



LEBANON CONSERVATION COMMISSION
FEBRUARY 13, 2025 - 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: 601 566 798#). If you have trouble accessing this meeting, please [email mark.goodwin@lebanonnh.gov](mailto:mark.goodwin@lebanonnh.gov)

2. Approval of Minutes

- A. January 9, 2025
B. January 27, 2025 - Special Meeting

3. Open to the Public

4. Permit Review

- A. None

5. Study Items

- A. **Review & Comment Proposed Zoning Amendment:** 24 Labombard Rd (map change: RL-3 to GC-1)(15 mins)
B. **Review & Comment to the City Council on proposed Zoning Ordinance Amendments:** Continued from December 12, 2024 and January 27, 2025 (60 min.)
C. **Review & Comment Proposed Zoning Amendment:** Research Laboratory (Research Lab added to Table of Uses) (10 Min)
D. **Boston Lot & Signal Hill Management Plan Action Item Update (30 Mins)**

6. Conceptual Review

- A. **Proposed Wetland Impact - Conceptual Review:** Mt Support Rd (Map 24, Lot 1, Plot 100)

7. 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

8. Other Business

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

9. Future Agenda Items

10. 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
January 9, 2025
6:30 PM**

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

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

STAFF PRESENT: Mark Goodwin (GIS Coordinator)

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

2
3 **2. ELECTION OF OFFICERS:**

4
5 A. Chair and Vice Chair

6
7 The first order of business was nominating officers. Mr. Goodwin asked for any nominations for Chair.

8
9 **Mr. Erling Heistad *MOVED* to nominate Ms. Sarah Riley for the position of Chair.**
10 ***Seconded by Mr. Ernst Oidtmann.***

11
12 Mr. Goodwin then asked if there were any other nominations for Chair. There were none.

13
14 ****The vote on the MOTION was approved unanimously***

15
16 Mr. Goodwin next asked for any nominations for Vice Chair.

17
18 **Ms. Sarah Riley *MOVED* to nominate Mr. Bruce James for the position of Vice Chair.**
19 ***Seconded by Mr. Ernst Oidtmann.***

20
21 Mr. Goodwin then asked if there were any other nominations for Vice Chair. There were none.

22
23 ****The vote on the MOTION was approved unanimously***

24
25 **3. APPROVAL OF MINUTES:**

26
27 **Mr. Donald Lacey *MOVED* to approve December 12, 2024 Minutes as amended. The motion was**
28 ***Seconded by Ernst Oidtmann.***

29
30 **Amendments:**

31 Page 1, Header correct spelling of Conservation (add an a)

32 Page 2, line 28, change effects to affects

Page 5, line 33 change to “expressed concern regarding some of the natural areas including two vernal pools.”

Page 6, lines 9-11, “Due to the affect of increased intensity of use on the adjacent natural area.”

Mr. Lacey commented on the clarity of the minutes.

** The vote on the MOTION was approved (7-0)*

4. OPEN TO PUBLIC: None

5. PERMIT REVIEW: None

6. STUDY ITEMS:

A. Status Update & Review – 2024 Con Com Goals (90 minutes)

Mr. Goodwin opened with saying there is no longer any money in the Conservation Commission (operations) funds, not to be confused with the Lost Fund. There is typically about \$12,500 in this operations fund, which consists of several line items, such as the ranger, fees for classes, OPS/mowing, etc. During this Council’s recent budget review, and subsequent meetings, the entire remaining balance was cut and was applied to building inspections.

The Lost Fund has a balance of approximately \$1,371,000 and generated approximately \$23,000 in 2024 (4% interest approximate rate). This Commission will still have the ability to operate, but from a different source.

Mr. Goodwin explained the new process. If any commission member needs funds, they let Mr. Goodwin know, preferably in advance. He will then request that money be deposited from the Lost Fund into their current operating account, so that the funds are there when needed. For example, Mr. Lacey wants to attend an upcoming educational conference, and Mr. Goodwin explained the process, which should take only a matter of days. Mr. Lacey will contact Mr. Goodwin requesting the needed funds. Mr. Goodwin will request these funds be deposited from the Lost Funds into the operating account.

It was noted the importance of ensuring that *no money* is left in the Conservation Commission operating account at year end, as they will lose it.

Mr. Goodwin also thinks there is an opportunity for them to review the Lost Funds, with the trustees, to see what other investment options there are. This Commission also needs to establish a schedule to review this such as quarterly. Chair Riley will initiate communication with the trustees.

Next, they reviewed the 2024 Goals, and what they want their 2025 Goals to be. Mr. Goodwin suggested a high-level discussion of the four categories which are:

Property Stewardship

Education/Outreach

Land Conservation

Miscellaneous

Note: The four goals above as well as the bullets and tildes under them were not discussed in the order they are written. Therefore, these meeting notes for Goals 2025 align with the flow of the discussion.

1 Mr. Goodwin started with **Land Conservation**. He asked what they would like to do with land
2 conservation. In the past, they pivoted from giving the landowner the money to encumberment via a
3 conservation easement.

4
5 There are no current projects under land conservation . He thinks there are some opportunities in the
6 southeast part of the City. He encouraged them to put potential locations on the table, so that they can be
7 reviewed by this Commission. He said if they have any projects or pieces of land in mind, they need to
8 put together an application to the fund or reach out to the property owner to offer to pay for the easement
9 (e.g. \$20,000).

10
11 The first bullet under **Land Conservation** “Add to the conservation portfolio of conservation land within
12 the City of Lebanon” will remain unchanged, and they will add at least the following two locations for
13 conservation consideration – “the mouth of the Mascoma” and a property owned by Alice Peck Day on
14 Start Hill (currently under consideration for rezoning).

15
16 The Conservation Commission will have further discussions to explore other conservation opportunities
17 in 2025. They will utilize maps showing all the known wildlife corridors and the SEAs.

18
19 The other six bullets under **Land Conservation** will remain as Goals in 2025.

20
21 Chair Riley also cited their opportunity to educate the public about beaver ponds and the importance to
22 the ecological system.

23
24 There was a discussion about possibly doing another landowner outreach letter, letting them know that the
25 Conservation Commission could help landowners with the process of conserving their land via
26 conservation easements. This had been done several years ago (circa 2019) , with limited response but
27 they think if the letter is reworded and clarifies the assistance and expertise the Conservation Commission
28 can offer, it might get more traction.

29
30 A discussion ensued of other ways to get the word out about their work of land conservation. In addition
31 to rewording this letter as well as their message, they will expand their audience by utilizing The Lebanon
32 News, List Serves, and a Letter to the Editor of The Valley News, among others. They will also increase
33 awareness of a recent publication Saving Special Places Guidebook published by the Center for Land
34 Conservation as well as videos on this topic.

35
36 Mr. Lacey noted that personal interactions work very well; the Conservation Commission will employ
37 both methods.

38
39 Next, they discussed **Education/Outreach**.

40
41 Mr. Goodwin described this as the Conservation Commission generating material to educate the public.

42
43 This is a broad topic, and it is one of the primary roles of this Commission. Their 2025 Goal will be to
44 identify their priorities.

45
46 “Wild About Lebanon”(bullet four) will remain a priority on their 2025 Goals. This can be easy walks in
47 the winter, and walks along bodies of water, among other things. Informing the public about events such
48 as salamander crossings (with maps) does not require their resources. Brett Theilen with the Harris
49 Center in Hancock, New Hampshire could be a resource; she has had incredible crossing success. Laura
50 Sokolosky is another local person that is interested in crossings, and she is knowledgeable and has been

1 successful (e.g. near Pine Tree Cemetery Road). Hartford has a successful program as well. . Sarah has
2 the capacity to continue with what she currently does, that being continuing to raise awareness.

3
4 It was agreed that messaging about simply staying off the road on key nights could help the local
5 amphibian crossings. They will make maps available as well. This could have the greatest impact. Closing
6 some roads could be a future consideration.

7
8 Hosting Mascoma River clean-up (6th bullet) will be changed to read bi-annual and will be on their 2026
9 Goals since they just completed a huge cleanup in 2024.

10
11 They discussed the River Keeper position (bullet seven). Lebanon has one representative, but it's
12 important that other towns have volunteers as well. Members will check with Dartmouth students as well
13 as some of their contacts for potential volunteers.

14
15 Chair Riley suggested they conduct a short series of expert talks either at Kilton Library or City
16 Chambers, utilizing a local expert, or a river ranger, coordinating with local schools or Dartmouth
17 students.

18
19 Mr. Goodwin will add a bullet to the 2025 Goals to “explore water resource education and protection
20 initiatives”, and this topic will be an agenda item for early 2025. This will encompass the first three
21 bullets along with the last bullet.

22
23 The eighth bullet will remain and be reworded to say, “Continued participation in the Upper Valley Forest
24 Health Working Group”.

25
26 They will add a bullet “Education of native and invasive species”.

27 28 **Property Stewardship**

29
30 Mr. James stated the importance for this Commission to consider the human dimension as well as the
31 environment, with all their work. They will access each of the properties, and decide on their highest
32 priorities for each, so that their focus and accomplishments are aligned with both. This can help reduce
33 barriers with the public and message that the Lebanon Conservation Commission is working with the
34 community to increase public access in appropriate ways.

35
36 They will add a bullet to read “Continue to explore barriers to access conservation lands” and this will be
37 their overarching goal under **Property Stewardship**.

38
39 They discussed keeping a separate bullet for Alana Cole for more accessibility but rewording it (delete
40 ADA access) to consider adding nature stops and kiosks and brochures for this location.

41
42 The Conservation Commission will weigh in for all kiosks at each conservation area.

43
44 A bullet will also be added for Signal Hill to include having the trail mowed regularly, which will
45 improve access there.

46
47 The other bullets will remain under **Property Stewardship**.

48
49 The Conservation Commission will publicize that the New Hampshire Fish & Game is asking for turkey
50 counts between now through March. The Commission will publish this in The Lebanon News and will
51 also encourage citizens to go directly to New Hampshire Fish & Game's online site, to learn more.

Miscellaneous

The first bullet “Increased communication...: will be deleted.

The second bullet will be reworded to read : “Explore Lost Fund Investment Strategies”.

The third bullet “Collaboration Communication” will be deleted; it is too vague.

The ~ “Evaluate Lebanon participation...” will become a bullet and reworded “Continue to pursue participation in the New Hampshire Fish & Game doe harvest program.

The next ~ “Innovative stormwater...”will remain in the document.

The next ~ under this heading will read “Continue to stay involved with the Exit 18 redesign.”

The next tilde (~) will remain but will read “Incorporate aquatic organism passage and wildlife friendly designs into culvert replacement projects city-wide in line with New Hampshire Stream Crossing Initiative.” This will be in the strategic plan as well.

The last tilde ~ “Work with DPW...”will remain; it is important and requires help from the City. This too will be in the strategic plan.

7. COMMITTEE REPORTS: None**8. OTHER BUSINESS:****A. FYIs**

Taking Action for Wildlife Series

B. Follow Up

There will be a Special Meeting with the City Council and Lebanon Conservation Commission on January 27th (Monday) at 5:30PM.

The Conservation Commission will have three agenda items to present to the City Council. The first agenda item will provide a concise statement for the City Council, with commentary on the four proposed zoning amendments.

The second item will be their communication to inform the Council with their input related to the current zoning amendment process. Chair Riley will provide the City Council with a brief summary of the Lebanon Conservation Commission’s document to the Planning Department.

The third will address the fact that the Conservation Commission did not have enough time to evaluate the zoning amendment proposed by Dan Nash.

Following is the introduction to the document that will be given to the Planning Department:

*The recommendations in the September 2024 draft **Northern Lebanon Community Plan** were reviewed by the Lebanon Conservation Commission during the October and November 2024 commission meetings, with a focus on the wildlife corridor- and natural resource-associated recommendations. This*

document captures the feedback from those discussions and will be submitted to the Planning Department in an effort to further the implementation of, or provide alternatives to, the plan's recommendations.

Chair Riley will provide the Conservation Commission with the summary for the Council as well as the full eight-page draft digitally and she asked that this Commission review and provide their feedback so that she and Ms. Harai can prepare their final document for the Planning Department.

Mr. Lacey *MOVED to extend the meeting until 9:15PM*
Seconded by Mr. Oidtmann

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

C. Workshops and Educational Opportunities

Taking Action for Wildlife webinar series is available for Conservation Commission members to watch it. Chair Riley recommended that members register for the topics that interest them.

Walk for Wildlife at Two Rivers will be either January 25th or February 1st. Ms. Harai will confirm which date is chosen depending on the weather. She is publicizing this as well.

January 17th at 10:00AM Liz McKinley with Tree Advisory will have a Winter Tree ID stroll; the location will be posted on the list serve.

9. FUTURE AGENDA ITEMS: None

10. ADJOURNMENT

Mr. Erling Heistad MOVED to adjourn the meeting.
Seconded by Mr. Chris Johnson.

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

****The meeting was adjourned at 9:10PM by Chair Riley.***

Respectfully submitted,
Cinda Mersel
Recording Secretary

DRAFT

**LEBANON CONSERVATION COMMISSION
SPECIAL MEETING MINUTES
CITY HALL ROOM 2
Remote Via Microsoft Teams
LebanonNH.gov/Live
January 27, 2025
5:30 PM**

MEMBERS PRESENT: Sarah Riley (Chair), Bruce James, (Vice Chair), Erling Heistad, Barbara Hirai, Chris Johnson, Ernst Oidtman

MEMBERS ABSENT: Susan Almy (Alt.), Sean Dittrich (Alt.), Donald Lacey

STAFF PRESENT: Mark Goodwin (GIS Coordinator), Nate Reichert (Director, P&D)

1 **1. CALL TO ORDER:** Chair Riley called the meeting to order at 5:40 PM.

2
3 **Note that there was audio only for this meeting. No video was available today.**

4
5 Mr. Mark Goodwin explained the purpose for today's meeting, and the goals of the Conservation
6 Commission for this meeting.

7
8 **1. STUDY ITEMS:**

9
10 **A. Proposed Zoning Amendment Concise Statement for City Ballot:** Recovery House as Permitted

11
12 The meeting started with Amendments #1-#3, which will be on the ballot in March. They started with
13 Amendment #2, Recovery Housing.

14 Mr. Reichert said that the goal is to make sure people have a safe place to live.

15
16 District use maps were provided but no other map.

17
18 The Conservation Commission has determined that the proposed zoning Amendment #2 Recovery
19 Housing has no conservation implications. The only question is if they want to allow these in R1, R2, and
20 R3 districts. District use tables were provided but no map.

21
22 *Mr. Erling Heistad MOVED to approve the above statement*
23 *Seconded by Mr. Ernst Oidtman*

24
25 **The vote on the MOTION was approved unanimously*

26
27 **B. Proposed Zoning Amendment Concise Statement for City Ballot:** Alice Peck Day- R-3 to MC-2
28 Zoning District Change

29
30 Amendment #3 (Application of Medical Center Two (MC-2) District: was discussed next. This pertains to
31 Alice Peck Day Hospital campus. They showed the City GIS map in the meeting room. There is a

1 difference between what the map presented to the Council versus the one being considered now. APD
2 modified their original request to the existing footprint. These are currently not protected The Council
3 wants this to be conserved. There are conservation lands and trails on this property, with pieces owned by
4 the school and the City.

5
6 Mr. Reichert is checking with Dave Duncan, for a Facilities contact person at APD to see about having a
7 conversation to see about getting some form of conservation easement on 2 R-3 parcels there.

8
9 Mr. Oidtmann stated this property needs to remain R3 and that Tax Lots 76-6 & 7 should be conserved
10 into perpetuity. The benefits of unspoiled natural resources and landscapes are of essential benefit for our
11 mental and physical health.

12
13 Chair Riley understands the importance of growth for APD, and their need for housing now, but the
14 upland woods are a natural refuge for humans, a playground, and an area for amphibians as well.

15
16 Mr. Goodwin reminded them that the only parcels before them are the two in blue. Ms. Riley stated that
17 the way this is written, they are changing woodlands into hospital campus zone without any parallel track
18 for protecting natural resources.

19
20 Mr. Reichert said that the hospital's needs are evolving, and APD needs to be able to provide temporary
21 and transitional housing for visiting nurses and other employees moving here, who are in need of
22 transitional housing. He also said that just because something is politically appropriate does not mean it
23 can be approved if it is not legal. If a variance is granted, but does not meet the criteria, it can be lost in a
24 court case.

25
26 Mr. Goodwin asked the rhetorical what can you do in R-3 currently? He thinks APD can do group
27 housing, or a senior home or many other types of housing on their property.

28
29 Chair Riley asked if they are sending the wrong message, that they are okay with this. She is hopeful that
30 APD will keep their growth within their current footprint and not eat into the wooded hillside. Also, she
31 thinks the Conservation Commission should be included in discussions early on in these initiatives and is
32 hopeful that this can happen in the future.

33
34 Mr. Heistad stated the benefits to employees to be able to walk the trails on this zone between the hospital
35 and these wooded areas.

36
37 Mr. Johnson stated that he is concerned they are sending the wrong message by not supporting this (for
38 the opposite reason of Chair Riley) if they decline this request for no specific reason, given the need for
39 the hospital's growth. Ms. Harai agreed that it would be ideal to have a good relationship with APD, an
40 important business partner.

41
42 Mr. James thinks this is a step in the right direction with APD and the Conservation Commission. They
43 could ask about the steeple in the future along with extending the Storrs Hill project, etc. Mr. Reichert is
44 already checking into this with APD.

45
46 They did a straw poll with a majority agreeing that this Amendment #3 has some impact on conservation.
47

1 Mr. Johnson reminded them that these are currently unprotected areas, and that there is a need for APD to
2 grow, and that APD needs a wider range of buildings. Also, there is and will continue to be a need for
3 housing in Lebanon.

4
5 Chair Riley is trying to encourage a placeholder on this land belonging to APD. Their campus includes
6 this land and trails on their land. Mr. Johnson confirmed that the term campus is broad and does include
7 these undeveloped areas at APD.

8
9 The Conservation Commission agreed to the following statement for the ballot:

10 The Lebanon Conservation Commission has determined that the proposed zoning amendment #3 has
11 some conservation implications. However, the Conservation Commission recommends the adoption of
12 the amendment.

13
14 ***Mr. Johnson MOVED to approve the above recommendation for their concise statement.***
15 ***Seconded by Mr. Oidtmann***

16
17 ****The vote on the MOTION was approved unanimously***
18

19 **C. Proposed Zoning Amendment Concise Statement for City Ballot: Pattern Zone Overlay District**
20

21 This discussion was about Amendment #1, and the recent changes that were requested by Councilor
22 Below to add specific parcels. This will change (reduce) the lot sizes and setbacks on several properties
23 and will result in more density in new housing (infill); this will also increase the impervious surfaces, and
24 impact stormwater runoff and reduce the wildlife areas.

25
26 Chair Riley does not think that the Council has got to consider the input provided by the Conservation
27 Commission, which recommended the removal of parcels that abut conservation land) both City owned
28 and others; those changes were not made.

29
30 Mr. James thinks this can have implications for conservation but thinks overall this is good for Lebanon.

31
32 The Con Com agreed on this concise wording: The Conservation Commission recommends the adoption
33 of Zoning Amendment #1. The Commission has determined that the Amendment promotes efficient land
34 use.

35
36 ***Mr. Oidtmann MOVED to approve the above amendment #1.***
37 ***Seconded by Mr. Johnson***

38
39 ****The vote on the MOTION was approved (5-0-1) - Ms. Harai abstained.***
40

41 **D. Review and Comment to the City Council on proposed Zoning Ordinance Amendments**
42 ***Continued from December 12, 2024***
43

44 Mr. Reichert referenced Amendment #4 and said that you can take things away, but you cannot add to
45 what is being rezoned. He explained some moving pieces (changes) relevant to Amendment #4, that have
46 happened since January 6th such as "Nash 2" (ICV) which was a second request from Dan Nash, the
47 Planning Board in its discussions talked about rezoning, and the third piece was the Hatch property which
48 they learned that there are 3 acres that are not conserved and therefore could be developed. Ms. Hatch has
49 asked for a rezone request, and this is part of the changes. The Volvo dealership asked for rezoning to

GC1 and to change the use schedule. The Council asked to do nothing until they process the Hatch request, which will result in more RL3.

City Council gave clear direction to Zoning to *not undo what they have already done with regards to the Volve dealership and allow them to continue their conditional use; keep the zoning the same (IDL)*

The Hatch property will be discussed at the February Conservation Commission meeting and the request is to be RL-3.

Chair Riley remains concerned that the Council will be voting on things that the Conservation Commission has not had the opportunity to discuss yet. Some of this information they are seeing for the first time today. Mr. Reichert stated that this is why he is meeting with them, to get the Conservation Commission's feedback.

Mr. James said watershed is a major concern as he reviews these numerous changes made overnight from IND -L to GC1 and changes at the heart of Centerra, Ricks Ledges and along 120. The Conservation Commission has not been able to think through all of the impact that this will have on watershed, and all of the other natural features of the area with no protections and Chair Riley stated that this is dangerous. The North Lebanon Plan provided some counterbalancing of the preservation of the land. What exactly does it mean to go from IND-L to GC1. Mr. James said the proposed zoning does not make sense and presents the possibility of major flooding for the residents in these areas, particularly the arrows Southwest and Southeast of the yellow map near Etna Road.

Mr. Reichert said that the considerations for these zoning changes are first, how do you allow more housing in these areas, secondly to have an area that could develop into a more traditional downtown and third, a firm recognition that they need wildlife protections including safe crossings. There is a contradiction of topography in this area. The Conservation Commission recommends that the Council not approve the Nash proposal, rather promote the 2017 Lebanon Wildlife Corridor Planning. This was unanimous. Leave the car dealership as industrial light. The changes on the East side of Etna road are concerning, including the wetland protections and the steep slopes there. The Northern Lebanon Community Plan recommended expanding the steep slopes protections to all lands, and this proposal is completely without them. Con Com will ask for the City Council to take some of these amendments off the table with the Western piece of Etna Rd. being the biggest concern.

Chair Riley said that there are consequences that they do not understand, and she doubts the Council fully understands, and this cannot be addressed in just one meeting.

The Nash project (Amendment #21 ICV) has not gotten legal support or support from others to date. It is spot zoning and goes against everything the Zoning Board has been working on the past several years.

The Conservation Commission recommends that the City Council **not approve Proposed Amendment #21.**

The Northern Lebanon Community Plan (NLCP) called for expanding the width and breadth of protected lands for wildlife corridors in the area by expanding land protection and creating a Wildlife Corridor Passage Overlay District. Proposed Amendment #21 does the opposite. It would have you rezone 67-69 Etna Rd (M/L 26-2) from IND-L and RL-3 to GC-1, a move in the wrong direction.

This is an area of significant natural resources, including steep slope and surface- and groundwater, and Proposed Amendment #21 would have an adverse effect on the wildlife

1 corridor that runs through the area and impact the abutting Nicole S. Cormen Memorial Nature
2 Preserve at Rix Ledges. In fact, the zoning change that should be before you is the same one
3 proposed by staff back in 2017, which would turn that strip of IND-L into RL-3. we hope that you
4 will look to the Master Plan Future Land Use Map, which represents much hard work and public
5 feedback, when making your decision on Amendment #21.
6
7

8 Amendment #20 will be addressed during their February 13th, 2025 meeting. They will work on their
9 comment in advance of this meeting.
10

11 For Amendment #4 Conservation Commission's statement is that they have no comment on this.
12 The Conservation Commission was in agreement on this unanimously, though there was no **MOTION* or
13 vote per se.
14

15 E. Discussion and Endorsement Re: Zoning Amendments Ballot Statement

16

17 Due to time constraints, the other amendments were not discussed to any extent.
18

19 Ms. Harai ask to have Amendment #4 along with the map broken down for them. Mr. Goodwin will
20 provide this to the Conservation Commission in advance of their next meeting.
21

22 3. ADJOURNMENT

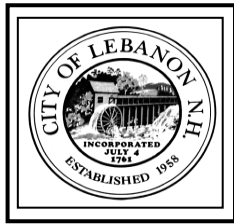
23

24 *Mr. Erling Heistad MOVED to adjourn the meeting*
25 *Seconded by Ms. Barbara Harai*
26

27 **The Vote on the MOTION was approved unanimously*
28

29 **The meeting was adjourned at 8:50 PM by Chair Riley.*
30

31 Respectfully submitted,
32 Cinda Mersel
33 Recording Secretary
34
35
36
37



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon Conservation Commission

FROM: Planning and Development Department Staff

RE: Proposed Zoning Amendments

DATE: February 6, 2025

In January, Ms. Margaret Hatch, property owner of record for the 24 Labombard Road, approached City staff to have a portion of her parcel rezoned from Light Industrial to General Commercial - One. Her letter is attached to this information packet.

