



**LEBANON ZONING BOARD OF ADJUSTMENT  
JULY 7, 2025 - 7:00 PM  
COUNCIL CHAMBERS, CITY HALL OR  
REMOTE VIA VIRTUAL PLATFORM  
LEBANONNH.GOV/LIVE**

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**1. Call to Order**

- A. To participate in this meeting, please [join live via Microsoft Teams](#) or call 1-929-229-5356 (access code: 176 710 463#). If you have trouble accessing this meeting, please [email Nathan Reichert](#).

**2. Approval of Minutes**

- A. June 2, 2025

**3. Public Hearing Items**

- A. SPNH Mount Support, LLC, 0 Mount Support Rd (Tax Map 24, Lot 1, Plot 100), Zoned R-1 & RL-3: The applicant requests a Special Exception pursuant to Article IV, Section 401.5, of the Zoning Ordinance, to allow 106 sq ft of temporary and 12,623 sq ft of permanent wetland impacts. ZB2025-07-SE
- B. Brickyard One Nominee Trust, 174 Hanover St Ext (Tax Map 48, Lots 1,2,4 & Tax Map 63, Lot 1), Zoned R1, RO-1 & R-3: The applicant requests a Special Exception pursuant to Article IV, Section 401.5, of the Zoning Ordinance to allow 253 sq ft of temporary and 831 sq ft of permanent wetland impacts. ZB2025-13-SE
- C. Alice Peck Day Memorial Hospital, 10 Alice Peck Day Dr (Tax Map 90, Lot 59), Zoned MC-2: The applicant requests a Variance from Article VI Section 608.4.A.4.a, pursuant to Article VIII Section 801.2, of the Zoning Ordinance to allow +/- 75 sq ft of freestanding sign area where none is allowed. ZB2025-14-VAR

**4. Deliberation and Decision**

- A. **Michael Davidson, 3 Campbell St (Tax Map 92, Lot 65), zoned LD:** An appeal of the Zoning Official's Notice of Violation and Administrative Decision, pursuant to Section §801.1 of the Zoning Ordinance, that the conversion of office space to dwelling units violates Sections 103, 307.2, 307.5, 408, and 607.8. **ZB2025-10-AAD - Continued from June 2, 2025 meeting**

**5. Staff Comments**

- A. Discussion re: Building Code Board of Appeals meeting scheduling

**6. Adjournment**

The order of agenda items is subject to change.

Meetings are open for in-person and remote attendance. Members of the public who wish to attend remotely may do

**Lebanon Zoning Board of Adjustment Agenda  
July 7, 2025**

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so by going to [LebanonNH.gov/Live](http://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 disrupt virtual or phone connection(s), the meeting will continue without remote access capabilities.

Any person with a disability who wishes to attend this public meeting and needs additional accommodation, please contact the ADA coordinator at City Hall by calling 603-448-4220 at least 72 hours in advance so that the City can make any necessary arrangements.

If you have any questions or would like to view the files for the application identified above, please contact the Planning & Development Department by sending an e-mail to [planning@lebanonnh.gov](mailto:planning@lebanonnh.gov), or by calling 603-448-1457, or by visiting the Planning and Development Office located in City Hall during regular work hours, Monday through Thursday, 7AM to 5PM. The application materials will also be posted to the City's website at [LebanonNH.gov/Agendas](http://LebanonNH.gov/Agendas).

DRAFT

**LEBANON ZONING BOARD OF ADJUSTMENT  
COUNCIL CHAMBERS, CITY HALL OR  
REMOTE VIA VIRTUAL PLATFORM  
LEBANONNH.GOV/LIVE  
MONDAY, June 2, 2025  
7:00 PM**

**MEMBERS PRESENT:** Chair William Koppenheffer, Vice Chair Jeremy Katz, Paul McDonough, Jennifer Barkley, Rupert Burtan (alternate)

**MEMBERS ABSENT:** Michael Morris, Dave Newlove

**STAFF PRESENT:** Nathan Reichert – Zoning Administrator

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1 **1. CALL TO ORDER**

2  
3 Chair Koppenheffer called the meeting to order at 7:02 PM.

4  
5 Mr. Reichert gave the Right to Know, RS 91A public announcement.

6  
7 **Mr. Burtan was given voting privileges for the meeting.**

8  
9 **2. APPROVAL OF MINUTES**

10  
11 **A. January 16, 2025**

12  
13 The January 16, 2025, minutes were not voted on because the members present at the meeting are not  
14 present tonight.

15  
16 **B. May 5, 2025**

17  
18 *Mr. Katz MOVED to approve the May 5, 2025, minutes as presented in the June 2, 2025 packet.*

19  
20 *Seconded by Mr. McDonough.*

21  
22 *\*The Vote on the Motion was (4-0-1).*

23 *Mr. Barkley abstained due to not being present at the meeting.*

24  
25 **The order of the agenda was changed.**

26  
27 **3. PUBLIC HEARING ITEMS**

- 28  
29 **A. Thomas Cardew , 14 Williams St (Tax map 77, Lot 59), zoned R3:** The applicant requests  
30 a Variance from Article III, Section 310.3, pursuant to Section 801.2 of the Zoning  
31 Ordinance, to allow a garage and family-room addition to be located +/- 8.5 ft from the right-  
32 side property line where 15 ft is required. **ZB2025-12-VAR**

33  
34 Thomas Cardew and Gary Allen appeared on behalf of the application. It is a very tight living  
35 situation in the residence. This is the best location for the improvement, the least invasive on the  
36 street, as well as the most aesthetically pleasing. The City water and sewer would need to be

1 moved if it was located somewhere else. The new structure would not encroach on the neighbors  
2 dwelling. There is no potential run off and it would not change where the water runs now. The  
3 lot is unusually narrow.

4  
5 Chair Koppenheffer opened the Public Hearing and hearing no one, the Public Hearing was  
6 closed.

7  
8 *Mr. Katz MOVED on June 2, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of*  
9 *Adjustment, there appeared Thomas Cardew and Gary Allen regarding 14 Williams St (Tax map 77,*  
10 *Lot 59), zoned R3: The applicant requests a Variance from Article III, Section 310.3, pursuant to*  
11 *Section 801.2 of the Zoning Ordinance, to allow a garage and family-room addition to be located +/-*  
12 *8.5 ft from the right-side property line where 15 ft is required. ZB2025-12-VAR*

13  
14 **I. FINDINGS OF FACT**

15 Based on testimony given, application materials presented, and supporting documents submitted, the  
16 Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 17 1. The subject property is improved with a one-family home constructed in 1996. At +/- 10,018 sq.  
18 ft., the lot is conforming to the 10,000 sq. ft. minimum lot size required for Class 1 lots in the R-3  
19 District.
- 20 2. The subject property is non-conforming to the required 75 ft of lot frontage with +/- 55 ft.  
21
- 22 3. The single-family home is dimensionally non-conforming on the left-side shared with 12  
23 Williams Street and is conforming on the remaining three sides.
- 24 4. The proposed family room addition will be dimensionally conforming and will meet all required  
25 setback distances.
- 26 5. The proposed garage will be dimensionally non-conforming and will be located +/- 8.5 ft from  
27 the right-side property line shared with 16 Williams Street.
- 28 6. The applicant has submitted testimony addressing the section §801.2 Variance criteria in an  
29 application received by the Planning and Development Department on May 12th, 2025.
- 30 7. To obtain the requested Variance from section §310.3, the applicant must demonstrate  
31 compliance with each of the five variance criteria as set forth in Section 801.2 and NH RSA  
32 674:33, I(b).
- 33 8. No member of the public appeared to speak either for or against the application.  
34  
35  
36  
37  
38  
39  
40  
41

42 **II. CONCLUSIONS OF LAW**

43 As a result of the above findings of fact and based on testimony given, application materials presented,  
44 and supporting documents submitted, the Board concludes the following with respect to the Variance  
45 criteria set forth in section §801.2 of the Zoning Ordinance

- 46 1. The variance **will not** be contrary to the public interest.
- 47 2. The spirit of the ordinance **is** observed.
- 48
- 49
- 50

- 1     3.    Substantial justice **is** done.
- 2
- 3     4.    The values of surrounding properties **are not** diminished.
- 4
- 5     5.    Literal enforcement of the provisions of the ordinance **would** result in an unnecessary hardship.
- 6        Owing to **[the following]** special conditions of the property that distinguish it from other
- 7        properties in the area.
- 8        Specifically, the lot is unusually narrow in comparison to other lots within the area and there is no
- 9        reasonable alternative to accomplish the reasonable goals of the land owner on this lot.
- 10
- 11    6.    There **is not** a fair and substantial relationship between the general public purposes of the
- 12        ordinance provision and the specific application of that provision to the property.
- 13
- 14    7.    The proposed use **is** a reasonable one.
- 15

16   **III.    DECISION**

17  
18    Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **2nd day of June, 2025**,  
19    hereby **GRANTS** the Variance from Section §310.3, pursuant to Section §801.2 of the Zoning Ordinance  
20    to allow a garage and family-room addition to be located +/- 8.5 ft from the right-side property line where  
21    15 ft is required. ZB2025-12-VAR, as set forth above and per testimony, plans, and materials submitted,  
22    and per the following conditions:

- 23
- 24    1.    The Applicant shall apply for a building permit.
- 25

26    *Second by Ms. Barkley.*

27    *\*The Vote on the Motion was (5-0).*

28

29        **B. Michael Davidson, 3 Campbell St (Tax Map 92, Lot 65), zoned LD:** An appeal of the  
30        Zoning Official’s Notice of Violation and Administrative Decision, pursuant to Section  
31        §801.1 of the Zoning Ordinance, that the conversion of office space to dwelling units violates  
32        Sections 103, 307.2, 307.5, 408, and 607.8. **ZB2025-10-AAD – Continued from May 5,**  
33        **2025 meeting**

34  
35    **Mr. Katz recused himself from this hearing**

36  
37    The applicants did not appear and the Board asked Council how they should proceed. The  
38    Public Hearing was opened at the last meeting and continued until this evening. If there is no  
39    one left to speak on the application, the meeting can be closed and proceed to deliberation.

40  
41    **No one from the public spoke and the Public Hearing was closed.**

42  
43    The state of the case is there was a zoning violation for converting office space to two  
44    apartments without obtaining either a zoning permit or a building permit.

45  
46    There is an issue regarding the dwelling units and street level restrictions that the City has  
47    stipulated that do not apply.

1 The dwelling unit density relative to parking is deferred to the planning board for their discretion  
2 because it's in the Lebanon downtown zoning district.

3  
4 One violation pertains to a certificate of approval in the historic district. That's prospective.  
5 The applicants have not made any changes. What they want to do is provide a second opening in  
6 one of the apartments for egress for fire safety. The apartment remains unoccupied.

7  
8 The City states the applicants need to get Planning Board review for density and then the Zoning  
9 Board makes the determination regarding EV requirements.

10  
11 The members referred the matter to the Zoning office for drafting a motion by the City attorney.

12  
13 Tim Sidore joined the meeting at 7:43 PM on behalf of Michael Davidson. He apologized for  
14 being late. He said the Planning Board was supposed to hear the issue last week, but due to a  
15 lack of a quorum there was no meeting. They are seeking guidance from the Planning Board  
16 regarding how to proceed, do they need a minor or full site plan review.

17  
18 Staff believe the violation remains because they moved forward without any permits. It is  
19 irrelevant as to the pathway that the planning board chooses to move forward. The sense of the  
20 members is that they can move forward with the counts as discussed. The best the applicant can  
21 expect out of tonight is that the Board can continue the issue of whether or not the finding of a  
22 violation with respect to not previously receiving or applying for Site plan review should be  
23 upheld.

24  
25 ***Mr. Burton MOVED to continue deliberation and decision until the July meeting.***  
26 ***Second by Mr. McDonough.***

27  
28 ***\*The Vote on the Motion was (5-0).***

29  
30 **Mr. Katz returned to the meeting.**

31  
32 **4. STAFF COMMENTS**

33  
34 There is ongoing work on zoning changes. There has been enormous public input and the discussion  
35 will continue. There will be another redrafting of the ordinance. It will likely take until late summer.

36  
37 **5. ADJOURNMENT**

38  
39 ***Mr. Katz MOVED to adjourn the meeting at 7:46 PM.***  
40 ***Seconded by Mr. Burten.***

41 ***\*The Vote on the Motion was unanimous.***

42  
43 Respectfully submitted,  
44 Linda Billings, Recording Secretary



**CITY OF LEBANON ~ PLANNING & DEVELOPMENT**

**ZONING BOARD OF ADJUSTMENT  
WETLAND SPECIAL EXCEPTION  
STAFF NARRATIVE  
SPNH Mount Support, LLC  
0 Mount Support Road**

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**To:** Zoning Board of Adjustment  
**Prepared By:** Tiffany Adams, *Zoning Executive Assistant* and Nathan Reichert, *Director of Planning & Development and Zoning Administrator*.  
**Date:** July 7, 2025 – Regular Meeting  
**Application Number:** ZB2025-07-SE

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**HEARING NOTICE:**

SPNH Mount Support, LLC, 0 Mount Support Rd (Tax Map 24, Lot 1, Plot 100), Zoned R-1 & RL-3: The applicant requests a Special Exception pursuant to Article IV, Section 401.5, of the Zoning Ordinance, to allow 106 sq ft of temporary and 12,623 sq ft of permanent wetland impacts. ZB2025-07-SE

**SITE DESCRIPTION / BACKGROUND:**

The subject property is a vacant +/- 57.76-acre parcel per the City Assessor's records and is conforming to the R-1 and RL-3 zoning districts minimum lot size of 10,000 sq ft and 10 acres, respectively, and is within the wetlands and steep slope protection areas overlay districts. There has been no previous ZBA action that has an impact on this project or application.

**PROPOSAL:**

The applicant proposes to construct three, 4-story residential apartment complex buildings with associated infrastructure and parking that will temporarily impact 106 sq ft and permanently impact 12,623 sq ft of wetland.

**ZONING ORDINANCE REQUIREMENTS:**

In order to grant the requested Special Exception, the Board must make each of the following findings per Section 401.5 of the Zoning Ordinance, as applicable:

- 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
- 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
- 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, 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

- 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
- 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
- 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; and
- 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.

**STAFF COMMENTS:**

The Lebanon Conservation Commission considered the application at its June 12, 2025 meeting and its advisory opinion to the Lebanon Zoning Board in the matter. The following motion was made:

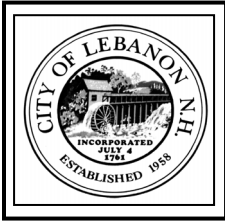
*Mr. Don Lacey MOVED to approve the following:*

**The Lebanon Conservation Commission recommends that the Lebanon Zoning Board of Adjustment (ZBA) approve the following application:**

**Saxon Real Estate Partners, LLC, 0 Mount Support Rd. (Tax Map 24, Lot 1, Plot 100) – Major Impact Application, for construction of a new 3-building, 4 -story residential apartment complex with podium and surface parking, amenities, and landscape improvement that would include 106 SF of temporary impacts and 12,623 SF of permanent impacts.**

*Seconded by Mr. Ernst Oidtmann*

*\*The MOTION was approved 6-1*



**CITY OF LEBANON ~ PLANNING & DEVELOPMENT**

**ZONING BOARD OF ADJUSTMENT  
SPECIAL EXCEPTION  
Draft Motion  
SPNH Mount Support, LLC  
0 Mount Support Road**

**DRAFT MOTION for:**

**Agenda Item: 3.B**

**Case: ZB2025-07-SE**

**Request for Special Exception per Section §401.5**

Motion made by: \_\_\_\_\_

On July 7th, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared \_\_\_\_\_ regarding 0 Mount Support Rd (Tax Map 24, Lot 1, Plot 100), Zoned R-1 & RL-3: The applicant requests a Special Exception pursuant to Article IV, Section 401.5, of the Zoning Ordinance, to allow 106 sq ft of temporary and 12,623 sq ft of permanent wetland impacts. ZB2025-07-SE

**I. FINDINGS OF FACT**

Based on testimony given, application materials presented, and supporting documents submitted, the Lebanon Zoning Board of Adjustment makes the following findings of fact:

1. The applicant seeks to construct 3 three, 4-story residential apartment complex buildings with associated infrastructure and parking.
2. Construction will impact a total of \_\_\_\_\_ sq. ft. of wetlands.
3. The applicant has applied for a wetlands permit from the NH Department of Environmental Services. The wetlands permit was reviewed by the Conservation Commission at its June 12, 2025, meeting. The applicant now seeks a Special Exception pursuant to Section 401.5 of the Zoning Ordinance to allow the proposed wetland impacts.
4. There are no known existing zoning violations on the property.
5. \_\_\_\_\_  
\_\_\_\_\_
6. \_\_\_\_\_  
\_\_\_\_\_

**II. CONCLUSIONS OF LAW**

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Board concludes the following with respect to the Special Exception criteria set forth in §401.5 of the Zoning Ordinance:

1. The use for which the exception is sought **can / 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. (§401.5.A)

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2. Due to the provisions of the Wetlands Conservation District, as applied to the particular characteristics, setting and environment of the property, the lot **can / cannot** reasonably be used for any of the uses permitted or allowed by special exception, without some form of special exception under this section. (§401.5.B)

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3. The design and construction of the proposed use **is / is not** consistent with the purpose and intent of §401.1 (A), (B) and (C) of the Zoning Ordinance, and adequate conservation measures **will / will not** be taken to mitigate the detrimental effects of the proposed use on the natural function of the wetlands (§401.5.C)

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4. The criteria set forth in Section 401.5.D relates to pipelines, powerlines, and other transmission of lines and, therefore, is not applicable.

5. The proposed use **will / will 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. (§401.5.E)

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6. The project is capable of complying with all State and Federal wetlands and wetlands permitting requirements. (§401.5.F)

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7. The project **is / is not** capable of conforming to all existing best management practices, as referenced in Appendix A of the Zoning Ordinance, and **will / will not** be implemented in a way which conforms to those practices (§401.5.G)

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**III. DECISION**

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 7<sup>th</sup> day of July 2025 hereby **GRANTS / DENIES** the requested Special Exception pursuant to Section §401.5 of the Zoning Ordinance to allow 106 sq ft of temporary and 12,623 sq ft of permanent wetland impacts associated with construction of three, 4-story residential apartment complex buildings and associated infrastructure at 0 Mount Support Road, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. \_\_\_\_\_  
\_\_\_\_\_

2. \_\_\_\_\_  
\_\_\_\_\_

Motion seconded by: \_\_\_\_\_

Vote: \_\_\_\_\_

DRAFT

**LEBANON CONSERVATION COMMISSION  
MEETING MINUTES  
Remote Via Microsoft Teams  
LebanonNH.gov/Live  
June 12, 2025  
6:30 PM**

**MEMBERS PRESENT:** Sarah Riley (Chair), Susan Almy, (Alt.), Erling Heistad, Barbara Hirai, Chris Johnson, Donald Lacey, Ernst Oidtman

**MEMBERS ABSENT:** Sean Dittrich (Alt.), Bruce James (Vice Chair)

**STAFF PRESENT:** Mark Goodwin (GIS Coordinator)

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1       **1. CALL TO ORDER:**

2  
3       A. Chair Riley called the meeting to order at 5:31 PM.

4  
5       **2. APPROVAL OF MINUTES:**

- 6  
7       A. March 13, 2025  
8       B. April 3, 2025 Site Walk  
9       C. April 10, 2025  
10      D. May 8, 2025 Special Meeting  
11      E. May 8, 2025  
12      F. May 22, 2025

13  
14      Minutes were discussed after Permit Reviews A & B. Minutes were approved with stated amendments.

15  
16      *Mr. Ernst Oidtman MOVED to approve all Minutes, with amendments as noted except May 8, 2025,*  
17      *Special Meeting Minutes were approved as written.*  
18      *Seconded by Mr. Don Lacey*

19  
20      *\*The MOTION was approved unanimously*

21  
22      **3. OPEN TO THE PUBLIC:**

23  
24      Mr. Mark Goodwin read the Preamble.

25  
26      **4. PERMIT REVIEW:**

- 27      A. **Saxon Real Estate Partners, LLC, 0 Mount Support Rd. (Tax Map 24, Lot 1, Plot 100)**  
28      – Pursuant to Section 401.5 of the Lebanon Zoning Ordinance, review and comment of a  
29      Zoning Board Special Exception Application for construction of a new 3-building, 4-story  
30      residential apartment complex with podium and surface parking, amenities, 0 Mt. Support  
31      Rd. – The Marek (20 minutes)

1 The Conservation Commission needs to respond to the ZBA about this wetland application.  
2 The **application** has not changed as Saxon is waiting to hear from DES. Saxon was again represented this  
3 evening by Mr. Dave Fenstermacher, and Mr. Brendan Gilmore. Saxon wanted to share the information  
4 with ConCom in advance of presenting this to ZBA.

5  
6 ConCom the opportunity to ask questions regarding the wetland impacts, and the Saxon team answered  
7 them.

8  
9 *Mr. Don Lacey MOVED to approve the following:*

10  
11 **The Lebanon Conservation Commission recommends that the Lebanon Zoning Board of**  
12 **Adjustment (ZBA) approve the following application:**

13  
14 **Saxon Real Estate Partners, LLC, 0 Mount Support Rd. (Tax Map 24, Lot 1, Plot 100) – Major**  
15 **Impact Application, for construction of a new 3-building, 4 -story residential apartment complex**  
16 **with podium and surface parking, amenities, and landscape improvement that would include 106**  
17 **SF of temporary impacts and 12,623 SF of permanent impacts.**

18  
19 *Seconded by Mr. Ernst Oidtmann*

20  
21 *\*The MOTION was approved 6-1*

22  
23  
24 **B. Brickyard One Nominee Trust c/o Richard Marchese, LLC, 0, 174 Hanover St. Ext. &**  
25 **238 Hanover St. (Tax Map 48, Lots 1, 2, and 4 and Tax Map 63, Lot 1) – Review and**  
26 **Comment om NHDES Wetland Major Impact Application for construction of a new multi-**  
27 **family planned unit residential development with associated parking, stormwater**  
28 **management, utilities, landscaping, and pedestrian/vehicular access. A total of**  
29 **approximately 1,931 SF of Temporary impacts and 2,417 SF of permanent impacts are**  
30 **proposed by the project development. CC2025-04 No DES #2025-01128. Pursuant to**  
31 **Section 401.5 of the Lebanon Zoning Ordinance, this project requires approval of a Special**  
32 **Exception from the Lebanon Zoning Board of Adjustment (ZBA), as such, the Conservation**  
33 **Commission will be providing comment to the ZBA as part of the application review. (30**  
34 **minutes for DES review, 15 minutes for ZBA review)**

35  
36 Many Conservation Commission members participated in a site walk at the above location earlier today;  
37 Chair Riley stated that this was very helpful.

38  
39 Speakers representing this project included Mr. Chris Wilkes, Mr. Gil Alexo, and Mr. Richard  
40 Whitehouse (remote), along with Mr. Dave Fenstermacher.

