

FINAL

**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 Oidtmann

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

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

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

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

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

1. STUDY ITEMS:

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

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

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

District use maps were provided but no other map.

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

***Mr. Erling Heistad MOVED to approve the above statement
Seconded by Mr. Ernst Oidtmann***

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

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

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

modified the extent of this proposed map change at their last meeting. Some of the natural area and steep slopes were excluded from the proposed MC2 District. These are currently not protected. The Council wants this to be conserved. There are natural areas and trails on this property, with pieces owned by the school and the City.

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

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

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

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

Mr. Reichert said that the hospital's needs are evolving, and APD needs to be able to provide temporary and transitional housing for visiting nurses and other employees moving here, who are in need of transitional housing. He also said that just because something is politically appropriate does not mean it 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 court case.

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

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

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

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

Mr. James thinks this is a step in the right direction with APD and the Conservation Commission. They could ask about the steeple in the future along with expanding the Starr Hill conservation area. Mr. Reichert is already checking into this with APD.

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

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

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

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

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

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

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

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

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

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

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

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

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

****The vote on the MOTION was approved (5-0-1) - Ms. Hirai abstained.***

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

Mr. Reichert referenced Amendment #4 and said that you can take things away, but you cannot add to what is being rezoned. He explained some moving pieces (changes) relevant to Amendment #4, that have happened since January 6th such as "Nash 2" (ICV) which was a second request from Dan Nash, the Planning Board's proposed modifications to amendment four and the third piece was the Hatch property which they learned that there are 3 acres that are not conserved and therefore could be developed. Ms. Hatch has 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 Volvo 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, Rix 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 proposed Zoning amendment. This was unanimous. Leave the car dealership as industrial light. The changes on the East side of Etna road are concerning, including the wetland 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 Planning 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

corridor that runs through the area and impact the abutting Nicole S. Cormen 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.

Amendment #4 will be addressed during their February 13th, 2025 meeting. They will work on their comment in advance of this meeting.

For Amendment #20 Conservation Commission's statement is that they have no comment on this. The Conservation Commission was in agreement on this unanimously, though there was no ****MOTION*** or vote per se.

E. Discussion and Endorsement Re: Zoning Amendments Ballot Statement

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

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

3. ADJOURNMENT

Mr. Erling Heistad MOVED to adjourn the meeting
Seconded by Ms. Barbara Harai

**The Vote on the MOTION was approved unanimously*

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

Respectfully submitted,
Cinda Mersel
Recording Secretary