During the Route 120 Study, her entire parcel was thought to be subject to a conservation easement. Ms. Hatch clarified that a front 3-acre portion of the lot was excluded from the conservation easement. She wishes to have that portion of the lot rezoned to General Commercial – One, like the surrounding parcels are proposed to be changed to as recommended by the Route 120/Northern Lebanon Community Plan (NLCP). The NLCP calls for parcels along Etna Road and LaBombard Road to be rezoned from Light Industrial to General Commercial - One. This zoning amendment was reviewed by the Conservation Commission and the Planning Board at previous meetings, but not yet approved by City Council. Please see the attached map to see the existing zoning compared to the proposed rezoning.

During their January 22, 2025 meeting, the City Council moved that the proposed Zoning Amendment be reviewed by the Conservation Commission and Planning Board before returning to City Council for public hearing and decision. The review process will take around two months.

Legal review was conducted by City Attorney, Matt Decker, and his opinion letter is included in this packet.

Schedule:

Legal Review – by February 6, 2025
Conservation Commission – February 13, 2025
Planning Board – February 24, 2025
City Council Work Session Review – March 5, 2025
City Council Public Hearing – March 19, 2025

Items Included:

1. Letter from Ms. Margaret Hatch
2. Map
3. Memo to City Council from January 22, 2025 Meeting
4. Legal Opinion Letter

My husband was a lifetime resident and we built our home at 24 Labombard Road in 1977 when area was farming/residential. Tax map 51-12. approx.10yrs later was changed to Light Industrial/commercial and we were grandfathered in as residential in LID zone which we submit a form each year to maintain this status .Our property is 50.6 acres which consists of 47.1 in Conservation Easement with UVLT and a 3 acre regulation building lot. Now there is a proposal to again to change zoning to General Commercial. Also, learned my property had been down sized to Residential zone.

This letter is to inform you I did not request this change. Rather, my wish is to be included in the initial rezoning effort that would have changed my property to General Commercial. If this cannot be done with existing proposal then I would like to request that the total 3 acres lying outside the conservation easement be Rezoned to General commercial consistent with original proposal.

In either case I wish the right to be residential in a Commercial zone to be contiguous as long as I maintain this property. I do not want the developable part of the property to be excluded from other appropriate use.

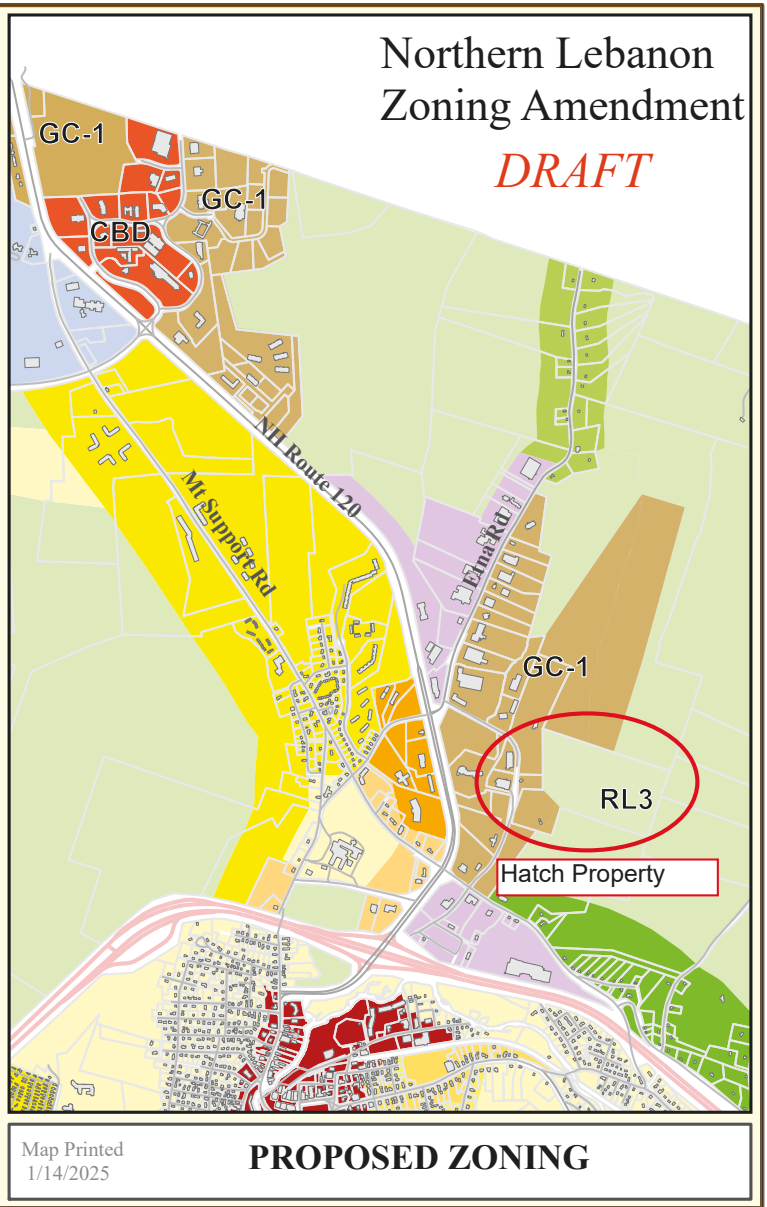
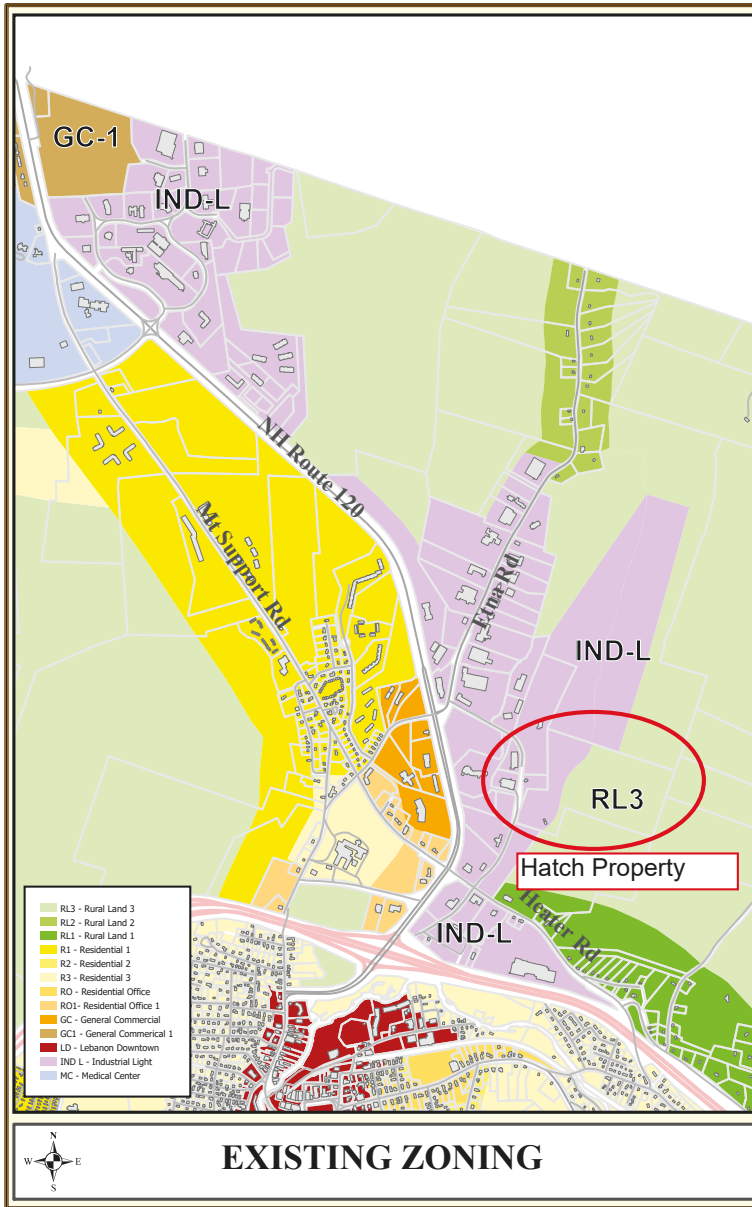
I believe my request is reasonable and appropriate for the location. It is also consistent with the surrounding properties and their intended rezoning.

Please submit my request to appropriate officials and planning staff. Thank you for your consideration.

Sincerely,

Margaret Hatch

Margaret Hatch
1/7/25



Northern Lebanon Zoning Amendment *DRAFT*

Map Printed
1/14/2025

Agenda

Lebanon City Council

January 22, 2025

11. New Business:

11.D – Request for Zoning Map Amendment – Hatch Property, 24 Labombard Road, Tax Map 51, Lot 12, Lebanon, NH

Background

On January 9, 2025, Margaret Hatch requested a zoning map amendment for her property located at 24 Labombard Road, Tax Map 51, Lot 12, Lebanon, NH. The property is currently split zoned between Light Industrial (IND-L) along the road frontage and Rural Lands Three (RL-3) to the rear of the parcel.

During the recent Route 120 / Northern Lebanon Community Plan (NLCP) study, the Hatch property was not considered for potential zoning changes under the mistaken impression that the property was completely subject to conservation restrictions. However, Ms. Hatch has clarified that a 3-acre portion of the +/-50-acre parcel is not subject to any development restrictions, and the owner would like to have the property frontage rezoned to General Commercial One (GC-1) as is proposed for other surrounding properties. Attached is a draft map from the Planning & Development Department depicting the existing and proposed zoning for the property.

Since the Hatch property was not reviewed for zoning changes as part of the annual package of amendments, it was determined that the amendment request must be resubmitted to the land use boards and legal counsel for review and comment back to the City Council. The Planning & Development Department has outlined a tentative review schedule for the proposed amendment.

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 January 9, 2025 letter from Margaret Hatch, 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 February 6, 2025

Conservation Commission – February 13, 2025

Planning Board – February 24, 2025

City Council Work Session Review – March 5, 2025

City Council Public Hearing – March 19, 2025

Included In This Section:

1. January 9, 2025 letter from Margaret Hatch
2. Draft Northern Lebanon Zoning Amendment map

February 5, 2025

Nathan Reichert, Director of Planning & Development
City of Lebanon
51 S. Park Street
Lebanon, NH 03766
nathan.reichert@lebanonnh.gov

**RE: Proposed Zoning Amendment –
Map Amendment for 24 Labombard Road, Tax Map 51, Lot 12**

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 the zoning map. I understand the ~50-acre property at 24 Labombard Road, Tax Map 51, Lot 12, is currently split-zoned between Light Industrial (IND-L) at the front of the parcel and Rural Lands Three (RL-3) at the rear of the parcel. The proposed amendment would re-zone three acres at the front of the property, which are not subject to conservation restrictions, to General Commercial One (GC-1), as has been proposed for surrounding properties. The remaining ~47 acres subject to conservation restrictions would be RL-3.

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

- City Council Agenda Item 11.D from the January 22, 2025 City Council meeting;
- A January 9, 2025 letter from property owner Margaret Hatch;
- A draft map showing the proposed revised zoning map for the North Lebanon Zoning Amendment.

The Ordinance requires this legal review to cover: (a) whether such amendment is 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 amendment 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 this map amendment 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 is not 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.

I conclude that the proposed re-zoning of Lot 51-12 does not constitute "spot zoning", as there is a rational basis and clear public purpose for the amendment. It is clear from the City staff's explanation in the Council's Jan. 22 Agenda Item 11.D that the property was excluded from the Northern Lebanon map amendment due to a mistake of fact concerning conservation restrictions. Re-zoning the front three acres not subject to conservation restrictions to GC-1 would not single out the property for treatment different from that of surrounding land. To the contrary, this re-zoning would subject this lot to the same zoning treatment as similar lots in the immediate neighborhood.

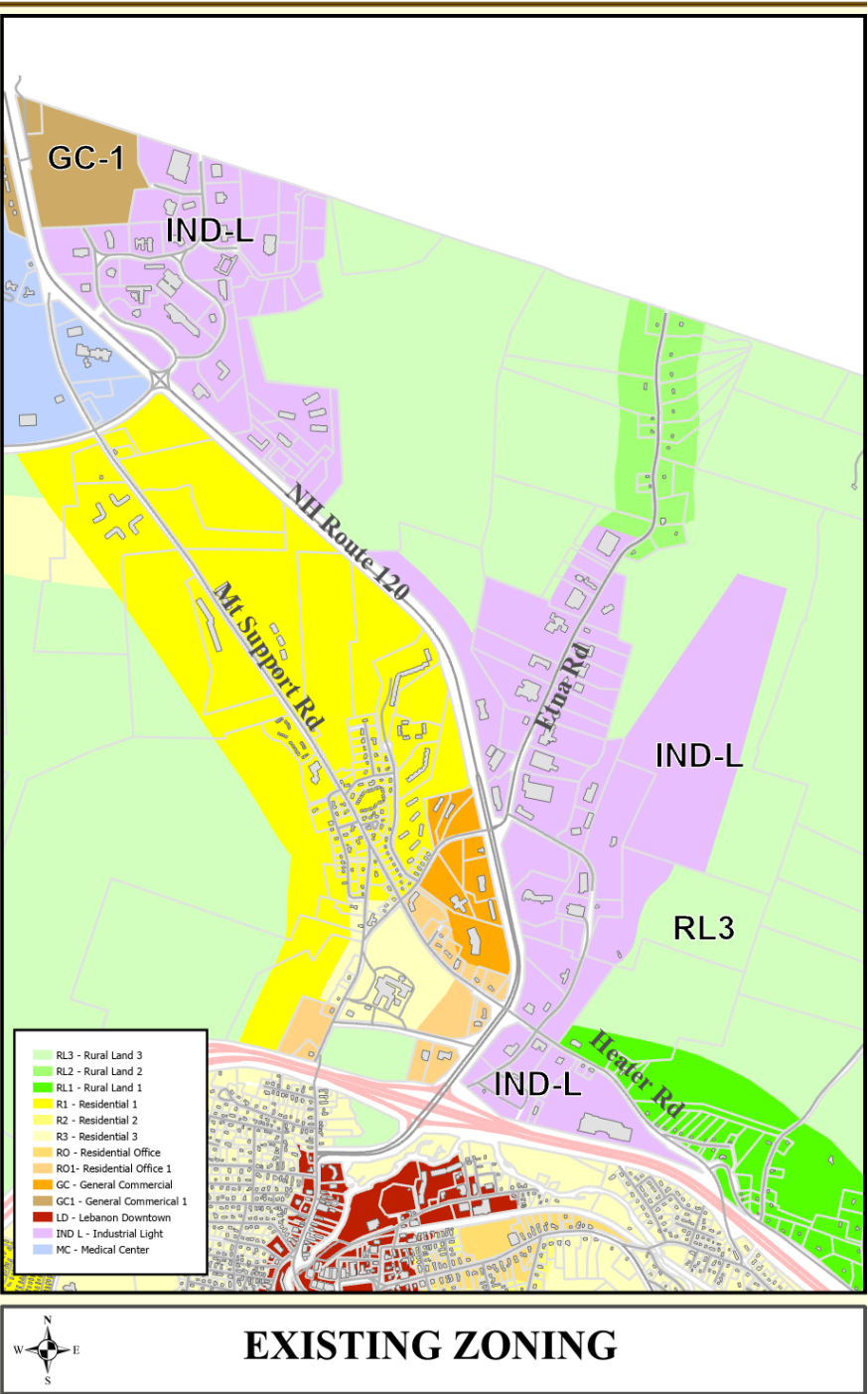
Please do not hesitate to contact me with any questions or concerns about this opinion.

Sincerely,



Matthew C. Decker

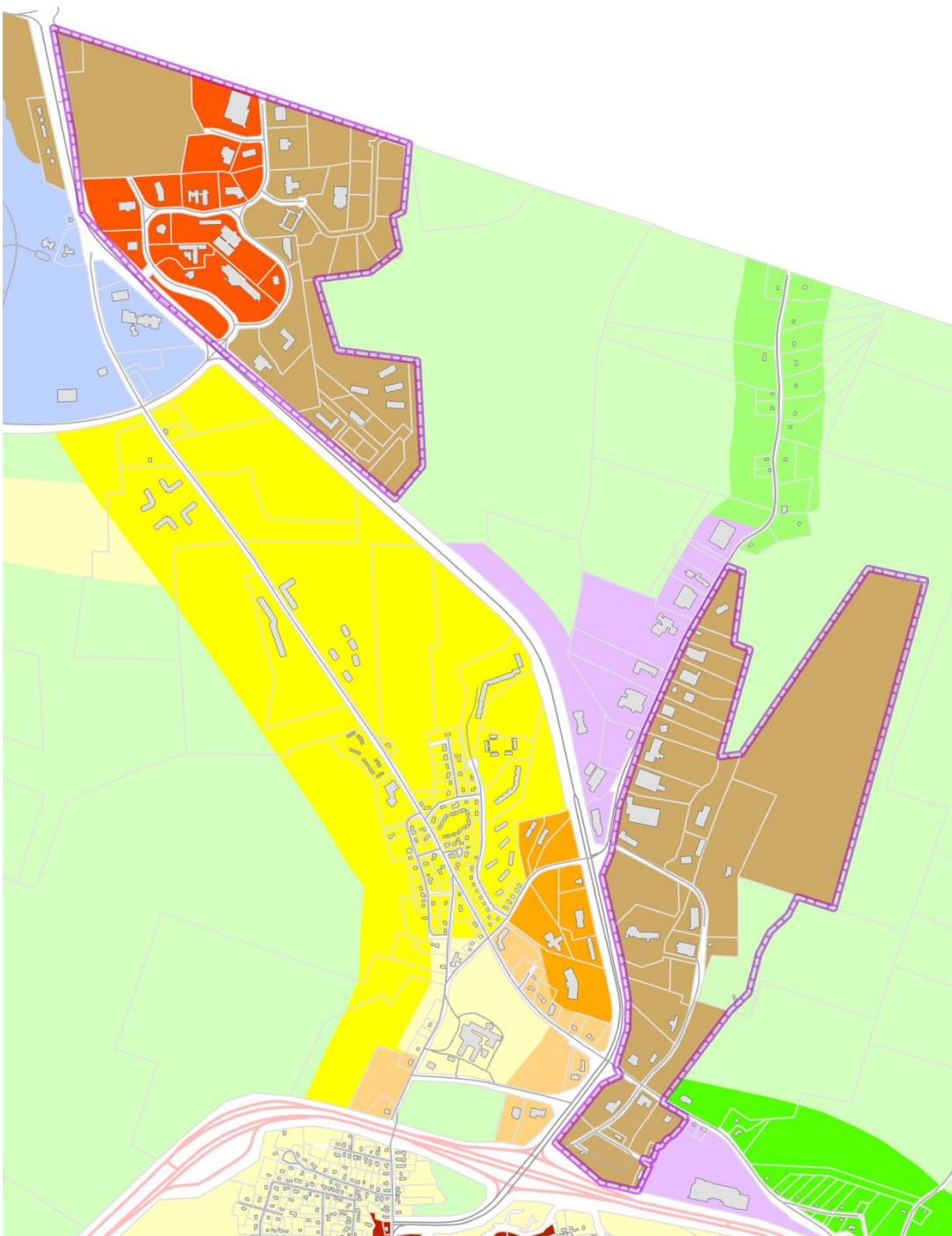
Existing Zoning



Proposed Zoning Amendment #4

- Centerra parcels from Ind-L to CBD
- Centerra parcels from Ind-L to GC-1
- South of Etna Road Ind-L to GC-1

Conservation Commission Comment:
XXXX



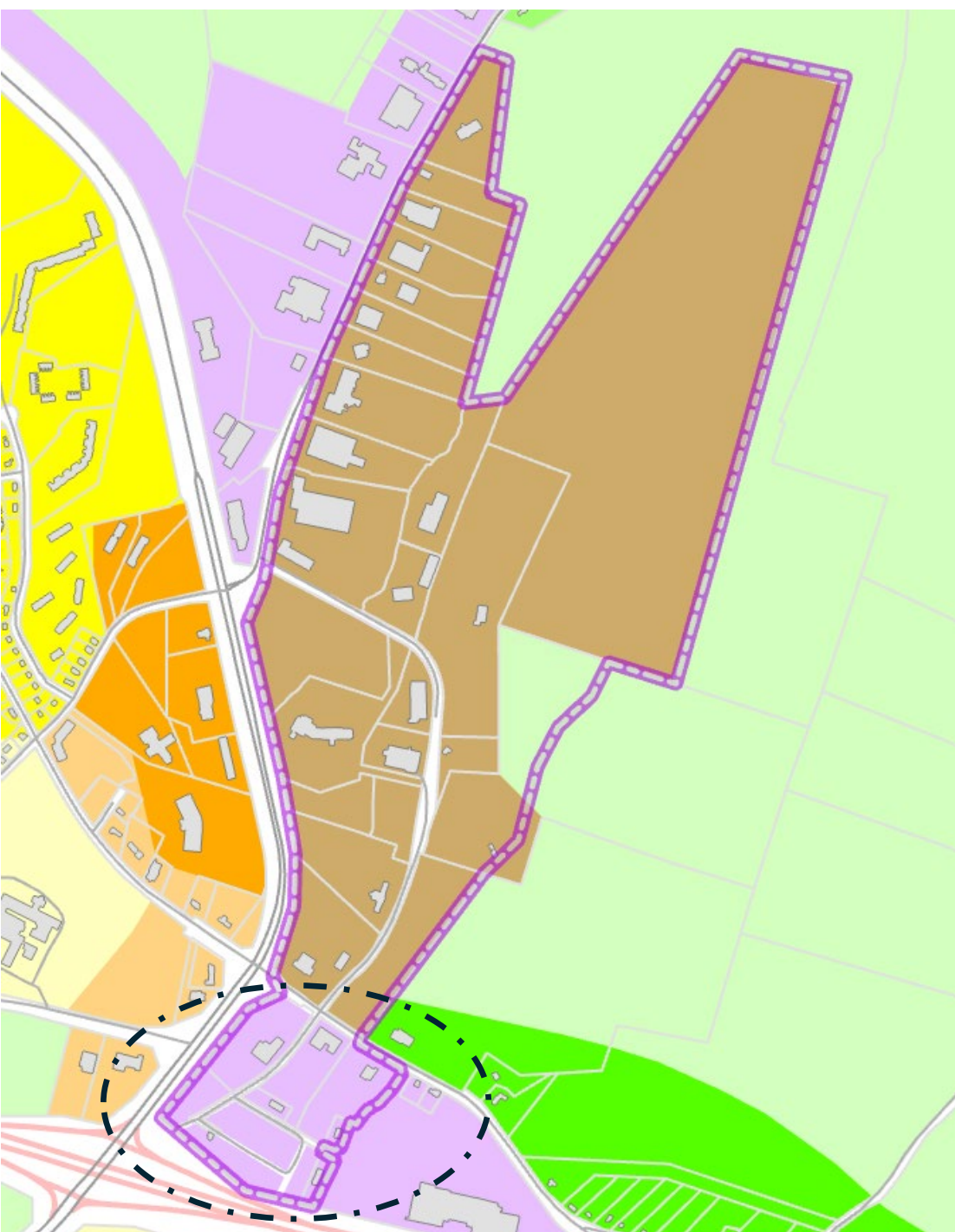
Proposed Zoning Amendment – Hatch Property “clean up”

Conservation Commission Comment:
XXXX

Proposed Zoning Amendment #4

- Planning Board Recommendation to exclude car dealership area from IND-L to GC-1 conversion

