



LEBANON CONSERVATION COMMISSION
APRIL 10, 2025 - 6:30 PM
MEETING ROOM 1, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE

1. Call to Order

- A. 1. To participate in this meeting, please [join live via Microsoft Teams](#) or call 929-229-5356 (access code: 116 971 017#). If you have trouble accessing this meeting, please [email Mark Goodwin](#)

2. Approval of Minutes

- A. None

3. Open to the Public

4. Permit Review

- A. 1. **Review and Comment to NH DES and Lebanon Zoning Board of Adjustment: Saxon Real Estate Partners, LLC, 0 Mount Support Rd (Tax Map 24, Lot 1, Plot 100)** - Review and Comment on NH DES Wetland Major Impact Application and the Zoning Board Wetlands Special Exception Application for construction of a new 3-building, 4-story residential apartment complex with podium and surface parking, amenities, and landscape improvements. A total of approximately 106 SF of temporary impacts and 12,623 SF of permanent impacts are proposed by the project development. CC2025-03 DES #2025-00567 (45 minutes)

5. Study Items

- A. **Food Truck Task Force** - Proposed Zoning Amendment (7 minutes)
B. **Care & Treatment of Animals** - Proposed Zoning Amendment (7 minutes)
C. **Hotels in General Commercial One (GC-1)** - Proposed Zoning Amendment (7 minutes)
D. **Upper Valley Land Trust (UFLT) Conservation Project** - Signal Hill lowlands Conservation Project (45 minutes)
E. **Goals and Funding for 2025** (continued) (60 minutes)

6. Committee Reports

- A. Biodiversity Group (Invasives)
B. Stewardship
- Ranger
-Trail Coordinator
-Monitors and Stewards

- C. Wild about Lebanon
 - D. Amphibian Crossings
 - E. LUCT/Current Use
 - F. Other Subcommittees
- 7. Other Business**
- A. FYIs
 - B. Follow Up
 - C. Workshops and Educational Opportunities
- 8. Future Agenda Items**
- 9. Adjournment**

The order of agenda items is subject to change.

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

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

March 2025



March 7, 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 jtinus@vhb.com 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 Real Estate 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-strawberry  - 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:	

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

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

des.nh.gov

For dredging projects, is the subject property contaminated? • If yes, list contaminant:	☐ Yes ☒ No
Is there potential to impact impaired waters, class A waters, or outstanding resource waters?	☐ Yes ☒ No
For stream crossing projects, provide watershed size (see <u>WPPT</u> 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.	
Proposed development of the site includes 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 residents. 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):	

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

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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 ADDRESS: dsmith@saxon-partners.com		
FAX:	PHONE: 781-875-3304	
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 J		
COMPANY NAME: VHB		
MAILING ADDRESS: 2 Bedford Farms Drive Suite 200		
TOWN/CITY: Bedford	STATE: NH	ZIP CODE: 03110
EMAIL ADDRESS: jtinus@vhb.com		
FAX:	PHONE: 603-391-3899	
ELECTRONIC COMMUNICATION: By initialing here, I hereby authorize NHDES to communicate all matters relative to this application electronically. JJT		
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, zoning and site constraints such as steep slopes. Impacts to wetlands include 11,211SF of permanent impacts of forested wetlands and 1,412SF of permanent impacts to emergent wetlands. Temporary impacts 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: **February** Day: **18** Year: **2025**

(☐ 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/rivers, 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

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

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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:
 1. Deny the application.
 2. Revoke any approval that is granted based on the information.
 3. 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):

Jacob Tinus, CWS, CPESC

PRINT NAME LEGIBLY:

DATE:

3/6/25

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".

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

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



Water Division/Land Resources Management
Wetlands Bureau

[Check the Status of your Application](#)

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

APPLICANT'S NAME: Saxon Real Estate Partners, LLC

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, AND STEEP SLOPES, 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 isolated wetlands that do not share any surface water connection to streams or other 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 a whole. The isolated wetlands that are proposed to be impacted 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 project was reduced from initial designs 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 the larger wetland complex that extends to the west and south of the proposed development. The total 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. Wildlife corridors have been established on the northern and southern portions of the site by the City of Lebanon. These corridors will not be impacted by the project. No other protected species or habitat, or documented fisheries, habitat and reproduction areas for species of concern are documented or observed on the site.

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. Field surveys and desktop data review indicate the wetlands proposed for impacts were noted as having principal functional values of wildlife habitat, with two of the wetlands likely the result of groundwater expression at the surface due to the past removal of earth materials.

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 stream channels will be impacted by the proposed project, therefore no adverse impacts will occur to streams.

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: TRENT DELEHANTY Supervised by JACOB TINUS (NH CWS #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;

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

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www.des.nh.gov

- ☐ 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
WRITTEN NARRATIVE**
Water Division/Land Resources Management
Wetlands Bureau



[Check the Status of your Application](#)

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

APPLICANT'S NAME: Saxon Real Estate Partners, LLC

TOWN NAME: Lebanon

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

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

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

No. The primary purpose of the project is a residential development; no water access structure will be constructed.

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

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

Yes. Access to the site does require impacting an isolated wetland; other isolated wetlands would be impacted on the buildable part of the site.

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

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

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

The project will not impact more than one acre of wetland or streams. No PRAs or vernal pools are located on the site; therefore none will be impacted by the project. No other properties are available to the applicant for development. The proposed development would share an existing driveway with an existing development at 343 Mt. Support Road.

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

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

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, southern and western portions of the parcel, as well as the presence of zoning restrictions, steep slopes, and established wildlife corridors immediately to the north and south of the proposed development area, 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.

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

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

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

Functions and values for wetlands proposed to be impacted by the project were assessed by VHB Environmental Scientist, Trent Delahanty under the supervision of VHB Senior Environmental Scientist, 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).

Application Narrative

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. 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.

A pre-application coordination meeting occurred with NHDES on February 18, 2025. Suggestions made by NHDES were reviewed with the Applicant, and additional information is included in this application as requested during the meeting. Refer to the **NHDES Pre-Application Meeting Notes** included as **Appendix A**.

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 with the existing residential development, which is located at 343 Mt. Support Road in Lebanon, New Hampshire.

The parcel consists of sloping elevations on mostly forested land. The Site is currently undeveloped but it was logged at various times in the past, and rock quarrying and earthen material removal activities also occurred. The northern and southern portions of the site contain wildlife corridors 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 set of project plans which provide the existing site conditions 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 or higher watercourses, designated prime wetlands and their established 100-foot buffers, sand dunes, tidal wetland, tidal water, and undeveloped tidal buffer zone.. 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 and southern portions of the Site. The corridors connect undeveloped tracts of land across from Mount Support Road. The corridors are 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

Abutter notification letters were sent via certified mail in accordance with Env-Wt 306.06(c). Refer to **Appendix C** for abutter information, associated tax map, and certified mail receipts.

3

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* (February 2025). Erosion and sediment control Best Management Practices ("BMPs") are designated on the project plans and include perimeter controls and other locations to protect water quality, aquatic life, and comply with NHDES regulations. Typically, these would include silt fence, straw wattles and/or compost mulch tubes as well as erosion control blankets to protect slopes. These measures will be further detailed in the Alteration of Terrain application which will be filed with NHDES in 2025.

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 control measures 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 is present in some locations 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* (February 2025). 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, southern and western portions of the parcel, as well as the presence of zoning restrictions (Residential 3 Zone, multi-family buildings not allowed) to the west, protected wildlife corridors to the north and south of the development area, steep slopes in the central portion of the Site, and to avoid impacts to larger, higher functioning wetlands, 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 western edge of the development. Refer to the **Site Constraints Figure** on the next page.

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 VHB Wetland Scientists, Nicole Martin (CWS #316) and Jacob Tinus (CWS #228). 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*, (2016) 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 **Figure 2: Wetland Map** and **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*), eastern hemlock (*Tsuga canadensis*), red maple (*Acer rubrum*), glossy buckthorn (*Frangula alnus*), sensitive fern (*Onoclea sensibilis*), meadowsweet (*Spiraea 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 has intercepted groundwater. Water was observed on the surface in PEM1B portion of the wetland. Little soil development or plant species were observed within the forested portion wetland due to the steep topography and shallow soils; however, dense herbaceous vegetation at developed at the edge of the wetland. This wetland is 4,164 SF and would be impacted as part of this project.

Hydrophytic vegetation observed at the periphery of the forested portion of the wetland include spinulose woodfern (*Dryopteris carthusiana*), eastern hemlock, 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 likely 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, (2016) 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 were assessed using data collected in the field by VHB Environmental Scientist, Trent Delehanty, under the supervision of 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 and a fourteenth (Ecological Integrity) is indicated in NHDES rules as follows:

- Groundwater Recharge/Discharge (GW)
- Floodflow Alteration (Storage & Desynchronization) (FA)
- Fish and Shellfish Habitat (FS)
- Sediment/Toxicant Pathogen Retention(SR)
- Nutrient Removal/Retention/Transformation(NR)
- Production Export (Nutrient)(PE)
- Sediment/Shoreline Stabilization(SS)
- Wildlife Habitat(WH)
- Recreation (Consumptive & Non-Consumptive)(RE)
- Educational/Scientific Value(ED)
- Uniqueness/Heritage(UH)
- Visual Quality/Aesthetics(VQ)
- Threatened or Endangered Species Habitat (ES)
- Ecological Integrity (EI)

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, or an X indicating the function or value is 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*	EI
1	PFO1/4C	P	-	-	-	-	X	-	P	X	-	-	-	-	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 NHHNB 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. It has a variety of plant species that provide food sources for varied animal species and production export occurs. Groundwater seeps were observed in some areas; therefore groundwater discharge is also a principal function. Due to the shallow depth of soils to ledge this wetland is limited in its ability to retain sediment/toxicants/or pathogens, or remove, retain or transform nutrients. The lack of a perennial water source does not allow this wetland to provide fish and shellfish habitat or provide sediment and shoreline stabilization characteristics. Recreation activities are available in this wetland as nearby trails connect to larger parcels of forested land to the west. Evidence of disturbance from past logging and access may attenuate some of these functions; however, relative to other wetlands on the site, this wetland is located within an area of higher ecological

integrity due in large part to its size, diversity and proximity to larger undeveloped forested areas. The Site, in general, is rugged and on a slope which deters educational, unique, or visual values.

The smaller isolated wetlands proposed for impact provide some wildlife habitat (Wetlands 2, 4, 6) and groundwater discharge (Wetlands 3 and 5); however, given their size, the functions provided are minimal when compared to Wetland 1. In addition, these wetlands in general are highly disturbed or formed from anthropogenic actions, have shallow soils and depth to bedrock and lack surficial hydrologic 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 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 January 22, 2025, indicate the potential presence of the federally proposed endangered tricolored bat (*Perimyotis subflavus*, "TCB"), and federally proposed threatened monarch butterfly (*Danaus plexippus*) within the vicinity of the Project Area. Since the monarch butterfly is a candidate species but is not listed as threatened or endangered, no further coordination with USFWS regarding this species is required. The Northern Long-eared Bat (*Myotis septentrionalis*) and Tricolored Bat (*Perimyotis subflavus*) 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 impact 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. 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. Compensatory** mitigation is subject to change pending review by NHDES Wetlands Bureau.

8

Cultural Resources

A Request for Project Review (RPR) was submitted electronically in February 2025 to the NH Division of Historical Resources (NHDHR) to initiate Section 106 consultation of the National Historic Preservation Act (16 U.S.C. 470)] and with federal Advisory Council on Historic Preservation regulations, Protection of Historic Properties (36 CFR Part 800).. On March 5, 2025, a letter was received from NHDHR indicating, "no known historic resources appear to be affected by the project. Therefore, it is the opinion of the NHDHR that the project will result in No Historic Properties Affected." Refer to the NHDHR letter 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.. The project has yet to be assigned an AoT file number.

