

FINAL

**LEBANON CONSERVATION COMMISSION
SPECIAL MEETING MINUTES
Remote Via Microsoft Teams
[LebanonNH.gov/Live](https://lebanonnh.gov/Live)
May 22, 2025
5:30 PM**

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

MEMBERS ABSENT: Sean Dittrich (Alt.)

STAFF PRESENT: Mark Goodwin (GIS Coordinator),
Mr. Nathan Reichert, Director, Planning and Development

Note that there was no video to see the Conservation Commission members.

1. CALL TO ORDER:

A. Chair Riley called the meeting to order at 5:33 PM.

2. STUDY ITEMS:

A. **Review & Comment on Proposed Zoning Amendment** – Route 120 Environment Overlay District (link provided to May 8, 2025 agenda materials)

Ms. Hirai said that the current proposal still does not provide the Dartmouth area map that she had requested at their prior meeting. Mr. Nate Reichert suggested they direct their comments (about the missing map area) to the City Council.

Ms. Riley began today's meeting by making the following statement:

"This overlay has been drafted by City staff, with input from both the Conservation Commission Chair and Vice Chair, and the Planning Board Chair and Vice Chair. This was at the direction earlier this year, of City Council, and just like any other draft Zoning amendment, the public has and will have the same opportunity to comment as with any other draft Zoning amendment. This overlay is focused on a part of the City that is being called North Lebanon and the reason this overlay is focused on that area of the City is entirely because it is in response to the North Lebanon Community Plan, and the draft amendments that the City crafted immediately following the completion of that study. For no other reason, this overlay is focused on the same geographical area. The overlay is an attempt to protect some of the ecological functions in that area, in the face of increased development that will occur, if the other zoning amendments move forward. This overlay, while not perfect, is a good thing."

Regarding additional wetland protections, which are one of the key components of this overlay...

Some of what Chair Riley spoke about next came from The Planners Guide to Wetland Buffers for Local Governments by the Environmental Law Institute. It is a little dated but has good nuggets in it.

“Wetland buffers enable local communities like ours to protect themselves from known hazards associated with climate change. Climate change is resulting in more extreme storm events. This changes the infiltration patterns, the conveyance capacity of both human made storm water systems and natural wetland systems. As the volume and timing of snowmelt changes, groundwater supplies will be affected. This can result in drought effects. This can make healthy wetland function even more critical for water supply and watershed resilience. Protecting wetland buffers will moderate the effects of both drought and extreme precipitation events and will protect private and public property. The functions and services that wetlands provide may diminish, if wetlands are surrounded by parking lots, buildings, and other land uses that reduce the hydrological functions of the wetlands, that alter the vegetation of those wetlands, and their wetland buffers.”

Quoting from the publication, Chair Riley continued “Relying on regulations and conservation measures that deal only with the wetland, is like trying to operate a municipal swimming pool without any attention to the pipes, to the deck, to the lifeguard stations, or the condition of the areas that drain into the pool. Such an approach is like operating a roadway with no shoulders, no sidewalks, no signals, no managements of the right of way, and no provision for the water sheeting on the road surface.”

Chair Riley said she thinks we need to think about wetlands and their buffers in those kinds of context, not just the wetlands (not just the pool, not just the road, etc.). It is the surrounding infrastructure or buffer as well.

“The upland area surrounding a wetland is essential for the survival and the functionality of that wetland. If a wetland cannot absorb the stormwater that it normally absorbs, chances of flooding will increase downstream. If the wetland cannot serve as a home for wetland species, wetland vegetation, community values and quality of life will be impacted. Local governments that have wetlands in their boundaries, have the opportunity and the responsibility to conserve these resources, and to control or compensate for activities and development that might impair their benefits for the community and for the environment.”

Chair Riley is advocating for better wetland buffer protections, and that is one thing that the overlay for North Lebanon is attempting to do, beyond the wildlife corridor protections, steep slope protections, and buffers to natural areas.

Vice Chair James spoke next and referenced the draft document he prepared in advance of this evening’s meeting. Additionally, after attending another public meeting at the Co-Op on Tuesday evening, it triggered something else he wants to address today.

Mr. Mark Goodwin displayed the maps detailing the areas Vice Chair James was discussing. Vice Chair James went on to share what he describes as an “alternative overlay” which includes a wildlife corridor, defines wetlands, steep slopes, etc. It shows DHMC, SR 120, Mount Support Road, etc. He said this encompasses three (3) micro watersheds making up the Northern Lebanon development area. The first in the upper left corner is Dartmouth Hitchcock Medical Center, a watershed that has been extensively disturbed. The wetlands within that area mostly drain to the north, to Hanover and into the Connecticut River (red arrow, upper left).