41  
42 This project is proposing some limited wetland impact related to the two new stream crossings. **They are**  
43 **along systems on site at the narrowest points of those wetlands at the crossings; edge impact required**  
44 **there. A 3<sup>rd</sup> impact is proposed on Hanover St., which was a condition of the planning board, to extend**  
45 **the sidewalk there.**

46  
47 This project will have 831 square feet of permanent impacts and 253 square feet of temporary impact on  
48 the wetlands. There is also a tier 3-stream, and they are proposing 19' box culverts with an open bottom,  
49 along with a 2' wildlife and organism passage. He spelled out temporary and permanent impacts to the  
50 stream bank and they shared an exact chart with the Con Com (see screen/Agenda Packet). They are also  
51 going to restore the stream area by removing a chimney that was left there decades ago, probably during

1 the Densmore Brickyard development. There is a second culvert near Hanover street, and they plan to do  
2 stream restoration. And finally, there is a wetland culvert, and they are proposing to take that culvert out  
3 and restore that area to a vegetated swell to enhance hydrological connectivity between the wetland and  
4 the stream.

5  
6 They also did an intensive flood study, and they took this into consideration as they planned this project.  
7 Consequently, this will reduce flood flow by two feet compared to what is there today.

8  
9 This team asked for any follow up questions from today's site visit.

10  
11 Chair Riley thinks that the stream is an amazing resource on this site, and she is glad that they are  
12 repairing as much of the bed and bank as they can. She asked if there is any natural riparian  
13 vegetation that is part of this restoration? Their reply was they will focus on bank stabilization, and they  
14 will put down logs as a natural, temporary solution while vegetation gets reestablished there. They will  
15 also apply a native plant seed mix (and will use this at the wetland swell area too). They named  
16 Dogwood, Speckled Alder, as well as some grasses, etc. They use New England Wetland Plants to source  
17 the seed mixes. This will improve upon this area. They are aware of the many invasives there and will  
18 use clean equipment, and a team will do weekly inspections at this job site, to ensure compliance.

19  
20 The applicant is proposing a 19 ft. wide crossing. The stream worksheet from DES indicates that based on  
21 the stream, there needs to be a 33 ft. crossing. This is referred to as the entrenchment ratio (how much  
22 room are you giving the stream to flood); this is the only criteria that this project doesn't meet. It does  
23 not add any value. They have put in for an alternative design review from DES. They have encountered  
24 this exact issue before and have gotten approval.

25  
26 Mr. Lacey asked what the downside is to not having the 33' crossing. Mr. Wilkes reiterated that this  
27 project as planned *improves upon* the current flood risk. They analyzed this based on hydraulics.

28  
29 Mr. Fenstermacher also reminded them that there was a significant investment to acquire the land to the  
30 North, so that they could cross at a more minimal width there, having less wetland impacts. The numbers  
31 support this project the way it is.

32  
33 Mr. Oidtmann asked about wildlife corridors. They have planned for these on both the North and South of  
34 this project, a total of 7 acres.

35  
36 Mr. Gil Alexo said that the site work will be done before any construction starts.

37  
38 Ms. Hirai was complimentary of the work they did at 343 along the bank and thanked them. She is  
39 hopeful that the stream at this new project will look better than it does now; Mr. Fenstermacher indicated  
40 that it will.

41  
42 Ms. Riley asked if they could work with the City about the sidewalks near Hanover High School on  
43 Hanover Street. She would like to see less impact on trees and wetlands. Mr. Fenstermacher said they will  
44 work with the City on this, and that this team is in agreement with ConCom that the sidewalk plan needs  
45 to be modified. He said they are dedicated to bearing some of the costs of the sidewalk.

46  
47 ***Mr. Ernst Oidtmann MOVED to approved the following:***

48  
49 **The Lebanon Conservation Commission recommends that the NH Department of Environmental  
50 Services (DES), **approve** the following application:**

51

1 The Lebanon Conservation Commission recommends that the NH Department of Environmental  
2 Services (DES) approve the following application:

3  
4 **Brickyard One Nominee Trust c/o Richard Marchese, LLC, 0, 174 Hanover St Ext & 238 Hanover  
5 St (Tax Map 48, Lots 1, 2 and 4 and Tax Map 63, Lot 1) - NHDES Wetland Major Impact  
6 Application for construction of a new multi-family planned unit residential development with  
7 associated parking, stormwater management, utilities, landscaping, and pedestrian/vehicular  
8 access. A total of approximately 1,931 SF of temporary impacts and 2,417 SF of permanent impacts  
9 are proposed by the project development. CC2025- 04 No DES #2025-01128.**

10  
11 **With the Following Conditions:**

- 12 • **DES and the applicant continue to identify crossing / bridge designs that provide optimal  
13 ecological benefit within the realm of what is practical to require**
- 14 • **DES pay particular interest to the proposed stream bank restoration, including invasive  
15 plant removal, native plantings, and the removal of historic culvert structures**
- 16 • **DES should be aware that the dead-end section of Hanover Street, in close proximity to the  
17 proposed project, is a known amphibian crossing “hot spot”**
- 18 • **The ConCom desires the applicant continue to work with the City to minimize the wetland  
19 impacts associated with the proposed sidewalk, as well as impacts to existing trees.**

20  
21 *Seconded by Mr. Chris Johnson*

22  
23 *\*The MOTION was approved unanimously*

24  
25 The ZBA review was discussed next.

26  
27 *Mr. Don Lacey MOVED to approve the following:*

28  
29 **The Lebanon Conservation Commission recommends that the Lebanon Zoning Board of  
30 Adjustment (ZBA) approve the following application:**

31  
32 **Brickyard One Nominee Trust c/o Richard Marchese, LLC, 0, 174 Hanover St Ext & 238 Hanover  
33 St (Tax Map 48, Lots 1, 2 and 4 and Tax Map 63, Lot 1) - NHDES Wetland Major Impact  
34 Application for construction of a new multi-family planned unit residential development with  
35 associated parking, stormwater management, utilities, landscaping, and pedestrian/vehicular  
36 access. A total of approximately 1,931 SF of temporary impacts and 2,417 SF of permanent impacts  
37 are proposed by the project development. CC2025- 04 No DES #2025-01128.**

38  
39 *Seconded by Mr. Chris Johnson*

40  
41 *\*The MOTION was approved unanimously*

42  
43 **5. STUDY ITEMS:**

- 44
- 45 A. Review and Comment on the Environmental Justice Report (30 minutes)
- 46

47 *Ms. Susan Almy MOVED to extend the meeting until 9:15PM*

48 *Seconded by Ms. Barbara Hirai*

49  
50 *\*The MOTION was approved Yay 6, Nay 1*

51

1 Chair Riley read a document about The Environmental Justice Task Force that formed in Lebanon back in  
 2 2023. The DRAFT report was provided in the Agenda Packet for today’s meeting. Chair Riley was on  
 3 this Task Force representing The Conservation Commission. She opened the floor for any comments or  
 4 critical feedback from ConCom members; these will need to be submitted by June 20, 2025.  
 5

6 Mr. Oidtmann had a specific recommendation which he handed to Chair Riley. Other members asked  
 7 questions and Chair Riley addressed each. This Environmental Justice Task Force was very  
 8 comprehensive and as such, there is much to consider.  
 9

10 ***Ms. Barbara Hirai MOVED to extend the meeting an additional 5 minutes to 9:20PM***  
 11 ***Secoded by Mr. Don Lacey***  
 12

13 ***\*The MOTION was approved Yay 6, Nay 1***  
 14

15 Ms. Almy provided a handout of a decision that passed the State House and Senate of New Hampshire  
 16 earlier today, that will allow for Conservation Commissions to move excess funds into Cities’ General  
 17 Funds accounts.  
 18

19 Mr. Goodwin said that this is an expansion of what Con Com typically uses these funds for. He also  
 20 added that there will actually never be a *surplus* of these funds, because they have 2,000 acres to take care  
 21 of. He also said it would be the decision of The Conservation Commission to *offer* these funds.  
 22

23 Ms. Almy is concerned because of some cities having financial pressures.  
 24

25 Mr. Lacey said he wants to see what other communities do before they make any decisions.  
 26

27 Chair Riley read part of the Bill text, and states RSA31.113 references a special forest maintenance fund,  
 28 which Con Com does not have. It is not about a loss fund, which is what ConCom has.  
 29

30 **6. COMMITTEE REPORTS:**  
 31

- 32 A. Biodiversity Group (Invasives)
- 33 B. Stewardship
  - 34 -Ranger
  - 35 -Trail Coordinator
  - 36 -Monitors and Stewards
- 37 C. Wild about Lebanon
- 38 D. Amphibian Crossings
- 39 E. LUCT/Current Use
- 40 F. Other Subcommittees

41  
 42 **7. OTHER BUSINESS:**  
 43

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

47  
 48 **8. FUTURE AGENDA ITEMS:**  
 49  
 50  
 51

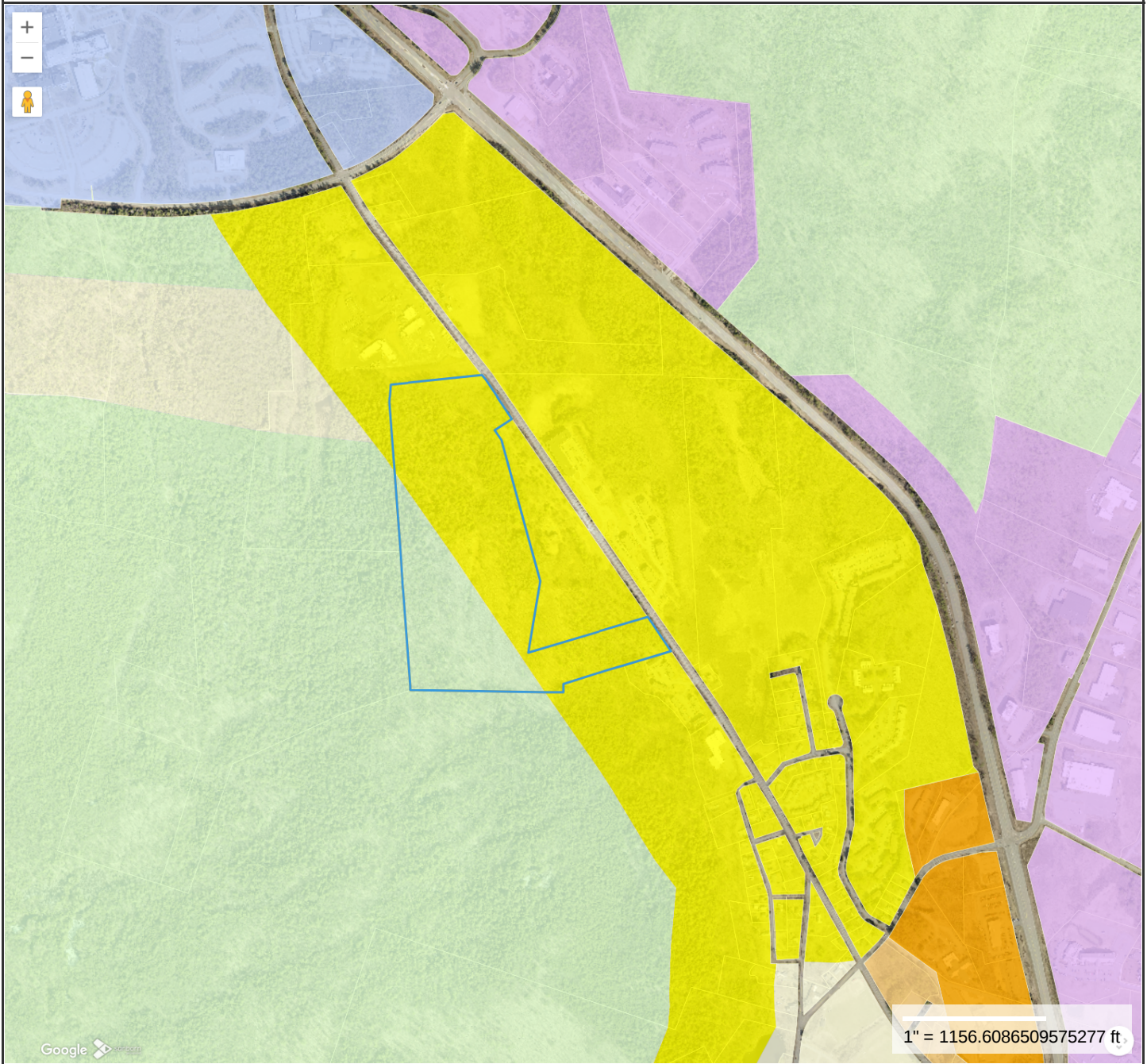
1           **9. ADJOURNMENT:**

2  
3           **The meeting was adjourned at 9:26 PM by Chair Riley.**

4  
5           Respectfully submitted,  
6           Cinda Mersel  
7           Recording Secretary

8  
9  
10  
11

### Zoning Map Mt Support



**Property Information**

**Property ID** 24-1-100  
**Location** MOUNT SUPPORT RD  
**Owner** SPNH MOUNT SUPPORT, LLC



**MAP FOR REFERENCE ONLY  
 NOT A LEGAL DOCUMENT**

City of Lebanon, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 01/30/2025  
 Data updated 11/18/2018

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

# Mt Support 1



# Mt Support 2



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

SPECIAL EXCEPTION	<input type="checkbox"/>	<input type="checkbox"/> BUILDING CODE BOARD OF APPEALS
WETLANDS SPECIAL EXCEPTION	<input checked="" type="checkbox"/>	<input type="checkbox"/> APPEAL OF AN ADMIN DECISION
VARIANCE	<input type="checkbox"/>	<input type="checkbox"/> REHEARING REQUEST
EQUITABLE WAIVER	<input type="checkbox"/>	<input type="checkbox"/>

**PROPERTY OWNER (APPLICANT):**

NAME: SPNH Mount Support, LLC TEL.#: [REDACTED]

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

E-MAIL ADDRESS: [REDACTED]

**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  
*Donald S. Smith, Manager*

**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-SE Page 21 of 219



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 black ink, appearing to read "D Fenstermacher", written in a cursive style.

Dave Fenstermacher, PE  
Managing Director



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 create 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.

# Site Plans

Issued for     Permitting  
 Date Issued    March 7, 2025  
 Latest Issue    March 7, 2025

## The Marek Phase 2

343 Mount Support Road  
 Lebanon, New Hampshire



2 Bedford Farms Drive  
 Suite 200  
 Bedford, NH 03110  
 603.391.3900

**Civil Engineer**  
 VHB  
 Dave Fenstermacher, PE  
 2 Bedford Farms Drive  
 Bedford, NH 03110

**Wetland Scientist**  
 VHB  
 Jacob Tinus, CWS  
 2 Bedford Farms Drive  
 Bedford, NH 03110

### Sheet Index

No.	Drawing Title	Latest Issue
C1.01	Legend and General Notes	3/7/2025
C2.01	Overall Site Plan	3/7/2025
C2.02	Overall Site Plan Aerial	3/7/2025
C3.01	Layout and Materials Plan	3/7/2025
C4.01	Grading and Drainage Plan	3/7/2025
C5.01	Erosions and Sediment Control Plan	3/7/2025
C6.01	Wetland Impact Figure	3/7/2025
C7.01	Site Details 1	3/7/2025

### Reference Drawings

No.	Drawing Title	Latest Issue
Sv-1	Existing Conditions Plan	January 27, 2025

### Owner/Applicant

Saxon Partners  
 25 Recreation Park Drive  
 Suite 204  
 Hingham, MA 02043

**Assessor's Map: 24**  
**Lot: 1-100**





2 Bedford Farms Drive  
Suite 200  
Bedford, NH 03110  
603.391.3900

Legend

Legend table with columns: Exist., Prop., and descriptions for various site features like PROPERTY LINE, CONCRETE, BITUMINOUS CURB, etc.

Abbreviations

Abbreviations table with columns: General, and descriptions for terms like ABAN (ABANDON), ACR (ACCESSIBLE CURB RAMP), etc.

Notes

- General
1. THE PURPOSE OF THESE SITE PLANS ARE FOR THE PERMITTING OF THREE MULTI-FAMILY RESIDENTIAL BUILDINGS...
2. CONTRACTOR SHALL NOTIFY "DIG-SAFE" (1-888-344-7233) AT LEAST 72 HOURS BEFORE EXCAVATING.
...
15. THIS PROJECT DISTURBS MORE THAN ONE ACRE OF LAND AND FALLS WITHIN THE NPDES CONSTRUCTION GENERAL PERMIT (CGP) PROGRAM AND EPA JURISDICTION.

Layout and Materials

- 1. DIMENSIONS ARE FROM THE FACE OF CURB, FACE OF BUILDING, FACE OF WALL AND CENTER LINE OF PAVEMENT MARKINGS, UNLESS OTHERWISE NOTED.
2. CURB RADII ARE 4 FEET UNLESS OTHERWISE NOTED.
...
6. PRIOR TO START OF CONSTRUCTION, CONTRACTOR SHALL VERIFY EXISTING PAVEMENT ELEVATIONS AT INTERFACE WITH PROPOSED PAVEMENTS...

Demolition

- 1. CONTRACTOR SHALL REMOVE AND DISPOSE OF EXISTING MANMADE SURFACE FEATURES WITHIN THE LIMIT OF WORK INCLUDING BUILDINGS, STRUCTURES, PAVEMENTS, SLABS, CURBING, FENCES, UTILITY POLES, SIGNS, ETC. UNLESS INDICATED OTHERWISE ON THE DRAWINGS.
2. EXISTING UTILITIES SHALL BE TERMINATED, UNLESS OTHERWISE NOTED.
...
5. UNLESS OTHERWISE SPECIFICALLY PROVIDED ON THE PLANS OR IN THE SPECIFICATIONS, THE ENGINEER HAS NOT PREPARED DESIGNS FOR AND SHALL HAVE NO RESPONSIBILITY FOR THE PRESENCE, DISCOVERY, REMOVAL, ABATEMENT OR DISPOSAL OF HAZARDOUS MATERIALS...

Erosion Control

- 1. PRIOR TO STARTING ANY OTHER WORK ON THE SITE, THE CONTRACTOR SHALL NOTIFY APPROPRIATE AGENCIES AND SHALL INSTALL EROSION CONTROL MEASURES AS SHOWN ON THE PLANS AND AS IDENTIFIED IN FEDERAL, STATE, AND LOCAL APPROVAL DOCUMENTS PERTAINING TO THIS PROJECT.
2. CONTRACTOR SHALL INSPECT AND MAINTAIN EROSION CONTROL MEASURES ON A WEEKLY BASIS (MINIMUM) OR AS REQUIRED PER THE STORMWATER POLLUTION PREVENTION PLAN (SWPPP).
...
5. UPON COMPLETION OF CONSTRUCTION AND ESTABLISHMENT OF PERMANENT GROUND COVER, CONTRACTOR SHALL REMOVE AND DISPOSE OF EROSION CONTROL MEASURES AND CLEAN SEDIMENT AND DEBRIS FROM ENTIRE DRAINAGE AND SEWER SYSTEMS.

Existing Conditions Information

- 1. BASE PLAN: THE PROPERTY LINES SHOWN WERE DETERMINED BY AN ACTUAL FIELD SURVEY CONDUCTED BY VHB INC. THE TOPOGRAPHY AND PHYSICAL FEATURES ARE BASED ON AN ACTUAL FIELD SURVEY PERFORMED ON THE GROUND BY VHB INC. DURING NOVEMBER 2019 AND FEBRUARY 2023.
A. DELINEATION OF THE WETLANDS AND PLACEMENT OF THE FLAGS WAS PERFORMED BY JAKE TINUS (NH CWS #228) IN APRIL 2024 AND JANUARY 2025.
B. FLAGS MARKING THE WETLANDS WERE LOCATED BY JAKE TINUS UTILIZING A TRIMBLE R1 GNSS RECEIVER.
2. TOPOGRAPHY: ELEVATIONS ARE BASED ON NAVD 1988.

[Town/City] Specific Notes

- 1. TBD

Waivers/Variances

- 1. TBD

State Permits

- 1. TBD

Document Use

- 1. THESE PLANS AND CORRESPONDING CADD DOCUMENTS ARE INSTRUMENTS OF PROFESSIONAL SERVICE, AND SHALL NOT BE USED, IN WHOLE OR IN PART, FOR ANY PURPOSE OTHER THAN FOR WHICH IT WAS CREATED WITHOUT THE EXPRESSED, WRITTEN CONSENT OF VHB. ANY UNAUTHORIZED USE, REUSE, MODIFICATION OR ALTERATION, INCLUDING AUTOMATED CONVERSION OF THIS DOCUMENT SHALL BE AT THE USER'S SOLE RISK WITHOUT LIABILITY OR LEGAL EXPOSURE TO VHB.
2. CONTRACTOR SHALL NOT RELY SOLELY ON ELECTRONIC VERSIONS OF PLANS, SPECIFICATIONS, AND DATA FILES THAT ARE OBTAINED FROM THE DESIGNERS, BUT SHALL VERIFY LOCATION OF PROJECT FEATURES IN ACCORDANCE WITH THE PAPER COPIES OF THE PLANS AND SPECIFICATIONS THAT ARE SUPPLIED AS PART OF THE CONTRACT DOCUMENTS.
3. SYMBOLS AND LEGENDS OF PROJECT FEATURES ARE GRAPHIC REPRESENTATIONS AND ARE NOT NECESSARILY SCALED TO THEIR ACTUAL DIMENSIONS OR LOCATIONS ON THE DRAWINGS. THE CONTRACTOR SHALL REFER TO THE DETAIL SHEET DIMENSIONS, MANUFACTURERS' LITERATURE, SHOP DRAWINGS AND FIELD MEASUREMENTS OF SUPPLIED PRODUCTS FOR LAYOUT OF THE PROJECT FEATURES.

Saved Thursday, January 30, 2025 2:54:06 PM DBOSWORTH Plotted Friday, March 7, 2025 2:00:01 PM Paul Guerin

The Marek Phase 2 at Lebanon, NH

Table with columns: No., Revision, Date, Apprd. for drawing revisions.