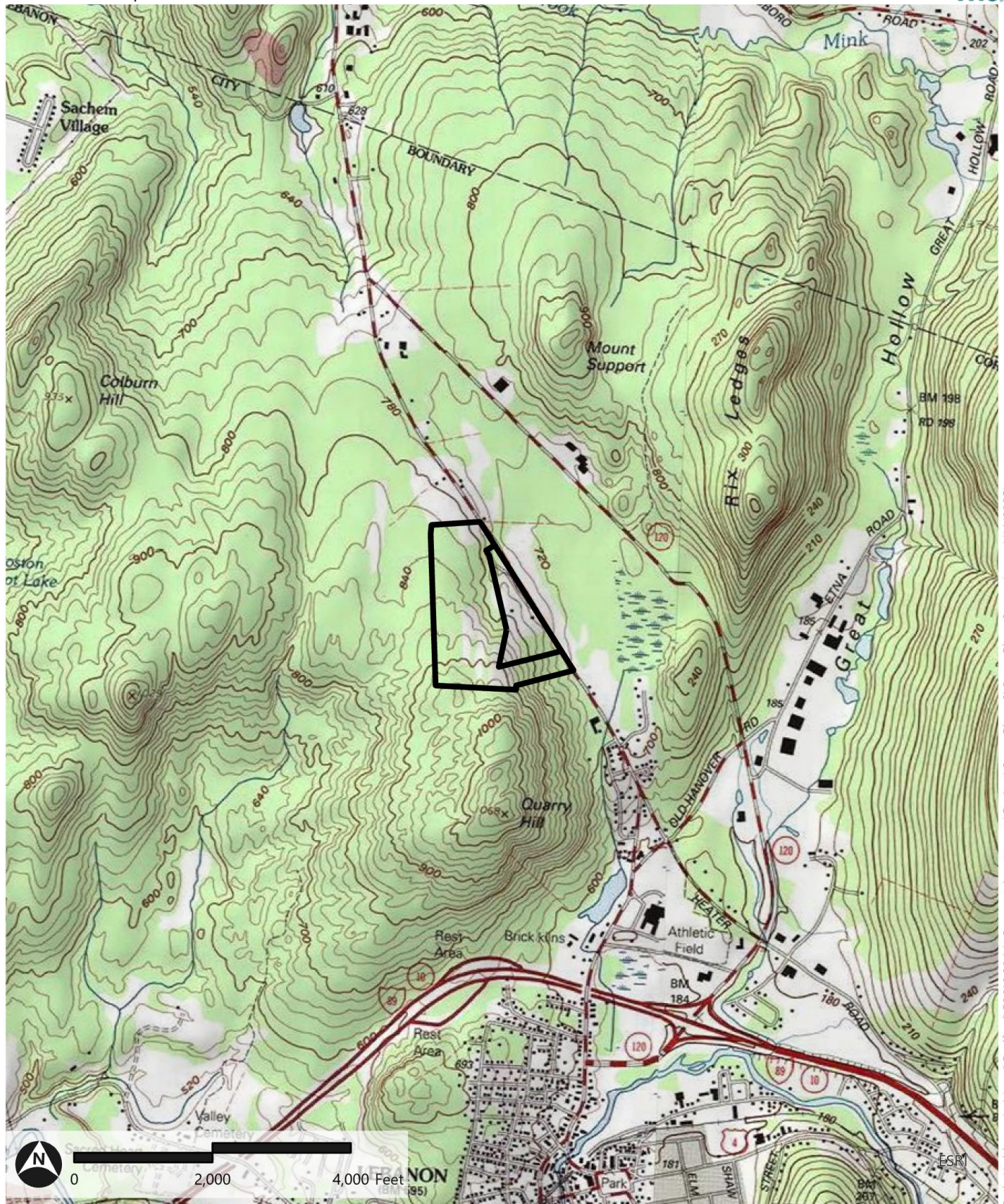
Lebanon Municipal Permitting

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

Figures

Figure 1: USGS Site Location Map

Saxon Phase 2 | Lebanon, NH

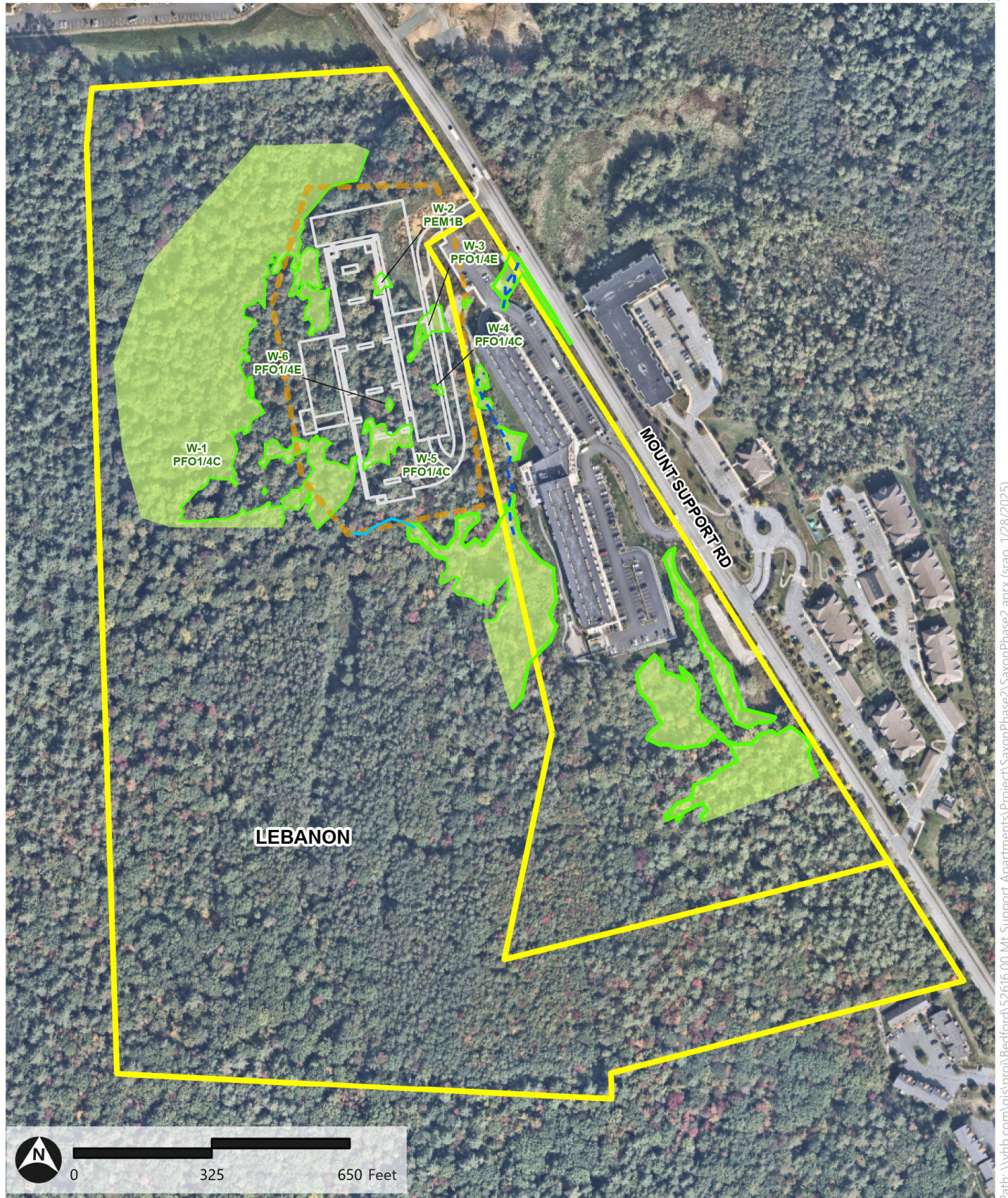


Parcel Boundary

Source: USGS, NHGRANT, VHB

Figure 2: Wetland Map

Saxon Phase 2 | Lebanon, NH



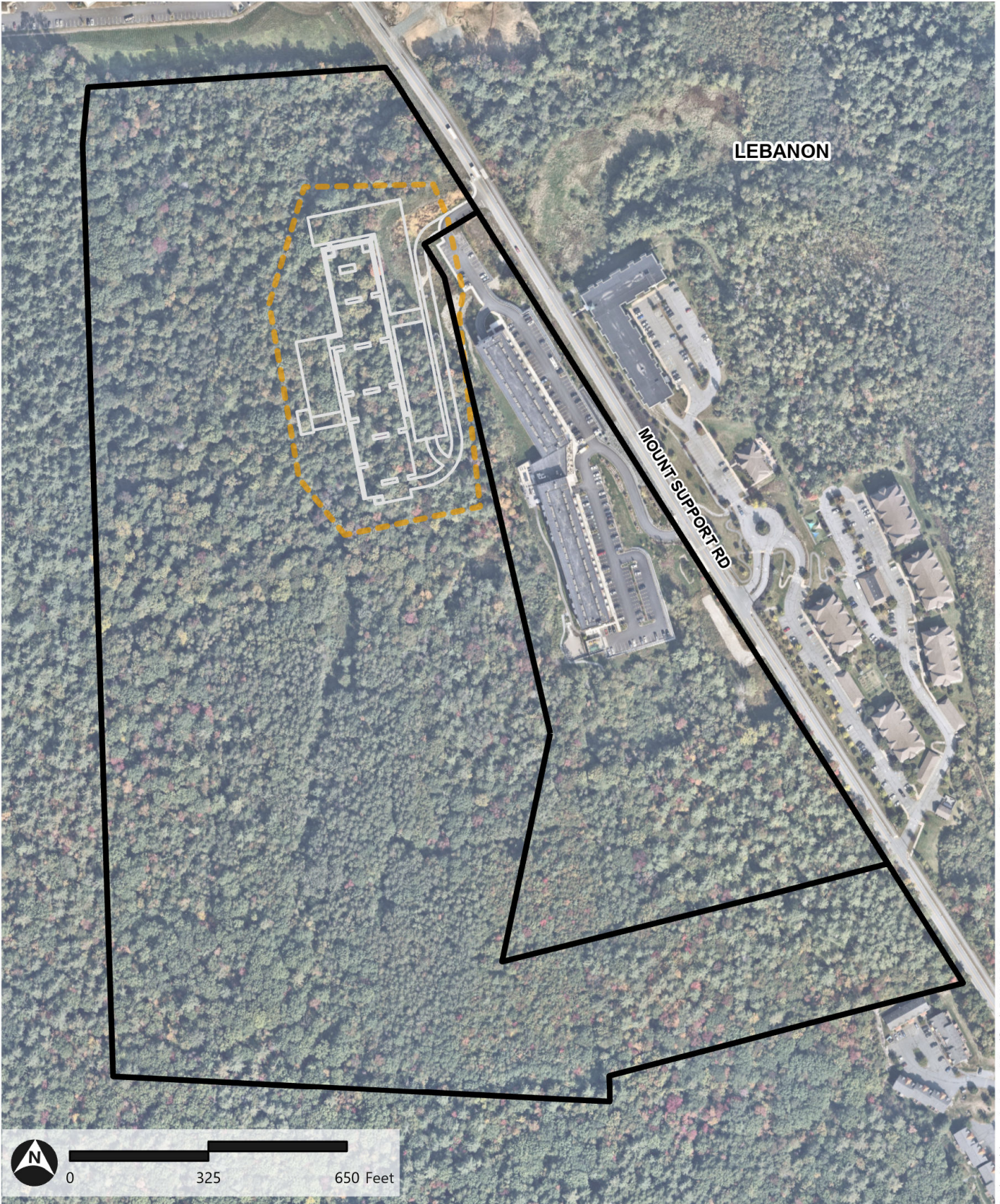
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Source: NearMap, NHGRANIT, VHB

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

Figure 3: FEMA 100-Year Floodplain Map

Saxon Phase 2 | Lebanon, NH



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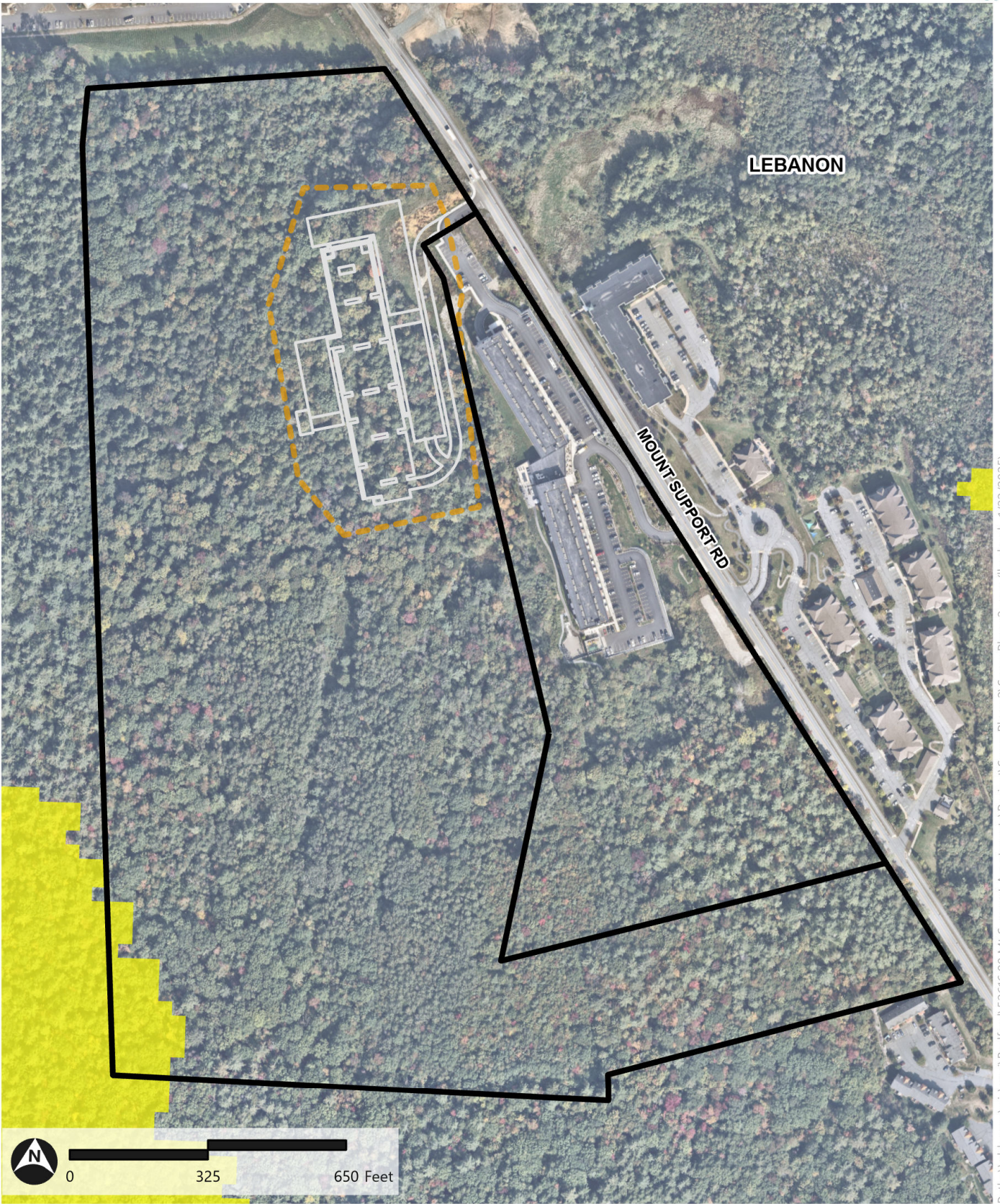
- Design Details
- ▬ Parcel Boundary
- - - Limit of Work

*Project area is not in FEMA Floodplain.