The 2nd micro watershed is on the East side, outside the red line. He refers to this as the “Etna Road watershed”, East of Rix Ledges, West of Signal Hill, and these drain down through some truncated wetlands, into the Mascoma River and in this case, there is a lot of light industry there now, so it has been developed and has undergone a lot of changes over the years, with a lot of human use, principally commercial. Both of these micro watersheds have been extensively disturbed.

Looking then at what he referred to as the 3rd micro wetland, or “Mount Support/Rix Ledges watershed, he said these three watersheds are distinct and different from each other, not one uniform watershed. **He does not believe that one type of zoning should apply to all three.**

His proposal is that the two watersheds to the East and West would not be included in the environmental overlay; rather they would be governed in terms of zoning, by existing regulations and processes. DHMC is a classic case of so much disturbance already, and the same for Etna Road, with lots of chopping up of the wetlands in that area.

In the center, there is a zone that has been minimally disturbed, and this area is downslope of Centerra where most of the new development for Northern Lebanon is going to take place, and so with that new development, he proposes a different map, that addresses steep slopes, wetlands, vegetation, relationship to Centerra, etc. It is an integral part of the area, but clearly very different from the other two watersheds.

The red line on the right-side map is an approximation of the Alternative North Lebanon Environmental Overlay (aka James Map).

Chair Riley reminded them that in the areas that are already heavily developed it can be as important or more important to protect wetland buffers than in other areas, such as protecting the city from flooding or other water related issues.

Ms. Almy requested clarification for the map, asking where Mt Support Road is and the large apartment complex in that area – where they are on this map? She then asked if there is anything that can be done about these developments that have already been built. She referenced 1968, a time when her parents lived there. Vice Chair James explained that there is a very different type of development now than in past decades.

Chair Riley asked if there are any comments or questions about the overlay maps or about A through D? Mr. Goodwin put the actual proposed amendment up on their screen for all to see – Section 411 Northern Lebanon Environmental Overlay District (see Agenda Packet).

Mr. Goodwin asked if there are any issues with the 4 items in question – A through D?

A verbal poll of Commission members was taken by Chair Riley; she asked if they have any useful, or specific feedback on the texts? There was none.

Purpose A? Thumbs up

Purpose B? Thumbs up

Purpose C? Thumbs up

Purpose D? Thumbs up

There was discussion about the 100' buffer – see an example in 411.6 Enhanced Regulatory Requirements where a 100' buffer was referenced; Mr. Goodwin said that the 100' distance that they came up with back in 2012 was informed by much scientific research noting that it is as much of an art as it is a science, and that 100' is a standard buffer if you are trying to protect the uplands around it. Mr. Lacey said many studies recommend quite a bit more and that this is a compromise around vernal pools for salamanders, some types of frogs, etc. Mr. Goodwin and Vice Chair James indicated that 100' is fairly common.

Vice Chair James said there are many variables, like vegetation and slopes, for example.

Chair Riley asked for any discussion for permitted uses. There were no comments. A conditional use permit would be required to do anything in any of the areas that are either in the wildlife corridor, the wetlands, a buffer, or the steep slopes.

Mr. Reichert said there is a nuance to that and referenced them 411.4. Minor changes less than 500 square feet are allowed. Anything larger than this required administrative approval; it is not cumulative.

411.5 Conditional Use Permits was discussed next. This requires a higher level of scrutiny and A-D is a more streamlined approach. Mr. Reichert also explained the nuances of wording and what is typical on the Planning and Zoning Boards side such as “adverse impact”, hazard or nuance. Many are governed by State law. Chair Riley asked about hazard or nuisance and why these words are being used. Mr. Reichert noted that B wording is much broader than A, which is more of a direct impact.

Chair Riley asked if they should change B wording to “does not have a hazard effect”. After further discussion and input, it was decided to leave this wording alone. Mr. Goodwin reminded them that they will not get every single word to speak to every situation. **What's important is to be sure the ecological integrity of Northern Lebanon Environmental Overlay will be protected.**

Mr. Johnson said that while looking at each word has some value, he feels like they are getting into the weeds, and losing site of the big picture. And he wants to be sure that the public has time to speak as well. Their time is limited. Chair Riley responded that she wants to be sure that everyone on the Commission understands what is on the Overlay, it is not just a map. She wants to be sure that all questions get answered.