Conservation Commission Comment:
XXXX

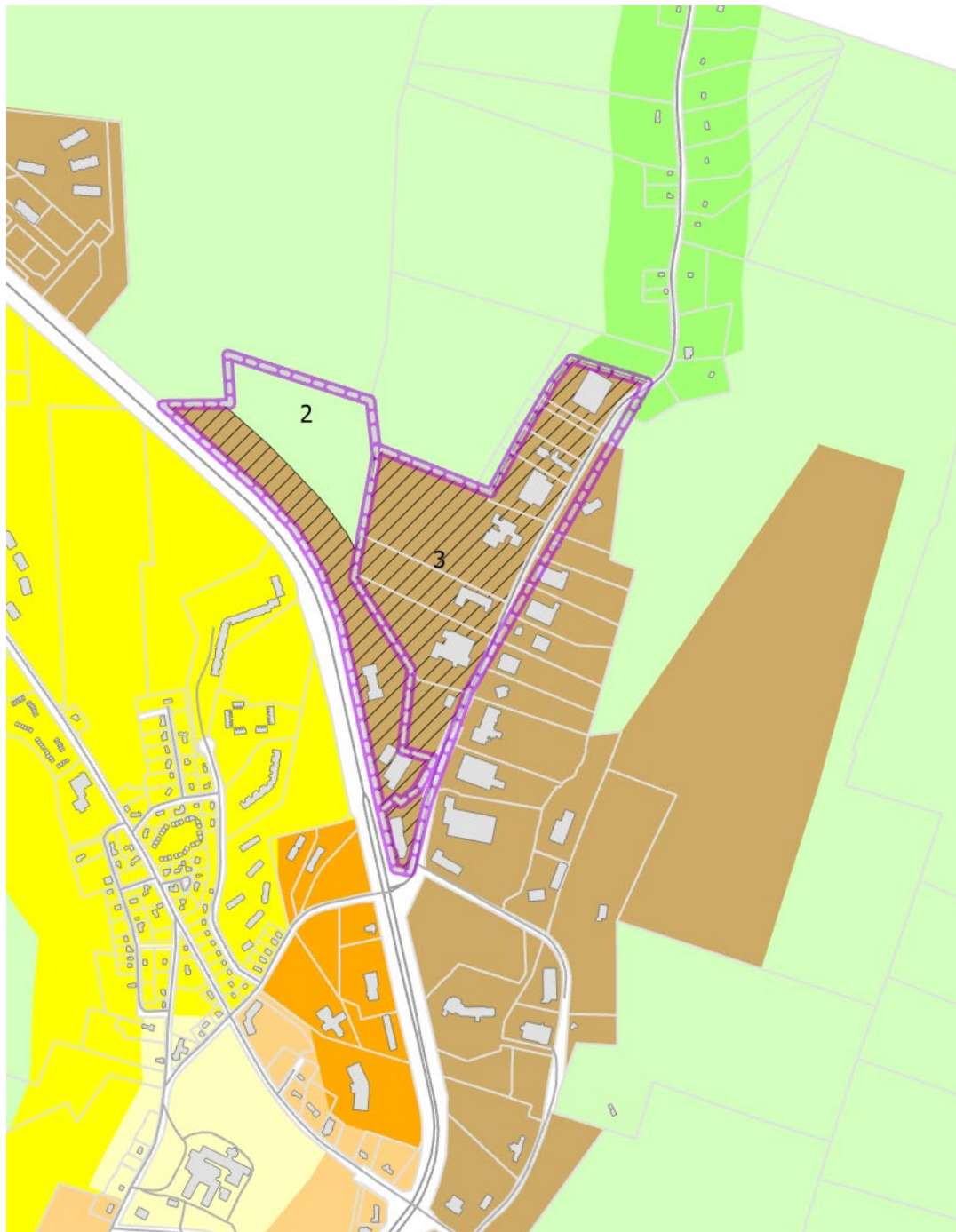


Proposed Zoning Amendment #4

- Planning Board recommendation to add parcels along west side of Etna Rd to the original group of Ind-L recommended for conversion to GC-1 (#3)
- Private request to rezone Ind-L on parcel 26-2 to GC-1, including moving the zoning line 100' (#2)

Conservation Commission Comment:

XXXX



Proposed Zoning Amendment #21

- Private request to rezone Ind-L on parcel 26-2 to GC-1

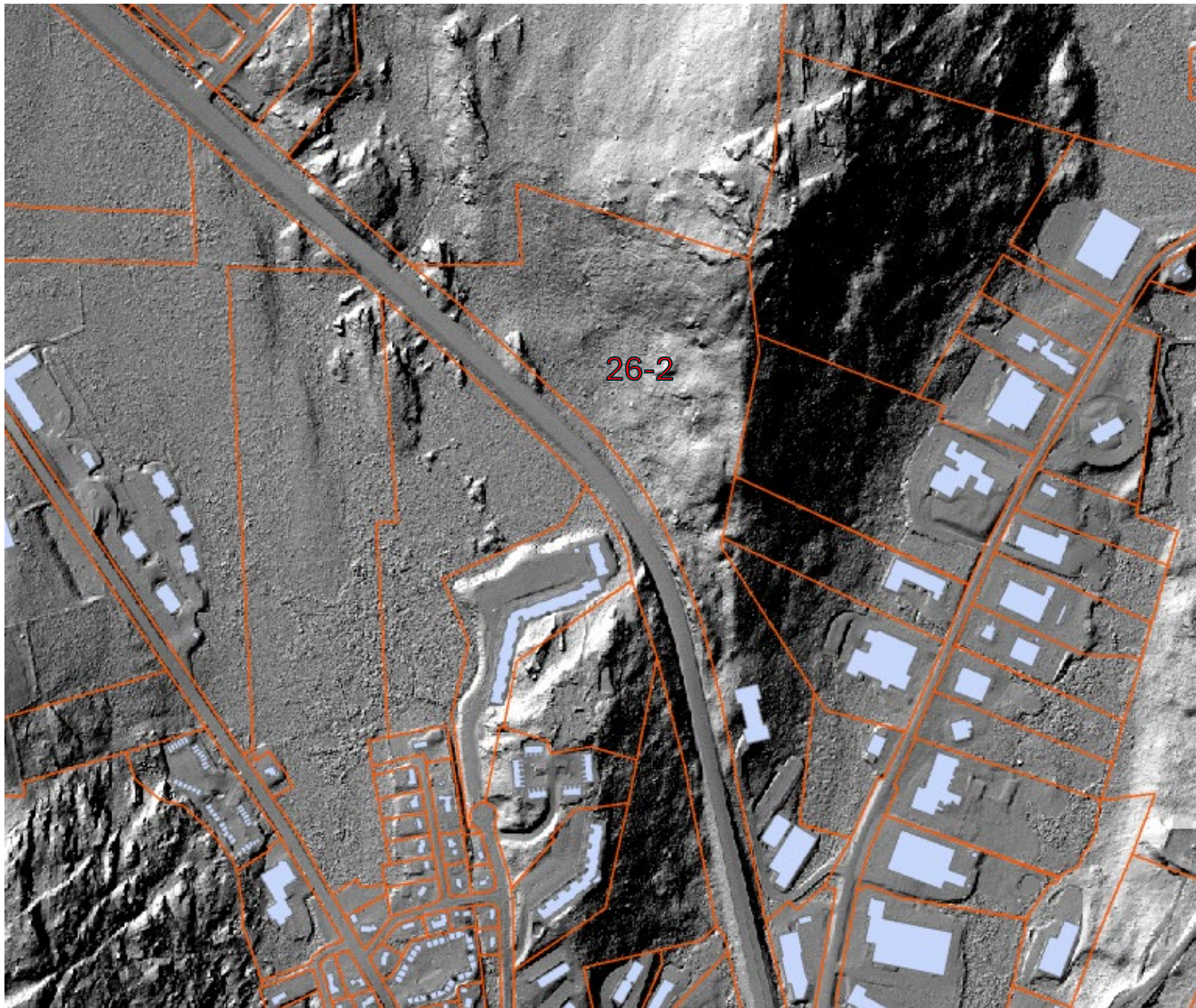
Conservation Commission Comment:

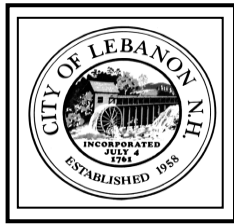
The Conservation Commission recommends that the City Council **not approve Proposed Amendment #21**.

The Northern Lebanon Community Plan (NLCP) called for expanding the width and breadth of protected lands for wildlife corridors in the area by expanding land protection and creating a Wildlife Corridor Passage Overlay District. Proposed Amendment #21 does the opposite. It would have you rezone 67-69 Etna Rd (M/L 26-2) from IND-L and RL-3 to GC-1, a move in the wrong direction.

This is an area of significant natural resources, including steep slope and surface- and groundwater, and Proposed Amendment #21 would have an adverse effect on the wildlife corridor that runs through the area and impact the abutting Nicole S. Corman Memorial Nature Preserve at Rix Ledges. In fact, the zoning change that should be before you is the same one proposed by staff back in 2017, which would turn that strip of IND-L into RL-3. we hope that you will look to the Master Plan Future Land Use Map, which represents much hard work and public feedback, when making your decision on Amendment #21. (ConCom Jan. 27, 2025 meeting)







CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon Conservation Commission

FROM: Planning and Development Department Staff

RE: Proposed Zoning Amendments

DATE: February 4, 2025

A request has been made to add the use, "Research Laboratory" to the use tables of the General Commercial, General Commercial One, Central Business District, and the Lebanon Downtown Districts. Also, definitions the following definitions are proposed to be added to Appendix A "Definitions" of the Zoning Ordinance:

1. Light Industry
2. Medical Research Facility
3. Research Laboratory

The definitions are included in the attachment section of this packet.

During their January 22, 2025, meeting, the City Council moved that the proposed Zoning Amendment be reviewed by the Zoning Board of Adjustment, Conservation Commission and Planning Board before returning to City Council for public hearing and decision. The review process will take around two months.

Legal review was conducted by City Attorney, Matt Decker, and his opinion letter is included in this packet.

Schedule:

Legal Review – ~~by January 24, 2025~~ February 5, 2025
Zoning Board of Adjustment – February 3, 2025
Conservation Commission – February 13, 2025
Planning Board – February 24, 2025
City Council Work Session Review – March 5, 2025
City Council Public Hearing – March 19, 2025

Items Included:

1. Proposed Use Tables: Sections 305, 305A, 306, and 307
2. Proposed Definitions: Appendix A "Definitions"
3. Memo to City Council from January 22, 2025 Meeting
4. Memo to Planning Staff: Zoning Amendment Request
5. Legal Opinion Letter

SECTION 305 GENERAL COMMERCIAL DISTRICT (GC).

305.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> Dwelling unit(s) above first floor Multi-family dwelling (see Section 305.5)	<u>Commercial/Non-Residential</u> Alternative treatment center per Section 613 Bus terminal Educational facility, college/university Essential service Truck terminal
<u>Commercial/Non-Residential</u> Amusements (indoor) - Car wash Community center Drive-in restaurant, refreshment stand Drive-through facility - Drycleaning pick-up station Financial institution - Funeral home Group day care facility per Section 604 Health club Hotel - House of worship - Laundromat Local government use Membership club Motel - Movie theater Office Personal service - Publishing/printing - Radio or TV studio Recreational facility, indoor Renewable energy system per Section 612 Restaurant, sandwich shop Retail product pickup Retail store Service station Vehicular repair Vehicular sales Research Laboratory	<u>Uses by Conditional Use Permit</u> (see Section 302.4) <u>Commercial/Non-Residential</u> Care and treatment of animals Contractor's yard Craftsman's shop - Plumbing, electrical or carpentry shop Produce stand Recreational facility, outdoor Warehouse - Wholesale sales <u>Planned Developments</u> - Commercial PUD per Section 501

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

305A.2 Table of Uses.

<u>Permitted Uses</u>	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
<u>Residential</u> 1. Multi-family dwelling (see Section 305A.4) <u>Commercial/Non-Residential</u> 2. Dwelling unit(s) above first floor 3. Essential service 4. Financial institution 5. Group day care facility per Section 604 6. Office 7. Personal service 8. Renewable energy system per Section 612 9. Research Laboratory	<u>Commercial/Non-Residential</u> 1. Alternative treatment center per Section 613 2. Drycleaning pick-up station 3. Educational facility, college/university 4. Inpatient rehabilitation facility 5. Light industry 6. Research laboratory 7. Restaurant , sandwich shop 8. Retail store <u>Planned Developments</u> 1. Commercial PUD per Section 501 2. Manufactured Housing PURD per Section 504

SECTION 306 CENTRAL BUSINESS DISTRICT (CB).

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 306.5) 3. Senior housing complex	<u>Commercial/Non-Residential</u> 1. Craftsman's shop 2. Drive-through facility 3. Educational facility, college/university
<u>Commercial/Non-Residential</u> 4. Amusements (indoor) 5. Community center 6. Drycleaning pick-up station 7. Financial institution 8. Group day care facility per Section 604 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 21. Radio or TV studio 22. Renewable energy system per Section 612 23. Restaurant, sandwich shop 24. Retail store 25. Social service center 26. Theater, concert hall, movie theater 27. Research Laboratory	<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. Commercial PUD per Section 501

SECTION 307 LEBANON DOWNTOWN DISTRICT (LD).

307.2 Table of Uses.

<u>Permitted Uses</u>	<u>Uses by Conditional Use Permit (see Section 302.4)</u>
<u>Residential</u> 1. Multi-family dwelling (see Section 307.5) 2. Dwelling unit(s) above or below the street level story	<u>Commercial/Non-Residential</u> 1. Craftsman's shop, art studio 2. Dry cleaning pick up station 3. Educational facility, college/university 4. Essential service 5. Laundromat 6. Other uses per Section 307.4 7. Parking facility 8. Publishing/printing 9. Recreational facility, indoor 10. Recreational facility, outdoor
<u>Commercial/Non-Residential</u> 3. Amusements (indoor) 4. Community center 5. Financial institution 6. Group day care facility per Section 604 7. Health club 8. Hotel 9. House of worship 10. Library 11. Local government use 12. Membership club 13. Museum 14. Office 15. Personal service 16. Radio or TV studio 17. Renewable energy system per Section 612 18. Restaurant, sandwich shop 19. Retail store 20. Senior housing complex 21. Social service center 22. Theater, concert hall, movie theater 23. Research Laboratory	

Proposed Definitions for Appendix A:

LIGHT INDUSTRY: The assembly, manufacture, processing, packaging or other industrial operations conducted in such manner that all resulting cinders, dust, fumes, gas, odors, smoke and vapor are effectively confined to the premises or disposed of so as to avoid any air pollution and conducted in such a manner that noise, flashing lights and vibrations will not be a nuisance or otherwise detrimental to abutting properties. Light industry includes the development and production of computer software and hardware and its associated equipment.

MEDICAL RESEARCH FACILITY: A medically related research laboratory, which may as a subsidiary function, engage in the manufacture of products within the following Standard Industrial Classifications: biological products; medicinal chemicals; pharmaceutical preparations; optical instruments and lenses; and surgical and medical instruments.

RESEARCH LABORATORY: A facility for scientific research, development, analysis, and testing in various technology-intensive fields of science including but not limited to biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and electronics.

Agenda

Lebanon City Council

January 08, 2025

10. New Business:

10.H – Discussion of Potential Zoning Amendment to Add “Research Laboratory” as a Permitted Use in the Central Business District (CBD)

Background

The Mayor has requested that the City Council consider amending Section 306.2 of the Zoning Ordinance to add “Research Laboratory” as a permitted use within the Central Business District (CBD). This request has been made pursuant to Section 1000.2.A of the Zoning Ordinance, which provides that amendments to the Zoning Ordinance may be proposed “[f]rom the City Council at any time.”

“Research Laboratory” is currently a permitted use in the Light Industrial (IND-L) and Industrial-Rail Access (IND-RA) districts and is also allowed in the General Commercial One (GC-1) district by Conditional Use Permit from the Planning Board. Currently, the Zoning Ordinance does not include a definition for research laboratory.

The Planning and Development Department has prepared a memorandum of recommendations, which also summarizes the amendment process outlined in Section 1000 of the Zoning Ordinance. As noted in the attached memorandum, if the Council wishes to consider adding “Research Laboratory” as a permitted use in the CBD, staff recommends that the Council also consider adding the same use to the Lebanon Downtown (LD) District. Staff further recommends that the Council adopt a definition for “Research Laboratory” to avoid future miscommunication and misinterpretation concerning the use.

Action

If the Council decides to move the proposed zoning amendment forward for review, 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, hereby submits the proposed zoning amendment to add “Research Laboratory” as a Permitted Use in the Central Business District (CBD), to the Planning Board, Zoning Board of Adjustment, and Conservation Commission for their review and comment. The City Council hereby sets the following tentative review schedule:

Legal Review – by January 24, 2025

Zoning Board of Adjustment – February 3, 2025

Conservation Commission – February 13, 2025

Planning Board – February 24, 2025

City Council Work Session Review – March 5, 2025

City Council Public Hearing – March 19, 2025

Included In This Section:

1. Memorandum from Planning and Development Department, dated December 30, 2024, regarding the request to amend Section 306.2 of the Zoning Ordinance to add "Research Laboratory" as a Permitted Use in the Central Business (CB) District



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 to Amend Section 306.2 of the Zoning Ordinance to Add “Research Laboratory” as a Permitted Use in the Central Business (CB) District

DATE: December 30, 2024

The Mayor has requested that the City Council take action to amend Section 306.2 of the Zoning Ordinance to add “research laboratory” as a Permitted Use in the Central Business (CB) District. The request has been made pursuant to Section 1000.2.A of the Zoning Ordinance which provides that amendments to the Zoning Ordinance may be proposed “[f]rom the City Council at any time.”

“Research laboratory” is currently a permitted use in the Light Industrial (IND-L) and Industrial – Rail Access (IND-RA) Districts and is also allowed in the General Commercial One (GC-1) District by Conditional Use Permit from the Planning Board. Currently, the Zoning Ordinance does not include a definition for research laboratory.

RECOMMENDATIONS

1. If “research laboratory” is to be added to the Central Business (CB) District as a permitted use, staff recommends that the Council also consider adding “research laboratory” as a permitted use in the Lebanon Downtown (LD) District. The West Lebanon Revitalization Committee’s (WLRAC’s) original recommendations included making the CB and LD Districts more consistent, and the City Council has moved in this direction with dimensional requirements and most allowed uses (except those that WLRAC preferred to retain in West Lebanon, such as drive-throughs). Adding “research laboratory” to the CB District but not to the LD District would be inconsistent with WLRAC’s stated goal.

In addition, zoning regulations may only be adopted in furtherance of the purposes enumerated in NH RSA 674:17. The most applicable purpose identified in RSA 674:17 that could be used to support the inclusion of “research laboratory” in the CB District would be to “promote health and the general welfare”. As such, a zoning regulation cannot be adopted in support of or for the exclusive benefit of any individual property. Rather, zoning regulations must be designed to support every similarly situated property impacted by the regulation.

In the context of the proposed amendment, high-tech companies that may operate as research laboratories already exist in the LD District with the benefit of zoning relief granted over the years. However, these existing uses still need additional zoning relief to expand or make changes in their operations since they are non-conforming with the underlying zoning requirements. There are no known research laboratories or high-tech companies currently operating within the CB District. Consequently, if the Council decides that adding “research laboratory” is appropriate in the CB District, it would also seem to be appropriate in the LD District.

2. Staff also recommends that the Council adopt a definition of “research laboratory” as is good drafting practice and to help avoid future misinterpretation and miscommunication. A definition will also help distinguish “research laboratory” from other similar uses such as “medical research facility” (allowed in the MC District) and “light industry” (allowed in the IND-L, IND-RA, and GC-1 Districts), which are defined in Appendix A of the Zoning Ordinance as follows:

LIGHT INDUSTRY: The assembly, manufacture, processing, packaging or other industrial operations conducted in such manner that all resulting cinders, dust, fumes, gas, odors, smoke and vapor are effectively confined to the premises or disposed of so as to avoid any air pollution and conducted in such a manner that noise, flashing lights and vibrations will not be a nuisance or otherwise detrimental to abutting properties. Light industry includes the development and production of computer software and hardware and its associated equipment.

MEDICAL RESEARCH FACILITY: A medically related research laboratory, which may as a subsidiary function, engage in the manufacture of products within the following Standard Industrial Classifications: biological products; medicinal chemicals; pharmaceutical preparations; optical instruments and lenses; and surgical and medical instruments.

In reviewing the various examples found in *A Planners Dictionary*, published by the American Planning Association (APA), staff offers the following potential definition of “research laboratory” for the Council’s consideration:

RESEARCH LABORATORY: A facility for scientific research, development, analysis, and testing in various technology-intensive fields of science including but not limited to biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and electronics.

SCHEDULE

Should the City Council elect to proceed with consideration of the proposed zoning 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:

City Council decision to proceed:	January 8, 2025
Legal review:	by January 24, 2025
Zoning Board of Adjustment:	February 3, 2025
Conservation Commission:	February 13, 2025
Planning Board:	February 24, 2025
City Council setting public hearing:	March 5, 2025
City Council public hearing:	March 19, 2025

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Zoning

Section 674:17

674:17 Purposes of Zoning Ordinances. –

I. Every zoning ordinance shall be adopted in accordance with the requirements of RSA 674:18. Zoning ordinances shall be designed:

- (a) To lessen congestion in the streets;
- (b) To secure safety from fires, panic and other dangers;
- (c) To promote health and the general welfare;
- (d) To provide adequate light and air;
- (e) To prevent the overcrowding of land;
- (f) To avoid undue concentration of population;
- (g) To facilitate the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks, child day care;
- (h) To assure proper use of natural resources and other public requirements;
- (i) To encourage the preservation of agricultural lands and buildings and the agricultural operations described in RSA 21:34-a supporting the agricultural lands and buildings; and
- (j) To encourage the installation and use of solar, wind, or other renewable energy systems and protect access to energy sources by the regulation of orientation of streets, lots, and buildings; establishment of maximum building height, minimum set back requirements, and limitations on type, height, and placement of vegetation; and encouragement of the use of solar skyspace easements under RSA 477. Zoning ordinances may establish buffer zones or additional districts which overlap existing districts and may further regulate the planting and trimming of vegetation on public and private property to protect access to renewable energy systems.

II. Every zoning ordinance shall be made with reasonable consideration to, among other things, the character of the area involved and its peculiar suitability for particular uses, as well as with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality.

III. Except as provided in RSA 424:5 or RSA 422-B or in any other provision of Title XXXIX, no city, town, or county in which there are located unincorporated towns or unorganized places shall adopt a zoning ordinance or regulation with respect to antennas used exclusively in the amateur radio service that fails to conform to the limited federal preemption entitled Amateur Radio Preemption, 101 FCC 2nd 952 (1985) issued by the Federal Communications Commission.

IV. If a municipality allows an increased density, reduced lot size, expedited approval, or other dimensional or procedural incentive under this section for the development of housing for older persons, as defined and regulated pursuant to RSA 354-A:15, VIII, it may allow the same incentive for the development of workforce housing as defined in RSA 674:58, IV. Beginning July 1, 2023, incentives established for housing for older persons shall be deemed applicable to workforce housing development.

Source. 1983, 447:1. 1989, 42:2. 1995, 176:2. 2000, 279:2. 2002, 73:2. 2011, 85:2, eff. July 15, 2011. 2022, 272:72, eff. Aug. 23, 2022.

February 5, 2025

Nathan Reichert, Director of Planning & Development
City of Lebanon
51 S. Park Street
Lebanon, NH 03766
nathan.reichert@lebanonnh.gov

**RE: Proposed Zoning Amendment –
Add “Research Laboratory” as Permitted Use in CBD, LD, GC & GC-1**

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 the City’s zoning ordinance. I understand the City Council has approved a motion to begin the process of adding “Research Laboratory” as a Permitted Use in the Central Business (CB), Lebanon Downtown (LD), General Commercial (GC) and General Commercial 1 (GC-1) zoning districts.

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

- City Council Agenda Item 10.H from the January 8, 2025 City Council meeting;
- A December 30, 2024 Staff Memo to the Lebanon City Council;
- A set of amended Tables of Uses for the GC, GC-1, LB and CB zoning districts; and
- A draft definition for the use “Research Laboratory”.

The Ordinance requires this legal review to cover: (a) whether such amendment is 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 amendment can be administered and enforced.

My answer to the three questions in Section 1000.2.B(2) is “yes” and, with the exception of my comment below, I discern no legal or administrative issues of concern with this proposed amendment.

The December 30, 2024 Staff Memo correctly notes that a zoning regulation cannot be adopted in support of, or for the exclusive benefit of, any individual property. Accordingly, in considering whether to allow research laboratories (which are not places of public accommodation) in the City’s Central Business, Downtown, and General Commercial zoning districts directly alongside the commercial/non-residential uses in these districts (which are mostly places of public accommodation), the City boards and commissions reviewing this proposed amendment should consider whether and how this proposed amendment would promote the health and general welfare of the City, as set forth in RSA 674:17, I (c). I recommend that the public bodies reviewing this proposed amendment should more clearly

February 5, 2025

Page 2

document how the public interest and benefit to the general welfare of the City is served by allowing the expansion of research laboratories into downtown commercial areas, where research laboratories may not have previously been considered for inclusion of the Tables of Uses for the CB, LD, GC and GC-1 zoning districts.

Please do not hesitate to contact me with any questions or concerns about this opinion.

Sincerely,

A handwritten signature in blue ink that reads "Matthew C. Decker". The signature is written in a cursive, flowing style.