Source: NearMap, NHGRANIT, VHB

Figure 4: NH Fish and Game Ranked Habitat Map

Saxon Phase 2 | Lebanon, NH



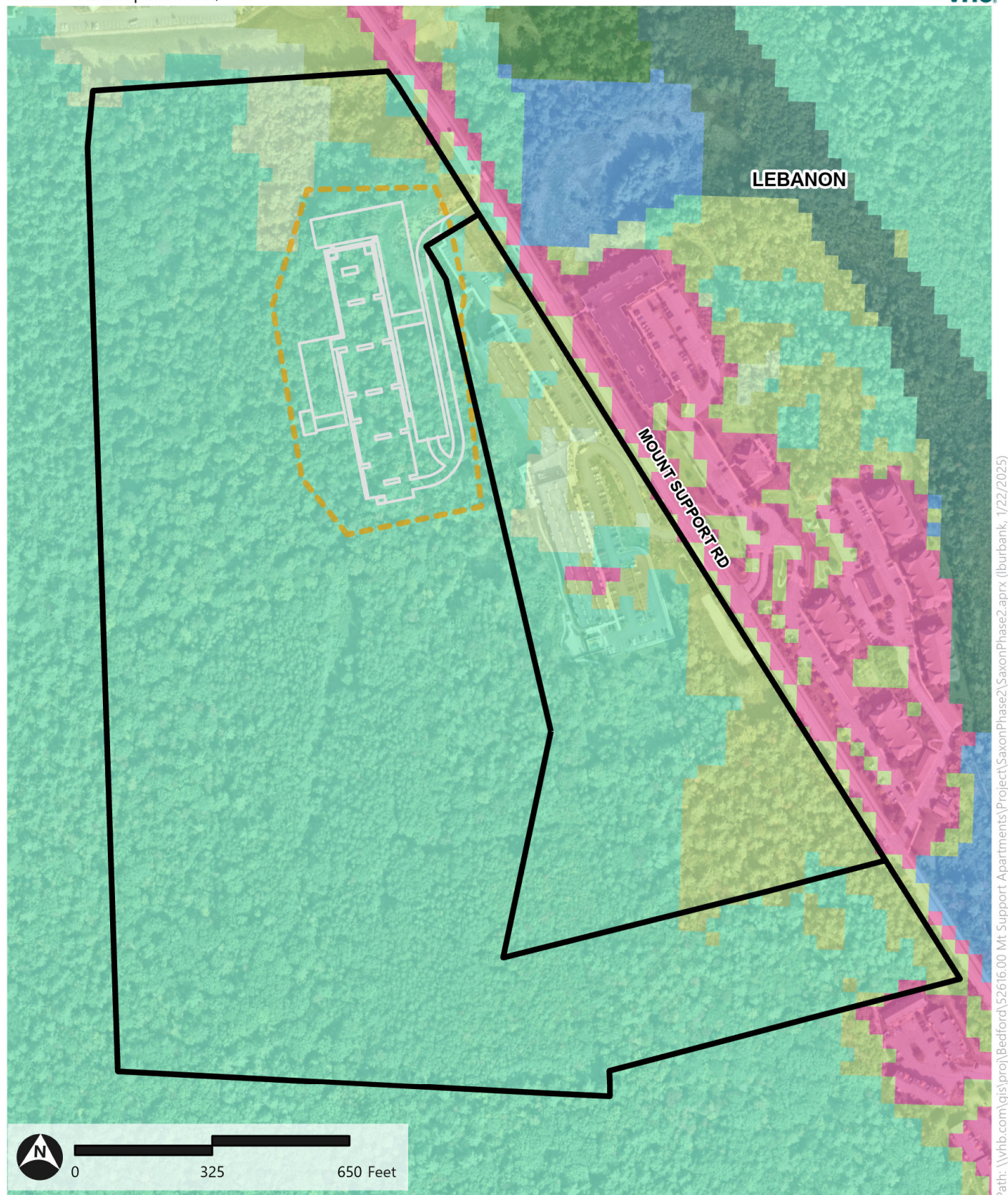
Path: \\vhb.com\gis\proj\Bedford\52616.00 Mt. Support Apartments\Project\SaxonPhase2\SaxonPhase2.aprx (lburbank, 1/22/2025)

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

Source: NearMap, NHGRANIT, VHB

Figure 5: NH Fish and Game Habitat Type Map

Saxon Phase 2 | Lebanon, NH



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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

From: [Berger, Emma](#)
To: [Kristopher Wilkes](#); [Uwizeye, Emmanuel](#); [Clark, Amy](#); richard.c.kristoff@usace.army.mil; [Dave Fenstermacher](#)
Cc: [Webb, Rebekah \(Jessie\)](#); [Jake Tinus](#)
Subject: [External] RE: 02-18-2025_NHDES Pre-Application Meeting Notes - Marek Phase II, Lebanon NH
Date: Monday, February 24, 2025 1:32:07 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Hi Kris,

Thank you for sending this along. I only included one clarification in **purple** below.

Thank you,

Emma

From: Kristopher Wilkes <KWilkes@VHB.com>
Sent: Monday, February 24, 2025 11:16 AM
To: Uwizeye, Emmanuel <emmanuel.uwizeye@des.nh.gov>; Clark, Amy <amy.c.clark@des.nh.gov>; richard.c.kristoff@usace.army.mil; Dave Fenstermacher <DFenstermacher@VHB.com>; Berger, Emma <emma.berger@des.nh.gov>
Cc: Webb, Rebekah (Jessie) <Rebekah.J.Webb@des.nh.gov>; Jake Tinus <jtinus@vhb.com>
Subject: 02-18-2025_NHDES Pre-Application Meeting Notes - Marek Phase II, Lebanon NH

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Good Afternoon,

Thanks again for your time last Tuesday, 2/18, to discuss SPNH Mount Support, LLC's proposed Marek Phase II Development Project in Lebanon, NH. I appreciate everyone's time, questions and conversation regarding the project. Compiled notes are below from the meeting and I would kindly request your review and comment if there's anything that I've missed.

2/18/2025 NHDES Pre-Application Meeting Notes – Marek Phase II, Lebanon NH

Attendance:

NHDES:

Emma Berger – Wetlands Bureau Supervisor
Emmanuel Uwizeye – Wetlands Bureau Regional Permit Reviewer
Amy Clark – Alteration of Terrain

USACE: Rick Kristoff

VHB: Kris Wilkes, Dave Fenstermacher

Project Applicant: Brenden Gilmore, Don Smith

Key Takeaways/Comments Provided:

Emma Berger (NHDES):

1. NHB Data Check Hits – Appalachian Barren Strawberry – NHDES **Wetlands Bureau** does not take jurisdiction over upland plant species (only wetland dependent plant species), however Project Applicant will need to address full extent of NHB coordination in the NHDES AOT Permit Application per AoT Rules. Amy Clark (NHDES AoT) concurred.
2. With respect to avoidance and minimization – please further identify zoning lines, topography restrictions, existing wildlife corridors, etc., on Project Plans/figures to support siting the project footprint where it is currently proposed. After further discussion and with these items identified on the plans, full delineation of the site is not necessary.
3. Please submit Waiver request form: [NH Online Forms System - Wetlands Rules Waiver or Dwelling Over Water Waiver Request Form, Version 1.5](#) in order to address not fulfilling the requirement of NHDES Rule 306.05 (a) pertaining to full delineation of all wetlands on the project parcel.
4. In Lieu-Fee Payment is an estimate and is subject to change dependent upon updates to the calculator based on municipal land values. Fee to be confirmed by NHDES during permit application review and approval.
5. Provide discussion on wetland functions and values for both impacted wetlands and wetlands where impacts have been avoided to demonstrate relationship and minimization and avoidance. Provide wetland function and value forms documenting wetland suitability and principal functions.
6. A question was asked about future development, the Project Applicant noted nothing is anticipated at this time.

Emmanuel Uwizeye (NHDES):

1. Indicated a large amount of permit applications are being submitted for development projects of similar nature in the City of Lebanon. NHDES may need to hold public hearing under Env-Wt 104.34 if substantial public interest is demonstrated. “Substantial public interest” means the department has been contacted by individuals and town or county official(s) in the municipality, government instrumentality, or region where a project is proposed, who have voiced concerns that the project would impact jurisdictional areas having documented flood storage, hydrologic integrity, or habitat from a local, regional, or state perspective and raising issues such as those identified as adverse consequences in RSA 482-A:1. Emma also mentioned the potential for a public hearing.
2. Emmanuel asked about other permitting, VHB confirmed that NHDES AoT is required for the project and an application is being developed.
3. Emmanuel asked about the Appalachian Barren Strawberry being on-site as a PRA and mitigation for impacts. VHB clarified that this species has not been found on-site and that a presence/absence survey will be conducted this summer to continue consultation with NHB. Emma commented on rare species impacts specific to NHDES Wetlands jurisdiction as outlined in Item #1 under Emma Berger above.

Rick Kristoff (USACE):

1. Recommended conducting a survey for presence/absence of suitable habitat for Canada Lynx while out on-site conducting the NHB surveys. Canada Lynx was identified on the USFWS IPaC Report and further consultation through the IPaC process will take place. The survey may assist with final determinations/coordination between USACE and USFWS.

Record Correction: After this meeting, VHB reviewed the USFWS IPaC results letter again following Rick’s comments. In doing so, VHB discovered an error in the information provided during the pre-application meeting on federally listed species. The USFWS IPaC results letter received for the project DID NOT include the

Canada Lynx or the Northern Long Eared Bat. I apologize for the confusion. Species listed include the Tricolored Bat and Monarch Butterfly. A consistency letter was developed through the IPaC process for the TriColored Bat which resulted in a "may affect" determination. At this time the TriColored Bat is not listed, but is proposed to be listed as endangered. VHB will continue to consult with the respective agencies as necessary (USACE and USFWS) to address concerns related to this species. No formal consultation is currently required for the monarch butterfly since the monarch butterfly is a federal candidate species.

Thank you,



Kristopher Wilkes, CWS, CPESC
Natural Sciences and Energy Team Leader



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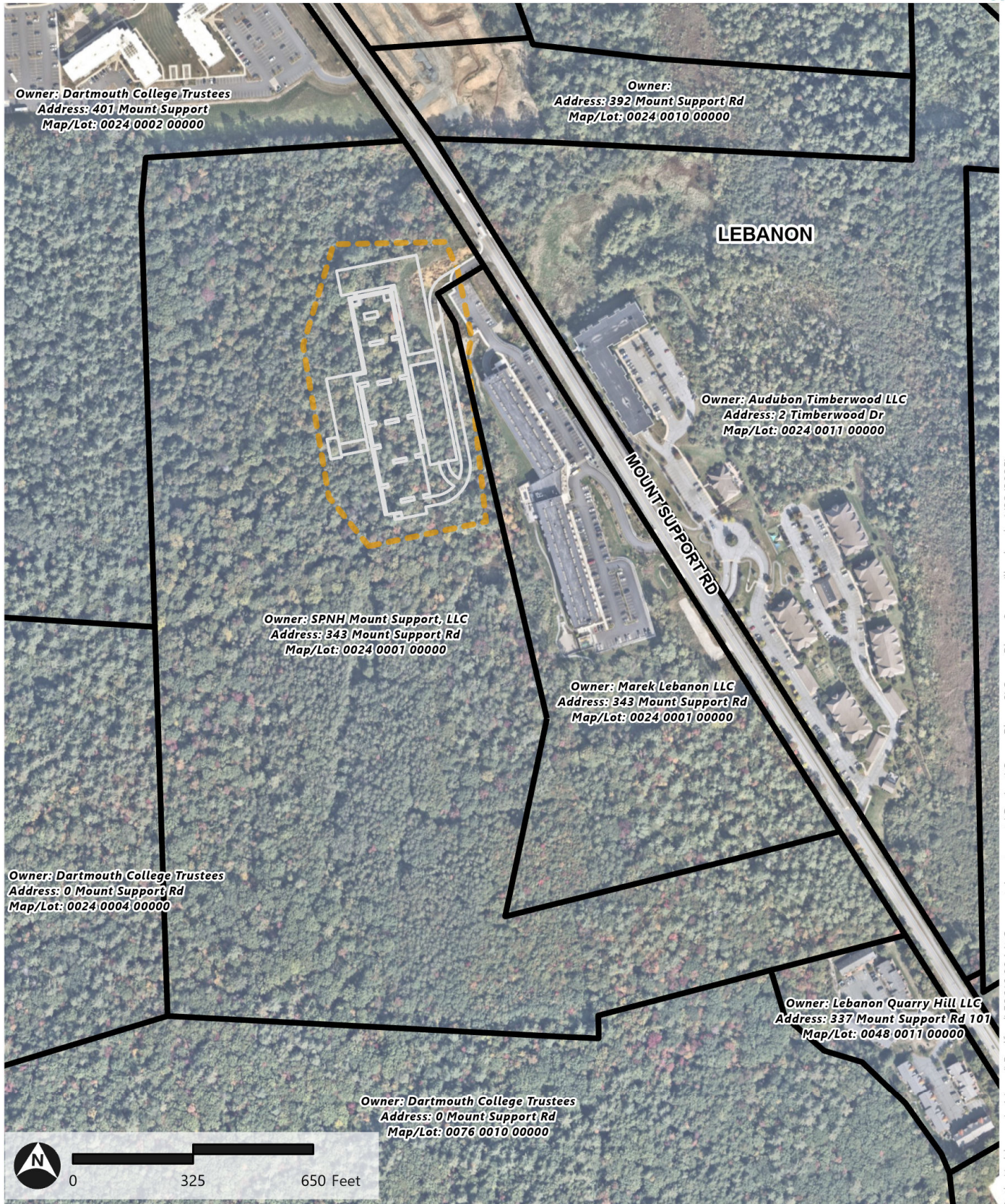
Vanasse Hangen Brustlin, Inc. | info@vhb.com

Appendix B: Project Plans (Bound Separately)

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

Source: NearMap, NHGRANIT, VHB

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- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

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9589 0710 5270 0934 1039 04

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Certified Mail Fee

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Extra Services & Fees (check box, add fee as appropriate)

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- ☐ Return Receipt (electronic) \$ _____
- ☐ Certified Mail Restricted Delivery \$ _____
- ☐ Adult Signature Required \$ _____
- ☐ Adult Signature Restricted Delivery \$ _____

Postage

\$ 69

Total Postage and Fees

\$ 5.54

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Street and Apt. No.

City, State, ZIP+4®

LEBANON QUARRY HILL LLC
337 MOUNT SUPPORT ROAD
LEBANON, NH 03766



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- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
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- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
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- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
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Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$ _____
☐ Return Receipt (electronic) \$ _____
☐ Certified Mail Restricted Delivery \$ _____
☐ Adult Signature Required \$ _____
☐ Adult Signature Restricted Delivery \$ _____

Postmark
Here

Postage

\$

Total Postage and

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Sent To

Street and Apt. No.

City, State, ZIP+4®

SAXON PARTNERS LLC

C/O DONALD SMITH

25 RECREATION PARK DRIVE

HINGHAM, MA 02043

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OFFICIAL USE

Certified Mail Fee

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4.85

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$ _____
- ☐ Return Receipt (electronic) \$ _____
- ☐ Certified Mail Restricted Delivery \$ _____
- ☐ Adult Signature Required \$ _____
- ☐ Adult Signature Restricted Delivery \$ _____

Postage

\$

.69

Total Postage and

\$

5.54

Sent To

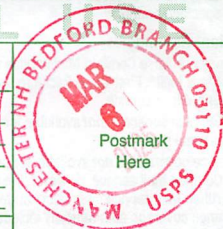
Street and Apt. N

City, State, ZIP+4

PS Form 3800, 2-11

DARTMOUTH COLLEGE
TRUSTEES
11 ROPE FERRY ROAD
SUITE 6210
HANOVER, NH 03755

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- A receipt (this portion of the Certified Mail label).
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- IMPORTANT: Save this receipt for your records.**

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Appendix D: Representative Project Area Photographs



Engineers | Scientists | Planners | Designers

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).



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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).





Engineers | Scientists | Planners | Designers

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).



Engineers | Scientists | Planners | Designers

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.





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PHOTOGRAPHIC LOG

Photo No: 9

Photo Date: 7/20/2023

Orientation: Northeast

Description:

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



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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).