Chair Riley asked for any input on C,D or E. Mr. Oidtmann asked how they identify the travel pathways, for example, for deer. Mr. Reichert said that these are identified and there are studies that have been done that will continue to be utilized. If they are aware of any deer pathways, they definitely want signage in these areas, explaining that specific area. For example, deer or bear pathways.

Ms. Almy asked if permanent signs are allowed at the start and end of this overlay? Mr. Reichert said that Zoning does not have authority, but the State and the City can work with Zoning on signage, whomever controls the road.

There were no questions or comments on 411.7 and 411.8.

Chair Riley suggested they weigh in on the text that Mr. Goodwin prepared during their meeting to see if this is what they want to advance. Also, how large of an area, the entire yellow area, or the map as presented in their May Agenda Packet, or a modified extent somewhat modified by the red line. Vice Chair James has a more detailed map, and he has that readily available to all interested.

Mr. Heistad likes Vice Chair Jame's approach and thinks it more accurately reflects the current amount of water flowing. There is not as much constant flow as there used to be.

Vice Chair James said there is a good map that shows this red area being similar to a "bowl". The red line captures the wildlife corridor, steep slopes and wetlands. Centerra is the area that needs protection and it will drastically change as it gets developed. Mr. Goodwin clarified that those steep slopes are still RL-3 and still have the steep slope protections.

Mr. Oidtmann asked why Vice Chair James omitted the wetlands along Etna Road and South of there. Vice Chair James said that Rix Ledges is a critical top land, so the drainage patterns are different, and the development is different. Other existing protections would still apply, but not under the Overlay district. Vice Chair James drove and walked all these areas and is confident with this new Overlay district map.

Mr. Lacey said that what Vice Chair James is presenting is very much in context with the excellent maps that were presented in their November meeting.

Chair Riley invited any members of the public to speak.

Mr. Barry Schuster, Ward 3, started by saying he appreciates the Conservation Commission's time and their work. He said they are facing significant challenges. The Northern area is the most critical for growth. Speaking on behalf of Johanna Cicotte, he said that referring to the letter from City attorney Matthew Decker raised a number of proposed changes and these tracked changes are substantial. These comments are intended to help the City and Commissions to make informed decisions.

He also said that 100' is not a typographical error for this Northern corridor.

Also, he referenced a letter written by Johanna Cicotte, President, Miller Auto Group, demonstrating that this is too challenging of a project and it makes no sense to rush into any decision, based on a deadline imposed by the City Council. There are significant concerns about adding more restrictions and layers on top of already extensive guidelines and layers. Much of what is proposed will have significant costs and effectively prevent development in the very area that the City is looking to development.

If the City of Lebanon is trying to encourage development, they need to find a balanced approach and review this in tandem. He commented that Vice Chair Jame's proposed overlay deserves consideration; it is informed and thoughtful. The current proposal is overreach in his opinion. He too noted that none of the DHMC map is shown in these maps and thinks it should be. This requires more study and professional review. A rushed decision at this point in time could have unintended consequences.

Chair Riley asked if he would also recommend that the Council pause and not take any action on the other community plans (e.g. Amendment 4). He said that he thinks this artificial yellow line omits so much. Overall, he thinks this April 7, 2025 Overlay plan might be too broad, and they need to look at the details of the entire plan very closely.

Ms. Hirai MOVED to extend the meeting until 8:00PM.

No one seconded

****MOTION to extend was unanimous***

Mr. Dan Luker, Attorney & Director with Preti Flaherty, representing Hypertherm spoke next.

He thanked the Conservation Commission for their hard work. He thinks the Zoning redo should happen first, and then ConCom conduct more study. They are very concerned about this proposed overlay on Etna Road. The setbacks are unnecessary and could pose problems in the future for the four Etna Road locations, owned by Hypertherm and their associates. There was an extensive, thorough study done on this area in 2012 and a 75' setback was deemed appropriate. It is unnecessary to extend this buffer across these four existing properties. He commented that Vice Chair Jame's red line revised Overlay map make more sense. He thinks that Zoning should move forward but that the overlay needs to be studied more closely. He noted that Hypertherm has been a good neighbor for Lebanon for many decades. He reiterated that these proposed changes are unnecessary steps.

Mr. Jay Campion spoke next; he is the 3rd largest landowner in this study area, behind only the Land Trust and Dartmouth Hitchcock. He has attended every meeting of the original study area, and none of the recommendations that are in the current overlay district were part of those original recommendations. When it comes to the specifics of the Zoning changes, he supports this. Their intentions are clear, to try and add to the housing stock. The current overlay has severe and adverse impact on existing development. For example, Hypertherm that was just discussed. Also, many other locations are currently conforming, and they would become non-conforming under this new overlay (April 2025). These are two separate things, so if there is to be an overlay district, it should apply to whatever the zoning is, that it is protecting.