Designed by SJF Checked by DHF

Issued for Permitting Date March 7, 2025

Not Issued for Construction

Legend and General Notes

Drawing Number



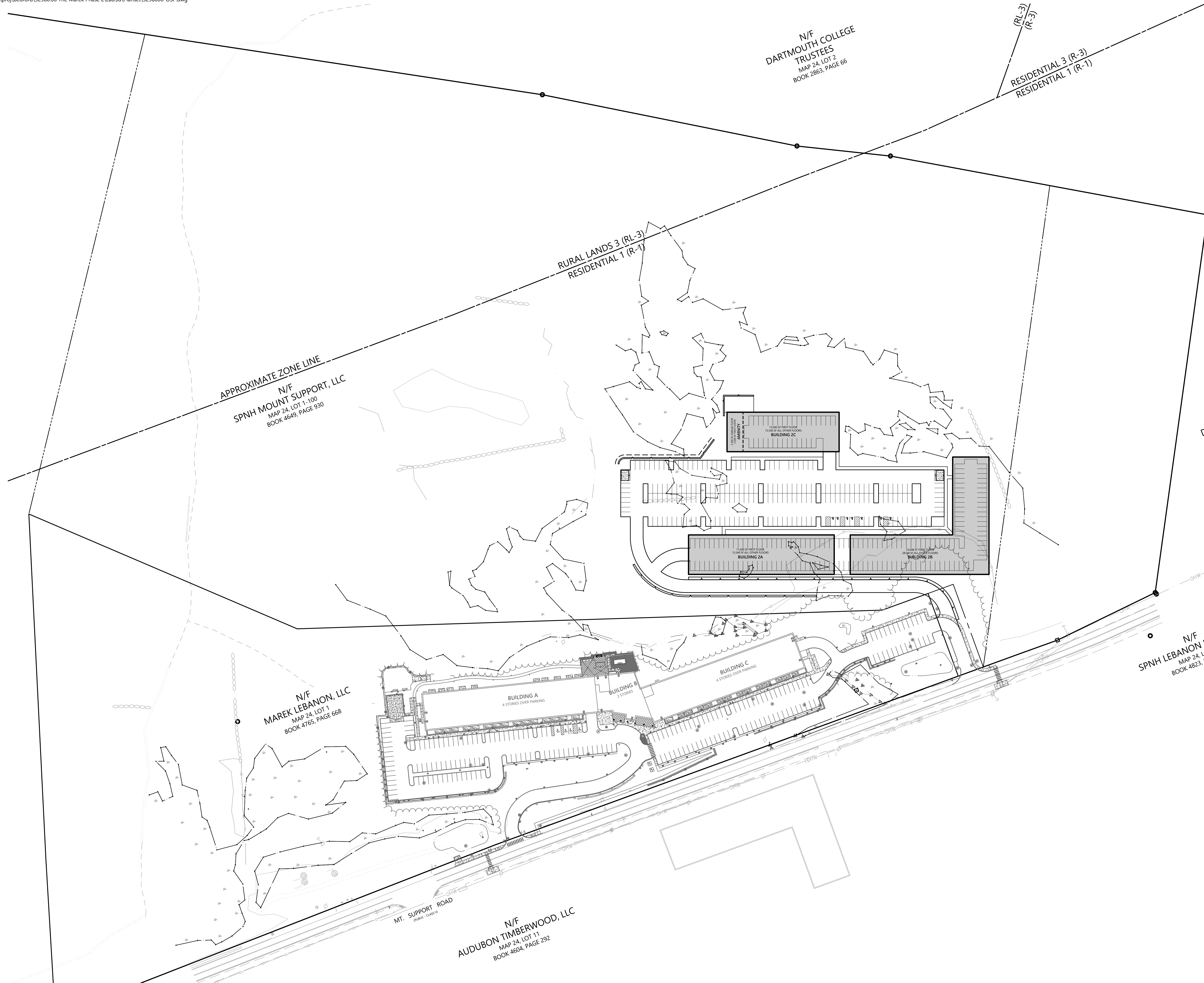
C1.01

Sheet 1 of 8

Project Number 52980.00



2 Bedford Farms Drive  
Suite 200  
Bedford, NH 03110  
603.391.3900



APPROXIMATE ZONE LINE

N/F  
SPNH MOUNT SUPPORT, LLC  
MAP 24, LOT 1-100  
BOOK 4649, PAGE 930

RURAL LANDS 3 (RL-3)  
RESIDENTIAL 1 (R-1)

N/F  
DARTMOUTH COLLEGE  
TRUSTEES  
MAP 24, LOT 2  
BOOK 2863, PAGE 66

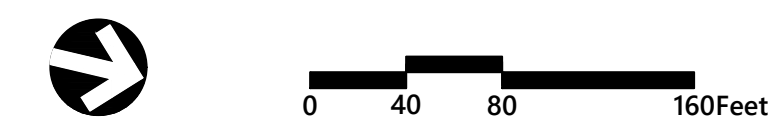
(RL-3)  
(R-3)  
RESIDENTIAL 3 (R-3)  
RESIDENTIAL 1 (R-1)

N/F  
DARTMOUTH COLLEGE  
TRUSTEES  
MAP 24, LOT 2  
BOOK 2863, PAGE 66

N/F  
MAREK LEBANON, LLC  
MAP 24, LOT 1  
BOOK 4765, PAGE 668

N/F  
SPNH LEBANON NORTH, LLC  
MAP 24, LOT 9  
BOOK 4823, PAGE 684

N/F  
AUDUBON TIMBERWOOD, LLC  
MAP 24, LOT 11  
BOOK 4604, PAGE 292



### The Marek Phase 2 at Lebanon, NH

343 Mount Support Road  
Lebanon, New Hampshire

No. Revision Date App'd.

No.	Revision	Date	App'd.

Designed by: SJF Checked by: DHF

Issued for: Permitting Date: March 7, 2025

Not Issued for Construction

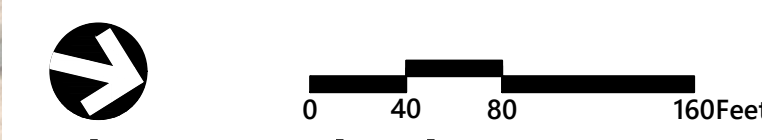
Drawing Title  
**Overall Site Plan**

Drawing Number

**C2.01**  
Sheet 2 of 8  
Project Number: 52980.00



2 Bedford Farms Drive  
Suite 200  
Bedford, NH 03110  
603.391.3900



### The Marek Phase 2 at Lebanon, NH

343 Mount Support Road  
Lebanon, New Hampshire

No.	Revision	Date	App'd.

Designed by SJF	Checked by DHF
Issued for Permitting	Date March 7, 2025

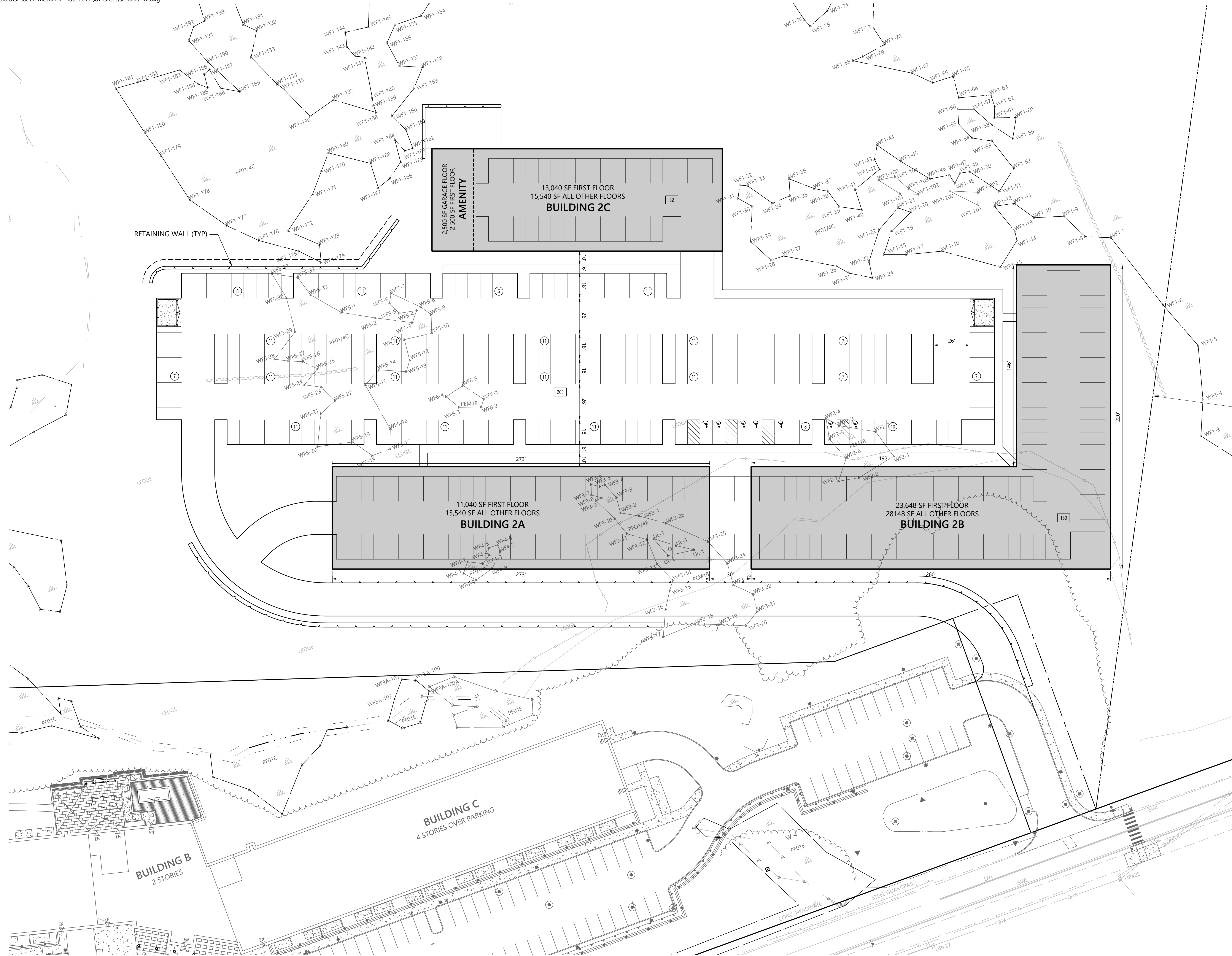
Not Issued for Construction  
Drawing Title  
**Overall Site Plan  
Aerial**

Drawing Number  
**C2.02**

Sheet 3 of 8

Project Number  
52980.00

Page 30 of 219



### The Marek Phase 2 at Lebanon, NH

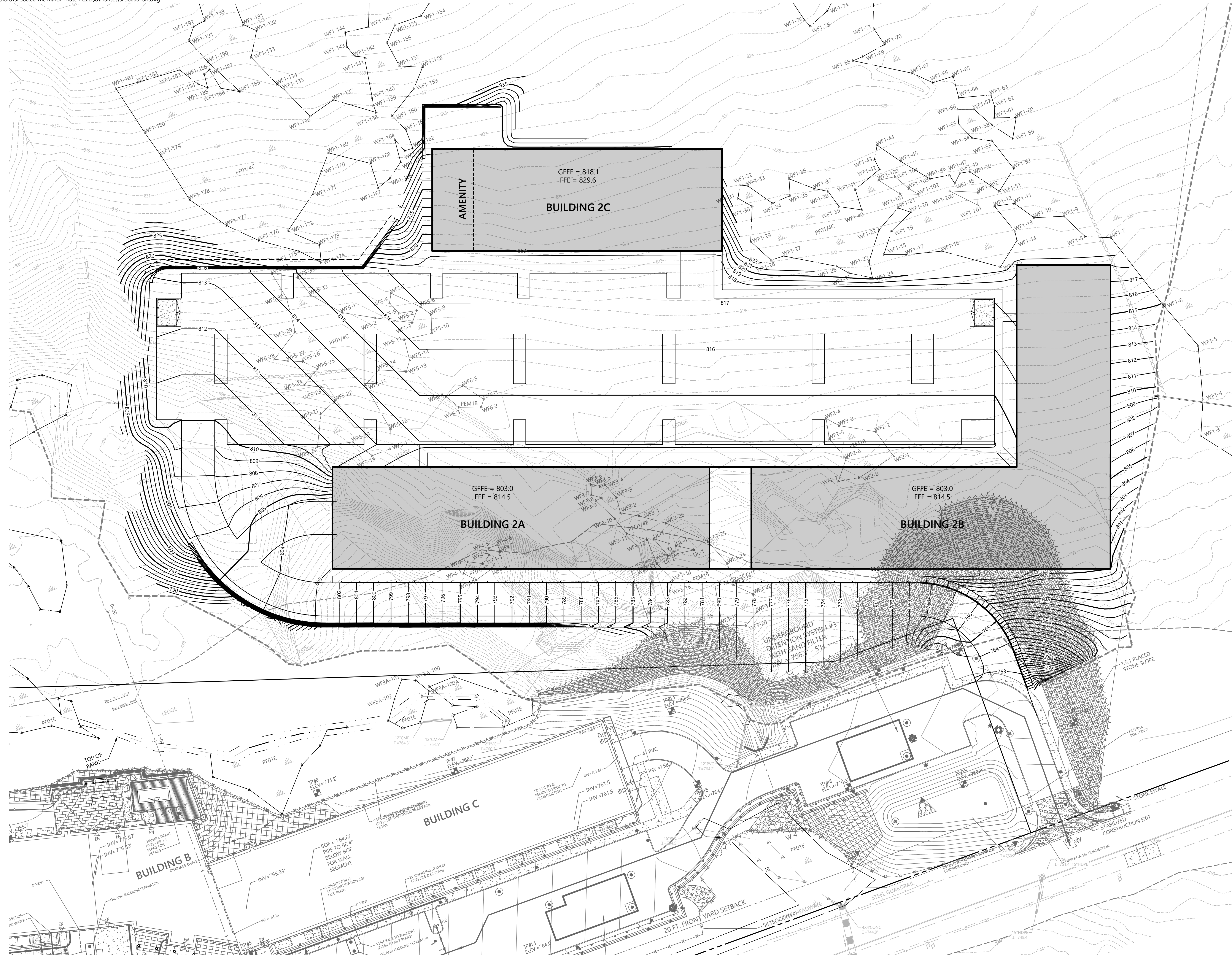
343 Mount Support Road  
Lebanon, New Hampshire

No.	Revision	Date	App'd.

Designed by: **SJF** Checked by: **DHF**  
 Issued for: **Permitting** Date: **March 7, 2025**

**Not Issued for Construction**  
**Layout and Material Plans**

Sheet **C3.01** of 8  
 Project Number: **52980.00**  
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### The Marek Phase 2 at Lebanon, NH

343 Mount Support Road  
Lebanon, New Hampshire

No.	Revision	Date	App'd.

Designed by **SJF** Checked by **DHF**  
Issued for **Permitting** Date **March 7, 2025**

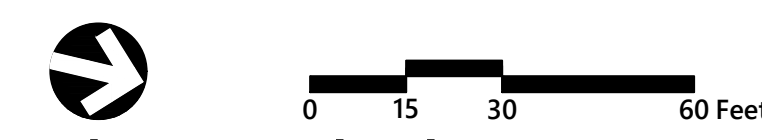
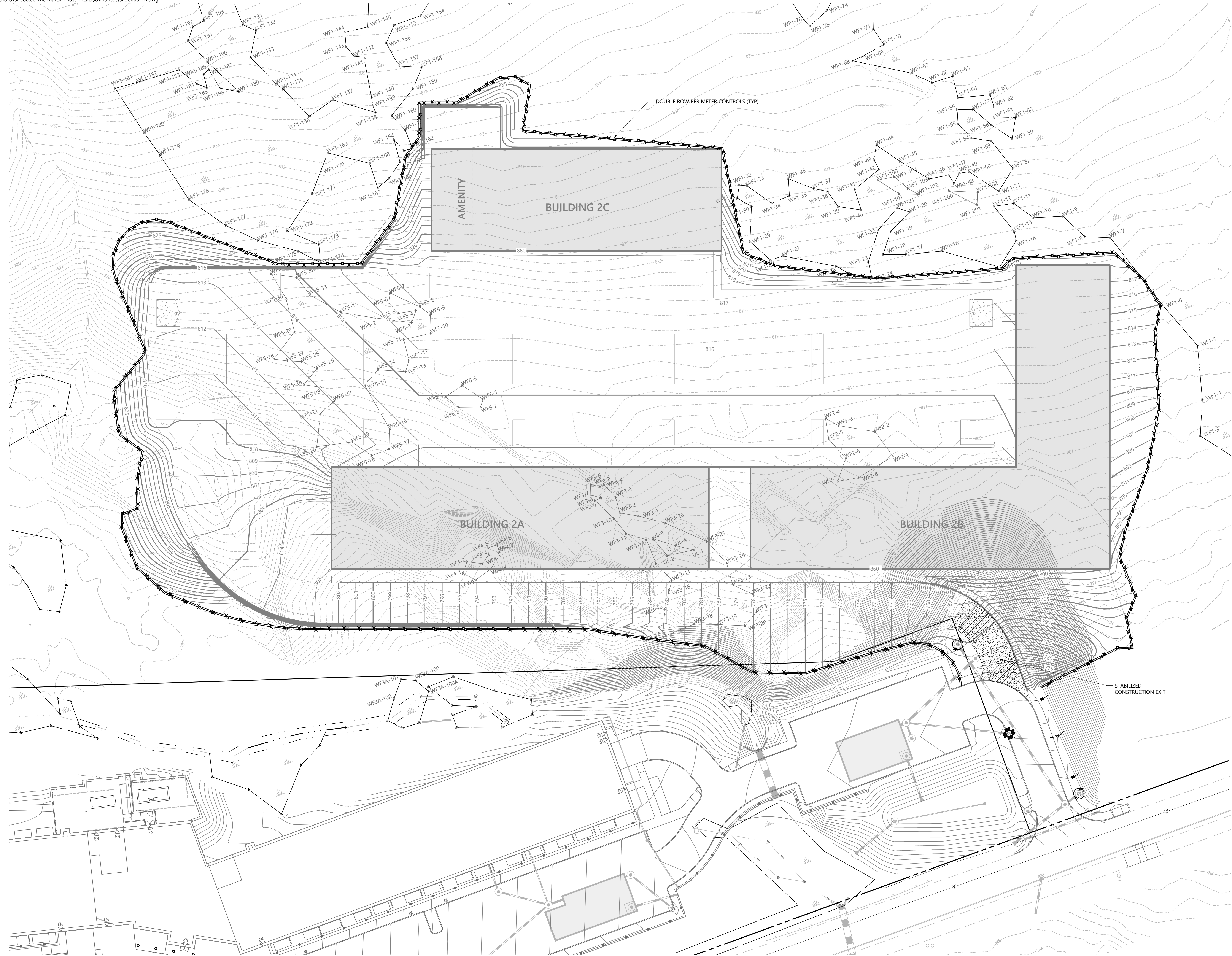
Not Issued for Construction  
Drawing Title **Grading and Drainage Plan**

Drawing Number **C4.01**

Sheet **5** of **8**  
Project Number **52980.00**  
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2 Bedford Farms Drive  
Suite 200  
Bedford, NH 03110  
603.391.3900



### The Marek Phase 2 at Lebanon, NH

343 Mount Support Road  
Lebanon, New Hampshire

No.	Revision	Date	App'd.

Designed by SJF	Checked by DHF
Issued for Permitting	Date March 7, 2025

Not Issued for Construction

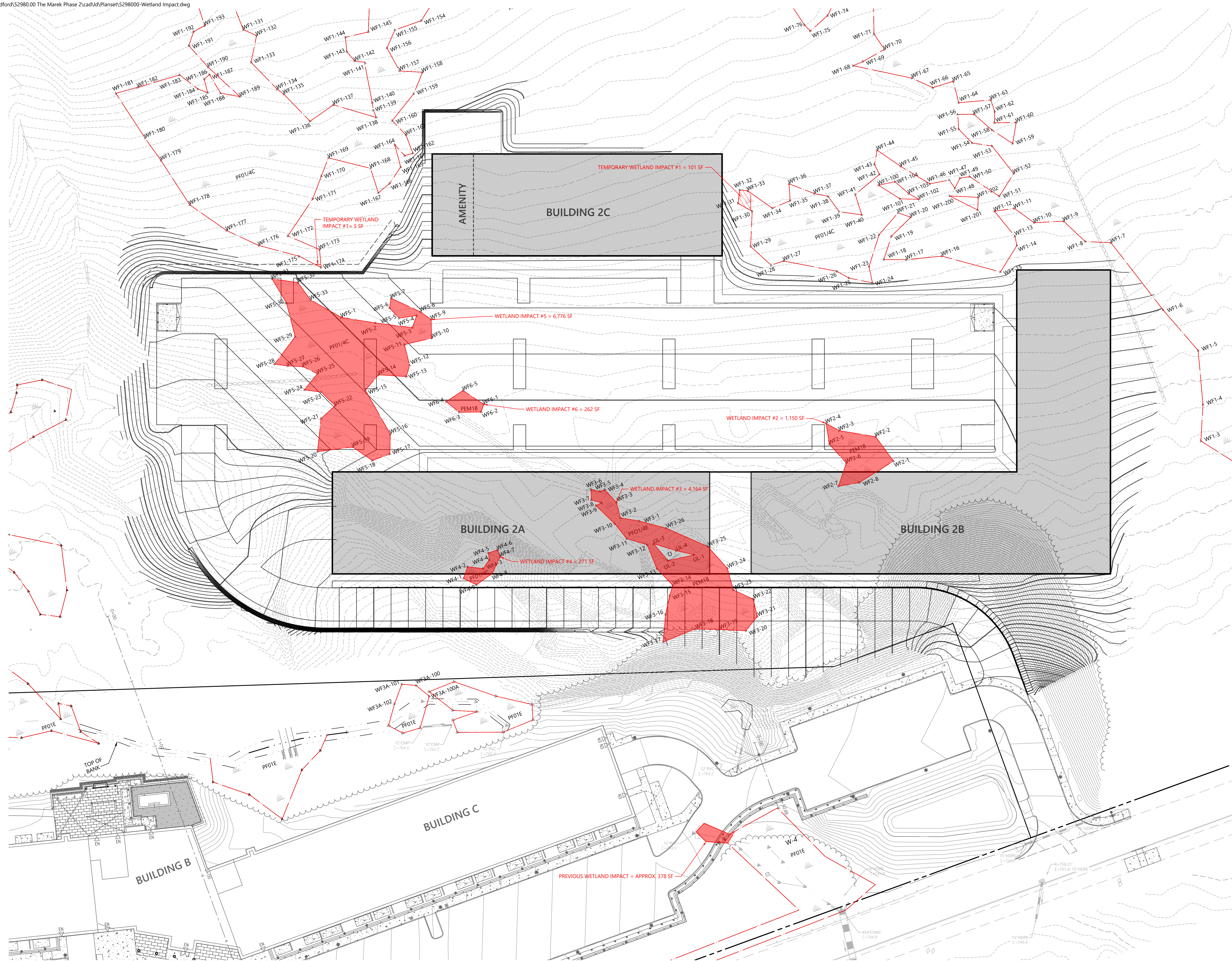
**Erosion and Sediment  
Control Plan**

Drawing Number  
**C-5.01**

Sheet 6 of 8

Project Number  
52980.00

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### The Marek Phase 2 at Lebanon, NH

343 Mount Support Road  
Lebanon, New Hampshire

No.	Revision	Date	App'd.