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PHOTOGRAPHIC LOG

Photo No: 11

Photo Date: 7/20/2023

Orientation: East

Description:

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



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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).





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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).



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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).





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PHOTOGRAPHIC LOG

Photo No: 15

Photo Date: 4/24/2024

Orientation: West

Description:

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



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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 _____ 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? Low in basin

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/JT Date 1/22/2025

Wetland Impact:
Type Temporary Area 106 SF

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	Y	1,2,6,13,15	X	Shallow soils to bedrock on a hillside; seeps observed.
 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	Y	1,2,4,5,8,12		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	Y	1,4,5,10,12		Part of wetland is located within wildlife corridor and contains wildlife habitat. Existing nearby trail network could provide access to the wetland.
 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 Ecological Integrity	Y	Refer to permit narrative and comments to right	X	Wetland part of larger complex; variety of plant species and micro-habitats provided. Ecological integrity high due to undeveloped areas to the west.

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 1,150 SF 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 160'

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? Low in basin

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

Wetland I.D. 2

Latitude 43.6671 Longitude -72.26177

Prepared by: TD/JT Date 1/22/2025

Wetland Impact:
Type Permanent Area 1,150 SF

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	1,12		Some flowering plants were present 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	3,5,7,8	X	Wildlife habitat is provided with edge to upland areas, nearby food sources, and proximity to other wetland resources; however function limited due to small size +
 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:

* Refer to backup list of numbered considerations.

Wetland Function-Value Evaluation Form

Total area of wetland 4,164 SF 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 PFO1/4E and 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? Low in Basin, Group

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

Wetland I.D. 3

Latitude 43.66615 Longitude -72.260291

Prepared by: TD/JT Date 1/22/2025

Wetland Impact:
Type Permanent Area 4,164 SF

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	Y	1,2,6,13,15	X	Shallow soils on top of ledge. Previously excavated area that created a wetland. Wetland intercepts groundwater, surface discharge visible. +
 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		Wildlife habitat is provided with edge to upland areas, nearby food sources, and proximity to other wetland resources; however function limited due to small size. +
 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:

* Refer to backup list of numbered considerations.

Wetland Function-Value Evaluation Form

Total area of wetland 271 SF 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 75'

Dominant wetland systems present PFO1/4C 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? Low in basin

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

Wetland I.D. 4

Latitude 43.66615 Longitude -72.260291

Prepared by: TD/JT Date 1/22/2025

Wetland Impact:
Type Permanent Area 271 SF

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 with edge to upland areas, nearby food sources, and proximity to other wetland resources; however, function limited due to small size +
 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:

* Refer to backup list of numbered considerations.

Wetland Function-Value Evaluation Form

Total area of wetland 6,776SF 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 160'

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? Low in basin, ground

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

Wetland I.D. 5

Latitude 43.6659 Longitude -72.2601

Prepared by: TD/JT Date 1/22/2025

Wetland Impact:
Type Permanent Area 6,776F

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	Y	1,2,6,13,15	X	Shallow soils on top of ledge. Previously excavated/disturbed 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	1,12		Some flowering plants were present 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	3,5,7,8		Wildlife habitat is provided with edge to upland areas, nearby food sources, and proximity to other wetland resources, however, function limited due to size. +
 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:

* Refer to backup list of numbered considerations.

Wetland Function-Value Evaluation Form

Total area of wetland 262 SF 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? Low in basin

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/JT Date 1/22/2025

Wetland Impact:
Type Permanent Area 262 SF

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 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 with edge to upland areas, nearby food sources, and proximity to other wetland resources; however, function limited due to small size +
 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:

* 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.nhdfi.dncr.nh.gov/sites/g/files/ehbemt866/files/inline-documents/botanist-qualifications.pdf>).



NHB DataCheck Results Letter

NH Natural Heritage Bureau

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

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

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

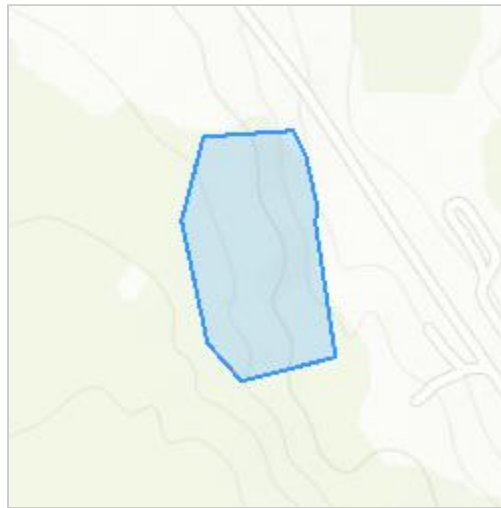
Project Name: The Marek Phase 2

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: tdelehanty@vhb.com
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

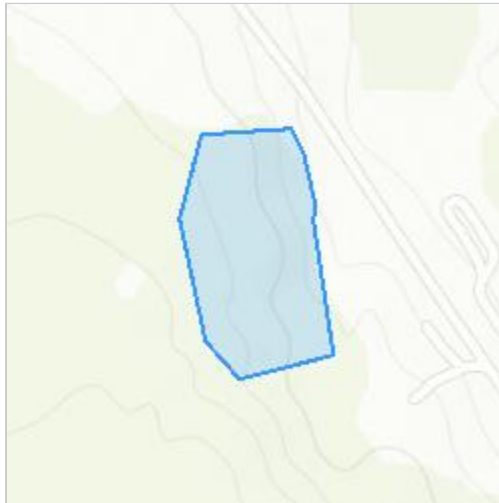
The Marek Phase 2

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: tdelehanty@vhb.com
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



State of New Hampshire
DEPARTMENT OF NATURAL & CULTURAL RESOURCES
DIVISION OF HISTORICAL RESOURCES

172 Pembroke Road Concord, New Hampshire 03301
Phone: 603-271-3483 Fax: 603-271-3433
TDD Access: Relay NH 1-800-735-2964
nhdhr.dncr.nh.gov



March 5, 2025

Sarah Gaulty

Re: 2025PR00230 - Marek Phase 2 Project

Dear Sarah Gaulty,

In accordance with state and federal statutes [New Hampshire RSA 227C:9 and Section 106 of the National Historic Preservation Act (16 U.S.C. 470)] and with federal Advisory Council on Historic Preservation regulations, Protection of Historic Properties (36 CFR Part 800), the New Hampshire Division of Historical Resources/State Historic Preservation Office (NHSPO) has reviewed information regarding the above-referenced project.

Based upon this review, no known historic resources appear to be affected by the project. Therefore, it is the opinion of the NHSPO that the project will result in **No Historic Properties Affected** under 36 CFR Part 800.4(d)(1).

No further consultation is required unless there are any changes in approved plans, the need for additional work is identified, or an unanticipated discovery occurs. If further correspondence is required, please refer to the project review number noted above.

If you have any questions, please email Elizabeth Schneible at: elizabeth.a.schneible@dncr.nh.gov

Thank you for the opportunity to comment.

Sincerely,

Nadine Miller
Deputy State Historic Preservation Officer
NH Division of Historical Resources

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.



March 10, 2025

Ref: 52980.00

City of Lebanon Zoning Board of Adjustments
51 North Park St
Lebanon, NH 03766

Re: Wetland Special Exception Application
Saxon Partners, 0 Mount Support Road
Tax Map 24 Lot 1-100

Dear City of Lebanon Zoning Board of Adjustments,

Project Description

On behalf of Saxon Partners (Owner), VHB is submitting the enclosed application package for a Wetlands Special Exception as related to a potential residential project located at 0 Mount Support Rd (Tax Map 24 Lot 1-100). Enclosed please find the following in support of the application:

- Signed Application
- Support Statement
- Certified Abutters List
- Application Fee
- Copy of NHDES application

Project Location / Existing Conditions

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 0 Mount Support Road, adjacent to 343 Mt. 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-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 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 present in 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.

Wetland Impacts

Due to the constraints on site, which includes zoning restrictions, steep slopes, previously dedicate wildlife corridors, and existing wetlands/natural resources, the development will require impacts to existing wetlands. The project is sited in a way to protect larger, higher valued, wetlands, as to only impact smaller isolated wetlands.

Agency Coordination

The project was presented to the Lebanon Conservation Commission as a conceptual review. At that time the applicant received comments related to potential mitigation measures that will be discussed as part of the Special Exception process. The intent is to attend a formal second hearing as part of this process.

The applicant also had a pre-application meeting with NHDES ahead of the formal application. The applicant shared the initial threatened and endangered species feedback, which requires an additional review in the spring for listed plant.

The project is submit to NHDES Alteration of Terrain Permit, as such will implement the NHDES stormwater requirements, in addition to the City of Lebanon requirements. This permit will also cover construction sequencing and erosion and sediment control measures.

Thank you for your time and consideration of the project.

Sincerely,

A handwritten signature in dark ink, appearing to read "DFenstermacher".

Dave Fenstermacher, PE
Managing Director

**CITY OF LEBANON
ZONING BOARD OF APPEALS
APPLICATION**

SPECIAL EXCEPTION	☐	☐	BUILDING CODE BOARD OF APPEALS
WETLANDS SPECIAL EXCEPTION	☒	☐	APPEAL OF AN ADMIN DECISION
VARIANCE	☐	☐	REHEARING REQUEST
EQUITABLE WAIVER	☐	☐	

PROPERTY OWNER (APPLICANT):

NAME: SPNH Mount Support, LLC

TEL.#: 781-875-3304

MAILING ADDRESS: c/o Saxon Partners, 25 Recreation Park Drive, Suite 204, Hingham, MA 02043

E-MAIL ADDRESS: dsmith@saxon-partners.com

CO-APPLICANT, AGENT, OR LESSEE:

NAME:

TEL.#:

MAILING ADDRESS:

E-MAIL ADDRESS:

PROJECT LOCATION:

TAX MAP #: 24

LOT#: 1-100

PLOT #:

ZONE: R-1 and RL-3

STREET ADDRESS: 343 Mt. Support Road

IS THIS PROPERTY LOCATED IN THE: **WETLANDS** ☒ YES ☐ NO **HISTORIC DISTRICT** ☐ YES ☒ NO

FLOOD PLAIN ☐ YES ☒ NO

REQUEST DESCRIPTION:

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 ("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).

USE TYPE:

EXISTING: ☒ VACANT ☐ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL

PROPOSED: ☐ VACANT ☐ ONE FAMILY ☐ TWO FAMILY ☒ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL

If use is **COMMERCIAL OR INDUSTRIAL** please note specific use: _____

SIGNATURE BLOCK:

I, the undersigned, hereby submit this application on the date noted below with the knowledge and understanding that the Planning Board shall determine if the submitted application is complete according to its regulations at its next regularly scheduled meeting on April 7, 2025, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

Owner Signature: _____

DATE: 3/10/2025

NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW: I hereby designate the person listed above as my agent for the purpose of procuring the necessary local permits for the proposed work as described herein. Representations made by my agent may be accepted as though made by me personally, and I understand that I am bound by any official decision made on the basis of such representation.

Owner Signature: _____

DATE: _____

DATE RECEIVED: 3/10/2025

APPLICATION #: ZB2025-07-SF



To: City of Lebanon Zoning Board of Adjustment
51 North Park St
Lebanon, NH 03766

Date: March 10, 2025

Memorandum

Project #: 52980.00

From: VHB
Dave Fenstermacher, PE
2 Bedford Farms Drive
Bedford, NH 03110

Re: Support Statement
Wetlands Special Exception Application
Saxon Partners, 0 Mount Support Road
Tax Map 24 Lot 1-100

On behalf of Saxon Partners (Owner), VHB hereby requests a Wetlands Special Exception pursuant to Article IV, §401.5 of the Zoning Ordinance for the property located at 0 Mount Support Road (adjacent to 343 Mt. Support Road). The project is not located within the High and Very High Value Wetlands.

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

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

Through multiple iterations of potential site design options, it was determined that there were no alternative site designs that would not impact wetlands. Design alternatives such as reworked building size/shape, access road relocations, and smaller but taller buildings were all considered. All of the design alternatives were all considered when implementing the current site design as shown in the attached site plans to minimize wetland impacts while complying with zoning and topographical constraints. Due to the location, shape, and size of the wetlands, along with the topography of the site, avoidance of the wetlands was not feasible within this portion of the property. The location of the proposed site within the parcel is desirable due to its proximity to Phase 1 (343 Mount Support Road), available utility infrastructure, availability public transportation and multimodal path, and proximity to major employers in Lebanon. This location limits overall disturbance as the site access between the two properties will be shared.

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

Other permitted uses in the R-1 zoning district include one/two/multi-family dwelling, home business, and public use facilities. One- or two-family dwelling uses could potentially fit on site in a few select locations while avoiding wetland impacts but the cost for access and utility (sewer, water, drainage) connection for these single unit's homes would make the construction of them not feasible. The only development project that would be financially feasible to construction access and utility connections would have wetland impacts on site.

- C. *The design and construction of the proposed use is consistent with the purpose and intent of Section 401.1 (A), (B) and (C) of this Ordinance (see 401.1 below), and adequate conservation measures shall be taken to mitigate*

the detrimental effects of the proposed use on the natural function of the wetlands. Such measures may include but are not limited to wetland restoration or enhancement, wetland preservation, or the construction and maintenance of new wetland areas adjacent to the proposed use to replace those portions of the natural wetland affected by the proposed use; and

Similar to the adjacent project on 343 Mount Support Road, the project team will work with NHDES to determine the appropriate measures moving forward to meet the above references criteria. Stormwater treatment will be conducted on site which will mitigate any increase in runoff from the developed site.

The impacted wetlands on site are isolated in nature. The proposed site design will retain the larger wetland systems that aids in groundwater recharge as well as ensure habitat for wetland-dependent wildlife is retained.

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

N/A

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

The project and use will not crease a hazard to individuals or public health, safety, and welfare.

- F. *All required Federal and State wetlands permits have been applied for. Note: A zoning permit shall not be issued until all such permits have been granted.*

State Wetland permits have been applied for through NHDES. See attached for application.

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

The project is capable and will meet all existing best management practices as referenced in Appendix A. Standard erosion and sedimentation control measures along with construction standards will be applied to protect all natural resources. As seen on the Erosion and Sediment Control Plan, silt fence (along with double row silt fence) will be installed on site to protect all downhill and natural resources. A stabilized construction entrance/exit will be utilized to prevent vehicles from transporting dirt/soil off-site. Inlet protection will also be used.

801.3 Special Exceptions.

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

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

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

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

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

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

The site is currently underdeveloped and there are no known violations of the Ordinance on the property.