Matthew C. Decker



February 3, 2025

Ref: 52980.00

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

Re: Wetland Special Exception Application
NH Wetlands Permit Application
Saxon Partners, 343 Mount Support Road
Tax Map 24 Lot 1-100

Dear City of Lebanon Conservaton Commission,

On behalf of Saxon Partners (Owner), VHB is submitting the enclosed application package for initial conceptual review related to a potetil residential project located at 343 Mount Support Rd (Tax Map 24 Lot 1-100). Enclosed is a draft of the NHDES application as well as conceptual plans for reference.

The proposed project involves the construction of three, 4-story residential apartment complex buildings with podium and surface parking, amenities, and landscaping, known as The Marek Phase 2 Project ("Project") at 343 Mount Support Road in Lebanon, New Hampshire. The Project is westerly adjacent to a previously permitted residential project (NHDES File #2020-01638). The development parcel ("Site") is located approximately 1 mile south of the Dartmouth-HitchcockMedical Center and approximately 3 miles south of Dartmouth College. The Project is targeted to serve employees of the medical center and other local residents. The Site is identified as Parcel 1 on Tax Map 24 Lot 1-100, is zoned for residential development, and is owned by SPNH Mount Support, LLC. In total, the Site encompasses approximately 58 acres, which was subdivided from a larger 75-acre parcel.

The parcel consists of sloping elevations on mostly forested land. The proposed development area is smaller and focused on approximately 6 acres. The Site is currently undeveloped but it was previously logged at various times, and rock quarrying and earthen material removal activities also occurred. The proposed development would share an entrance drive to an adjacent residential development located at 343 Mt. Support Road. Several multi-family complexes and apartment buildings are presentin the general area. Other properties to the west are forested (zoned as rural lands) and have many hiking trails,including trails to the top of Quarry Hill to the south of the Site.

Thank you for your time and consideration of the project.

Sincerely,

A handwritten signature in blue ink, appearing to read "D Fenstermacher".

Dave Fenstermacher, PE
Managing Director

The Marek Phase 2

Lebanon, New Hampshire

PREPARED FOR

Saxon Real Estate Partners, LLC
c/o Donald Smith
25 Recreation Park Drive, Suite 204
Hingham, MA, 02043
781.875.3304

PREPARED BY



2 Bedford Farms Drive
Suite 200
Bedford, NH 03110
603.391.3900

January 2025



January 31, 2025

Ref: 52980.00

Jaseya Ewing
Lebanon Clerk and Tax Collector
51 N Park Street
Lebanon, NH 03038

Re: NHDES Major Impact Standard Dredge and Fill Wetlands Permit Application
Proposed Residential Development
Lebanon, NH

Dear Jaseya Ewing:

On behalf of Saxon Real Estate Partners, LLC ("the Applicant"), VHB is submitting a NH Department of Environmental Services (NHDES) Standard Dredge and Fill Wetlands Permit Application for the proposed construction of a residential development known as The Marek Phase 2 Project ("Project") at 343 Mount Support Road in Lebanon, NH. The Project is westerly adjacent to a previously permitted residential project (NHDES File #2020-01638) known as The Marek. The development parcel ("Site") is located approximately 1 mile south of the Dartmouth-Hitchcock Medical Center and approximately 3 miles south of Dartmouth College. The Project is targeted to serve employees of the medical center and other local residents. The Site is identified as Parcel 1 on Tax Map 24-100, is zoned for residential development, and is owned by SPNH Mount Support, LLC. In total, the Site encompasses approximately 58 acres, which was subdivided from a larger 75-acre parcel. This project is being submitted as a Major Impact Wetlands Permit Application per Env-Wt 524.06(d)(2) since this project proposes more than 10,000 square feet (sq ft) of jurisdictional impacts to a palustrine wetland.

In accordance with the procedure for submitting a Wetlands Permit Application to NHDES in RSA 482-A:3(l)(a)(1), we are submitting four copies of the application for internal distribution to the local governing body, planning board, and conservation commission. You must also retain one copy of the permit application package to be made accessible to the public.

Please do not hesitate to contact me at [REDACTED]@[REDACTED] or (603) 391-3899 if you have any questions.

Sincerely,

Jacob Tinus, CWS, CPESC
Senior Environmental/Energy Specialist & Project Manager

Engineers | Scientists | Planners | Designers

2 Bedford Farms Drive
Suite 200
Bedford, New Hampshire 03110
P 603.391.3900
F 603.518.7495

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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: Saxon Partners

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 #: NHB24-3724	☒ 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:	

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):	
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 development of the site includes the construction of a new 3-building, 4-story residential apartment complex with podium and surface parking, amenities, and landscape improvements. The project is intended to serve the employees of the Dartmouth-Hitchcock medical center and other local residence. The proposed project has been carefully designed and situated to avoid and minimize impacts to wetlands to the maximum extent possible. A total of approximately 106 SF of temporary impacts and 12,623 SF of permanent impacts are proposed by the project development.	
SECTION 3 - PROJECT LOCATION	
Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur.	
ADDRESS: 343 Mt. Support Road	
TOWN/CITY: Lebanon	
TAX MAP/BLOCK/LOT/UNIT: 24-1	
US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: ☒ N/A	
(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places):	

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: Saxon Real Estate Partners, LLC c/o Donald Smith		
MAILING ADDRESS: 25 Recreation Park Drive, Suite 204		
TOWN/CITY: Hingham	STATE: MA	ZIP CODE: 02043
EMAIL: [REDACTED]		
FAX: [REDACTED]	[REDACTED]	
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.: Tinus, Jacob		
COMPANY NAME: VHB		
MAILING ADDRESS: 2 Bedford Farms Drive Suite 200		
TOWN/CITY: Bedford	STATE: NH	ZIP CODE: 03110
[REDACTED]		
FAX: [REDACTED]	[REDACTED]	
ELECTRONIC COMMUNICATION: By initialing here, I hereby authorize NHDES to communicate all matters relative to this application electronically.		
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:		
MAILING ADDRESS:		
TOWN/CITY:	STATE:	ZIP CODE:
EMAIL ADDRESS:		
FAX:	PHONE:	
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):

The project qualifies as major impact project under Env-Wt407.03b as impacts to jurisdictional areas other than a watercourse are greater than 10,000 square feet (SF). Major impact projects are defined in table 407-1 within the New Hampshire Code of Administrative Rules as being jurisdictional area impacts to a non-watercourse area of $\geq 10,000$ SF.

The proposed project has been carefully designed and situated to avoid and minimize impacts to jurisdictional resource areas to the maximum extent practicable while accounting for construction feasibility and site constraints. Impacts to wetlands include 11,211SF of permanent impacts of forested wetlands and 1,412SF of permanent impacts to emergent wetlands. No temporary impacts to a forested wetland total 106SF.

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: To be determined

(☐ 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	11,211			106		
	Scrub-shrub Wetland						
	Emergent Wetland	1,412					
	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		12,623			106		

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): 12,729 SF	× \$0.40 =	\$ 5,091.60
	Seasonal docking structure: SF	× \$2.00 =	\$
	Permanent docking structure: SF	× \$4.00 =	\$
	Projects proposing shoreline structures (including docks) add \$400 =		\$
	Total =		\$ 5,091.60
	The application fee for minor or major impact is the above calculated total or \$400, whichever is greater =		\$ 5,091.60

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)

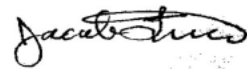
Indicate the project classification.

☐ Minimum Impact Project☐ Minor Project☒ Major Project**SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311.11)**

Initial each box below to certify:

Initials:	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials:	The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief.
Initials:	The signer understands that: - The submission of false, incomplete, or misleading information constitutes grounds for NHDES to: - Deny the application. - Revoke any approval that is granted based on the information. - If the signer is a certified wetland scientist, licensed surveyor, or professional engineer licensed to practice in New Hampshire, refer the matter to the joint board of licensure and certification established by RSA 310-A:1.
Initials:	If the applicant is not the owner of the property, each property owner signature shall constitute certification by the signer that he or she is aware of the application being filed and does not object to the filing.

SECTION 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: 	DATE: 1/31/25

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:	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".



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: Saxon Real Estate Partners, LLC c/of Donald Smith

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.

THE PROPOSED PROJECT HAS BEEN CAREFULLY DESIGNED TO AVOID AND MINIMIZE WETLAND IMPACTS ON THE DEVELOPABLE PORTION OF THE PROPERTY WHILE ADDRESSING THE CRITICAL NEED FOR HOUSING IN THE UPPER VALLEY AREA. THE PROJECT INVOLVES A 3-BUILDING APARTMENT COMPLEX, PARKING AND AMENITIES, TARGETED FOR EMPLOYEES OF THE DARTMOUTH HITCHCOCK MEDICAL CENTER AND OTHER LOCAL RESIDENTS. EARLIER CONCEPTUAL DEVELOPMENT SCENARIOS INVOLVED A GREATER NUMBER OF BUILDINGS SPREAD OUT OVER A LARGER AREA WITH GREATER IMPACTS TO WETLANDS; HOWEVER, DUE TO THE EXTENT OF WETLANDS ACROSS THE NORTHERN AND WESTERN PORTIONS OF THE PARCEL, AS WELL AS THE PRESENCE OF ZONING RESTRICTIONS, IT WAS DETERMINED THAT THE DEVELOPMENT WOULD NEED TO BE SCALED BACK TO A SMALLER FOOTPRINT. MORE SPECIFICALLY, THE TOTAL DEVELOPMENT AREA WAS REDUCED AND BUILDINGS WERE REORIENTED AND PLACED TO SPECIFICALLY AVOID THE MAJORITY OF IMPACTS TO THE LARGER MORE INTACT FORESTED WETLAND LOCATED TO THE WEST OF THE DEVELOPMENT FOOTPRINT. IN ADDITION, PROPOSED SLOPES ASSOCIATED WITH ANY GRADING HAVE BEEN TIGHTENED AND RETAINING WALLS WILL BE CONSTRUCTED TO FURTHER REDUCE WETLAND IMPACTS. DEVELOPMENT OF THE SITE WITH A MODEST SIZE APARTMENT COMPLEX IS NOT POSSIBLE WITHOUT IMPACTING THE SMALLER, LOWER FUNCTIONING, ISOLATED WETLANDS. THE ATTACHED DRAFT SITE PLANS INCLUDE AN OVERALL SITE PLAN, LAYOUT AND MATERIALS PLAN, GRADING AND DRAINAGE PLAN AND WETLAND IMPACT FIGURE.

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

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

www.des.nh.gov

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.

This section is not applicable to the proposed Project, as there are no known tidal or non-tidal marshes within or near the project area that provide sources of nutrients for finfish, crustacean, shellfish, and wildlife of significant value. Project impacts are limited to permanent impacts of forested and emergent wetland cover types commonly encountered in New Hampshire.

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 proposed project has been designed to avoid and minimize wetland impacts on the developable portion of the property. The proposed project location currently impacts six isolated wetlands that do not share any surface water connection to other water based or wetland resource areas. A temporary impact of 106 SF is proposed in two small portions of the larger wetland that extends across the western portion of the property. The temporary impacts are minimal and will not affect the hydrologic connection and function of the wetland as whole. The six smaller wetlands that are proposed to be impacted are isolated and were created through historic excavation activities. As such, no hydrologic connections between these wetlands were documented during surveys.

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.

The proposed site was reduced from initial design to minimize the impacts to wetland resources throughout the site. The western boundary of the Project footprint was reduced for this purpose and only 106 SF of temporary impacts are proposed to this larger wetland complex at the base of slopes of the proposed development. The total development area of the Project was reduced from initial concepts, and buildings were reoriented and placed to specifically avoid the majority of impacts to the larger more intact forested wetlands located to the west and south of the development footprint. In addition, proposed slopes associated with any grading have been tightened and retaining walls will be constructed to further reduce wetland impacts. Development of the Site is not possible without impacting the smaller, lower functioning, isolated Wetlands 2, 3, 4, 5, and 6, with permanent impacts amounting to 12,623 SF. These five smaller wetlands were created through historic excavation activities. Two of these wetlands that are prone to pooling water were noted as potential vernal pools during fall surveys with additional surveying required to determine if they were functioning as vernal pools. Spring surveys were conducted on this site and these two sites were determined to not function as vernal pools. No vernal pools will be impacted as part of this project. According to NHB24-3724 there are no exemplary natural communities within the proposed site. The state threatened Appalachian barren-strawberry (*Geum fragarioides*) was noted as potentially occurring on this site. This species was known to occur at sites north of this location. The applicant has agreed to perform a survey for the listed plant during the time when it is in flower in May-June 2025 and inform NHB of its findings. On the northern portion of the site the town of Lebanon has identified a wildlife corridor. This corridor will be avoided and no impacts to the area are proposed as part of this project. No other protected species are known to occur within this site, nor has documented fisheries, or habitat and reproduction areas for state listed species.

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 site is currently privately owned and impacts will not impact public commerce or navigation. A trail is identified as occurring as part of this parcel that provides access from the nearby Boston Lot Conservation Area to the Upper Valley Mountain Bike Association trail system. The proposed site design maintains public access to the trail system.

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.

There are no floodplain wetlands adjacent to tier 3 streams nor FEMA mapped 100-year floodplain that intersects the proposed project site.

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.

No impacts are proposed to natural riverine forested wetland systems or scrub-shrub marshes of high ecological integrity as part of this project.

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.

The proposed project area is not underlain by a mapped aquifer or areas designated as important sources of ground water for commercial, industrial, domestic, or public water-supplies in the state of New Hampshire. During field inventories and further data review of the wetlands proposed for impacts were noted as having principal functional values of groundwater recharge or sediment/toxicant/pathogen retention.

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.

No streams will be impacted as part of this proposed project based on field delineations.

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.

The proposed project does not include any 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.

The proposed project does not include any 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.

The proposed project does not include any 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.

The proposed project does not include any 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.

The proposed project does not include any 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.

The proposed project does not include any 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:

Functions and value assessments were inventoried and documented based on a descriptive, best professional judgement approach, with reference to the methodology recommended by the U.S. Army Corps of Engineers New England District- USACE Highway Methodology Workbook, dated 1993, together with the USACE New England District Highway Method Workbook Supplement, dated 1999.

NAME OF CERTIFIED WETLAND SCIENTIST (FOR NON-TIDAL PROJECTS) OR QUALIFIED COASTAL PROFESSIONAL (FOR TIDAL PROJECTS) WHO COMPLETED THE ASSESSMENT: JACOB TINUS (NH #228)

DATE OF ASSESSMENT: JANUARY 2025

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.



RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL DEVELOPMENT PROJECT-SPECIFIC WORKSHEET FOR STANDARD APPLICATION



Water Division/Land Resources Management
Wetlands Bureau

[Check the Status of your Application](#)

RSA/Rule: RSA 482/ Env-Wt 524

APPLICANT LAST NAME, FIRST NAME, M.I.: **Saxon Real Estate Partners, LLC**

This worksheet summarizes the criteria and requirements for a Standard Permit for “Residential, Commercial, and Industrial Development”, one of the 18 specific project types in Chapter Env-Wt 500. In addition to the project-specific criteria and requirements on this worksheet, all Standard Dredge and Fill Applications must meet the criteria and requirements listed in the Standard Dredge and Fill Application form (NHDES-W-06-012).

SECTION 1 - APPLICABILITY (Env-Wt 509.02(b); Env-Wt 524.01)

The information in this worksheet applies to residential, commercial, and industrial development projects, including associated roadways, in non-tidal wetlands.

Do not use this worksheet if the project is located in a coastal (tidal) area.

SECTION 2 - APPROVAL CRITERIA FOR RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL DEVELOPMENT PROJECTS (Env-Wt 524.02)

An application for a residential, commercial or industrial development project must meet the following criteria:

- ☒ The project must meet the applicable criteria established in Env-Wt 300;
- ☐ An off-site alternatives analysis is conducted for any project that will result in more than one acre of permanent wetland impacts;
- ☒ The project avoids and minimizes impacts to wetlands, watercourses, and sensitive and valuable wetlands in accordance with Env-Wt 313.03;
- ☒ The project complies with the design criteria specified in Env-Wt 524.04 and the construction criteria specified in Env-Wt 524.05; and
- ☐ Compensatory mitigation is provided for any new residential, commercial, or industrial development in a Priority Resource Area.

SECTION 3 - APPLICATION REQUIREMENTS FOR RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL DEVELOPMENT PROJECTS (Env-Wt 524.03)

- ☐ For all projects requiring subdivision approval, a plan prepared and stamped by a land surveyor licensed in the State of New Hampshire pursuant to RSA 310-A showing existing and proposed topography and the location of all proposed lot lines;
- ☐ For all projects requiring subdivision approval, the following clearly delineated on the plan required above: the boundaries of all wetlands and surface waters and the footprint of all proposed impacts;

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- ☐ For minor and major projects requiring subdivision approval, wetlands classifications clearly indicated in accordance with Env-Wt 400 on the plan required above; and
- ☐ For a project that is associated with one or more phases of a multi-phase subdivision, a project impact plan that also shows all wetlands on remaining property proposed for future phases of development.

Please note that permits for subdivisions of 4 or more lots shall not be effective until the permittee records the permit with the appropriate registry of deeds and a copy of the registered permit has been received by the department.

An application for a residential, commercial or industrial development project must include the following information:

- ☐ If the project includes components that are subject to multiple project-specific requirements in Chapter Env-Wt 500, a narrative statement and plan that describes how each project-specific component meets the requirements of the applicable part in Chapter Env-Wt 500 and how the project as a whole impacts jurisdictional areas.

No additional project-specific information is required under Env-Wt 524.03(a) as part of this project.

SECTION 4 - DESIGN REQUIREMENTS FOR RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL DEVELOPMENT PROJECTS (Env-Wt 524.04)

In addition to meeting the applicable design requirements established in Env-Wt 300, a residential, commercial, or industrial development project must be designed to meet the following criteria:

- ☒ The project complies with all applicable requirements of Env-Wt 400, Env-Wt 700, Env-Wt 800, Env-Wt 900, and other applicable project-specific criteria in Chapter Env-Wt 500;
- ☒ The project does not use wetlands or surface waters to serve as stormwater or water quality treatment to mitigate impacts;
- ☒ The project provides setbacks and water quality protection measures sufficient to protect private and public drinking water supplies, source water protection areas, and fisheries;
- ☒ The project maintains or restores hydrologic connections to maintain flows necessary to preserve adjacent wetland and riparian functions;
- ☒ The project maintains existing fishery spawning, feeding, or cover habitat and fish passage necessary to maintain fishery or habitat or populations; and
- ☒ The project maintains existing wetland-dependent wildlife habitat and its associated migratory pathways, reproductive sites, and associated wetland complex or wetland community system.

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SECTION 5 - CONSTRUCTION REQUIREMENTS FOR RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL DEVELOPMENT PROJECTS (Env-Wt 525.05)

In addition to meeting all applicable construction standards specified in Env-Wt 307 and other applicable project-specific standards in Chapter Env-Wt 500, the following requirements apply to residential, commercial, or industrial development projects:

- ☒ A construction notice shall be filed with the department at least 48 hours prior to commencing work; and
- ☒ All work shall be conducted in accordance with the approved plan.

SECTION 6 - CLASSIFICATION OF RESIDENTIAL AND COMMERCIAL OR INDUSTRIAL DEVELOPMENT PROJECTS (Env-Wt 524.06)

Residential and commercial or industrial development projects shall be classified under Env-Wt 407 and as follows:

(a) A project shall be a minimum impact project only if:

- (1) All stream-crossing components of the project meet the requirements for minimum impact classification specified in Env-Wt 903;
- (2) All other components of the project meet the requirements for minimum impact classification specified in Env-Wt 407 and this chapter;
- (3) The project is not part of a new subdivision of 4 or more lots; and
- (4) The project does not meet the criteria listed in (d) below.

(b) A project shall be an expedited minimum impact project only if:

- (1) It is a minimum impact project to construct a new subdivision of 3 lots or less;
- (2) The applicant has attended a pre-design submission meeting with the department at least 7 days prior to application submission and included department feedback in the design plan; and
- (3) The project does not meet the criteria listed in (d) below.

(c) A project shall be a minor impact project if the project does not meet the criteria listed in (d) below and if any of the following apply:

- (1) Any single stream-crossing component of the project meets the requirements for minor impact classification specified in Env-Wt 903;
- (2) The project is part of a new subdivision of 4 or more lots;
- (3) Any single component of the project meets the requirements for minor impact classification specified in Env-Wt 407, Env-Wt 903, or Chapter Env-Wt 500; or
- (4) No component of the project meets the requirements for major impact classification specified in Env-Wt 407, Env-Wt 903, or Chapter Env-Wt 500.

(d) A project shall be a major impact project if:

- (1) The project exceeds the minor impact criteria;
- (2) The project requires mitigation or meets the requirements for major impact classification specified in Env-Wt 407, Env-Wt 903, or any other associated project classification that is part of the overall project; or
- (3) The project is elevated based on an aggregation undertaken by a developer or is part of a series of developments under Env-Wt 400.



AVOIDANCE AND MINIMIZATION CHECKLIST

Water Division/Land Resources Management

Wetlands Bureau

[Check the Status of your Application](#)



RSA/Rule: RSA 482-A/ Env-Wt 311.07(c)

This checklist can be used in lieu of the written narrative required by Env-Wt 311.07(a) to demonstrate compliance with requirements for Avoidance and Minimization (A/M), pursuant to RSA 482-A:1 and Env-Wt 311.07(c).

For the construction or modification of non-tidal shoreline structures over areas of surface waters without wetland vegetation, complete only Sections 1, 2, and 4 (or the applicable sections in [Attachment A: Minor and Major Projects \(NHDES-W-06-013\)](#)).

The following definitions and abbreviations apply to this worksheet:

- "A/M BMPs" stands for [Wetlands Best Management Practice Techniques for Avoidance and Minimization](#) dated 2019, published by the New England Interstate Water Pollution Control Commission (Env-Wt 102.18).
- "Practicable" means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes (Env-Wt 103.62).

SECTION 1 - CONTACT/LOCATION INFORMATION

APPLICANT LAST NAME, FIRST NAME, M.I.: **Saxon Real Estate Partners, LLC c/o Donald Smith**

PROJECT STREET ADDRESS: **343 Mt. Support Road**

PROJECT TOWN: **Lebanon**

TAX MAP/LOT NUMBER: **24-1**

SECTION 2 - PRIMARY PURPOSE OF THE PROJECT

Env-Wt 311.07(b)(1)	Indicate whether the primary purpose of the project is to construct a water-access structure or requires access through wetlands to reach a buildable lot or the buildable portion thereof.	☐ Yes ☒ No
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If you answered "no" to this question, describe the purpose of the "non-access" project type you have proposed:

The proposed Project has been carefully designed to avoid and minimize wetland impacts on the developable portion of the property while addressing the critical need for housing in the Upper Valley area. The Project involves a 3-building apartment complex, parking and amenities, targeted for employees of the Dartmouth Hitchcock Medical Center and other local residents. Earlier conceptual development scenarios involved a greater number of buildings spread out over a larger area with greater impacts to wetlands; however, due to the extent of wetlands across the northern and western portions of the parcel, as well as the presence of zoning restrictions, it was determined that the development would need to be scaled back to a smaller footprint. More specifically, the total development area was reduced and buildings were reoriented and placed to specifically avoid the majority of impacts to the larger more intact forested wetland located to the west of the development footprint. In addition, proposed slopes associated with any grading have been tightened and retaining walls will be constructed to further reduce wetland impacts. Development of the Site with a modest size apartment complex is not possible without impacting the smaller, lower functioning, isolated wetlands.

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SECTION 3 - A/M PROJECT DESIGN TECHNIQUES

Check the appropriate boxes below in order to demonstrate that these items have been considered in the planning of the project. Use N/A (not applicable) for each technique that is not applicable to your project.