Designed by: **SJF** Checked by: **DHF**  
Issued for: **Permitting** Date: **March 7, 2025**

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

Project Number: **52980.00**  
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### General Notes

1. THE OWNER OF RECORD AT THE TIME OF THE SURVEY IS:  
SPNH MOUNT SUPPORT, LLC  
c/o SAXON PARTNERS  
25 RECREATION PARK DRIVE, SUITE 204  
HINGHAM, MASSACHUSETTS 02043
2. THE PROPERTY LINES SHOWN WERE DETERMINED BY AN ACTUAL FIELD SURVEY CONDUCTED IN OCTOBER 2019 WITH AN ERROR OF CLOSURE BETTER THAN 1:10,000 AND PLANS AND DEEDS OF RECORD.
3. THE EXISTING CONDITIONS SHOWN ON THIS PLAN ARE BASED UPON AN ACTUAL ON-THE-GROUND INSTRUMENT SURVEY PERFORMED BY VANASSE HANGEN BRUSTLIN, INC IN NOVEMBER 2019 AND FEBRUARY 2023. TOPOGRAPHY SHOWN OUTSIDE THE LIMIT OF GROUND SURVEY IS DERIVED FROM AVAILABLE LIDAR, CONNECTICUT RIVER WATERSHED (2015) BARE EARTH DEM FILES FROM NH GRANIT.
4. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES SHOWN ON THIS PLAN ARE BASED ON FIELD OBSERVATIONS AND INFORMATION OF RECORD. THEY ARE NOT WARRANTED TO BE EXACTLY LOCATED NOR IS IT WARRANTED THAT ALL UNDERGROUND UTILITIES OR OTHER STRUCTURES ARE SHOWN ON THIS PLAN.
5. HORIZONTAL DATUM IS N.A.D. 1983.
6. CONTOURS AND SPOT ELEVATIONS SHOWN ARE BASED UPON N.A.V.D. 1988.
7. MAP 24 LOT 1 LIES ENTIRELY WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF LEBANON, NH MAP NUMBER 33009C0892E, EFFECTIVE DATE FEBRUARY 20, 2008.
8. MAP 24 LOT 1 LIES PARTIALLY WITHIN THE RESIDENTIAL 1 (R-1), AND THE RURAL LANDS 3 (RL-3) ZONING DISTRICTS AS DEFINED BY THE LEBANON ZONING ORDINANCE. DIMENSIONAL REQUIREMENTS FOR THE R-1 DISTRICT AT THE TIME OF THE SURVEY ARE AS FOLLOWS:  
(CLASS 1)  
MINIMUM LOT AREA 10,000 SF<sup>1</sup>  
MINIMUM FRONTAGE 75 FEET  
MINIMUM FRONT YARD SETBACK 20 FEET  
MINIMUM SIDE YARD SETBACK 15 FEET  
MINIMUM REAR YARD SETBACK 20 FEET  
MAXIMUM BUILDING HEIGHT 45 FEET  
MAXIMUM BUILDING COVERAGE 25%  
<sup>1</sup> 3,000 SF ADDITIONAL AREA PER DWELLING UNIT AFTER TWO

### Plan References

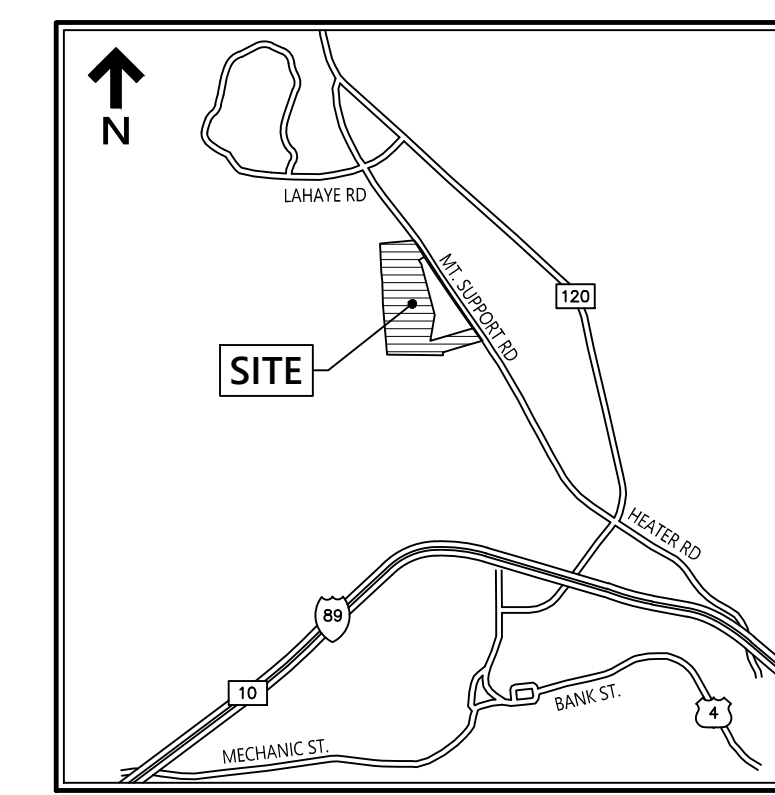
1. PLAN ENTITLED "SUBDIVISION PLAN MAP 24, LOT 1 IN LEBANON GRAFTON COUNTY NEW HAMPSHIRE" DATED: AUGUST 26, 2021 (REVISED THRU 1/7/2022) PREPARED BY VHB, INC. AND RECORDED AS PLAN #16361.
2. BOUNDARY PLAN OF LAND ENTITLED "ALFRED P. JR & LORALEE S. WEST TAX LOT 24-1" PREPARED BY PATON LAND SURVEYING, DATED: NOVEMBER 30, 2018.
3. PLAN ENTITLED "OSCAR LAUBERTE OLD ROUTE 120 LEBANON, NH" DATED AUGUST 28, 1975 AND RECORDED AS PLAN 1270-45 AND 1227-85.
4. PLAN ENTITLED "SUBDIVISION PLAN MAP 24, LOT 1 IN LEBANON GRAFTON COUNTY NEW HAMPSHIRE" DATED: AUGUST 26, 2021 (REVISED THRU 1/7/22) PREPARED BY VHB.

### Wetland Notes

1. WETLANDS AND STREAMS WERE DELINEATED BY JAKE TINUS (NH CWS #228) IN APRIL 2024 AND JANUARY 2025.
2. WETLAND AND STREAM FLAGS WERE LOCATED AT THE TIME OF DELINEATION UTILIZING A TRIMBLE R1 GNSS RECEIVER CAPABLE OF SUB-METER ACCURACY.
3. WETLAND DELINEATION WAS PERFORMED IN ACCORDANCE WITH THE PROCEDURES AND STANDARDS OUTLINED IN THE "1987 CORPS OF ENGINEERS WETLAND DELINEATION MANUAL" AND THE "REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTH CENTRAL AND NORTHEAST REGION, VERSION 2.0" (JANUARY 2012).
4. WETLAND DELINEATION ALSO RELIED UPON THE "FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN THE UNITED STATES, VERSION 8.2" PUBLISHED BY THE NATURAL RESOURCES CONSERVATION SERVICE, AND THE "FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4.0" PUBLISHED BY THE NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION.
5. DOMINANT WETLAND VEGETATION WAS ASSESSED USING THE "NORTH CENTRAL AND NORTHEAST REGIONAL WETLAND PLANT LIST" PUBLISHED BY THE U.S. ARMY CORPS OF ENGINEERS.
6. WETLANDS WERE CLASSIFIED USING THE USFWS METHODOLOGY "CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES" (COWARDIN ET AL. 1979, REVISED 1985).

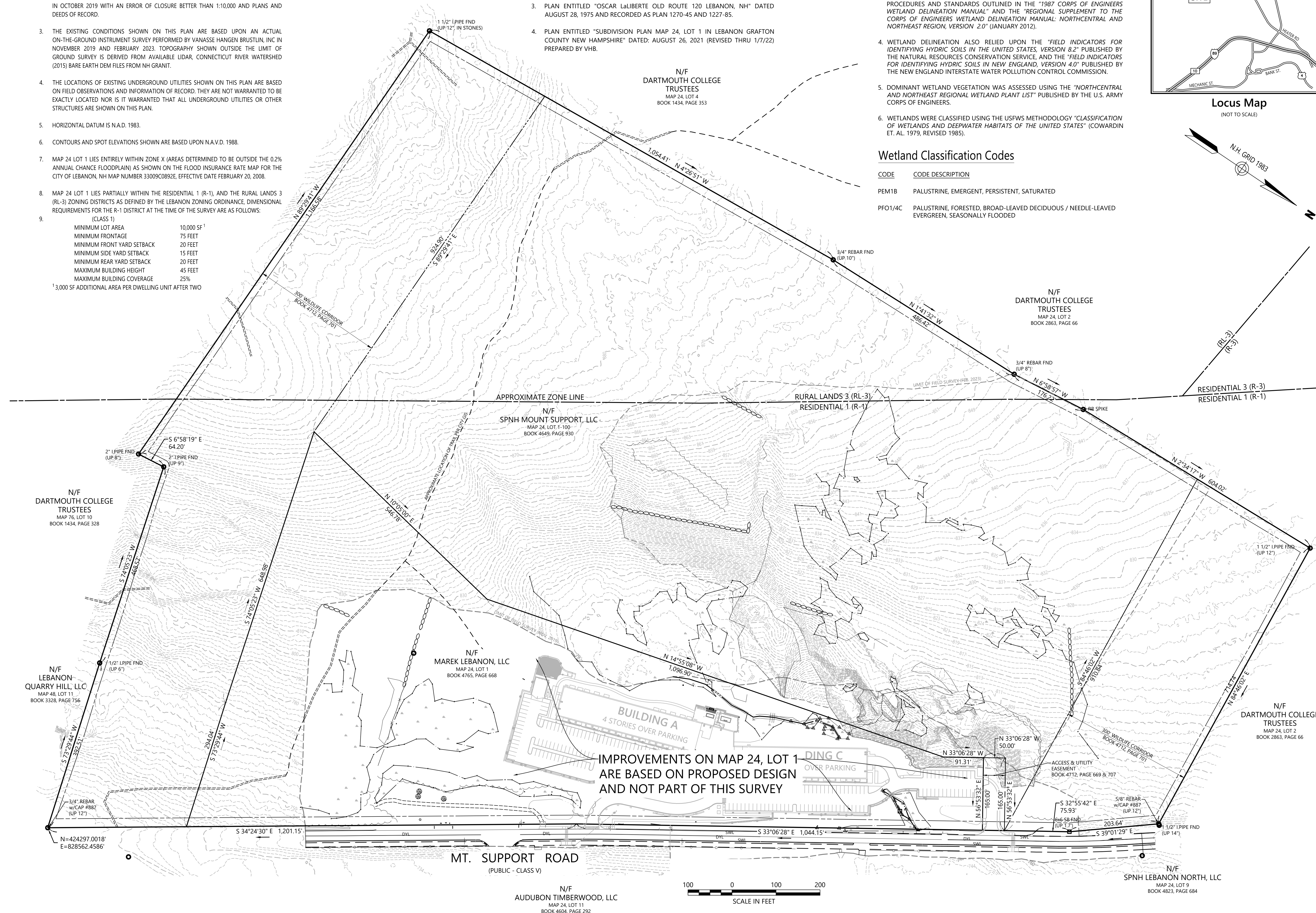
### Wetland Classification Codes

CODE	CODE DESCRIPTION
PEM1B	PALUSTRINE, EMERGENT, PERSISTENT, SATURATED
PFO1/4C	PALUSTRINE, FORESTED, BROAD-LEAVED DECIDUOUS / NEEDLE-LEAVED EVERGREEN, SEASONALLY FLOODED



### Legend

- Ⓢ DRAIN MANHOLE
- Ⓢ CATCH BASIN
- Ⓢ SEWER MANHOLE
- Ⓢ ELECTRIC MANHOLE
- Ⓢ TELEPHONE MANHOLE
- MANHOLE
- HH - HANDHOLE
- BOLLARD
- ⊕ WATER GATE
- ⊕ FIRE HYDRANT
- ⊕ GAS GATE
- ⊕ STREET SIGN
- ⊕ LIGHT POLE
- ⊕ UTILITY POLE
- ⊕ GUY POLE
- ⊕ GUY WIRE
- ⊕ MONITORING WELL
- ⊕ WELL
- FINISHED FLOOR ELEVATION
- EDGE OF PAVEMENT
- CONCRETE CURB
- VERTICAL GRANITE CURB
- SGE
- SLOPED GRANITE EDGE
- BITUMINOUS BERM
- BITUMINOUS CURB
- GUARDRAIL-STEEL POST
- GUARDRAIL-WOOD POST
- CHAIN LINK FENCE
- STOCKADE FENCE
- BARBED WIRE FENCE
- DRAINAGE LINE
- SEWER LINE
- OVERHEAD WIRE
- UNDERGROUND ELECTRIC
- TELEPHONE LINE
- GAS LINE
- WATER LINE
- STONE WALL
- TREE LINE
- WETLAND BOUNDARY
- WF1-100



## The Marek - Phase 2 at Lebanon, NH

343 Mount Support Road  
Lebanon, New Hampshire

No.	Revision	Date	Aspt.

Designed by \_\_\_\_\_ Checked by \_\_\_\_\_

Issued for \_\_\_\_\_ Date \_\_\_\_\_

January 27, 2025

## Existing Conditions Plan

Drawing Title  
**Existing Conditions Plan**

Drawing Number \_\_\_\_\_

**Sv-1**

Sheet 1 of 1

Project Number  
52980

Date  
1/29/2025

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# 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](mailto:jtinus@vhb.com) or (603) 391-3899 if you have any questions.

Sincerely,

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

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

Engineers | Scientists | Planners | Designers

## Table of Contents

NHDES Wetlands Permit Application Form  
NHDES Attachment A: Minor and Major Projects Form  
NHDES Residential, Commercial, and Industrial Project-Specific Worksheet for Standard Application Form  
NHDES Avoidance and Minimization Written Narrative Form

### Application Narrative

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<b>2</b>	<b>Site Description and Existing Conditions</b> .....	<b>2</b>
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3.2	Invasive Species Management.....	5
3.3	Avoidance and Minimization.....	6
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Figure 4 ..... NHF&G Wildlife Action Plan Ranked Habitat Map  
Figure 5 ..... NHF&G Wildlife Action Plan Habitat Types Map

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Appendix B ..... Project Plans (Bound Separately)  
Appendix C ..... Abutter and Property Owner Information  
Appendix D ..... Representative Project Area Photographs  
Appendix E ..... Wetland Functions and Values Evaluation Forms  
Appendix F ..... NHB DataCheck Results Letters and Correspondence  
Appendix G ..... USFWS IPaC Species List and Correspondence  
Appendix H ..... Mitigation Documentation  
Appendix I ..... Cultural Resource Documentation  
Appendix J ..... USACE Appendix B Checklist and Supporting Notes



# 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?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Does the property contain a PRA? If yes, provide the following information:	<input type="radio"/> Yes <input checked="" type="radio"/> No
<ul style="list-style-type: none"> <li>• 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.</li> </ul>	<input type="radio"/> Yes <input checked="" type="radio"/> No
<ul style="list-style-type: none"> <li>• Protected species or habitat?                             <ul style="list-style-type: none"> <li>○ If yes, species or habitat name(s): <b>Appalachian barren-strawberry</b></li> <li>○ NHB Project ID #: <b>NHB24-3724</b></li> </ul> </li> </ul>	<input checked="" type="radio"/> Yes <input type="radio"/> No
• Bog?	<input type="radio"/> Yes <input checked="" type="radio"/> No
• Floodplain wetland contiguous to a tier 3 or higher watercourse?	<input type="radio"/> Yes <input checked="" type="radio"/> No
• Designated prime wetland or duly-established 100-foot buffer?	<input type="radio"/> Yes <input checked="" type="radio"/> No
• Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Is the property within a Designated River corridor? If yes, provide the following information:	<input type="radio"/> Yes <input checked="" type="radio"/> No
<ul style="list-style-type: none"> <li>• Name of Local River Management Advisory Committee (LAC):</li> <li>• A copy of the application was sent to the LAC on Month:      Day:      Year:</li> </ul>	

For dredging projects, is the subject property contaminated? • If yes, list contaminant:	<input type="radio"/> Yes <input checked="" type="radio"/> No
---	---

Is there potential to impact impaired waters, class A waters, or outstanding resource waters?	<input type="radio"/> Yes <input checked="" type="radio"/> No
---	---

For stream crossing projects, provide watershed size (see WPPT or Stream Stats):

**SECTION 2 - PROJECT DESCRIPTION (Env-Wt 311.04(i))**

Provide a description of the project and the purpose of the project, the need for the proposed impacts to jurisdictional areas, an outline-of the scope of work to be performed, and whether impacts are temporary or permanent.

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 careful 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 12,623SF 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):

<b>SECTION 4 - APPLICANT (DESIRED PERMIT HOLDER) INFORMATION (Env-Wt 311.04(a))</b>		
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. 		
<b>SECTION 5 - AUTHORIZED AGENT INFORMATION (Env-Wt 311.04(c))</b>		
<input type="checkbox"/> 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		
<b>SECTION 6 - PROPERTY OWNER INFORMATION (IF DIFFERENT THAN APPLICANT) (Env-Wt 311.04(b))</b>		
If the owner is a trust or a company, then complete with the trust or company information.		
<input checked="" type="checkbox"/> 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.		

[irm@des.nh.gov](mailto:irm@des.nh.gov) or (603) 271-2147

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

[des.nh.gov](http://des.nh.gov)

**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 ≥ 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/ivers, the linear footage of impact is calculated by summing the lengths of disturbances to the channel and banks.

Permanent (PERM.) impacts are impacts that will remain after the project is complete (e.g., changes in grade or surface materials).

Temporary (TEMP.) impacts are impacts not intended to remain (and will be restored to pre-construction conditions) after the project is completed.

JURISDICTIONAL AREA		PERM. SF	PERM. LF	PERM. ATF	TEMP. SF	TEMP. LF	TEMP. ATF
Wetlands	Forested Wetland	11,211		<input type="checkbox"/>	106		<input type="checkbox"/>
	Scrub-shrub Wetland			<input type="checkbox"/>			<input type="checkbox"/>
	Emergent Wetland	1,412		<input type="checkbox"/>			<input type="checkbox"/>
	Wet Meadow			<input type="checkbox"/>			<input type="checkbox"/>
	Vernal Pool			<input type="checkbox"/>			<input type="checkbox"/>
	Designated Prime Wetland			<input type="checkbox"/>			<input type="checkbox"/>
	Duly-established 100-foot Prime Wetland Buffer			<input type="checkbox"/>			<input type="checkbox"/>
Surface	Intermittent / Ephemeral Stream			<input type="checkbox"/>			<input type="checkbox"/>
	Perennial Stream or River			<input type="checkbox"/>			<input type="checkbox"/>
	Lake / Pond			<input type="checkbox"/>			<input type="checkbox"/>
	Docking - Lake / Pond			<input type="checkbox"/>			<input type="checkbox"/>
	Docking - River			<input type="checkbox"/>			<input type="checkbox"/>
Banks	Bank - Intermittent Stream			<input type="checkbox"/>			<input type="checkbox"/>
	Bank - Perennial Stream / River			<input type="checkbox"/>			<input type="checkbox"/>
	Bank / Shoreline - Lake / Pond			<input type="checkbox"/>			<input type="checkbox"/>
Tidal	Tidal Waters			<input type="checkbox"/>			<input type="checkbox"/>
	Tidal Marsh			<input type="checkbox"/>			<input type="checkbox"/>
	Sand Dune			<input type="checkbox"/>			<input type="checkbox"/>
	Undeveloped Tidal Buffer Zone (TBZ)			<input type="checkbox"/>			<input type="checkbox"/>
	Previously-developed TBZ			<input type="checkbox"/>			<input type="checkbox"/>
	Docking - Tidal Water			<input type="checkbox"/>			<input type="checkbox"/>
<b>TOTAL</b>		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*

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<b>SECTION 13 - PROJECT CLASSIFICATION (Env-Wt 306.05)</b>		
Indicate the project classification.		
<input type="checkbox"/> Minimum Impact Project	<input type="checkbox"/> Minor Project	<input checked="" type="checkbox"/> Major Project
<b>SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311.11)</b>		
<b>Initial each box below to certify:</b>		
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: <ul style="list-style-type: none"> <li>• The submission of false, incomplete, or misleading information constitutes grounds for NHDES to:                         <ol style="list-style-type: none"> <li>1. Deny the application.</li> <li>2. Revoke any approval that is granted based on the information.</li> <li>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.</li> </ol> </li> </ul>	
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.	
<b>SECTION 15 - REQUIRED SIGNATURES (Env-Wt 311.04(d); Env-Wt 311.11)</b>		
SIGNATURE (OWNER): 	PRINT NAME LEGIBLY: <i>Donald S. Smith, Manager</i>	DATE: <i>3/10/25</i>
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER):	PRINT NAME LEGIBLY:	DATE:
SIGNATURE (AGENT, IF APPLICABLE): Jacob Tinus, CWS, CPESC	PRINT NAME LEGIBLY: 	DATE: <i>3/6/25</i>
<b>SECTION 16 - TOWN / CITY CLERK SIGNATURE (Env-Wt 311.04(f))</b>		
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".

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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.

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**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 propsoedsite 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.

<b>PART II: FUNCTIONAL ASSESSMENT</b>	
<b>REQUIREMENTS</b>	Ensure that project meets the requirements of Env-Wt 311.10 regarding functional assessment (Env-Wt 311.04(j); Env-Wt 311.10).
<b>FUNCTIONAL ASSESSMENT METHOD USED:</b>	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.
<b>NAME OF CERTIFIED WETLAND SCIENTIST (FOR NON-TIDAL PROJECTS) OR QUALIFIED COASTAL PROFESSIONAL (FOR TIDAL PROJECTS) WHO COMPLETED THE ASSESSMENT:</b>	TRENT DELEHANTY Supervised by JACOB TINUS (NH CWS #228)
<b>DATE OF ASSESSMENT:</b>	JANUARY 2025
Check this box to confirm that the application includes a NARRATIVE ON FUNCTIONAL ASSESSMENT:	<input checked="" type="checkbox"/>
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:	<input checked="" type="checkbox"/>
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;

- 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).

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# 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/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 6<sup>th</sup> 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**

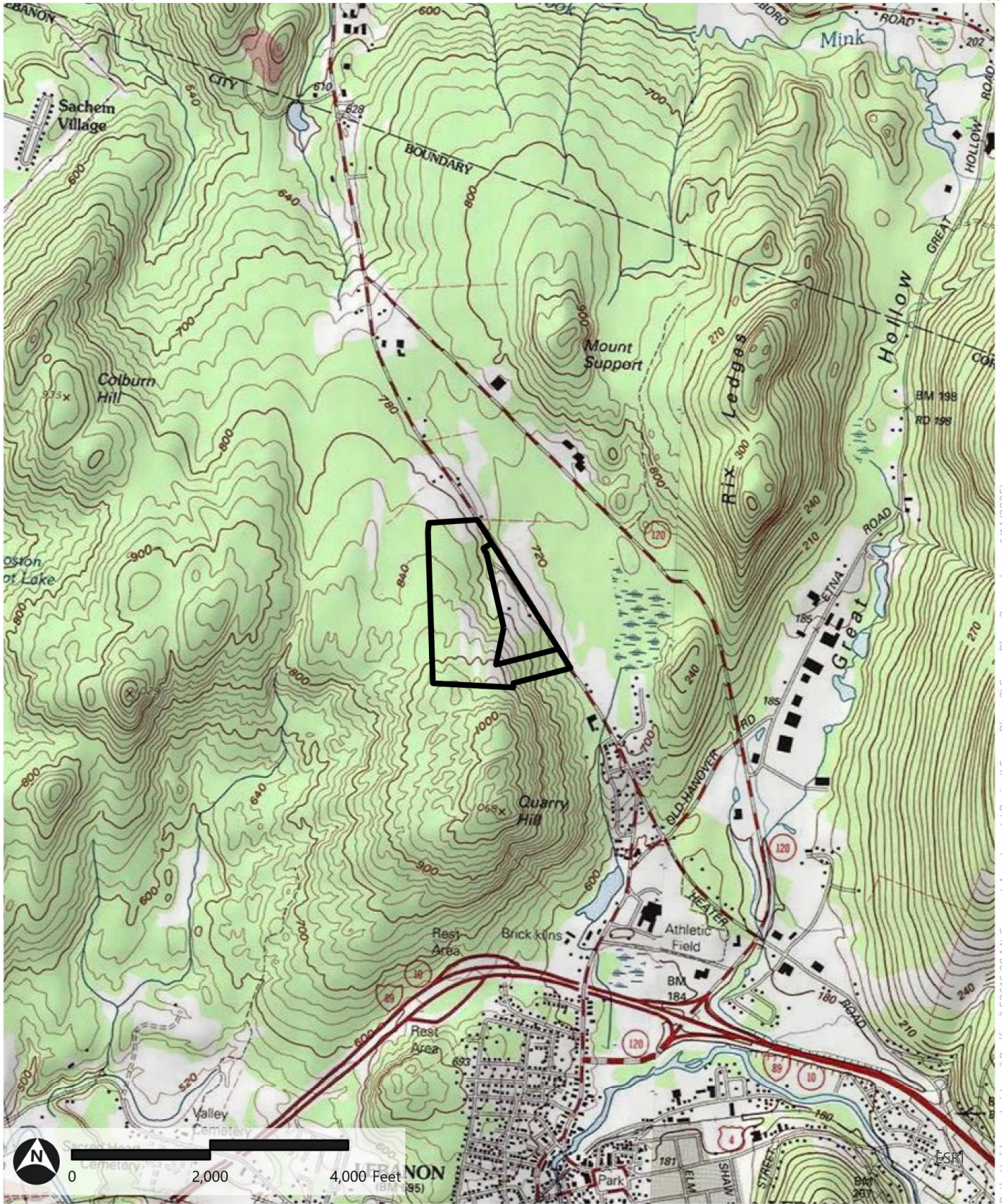
The Project is planned to be introduced to the Conservation Commission, and other local board reviews will occur with the City of Lebanon.