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

Only a portion of the wetlands on the overall site are proposed to be disturbed. The majority of the site will be undisturbed as part of the proposed work. The impact of the local, isolated wetlands will not adversely affect the overall wetland system of the character of the surrounding land.

5. *That no hazard or nuisance will be created.*

No hazard or nuisance will be created as part of the impact to the wetlands. Stormwater design in compliance with all NHDES standards will be implemented to ensure all downstream wetland/land is not adversely affected.

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

The proposed project will use the existing curb cut at 343 Mount Support Road. Traffic from the site will be analyzed to confirm all existing and planned community facilities and services will not be adversely impacted. Sewer and water will connect to existing facilities on site. Stormwater will be designed to mitigate any existing increase in runoff rates.

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

The project is consistent with surrounding developments that have demonstrated positive fiscal impacts.

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

The proposed special exception has been submitted in a manner compatible with the spirit and intent of the Ordinance. The project has been reviewed for possible design alternatives to minimize wetland impacts. The project team is willing to discuss further design alternatives with the conservation commission in an effort to ensure the proposed special exception is compatible with the spirit and intent of the Ordinance.

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

The general welfare of the City will be protected as no hazards are to be constructed as part of the project.

CERTIFIED NOTIFICATION LIST

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

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

Source. 1983, 447:1. 1986, 33:2. 2002, 216:1, eff. July 15, 2002.

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

Map & Lot Number: 24-1-100 (Owner)	Map & Lot Number:
Property Owner: SPNH Mount Support, LLC 25 Recreation Park Dr, Suite 204 Hingham, MA 02043	Applicant, Co-Applicant, Agent, or Lessee:
Map & Lot Number: 24-4, 24-2, 76-10	Map & Lot Number: 24-11
DARTMOUTH COLLEGE TRUSTEES PO BOX 5188 HANOVER, NH 03755	AUDUBON TIMBERWOOD LLC 535 BOYLSTON ST BOSTON, MA 02116
Map & Lot Number: 24-1	Map & Lot Number: 24-9
MAREK LEBANON LLC 25 RECREATION PARK DR HINGHAM, MA 02043	SPNH LEBANON NORTH LLC 25 RECREATION PARK DR HINGHAM, MA 02043

Map & Lot Number: 48-11	Map & Lot Number:
LEBANON QUARRY HILL LLC PO BOX 1051 NORWICH, VT 05055	VHB C/O Dave Fenstermacher, PE 2 Bedford Farms Dr, Suite 200 Bedford, NH, 03110
Map & Lot Number:	Map & Lot Number:
VHB C/O Jacob Tinus, CWS 2 Bedford Farms Dr, Suite 200 Bedford, NH, 03110	
Map & Lot Number:	Map & Lot Number:
Map & Lot Number:	Map & Lot Number:
Map & Lot Number:	Map & Lot Number:
Map & Lot Number:	Map & Lot Number:
Map & Lot Number:	Map & Lot Number:
Map & Lot Number:	Map & Lot Number:

(Revised 2/8/2024)

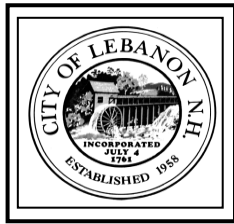
FEE SCHEDULE ZONING BOARD OF ADJUSTMENT

SPECIAL EXCEPTION:		
		TOTALS
FILING FEE	\$300.00	\$300.00
ADVERTISING FEE	\$100.00	\$100.00
CERTIFIED NOTIFICATION FEE*	\$5.54	\$ 38.78
	x 7 notices	
TOTAL DUE		\$ 438.78

VARIANCE:		
		TOTALS
FILING FEE	\$300.00	\$300.00
ADVERTISING FEE	\$100.00	\$100.00
CERTIFIED NOTIFICATION FEE*	\$5.54	
	x notices	
TOTAL DUE		\$

APPEAL OF ADMINISTRATIVE DECISION:		
		TOTALS
FILING FEE	\$300.00	\$300.00
ADVERTISING FEE	\$100.00	\$100.00
CERTIFIED NOTIFICATION FEE*	\$5.54	
	x notices	
TOTAL DUE		\$

REHEARING REQUEST:		
*Per section 802.5 of the Zoning Ordinance		TOTALS
FILING FEE	\$100.00	\$100.00
ADVERTISING FEE	\$100.00	\$100.00
CERTIFIED NOTIFICATION FEE*	\$5.54	
	x notices	
TOTAL DUE		\$



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon Conservation Commission

FROM: Planning and Development Department Staff

RE: Proposed Zoning Ordinance Amendment
New Section 615 – Mobile Food Service

DATE: March 31, 2025

The Lebanon Food Truck Task Force, created by City Council on July 17, 2024, was tasked with following:

1. Review current [City Code Chapter 179](#) and relevant zoning regulations to identify conflicts and limitations impacting food truck operations. Provide recommendations for changes to facilitate the safe and efficient operation of food trucks city-wide.
2. Develop a comprehensive, sustainable strategy for permitting and managing food trucks on public property in downtown Lebanon and West Lebanon. This strategy should consider various aspects such as traffic and pedestrian safety, public health, parking, and fire safety.
3. Conduct public outreach to gather feedback from residents, local businesses, and other stakeholders to ensure community needs and concerns are addressed.
4. Submit a detailed report of findings, recommendations, and proposed code and zoning changes to the City Council by February 15, 2025.

Pursuant to the above, and following extensive outreach and public engagement efforts, the Task Force has prepared draft food truck regulations for inclusion within the Lebanon Zoning Ordinance. The proposed amendments – which also address stand vending - include:

- (a) Six (6) new terms defined in Appendix A of the Zoning Ordinance including definitions for “mobile food service vending” and “stand vending”;
- (b) Adding “mobile food service vending” and “stand vending” as permitted uses in the CB, LD, GC, GC-1, IND-L, MC, and MC-2 Districts; and
- (c) Adding a new Section 615 (“Mobile Food Service”) within Article VI (“Additional Standards for Specific Uses”) identifying permitting requirements and performance standards for “mobile food service vending” and “stand vending” uses.

The City Council moved to continue with the schedule shown below. This allows for the City's Land Use Boards and the public to provide feedback on the proposed amendment.

Following the public hearing, the amendment to Section 311A.2 may be adopted by the City Council per Section 1000.3.D of the Zoning Ordinance.

City Council decision to proceed:	March 5, 2025
Legal review:	by March 31, 2025
Zoning Board of Adjustment:	April 7, 2025
Conservation Commission:	April 10, 2025
Planning Board:	April 28, 2025
City Council setting public hearing:	May 7, 2025
City Council public hearing:	May 21, 2025

=====

Attachments:

1. Draft Amendments with legal notes to the Zoning Ordinance (Appendix A definitions; CB, LD, GC, GC-1, IND-L, MC, and MC-2 District tables of uses; new Section 615)
2. Legal Opinion Letter

Lebanon Food Truck Task Force

Recommended Amendments to the Lebanon Zoning Ordinance to incorporate opportunities for Mobile Food Service Vending

1. DEFINITIONS (Appendix A)

MOBILE FOOD SERVICE VENDING – The preparation and/or dispensation of food or beverages by a ***mobile food service vendor*** from a ***mobile food service unit*** for immediate service and/or consumption.

MOBILE FOOD SERVICE VENDOR - Any person, including an employee or agent of another, who prepares and/or dispenses food or beverages from a ***mobile food service unit*** for immediate service and/or consumption.

MOBILE FOOD SERVICE UNIT – Any vehicle that is (a) self-propelled or that can be pulled or pushed down a street or sidewalk and (b) utilized by a ***mobile food service vendor*** for the purpose of preparing and/or dispensing food or beverages for immediate service and/or consumption.

STAND VENDING – The sale of food, beverages, goods, or merchandise from a ***stand*** on permitted public parcels or sidewalks from a ***stand***.

STAND - Any newsstand, table, bench, booth, rack, handcart, pushcart, or any other fixture or device which is not required to be licensed and registered by the NH Department of Motor Vehicles, used for the display, storage, or transportation of articles offered for sale by a ***stand vendor***.

STAND VENDOR - Any person, including an employee or agent of another, who sells or offers to sell food, beverages, goods, or merchandise on public parcels or sidewalks from a ***stand*** with a vendor license issued by the City.

2. PERMITTED ZONING DISTRICTS (Article III)

CB
LD
GC
GC-1
IND-L
MC
MC-2

3. STANDARDS FOR USE (Article VI)

SECTION 614 MOBILE FOOD SERVICE

The purpose of this section is to provide opportunities for **mobile food service vending** and **stand vending** within certain non-residential areas in the City.

Mobile food service vending and **stand vending** shall be a permitted use in the Central Business, Lebanon Downtown, General Commercial, General Commercial-One, Light Industrial, Medical Center and Medical Center - 2 Zoning Districts provided the following standards are met:

- A. Prior to beginning operations, property owner(s) must obtain a Zoning Permit which shall be valid for one (1) year. An application for a Zoning Permit shall include the following:
 - a. A site plan of the property identifying existing and proposed conditions including but not limited to location of the proposed **mobile food service unit**, utility connections, and setbacks, and whether any additional barriers, caution cones, or similar safety items are to be deployed.
 - b. Parking calculations that show the number of parking spaces to be used by each of the **mobile food service vendors** or **stand vendors** upon the lot.
 - i. A minimum of 4 parking spaces and a maximum of 6 parking spaces shall be provided per vendor.
 - c. Hours of operation, and days of the week and months of operation.

The property owner may reapply for a Zoning Permit on an annual basis.

- B. **Mobile food service vendors** and **stand vendors** shall not:
 - i. Be located within 25 feet of a fire hydrant, fire escape, bus stop, loading zone, driveway entrance, fire station, police station, hospital, or a residential zoning district.
 - ii. Operate without the express written permission of the property owner or without an approved zoning permit.
 - iii. Impede or create hazardous or unsafe travel conditions for pedestrians or operators of motor vehicles.
 - iv. Block access to any handicapped parking space or access ramp.
 - v. Utilize an open fire without permission of the property owner and a permit from the Lebanon Fire Department.
 - vi. Shout, make an outcry, blow a horn, ring a bell, or use any other sound device for the purpose of attracting attention to any goods which the vendor proposes to sell.
 - vii. Inappropriately dispose of wastewater and garbage including but not limited to dumping in open stormwater drains.

- C. Utilities for ***mobile food service units*** and ***stands*** shall be self-contained and shall not connect to City sewer and water.
- D. The maximum number of ***mobile food service units*** and ***stands*** allowed on any one lot shall be determined by the lot size and the amount of available space on the lot. If ***mobile food service unit(s)*** and/or ***stand(s)*** are to be located in parking areas, no more than 10 percent (10%) of parking spaces may be utilized to locate ***mobile food service units*** and ***stands***.

April 4, 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 –
Section 615 – Mobile Food Service**

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 ("ZO"). I understand the City Council has approved a motion to begin the process of the City's land use boards providing review and comment for amendments to Appendix A (Definitions), Article III (Tables of Uses) and adding a new Section 615 to Article IV, all towards authorizing mobile food service vending and stand vending permitted uses in the CB, LD, GC, GC-1, IND-L, MC, and MC-2 zoning districts.

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

- City Council Agenda Item 10.A for March 5, 2025
- Lebanon Food Truck Task Force: "Report of Findings and Recommendations"
- Lebanon Food Truck Task Force: "Recommended Amendments to the Lebanon Zoning Ordinance to incorporate opportunities for Mobile Food Service Vending"
- General Public Comment Summary – Mobile Food Service Vending
- Existing and proposed draft amended versions of City Code Ch. 179 – Vendors

The ZO 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 1000.3.B(2) is generally "yes". As explained below, however, I recommend that the land use boards and the Council review the standards for issuance of a zoning permit to ensure that the zoning administrator can objectively apply and enforce these requirements.

State law defines the methods by which land uses may be permitted in a zoning ordinance. In general, uses may be (a) permitted as of right, (b) approved by the ZBA as a special exception, or (c) approved by the PB as a CUP. The ZBA may also (d) grant a variance when land cannot be used in accordance with a zoning ordinance.

A “zoning permit” is not an independent/separate means to approve a land use and is not mentioned in state statutes.¹ Rather, a zoning permit is an administrative document. Many NH municipalities utilize zoning permits to accomplish the baseline administrative purpose of confirming in advance that the construction or alteration of a building, or proposed changed use of a lot, would be in accord with the zoning ordinance. Indeed, this is the basic function of Lebanon’s zoning permits as laid out in ZO section 901.1.

Under the draft Section 615, mobile food service vending and stand vending will be permitted uses as of right in the enumerated non-residential districts. They will not be permitted by special exception or by CUP, meaning that the ZBA or planning board will not have the opportunity to impose any conditions on these uses with respect to individual lots. Instead, the zoning administrator will be tasked with determining whether an applicant for a zoning permit has met the objective standards set forth in Section 615. The zoning administrator will not have the discretion to negotiate or impose different standards for different sites.² Standards not clearly set out may not be able to be enforced.

Therefore, the land use boards reviewing the draft Section 615 should consider whether the standards are specific enough to accomplish the City’s goals, and do not place the zoning administrator in the position of having to make discretionary decisions.

Some of the standards in draft Section 615 which may benefit from more specificity:

- In A(a), are the barriers/cones/safety items intended to be up for negotiation, or must they be included in the site drawing just for the purpose of confirming land area used and confirming impact on available parking? If the site drawing does not propose any safety barriers, and none are specifically required by the ZO, then they cannot be required.
- In A(c), are the proposed hours/days/months of operation merely for the City’s information? If the proposed hours are not to the City’s liking, is there a desire to be able to review or modify? The ZO does not generally dictate hours of operation for businesses permitted as of right.
- In B(iii), it may be difficult to evaluate a hazardous or unsafe travel condition.
- In D, is the maximum number of allowable food trucks/stands on one lot a purely mathematical calculation based on square footage of the trucks/trailers/stands and available land area? How is the maximum number of allowable units in non-parking areas to be calculated?

¹ However, the concept of a zoning permit has been implicitly approved by the NH Supreme Court in cases like *Kelsey v. Town of Hanover*, 157 N.H. 632 (2008) (affirming the superior court’s dismissal of an appeal of a zoning permit granted by the Town of Hanover, where the zoning permit authorized the razing of an existing house and the construction of a new one).

² If the City wishes its permitting authority to have more discretion, then such authority could be given to the ZBA by allowing the vending uses only by special exception, or the authority could be given to the city manager’s office if the Council adopts an ordinance to regulate these temporary vending uses on private property. However, a drawback to allowing the use by special exception is that the ZBA would need to re-review and re-approve the use each time it materially changes (e.g. by adding, subtracting, relocating or changing the size of the vendors).

