FINAL

CONSERVATION COMMISSION
REGULAR MEETING MINUTES
Council Chambers, City Hall OR
Remote Via Microsoft Teams
LebanonNH.gov/Live
December 12, 2024
6:30 PM

MEMBERS PRESENT: **Sarah Riley (Chair), Bruce James (Vice Chair), Barbara Hirai, Don Lacey, Susan Almy (Alt.), Ernst Oidtmann**

MEMBERS ABSENT: **Sean Dittrich (Alt.), Chris Johnson, Erling Heistad,**

STAFF PRESENT: **Mark Goodwin (GIS Coordinator); Tim Corwin (Planning & Development Director); Catheryn Hembree (Associate Planner)**

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1. CALL TO ORDER – Chair Riley called the meeting to order at 6:30 PM.
Ms. Almy sat for Mr. Johnson

2. APPROVAL OF MINUTES: November 14, 2024

Mr. James MOVED to approve the November 14, 2024, minutes, as amended. Seconded by Mr. Oidtmann.

AMENDMENTS:
Members Absent: Strike Brandon Hill, add Susan Almy (Alt.)
Note that Councilor Heistad arrived at 7:15pm.
Page 1, Line 8: Change "Erling Heistad" to "Mr. Oidtmann"
Page 5, Line 5: "Two River Conservation Area was cleaned up by Hypertherm on three separate days."
Page 2, Line 31: Add "corridors" after "wildlife"
Page 4, Line 38: Change to "Ms. Riley"
Page 4, Line 38: Change to: "Ms. Riley asked how these different zones impact the natural resources in the subject parcels."
Page 4, Line 46: Change to "Ms. Hirai"
Page 5, Line 7: Change to "Ms. Hirai"
Page 2, Line 4: Change to "December 12, 2024"
Page 2, Line 8: Change to "complementary"
Page 3, Line 25: Change to "in play"
Page 3, Line 33: Change to "its"
Page 4, Line 46: Change to "Ms. Hirai asked that the discussion of the Goodwin Conservation Area bridge be put off to a later date."
Page 3, Line 32: Change to "None. The Lebanon Conservation Commission reviewed…"
Page 4: Line 49: Change the paragraph to read, "Regarding the Alana Cole trail, no progress has been made. Ms. Hirai and Chair Riley borrowed tools from the Upper Valley Trails Alliance

(UVTA) Tool Lending Library for the last workday at Two Rivers Conservation Area. The UVTA is a local resource that the Commission should consider using for expertise, consultation and for tools. The UVTA was asked to advise on the Alana Cole concept."

**** The Vote on the MOTION was approved: (6-0-0).***

3. OPEN TO THE PUBLIC

None.

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).**

Nick Fiore, P.E., Engineering Ventures, reviewed the comments previously heard from the Commission and how the plans have changed since that time. He noted that there will be parking over the wetlands, no matter the configuration of the proposed building. The proposed configuration leads to 5,638 s.f. of permanent impacts and temporary impacts of 799 s.f.

Chair Riley explained that the Commission is responsible for making a recommendation to the New Hampshire DES to approve or deny this application. The Commission can consider conditions or concerns to include. The Commission should also make comments to send along to the Zoning Board for its special exception application for this project.

Mr. Lacey asked about how impervious surface affects runoff and how this will be handled. Mr. Fiore stated that there will be a catch basin at the low point of the site. The area will be pitched to drain toward the catch basin. The basin will be piped to a proprietary filter system that filters and treats the stormwater. This will then lead to an underground retention chamber. The proposed runoff rates equate to existing runoff rates. The soil in this area is of a high groundwater and will not likely be very pervious.

Chair Riley asked about the proposed septic. Mr. Fiore stated that the system will be pumped from the building down Mt. Support Road to an existing manhole. There cannot be an onsite septic for this property due to the required 75' offset from wetlands.

Chair Riley reiterated that some of the parking should be located offsite for this project, as there seems to be too much proposed for the buildable amount of space on this lot. Mr. Fiore stated that the proposed parking is based on the use of the building. The minimum amount of parking required by parking is proposed. Offsite parking is not allowed in the R1 Zoning District, except potentially by variance. The project originally proposed underground parking but that would have made the cost of the project unviable.