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# Figures

**Figure 1: USGS Site Location Map**

Saxon Phase 2 | Lebanon, NH

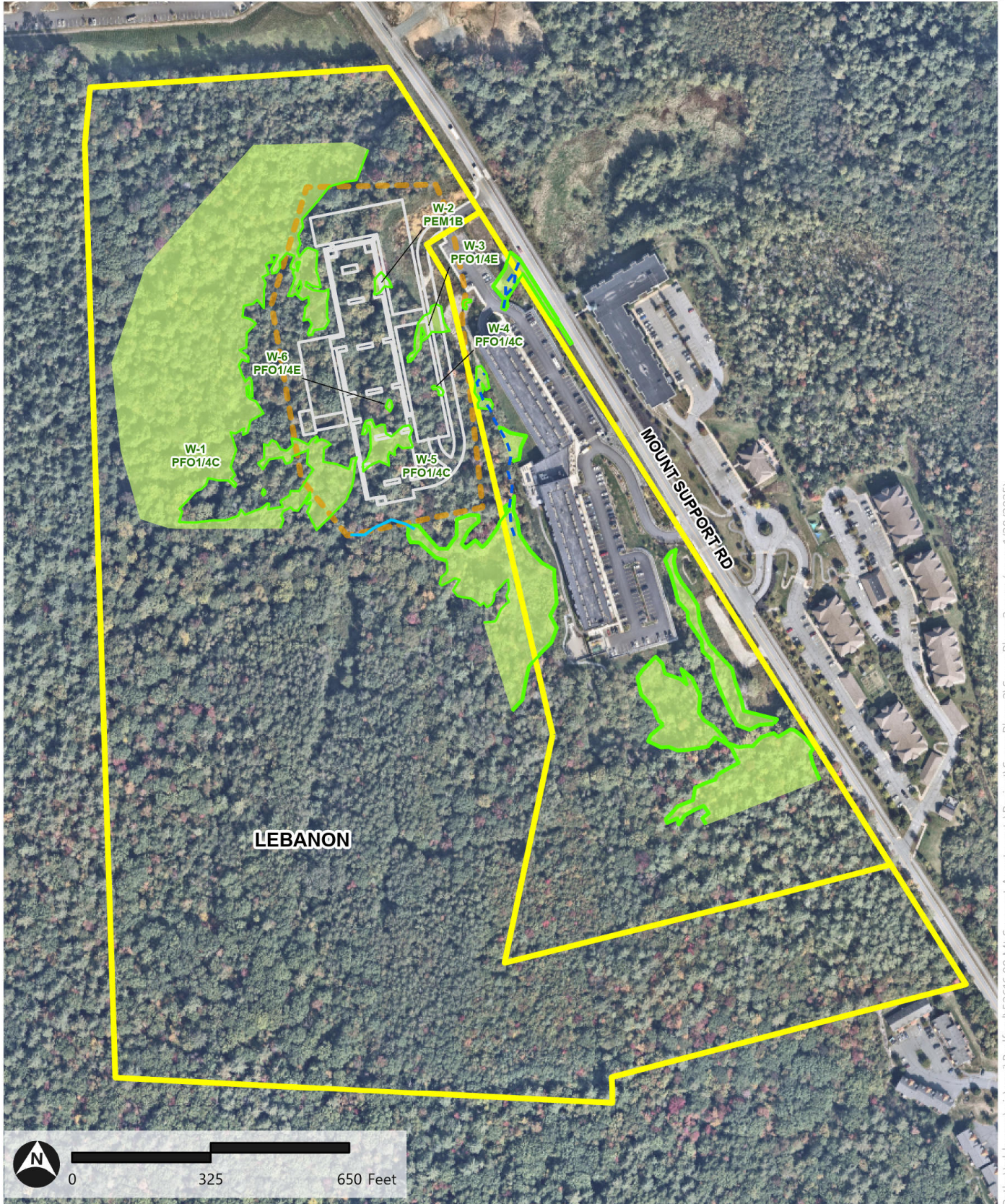


Parcel Boundary

Source: USGS, NHGRANT, VHB

Path: \\vhb.com\gis\proj\Bedford\52616.00 Mt Support Apartments\Project\SaxonPhase2\SaxonPhase2.aprx (srao, 1/14/2025)

**Figure 2: Wetland Map**  
 Saxon Phase 2 | Lebanon, NH



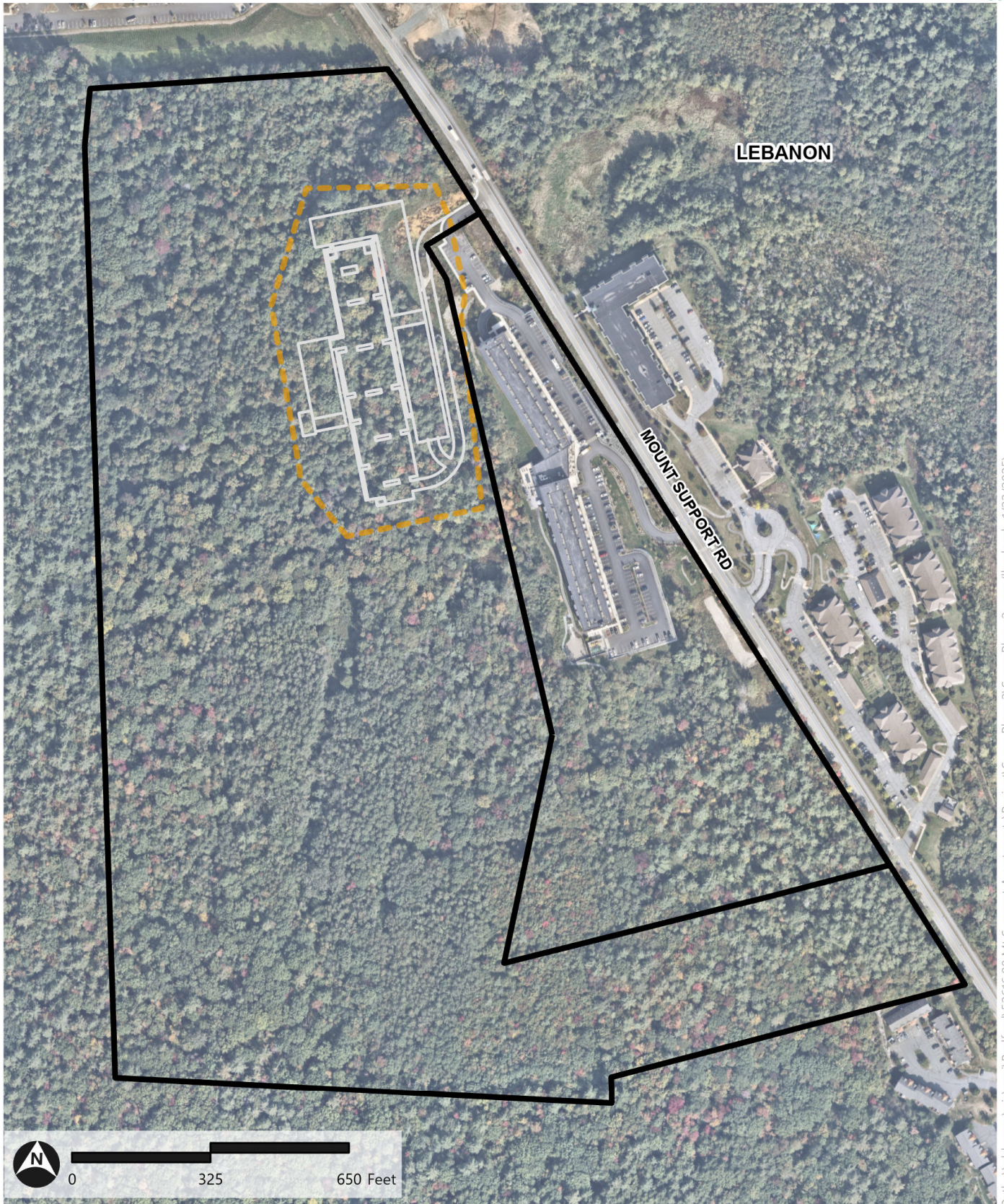
Path: \\vhb.com\gis\proj\Bedford\52616.00 Mt Support Apartments\Project\SaxonPhase2\SaxonPhase2.aprx (srao, 1/28/2025)

Source: NearMap, NHGRANIT, VHB

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

### Figure 3: FEMA 100-Year Floodplain 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)

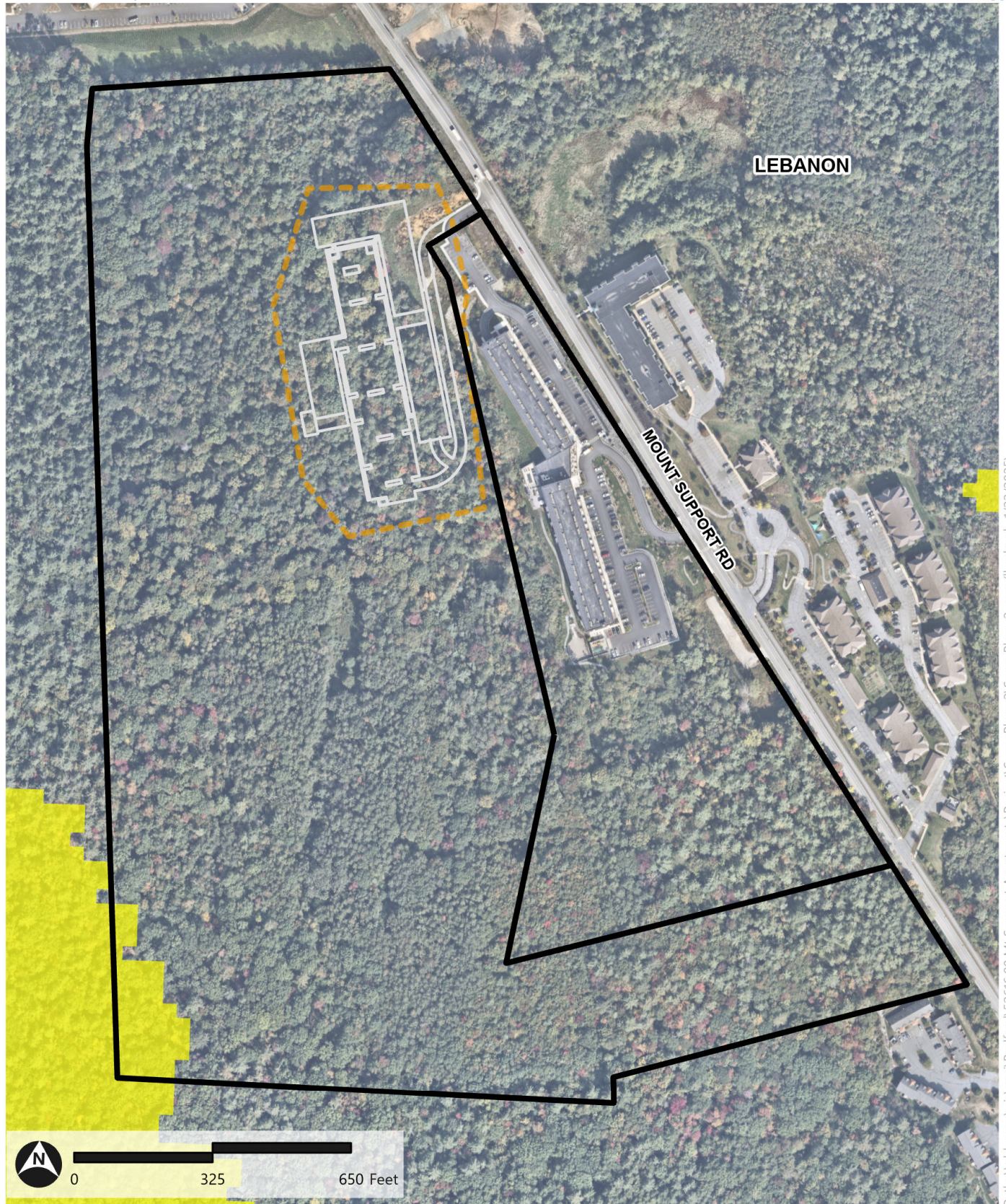
- Design Details
- ▭ Parcel Boundary
- ▭ Limit of Work

\*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

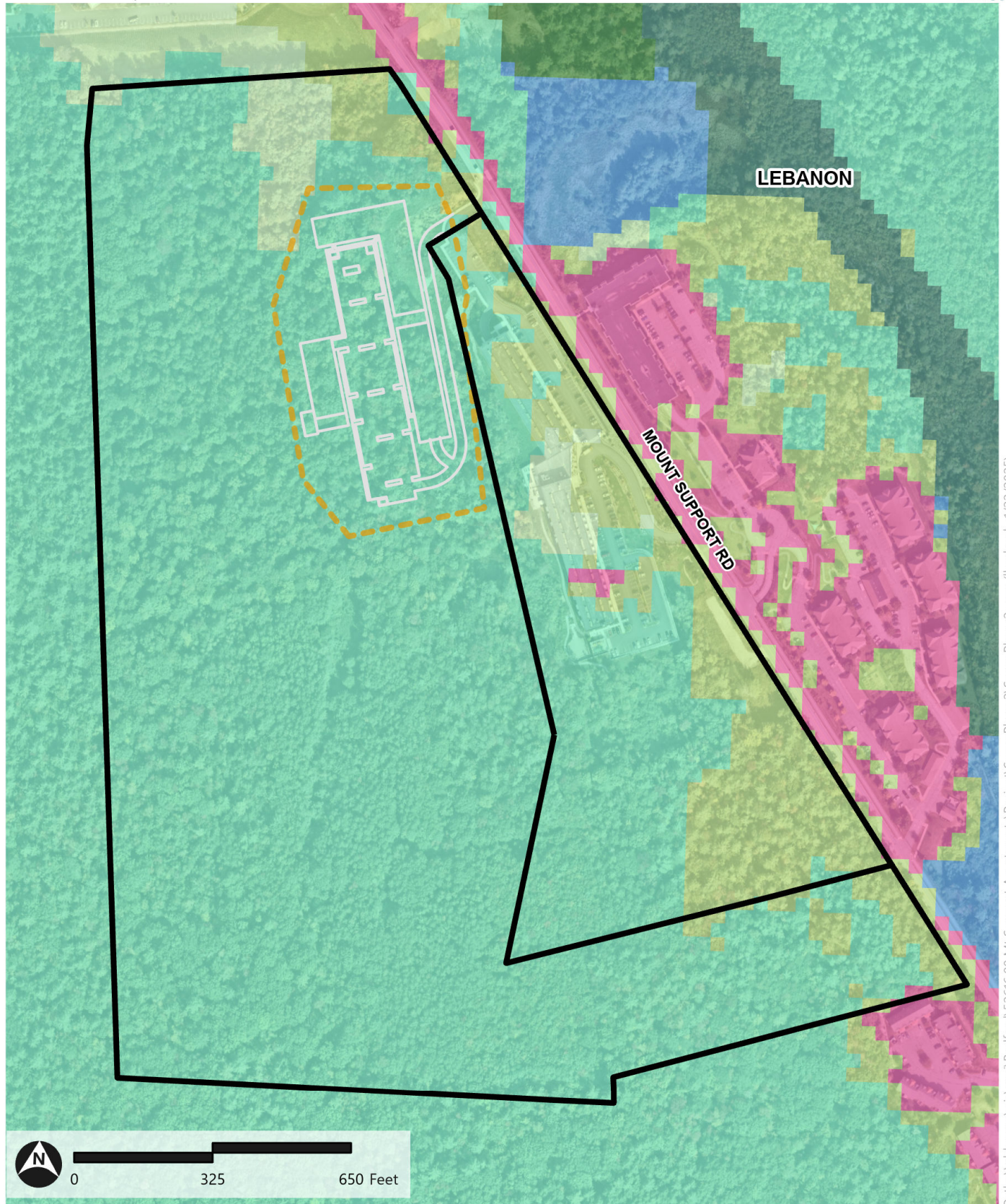


- Limit of Work
- NH Fish and Game Highest Ranked Wildlife Habitat
- Parcel Boundary
- 3

Source: NearMap, NHGRANIT, VHB

**Figure 5: NH Fish and Game Habitat Type Map**

Saxon Phase 2 | Lebanon, NH



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

Source: NearMap, NHGRANIT, VHB

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

---

## Appendix A: NHDES Pre-Application Meeting Notes

**From:** [Berger, Emma](#)  
**To:** [Kristopher Wilkes](#); [Uwizeye, Emmanuel](#); [Clark, Amy](#); [richard.c.kristoff@usace.army.mil](mailto: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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[www.vhb.com](http://www.vhb.com)

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Suite 200  
Bedford NH 03110-6532

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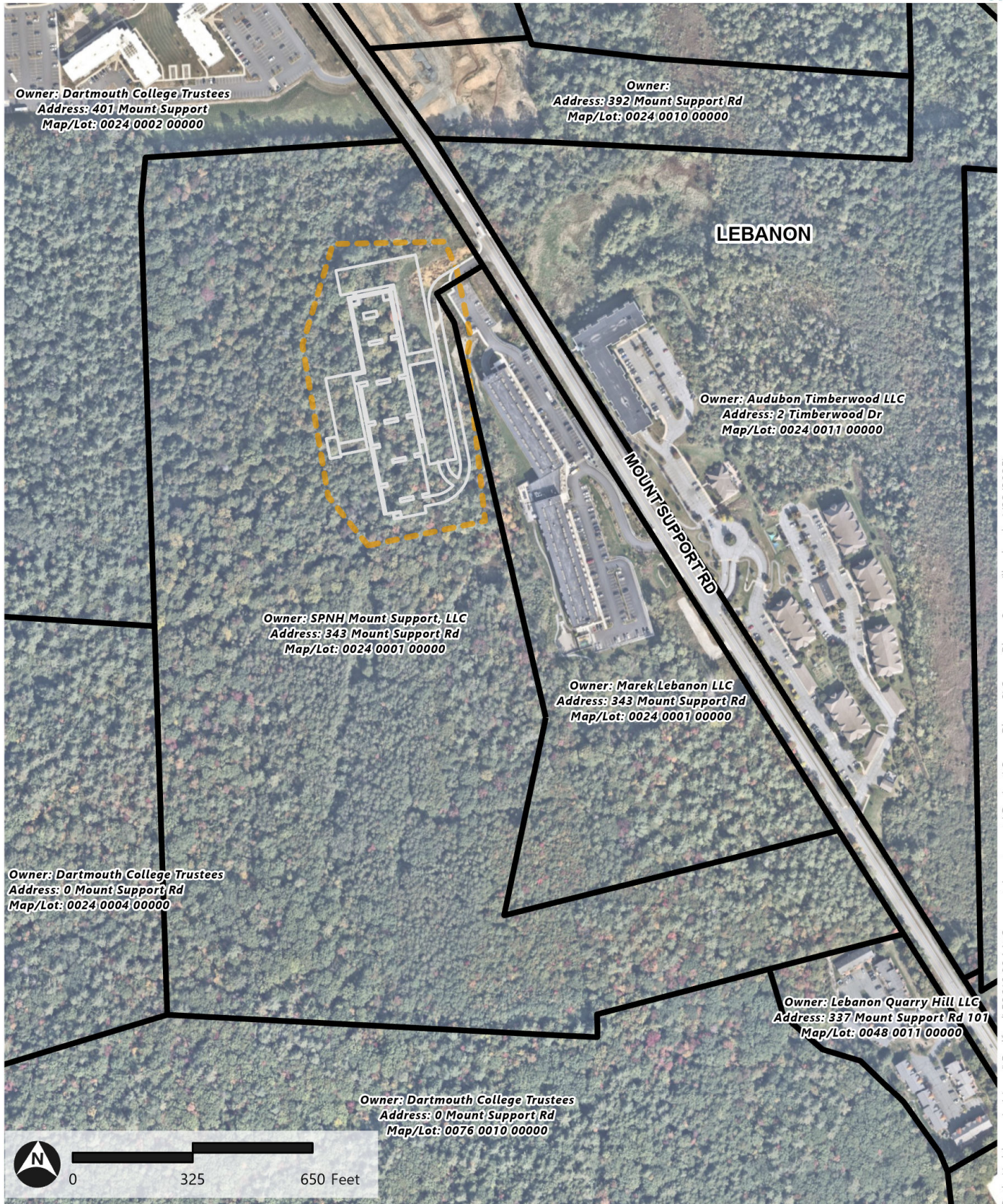
## **Appendix B: Project Plans (Bound Separately)**

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## Appendix C: Abutter and Property Owner Information

# Figure 6: Abutter Mapping and Information

Saxon Phase 2 | Lebanon, NH



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Source: NearMap, NHGRANIT, VHB

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343 MOUNT SUPPORT ROAD  
LEBANON, NH 03766



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## Appendix D: Representative Project Area Photographs

## PHOTOGRAPHIC LOG

**Photo No:** 1

**Photo Date:** 6/21/2023

**Orientation:** North

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



## PHOTOGRAPHIC LOG

**Photo No:** 2

**Photo Date:** 6/21/2023

**Orientation:** South

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





# PHOTOGRAPHIC LOG

**Photo No:** 3

**Photo Date:** 7/20/2023

**Orientation:** South

**Description:**

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



# PHOTOGRAPHIC LOG

**Photo No:** 4

**Photo Date:** 4/25/2024

**Orientation:** South

**Description:**

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





# PHOTOGRAPHIC LOG

**Photo No:** 5

**Photo Date:** 7/20/2023

**Orientation:** Southwest

**Description:**

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



# PHOTOGRAPHIC LOG

**Photo No:** 6

**Photo Date:** 4/24/2024

**Orientation:** South

**Description:**

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



# PHOTOGRAPHIC LOG

**Photo No:** 7

**Photo Date:** 1/10/2025

**Orientation:** South

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



# PHOTOGRAPHIC LOG

**Photo No:** 8

**Photo Date:** 1/10/2025

**Orientation:** East

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



# PHOTOGRAPHIC LOG

**Photo No:** 9  
**Photo Date:** 7/20/2023  
**Orientation:** Northeast  
**Description:**  
 View of the vegetation composition of Wetland 4 (PFO1/4C).