Other Specific Recommendations for Edits/Clarification

- The definitions for “Stand Vending” and “Stand Vendor” reference a location “on permitted public parcels or sidewalks” and “on public parcels or sidewalks”, respectively. These words should be removed, as the purpose of the amendment is to permit stand vending on private property/lots.
- In Section 615, part A, it may be preferred to change the sub-numbering to lowercase Roman numerals, to match part B.
- In Section 615(A)(a), the term “site plan” should be changed to “site drawing” or “site diagram”, to avoid confusion with a formal site plan that would be reviewed and approved by the planning board.
- In Section 615(D), for vending units in parking lots, will the parking spaces available to be utilized by the vendors be cross-checked against site plan approvals to confirm that vendor spaces will not encroach upon the minimum amount of parking spaces that must be available for each permanent business(es) on each lot?

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

Sincerely,



Matthew C. Decker



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon Conservation Commission

FROM: Planning and Development Department Staff

RE: Proposed Zoning Amendments: Care & Treatment of Animals

DATE: March 31, 2025

A public request has been made by Dan Nash, PE, on behalf of Evans Drive SPE, LLC/Johanna Cicotte to amend Section 311A.2 to include "Care and Treatment of Animals" as a Conditional Use Permit in the RO-1 District. The request has been made pursuant to Section 1000.2.C of the Zoning Ordinance which provides that amendments to the Zoning Ordinance may be proposed "by petition of any number of voters....". The basis for the petitioner's request is set forth in the attached letter dated January 29, 2025, from Mr. Nash.

"Care and Treatment of Animals" is defined in Appendix A of the Zoning Ordinance as "[a] veterinary establishment, riding school, or kennels" and is currently not allowed in the RO-1 zoning district. It is allowed in the following districts:

- By Conditional Use Permit in the GC Districts
- By Special Exception in the RL-1, RL-2, and Ind-L Districts

The City Council moved to continue with the schedule shown below. This allows for the City's Land Use Boards and the public to provide feedback on the proposed amendment.

Following the public hearing, the amendment to Section 311A.2 may be adopted by the City Council per Section 1000.3.D of the Zoning Ordinance.

City Council decision to proceed:	March 19, 2025
Legal review:	by March 31, 2025
Zoning Board of Adjustment:	April 7, 2025
Conservation Commission:	April 10, 2025
Planning Board:	April 28, 2025
City Council setting public hearing:	May 7, 2025
City Council public hearing:	May 21, 2025

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ATTACHMENTS

1. Petitioned Zoning Amendment Request Letter
2. Legal Opinion Letter



29 January 2025

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

Re: Request for Zoning Change, Lot 78-40-1

Dear Mayor and Councilors:

On behalf of Evans Drive SPE, LLC/Johanna Cicotte this letter is being written to request a zoning change to be part of the city's North Lebanon zoning review.

Request #1. Amend Table 311A.2 to include "Care and Treatment of Animals" as a Use permitted by Conditional Use Permit.

This parcel was zoned GC until about 2004 when the zoning was changed to RO-1. The change of use does not allow Care and treatment of animals. The SAVES facility got zoning permission in 2010 to establish and animal hospital by converting one non-conforming use to another.

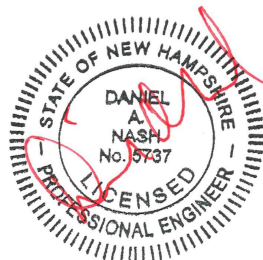
This facility has been an integral part of our community. They often provide critical care for dear family pets. They do well at their job and have seen some growth. Occasionally, they have a need for additional parking. In 2024, we sought a permit to expand the parking. We were informed by staff that the Proposed action would require a variance(see attached email). Since variances are not a sure thing, the owner opted to put off the application process.

Since the city is undergoing changes in the North Lebanon area, it makes sense to clear up this unfortunate effect of changed zoning. The Care and Treatment of animals was previously allowed on this site and should be now. I have attached the GC table of uses that applied prior to the zone change to RO-1 and a recommended Table for the Council's consideration.

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

Sincerely,

Daniel A. Nash, PE
Principal



City Council
Request for Zoning Changes
29Jan2025

Attachments:

- GC table of uses
- RO-1 table of uses
- email Nate Reichert

CC: Johanna Cicotte, Cicotte Properties

M:\2023_projects\23-004\zoning\zoning_change_animalcare_Jan25\letter_col_animcare_29Jan2025.docx

SECTION 305 GENERAL COMMERCIAL DISTRICT (GC).

305.1 Purpose.

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

305.2 Table of Uses.

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

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
25. Renewable energy system per Section 612 26. Restaurant , sandwich shop 27. Retail product pickup 28. Retail store 29. Service station 30. Vehicular repair 31. Vehicular sales <u>Planned Developments</u> 32. Commercial PUD per Section 501	

305.3 Table of Area, Dimension and Coverage.

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

305.4 Special Height Restriction.

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

305.5 Dwelling Unit Density.

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

SECTION 311A RESIDENTIAL-OFFICE-ONE DISTRICT (R-O-1).

311A.1 Purpose.

The purpose of the R-O-1 district is to provide for well-planned neighborhoods of **offices** and higher density housing by carefully guiding the integration of multi-residential housing and **office** uses. The district balances the goals of: (1) preserving the economic viability of older, large **dwelling**s modified to accommodate multiple residential units or **office** space or both; (2) providing for attractive locations for small **offices**; and (3) providing for new **office** buildings compatible with surroundings.

311A.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> One-family dwelling Two-family dwelling Multi-family dwelling (4 dwelling units or less) per Section 601 Accessory dwelling unit (ADU) per Section 610 <u>Commercial/Non-Residential</u> - Construction of new office building (3,000 sq. ft. or less) per Section 601 - Conversion of a dwelling to office use per Section 601 Financial institution Home business per Section 600 - House of worship Personal service Renewable energy system per Section 612 <u>Planned Developments</u> - PURD per Section 501	<u>Residential</u> Multi-family dwelling (5 dwelling units or more) per Section 601 Senior housing complex <u>Commercial/Non-Residential</u> - Construction of new office building (3,001 sq. ft. – 6,000 sq. ft.) per Section 601 Educational facility, college/university Educational facility, primary/secondary Essential service - Funeral home Group day care facility per Section 604 Group residence Health club Hospice Lodging house Public safety facility Recreational facility, indoor Recreational facility, outdoor Tourist home (or bed and breakfast facility)

Add: Uses by Conditional Use Permit
1. Care and Treatment of Animals

311A.3 Table of Area, Dimensions and Coverage.

Minimum Lot Size

Class	Area	Width	Additional Area per D.U. After Two	Maximum Height
1	10,000 sq.ft.	75'	3,000 sq.ft.	45'
2	15,000 sq.ft.	75'	5,000 sq.ft.	45'
3	40,000 sq.ft.	100'	15,000 sq.ft.	45'

Minimum Yard

Class	Front	Side	Rear	Maximum <i>Building Coverage</i>
1	20'	15'	20'	25%
2	20'	15'	20'	20%
3	25'	25'	30'	15%

Dan Nash

From: Nathan Reichert <Nathan.Reichert@lebanonnh.gov>
Sent: Monday, March 18, 2024 12:49 PM
To: Dan Nash; Tim Corwin
Cc: 'Johanna Cicotte'; 'Keith Higgs'
Subject: RE: [EXTERNAL] RE: 63 Evans Dr_Non-Conforming Use

The 2010 ZBA decision is rather clear as to what was approved in 2010. It is clearly a non-conforming use being exchanged for another non-conforming use.

Unfortunately, additional relief is needed from the Zoning Board to create an expansion.
Nate

-----Original Message-----

From: Dan Nash <advancedgeomatrics@comcast.net>
Sent: Monday, March 18, 2024 12:11 PM
To: Tim Corwin <Tim.Corwin@lebanonnh.gov>
Cc: 'Johanna Cicotte' <jcicotte1@aol.com>; Nathan Reichert <Nathan.Reichert@lebanonnh.gov>; 'Keith Higgs' <khiggs@volvovolkswagen.com>
Subject: RE: [EXTERNAL] RE: 63 Evans Dr_Non-Conforming Use

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Tim,

Thank you for the zoning decision. I think this use can be classified as an "office" use, which is allowed. The operation is essentially a veterinary office.

Dan Nash
Advanced Geomatics and Design
105 Bank Street
Lebanon, NH 03766
603-448-6295
802-356-4928 mobile
Advancedgeomatrics@comcast.net
https://urldefense.proofpoint.com/v2/url?u=http-3A__www.advancedgeomatrics.org&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=Cwlhu-sTt5Lmtcg7soPpgPCeEiVDaFy5X_5jjcYB4l8&m=yigBvVQ1Nlrmr5qvg8acb92aVLYObtuq7yY__HmYoEjINCpk3lvJgqbcSwq2Mhsf&s=JaCE0V9u5hKOJhW7_4xfNLSzTrXOdCeAW8bfHqWnF70&e=

-----Original Message-----

From: Tim Corwin <https://urldefense.proofpoint.com/v2/url?u=http-3A__Tim.Corwin-40lebanonnh.gov&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=Cwlhu-sTt5Lmtcg7soPpgPCeEiVDaFy5X_5jjcYB4l8&m=yigBvVQ1Nlrmr5qvg8acb92aVLYObtuq7yY__HmYoEjINCpk3lvJgqbcSwq2Mhsf&s=N4abSWXfgjtovHQRZzJcJq1M6AEGnaKa4CrlqfRyjek&e=>
Sent: Monday, March 18, 2024 12:02 PM

To: Dan Nash <advancedgeomatrics@comcast.net>

Cc: 'Johanna Cicotte' <jcicotte1@aol.com>; Nathan Reichert <https://urldefense.proofpoint.com/v2/url?u=http-3A__Nathan.Reichert-40lebanonnh.gov&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=Cwlhu-sTt5Lmtcg7soPpgPCeIVDaFy5X_5jicYB4l8&m=yigBvVQ1Nlrmr5qvg8acb92aVLYObtuq7yY__HmYoEjINCpk3lvJgqbcSwq2Mhsf&s=J1vtlf_nW6lp1ObgCvDCAkGlzndFP1Dhs2mYvzcq2J0&e=>>

Subject: RE: [EXTERNAL] RE: 63 Evans Dr_Non-Conforming Use

The use received a Special Exception in 2010 to convert an existing non-conforming use to a "care and treatment of animals" non-conforming use (please see attached Notice of Decision).

-----Original Message-----

From: Dan Nash <advancedgeomatrics@comcast.net>

Sent: Monday, March 18, 2024 11:14 AM

To: Tim Corwin <https://urldefense.proofpoint.com/v2/url?u=http-3A__Tim.Corwin-40lebanonnh.gov&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=Cwlhu-sTt5Lmtcg7soPpgPCeIVDaFy5X_5jicYB4l8&m=yigBvVQ1Nlrmr5qvg8acb92aVLYObtuq7yY__HmYoEjINCpk3lvJgqbcSwq2Mhsf&s=N4abSWXfgjtovHQRZzJcJq1M6AEGnaKa4CrlqfRyjek&e=>>

Cc: 'Johanna Cicotte' <jcicotte1@aol.com>; Nathan Reichert <https://urldefense.proofpoint.com/v2/url?u=http-3A__Nathan.Reichert-40lebanonnh.gov&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=Cwlhu-sTt5Lmtcg7soPpgPCeIVDaFy5X_5jicYB4l8&m=yigBvVQ1Nlrmr5qvg8acb92aVLYObtuq7yY__HmYoEjINCpk3lvJgqbcSwq2Mhsf&s=J1vtlf_nW6lp1ObgCvDCAkGlzndFP1Dhs2mYvzcq2J0&e=>>

Subject: [EXTERNAL] RE: 63 Evans Dr_Non-Conforming Use

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Nate,

I believe this is a conforming office use or a personal service use (veterinary office).

Can you please confirm so we can continue with the meeting at 2pm today.

Dan Nash

Advanced Geomatics and Design

105 Bank Street

Lebanon, NH 03766

603-448-6295

802-356-4928 mobile

Advancedgeomatrics@comcast.net

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-----Original Message-----

From: Tim Corwin

<https://urldefense.proofpoint.com/v2/url?u=http-3A__Tim.Corwin-40lebanonnh.gov&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=jq55e6wXHM6V3GuHLdOq35v4gVwylg4o9sRzQA-xo9c&m=s2Q8BvfeVKNX_PASWI-SRvzgJxnrxp2PFuKgo6KKyKj9luy47L7GPTMewXKJcStu&s=KnRLbbKONxV5JIRMVyg4tbQOkvRBMs7BEGRNxCQJiM&e=>>

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<https://urldefense.proofpoint.com/v2/url?u=http-3A__Tim.Corwin-40lebanonnh.gov&d=DwICAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=jq55e6wXHM6V3GuHLdOq35v4gVwylg4o9sRzQA-xo9c&m=s2Q8BvfeVKNX_PASWI-SRvzgJxnrxp2PFuKgo6KKyKj9luy47L7GPTMewXKJcStu&s=KnRLbbKONxV5JIRMVyg4tbQOkvRBMs7BEGRNxCQJiM&e=>>

Sent: Monday, March 18, 2024 10:53 AM

To: Dan Nash <advancedgeomatrics@comcast.net>

Cc: Johanna Cicotte <jcicotte1@aol.com>; Nathan Reichert <https://urldefense.proofpoint.com/v2/url?u=http-3A__Nathan.Reichert-40lebanonnh.gov&d=DwlCAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=jq55e6wXHM6V3GuHLdOq35v4gVwylg4o9sRzQA-xo9c&m=s2Q8BvfeVkNX_PASWI-SRvzgJxnrxp2PFuKgo6KKyKj9luy47L7GPTMewXKjCStu&s=Pq-LfTt2FPagXze48Cnt0MoKY3yM3UK-00EOz4youmw&e=>>
Subject: 63 Evans Dr_Non-Conforming Use

Dan -

Regarding the site plan application you submitted for 63 Evans Drive, it appears the proposed parking lot constitutes an expansion of a non-conforming use which is prohibited per Section 702.5.D of the Zoning Ordinance. This was the same determination that was made in the case of the parking lot expansions at 175 Heater Road and 51 Evans Drive for the non-conforming vehicular sales uses located on those lots (175 Heater Road obtained a Variance from Section 702.5.D and, with respect to 51 Evans Drive, the Zoning Ordinance was amended making the 702.5.D violation in that case moot). If you believe that the 63 Evans Drive parking lot expansion does not constitute an expansion of a non-conforming use, please explain why so that Nate Reichert, the Zoning Administrator, can make a determination.