Chair Riley stated that the wetlands on this property are part of a significant ecological area for the City. They serve an important nutrient and flood storage role. There is a cost to the City by reducing these wetlands.

Ms. Hirai stated that this is a valuable project that the City needs, but she is not convinced this is the right project for the property. The project either needs to be downsized to fit on the property, or the developer needs to find a larger property for the proposed project. Mr. Fiore stated that there are not likely other sites in the City that would work for this project. There is also likely not another project that could fit on this site without wetland impacts.

Mr. James stated that the Commission is considering the value of this type of building, its use, and the benefits to the City and region, versus the environmental impacts on the wetlands. This watershed is an important area. The firm has done a lot of work to try to mitigate wetland impacts on the site. Chair Riley stated that the Commission cannot weigh the use of the building. It must be considered as a neutral building that could have any use. Mr. Lacey stated that it is the Commission's responsibility to report the natural resource impacts to DES. DES should likely consider this proposal on top of the other nearby cumulative impacts.

Courtney Tanner, Families Flourish, explained that other sites were explored throughout the State. It was determined that staying in Lebanon was important for the women in the program. This site was chosen due to its location next to 420 Mt Support Road, which is currently transitional housing. Within the decade, the transitional covenants currently on 420 Mt. Support Road will be lifted and Families Flourish is interested in partnering with Twin Pines to expand transitional housing on 420 Mt. Support Road.

There was discussion regarding potential mitigation if this project is approved.

Mr. Fiore noted that the impacts to these wetlands are to the edges of the wetlands. This will not cut off any drainage patterns or reduce the way water wants to move through the site. Jennifer Riordan, GM2 Associates, Inc., explained that there is an effort to keep impacts to the lower functioning areas of the wetlands. This project minimizes impacts to the higher quality wetland areas.

Mr. Goodwin stated that the Commission should focus on the quality of the wetlands, regardless of the proposed use for the site. If there was no mitigation proposed, he would be very concerned, but the proposed mitigation allows the Commission to move the function and value benefits to another higher quality wetland. Ms. Hirai stated that this is only relevant if the mitigation occurs elsewhere in Lebanon. Mr. Goodwin stated that all natural resources, no matter where in the State, are important.

Mr. James MOVED that the Conservation Commission approve this project as it has been designed and amended, with an important proviso that significant mitigation be implemented to account for the wetland impacts on functions and values in this area.
Seconded by Mr. Lacey.

Discussion:

Mr. Lacey suggested some invasive species work somewhere in Lebanon as mitigation.

Ms. Hirai suggested that a variance from the Zoning Board could be sought to allow for less parking on the site. Ms. Tanner explained that there will be a certain amount of parking needed for those accessing the site.

In response to a question from Ms. Hirai, Ms. Tanner explained that due to the proposed funding for the project, this building has to be for a pregnant and parenting women, for the purposes of mental health and substance use disorder treatment, for the next 30 years.

The Commission discussed potential conditions, such as encouraging DES and the applicant to work to find a local mitigation project, preferably on one of the landowner's properties in Lebanon; and that the developer continue to explore options to reduce the amount of impermeable surface created by parking, which would act as a way of lowering the wetland impacts.

Mr. James AMENDED the motion that the Conservation Commission approve this project as it has been designed and amended, with the following conditions:

- ***to encourage DES and the applicant to work to find a local mitigation project, preferably on one of the landowner's properties in Lebanon***
- ***that the developer continues to explore options to reduce the amount of impermeable surface created by parking, which would act as a way of lowering the wetland impacts.***

Seconded by Mr. Lacey.

**** The Vote on the MOTION was approved (6-0-0).***

The Commission discussed its comments to the Zoning Board on the special exception application for this project. There was discussion regarding the City prioritizing a natural resource over parking requirements.

Chair Riley suggested that the applicants work with the Planning Department and the ZBA to be creative and consider ways of adjusting the parking or driveway requirements in order to further minimize wetland impacts.