# PHOTOGRAPHIC LOG

**Photo No:** 10  
**Photo Date:** 7/20/2023  
**Orientation:** East  
**Description:**  
 View of the vegetation composition and hydrologic indicators of Wetland 4 (PFO1/4C).



## PHOTOGRAPHIC LOG

**Photo No:** 11

**Photo Date:** 7/20/2023

**Orientation:** East

**Description:**

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



## 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).



## 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).



## 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).



## PHOTOGRAPHIC LOG

**Photo No:** 15

**Photo Date:** 4//24/2024

**Orientation:** West

**Description:**

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



## 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.



**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  Field   
 Corps manual wetland delineation completed? Y  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 <span style="float: right;">+</span>
 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. <span style="float: right;">+</span>
 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. <span style="float: right;">+</span>
 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. <span style="float: right;">+</span>
 Visual Quality/Aesthetics	N			This wetland has been previously disturbed, has limited access, and does not contain any viewing points. <span style="float: right;">+</span>
<b>ES</b> Endangered Species Habitat		2		Surveys for a sensitive species have yet to be conducted on this site, but may be present. <span style="float: right;">+</span>
<b>Other</b> 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. <span style="float: right;">+</span>

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  Field

Corps manual wetland delineation completed? Y  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 <b>+</b>
 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. <b>+</b>
 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 <b>+</b>
 Recreation	N	5		This wetland contains marginal wildlife habitat, but does not contain other features of recreational value. <b>+</b>
 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. <b>+</b>
 Visual Quality/Aesthetics	N			This wetland has been previously disturbed, has limited access, and does not contain any viewing points. <b>+</b>
<b>ES</b> Endangered Species Habitat		2		Surveys for a sensitive species have yet to be conducted on this site, but may be present. <b>+</b>
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, Ground

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. +
<b>ES</b> 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  Field

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 <b>+</b>
 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. <b>+</b>
 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 <b>+</b>
 Recreation	N	5		This wetland contains marginal wildlife habitat, but does not contain other features of recreational value. <b>+</b>
 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. <b>+</b>
 Visual Quality/Aesthetics	N			This wetland has been previously disturbed, has limited access, and does not contain any viewing points. <b>+</b>
<b>ES</b> Endangered Species Habitat		2		Surveys for a sensitive species have yet to be conducted on this site, but may be present. <b>+</b>
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  Field

Corps manual wetland delineation completed? Y  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. <span style="float: right;">+</span>
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 <span style="float: right;">+</span>
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. <span style="float: right;">+</span>
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. <span style="float: right;">+</span>
Recreation	N	5		This wetland contains marginal wildlife habitat, but does not contain other features of recreational value. <span style="float: right;">+</span>
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. <span style="float: right;">+</span>
Visual Quality/Aesthetics	N			This wetland has been previously disturbed, has limited access, and does not contain any viewing points. <span style="float: right;">+</span>
<b>ES</b> Endangered Species Habitat		2		Surveys for a sensitive species have yet to be conducted on this site, but may be present. <span style="float: right;">+</span>
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  Field

Corps manual wetland delineation completed?

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 <span style="float: right;">+</span>
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. <span style="float: right;">+</span>
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 <span style="float: right;">+</span>
Recreation	N	5		This wetland contains marginal wildlife habitat, but does not contain other features of recreational value. <span style="float: right;">+</span>
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. <span style="float: right;">+</span>
Visual Quality/Aesthetics	N			This wetland has been previously disturbed, has limited access, and does not contain any viewing points. <span style="float: right;">+</span>
<b>ES</b> Endangered Species Habitat		2		Surveys for a sensitive species have yet to be conducted on this site, but may be present. <span style="float: right;">+</span>
Other				

Notes: \* Refer to backup list of numbered considerations.

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## **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](mailto: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.nhdf.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.nhdfi.dncr.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](mailto: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](mailto: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](mailto: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 <sup>1</sup>	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.

<sup>1</sup>Codes: "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.

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## 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](mailto: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

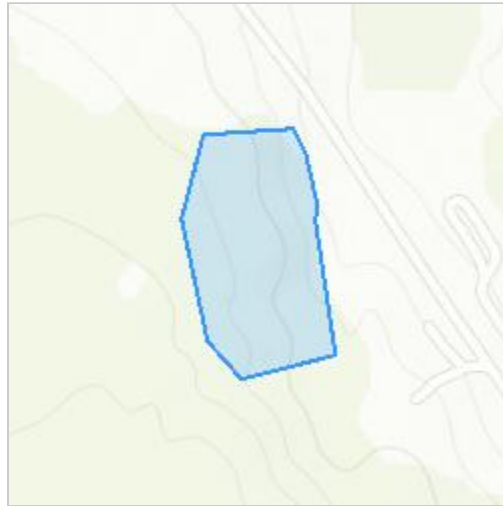
Project Name: The Marek Phase 2

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 Fisheries<sup>1</sup>, 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: <a href="https://ecos.fws.gov/ecp/species/10515">https://ecos.fws.gov/ecp/species/10515</a>	Proposed Endangered

**INSECTS**

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> There is <b>proposed</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	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**

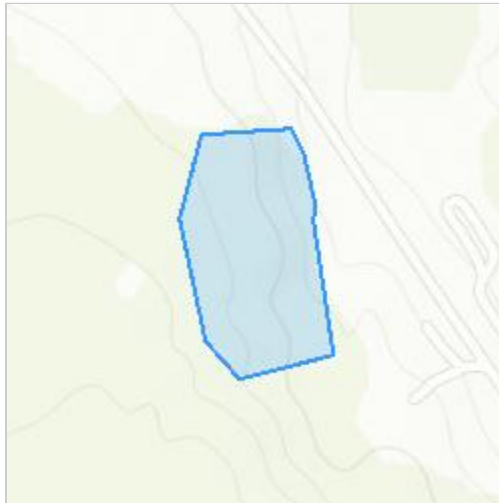
The Marek Phase 2

**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

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## Appendix H: Mitigation Documentation

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

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

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## 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](mailto:elizabeth.a.schneible@dncr.nh.gov)

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Nadine Miller".

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

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## 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  
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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.

<b>1. Impaired Waters</b>	Yes	No
1.1 Will any work occur within 1 mile upstream in the watershed of an impaired water? See <a href="http://des.nh.gov/organization/divisions/water/wmb/section401/impaired_waters.htm">http://des.nh.gov/organization/divisions/water/wmb/section401/impaired_waters.htm</a> to determine if there is an impaired water in the vicinity of your work area.*		X
<b>2. Wetlands</b>	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 <a href="https://www2.des.state.nh.us/nhb_datacheck/">https://www2.des.state.nh.us/nhb_datacheck/</a> . The book <a href="#">Natural Community Systems of New Hampshire also contains specific information about the natural communities found in NH.</a>		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%	
<b>3. Wildlife</b>	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: <a href="https://www2.des.state.nh.us/nhb_datacheck/">https://www2.des.state.nh.us/nhb_datacheck/</a> USFWS IPAC website: <a href="https://ecos.fws.gov/ipac/location/index">https://ecos.fws.gov/ipac/location/index</a>	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: <ul style="list-style-type: none"> <li>• PDF: <a href="https://wildlife.state.nh.us/wildlife/wap-high-rank.html">https://wildlife.state.nh.us/wildlife/wap-high-rank.html</a>.</li> <li>• Data Mapper: <a href="http://www.granit.unh.edu">www.granit.unh.edu</a>.</li> <li>• GIS: <a href="http://www.granit.unh.edu/data/downloadfreedata/category/databycategory.html">www.granit.unh.edu/data/downloadfreedata/category/databycategory.html</a>.</li> </ul>		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	
<b>4. Flooding/Floodplain Values</b>	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?		
<b>5. Historic/Archaeological Resources</b>		
For a minimum, minor or major impact project - a copy of the Request for Project Review (RPR) Form ( <a href="http://www.nh.gov/nhdhr/review">www.nh.gov/nhdhr/review</a> ) 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.



**CITY OF LEBANON ~ PLANNING & DEVELOPMENT**

**ZONING BOARD OF ADJUSTMENT  
WETLAND SPECIAL EXCEPTION  
STAFF NARRATIVE  
Brickyard One Nominee Trust  
174 Hanover St Ext**

---

**To:** Zoning Board of Adjustment  
**Prepared By:** Tiffany Adams, *Zoning Executive Assistant* and Nathan Reichert, *Director of Planning & Development and Zoning Administrator*.  
**Date:** July 7, 2025 – Regular Meeting  
**Application Number:** ZB2025-13-SE

---

**HEARING NOTICE:**

Brickyard One Nominee Trust, 174 Hanover St Ext (Tax Map 48, Lots 1,2,4 & Tax Map 63, Lot 1), Zoned R1, RO-1 & R-3: The applicant requests a Special Exception pursuant to Article IV, Section 401.5, of the Zoning Ordinance to allow 253 sq ft of temporary and 831 sq ft of permanent wetland impacts. ZB2025-13-SE

**SITE DESCRIPTION / BACKGROUND:**

The four subject parcels are vacant and total +/- 136.97 acres per the City Assessor's records and are within the wetlands and steep slope protection areas overlay districts. There has been no previous ZBA action that has an impact on this project or application.

**PROPOSAL:**

The applicant proposes to construct 5-four-story residential apartment buildings containing 422 units with parking beneath, 51 townhomes arranged in six groupings, an additional building which is anticipated to contain the development's leasing office and maintenance shop, one residential unit for the on-site property manager, and associated parking and infrastructure. The proposed development will be confined to +/- 13.5 acres near Hanover Street. In total, the project proposes 831 square feet of permanent wetland impact and 253 square feet of temporary wetland impact for a grand total of 1,084 square feet. The project is automatically classified as a "Major Permit" impact at the state level due to the classification of the stream being crossed. A "Major Permit" classification automatically necessitates the need for a Special Exception from the Zoning Board.

**ZONING ORDINANCE REQUIREMENTS:**

In order to grant the requested Special Exception, the Board must make each of the following findings per Section 401.5 of the Zoning Ordinance, as applicable:

- 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
- 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

- 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, 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
- 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
- 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
- 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; and
- 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.

**STAFF COMMENTS:**

The Lebanon Conservation Commission considered the application and its advisory opinion to the Lebanon Zoning Board in the matter. The following motion was made:

*Mr. Don Lacey MOVED to approve the following:*

**The Lebanon Conservation Commission recommends that the Lebanon Zoning Board of Adjustment (ZBA) approve the following application:**

**Brickyard One Nominee Trust c/o Richard Marchese, LLC, 0, 174 Hanover St Ext & 238 Hanover St (Tax Map 48, Lots 1, 2 and 4 and Tax Map 63, Lot 1) - NHDES Wetland Major Impact Application for construction of a new multi-family planned unit residential development with associated parking, stormwater management, utilities, landscaping, and pedestrian/vehicular access. A total of approximately 1,931 SF of temporary impacts and 2,417 SF of permanent impacts are proposed by the project development. CC2025- 04 No DES #2025-01128.**

*Seconded by Mr. Chris Johnson*

*\*The MOTION was approved unanimously*



May 12, 2025

Ref: 52933.00

Zoning Board of Adjustment  
City of Lebanon  
51 N. Park Street, 5<sup>th</sup> Floor  
Lebanon, NH 03766

Re: City of Lebanon's Request for Special Exception Application Support Statement  
Proposed Brickyard Residential Development, Lebanon New Hampshire

To Whom it May Concern:

On behalf of Brickyard One Nominee Trust (the Project Applicant), VHB is submitting this Application for Special Exception in support of the construction of a new multi-family planned unit residential development ("the Project") with associated parking, stormwater management, utilities, landscaping, and pedestrian/vehicular access within the former Densmore Brickyard site located at 174 Hanover Street Extension and 238 Hanover Street (Map 48 Lots 1, 2, & 4 and Map 63 Lot 1) in Lebanon, New Hampshire. The proposed development will be confined to approximately 13.5 acres near Hanover Street and will include five four-story residential apartment buildings over vehicular parking, totaling 422 units, and 51 townhomes arranged in six groupings. An additional building is proposed at the northeast corner of the Project site, which is anticipated to contain the development's leasing office and maintenance shop, while one residential unit for the on-site property manager is also proposed at the southern end of the site.

Wetland impacts subject to this Special Exception Application as well as a response to Criteria A through G under Section 401.05 of the City's Zoning Ordinance is further outlined below for the Board's consideration.

### **Wetland Impact Description**

The proposed project has been carefully designed to avoid and minimize wetland impacts. The proposed development footprint utilizes only ten percent of the total project parcel acreage (13.5 acres out of a total of 133.5 acres) and has been sited within areas of the site previously disturbed by the former Densmore Brickyard. Additionally, the development has been situated within the eastern half of the project parcels closest to existing adjacent residential development, Hanover Street, Interstate 89 and the Lebanon High School while entirely avoiding impacts to Densmore Pond and wetlands directly bordering the pond. Additionally, no permanent impacts are proposed to Wetland W-1, a large multiclass wetland located at the southern end of the Project site.

Temporary (205 square feet) and permanent impacts (405 total square feet) are proposed to narrow bordering wetland areas (Wetlands W-2 & W-3) present at two proposed stream crossings associated with the development's driveway access. These stream crossings were designed at the narrowest portions of Wetlands W-2 and W-3 in order to preserve the wider more intact portions of these wetlands directly bordering Densmore Pond. These crossings have been designed in accordance with the NHDES Stream Crossing Rules and will result in positive hydraulic benefits through the Project site by decreasing water surface elevations by up to 2.3 feet for the 100-year 24-hour design

**Engineers | Scientists | Planners | Designers**

2 Bedford Farms Drive, Suite 200, Bedford, NH 03110

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[www.vhb.com](http://www.vhb.com)



storm, providing a span of 1.3 times the bankfull width, and constructing 2-foot benches on either side of the channel for wildlife crossings at both locations. The net benefits of enhanced hydrological connectivity coupled with the preservation of wildlife movement between on-site wetlands, the unnamed perennial stream, and adjacent uplands are seen as outweighing the minor amount of wetland impacts proposed at these locations.

Minor temporary impact (48 SF) is proposed to the easternmost swale portion of Wetland W-1 in order to remove an abandoned and debilitated five foot (60-inch) diameter culvert that partially conveys drainage from Wetland W-1 to the unnamed perennial stream located to the north. Removal of the culvert will provide improved hydrological connectivity between the wetland and the stream through creation and restoration of a naturally vegetated wetland swale in replacement of the old non-functioning culvert.

Finally, minimal edge impact is proposed along the eastern side of Wetland W-4 in order to install a pedestrian sidewalk along Hanover Street. Wetland W-4 is small, isolated and exhibits characteristics typical of a roadside wetland including partial ditching and invasive species. Installation of the proposed sidewalk and resultant impact is also being driven by City of Lebanon's requirement at this location. By implementing a 1:1 slope with 2-foot shoulder in this area, the project design was able to further minimize impacts to Wetland W-4 to the maximum extent possible (from 615 square feet to 426 square feet).

In total, the project proposes 831 square feet of permanent wetland impact, and 253 square feet of temporary wetland impact for a grand total of 1,084 square feet.

#### **Section 401.05 (A-G)**

Demonstration that the Project adheres to the Conditions under Section 401.05 A through G, in lieu of the findings required under Section 801.3, are outlined below:

***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***

The project parcels total approximately 133.5 acres and are characterized by undeveloped forested slopes ascending to Quarry Hill in the west, overgrown gravel pathways and vegetated areas mixed with several small abandoned structures in the south, residential property containing a house and associated outbuildings in the north, and Hanover Street and abutting residential properties in the east. In the eastern central portion of the site lies Densmore Pond, an unnamed perennial stream, and associated wetlands. When siting the development footprint, numerous factors were considered in its final location including site topography, the preservation of undeveloped undisturbed areas, minimization and avoidance of on-site natural resources (pond, stream, and wetlands), and utilization of previously disturbed areas associated with the former Densmore Brick Company operations.

The final and proposed footprint of development was selected as it confines disturbance to approximately 10% of the total site acreage (13.5 acres) and favors previously disturbed areas closest to existing adjacent residential development, Hanover Street, Interstate 89, and the Lebanon High School. It also entirely avoids impacts to Densmore Pond, a central feature of the Project site and wetlands directly bordering the pond. Vehicular access to the site was also designed to be situated to the north and south of the pond and at the narrowest portions of on-site wetlands to avoid and minimize impacts. Lastly, the selected development



footprint provides an opportunity to incorporate 12 acres of dedicated open space with public access as part of this Project. This open space is divided into two areas at the southern and northern end of the Project site and will also function equally to preserve wildlife crossings ensuring continued connectivity between existing corridors that are mapped through these areas of the Project site.

Design alternatives consist of siting the development footprint on other portions of the project parcels further west and/or south. This would have resulted in greater tree clearing, more significant site grading due to site topography, and impacts to undisturbed, undeveloped and more natural areas associated with Quarry Hill. Shifting site development to the south would also have led to greater impacts to Wetland W-1, a large multi-class wetland located on-site. Finally, these alternatives would have also impacted the Project's ability to accommodate an Open Space Plan and maintain/preserve wildlife crossings.

***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***

Construction of the proposed vehicular driveway necessary to provide access to the residential development would not be possible without the granting of a special exception as permitted under Section 401.05. The proposed driveway layout was constrained due to the presence of Densmore Pond and associated wetlands within the central portion of the project lots, the presence of a large wetland complex (Wetland W-1) at the southern end of the project lots, the presence of forested wetland at the northern end of the project lots, abutting parcels located along Hanover Street in front of the proposed development, and steep slopes located within western portions of the project lots.

***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, 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***

The proposed project is consistent with the purpose and intent of Section 401.1 (A), (B), and (C) of the City's Zoning ordinance with respect to the preservation of wetland functions and values including water quality functions such as floodflow storage, sediment/toxicant retention, nutrient removal/transformation and groundwater recharge/discharge.

Minimization and avoidance measures were carefully considered during the project planning and design phase while still complying with all required local and state development setbacks and professional engineering standards. Wetland impacts have been confined to the narrowest portions of Wetlands W-2 and W-3 required to install two new stream crossings, a narrow swale portion of Wetland W-1 to allow for culvert removal and wetland restoration, and edge impacts along an isolated roadside wetland resulting from installation of a pedestrian sidewalk; a requirement being driven by the City of Lebanon. Impacts to Densmore



Pond, wider more intact areas of Wetland W-2 and W-3 directly bordering Densmore Pond, and the majority of the large wetland complex (Wetland W-1) at the southern end of the Project site have been avoided.

Although minimal temporary and permanent impacts are proposed to the narrowest segments of on-site wetlands where two new stream crossings are proposed, the project is considered a net positive as it will result in an improvement in existing hydraulic capacity and the ability of the watercourse to accommodate the 100-year 24-hour design storm event for FEMA and NHDES requirements. Finally, the project incorporates the removal of three abandoned and debilitated culverts and resultant stream and wetland restoration which will improve natural channel flow, wetland drainage patterns, and overall hydrological connectivity between wetland and stream resources across the Project site. The two new stream crossings coupled with the restoration work and the project's stormwater management plan will contribute positively to water quality.

Prior to the start of project construction, the selected contractor shall be responsible for the installation of wildlife friendly erosion and sediment perimeter controls in accordance with permitting plans and details, NHDES conditions, and the New Hampshire Stormwater Manual (February 2025). Additional temporary erosion control BMPs will be implemented as needed throughout the duration of construction in order to prevent off-site tracking and waterborne loss of earth sediment and debris which poses a risk to adjacent wetlands and streams. Upon the completion of the proposed work, all disturbed and graded areas located upslope of the erosion control measures will be permanently stabilized with appropriate cover dependent upon the location.

***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***

Not applicable – the project does not involve construction of pipelines, powerlines and other transmission lines.

***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 will clean up and replace the defunct and abandoned former Densmore Brickyard property comprised of old scattered materials, abandoned structures and buildings interspersed with overgrown gravel pathways and densely vegetated areas with a new multi-family planned unit residential development comprised of parking, stormwater management, utilities, landscaping, pedestrian/vehicular access and preserved open space. Although the project is a private development, proposed improvement of the property will result in positive impacts to public health, safety and welfare by eliminating safety concerns associated with the current property and providing additional housing which is critically needed in the Upper Valley area.

The project proposes negligible wetland impacts distributed over several wetland resource areas and will not result in significant permanent alteration to any one wetland area that could impact groundwater or prevent the impacted wetlands from effectively providing their associated function and values following project completion. Finally, the Project has proactively incorporated wetland and stream restoration



components into the site design through the removal of old debilitated culverts which present current hydrologic obstructions and degradation of wetland and stream habitat. Through their removal, stream and wetland habitat will be restored in these areas and hydrologic connectivity between resources on-site will be enhanced. Site specific stormwater management will also provide for treatment and infiltration of stormwater through practices accepted by both the City of Lebanon and the NHDES AoT Bureau which does not exist on-site today.

***F. The project is capable of complying with all State and Federal wetlands and wetlands permitting requirements. Note: Applications for required Federal and State wetland permits need not have been applied for, but a zoning permit shall not be issued until all such permits have been granted.***

In compliance with NH RSA 482-A and Section 404 of the Clean Water Act, an application to the NHDES Wetlands Bureau and US Army Corps of Engineers has been submitted to address the Project's proposed wetland impacts at the state and federal level, respectively. The application is currently under review by these agencies.

***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.***

As previously outlined under Criterion C, prior to the start of construction, the selected contractor shall be responsible for the installation of wildlife friendly erosion and sediment perimeter controls in accordance with permitting plans and details, NHDES approved permit conditions, and the New Hampshire Stormwater Manual (February 2025). Additional temporary erosion control BMPs will be implemented as needed throughout the duration of construction in order to prevent off-site tracking and waterborne loss of earth sediment and debris. The specific measures proposed as part of the Project are depicted on the Erosion and Sediment Control Plans (Sheets C4.1, C4.2, C5.0, C5.1, C5.2, C5.3) included in the Project Permitting Plans submitted with the NHDES Wetlands Permit Application (enclosed).

All equipment and material laydown/temporary staging areas required during construction will be confined to uplands well outside the jurisdictional limits of existing delineated natural resources on-site. Designated stockpiling/storage locations will be established at the commencement of construction and will be contained using appropriate wildlife friendly perimeter controls. Soils to be stockpiled or other areas to remain exposed for a period of more than 30 days shall be temporarily seeded and mulched. Additionally, perimeter controls (silt fence) shall be installed surrounding soil stockpiles. Fugitive dust generated from on-site soil disturbance will be controlled through the use of water. The location and design of temporary sediment basins to control stormwater runoff and dewatering practices during the construction period shall meet NHDES requirements and be approved by the Project Engineer prior to installation.

All ditches, swales and drainage basins shall be stabilized prior to directing runoff to them. All roadways and parking lots shall be stabilized within 72 hours of achieving finished grade. All cut and fill slopes shall be loamed and seeded within 72 hours of achieving finished grade. Erosion control blankets shall be installed on all slopes that are greater than 3 feet horizontal and 1 foot vertical (3:1).