Env-Wt 311.07(b)(2)	For any project that proposes new permanent impacts of more than one acre or that proposes new permanent impacts to a Priority Resource Area (PRA), or both, whether any other properties reasonably available to the applicant, whether already owned or controlled by the applicant or not, 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.	☐ Check ☒ N/A
Env-Wt 311.07(b)(3)	Whether alternative designs or techniques, such as different layouts, construction sequencing, or alternative technologies could be used to avoid impacts to jurisdictional areas or their functions and values.	☒ Check ☐ N/A
Env-Wt 311.07(b)(4) Env-Wt 311.10(c)(1) Env-Wt 311.10(c)(2)	The results of the functional assessment required by Env-Wt 311.03(b)(10) were used to select the location and design for the proposed project that has the least impact to wetland functions.	☒ Check ☐ N/A
Env-Wt 311.07(b)(4) Env-Wt 311.10(c)(3)	Where impacts to wetland functions are unavoidable, the proposed impacts are limited to the wetlands with the least valuable functions on the site while avoiding and minimizing impacts to the wetlands with the highest and most valuable functions.	☒ Check ☐ N/A
Env-Wt 313.01(c)(1) Env-Wt 313.01(c)(2) Env-Wt 313.03(b)(1)	No practicable alternative would reduce adverse impact on the area and environments under the department's jurisdiction and the project will not cause random or unnecessary destruction of wetlands.	☒ Check ☐ N/A
Env-Wt 313.01(c)(3)	The project would not cause or contribute to the significant degradation of waters of the state or the loss of any PRAs.	☐ Check ☒ N/A
Env-Wt 313.03(b)(3) Env-Wt 904.07(c)(8)	The project maintains hydrologic connectivity between adjacent wetlands or stream systems.	☒ Check ☐ N/A
Env-Wt 311.10 A/M BMPs	Buildings and/or access are positioned away from high function wetlands or surface waters to avoid impact.	☒ Check ☐ N/A
Env-Wt 311.10 A/M BMPs	The project clusters structures to avoid wetland impacts.	☒ Check ☐ N/A
Env-Wt 311.10 A/M BMPs	The placement of roads and utility corridors avoids wetlands and their associated streams.	☒ Check ☐ N/A
A/M BMPs	The width of access roads or driveways is reduced to avoid and minimize impacts. Pullouts are incorporated in the design as needed.	☒ Check ☐ N/A
A/M BMPs	The project proposes bridges or spans instead of roads/driveways/trails with culverts.	☐ Check ☒ N/A

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A/M BMPs	The project is designed to minimize the number and size of crossings, and crossings cross wetlands and/or streams at the narrowest point.	☒ Check ☐ N/A
Env-Wt 500 Env-Wt 600 Env-Wt 900	Wetland and stream crossings include features that accommodate aquatic organism and wildlife passage.	☐ Check ☒ N/A
Env-Wt 900	Stream crossings are sized to address hydraulic capacity and geomorphic compatibility.	☐ Check ☒ N/A
A/M BMPs	Disturbed areas are used for crossings wherever practicable, including existing roadways, paths, or trails upgraded with new culverts or bridges.	☒ Check ☐ N/A
SECTION 4 - NON-TIDAL SHORELINE STRUCTURES		
Env-Wt 313.03(c)(1)	The non-tidal shoreline structure has been designed to use the minimum construction surface area over surfaces waters necessary to meet the stated purpose of the structure.	☐ Check ☒ N/A
Env-Wt 313.03(c)(2)	The type of construction proposed for the non-tidal shoreline structure is the least intrusive upon the public trust that will ensure safe navigation and docking on the frontage.	☐ Check ☒ N/A
Env-Wt 313.03(c)(3)	The non-tidal shoreline structure has been designed to avoid and minimize impacts on the ability of abutting owners to use and enjoy their properties.	☐ Check ☒ N/A
Env-Wt 313.03(c)(4)	The non-tidal shoreline structure has been designed to avoid and minimize impacts to the public's right to navigation, passage, and use of the resource for commerce and recreation.	☐ Check ☒ N/A
Env-Wt 313.03(c)(5)	The non-tidal shoreline structure has been designed, located, and configured to avoid impacts to water quality, aquatic vegetation, and wildlife and finfish habitat.	☐ Check ☒ N/A
Env-Wt 313.03(c)(6)	The non-tidal shoreline structure has 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.	☐ Check ☒ N/A

Application Narrative

DRAFT

1

Introduction

On behalf of Saxon Real Estate Partners, LLC, ("Saxon Partners") this Standard Dredge and Fill Permit ("Wetlands Permit") Application was prepared by VHB pursuant to the New Hampshire Revised Statutes Annotated (RSA) Chapter 482-A, Fill and Dredge in Wetlands, and New Hampshire Code of Administrative Rules, Chapters Env-Wt 100 through Env-Wt 900, including Env-Wt 524 which is specific to residential, commercial and industrial development projects affecting wetlands. This project is being submitted as a Major Impact Project per Env-Wt 524.06(d)(2) since greater than 10,000 square feet (SF) of unavoidable impacts to jurisdictional wetlands are proposed.

Saxon Partners are looking to expand the current footprint of the housing development known as "The Marek" at 343 Mount Support Road in Lebanon, New Hampshire to include a new 3-building, 4-story residential apartment complex with podium and surface parking, amenities, and landscaping, identified as "The Marek Phase 2" which is the subject of this application. The development parcel ("Site") is located approximately 1 mile south of the Dartmouth-Hitchcock Medical Center and approximately 3 miles south of Dartmouth College.

The Marek Phase 2 project is targeted to serve employees of the medical center and other local residents. The Site is identified as Parcel 1 on Tax Map 24-100, is zoned for residential development, and is owned by SPNH Mount Support, LLC. In total, the Site encompasses approximately 58 acres, which was subdivided from a larger 75-acre parcel.

Pre-application coordination with NHDES is ongoing and information has been provided as requested to the NHDES. If an in-person meeting is warranted, NHDES will schedule this meeting with the appropriate parties. This application may be revised to reflect any changes, if requested, and as agreed to by the applicant. Refer to the **NHDES Pre-Application Meeting Notes** included as **Appendix A**. The "Project" and "Project Area," as referenced throughout this application, consists of the scope and limit of work, respectively, associated with construction of the new Marek Phase 2 development.

2

Site Description and Existing Conditions

The Site is identified as Parcel 1 on Tax Map 24-100, which is zoned for residential development, and is owned by SPNH Mount Support, LLC. Refer to **Figure 1 – USGS Site Location Map**. In total, the Site encompasses approximately 58 acres, which was subdivided from a larger 75-acre parcel. The Project is westerly adjacent to a previously permitted residential project (NHDES File #2020-01638). The proposed development area is smaller and focused on approximately 6 acres. The proposed development would share an entrance drive to The Marek which is the adjacent residential development located at 343 Mt. Support Road.

The parcel consists of sloping elevations on mostly forested land. The Site is currently undeveloped but it was logged at various times, and rock quarrying and earthen material removal activities also occurred. The northern portion of the site contains a wildlife corridor established by the City of Lebanon. The majority of the Site is forested and undeveloped except for a bike and walking trail that connects to the nearby Boston Lot Conservation Area and Upper Valley Mountain Bike Association trail system. The site design maintains public access to the trail system and preserves an existing wildlife corridor that connects undeveloped tracts of land across Mount Support Road. Natural resource features including wetlands are further described in the natural resources portion of this narrative in **Section 4**. Several multi-family complexes and apartment buildings are present in the general area. Other properties to the west are forested (zoned as rural lands) and have hiking trails, including trails to the top of Quarry Hill to the south of the Site.

A full set of project plans which provide the existing site condition and proposed development are included in **Appendix B**.

2.1 Natural Resource Review – NHDES Wetlands Permit Planning Tool (WPPT)

The following information is based on a review of the NHDES WPPT.

Priority Resource Areas (PRAs)

No Priority Resource Areas (PRA) are mapped within the vicinity of the Project Area. In accordance with Env-Wt 103.66, PRAs include documented occurrences of protected species or habitat, bogs, floodplain wetlands contiguous to tier 3 watercourses, designated prime wetlands and established buffers, sand dunes, tidal waters, and tidal wetlands. Refer to **Section 5** of this **Application Narrative** below for information regarding rare, threatened, and endangered species within the vicinity of the Project Area.

Conservation Lands

The NHDES WPPT did not have mapped conservation areas shown within the Site. A 300-foot wide wildlife corridor was established by the City of Lebanon along the northern portion of the Site. The corridor connects undeveloped tracts of land across from Mount Support Road. The corridor is identified on the proposed plan set and will not be impacted as part of this project. On the eastern side of Mount Support Road across from the Site, a 29.1-acre conservation easement was mapped that extends around and behind the Timberwood Commons residential apartment complex and abuts State Route 120. This 29.1-acre conservation easement is not associated with or abutting the lot proposed in this Project and is not shown on the maps and figures included in this application.

Impaired Waters

The Site does not intersect any watersheds or buffers of impaired waters.

Designated Rivers

The Site does not intersect the buffer zones of any designated rivers.

2.2 Property Ownership and Abutters

The Site is identified as Parcel 1 on Tax Map 24-100, is zoned for residential development, and is owned by SPNH Mount Support, LLC. In total, the Site encompasses approximately 58 acres, which was subdivided from a larger 75-acre parcel.

Abutter Notification

Abutters will be notified under the requirements in accordance with Env-Wt 306.06(c). Refer to **Appendix C** for abutter information and associated tax map.

Project Description and Avoidance & Minimization

The Applicant is proposing to construct a new 3-building, 4-story residential apartment complex with podium and surface parking, amenities, and landscaping, known as The Marek Phase 2 Project at 343 Mount Support Road in Lebanon, New Hampshire. The Project is westerly adjacent to a previously permitted residential project (NHDES File #2020-01638). The development parcel is located approximately 1 mile south of the Dartmouth-Hitchcock Medical Center and approximately 3 miles south of Dartmouth College. The Project is targeted to serve employees of the medical center and other local residents. Refer to the project plans provided in **Appendix B** for detailed information.

3.1 Best Management Practices

Throughout the construction process crews will adhere to the best management practices outlined in the *New Hampshire Stormwater Manual Volume 3 Erosion And Sediment Controls During Construction* (December 2008). Erosion and sediment control BMPs will be designated on the project plans once design of the project proceeds. Typically, these would include silt fence, straw wattles and/or compost mulch tubes.

Traditional dewatering BMPs (pump to filter bag within temporary straw bale basin in upland with vegetated buffer) will be implemented as needed during grading and soil excavation work if saturated conditions/ground water is encountered and to treat sediment laden water generated during construction prior to discharge.

All equipment and material laydown/temporary staging areas required during construction will be confined to uplands well outside the jurisdictional limits of existing natural resources. Designated stockpiling/storage locations will be established at the commencement of construction through collaboration between the contractor, applicant, and VHB. All designated stockpile areas will be contained using appropriate wildlife friendly perimeter controls. Temporary soil stockpiles, if intended to be left for a long duration timeframe, will be temporarily stabilized (covered) with straw mulch to reduce the potential for erosion and sediment movement.

Erosion controls will be inspected daily by the contractor crews and weekly by a qualified environmental monitor, hired by the applicant, to ensure that the controls are maintained and are properly functioning throughout the duration of construction. As soon as possible after the completion of the proposed work, all construction debris will be removed from the Project Area and properly disposed of off-site. Stabilization and restoration of all temporarily disturbed areas/exposed soils will be initiated upon construction completion. Restoration of disturbed soils within upland areas surrounding the proposed work will consist of the application of seed and/or straw mulch. Wildlife friendly (NHF&G-approved) erosion control blankets in conjunction with seed will be used to stabilize any slopes greater than 3:1.

The applicant and VHB will visit the Project Area post-construction to assess conditions, provide restoration guidance to work crews, and to determine if additional promotion of vegetation and/or other stabilization methods are necessary. If required, NHDES approved wetland and upland seed mixes will be placed on affected areas to further promote re-growth during the next growing season. Additionally, depending on the timing of the completion of construction, other measures specific to over-winter stabilization, such as the implementation of non-vegetative stabilization (the application of wood mulch or an erosion control seed mix) and an increase in application rates of temporary cover may be recommended.

Construction Sequencing/Project Schedule

As the Project design progresses, a construction sequence and schedule will be developed and provided to NHDES.

3.2 Invasive Species Management

Glossy buckthorn (*Frangula alnus*), an invasive plant species, varying in density, is present within the Project Area based on field observations made by VHB during natural resource field work. Invasive plant species readily colonize disturbed areas and habitat edges. Invasive species management during construction will adhere to guidance provided in the *New Hampshire Stormwater Manual Volume 3 Erosion and Sediment Controls During Construction* (December 2008). Prior to the commencement of work, vegetative clearing and civil construction crews will be briefed on the glossy buckthorn that is present within the Project Area and the modes of dispersal and spread of this species.

All equipment arriving to the Project Area will be visually inspected to ensure that it is clean prior to off-loading. "Clean" is defined as being free of plant matter (stems, flowers, roots, etc.), soil, or other deleterious materials. VHB will assist with the identification of invasive species populations and oversight of associated management practices during regularly scheduled weekly inspections conducted on behalf of the applicant. Equipment will also be cleaned prior to being removed at the completion of the Project.

3.3 Avoidance and Minimization

The proposed Project has been carefully designed to avoid and minimize wetland impacts in accordance with Env-Wt 311.07 and Env-Wt 313.03 on the developable portion of the property with a goal of helping address the critical need for housing in the Upper Valley area. Earlier conceptual development scenarios involved a greater number of buildings spread out over a larger area with greater impacts to wetlands; however, due to the extent of wetlands across the northern and western portions of the parcel, as well as the presence of zoning restrictions, it was determined that the development would need to be scaled back to a smaller footprint. More specifically, the total development area was reduced, and buildings were reoriented and placed to specifically avoid the majority of impacts to the larger more intact forested wetlands located to the west and south of the development footprint. In addition, proposed slopes associated with any grading have been tightened and retaining walls will be constructed to further reduce wetland impacts. Development of the Site is not possible without impacting the smaller, lower functioning, isolated Wetlands 2, 3, 4, 5, and 6, with permanent impacts amounting to 12,623 SF. Site development would also result in limited temporary impacts of 106 SF to Wetland 1 from construction activities at the base of sloped areas at the western edge of the development.

4

Natural Resources

4.1 Delineated Natural Resources

No noteworthy wetland habitats were observed on the Site, and specialized habitats, such as vernal pools, bogs, fens, etc. are absent. An intermittent stream channel was noted along the southern portion of the Site that drains east toward a previously delineated offsite wetland; however, the channel was observed to be dry during site visits in 2023 and 2024. No impacts are proposed to this resource. According to the NHDES Wetlands Permit Planning Tool, there are no Priority Resource Areas (PRA) on or near the Site.

Wetlands, vernal pools and surface waters within the Project Area were initially delineated in August 2023 and April 2024, by NH Certified Wetland Scientist, Jacob Tinus (CWS #228) of VHB. The limit of delineated wetlands, vernal pools, and surface waters were marked in the field by affixing sequentially numbered pink flagging tape to vegetation. Wetland flags were located in the field utilizing a backpack mounted Eos Arrow GNSS (global navigation satellite system) units capable of sub-meter accuracy connected to hand-held iPad mini 6th generation tablets running ArcGIS Field Mapping software produced by ESRI.

Wetland delineation was performed in accordance with the procedures and standards outlined in the *U.S Army Corps of Engineers Wetland Delineation Manual* (1987), and the *Regional Supplement to the U.S. Army Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, Version 2.0* (January 2012). The wetland delineation also relied upon the *Field Indicators for Identifying Hydric Soils in the United States, Version 8.2*, published by the Natural Resource Conservation Service (NRCS) and the *Field Indicators for Identifying Hydric Soils in New England, Version 4.0*, published by the New England Interstate Water Pollution Control Commission. Dominant wetland vegetation was assessed using the *Northcentral and Northeast Regional Wetland Plant List* published by the U.S. Army Corps of Engineers.

Functions and values assessments of the wetlands were conducted in accordance with *The Highway Methodology Workbook Supplement*, published by the U.S. Army Corps of Engineers, 1999. Surface water delineations for watercourses with an average width of greater than 8 feet were performed in accordance with definitions in the NHDES Rules (*Env-Wt 102.15*) and NH Statutes (*NH RSA 483-B:4 (XI-e)*). Watercourses with an average width of less than 8 feet were delineated along the channel's centerline. Wetlands and streams were classified using the US Fish and Wildlife Service's methodology *Classification of Wetlands and Deepwater Habitats of the United States* (Cowardin et al. 1979, revised 1985).

Vernal pool assessments were conducted in accordance with the *Identification and Documentation of Vernal Pools in New Hampshire, Third Edition*, (2004) published by the New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program and the U.S. Army Corps of Engineers – New England District Vernal Pool Assessment (2020).

Several forested wetlands and herbaceous wetlands were delineated. Larger wetland areas extend offsite to the north, west and south. Smaller isolated wetlands have developed in areas subject to prior rock and material removal during past disturbances. Refer to **Appendix B** for the project plans that provide the location of these wetlands. Wetlands were classified under the Cowardin Classification System as Palustrine, Forested, Broad-Leaved Deciduous/Needle-Leaved Evergreen, Seasonally Flooded (PFO1/4C), Palustrine, Forested, Broad-Leaved Deciduous/Needle-Leaved Evergreen, Seasonally Flooded/Saturated (PFO1/4E), or Palustrine, Emergent, Persistent, Saturated (PEM1B). Photos of the wetlands are provided in **Appendix D**.

Wetlands

Wetland 1

Wetland 1 is a Palustrine, Forested, Broad-Leaved Deciduous/Needle-Leaved Evergreen, Seasonally Flooded (PFO1/4C) wetland located in the northern and western portions of the site. This is a large wetland that drains from upper reaches of the Site west of the development area. Prior anthropogenic disturbance is present in this wetland and rutted, overgrown, logging roads and skidder trails were observed throughout the wetland. Impacts to this wetland were avoided as much as possible and there are two small areas of proposed temporary impact totaling 106 SF.

Hydrophytic vegetation observed within this wetland include giant goldenrod (*Solidago gigantea*), rough-stemmed goldenrod (*Solidago rugosa*), interrupted fern (*Osmunda claytoniana*), glossy buckthorn (*Frangula alnus*), red maple (*Acer rubrum*), sensitive fern (*Onoclea sensibilis*), meadowsweet (*Spirea spp.*), species of sedge (*Carex spp.*), silvery glade fern (*Deparia acrostichoides*), yellow birch (*Betula alleghaniensis*), silky dogwood (*Cornus amomum*), green ash (*Fraxinus pennsylvanica*), and gray birch (*Betula populifolia*). Observed indicators of wetland hydrology include drainage patterns (B10) and water stained leaves (B9). Hydric soil indicators include depleted matrix (F3) and redox dark surface (F6).

Wetland 2

Wetland 2 is a Palustrine, Emergent, Persistent, Saturated (PEM1B) wetland located within the proposed site footprint. This isolated wetland was formed through historical excavation activities that created a depressional area that holds water. This wetland is 1,150 SF and would be impacted as part of this project.

Hydrophytic vegetation observed within this wetland include giant goldenrod, jewelweed (*Impatiens capensis*), swamp dewberry (*Rubus hispidus*), rough-stemmed goldenrod, interrupted fern, pointed broom sedge (*Carex scoparia*), and glossy buckthorn. Observed indicators of wetland hydrology include surface water (A1), saturation (A2), and water stained leaves (B9). Hydric soil indicators include depleted matrix (F3) and redox dark surface (F6).

Wetland 3

Wetland 3 is Palustrine, Forested, Broad-Leaved Deciduous/Needle-Leaved Evergreen, Seasonally Flooded/Saturated (PFO1/4E) located within the proposed site footprint. Beyond the forested edge, the wetland transitions to a wet meadow, classified as PEM1B. This wetland was formed through historical excavation activities that created a depressional area that appears to have intercepted groundwater. Little soil development or plant species were observed within this forested portion wetland due to the steep topography and shallow soils. This wetland is 4,164 SF and would be impacted as part of this project.

Hydrophytic vegetation observed within forested portion of the wetland include spinulose woodfern (*Dryopteris carthusiana*), eastern hemlock (*Tsuga canadensis*), and gray birch. Within the emergent wetland area, narrowleaf cattail (*Typha angustifolia*), species of sedge and soft rush (*Juncus effusus*) were observed. Observed indicators of wetland hydrology include surface water (A1), saturation (A2), and water stained leaves (B9). Hydric soil indicators include redox dark surface (F6).

Wetland 4

Wetland 4 is PFO1/4C wetland located within the proposed site footprint. This wetland was formed through historical excavation activities that created a depressional area that retains runoff. A portion of the wetland was noted as a potential vernal pool during the August 2023 fieldwork, but after additional survey during the breeding season in April 2024, the depressional area did not meet the parameters of a jurisdictional vernal pool. Shallow soils over bedrock and few plant species were observed within this wetland during both site visits. This wetland is 271 SF and would be impacted as part of this project.

Hydrophytic vegetation observed within this of the wetland include spinulose woodfern, and eastern hemlock. Observed indicators of wetland hydrology include surface water (A1), saturation (A2), and water stained leaves (B9). Hydric soil indicators include redox dark surface (F6).

Wetland 5

Wetland 5 is a PFO1/4C wetland located within the proposed site footprint. This wetland was formed through historical excavation activities that created a depressional area that has intercepted groundwater. This wetland is 6,776 SF and would be impacted as part of this project.

Hydrophytic vegetation observed within this wetland include sensitive fern, glossy buckthorn, spinulose wood fern, various sedge species (*Carex spp.*), jewelweed, enchanter's nightshade (*Circaea canadensis*), Christmas fern (*Polystichum acrostichoides*), red maple, and eastern hemlock. Observed indicators of wetland hydrology include surface water (A1), saturation (A2), and water stained leaves (B9). Hydric soil indicators include depleted matrix (F3) and redox dark surface (F6).

Wetland 6

Wetland 6 is a Palustrine, Emergent, Persistent, Saturated (PEM1B) wetland located within the proposed site footprint. This isolated wetland was formed through historical excavation activities that created a depressional area that has intercepted groundwater. The wetland was noted as a potential vernal pool during the August 2023 fieldwork, but after additional survey during the breeding season in April 2024, the depressional area did not meet the parameters of a jurisdictional vernal pool. Little soil development or plant species were observed within this wetland during both site visits. This wetland is 262 SF and would be impacted as part of this project.

Vegetation was absent from the wetland, with sparse spinulose woodfern located on the edges of the delineated wetland. Observed indicators of wetland hydrology include surface water (A1), saturation (A2), and water stained leaves (B9). Hydric soil indicators include redox dark surface (F6).

Note: *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeastern Region Version 2* states when a site contains no hydrophytic vegetation indicators, a delineator must verify that at least one indicator of hydric soil and one primary or two secondary indicators of hydrology are present, and verify that the area is in a landscape position that is likely to collect or concentrate water. Due to the presence of the listed hydrologic and soil indicators as well as the positioning of this wetland in an excavated depressional area that retains water seasonally, the determination was made to name this a jurisdictional wetland.

Vernal Pools

Vernal pools are temporary (seasonal) bodies of water which provide essential breeding habitat for certain amphibians such as wood frogs and spotted salamanders, as well as several invertebrates. They are protected under New Hampshire state law and impacts to these systems are regulated by NHDES. As described above, areas of potential vernal pools were documented during the August 2023 fieldwork and were further investigated during April 2024 fieldwork. None of the potential vernal pools met the requirements set forth in accordance with *Identification and Documentation of Vernal Pools in New Hampshire*, third edition, (2004) published by the New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program. Therefore, none of these resources are known to exist within the current site limits.

4.2 Functional Assessment

Functions and values for wetlands proposed to be impacted by the Project have been assessed by VHB Senior Environmental Scientist/Project Manager, Jacob Tinus (NH CWS #228), in accordance with the *U.S. Army Corps of Engineers New England District - The Highway Methodology Workbook Supplement: Wetland Functions and Values - A Descriptive Approach* (1999). Thirteen wetland functions and values are recognized under the USACE methodology:

- Groundwater Recharge/Discharge; GW
- Floodflow Alteration (Storage & Desynchronization); FA
- Fish and Shellfish Habitat; FS
- Wildlife Habitat; WH
- Recreation (Consumptive & Non-Consumptive); RE
- Educational/Scientific Value; ED

- Sediment/Toxicant Pathogen Retention; SR
- Nutrient Removal/Retention/Transformation; NR
- Production Export (Nutrient); PE
- Sediment/Shoreline Stabilization; SS
- Uniqueness/Heritage; UH
- Visual Quality/Aesthetics; VQ and
- Threatened or Endangered Species Habitat. ES

The USACE Highway Methodology provides a list of considerations and qualifiers that are used to assess the occurrence of each function or value, followed by a subjective determination of Principal Functions and Values, with documentation of supporting rationale on standard forms. Refer to the **Wetland Function – Value Evaluation Forms** provided in **Appendix E**.

In accordance with the USACE Highway Methodology practices, functions are either assigned a P for Principal Function provided by the wetland, an X for function provided by the wetland, or left blank to indicate that the function is not provided by the wetland. The results of these assessments are displayed in **Table 1** below.