Per Section 4.4 of the Site Plan Review Regulations, the site plan application cannot be accepted as complete until such time as the zoning matter is resolved. -Tim

Tim Corwin, AICP

Deputy Planning and Development Director City of Lebanon

(603) 448-1524 (Office)

(603) 442-6127 (Direct)

Tim.Corwin@LebanonNH.gov<<mailto:Tim.Corwin@LebanonNH.gov>>

Book a time to meet with

me<https://urldefense.proofpoint.com/v2/url?u=https-3A__outlook.office365.com_owa_calendar_PlanningandDevelopment1-40lebanonnh.gov_bookings_&d=DwlCAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=jq55e6wXHM6V3GuHLdOq35v4gVwylg4o9sRzQA-xo9c&m=s2Q8BvfeVkNX_PASWI-SRvzgJxnrxp2PFuKgo6KKyKj9luy47L7GPTMewXKjCStu&s=XbCt1c6WYjsAvBuUJMMcgFOdEq57-Udq3WBAPgEgHEs&e=>>

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Petition for Zoning Change to Allow "Care and Treatment of Animals" **as a Conditional Use in the RO-1 Zone**

(Lot 78-40-1, Evans Drive)

29 January 2025

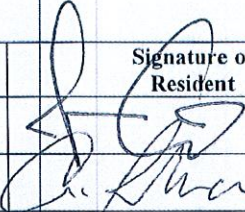
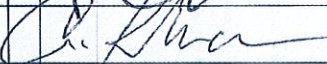
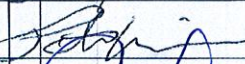
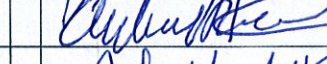
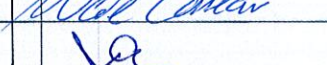
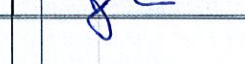
Members of the Lebanon City Council,

As voters of the City of Lebanon, we petition you to make changes to the zoning ordinance.

-Our request is under the provisions of the Zoning Ordinance, Section 1002.2.C..

-Our request is outlined in AGD letter to the City Council regarding Section 305.2 dated 29Jan2025.

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

Name of Resident	Signature of Resident	Address and Phone	Date Signed
JOHANNA CICOTTE		47 APPLE BLOSSOM LEBANON NH 03306	1/30/25
Glenn Fulcher		90 Mechanic St 603 864 Lebanon NH 03306 1972	1/30/25
Pete Mancini		46 MAIN S LEBANON NH	1/30/25
Jaimie Lanfranchi		337 Mt Support Rd Lebanon NH 03766	1/30/25
Andrew Rodimon		8 Light Street Lebanon NH 03766	1-30-25
David M. Griffans		Lebanon NH 03766 22 School St Apt 7	1/30/25
KETH HIGGS		337 MOUNT SUPPORT LEBANON NH 03766	1-30-25
Cornell Berdell		141 HANOVER ST. Lebanon N.H.	1/30/25
Wade Comeau		16 Memorial Dr. Lebanon N.H.	1/30/25
Justin Lanfranchi		225 Bank St. EXT	1/30/25

March 31, 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 “Care and Treatment of Animals” as Use by Conditional Use Permit
in R-O-1 District**

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 (“ZO”). I understand the City Council has approved a motion to begin the process of the City’s land use boards providing review and comment for adding “Care and Treatment of Animals” as a Use allowed by Conditional Use Permit (“CUP”) in the Residential Office One (R-O-1) zoning district.

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

- A January 29, 2025 Letter from Daniel A. Nash, Advanced Geomatics & Design, with attachments including a March 2024 email chain between Mr. Reichert and Mr. Nash concerning nonconforming uses at 63 Evans Drive
- A March 5, 2025 Planning and Development Department Staff Memo concerning the proposed zoning amendment;
- Video of the relevant portion of the City Council’s March 19, 2025 public meeting

The ZO 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.

As you know, a zoning regulation cannot be adopted in support of, or for the exclusive benefit of, any individual property. Doing so would constitute “spot zoning”. 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).

March 31, 2025

Page 2

Mr. Nash's letter of January 29, 2025 does not hide that the impetus behind the proposed zoning amendment is to benefit one particular lot/business, Lot 78-40-1, which houses the SAVES emergency care veterinary clinic. SAVES seeks to expand its parking area, which, as a nonconforming use, it is currently unable to do.

The proposed zoning amendment avoids a "spot zoning" concern by proposing not that the "care and treatment of animals" use be permitted solely at Lot 78-40-1, but instead that this use be permitted (by CUP) on all lots within the zoning district (R-O-1) in which the SAVES clinic is located.

Accordingly, in considering whether to allow the "care and treatment of animals" use by CUP in the City's R-O-1 district, the City boards and commissions reviewing this proposed amendment should avoid consideration of SAVES's specific need and instead consider whether and how adding this use to this zoning district would promote the health and general welfare of the City, as set forth in RSA 674:17, I (c).

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

Sincerely,



Matthew C. Decker



CITY OF LEBANON PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon Conservation Commission

FROM: Planning and Development Department Staff

RE: Proposed Zoning Amendments: Hotels in the GC-1

DATE: April 3, 2025

A public request has been made by Dan Nash, PE, on behalf of Choice Storage, LLC/Jay Campion and Cicotte Properties, LLC/Johanne Cicotte to amend Section 305A.2 to include "Hotel" as a permitted use in the GC-1 District. The request has been made pursuant to Section 1000.2.C of the Zoning Ordinance which provides that amendments to the Zoning Ordinance may be proposed "by petition of any number of voters...". The basis for the petitioner's request is set forth in the attached letter dated January 29, 2025 from Mr. Nash.

"Hotel" is defined in Appendix A of the Zoning Ordinance as "[a] building designed for or used commercially as more or less temporary living quarters for persons who are lodged with or without meals in which are ten or more sleeping rooms usually occupied singularly or by families of transients[,]" and is currently allowed within the GC-1 District if part of a Commercial Planned Unit Development (PUD). "Hotel" is also currently allowed:

- As a permitted use in the GC, CB and LD Districts;
- By Conditional Use in the MC District;
- Within a Commercial PUD (allowed by Conditional Use in the GC, GC-1, CB, and MC Districts);
- Within an Industrial PUD (allowed by Conditional Use in the IND-L, IND-RA, and IND-H Districts); and
- Within a Planned Business Park (allowed by Conditional Use in the IND-L, IND-RA, INDH Districts).

The City Council moved to continue with the schedule shown below. This allows for the City's Land Use Boards and the public to provide feedback on the proposed amendment.

Following the public hearing, the amendment to Section 311A.2 may be adopted by the City Council per Section 1000.3.D of the Zoning Ordinance.

City Council decision to proceed:	March 19, 2025
Legal review:	by March 31, 2025
Zoning Board of Adjustment:	April 7, 2025
Conservation Commission:	April 10, 2025
Planning Board:	April 28, 2025
City Council setting public hearing:	May 7, 2025
City Council public hearing:	May 21, 2025

ATTACHMENTS

1. Petitioned Zoning Amendment Request Letter
2. Legal Opinion Letter



29 January 2025

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

Re: Request for Zoning Change

Dear Mayor and Councilors:

On behalf of Choice Storage, LLC/Jay Campion and Cicotte Properties, LLC/Johanna Cicotte this letter is being written to request a zoning change to be part of the city's North Lebanon zoning review.

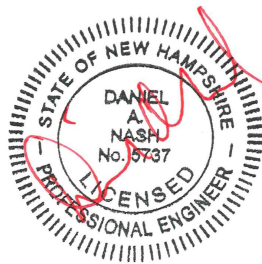
Request #1. Amend Table 305A.2 to include "Hotel" as a permitted use.

The GC zone currently allows Hotel as a Permitted Use. As GC-1 is an extension/modification of this use, it makes sense for the hotel use to follow. The Route 120/North Lebanon area is a prime and appropriate locale for the hotel use.

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

Sincerely,

Daniel A. Nash, PE
Principal



Attachments:

- GC table of uses
- GC-1 table of uses

CC: Jay Campion, Choice Storage
Johanna Cicotte, Cicotte Properties

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SECTION 305 GENERAL COMMERCIAL DISTRICT (GC).

305.1 Purpose.

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

305.2 Table of Uses.

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

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
25. Renewable energy system per Section 612 26. Restaurant , sandwich shop 27. Retail product pickup 28. Retail store 29. Service station 30. Vehicular repair 31. Vehicular sales <u>Planned Developments</u> 32. Commercial PUD per Section 501	

305.3 Table of Area, Dimension and Coverage.

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

305.4 Special Height Restriction.

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

305.5 Dwelling Unit Density.

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

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

305A.1 Purpose.

The purpose of the GC-1 District is to provide opportunities for a mix of commercial and residential uses within close proximity to regional employers, public transportation routes, and pedestrian and biking trails. The GC-1 District is intended to provide for uses that are compatible with the limited access design of Route 120, and which would tend to retain and enhance the existing character of the area. New housing is encouraged to provide convenient access to major centers of employment, to facilitate future economic growth along the Route 120 corridor, and to complement the existing array of services and amenities within walking or biking distance of the GC-1 District.

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 Add: "9. Hotel"	<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

305A.3 Table of Area, Dimension and Coverage.

Minimum Lot Requirements					Maximum Limitations	
Lot Area	Frontage	Front Yard	Side Yard	Rear Yard	Building Coverage	Building Height
50,000 square feet	150'	40'	20'	20'	30%	55'

305A.4 Dwelling Unit Density.

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

Petition for Zoning Change to Allow Hotel Use in GC-1

(North Lebanon GC-1 Properties)

29 January 2025

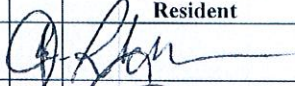
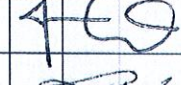
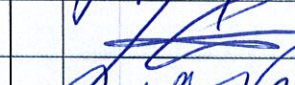
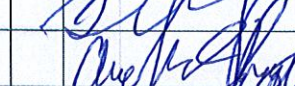
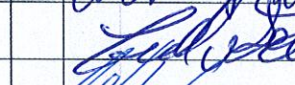
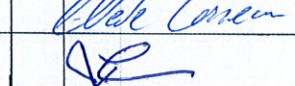
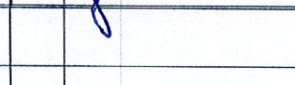
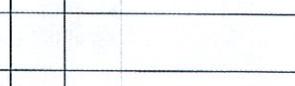
Members of the Lebanon City Council,

As voters of the City of Lebanon, we petition you to make changes to the zoning ordinance.

-Our request is under the provisions of the Zoning Ordinance, Section 1002.2.C..

-Our request is outlined in AGD letter to the City Council regarding Section 305A.2 dated 29Jan2025

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

Name of Resident	Signature of Resident	Address and Phone	Date Signed
Glenn Fulcher		90 Mechanic St 603 Lebanon NH 499.1972	1/30/25
Johanna Giotte		47 Apple Blossom Dr. W. Lebanon 603 3069649	1/30/25
Pete Mascini		46 Main St Lebanon NH	1/30/25
Jaime Lanfranco		337 Mount Support Rd Lebanon NH 03766	1/30/25
Keith Higgs		337 Mount Support Rd Lebanon NH 03766	1-30-25
Dave Gilman		Lebanon NH 03766 22 School St Apt 1	1/30/25
Andrew Rodman		8 Light Street Lebanon NH 03766	1-30/25
Carl Seachell		141 Street Hanover Lebanon NH	1/30/25
Wade Comeau		16 Memorial Dr. Lebanon NH	1/30/25
Justin Lanfranco		225 Bank St Ext Lebanon	1/30/25

April 3, 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 “Hotel” as Permitted Use in GC-1 District**

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 (“ZO”). I understand the City Council has approved a motion to begin the process of the City’s land use boards providing review and comment for adding “Hotel” as a Permitted Use in the General Commercial One (GC-1) zoning district.

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

- A January 29, 2025 Letter from Daniel A. Nash, Advanced Geomatics & Design, with attachments;
- A March 5, 2025 Planning and Development Department Staff Memo concerning the proposed zoning amendment;
- Video of the relevant portion of the City Council’s March 19, 2025 public meeting.

The ZO 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 1000.3.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.

I am not privy to prior deliberations of the Council, planning staff, and the City’s land use boards with respect to the decision(s) as to which zoning districts would be appropriate locations for a Hotel use as either a permitted use or a conditional use within or without a planned development. However, planning staff’s March 5 memo listing the districts and manner in which Hotels are permitted implies a significant amount of deliberation on this subject has previously occurred. Further, the specific allowance of a Hotel use within a Commercial PUD in the GC-1 district may reflect a deliberate intent to otherwise exclude Hotels from the GC-1 district.

April 3, 2025

Page 2

Accordingly, I recommend that the Council and land use boards review their prior deliberations and decisions in evaluating whether the new proposed amendment is warranted.

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

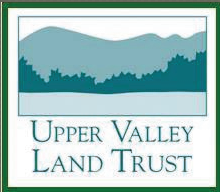


Rutter – Signal Hill Property Stevens Road



The Upper Valley Land Trust helps people and communities protect land forever.

We provide conservation leadership, tools and expertise to permanently protect working farms, forested ridges, wildlife habitat, water resources, trails and scenic landscapes.



