer
- Work with the Upper Valley Land Trust regarding permanently protecting Baker's Crossing (SP 5.6.2)
- Implement recommendations from the wildlife corridor plans (SP 5.9.3)
- Examine the applicability of a vernal pool overlay district (SP 5.9.2)
- ~ Conduct review of existing steep slope regulations (SP 5.9.1)

Miscellaneous

- Increased communication regarding DPW maintenance activities, future well plans, stormwater initiatives (e.g., LID techniques, water quality protection, etc.) ??
- LOST Fund Investment Strategies *who/when/what?*
- Collaboration / Communication between ConCom and proposed redevelopment plans for West Lebanon *who/when/what?*
- ~ Evaluate Lebanon participation in the NH F&G doe harvest program (SP 5.6.3)
- ~ Innovative stormwater regulations existing in the Site Plan regulations to be migrated to the sub-division regulations as appropriate (SP 5.8.2)
- ~ **New 2024yr**: Incorporate green infrastructure to the max extent possible for the pending Exit 18 project.....MP action item **Request that it be put in the Strategic Plan.**

~ New 2024yr incorporate aquatic passage design within the CoL Culvert replacement program. 5.2.22 MP....does it get to SP ~ Incorporate **aquatic organism passage** and **wildlife friendly designs** into **culvert replacement projects** city-wide in line with NH Stream Crossing Initiative. (MP 5.2.22) does it get to SP

~ New 2024yr Work with DPW to **reduce road salt use** near sensitive habitat areas. SP Action Item?