Table 1 Wetland Functions and Values

Wetland ID	Cowardin Class	GW	FA	FS	SR	NR	PE	SS	WH	RE	ED	UH	VQ	ES*
1	PFO1/4C	-	-	-	-	-	-	-	P	-	-	-	-	-
2	PEM1B	-	-	-	-	-	-	-	P	-	-	-	-	-
3	PFO1/4E and PEM1B	P	-	-	-	-	-	-	X	-	-	-	-	-
4	PFO1/4C	-	-	-	-	-	-	-	P	-	-	-	-	-
5	PFO1/4C	P	-	-	-	-	-	-	X	-	-	-	-	-
6	PEM1B	-	-	-	-	-	-	-	P	-	-	-	-	-

*Endangered species plant survey requested by NHHB is not yet complete; confirmed presence could affect the rating for these wetlands.

Wetland 1 was the largest wetland and due to its size and shape provides wildlife habitat and edge habitat needed in higher elevation communities. Due to the shallow depth of soils to ledge this wetland is limited in its ability to discharge or recharge groundwater, retain sediment/toxicants/or pathogens, remove, retain or transform nutrients, or provide production export functions. The lack of a perennial water source does not allow this wetland to provide fish and shellfish habitat provide sediment and shoreline stabilization characteristics. Recreation activities at this site are limited as the lack of perennial water prevents water based recreational activities, low plant diversity and non-desirable timber resources provides little consumptive uses to this wetland, and the presence of invasive species and steep slopes provides for poor quality hunting habitat. The Site, in general, is rugged and on a slope which deters educational, unique, or visual values.

The smaller isolated wetlands being impacted as part of this project (2, 3, 4, 5, and 6) provide marginal wildlife habitat for species due to their small size, although some groundwater discharge was observed in Wetland 3. These wetlands in general do not provide many functions or values as they are highly disturbed or formed from anthropogenic actions, small in size with shallow soils and depth to ledge and lack connections to a more complex system of resources.

4.3 Floodplains and Floodways

The Project Area does not intersect any Federal Emergency Management Agency (FEMA) mapped Special Flood Hazard Areas, according to Map Panel No. 33009C0892E, effective date 2/20/2008. Refer to the map depicted in **Figure 3- FEMA Floodplain Map**.

4.4 Ranked Wildlife Habitat

The NHF&G Wildlife Action Plan (WAP) identifies ranked habitat tiers that recognize the highest quality habitats in the state. Habitat tiers were created by the NHF&G Department using biological data, landscape data, and human influence information. Habitat tiers are separated into three rankings, which are 1) Highest Ranked Habitat in NH, 2) Highest Ranked Habitat in Biological Region, and 3) Supporting Landscape. There are no mapped occurrences of Highest Ranked Habitat in NH within the project area. Refer to the map depicted in **Figure 4- NHF&G Wildlife Action Plan Ranked Habitat Map**. The project area is entirely mapped as Hemlock-hardwood-pine habitat type as shown in **Figure 5- NHF&G Wildlife Action Plan Habitat Types Map**.

5

Rare, Threatened, and Endangered Species

This section provides information on rare, threatened, and endangered species identified within the vicinity of Project Area by the NH Natural Heritage Bureau (NHB) DataCheck tool and USFWS' Information for Planning and Consultation (IPaC) system.

5.1 Natural Heritage Bureau

Using the NHB online DataCheck tool, VHB has consulted for the occurrence of rare plant, animal, or natural communities within the vicinity of the Project. The NHB DataCheck Results Letter (NHB24-3724) dated December 27, 2024, indicated records of Appalachian barren-strawberry (*Geum fragarioides*), a state threatened species north of the Project Area, necessitating consultation with the NHB. VHB intends to survey the site during the flowering period (May to early June) for this species and report findings to NHB upon completion of the work. Further coordination with NHB will occur as necessary to ensure that any concerns related to this species are addressed. Since no fauna were listed on the NHB DataCheck Results Letter, consultation with the NH Fish and Game Department is not required. The **NHB DataCheck Results Letter NHB24-3724** and email communication with NHB is provided in **Appendix F**.

5.2 US Fish and Wildlife Service

The Project Area was reviewed for the presence of federally listed or proposed, threatened, or endangered species, designated critical habitat, or other natural resources concerning the USFWS IPaC System. Results dated February 26, 2024, indicate the potential presence of the federally endangered northern long-eared bat (*Myotis septentrionalis*, "NLEB"), federally threatened Canada lynx (*Lynx canadensis*), and federal candidate monarch butterfly (*Danaus plexippus*) within the vicinity of the Project Area. The Northern Long-eared Bat and Tricolored Bat Range-Wide Determination Key (D-key) results came to the determination that the project may affect Tricolored Bat, a federal proposed endangered species. Refer to the **USFWS IPaC Species List and Correspondence** provided in **Appendix G** for supporting documentation. Further consultation and coordination will be required with the US Fish and

Wildlife Service as part of the federal permitting process to obtain permits from the Army Corps of Engineers (ACOE) and Environmental Protection Agency (EPA). For more information on the status of the federal permits associated with this project refer to **Section 9 – Other Project Coordination** further detailed below.

6

Impact Analysis

Wetlands

A total of approximately 106 SF of temporary wetland impacts and 12,623 SF of unavoidable permanent wetland impact would result from construction of the 3-building, 4-story residential apartment complex and associated parking areas. Temporary impacts are proposed in Wetland 1, and permanent impacts are proposed to Wetlands 2, 3, 4, 5, and 6.

Table 2 provides a summary of the proposed temporary and permanent impacts.

Table 2 Proposed Wetland Impacts

Wetland ID	Cowardin Class	Total Temporary Wetland Impact (SF)	Total Permanent Wetland Impact (SF)
1	PFO1/4C	106	0
2	PEM1B	0	1,150
3	PF01/4E and PEM1B	0	4,164
4	PFO1/4C	0	271
5	PFO1/4C	0	6,776
6	PEM1B	0	262

Wetland impacts were avoided and minimized to the fullest extent practicable while developing potential design scenarios. Permanent impacts to Wetland 1 were avoided; however, 106 SF of temporary impacts are proposed for construction feasibility within the restrictions of the site. The wetlands that will be impacted display minimal functions and values based on assessments completed

that can be referenced in **Appendix E**. These wetlands were formed largely within areas of previous disturbance and excavation.

To compensate for unavoidable permanent wetland impacts, mitigation is proposed in the form of an in-lieu fee payment to the Aquatic Resources Mitigation (ARM) fund as further detailed in Section 7 below. This approach may change after comments have been received from NHDES during the pre-application meeting. Refer to **Section 3** of this Application Narrative above for more information regarding avoidance and minimization and BMPs associated with the proposed wetland impacts.

Streams

No impacts to streams are proposed as a result of the Project.

Vernal Pools

No impacts to vernal pools are proposed as a result of the Project.

Very Poorly Drained Soils

No impacts to very poorly drained soils are proposed as a result of the Project.

7

Mitigation

Compensatory wetland mitigation is required in accordance with Env-Wt 313.04 and Env-Wt 524 since the total permanent impacts resulting from the Project exceed the 10,000 square foot threshold. No permanent impacts are proposed to any PRAs. Saxon Partners proposes to mitigate these impacts through a payment to the NHDES Aquatic Resource Mitigation (ARM) Fund. Based on the 2024 ARM Fund In-Lieu Fee Payment Calculator, an ARM Fund payment was calculated to be \$79,573.31. Refer to the **Mitigation Documentation** provided in **Appendix H**. This mitigation approach (In-Lieu Fee Payment) is subject to change pending review by NHDES Wetlands Bureau.

8

Cultural Resources

A Request for Project Review (RPR) is being drafted by VHB and will be submitted electronically to the NH Division of Historical Resources (NHDHR) and the Section 106 consultation is ongoing. The applicant will notify NHDES of changes in the consultation status.

Based on information from a previous Phase 1A survey conducted by VHB in 2020, it is anticipated that the project would not impact archeological resources. As part of the Marek Phase 1 residential development, an RPR was submitted on March 6, 2020. NHDHR responded on March 18, 2020 requesting additional archeological survey and architectural survey of a house located on the property. These surveys were completed without significant findings and reported to NHDHR who responded on September 17, 2020. NHDHR concurred with the results of the Phase 1-A archeological sensitivity assessment and did not recommend further study to be completed. Refer to the previous RPR and Inventory from 2020 provided in **Appendix I- Cultural Resources**.

9

Other Project Coordination

US Army Corps of Engineers

The proposed work is subject to the USACE Section 404 jurisdiction through the New Hampshire General Permit No. NAE-2022-00849. The Project falls under General Permit 17: *New/Expanded Residential & Commercial Developments & Recreational Facilities*. As such, Appendix B – Corps Secondary Impacts Checklist has been completed. Refer to the USACE Appendix B Checklist provided in **Appendix J**.

Construction General Permit

Coverage under the Construction General Permit (CGP) will be obtained through the Environmental Protection Agency (EPA)'s National Pollutant Discharge Elimination System (NPDES). The CGP requires a Stormwater Pollution Prevention Plan (SWPPP) to be developed and maintained, a notice of intent (NOI) filed 14 days before construction activities are slated to begin, implementing erosion and sediment controls and pollution prevention practices throughout the site, and will require a qualified person to monitor these controls and give contractors corrective actions to be taken when appropriate.

NHDES Alteration of Terrain (AoT) Bureau

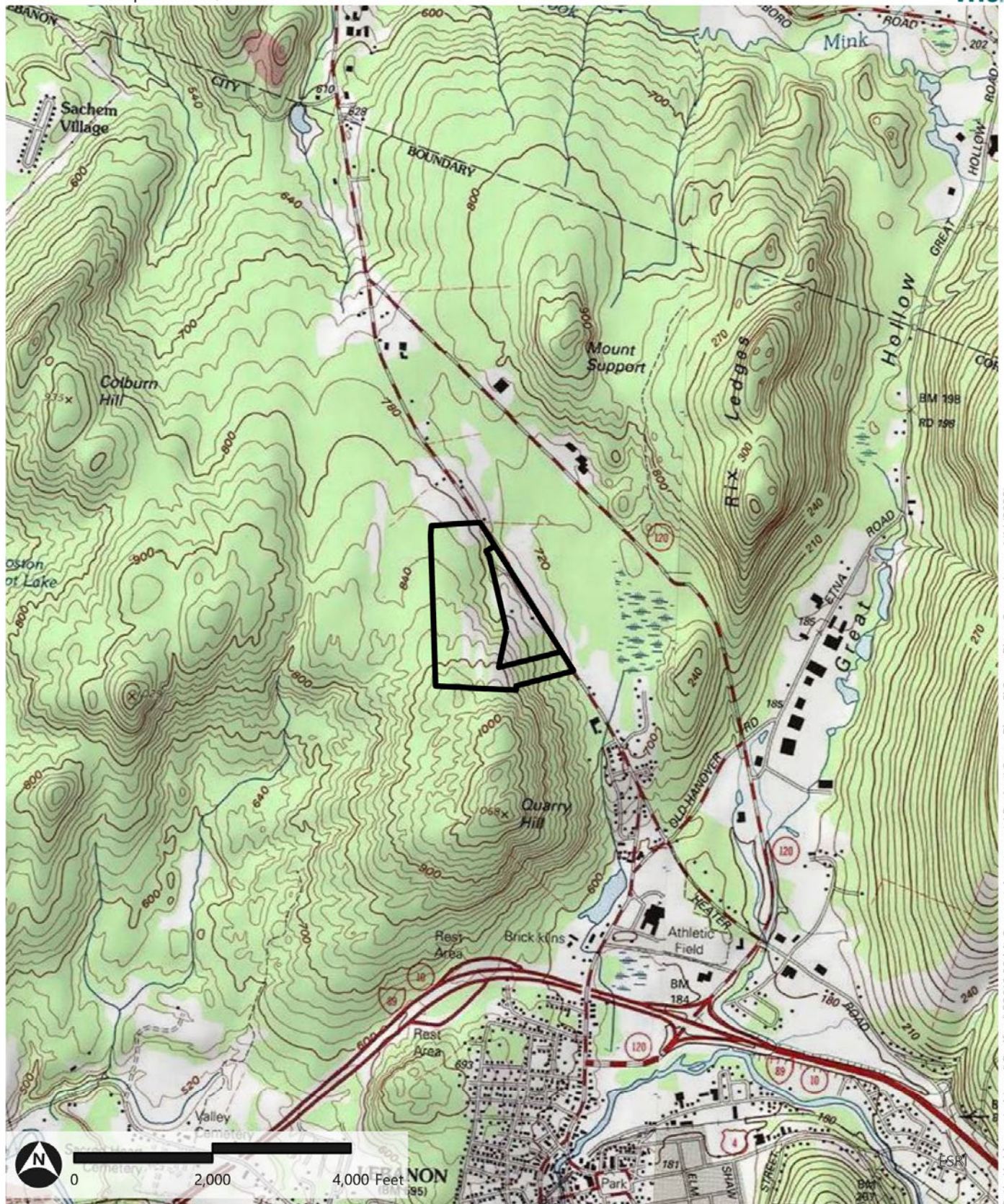
Permitting through the NHDES AoT Bureau is required for this Project since land disturbance in excess of 100,000 SF is proposed as part of this project. A separate AoT permit application is being prepared for this Project and will be submitted to NHDES and the City of Lebanon later this year. The project has yet to be assigned an AoT file number.

Lebanon Municipal Permitting

The Project is planned to be introduced to the Conservation Commission, and other local board reviews will occur with the City of Lebanon.

Figure 1: USGS Site Location Map

Saxon Phase 2 | Lebanon, NH

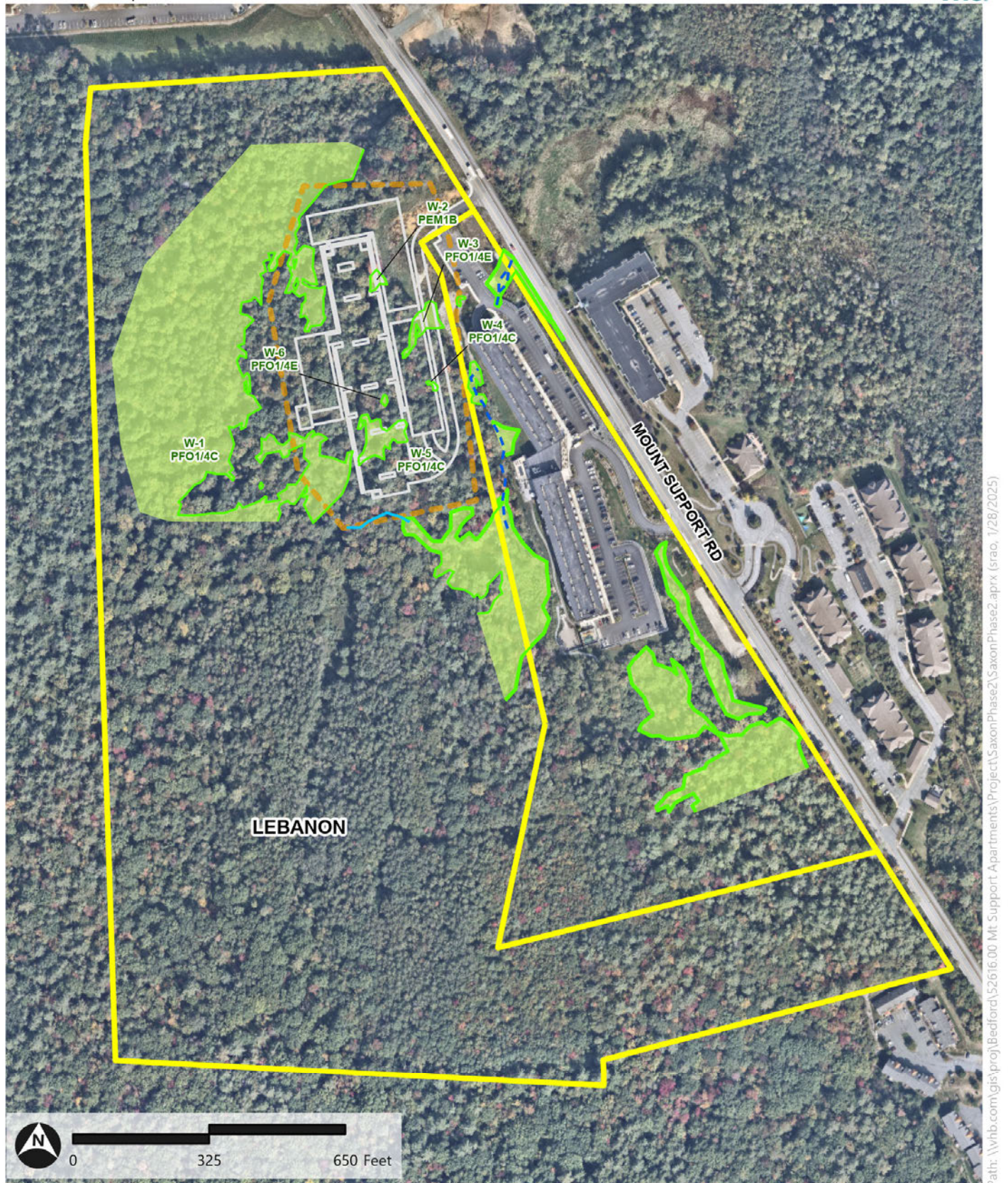


Parcel Boundary

Source: USGS, NHGRANIT, VHB

Figure 2: Wetland Map

Saxon Phase 2 | Lebanon, NH

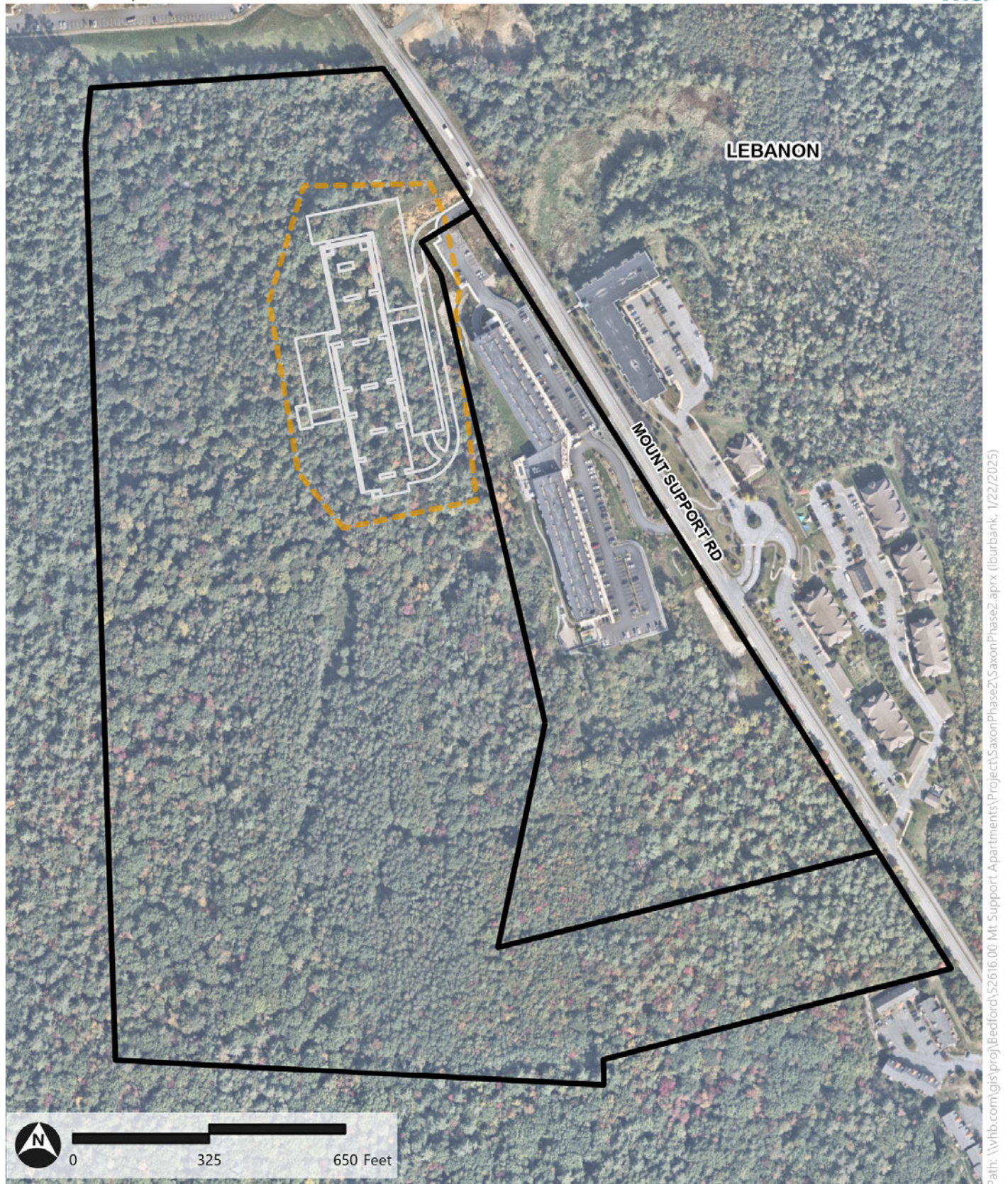


- Design Details
- Delineated Wetland Edge
- - - Perennial Stream
- - - Limit of Work
- Delineated Wetland Area
- Intermittent Stream
- Parcel Boundary

Source: NearMap, NHGRANIT, VHB

Figure 3: FEMA 100-Year Floodplain Map

Saxon Phase 2 | Lebanon, NH



- Design Details
- Parcel Boundary
- Limit of Work

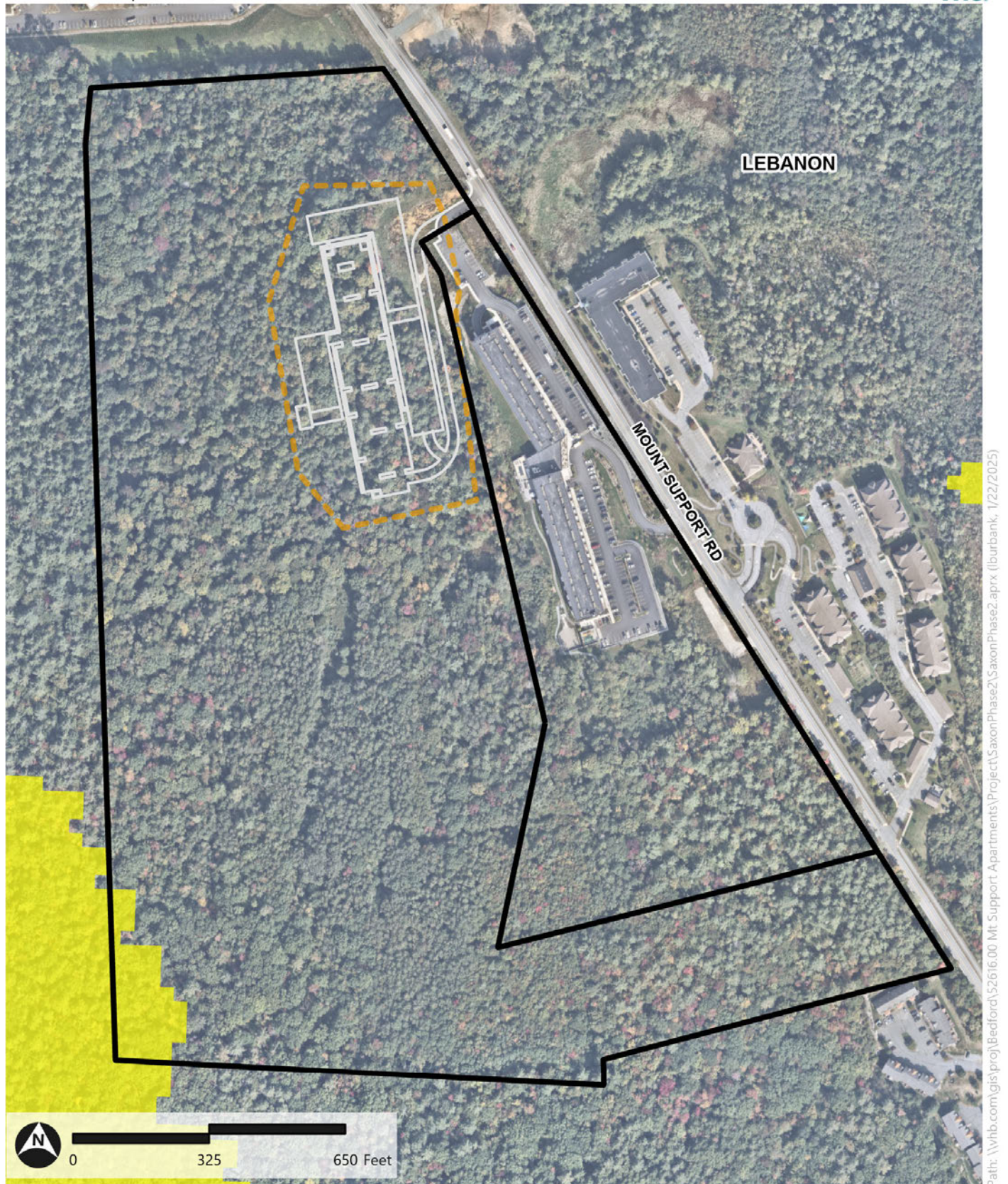
*Project area is not in FEMA Floodplain.