Chair Riley MOVED that the Conservation Commission recommend the special exception application for this project to the ZBA, with the following conditions:

- ***that the developer continues to explore options to reduce the amount of impermeable surface created by parking, which would act as a way of lowering the wetland impacts.***

Seconded by Mr. James.

**** The Vote on the MOTION was approved (6-0-0)***

The Commission took a five minute recess.

5. STUDY ITEMS

A. Zoning Amendments Review and Discussion

The Commission reviewed the proposed pattern zone maps. Ms. Hembree explained that the Pattern Zones Overlay District will be a proposed zoning referendum. The intention is to make the two core historic downtowns that are served by City sewer and water denser. In order to do so, the proposal is to reduce lot size, setbacks, and parking. This will also allow lots with no frontages as flag lots. Ms. Hembree explained that this overlay district will bring much of what has already been built in these areas closer to meeting the current zoning.

Chair Riley stated that much of this proposal does not have conservation implications. However, there could be an impact from parcels that abut natural or otherwise sensitive areas. She suggested that the Commission recommend that those parcels adjacent to these areas be excluded from this zoning.

The Commission discussed the proposed North Lebanon zoning amendment, regarding the changes from Industrial Light to GC1. Chair Riley explained that her concern with the change is that more residential areas against natural areas will lead to more conflicts with existing wildlife. Zoning changes that increase the residential intensity against sensitive areas have conservation implications. It is unfortunate that the proposed development changes may be approved prior to the proposed conservation preservation changes that will be brought forward.

Ms. Hirai MOVED to extend the meeting until 9:30PM.
Seconded by Chair Riley.

**** The Vote on the MOTION failed (2-4-0, with Chair Riley and Ms. Hirai in favor)***

Ms. Hirai MOVED to extend the meeting for 15 minutes.
Seconded by Chair Riley.

**** The Vote on the MOTION was approved (6-0-0)***

Mr. Lacey expressed concern with these changes creeping into other nearby areas that should be protected or already are protected.

There was discussion regarding the proposed Alice Peck Day zoning amendment. Chair Riley expressed concern regarding some of the natural areas including two vernal pools. She suggested that the Commission not recommend the proposed zoning change due to important ecological resources and functions in the existing wooded portion of the parcels. The proposed zoning change should be limited to the existing campus footprint. The Commission agreed.

Chair Riley expressed concern regarding the conservation implications of entirely scratching the anti-nuisance standards without replacing them with something. She suggested that the Commission oppose this proposal without language to replace it. The Commission agreed.

Ms. Hirai MOVED to extend the meeting for 5 minutes.
Seconded by Mr. James.

**** The Vote on the MOTION was approved (5-0-1, with Mr. Oidtmann abstaining)***

B. Review of Request for Zoning Map Amendment: ICV of NH, LLC – 67 Etna Road, Tax Map 26, Lot 2

Dan Nash presented his zoning amendment proposal.

Chair Riley explained that the Commission previously discussed how changes to a zone may affect abutting zones. There is a nature preserve to the north of this proposed area. She suggested that the Commission not recommend this item due to the affect of the increased intensity of use on the adjacent natural area. Some Commissioners noted that there was not enough time to thoroughly review this proposal in order to comment on it. The Commission agreed to defer comment on this item.

Ms. Hirai MOVED to make recommendations 1, 2, 3, and 4 to the City Council. Seconded by Ms. Almy.

**** The Vote on the MOTION was approved (6-0-0)***

C. Status Update & Review - 2024 Con Com Goals – *The Commission did not address this item at this time.*

6. COMMITTEE REPORTS – *The Commission did not address this item at this time.*

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 – *The Commission did not address this item at this time.*

A. FYIs
B. Follow Up
C. Workshops and Educational Opportunities

8. FUTURE AGENDA ITEMS: – *The Commission did not address this item at this time.*

9. ADJOURNMENT:
The meeting ended at 9:30pm.
Respectfully submitted,
Kristan Patenaude
Recording Secretary