Erosion controls will be inspected daily by the contractor, and weekly and after 0.25" of rainfall by a qualified monitor to ensure that the controls are maintained and are properly functioning throughout the duration of construction.

Upon the completion of the proposed work, all disturbed and graded areas located upslope of the erosion control measures will be permanently stabilized by one or more of the following measures:

- Access: Driveways and access roads will be stabilized with bituminous concrete pavement or the applicable surface cover.
- Landscaped Areas: All disturbed areas, not permanently stabilized by pavement or buildings, will be covered with bark mulch, stone, sod or a minimum of six (6) inches of topsoil and seeded.
- Pipe Outlets: Scour protection (riprap) shall be constructed at the headwall outlet to prevent scouring.

Additionally, depending on the timing 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. After October 15<sup>th</sup>, incomplete parking areas where active construction has stopped for the winter shall be protected with a minimum 3-inch layer of base course gravels.

Upon completion of construction and establishment of permanent site stabilization, erosion control measures will be removed and installed drainage and sewer systems will be inspected to ensure that they are free of sediment and debris prior to site demobilization.

Sincerely,

Rich Whitehouse, Jr., ENV SP  
VHB Project Manager

Enclosure

cc: Brickyard One Nominee Trust c/o Richard Marchese  
Gil Aleixo Filho

**Attachments:**

City of Lebanon Zoning Board of Appeals Application Form – Wetlands Special Exception  
Certified Notification List  
Project Permitting Plans (Submitted as part of the NHDES Wetlands Permit Application)



May 9, 2025

Ref: 52933.00

Mr. Nathan Reichart  
Lebanon Planning and Development Director  
51 N. Park Street, 5<sup>th</sup> Floor  
Lebanon, NH 03766

Re: City of Lebanon's Request for Special Exception Application  
Proposed Brickyard Residential Development, Lebanon New Hampshire

Dear Mr. Reichart:

On behalf of Brickyard One Nominee Trust, VHB is responding to an email received on May 7, 2025, from Tim Corwin, Lebanon Deputy Planning and Development Director, regarding the NHDES Wetlands Permit Application submitted to the City of Lebanon on May 1, 2025, for the Brickyard Development Project located on Hanover Street. This letter specifically addresses the level of impacts proposed in the NHDES Wetlands Permit Application and the resultant request from Tim Corwin to submit a Special Exception Application to the Zoning Board of Adjustment. As stated in his email, the project has been submitted as a major impact permit which is not exempt from Section 401.5 of the Zoning Ordinance which states *"Except for projects proposed within the High and Very High Value wetlands portion of the Wetland Conservation District, projects that qualify for a Permit by Notification, Minimum Impact Expedited Permit or any other type of Minimum Impact Permit from the State of NH Dept. of Environmental Services Wetlands Bureau shall be exempt from the requirement to obtain a special exception."*

Section 401 – Wetlands Conservation District of the City of Lebanon's Zoning Ordinance has been established to preserve and protect wetlands which are defined under 401.2(A) as "all areas in the City that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions as set forth in RSA 482-A and 674:55." Based on the purposes as outlined under Section 401.1 of the City's Zoning Ordinance, it is understood that when referencing the "Minimum Impact Permit from the State of NH Dept. of Environmental Services Wetlands Bureau" exemption under Section 401.05, the intent is specific to wetland impacts jurisdictional under the Wetlands Conservation District. More specifically, relevance is applied to a project impacting less than 3,000 square feet of wetland impacts in accordance with NHDES Rule Env-Wt 407.03.

It is important to note that the proposed project and resultant impacts applicable under Section 401 of the City's Zoning Ordinance account for a grand total of 1,084 square feet, of which only 831 square feet is proposed as permanent impact. Sheets C2.0, C2.1 and C2.2 of the Wetland Impact Permitting Plans are enclosed for your reference which detail the location and area of proposed wetland impacts.

At the time of the Site Plan Application (PB2024-22-SFR) submittal for this project, it was determined that wetland impacts would fall below 3,000 square feet. Based solely on the proposed wetland impacts, the project would qualify



for a minimum impact permit application from the NHDES Wetlands Bureau as initially reported in the "Project Description and Impact Statement for Site Plan Review" letter from VHB. The NHDES permit type classification was only increased later to a major project type not as a result of the wetland impacts proposed, but due to the project's stream crossings. The exact nature and associated impacts of these crossings had not yet been determined at the time the document was prepared as final engineering and design was still evolving as the site plan approval process advanced. In summary, the project's NHDES Wetland Permit Impact Classification (Major) is not driven by the total area (square footage) of the wetland impacts proposed, but rather the project's proposal for two new Tier 3 stream crossings to permit vehicular access to the proposed development. Streams are not protected under Section 401 – Wetlands Conservation District, but some protections are provided under Section 410 – Riverbank Protection District of the City's Zoning Ordinance. However, upon further review, the project stream is not protected under Section 410 as it is not included under Section 410.3 which defines the limits of Section 410 jurisdiction.

It should also be noted that in addition to limiting wetland impacts on-site to under 3,000 square feet, the Project has proactively incorporated wetland and stream restoration components into the site design through the removal of old debilitated culverts which present current hydrologic obstructions and degradation of wetland and stream habitat. Through their removal, stream and wetland habitat will be restored in these areas and hydrologic connectivity between resources on-site will be enhanced. Site specific stormwater management will also provide for treatment and infiltration of stormwater through practices accepted by both the City of Lebanon and the NHDES AoT Bureau which does not exist on-site today.

This project's total wetland impact falls well below 3,000 square feet which meets the intent of Section 401.05 with respect to an exemption. *Therefore, the Project Applicant is respectfully requesting that the City re-examine the project with respect to wetland impacts jurisdictional under Section 401 – Wetland Conservation District and find that the Project meets the exemption based on the level of wetland impacts proposed rather than dismissing the Project based solely on the NHDES permit type which is not relevant in this case to the spirit of the rule.*

Finally, it should be noted that project relief may also be provided under Special Provisions 401.06(D)(4): Driveways/Roadways/Access Ways/Parking Areas, Culvert Replacements, Minor Crossings, which states "minor crossings of the Wetland Conservation District, including other temporary or permanent crossings that do not significantly alter wetlands or their vegetated buffers, shall be allowed by simple notification to the Zoning Administrator." The project's proposed wetland impacts are associated with two minor driveway crossings amounting to a total of 205 square feet of temporary wetland impact, and 405 square feet of permanent wetland impact, and a City required sidewalk (pedestrian access way) along Hanover Street amounting to 426 square feet of permanent wetland impact. An additional 48 square feet of temporary impact is proposed in order to complete wetland restoration on-site associated with a culvert removal. Based on the scope of work (crossings/access ways) and the minimal nature of the associated impacts, the project does not propose significant alteration of wetlands and therefore should also be considered under this Special Provision.

Sincerely,

Rich Whitehouse, Jr., ENV SP  
Project Manager

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

SPECIAL EXCEPTION	<input type="checkbox"/>	<input type="checkbox"/> BUILDING CODE BOARD OF APPEALS
WETLANDS SPECIAL EXCEPTION	<input checked="" type="checkbox"/>	<input type="checkbox"/> APPEAL OF AN ADMIN DECISION
VARIANCE	<input type="checkbox"/>	<input type="checkbox"/> REHEARING REQUEST
EQUITABLE WAIVER	<input type="checkbox"/>	<input type="checkbox"/>

**PROPERTY OWNER (APPLICANT):**

NAME: Brickyard One Nominee Trust c/o Richard Marchese TEL.#: [REDACTED]

MAILING ADDRESS: P.O. Box 720, Middleton MA 01949

E-MAIL ADDRESS: [REDACTED]

**CO-APPLICANT, AGENT, OR LESSEE:**

NAME: David Fenstermacher, VHB TEL.#: [REDACTED]

MAILING ADDRESS: 2 Bedford Farms Drive, Suite 200

E-MAIL ADDRESS: [REDACTED]

**PROJECT LOCATION:**

TAX MAP #: Map 48; Map 63 LOT#: Lots 1,2, 4; Lot 1 PLOT #: N/A ZONE: R1, RO1,R3

STREET ADDRESS: 174 Hanover Street Extension & 238 Hanover Street

IS THIS PROPERTY LOCATED IN THE: **WETLANDS**  YES  NO **HISTORIC DISTRICT**  YES  NO  
**FLOOD PLAIN**  YES  NO

**REQUEST DESCRIPTION:**

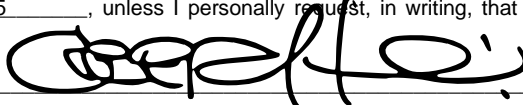
Under Section 401.5 (Wetland Conservation District) of the City of Lebanon's Zoning Ordinance, the Project Applicant is seeking a Special Exception to impact wetlands to construct a vehicular access driveway and pedestrian sidewalk associated with the Brickyard Development Project. Additionally, a minor amount of wetland impact is proposed in order to remove an old abandoned culvert and restore wetland.

**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: Former brick manufacturing facility

**SIGNATURE BLOCK:**

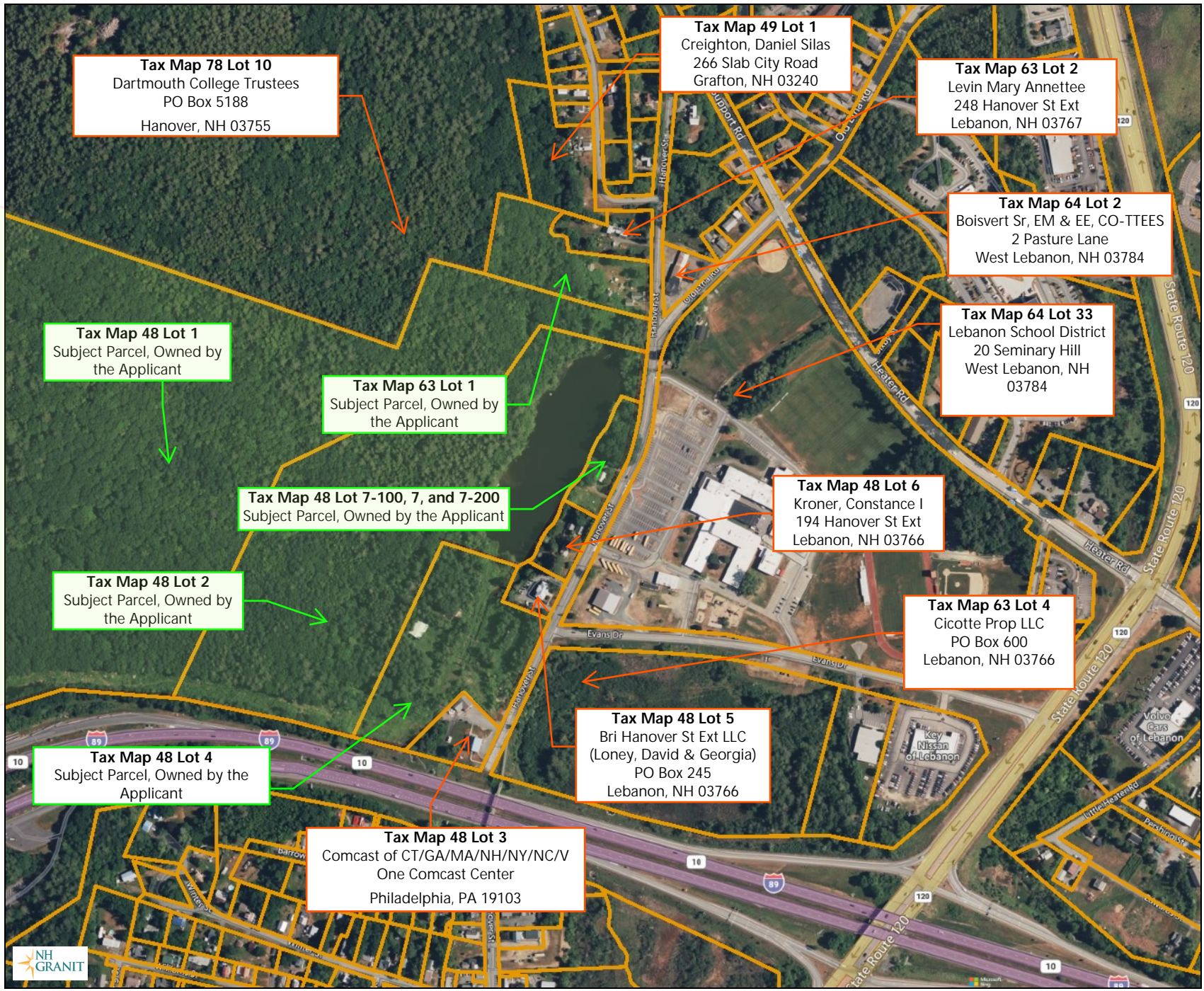
I, the undersigned, hereby submit this application on the date noted below with the knowledge and understanding that the Planning Board shall determine if the submitted application is complete according to its regulations at its next regularly scheduled meeting on JUNE 2, 2025, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

Owner Signature:  DATE: May 12, 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: \_\_\_\_\_

# Brickyard Development Abutting Properties - Lebanon, NH



- ### Legend
- Parcels
  - State
  - County
  - City/Town
  - Parcel Owned by Applicant

Map Scale  
1: 5,926

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Map Generated: 11/21/2024

Notes



# Site Plans

Issued for	Permitting
Date Issued	March 28, 2025
Latest Issue	March 28, 2025

## The Brickyard Residential Development

174 Hanover Street Extension  
Lebanon, New Hampshire



2 Bedford Farms Drive  
Suite 200  
Bedford, NH 03110  
603.391.3900

**Civil Engineer (VHB)**  
David Fenstermacher, P.E.  
2 Bedford Farms Drive  
Suite 200  
Bedford, NH 03110  
603.391.3900

**Landscape Architect (VHB)**  
Erik Bednarek, RLA  
101 Walnut Street  
PO Box 9151  
Watertown, MA 02471  
617.924.1770

**Surveyor (VHB)**  
Mike Hammer, L.L.S.  
2 Bedford Farms Drive  
Suite 200  
Bedford, NH 03110  
603.391.3900

**Architect**  
Studio Integrate  
73 Commercial Street,  
London E1, England  
0203.722.7358

**Wetland Scientist (Goddard)**  
Scott G. Goddard  
291 Main Street  
Suite 8  
Northborough, MA 01532

### Sheet Index

No.	Drawing Title	Latest Issue
C1.0	Legend and Notes	March 28, 2025
C2.0	Wetland Impact Plan	March 28, 2025
C2.1	Wetland Impact Plan 1	March 28, 2025
C2.2	Wetland Impact Plan 2	March 28, 2025
C3.1	Stream Crossing Plan and Profile 1	March 28, 2025
C3.2	Stream Crossing Plan and Profile 2	March 28, 2025
C4.1	Erosion and Sediment Control Plan 1	March 28, 2025
C4.2	Erosion and Sediment Control Plan 2	March 28, 2025

### Reference Drawings

No.	Drawing Title	Latest Issue
Sv-1	Boundary Plan of Land	December 10, 2024
Sv-2	Existing Conditions Plan of Land	December 10, 2024
Sv-3	Existing Conditions Plan of Land	December 10, 2024
C1.2	Open Space Plan	December 11, 2024
C5.0	Overall Erosion Control Plan	December 11, 2024
C5.1	Erosion Control Plan 1	December 11, 2024
C5.2	Erosion Control Plan 2	December 11, 2024
C5.3	Erosion Control Plan 3	February 6, 2024

### Applicant/Owner

Brickyard One Nominee Trust  
Richard M. Marchese, Trustee  
P.O. Box 720, Middleton, MA 01949

### Assessor's Map/Lot:

Map 48 Lots 01, 02, & 04  
Map 63 Lot 01

Legend

Legend table with columns: Exist., Prop., and descriptions for various site features like PROPERTY LINE, CONCRETE, UNDERDRAIN, etc.

Abbreviations

Abbreviations table with columns: General, Utility, and descriptions for terms like ABAN (ABANDON), ACR (ACCESSIBLE CURB RAMP), etc.

Notes

- Notes 1-18 detailing project requirements, utility information, and general construction standards.

- Notes 17-18 detailing drainage and sanitary structure requirements, layout and materials, demolition, and existing conditions information.



The Brickyard Residential Development

174 Hanover Street Extension Lebanon, New Hampshire 03766

Revision table with columns: No., Revision, Date, Apprd.

Approval table with columns: Designed by (DJB), Checked by (AHF), Issued for, Date.

Permitting March 28, 2025

Not Approved for Construction Legend and General Notes

Project information including Drawing Number C1.0, Sheet 1 of 8, and Project Number 52933.00.

**Wetland Classification Codes:**

PSS1E - Palustrine Scrub-Shrub, Broad-Leaved Deciduous, Seasonally Flooded/Saturated

PSS1E / PFO1/4E - Palustrine, Scrub-Shrub, Broad-Leaved Deciduous, Seasonally Flooded/Saturated / Palustrine, Forested, Broad-Leaved/Needle-Leaved Evergreen, Seasonally Flooded/Saturated

PEM1B/PSS1B - Palustrine, Emergent, Persistent, Saturated / Palustrine, Scrub-Shrub, Broad-Leaved Deciduous, Saturated

PFO1/4C - Palustrine, Forested, Broad-Leaved Deciduous / Needle-Leaved Evergreen, Seasonally Saturated

R3UB1x - Riverine, Upper Perennial, Unconsolidated Bottom, Cobble-Gravel, Excavated

PUB3H - Palustrine, Unconsolidated Bottom, Mud, Permanently Flooded

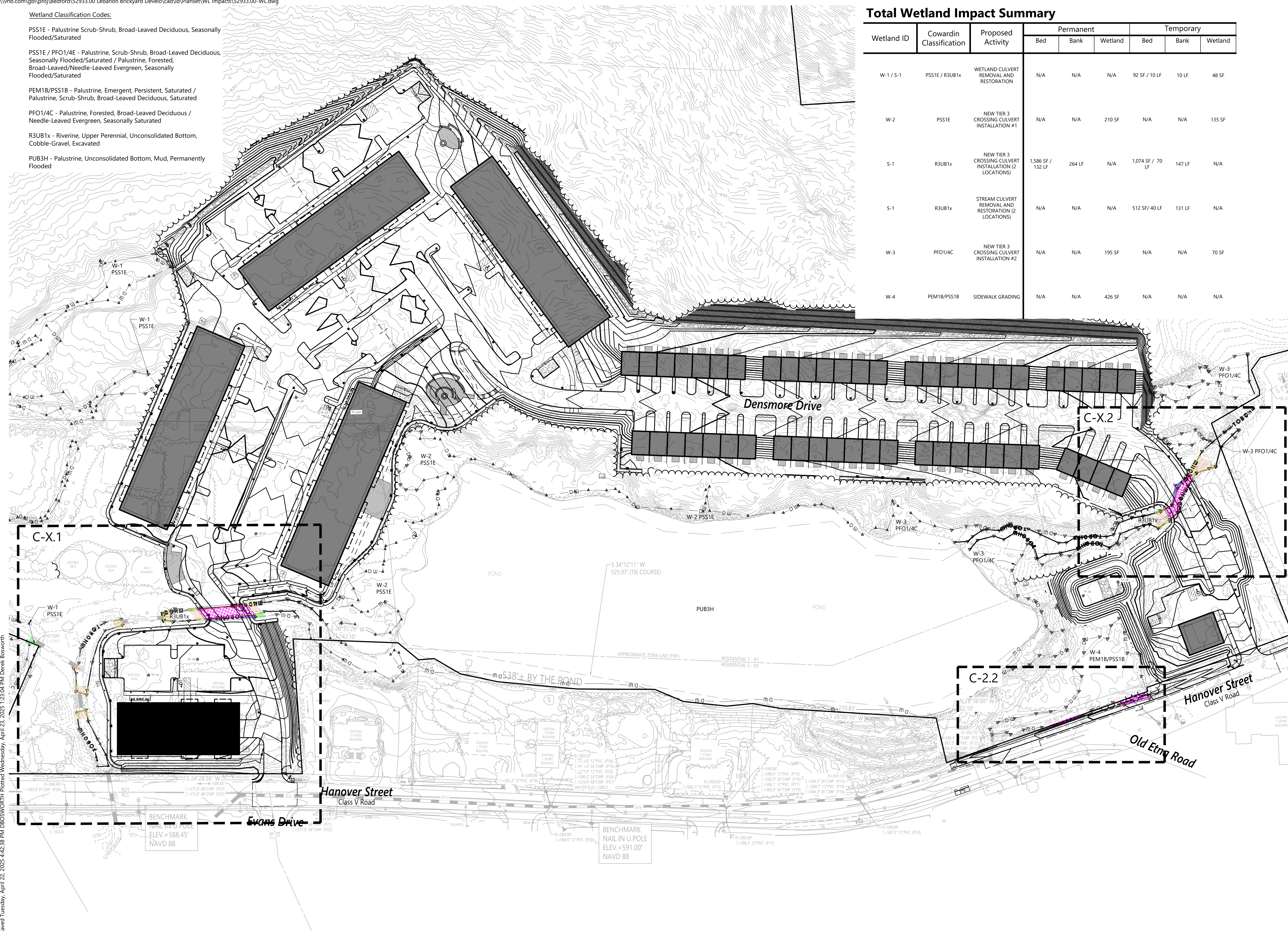

**Total Wetland Impact Summary**

Wetland ID	Cowardin Classification	Proposed Activity	Permanent			Temporary		
			Bed	Bank	Wetland	Bed	Bank	Wetland
W-1/S-1	PSS1E / R3UB1x	WETLAND CULVERT REMOVAL AND RESTORATION	N/A	N/A	N/A	92 SF / 10 LF	10 LF	48 SF
W-2	PSS1E	NEW TIER 3 CROSSING CULVERT INSTALLATION #1	N/A	N/A	210 SF	N/A	N/A	135 SF
S-1	R3UB1x	NEW TIER 3 CROSSING CULVERT INSTALLATION (2 LOCATIONS)	1,586 SF / 132 LF	264 LF	N/A	1,074 SF / 70 LF	147 LF	N/A
S-1	R3UB1x	STREAM CULVERT REMOVAL AND RESTORATION (2 LOCATIONS)	N/A	N/A	N/A	512 SF / 40 LF	131 LF	N/A
W-3	PFO1/4C	NEW TIER 3 CROSSING CULVERT INSTALLATION #2	N/A	N/A	195 SF	N/A	N/A	70 SF
W-4	PEM1B/PSS1B	SIDEWALK GRADING	N/A	N/A	426 SF	N/A	N/A	N/A

vhb.com



2 Bedford Farms Drive  
Suite 200  
Bedford, NH 03110  
603.391.3900

**The Brickyard Residential Development**

174 Hanover Street Extension  
Lebanon, New Hampshire 03766

No.	Revision	Date	Appr.