Source: NearMap, NHGRANIT, VHB

Path: \\vhb.com\gis\proj\Bedford\52616.00 Mt. Support Apartments\Project\SaxonPhase2\SaxonPhase2.aprx (lburbank, 1/22/2025)

Figure 4: NH Fish and Game Ranked Habitat Map

Saxon Phase 2 | Lebanon, NH

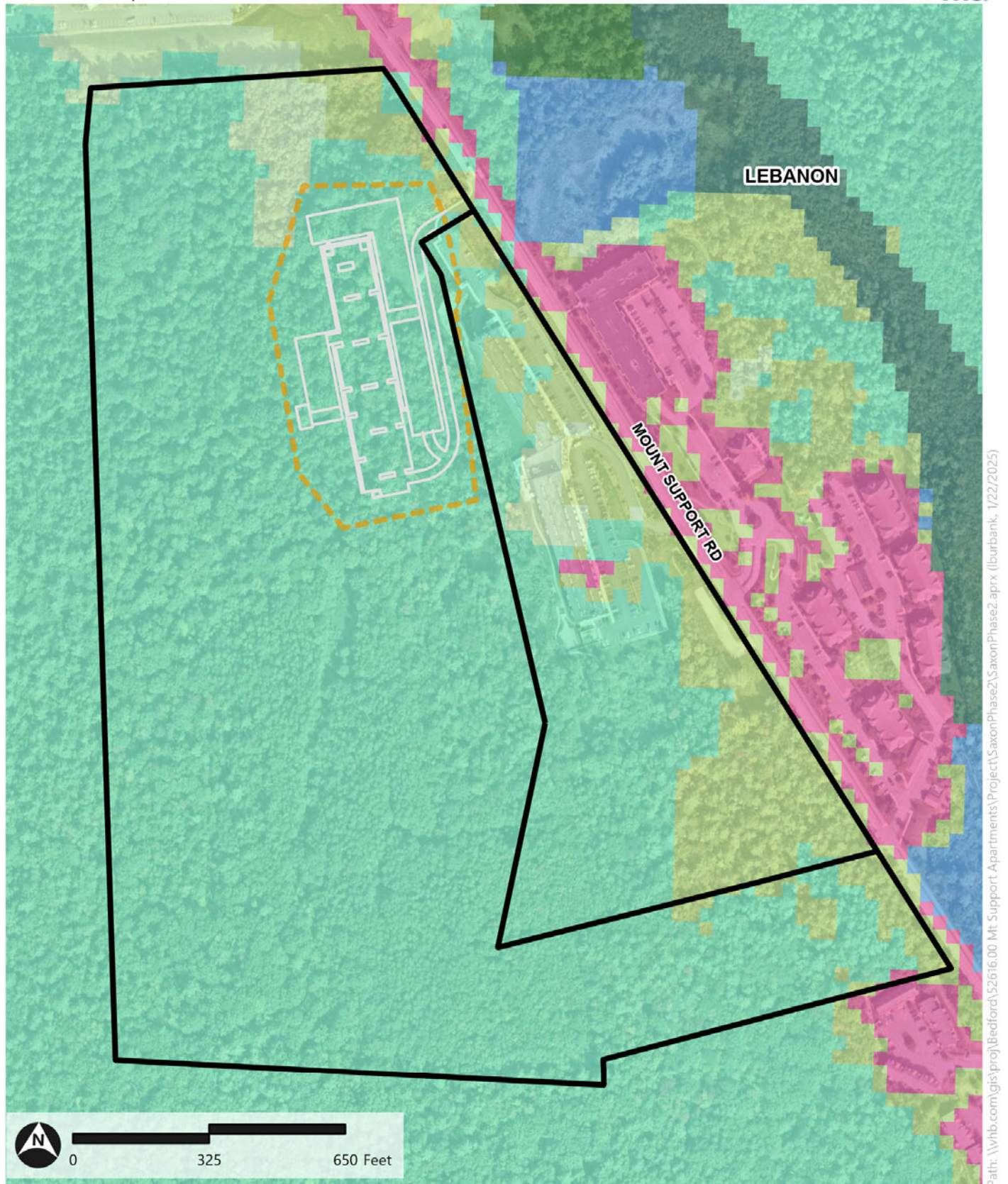


- Limit of Work
 - Parcel Boundary
 - 3
- NH Fish and Game Highest Ranked Wildlife Habitat

Source: NearMap, NHGRANIT, VHB

Figure 5: NH Fish and Game Habitat Type Map

Saxon Phase 2 | Lebanon, NH



Path: \\vhb.com\gis\proj\Bedford\52616.00 Mt. Support Apartments\Project\SaxonPhase2\SaxonPhase2.aprx (lburbank, 1/22/2025)

Source: NearMap, NHGRANIT, VHB

- | | | |
|-------------------|-------------------------------|--------------------------|
| — Design Details | NH Fish and Game Habitat Type | Hemlock-hardwood-pine |
| ⬡ Limit of Work | Developed Impervious | Peatland |
| ⬢ Parcel Boundary | Developed or Barren land | Temperate swamp |
| | Grassland | Wet meadow/shrub wetland |

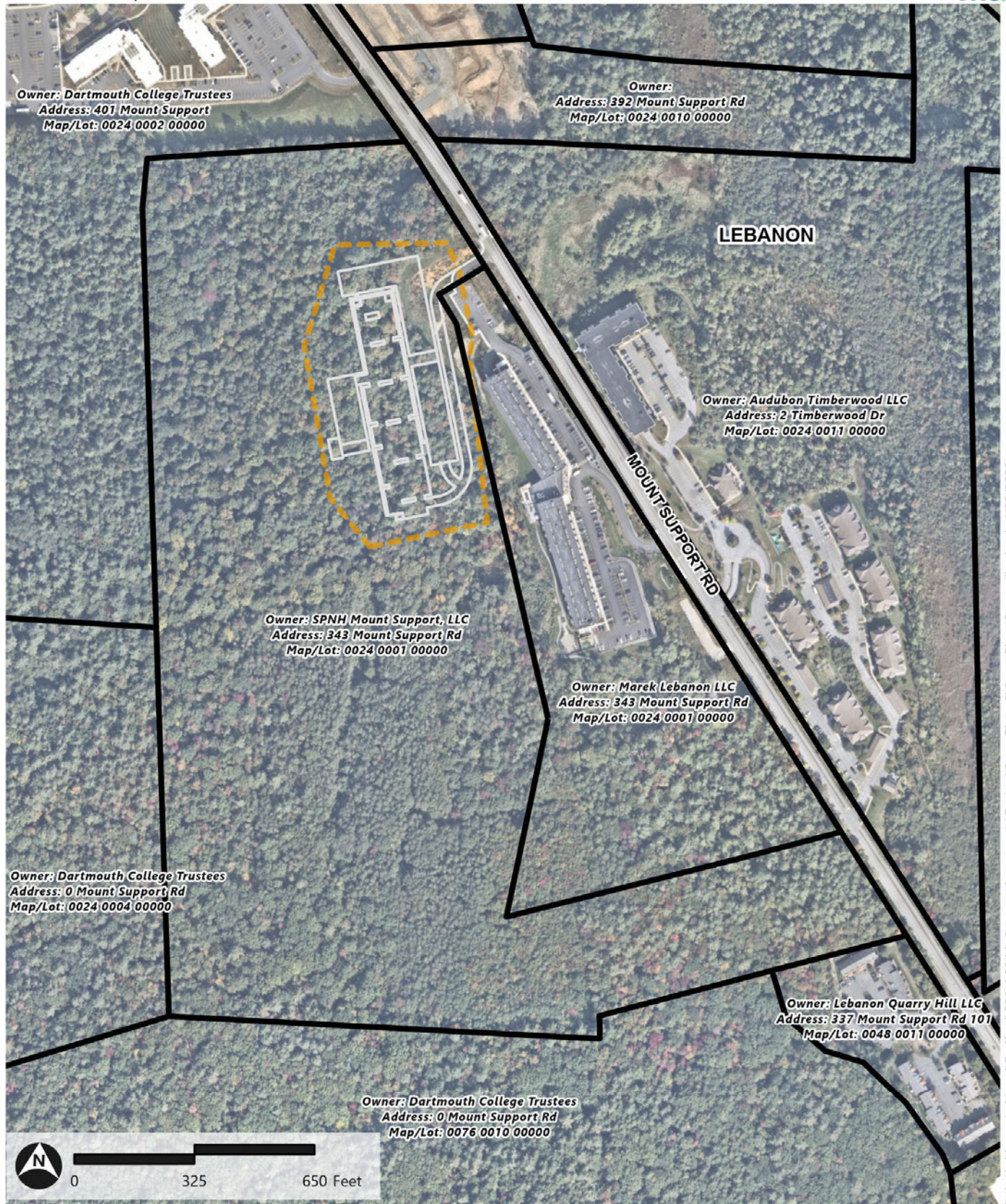
Appendix A: NHDES Pre-Application Meeting Notes

Appendix B: Project Plans

Appendix C: Abutter and Property Owner Information

Figure 6: Abutter Mapping and Information

Saxon Phase 2 | Lebanon, NH



— Design Details Parcel Boundary
 Limit of Work

Appendix D: Representative Project Area Photographs



PHOTOGRAPHIC LOG

Photo No: 1

Photo Date: 6/21/2023

Orientation: North

Description:

View of the vegetation composition of the northern section of Wetland 1, near the property boundary (PFO1/4C).



PHOTOGRAPHIC LOG

Photo No: 2

Photo Date: 6/21/2023

Orientation: South

Description:

View of the vegetation composition at the eastern edge of the central portion of Wetland 1 (PFO1/4C).





PHOTOGRAPHIC LOG

Photo No: 3

Photo Date: 7/20/2023

Orientation: South

Description:

View of overgrown logging road in the southern portion of Wetland 1 (PFO1/4C).



PHOTOGRAPHIC LOG

Photo No: 4

Photo Date: 4/25/2024

Orientation: South

Description:

View of the vegetation composition and hydrological indicators of Wetland 1 (PFO1/4C).





PHOTOGRAPHIC LOG

Photo No: 5

Photo Date: 7/20/2023

Orientation: Southwest

Description:

View of the vegetation composition of Wetland 2 (PEM1B).



PHOTOGRAPHIC LOG

Photo No: 6

Photo Date: 4/24/2024

Orientation: South

Description:

View of the vegetation composition and hydrological indicators of the southern section of Wetland 3 (PFO1/4E).





PHOTOGRAPHIC LOG

Photo No: 7**Photo Date:** 1/10/2025**Orientation:** South**Description:**

View of the vegetation composition in Wetland 3 (PEM1B) adjacent to the existing development.



PHOTOGRAPHIC LOG

Photo No: 8**Photo Date:** 1/10/2025**Orientation:** East**Description:**

View of the vegetation composition (PFO1/4E and PEM1B) of Wetland 3 and the associated drainage path.





PHOTOGRAPHIC LOG

Photo No: 9**Photo Date:** 7/20/2023**Orientation:** Northeast**Description:**

View of the vegetation composition of Wetland 4 (PFO1/4C).



PHOTOGRAPHIC LOG

Photo No: 10**Photo Date:** 7/20/2023**Orientation:** East**Description:**

View of the vegetation composition and hydrologic indicators of Wetland 4 (PFO1/4C).





Engineers | Scientists | Planners | Designers

PHOTOGRAPHIC LOG

Photo No: 11

Photo Date: 7/20/2023

Orientation: East

Description:

View of the vegetation composition of Wetland 5 (PFO1/4C).



Engineers | Scientists | Planners | Designers

PHOTOGRAPHIC LOG

Photo No: 12

Photo Date: 7/20/2023

Orientation: Northeast

Description:

View of the vegetation composition and hydrological indicators of Wetland 5 (PFO1/4C).





Engineers | Scientists | Planners | Designers

PHOTOGRAPHIC LOG

Photo No: 13

Photo Date: 4/25/2024

Orientation: West

Description:

View of the vegetation composition and hydrological indicators of Wetland 6 (PEM1B).



Engineers | Scientists | Planners | Designers

PHOTOGRAPHIC LOG

Photo No: 14

Photo Date: 4/25/2024

Orientation: Northwest

Description:

View of the vegetation composition and hydrological indicators of Wetland 6 (PEM1B).





Engineers | Scientists | Planners | Designers

PHOTOGRAPHIC LOG

Photo No: 15

Photo Date: 4/24/2024

Orientation: West

Description:

Representative view of the upland area within the proposed project boundary.



Engineers | Scientists | Planners | Designers

PHOTOGRAPHIC LOG

Photo No: 16

Photo Date: 4/24/2024

Orientation: South

Description:

Southern view of the site within the proposed project area adjacent to recently constructed The Marek residential project.





PHOTOGRAPHIC LOG

Photo No: 17

Photo Date: 4/24/2024

Orientation: South

Description:

Representative view of the upland area in the northern portion of the proposed project area.



Appendix E: Wetland Functions and Values Evaluation Forms

Wetland Function-Value Evaluation Form

Total area of wetland 262SF Human made? Yes Is wetland part of a wildlife corridor? No or a "habitat island"? No

Adjacent land use Forested, Urban Distance to nearest roadway or other development 191'

Dominant wetland systems present PEM1B Contiguous undeveloped buffer zone present No

Is the wetland a separate hydraulic system? No If not, where does the wetland lie in the drainage basin? Groundwater fed

How many tributaries contribute to the wetland? No Wildlife & vegetation diversity/abundance (see attached list)

Wetland I.D. 6

Latitude 43.66615 Longitude -72.260291

Prepared by: TD Date 1/22/2025

Wetland Impact:
Type Permanent Area 262SF

Evaluation based on:
Office X Field X

Corps manual wetland delineation
completed? Y X N

Function/Value	Suitability Y / N	Rationale (Reference #)*	Principal Function(s)/Value(s)	Comments
 Groundwater Recharge/Discharge	N	1,2		Shallow soils on top of ledge. Previously excavated area that created a wetland.
 Floodflow Alteration	N	4,5		This wetland contains hydric soils that are shallow to impervious ledge.
 Fish and Shellfish Habitat	N			No pooling water to provide habitat for fish or shellfish.
 Sediment/Toxicant Retention	N	6		This wetland was created through historic mining activities and it is not known to be associated with other water features
 Nutrient Removal	N	3		Isolated wetland with shallow soils.
 Production Export	N			No flowering plants were observed within this wetland. Limited production due to size, and previous disturbance.
 Sediment/Shoreline Stabilization	N			No shorelines are present within this wetland.
 Wildlife Habitat	Y	3,5,7	X	Wildlife habitat is provided by this wetland due to the presence of edge to upland areas, nearby food sources, and proximity to other wetland resources.
 Recreation	N	5		This wetland contains marginal wildlife habitat, but does not contain other features of recreational value.
 Educational/Scientific Value	N			This wetland is on a steep hill without public access.
 Uniqueness/Heritage	N	2		This shallow wetland on steep terrain does not provide uniqueness or heritage values.
 Visual Quality/Aesthetics	N			This wetland has been previously disturbed, has limited access, and does not contain any viewing points.
ES Endangered Species Habitat		2		Surveys for a sensitive species have yet to be conducted on this site, but may be present.
Other				

Notes: *The full extent of this wetland was not mapped, so the total area of the wetland is unknown

* Refer to backup list of numbered considerations.

Wetland Function-Value Evaluation Form

Total area of wetland _____ Human made? No Is wetland part of a wildlife corridor? No or a "habitat island"? No

Adjacent land use Forested Distance to nearest roadway or other development 140'

Dominant wetland systems present PF01/4C Contiguous undeveloped buffer zone present No

Is the wetland a separate hydraulic system? No If not, where does the wetland lie in the drainage basin? Groundwater fed

How many tributaries contribute to the wetland? No Wildlife & vegetation diversity/abundance (see attached list)

Wetland I.D. 1

Latitude 43.6671 Longitude -72.26177

Prepared by: TD Date 1/22/2025

Wetland Impact:
Type Temporary Area 106SF

Evaluation based on:
Office X Field X

Corps manual wetland delineation completed? Y X N

Function/Value	Suitability Y / N	Rationale (Reference #)*	Principal Function(s)/Value(s)	Comments
 Groundwater Recharge/Discharge	N	1,2		Shallow soils to bedrock on a hillside.
 Floodflow Alteration	N	4,5		This wetland contains hydric soils that are shallow to impervious ledge.
 Fish and Shellfish Habitat	N			No pooling water to provide habitat for fish or shellfish.
 Sediment/Toxicant Retention	N	6		Previous disturbance has occurred to this wetland and it is not known to be associated with other water features
 Nutrient Removal	N	3		Isolated wetland with shallow soils.
 Production Export	N	1,2,4,12		Some wildlife production indicators are present within the wetland.
 Sediment/Shoreline Stabilization	N			No shorelines are present within this wetland.
 Wildlife Habitat	Y	3,5,7,8,13,19	X	This large wetland provides edge habitat with adjacent upland areas and provides food sources for various wildlife species.
 Recreation	N	5		This wetland contains wildlife habitat, but does not contain other features of recreational value.
 Educational/Scientific Value	N			This wetland is on a steep hill without public access.
 Uniqueness/Heritage	N	2		This shallow wetland on steep terrain does not provide uniqueness or heritage values.
 Visual Quality/Aesthetics	N			This wetland has been previously disturbed, has limited access, and does not contain any viewing points.
ES Endangered Species Habitat		2		Surveys for a sensitive species have yet to be conducted on this site, but may be present.
Other				

Notes:

* Refer to backup list of numbered considerations.

Wetland Function-Value Evaluation Form

Total area of wetland _____ Human made? No Is wetland part of a wildlife corridor? No or a "habitat island"? No

Adjacent land use Forested Distance to nearest roadway or other development 140'

Dominant wetland systems present PF01/4C Contiguous undeveloped buffer zone present No

Is the wetland a separate hydraulic system? No If not, where does the wetland lie in the drainage basin? Groundwater fed

How many tributaries contribute to the wetland? No Wildlife & vegetation diversity/abundance (see attached list)

Wetland I.D. 1

Latitude 43.6671 Longitude -72.26177

Prepared by: TD Date 1/22/2025

Wetland Impact:
Type Temporary Area 106SF

Evaluation based on:
Office X Field X

Corps manual wetland delineation completed? Y X N

Function/Value	Suitability Y / N	Rationale (Reference #)*	Principal Function(s)/Value(s)	Comments
 Groundwater Recharge/Discharge	N	1,2		Shallow soils to bedrock on a hillside.
 Floodflow Alteration	N	4,5		This wetland contains hydric soils that are shallow to impervious ledge.
 Fish and Shellfish Habitat	N			No pooling water to provide habitat for fish or shellfish.
 Sediment/Toxicant Retention	N	6		Previous disturbance has occurred to this wetland and it is not known to be associated with other water features
 Nutrient Removal	N	3		Isolated wetland with shallow soils.
 Production Export	N	1,2,4,12		Some wildlife production indicators are present within the wetland.
 Sediment/Shoreline Stabilization	N			No shorelines are present within this wetland.
 Wildlife Habitat	Y	3,5,7,8,13,19	X	This large wetland provides edge habitat with adjacent upland areas and provides food sources for various wildlife species.
 Recreation	N	5		This wetland contains wildlife habitat, but does not contain other features of recreational value.
 Educational/Scientific Value	N			This wetland is on a steep hill without public access.
 Uniqueness/Heritage	N	2		This shallow wetland on steep terrain does not provide uniqueness or heritage values.
 Visual Quality/Aesthetics	N			This wetland has been previously disturbed, has limited access, and does not contain any viewing points.
ES Endangered Species Habitat		2		Surveys for a sensitive species have yet to be conducted on this site, but may be present.
Other				

Notes:

* Refer to backup list of numbered considerations.

Wetland Function-Value Evaluation Form

Total area of wetland _____ Human made? No Is wetland part of a wildlife corridor? No or a "habitat island"? No

Adjacent land use Forested Distance to nearest roadway or other development 140'

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Is the wetland a separate hydraulic system? No If not, where does the wetland lie in the drainage basin? Groundwater fed

How many tributaries contribute to the wetland? No Wildlife & vegetation diversity/abundance (see attached list)

Wetland I.D. 1

Latitude 43.6671 Longitude -72.26177

Prepared by: TD Date 1/22/2025

Wetland Impact:
Type Temporary Area 106SF

Evaluation based on:
Office X Field X

Corps manual wetland delineation completed? Y X N

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Wetland I.D. 1

Latitude 43.6671 Longitude -72.26177

Prepared by: TD Date 1/22/2025

Wetland Impact:
Type Temporary Area 106SF

Evaluation based on:
Office X Field X

Corps manual wetland delineation completed? Y X N

Function/Value	Suitability Y / N	Rationale (Reference #)*	Principal Function(s)/Value(s)	Comments
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Other				

Notes:

* Refer to backup list of numbered considerations.

Wetland Function-Value Evaluation Form

Total area of wetland _____ Human made? No Is wetland part of a wildlife corridor? No or a "habitat island"? No

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Wetland I.D. 1

Latitude 43.6671 Longitude -72.26177

Prepared by: TD Date 1/22/2025

Wetland Impact:
Type Temporary Area 106SF

Evaluation based on:
Office X Field X

Corps manual wetland delineation
completed? Y X N

Function/Value	Suitability Y / N	Rationale (Reference #)*	Principal Function(s)/Value(s)	Comments
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 Visual Quality/Aesthetics	N			This wetland has been previously disturbed, has limited access, and does not contain any viewing points.
ES Endangered Species Habitat		2		Surveys for a sensitive species have yet to be conducted on this site, but may be present.
Other				

Notes:

* Refer to backup list of numbered considerations.

Appendix F: NHB DataCheck Results Letters and Correspondence



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: Kristopher Wilkes, Vanasse Hangen Brustlin, Inc.
2 Bedford Farms Dr., Suite 200
Bedford, NH 03110
kwilkes@vhb.com

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

cc:

Date: 12/27/2024 (valid until 12/27/2025)
Re: DataCheck Review by NH Natural Heritage Bureau and NH Fish & Game
Permits: MUNICIPAL POR - Lebanon, NHDES - Alteration of Terrain Permit, NHDES - Standard Dredge & Fill - Major, USACE - General Permit, USEPA - Stormwater Pollution Prevention

NHB ID: NHB24-3724

Town: Lebanon

Location: 343 Mt. Support Road

Project Description: The Applicant is proposing to construct a new 4-story residential apartment complex with garage and surface parking in Lebanon, NH. The Project's design is targeted to serve employees of the Dartmouth Hitchcock Medical Center. The site, known as Parcel 1 on Tax Map 24-100, is owned by SPNH Mount Support, LLC. In total, the site encompasses approximately 57 acres of sloping elevations with the development focused on approximately 6 acres closer to Mt. Support. Currently, the site is undeveloped, with a shared entrance to an adjacent residential development.

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 nearby 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.nhdfldncr.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.

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.

Appendix G: USFWS IPaC Species List and Correspondence



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:
Project Code: 2025-0045836
Project Name: The Marek Phase 2

01/22/2025 21:17:25 UTC

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: 2025-0045836

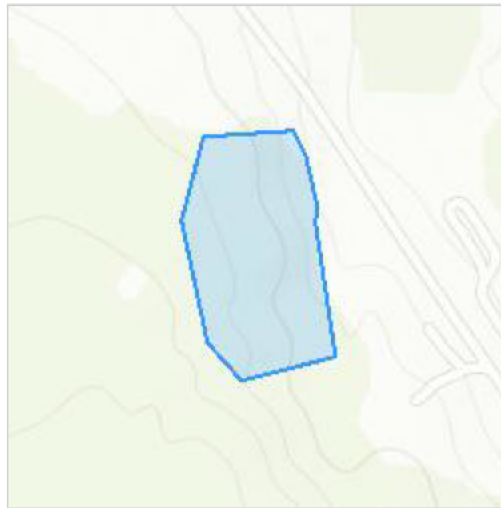
Project Name: The Marek Phase 2

Project Type: Residential Construction

Project Description: Saxon Partners are looking to expand the current footprint of the housing development known as The Marek at 343 Mount Support Road in Lebanon, New Hampshire to include a new 3-building, 4-story residential apartment complex with podium and surface parking, amenities, and landscaping.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.66644865,-72.26047309936047,14z>



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> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened

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: Trent Delehanty
Address: 2 Bedford Farms Drive, Suite #200
City: Bedford
State: NH
Zip: 03110
Email: [REDACTED]@[REDACTED].[REDACTED]
Phone: 6033913853



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:
Project code: 2025-0045836
Project Name: The Marek Phase 2

01/29/2025 14:35:24 UTC

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

Subject: Technical assistance for 'The Marek Phase 2'

Dear Trent Delehanty:

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 January 29, 2025, for 'The Marek Phase 2' (here forward, Project). This project has been assigned Project Code 2025-0045836 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not 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.**

Determination for the Northern Long-Eared Bat and Tricolored Bat

Based on your IPaC submission and a standing analysis completed by the Service, you determined the proposed Project will have the following effect determinations:

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

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* Proposed Threatened

You may coordinate with our Office to determine whether the Action may cause prohibited take of the species listed above.