Ms. Hirai reiterated that at the end of the last meeting, it was agreed that City Attorney Decker's changes be sent to ConCom, but they have not yet been provided. She cannot make a decision without seeing his suggestions.

Vice Chair James said that he thinks they should tell City Council that the Conservation Commission has a lot of concerns and so does the public, and that they need time to refine and review all of this. Resident input has to be coupled with environmental issues and economic ones as well. Much thought needs to be given to the culture of the City of Lebanon, also, what is the expectation along Route 120? Do they want to see lots of development or lots of trees? This all has to be woven into this, and it cannot happen quickly. This is a big decision for the direction of Lebanon, and he is asking that much more thought be given to this.

Mr. Reichert and Mr. Brooks have been in discussion, and are anticipating having a public hearing, possibly the 2nd City Council meeting in July. Mr. Reichert concurred that the question "Is this ready?" is valid. One next step is to get the map defined, down to the parcel level. They need to clarify what the ask is.

He also noted that Dartmouth Health was not on the map as that was addressed back in 1989 and is "established law".

He agrees that Vice Chair Jame's proposed overlay map needs to be considered, and significantly impacts the plans, and it impacts less property/people.

He will have a discussion with Mr. David Brooks.

If the Council agrees to it, this could be brought back in the Fall 2025. Discussions are ongoing about this, at a staff level.

Chair Riley asked for a show of hands of who wants to see a refined map from Vice Chair James, before making any recommendation. All except Chair Riley raised their hands. Vice Chair James will provide this map.

Chair Riley does not want to decouple what they received in the earlier May meeting.

The revised packet needs to include Attorney Decker's legal opinion in his red lined document, Vice Chair Jame's detailed and revised Red Line Overlay map, as well as the tweaked text of the overlay district agreed to in today's meeting. **

Mr. Goodwin reminded them to stay focused on the concept of the project.

Mr. Lacey asked if this discussion should be happening here or in front of the City Council or somebody else? Mr. Goodwin said the Public should discuss this in front of the City Council as well, and that the public should have that opportunity.

***Mr. Lacey moved to extend the meeting for 15 minutes
Seconded by Ms. Hirai***

****The MOTION was approved unanimously***

Mr. Heistad stated that Vice Chair James map warrants expanding the conversation and considers it a viable alternative worth looking at.

Chair Riley read the following statement to see if there is consensus.

The Conservation Commission is generally in support of the intent of the North Lebanon Environmental Overlay, as described in the text.** We do not have consensus for the overlay map.

Vice Chair James said that this is all so very compressed, on something so very important.

***Vice Chair James MOVED for the Conservation Commission to accept the following text (see page 8 of 8) for the overlay as discussed, this evening **
Seconded by Mr. Don Lacey***

Yay 6 - Nay 1

****The MOTION was approved***

***Vice Chair James MOVED to state that the Conservation Commission needs more time to discuss the James proposal for an alternate shape of the overlay district map.
Seconded by Mr. Heistad***

****The MOTION was approved unanimously***

ADJOURNMENT:

***Chair Riley MOVED to adjourn the meeting
Seconded by Mr. Don Lacey***

****The MOTION was approved unanimously***

The meeting was adjourned at 8:09 PM by Chair Riley.

Respectfully submitted,
Cinda Mersel
Recording Secretary

** Conservation Commission statement as follows:

- A. The proposed project does not have an adverse impact on the free movement of wildlife through the corridor.
 - B. The proposed project does not create a hazard or nuisance to the wildlife corridor, wildlife crossings, wetlands, water flow, vernal pools, steep slopes, or essential ecosystem interconnectivity within the Northern Lebanon Environmental Overlay District.
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- 1. No net expansion of impervious surface shall be permitted for existing developed lots. Within the Northern Lebanon Environmental Overlay District, there shall exist a 100- foot buffer around any and all wetlands, within which the density of impervious coverage shall in no area exceed 100 square feet per 500 contiguous square feet.
 - 2. The use of low impact design principles for stormwater management shall be employed.
 - 3. Stormwater treatment must conform to Enhanced Wetland Buffer Standards as set out in SPR 6, unless waived by the Planning Board during the site plan review process.
 - 4. Retention of natural vegetation and/or establishment of vegetation and plantings, as required by the Planning Board in the site plan review process, in order to protect water quality and enhance the riparian and wetland habitats.