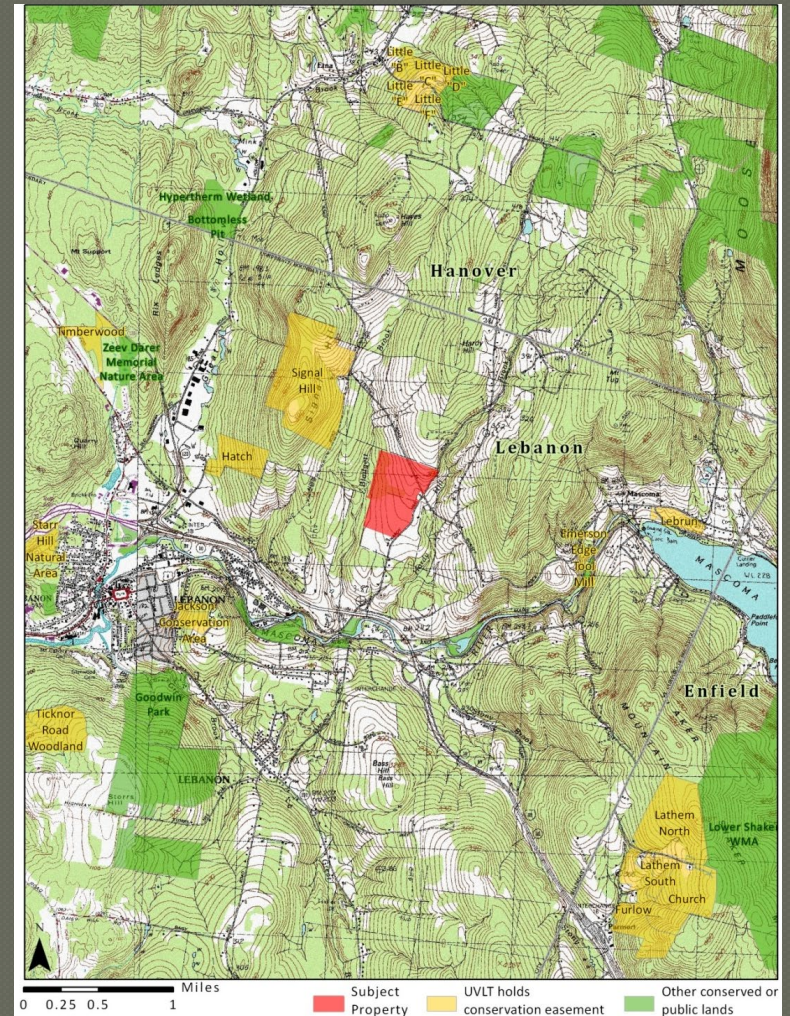
Land Protection Tools

● Fee Ownership

- Purchased
- Donated

● Conservation Easement

- Purchased
- Donated





Rutter – Signal Hill – 22.8 +/- Acres Stevens Road

- *22.8 acres – Donated Fee Gift and Conservation Easement*

- Water Resources – Frontage along Blodgett Brook as well as an unnamed intermittent stream.
- Important Wildlife Habitat – NHWAP, 2017 Lebanon Wildlife Corridor Report lists the Rutter property as a priority for conservation.
- Significant Ecological Area (SEA)
 - 2010 Lebanon Natural Resource Inventory
- Highly Scenic - Significant frontage on Stevens Road, the first road designated by the City of Lebanon in 1989.





Water Resources

1,500± Feet of Frontage along Blodgett Brook
960± Feet of Frontage along Intermittent Stream





Wildlife Habitat

Contributes to a 1700 acre
block of Unfragmented Land



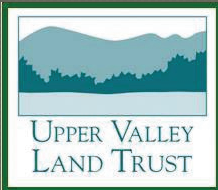


Wildlife Habitat

Connectivity to other Protected Lands



- New Hampshire Wildlife Action Plan (WAP) 2020
 - Grasslands &
 - Hemlock/Hardwood Forest
- Across Stevens Road from Signal Hill Natural Area

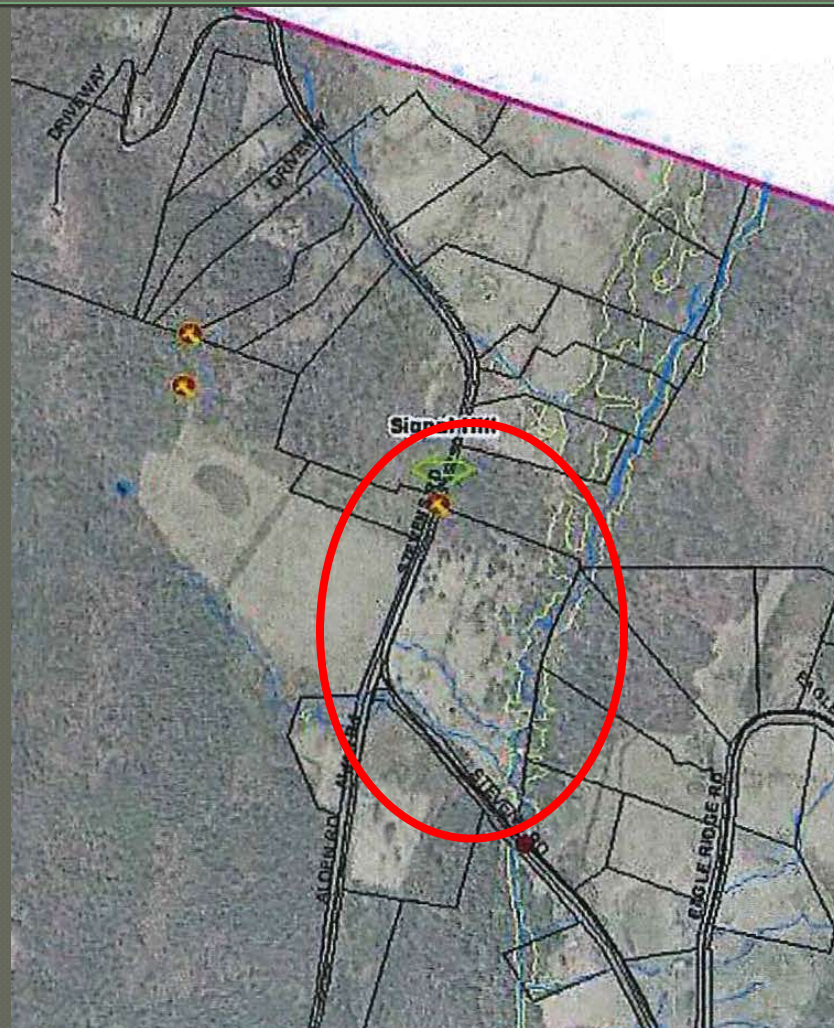


Wildlife Habitat

Connectivity to other Protected Lands

Lebanon Wildlife Corridor Report (2016):

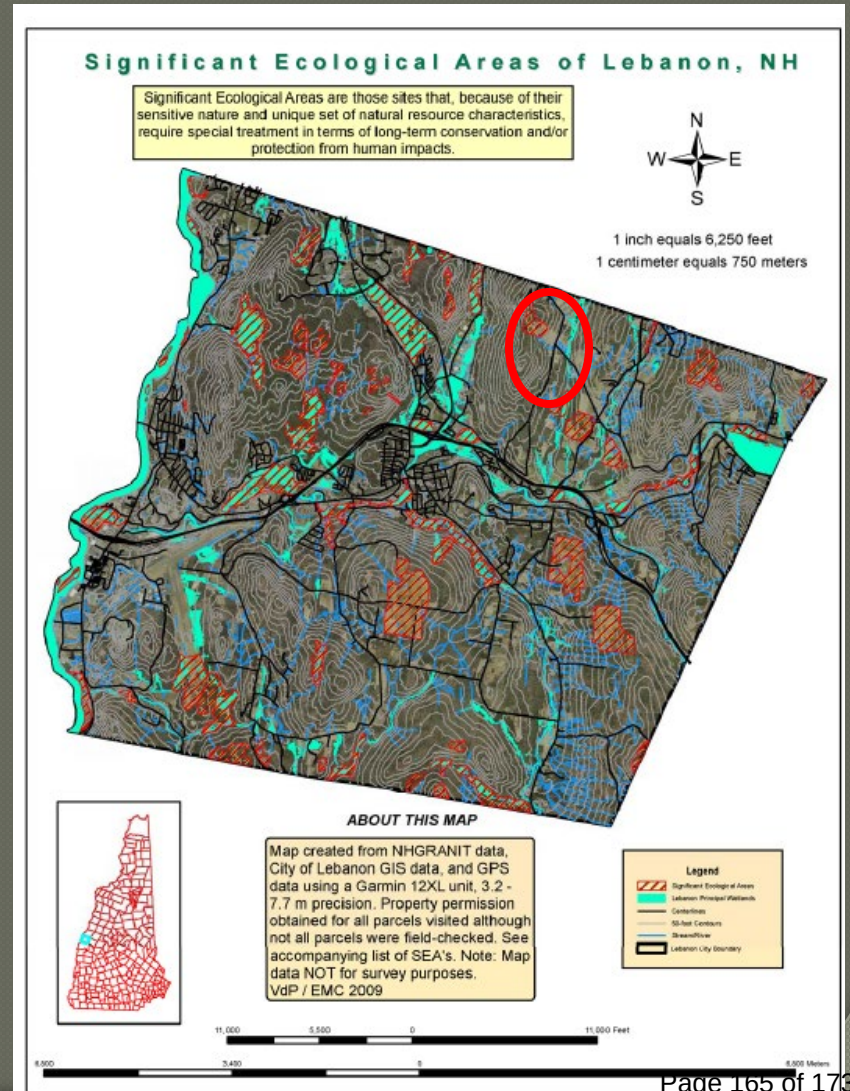
- Identifies a major wildlife crossing just north of the Rutter property;
- Deer habitat identified on-site;
- Lists the Rutter property among those for which conservation agreements are recommended to be sought.





Significant Ecological Area (SEA)

- Includes a Significant Ecological Area identified in Lebanon's 2010 Natural Resource Inventory
- Important openland habitat
- Area of significant # of natural resources co-occurrences





Scenic Benefits to the Public



- Long range views from Stevens Road – a town-designated scenic road
- More than 2000 feet of frontage on Stevens Road



Significant Land Protection Opportunity

- Donation of the Fee-Interest gift, temporarily, to the Upper Valley Land Trust, with the understanding that it will be gifted to the City of Lebanon subject to a UVLT conservation easement is a generous gift to Lebanon and the Upper Valley.
- A contribution from the Lebanon Conservation Fund (LOST Fund) could support the transaction costs and long-term stewardship of this gift.
- Inexpensive means of funding and encouraging conservation
- Use of LOST fund may be approved by the Conservation Commission following a public hearing.
- Common practice in other Upper Valley towns (Plainfield, Cornish, Orford, Thetford, Hartford, Hartland, Weathersfield, etc.)



Rutter Property

Gift of Feeland to UVLT, Subsequent Gift of Land to City of Lebanon (Subject to UVLT Conserve Stevens Road

10-Apr-25

Expense Item

Landowner Donation of Feeland	
Appraisal Report	
Survey	\$ -
Legal, Title Opinion & Closing Costs	\$ 1,200.00
Recording Fees	\$ 162.00
Stewardship Contribution	\$ 9,057.06
Project Management (100hrs)	\$ 7,000.00
Baseline Documentation Report (50hrs)	\$ 3,500.00
Total Project Value	\$ 20,919.06

**This calculation is an estimate for two transactions that will occur - fee transfer and CE transfer*

ervation Easement)

Notes

<i>If for an IRS tax deduction, the landowner must obtain this</i>
<i>Survey is not an anticipated requirement for this project</i>
<i>Based on average law firm fees in 2024/5 *</i>
<i>NH=LCHIP & deeds *</i>
<i>To meet requirements of the national Land Trust Alliance</i>
<i>An accurate hourly total will be provided on final invoice *</i>
<i>An accurate hourly total will be provided on final invoice</i>

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Goals for 2025

Property Stewardship

- Forest Management Plans: review existing plans and assess status of recommended action items; evaluate the need for additional management plans. (MP 5.4b.2) *** Note: engage as time permits; Boston Lot the 2025 focus.*
- Review trail maintenance infrastructure needs, e.g., footbridges, etc. (MP 5.4b.2)
- Continued distribution & posting of Signage/Kiosks/Map resources (MP 5.4b.2) (SP 5.7.2) ***Note: to include updating existing Kiosks maps*
- Trail Maintenance (ongoing care of existing trails) (MP 5.4b.2 & MP 5.4b.5) (SP 5.7.3)
- Continue to explore access opportunities to conservation properties, including:
 - Goodwin Conservation Property bridge across Great Brook (SP?)
 - Alana Cole ADA opportunities (SP?)
 - Other ADA opportunities

Education / Outreach

- Explore Water Resource Education & Protection initiatives
 - Participation in the 2025 Mascoma Watershed Planning Study (SP?)
- Continued support for Wild About Lebanon (MP 5.6a.5) (SP 5.7.1)
- Host Amphibian Crossing Program (SP5.9.4)
- Host bi-annual Mascoma River clean-up (SP 5.8.3)
- Participation with the Upper Valley Forest Health Work Group (SP?)
- Increased awareness and encouragement for land protection (MP 5.6a.4)
 - *Note: updated CoL ConCom Program Web Page*

Land Conservation

- Expand the conservation land portfolio within the City of Lebanon (MP 5.4a.1) (SP 5.6.2) *Note: areas of interest for 2025 to include, Starr Hill Area; Mouth of the Mascoma; Bakers Crossing*
- Work with the Upper Valley Land Trust regarding adding to the Signal Hill conserved property (SP 5.6.2)
- Work with the Upper Valley Land Trust regarding permanently protecting Baker's Crossing (SP 5.6.2)
- Review and modify as needed existing regulations related to OS protection (e.g., ridgeline, aquifer, steep slopes, etc.) (MP 5.2b.2 & MP 5.5a.4) Steep slopes (SP 5.9.1)
- Assess the feasibility mitigation projects as part of the of Wetland Permit process

- Implement recommendations from the Northern Lebanon Study (SP 5.9.3)
- Implement recommendations from the wildlife corridor plans (SP 5.9.3)
- Examine the applicability of a vernal pool overlay district (SP 5.9.2)
- Conduct review of existing steep slope regulations (SP 5.9.1)

Miscellaneous

- Explore LOST Fund Investment Opportunities
- Continue to pursue participation in the NH F&G doe harvest program (SP 5.6.3)
- Innovative stormwater regulations existing in the Site Plan regulations to be migrated to the sub-division regulations as appropriate (SP 5.8.2)
- Continue to be involved in the inclusion of green infrastructure to the max extent possible for the pending Exit 18 project. *** ConCom request to add to the SP*
- Incorporate **aquatic passage** and **wildlife friendly designs** into **culvert replacement projects** city-wide in line with NH Stream Crossing Initiative. (MP 5.2.22 MP) *** ConCom request to add to the SP*
- Work with DPW to **reduce road salt use** near sensitive habitat areas. *** ConCom request to add to the SP*

Account Number	Account Description	Net Budget
1100-4611-0000-1200-0000	TEMPORARY PT WAGES	5,000.00
1100-4611-0000-2200-0000	FICA & MEDICARE TAXES	390
1100-4611-0000-2450-0000	TRAINING/LICENSES/DUES	1,200.00
1100-4611-0000-2600-0000	WORKERS' COMPENSATION	140
		6,730.00
1100-4611-0000-5000-0000	OTHER PURCHASED SERVICES	3,150.00
1100-4611-0000-5875-0000	MILEAGE	260
1100-4611-0000-6100-0000	GENERAL SUPPLIES	980
1100-4611-0000-7500-0000	FURNISHINGS, SMALL TOOLS & EQUIP	1,000.00
		5,390.00

2025 Year