Conclusion

Consultation with the Service is not complete. Further consultation or coordination with the Service is necessary for those species or designated critical habitats with a determination of “May Affect.” A “May Affect” determination in this key indicates that the project, as entered, is not consistent with the questions in the key. Not all projects that reach a “May Affect” determination are anticipated to result in adverse impacts to listed species. These projects may result in a “No Effect”, “May Affect, Not Likely to Adversely Affect”, or “May Affect, Likely to Adversely Affect” determination depending on the details of the project. Please contact our New England Ecological Services Field Office to discuss methods to avoid or minimize potential adverse effects to those species or designated critical habitats.

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. Projects that receive a may affect determination for tricolored bat through the key, should contact the appropriate Ecological Services Field Office if they want to conference on this species.

Action Description

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

1. Name

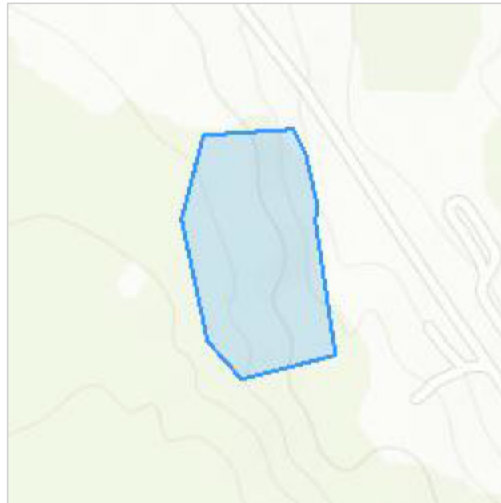
The Marek Phase 2

2. Description

The following description was provided for the project 'The Marek Phase 2':

Saxon Partners are looking to expand the current footprint of the housing development known as The Marek at 343 Mount Support Road in Lebanon, New Hampshire to include a new 3-building, 4-story residential apartment complex with podium and surface parking, amenities, and landscaping.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.66644865,-72.26047309936047,14z>



DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may 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.).

Yes

20. Will the increased vehicle traffic occur on any road that lies between any two areas of contiguous forest that are each greater than or equal to 10 acres in extent and are separated by less than 1,000 feet? Bats may cross a road by flying between forest patches that are up to 1,000 feet apart.

Note: "Contiguous forest" of 10 acres or more may include areas where multiple forest patches are separated by less than 1,000 feet of non-forested area if the forested patches, added together, comprise at least 10 acres.

Yes

21. For every 1,000 feet of road where increased traffic is expected, will there be at least one place where bats could cross the road corridor by flying less than 33 feet (10 meters) between trees whose tops are at least 66 feet (20 meters) higher than the road surface?

Yes

22. 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

23. 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

24. Will the action include drilling or blasting?

Yes

25. Will the drilling or blasting produce noise or vibrations above existing background levels that will affect suitable summer habitat for northern long-eared bats and/or tricolored bats?

Note: Additional information defining suitable summer habitat for the northern long-eared bat and/or tricolored bat, can be found in Appendix A in 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

26. 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

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

No

28. 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

29. 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

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

Yes

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

No

32. 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

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

Automatically answered

No

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

Automatically answered

No

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

Automatically answered

No

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

Automatically answered

Yes

37. 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

38. 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

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

Automatically answered

Yes

40. [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

41. 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

42. 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

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.

5.2

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Trent Delehanty
Address: 2 Bedford Farms Drive, Suite #200
City: Bedford
State: NH
Zip: 03110
Email: [REDACTED]@[REDACTED].[REDACTED]
Phone: 6033913853

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers

Appendix H: Mitigation Documentation

**NHDES AQUATIC RESOURCE MITIGATION FUND
WETLAND PAYMENT CALCULATION
INSERT AMOUNTS IN YELLOW CELLS**

1 Convert square feet of impact to acres:		
INSERT SQ FT OF IMPACT	Square feet of impact =	12623.00
		43560.00
	Acres of impact =	0.2898
	Total Wetland Credits =	0.2898
2 Determine acreage of wetland construction:		
	Forested Wetlands:	0.4347
	Tidal Wetlands:	0.8694
	All Other Jurisdictional Areas	0.4347
3 Wetland construction cost:		
	Forested Wetlands:	\$50,557.10
	Tidal Wetlands:	\$101,114.20
	All Other Jurisdictional Areas	\$50,557.10
4 Land acquisition cost (See land value table):		
INSERT LAND VALUE FROM TABLE WHICH APPEARS TO THE LEFT. (Insert the amount do not copy and paste.)	Town land value:	36243.03
	Forested Wetlands:	\$15,753.99
	Tidal Wetlands:	\$31,507.97
	All Other Jurisdictional Areas	\$15,753.99
5 Construction + land costs:		
	Forested Wetlands:	\$66,311.09
	Tidal Wetlands:	\$132,622.18
	All Other Jurisdictional Areas	\$66,311.09
6 NHDES Administrative cost:		
	Forested Wetlands:	\$13,262.22
	Tidal Wetlands:	\$26,524.44
	All Other Jurisdictional Areas	\$13,262.22
***** TOTAL ARM PAYMENT*****		
	Forested Wetlands:	\$79,573.31
	Tidal Wetlands:	\$159,146.61
	All Other Jurisdictional Areas	\$79,573.31

Appendix I: Cultural Resource Documentation

Please mail the completed form and required material to:

New Hampshire Division of Historical Resources
State Historic Preservation Office
Attention: Review & Compliance
19 Pillsbury Street, Concord, NH 03301-3570

RECEIVED

MAR 06 2020

DHR Use Only

R&C #

11602

Log In Date

3, 18, 20

Response Date

9, 17, 20

Sent Date

9, 22, 20

Request for Project Review by the New Hampshire Division of Historical Resources

This is a new submittal

This is additional information relating to DHR Review & Compliance (R&C) #:

GENERAL PROJECT INFORMATION

Project Title **Mount Support Apartments**

Project Location **343 Mount Support Road**

City/Town **Lebanon** Tax Map **24** Lot # **1**

NH State Plane - Feet Geographic Coordinates: Easting **827593** Northing **425454**
(See RPR Instructions and R&C FAQs for guidance.)

Lead Federal Agency and Contact (if applicable) **US Environmental Protection Agency**
(Agency providing funds, licenses, or permits)

Permit Type and Permit or Job Reference # **National Pollutant Discharge Elimination System (NPDES)
Construction General Permit (CGP) and Stormwater Pollution Prevention Plan (SWPPP) (not yet submitted)**

State Agency and Contact (if applicable) **Not Applicable**

Permit Type and Permit or Job Reference # **NPDES CGP, SWPPP**

APPLICANT INFORMATION

Applicant Name **Saxon Partners, c/o Donald Smith**

Mailing Address **25 Recreation Park Drive, Suite 204** Phone Number **781-875-3304**

City **Hingham** State **MA** Zip **02043** Email **XXXXXXXXXXXX**

CONTACT PERSON TO RECEIVE RESPONSE

Name/Company **David Fenstermacher, VHB**

Mailing Address **2 Bedford Farms Drive, Suite 200** Phone Number **603-391-3900**

City **Bedford** State **NH** Zip **03110-6532** Email **dfenstermacher@vhb.com**

This form is updated periodically. Please download the current form at www.nh.gov/nhdhr/review. Please refer to the Request for Project Review Instructions for direction on completing this form. Submit one copy of this project review form for each project for which review is requested. Include a self-addressed stamped envelope to expedite review response. Project submissions will not be accepted via facsimile or e-mail. This form is required. Review request form must be complete for review to begin. Incomplete forms will be sent back to the applicant without comment. Please be aware that this form may only initiate consultation. For some projects, additional information will be needed to complete the Section 106 review. All items and supporting documentation submitted with a review request, including photographs and publications, will be retained by the DHR as part of its review records. Items to be kept confidential should be clearly identified. For questions regarding the DHR review process and the DHR's role in it, please visit our website at: www.nh.gov/nhdhr/review or contact the R&C Specialist at marika.labash@dnrcr.nh.gov or 603.271.3558.

New Hampshire Division of Historical Resources / State Historic Preservation Office
May 2019

Project Boundaries and Description

- ☐ Attach the Project Mapping using *EMMIT* or relevant portion of a 7.5' USGS Map. (See RPR Instructions and R&C FAQs for guidance.)
- ☐ Attach a detailed narrative description of the proposed project.
- ☐ Attach a site plan. The site plan should include the project boundaries and areas of proposed excavation.
- ☐ Attach photos of the project area (overview of project location and area adjacent to project location, and specific areas of proposed impacts and disturbances.) (Informative photo captions are requested.)
- ☐ A DHR records search must be conducted to identify properties within or adjacent to the project area. Provide records search results via *EMMIT* or in Table 1. (Blank table forms are available on the DHR website.)
- EMMIT or in-house records search conducted on / /

Architecture

Are there any buildings, structures (bridges, walls, culverts, etc.) objects, districts or landscapes within the project area? ☐ Yes ☐ No

If no, skip to Archaeology section. If yes, submit all of the following information:

Approximate age(s):

- ☐ Photographs of *each* resource or streetscape located within the project area, with captions, along with a mapped photo key. (Digital photographs are accepted. All photographs must be clear, crisp and focused.)
- ☐ If the project involves rehabilitation, demolition, additions, or alterations to existing buildings or structures, provide additional photographs showing detailed project work locations. (i.e. Detail photo of windows if window replacement is proposed.)

Archaeology

Does the proposed undertaking involve ground-disturbing activity? ☐ Yes ☐ No

If yes, submit all of the following information:

- ☐ Description of current and previous land use and disturbances.
- ☐ Available information concerning known or suspected archaeological resources within the project area (such as cellar holes, wells, foundations, dams, etc.)

Please note that for many projects an architectural and/or archaeological survey or other additional information may be needed to complete the Section 106 process.

DHR Comment/Finding Recommendation This Space for Division of Historical Resources Use Only

- ☐ Insufficient information to initiate review. ☐ Additional information is needed in order to complete review.
- ☐ No Potential to cause Effects ☒ No Historic Properties Affected ☐ No Adverse Effect ☐ Adverse Effect

Comments: CONCUR WITH RESULTS OF PHASE I-A ARCHAEOLOGICAL SENSITIVITY ASSESSMENT AND RECOMMENDATION OF NO FURTHER STUDY.

Thank you for submitting Inventory form, as requested.

As a courtesy, please check in with the Lebanon Heritage Commission & forward correspondence to DHR.

If plans change or resources are discovered in the course of this project, you must contact the Division of Historical Resources as required by federal law and regulation.

Authorized Signature: Nicki Melia, DSHPO Date: 9/12/2020

Appendix J: USACE Appendix B Checklist and Supporting Notes



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

Appendix B

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

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

All Projects:

- New Hampshire Department of Environmental Services (DES) Wetlands Permit Application.
- Request for Project Review Form by the New Hampshire Division of Historical Resources (DHR)
<https://www.nh.gov/nhdhr/review/rpr.htm>.
- Photographs of wetland/waterway to be impacted.
- Purpose of the project.
- Legible, reproducible plans no larger than 11”x17” with bar scale. Provide locus map and plan views of the entire property.
- Typical cross-section views of all wetland and waterway fill areas and wetland replication areas.
- In navigable waters, show mean low water (MLW) and mean high water (MHW) elevations. Show the high tide line (HTL) elevations when fill is involved. In other waters, show ordinary high water (OHW) elevation.
- On each plan, show the following for the project:
 - Vertical datum and the NAVD 1988 equivalent with the vertical units as U.S. feet. In coastal waters this may be mean higher high water (MHHW), mean high water (MHW), mean low water (MLW), mean lower low water (MLLW) or other tidal datum with the vertical units as U.S. feet. MLLW and MHHW are preferred. Provide the correction factor detailing how the vertical datum (e.g., MLLW) was derived using the latest National Tidal Datum Epoch for that area, typically 1983-2001.
 - Horizontal state plane coordinates in U.S. survey feet based on the Traverse Mercator Grid system for the State of New Hampshire (Zone 2800) NAD 83.
 - Project limits with existing and proposed conditions.
 - Limits of any Federal Navigation Project in the vicinity of the project area and horizontal State Plane Coordinates in U.S. survey feet for the limits of the proposed work closest to the Federal Navigation Project;
 - Volume, type, and source of fill material to be discharged into waters and wetlands, including the area(s) (in square feet or acres) of fill in wetlands, below the OHW in inland waters and below the HTL in coastal waters.
 - Delineation of all waterways and wetlands on the project site,;
- Use Federal delineation methods and include Corps wetland delineation data sheets (GC 2).
- For activities involving discharges of dredged or fill material into waters of the U.S., include a statement describing how impacts to waters of the U.S. are to be avoided and minimized, and either a statement describing how impacts to waters of the U.S. are to be compensated for (or a conceptual or detailed mitigation plan) or a statement explaining why compensatory mitigation should not be required for the proposed impacts. Please contact the Corps for guidance.



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

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

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

1. Impaired Waters	Yes	No
1.1 Will any work occur within 1 mile upstream in the watershed of an impaired water? See http://des.nh.gov/organization/divisions/water/wmb/section401/impaired_waters.htm to determine if there is an impaired water in the vicinity of your work area.*		X
2. Wetlands	Yes	No
2.1 Are there are streams, brooks, rivers, ponds, or lakes within 200 feet of any proposed work?	X	
2.2 Are there proposed impacts to SAS, special wetlands. Applicants may obtain information from the NH Department of Resources and Economic Development Natural Heritage Bureau (NHB) DataCheck Tool for information about resources located on the property at https://www2.des.state.nh.us/nhb_datacheck/ . The book Natural Community Systems of New Hampshire also contains specific information about the natural communities found in NH.		X
2.3 If wetland crossings are proposed, are they adequately designed to maintain hydrology, sediment transport & wildlife passage?	X	
2.4 Would the project remove part or all of a riparian buffer? (Riparian buffers are lands adjacent to streams where vegetation is strongly influenced by the presence of water. They are often thin lines of vegetation containing native grasses, flowers, shrubs and/or trees that line the stream banks. They are also called vegetated buffer zones.)		X
2.5 The overall project site is more than 40 acres?		X
2.6 What is the area of the previously filled wetlands?	N/A	
2.7 What is the area of the proposed fill in wetlands?	12,623SF	
2.8 What is the % of previously and proposed fill in wetlands to the overall project site?	5.6%	
3. Wildlife	Yes	No
3.1 Has the NHB & USFWS determined that there are known occurrences of rare species, exemplary natural communities, Federal and State threatened and endangered species and habitat, in the vicinity of the proposed project? (All projects require an NHB ID number & a USFWS IPAC determination.) NHB DataCheck Tool: https://www2.des.state.nh.us/nhb_datacheck/ USFWS IPAC website: https://ecos.fws.gov/ipac/location/index	X	

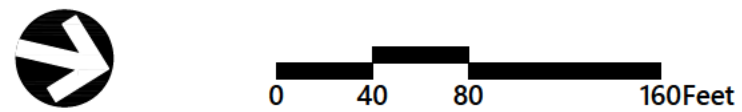
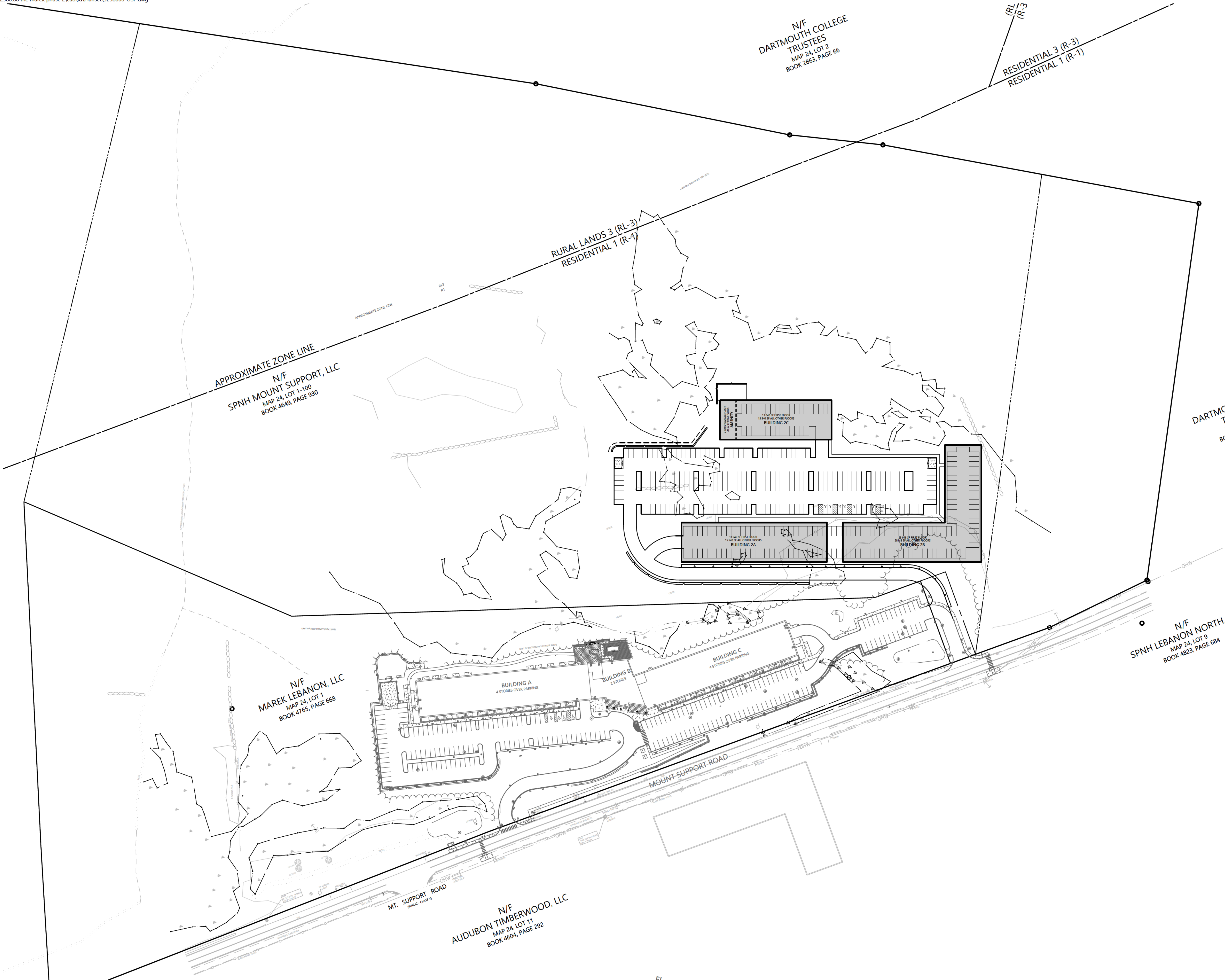
3.2 Would work occur in any area identified as either “Highest Ranked Habitat in N.H.” or “Highest Ranked Habitat in Ecological Region”? (These areas are colored magenta and green, respectively, on NH Fish and Game’s map, “2010 Highest Ranked Wildlife Habitat by Ecological Condition.”) Map information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

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

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



2 Bedford Farms Drive
Suite 200
Bedford, NH 03110
603.391.3900



**The Marek Phase 2
at Lebanon, NH**
343 Mount Support Road
Lebanon, New Hampshire

No	Revision	Date	Apprd

Designed by	SJF	Checked by	DHF
Issued for		Date	

Review February 3, 2025

Not Issued for Construction

Drawing Title
Overall Site Plan

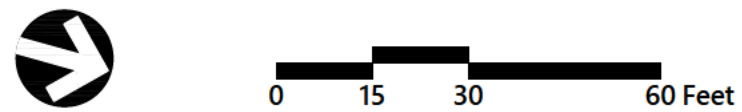
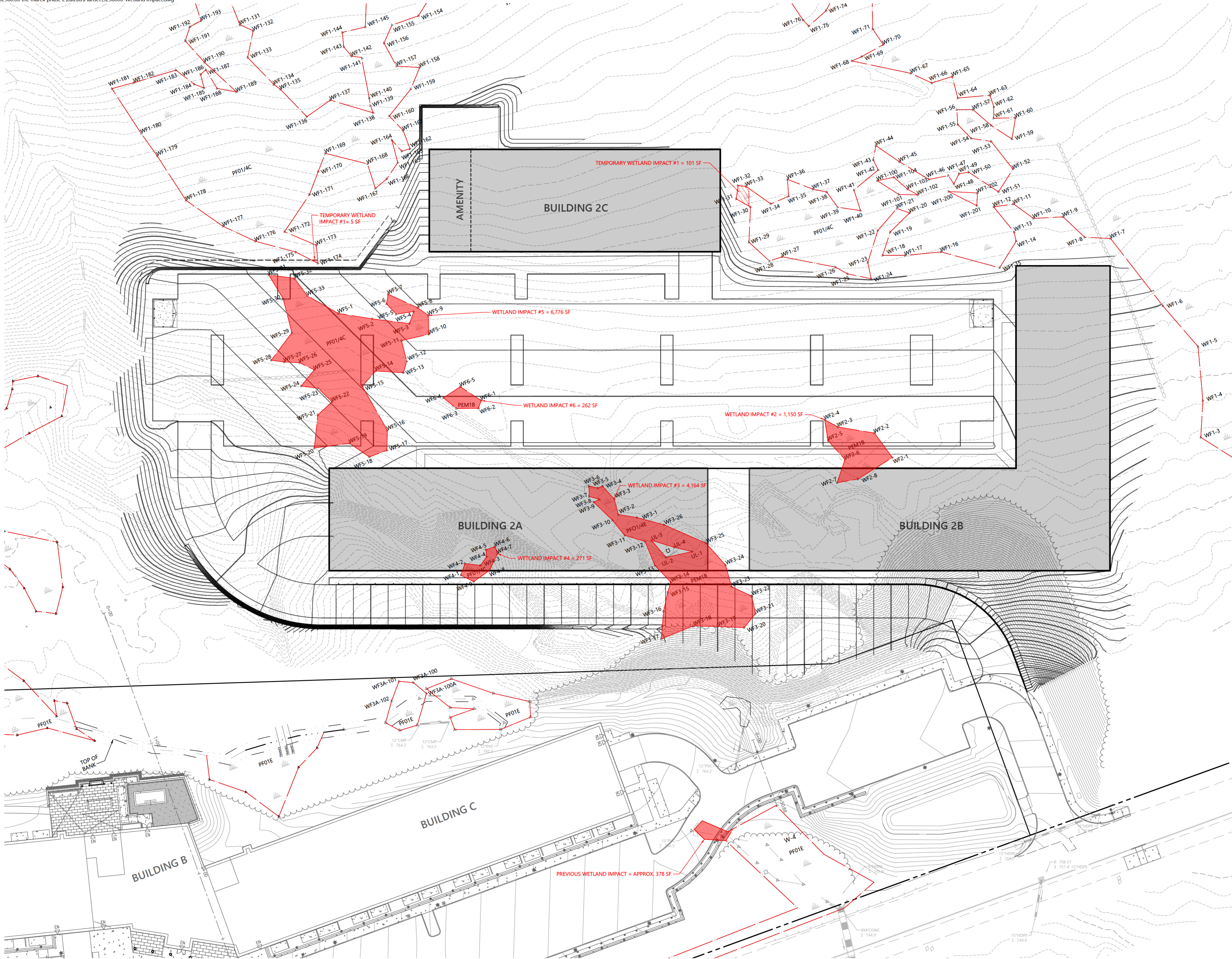
Drawing Number

C2.01

Sheet 2 of 8



2 Bedford Farms Drive
Suite 200
Bedford, NH 03110
603.391.3900



**The Marek Phase 2
at Lebanon, NH**
343 Mount Support Road
Lebanon, New Hampshire

No	Revision	Date	Appr

Designed by SJF	Checked by DHF
Issued for Review	Date February 3, 2025

Not Issued for Construction
Drawing Title
Wetland Impact Figure
Drawing Number
C6.01

Sheet 6 of 8

Project Number
52980.00