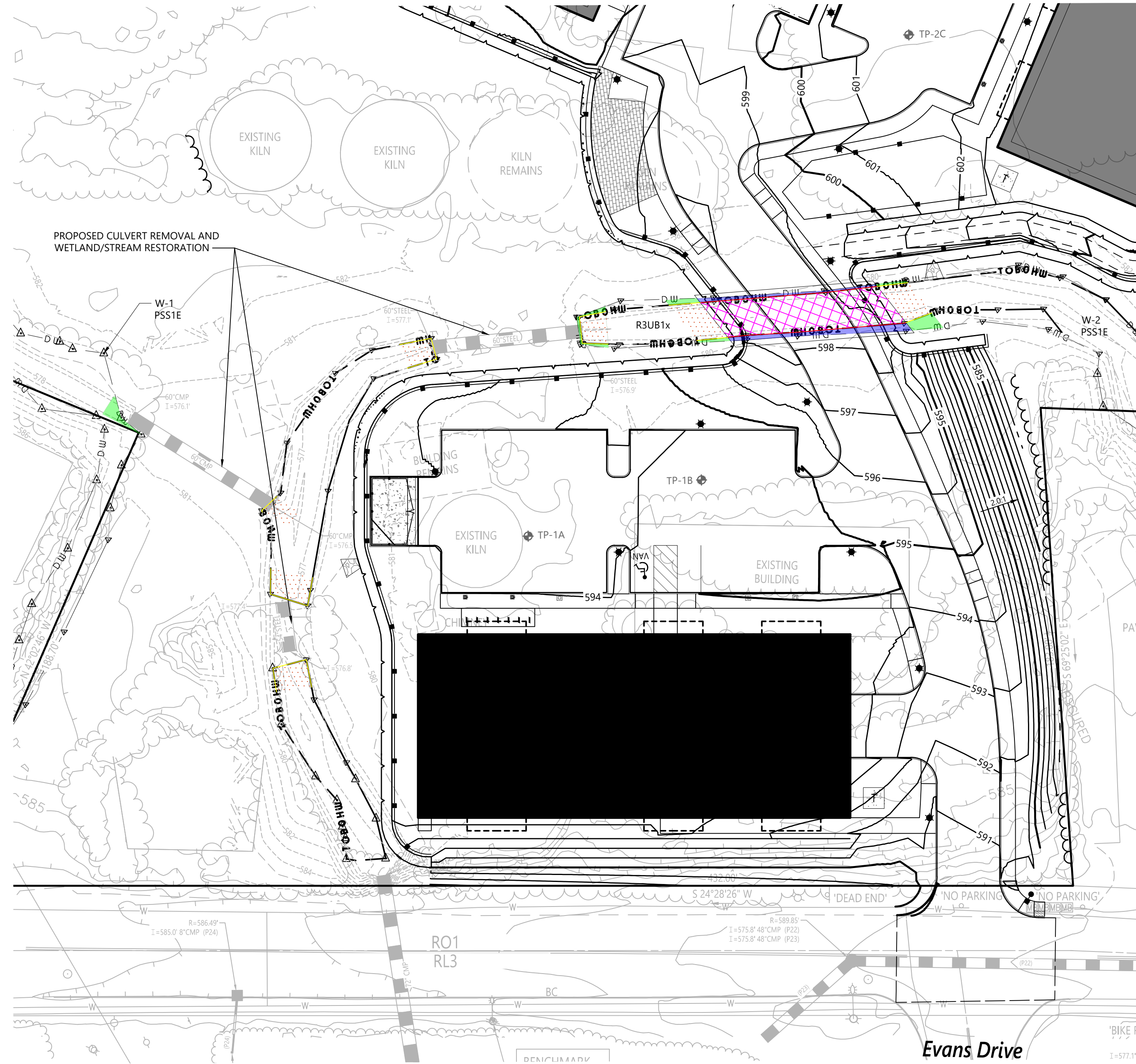
Designed by DJB      Checked by AHF  
Issued for Permitting      Date March 28, 2025

Not Approved for Construction  
Drawing Title: **Overall Wetland Impact Plan**  
Drawing Number: C2.0

Saved Tuesday, April 22, 2025 4:42:38 PM D:\BOSWORTH Plotted Wednesday, April 23, 2025 12:04 PM Derek Bosworth



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Bedford, NH 03110  
603.391.3900



**Legend**

- DELINEATED WETLAND
- DELINEATED TOP OF BANK & ORDINARY HIGH WATER
- PERMANENT BANK IMPACT
- TEMPORARY BANK IMPACT
- PERMANENT BED IMPACT
- PERMANENT WETLAND IMPACT
- TEMPORARY BED IMPACT
- TEMPORARY WETLAND IMPACT

**Wetland Impact Summary**

Wetland ID	Cowardin Classification	Proposed Activity	Permanent			Temporary		
			Bed	Bank	Wetland	Bed	Bank	Wetland
W-1 / S-1	PSS1E / R3UB1x	WETLAND CULVERT REMOVAL AND RESTORATION	N/A	N/A	N/A	92 SF / 10 LF	10 LF	48 SF
W-2	PSS1E	NEW TIER 3 CROSSING CULVERT INSTALLATION #1	N/A	N/A	210 SF	N/A	N/A	135 SF
S-1	R3UB1x	NEW TIER 3 CROSSING CULVERT INSTALLATION #1	974 SF / 68 LF	136 LF	N/A	334 SF / 20 LF	47 LF	N/A
S-1	R3UB1x	CULVERT REMOVAL AND RESTORATION	N/A	N/A	N/A	512 SF / 40 LF	131 LF	N/A



**The Brickyard Residential Development**

174 Hanover Street Extension  
Lebanon, New Hampshire 03766

No.	Revision	Date	Appr'd

Designed by **DJB** Checked by **DHF**  
Issued for **Permitting** Date **March 28, 2025**

**Not Approved for Construction**  
Drawing Title  
**Wetland Impact Plan 1**  
Drawing Number

**C2.1**

Sheet **3** of **8**

Project Number  
**52933.00**

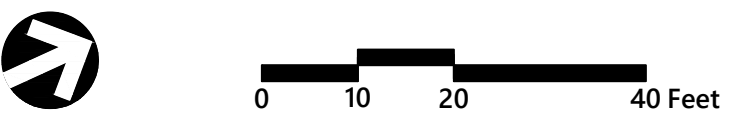


**Legend**

- DELINEATED WETLAND
- DELINEATED TOP OF BANK & ORDINARY HIGH WATER
- PERMANENT BANK IMPACT
- TEMPORARY BANK IMPACT
- PERMANENT BED IMPACT
- PERMANENT WETLAND IMPACT
- TEMPORARY BED IMPACT
- TEMPORARY WETLAND IMPACT

**Wetland Impact Summary**

Wetland ID	Cowardin Classification	Proposed Activity	Permanent			Temporary		
			Bed	Bank	Wetland	Bed	Bank	Wetland
W-3	PFO1/4C	NEW TIER 3 CROSSING CULVERT INSTALLATION #2	N/A	N/A	195 SF	N/A	N/A	70 SF
S-1	R3UB1x	NEW TIER 3 CROSSING CULVERT INSTALLATION #2	612 SF / 64 LF	128 LF	N/A	740 SF / 50 LF	100 LF	N/A
W-4	PEM1B/PSS1B	SIDEWALK GRADING	N/A	N/A	426 SF	N/A	N/A	N/A



**The Brickyard Residential Development**

174 Hanover Street Extension  
Lebanon, New Hampshire 03766

No.	Revision	Date	Appr'd.

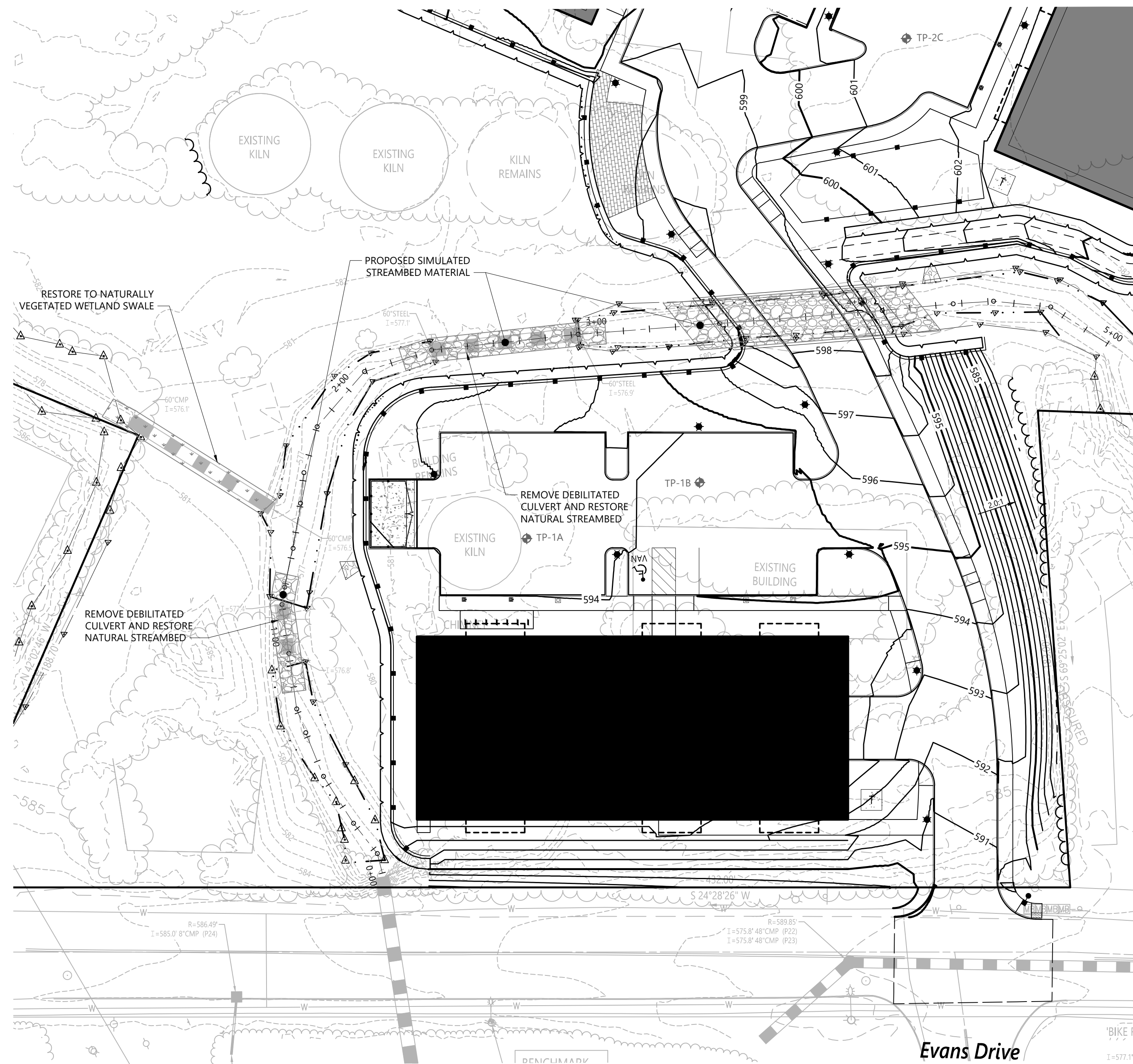
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Issued for **Permitting** Date **March 28, 2025**

Not Approved for Construction  
Drawing Title  
**Wetland Impact Plan 2**  
Drawing Number

**C2.2**

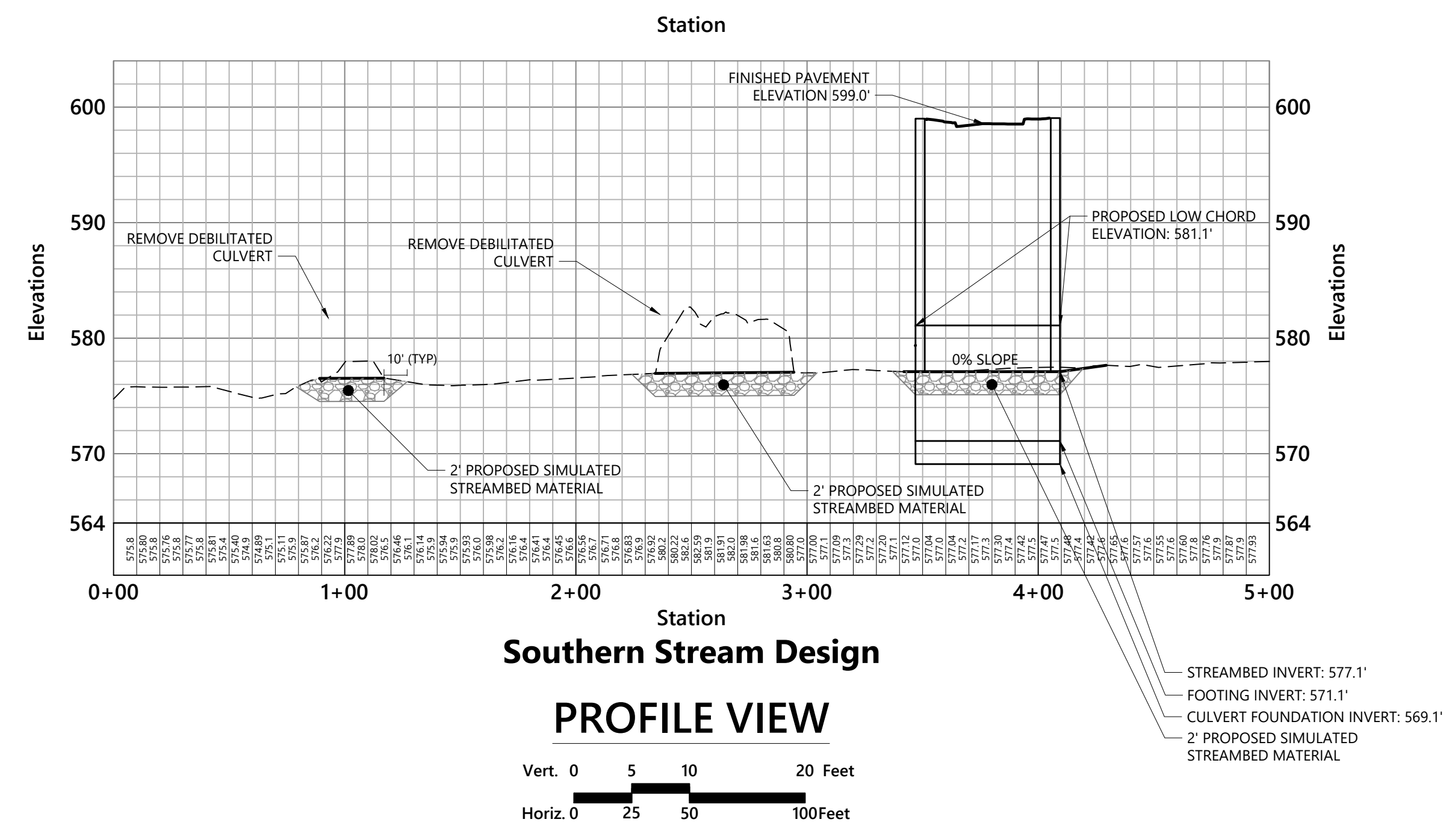
Sheet **4** of **8**

Project Number  
**52933.00**

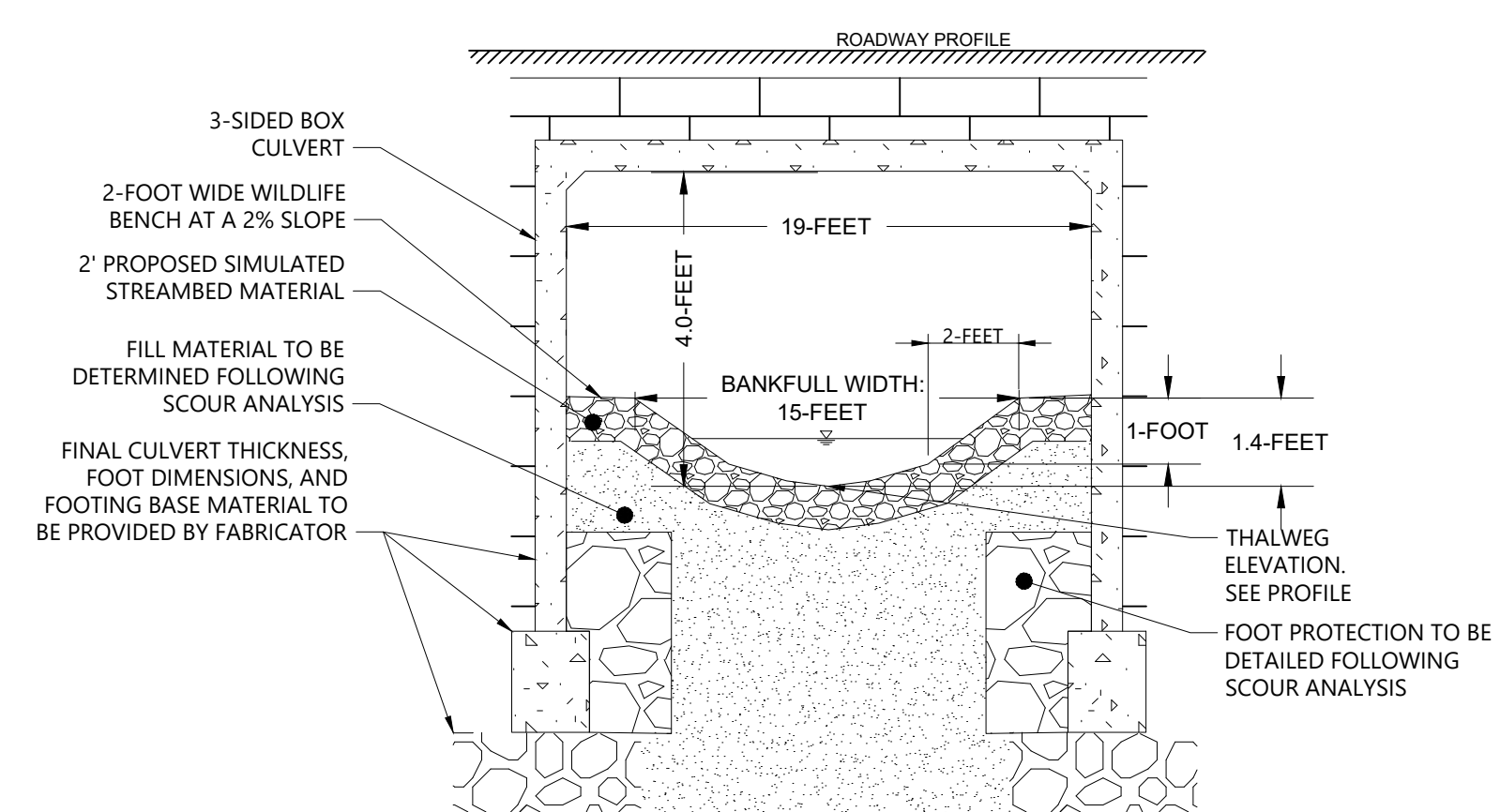


**PLAN VIEW**  
0 15 30 60 Feet

- WETLAND SWALE RESTORATION PLANTING PLAN:**
1. MAINTAIN EXISTING GRADES THROUGH RESTORED WETLAND SWALE. APPLY NEW ENGLAND WETLAND PLANTS, INC. NEW ENGLAND WETMIX (OR APPROVED SIMILAR) IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS. ENSURE 75% GROUND COVER AFTER TWO FULL GROWING SEASONS.
  2. PLANT 18"-24" SPECKLED ALDER (*ALNUS INCANA*), 18"-24" SILK DOGWOOD (*CORNUS AMOMUM*), AND 18"-24" BEBB'S WILLOW (*SALIX BEBBIANA*) THROUGH SWALE IN ACCORDANCE WITH NURSERIES SPACING REQUIREMENTS TO PROVIDE ADEQUATE WOODY SHRUB LAYER COUPLED WITH APPROVED SEED MIX.

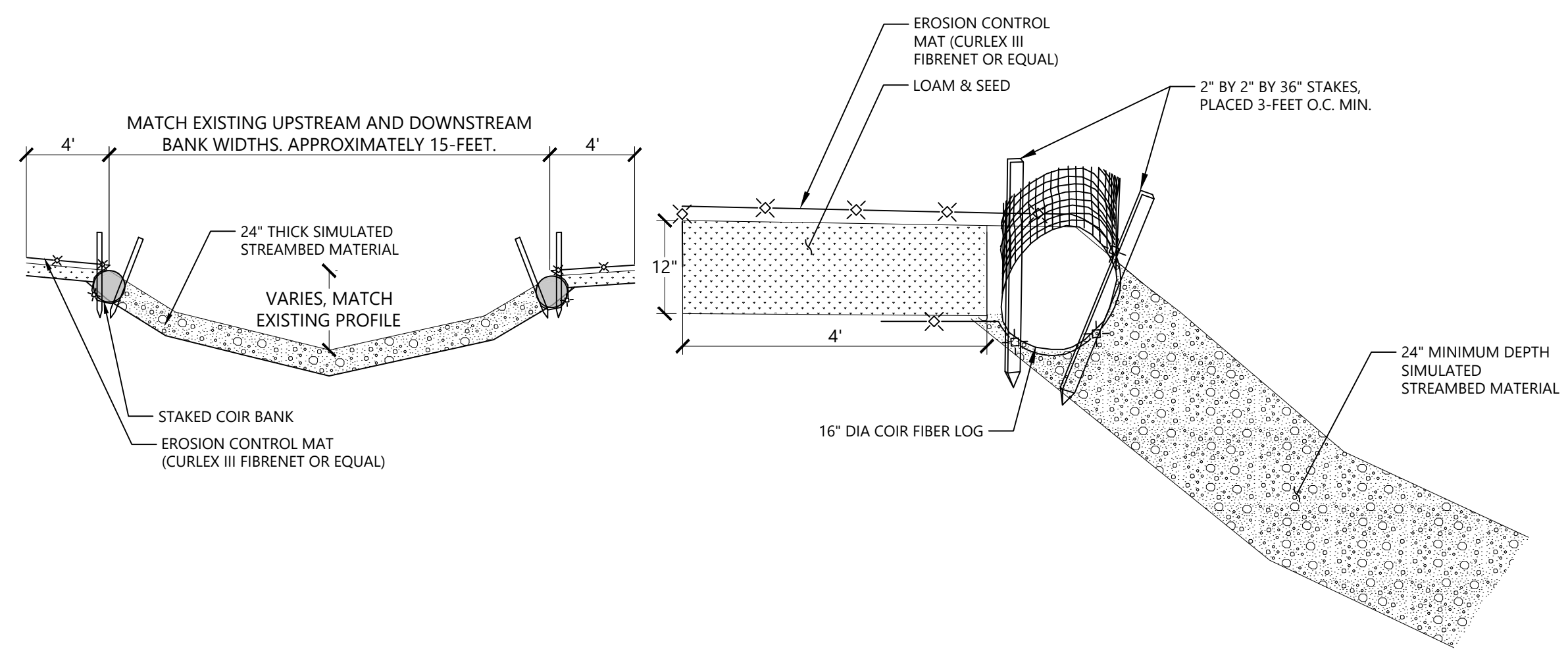


**Southern Stream Design**  
**PROFILE VIEW**  
Vert. 0 5 10 20 Feet  
Horiz. 0 25 50 100 Feet



**PROPOSED CROSSING ELEVATION VIEW**

- NOTES:**
1. THE PROPOSED SIMULATED STREAMBED MATERIAL WILL BE A STABLE MATERIAL CALCULATED DURING THE NEXT PHASE OF DESIGN.



**Natural Streambed Restoration** 08/23  
N.T.S. Source: VHB EV\_1105

**Coir Log Bank** 08/23  
N.T.S. Source: VHB EV\_1104

**The Brickyard Residential Development**  
174 Hanover Street Extension  
Lebanon, New Hampshire 03766

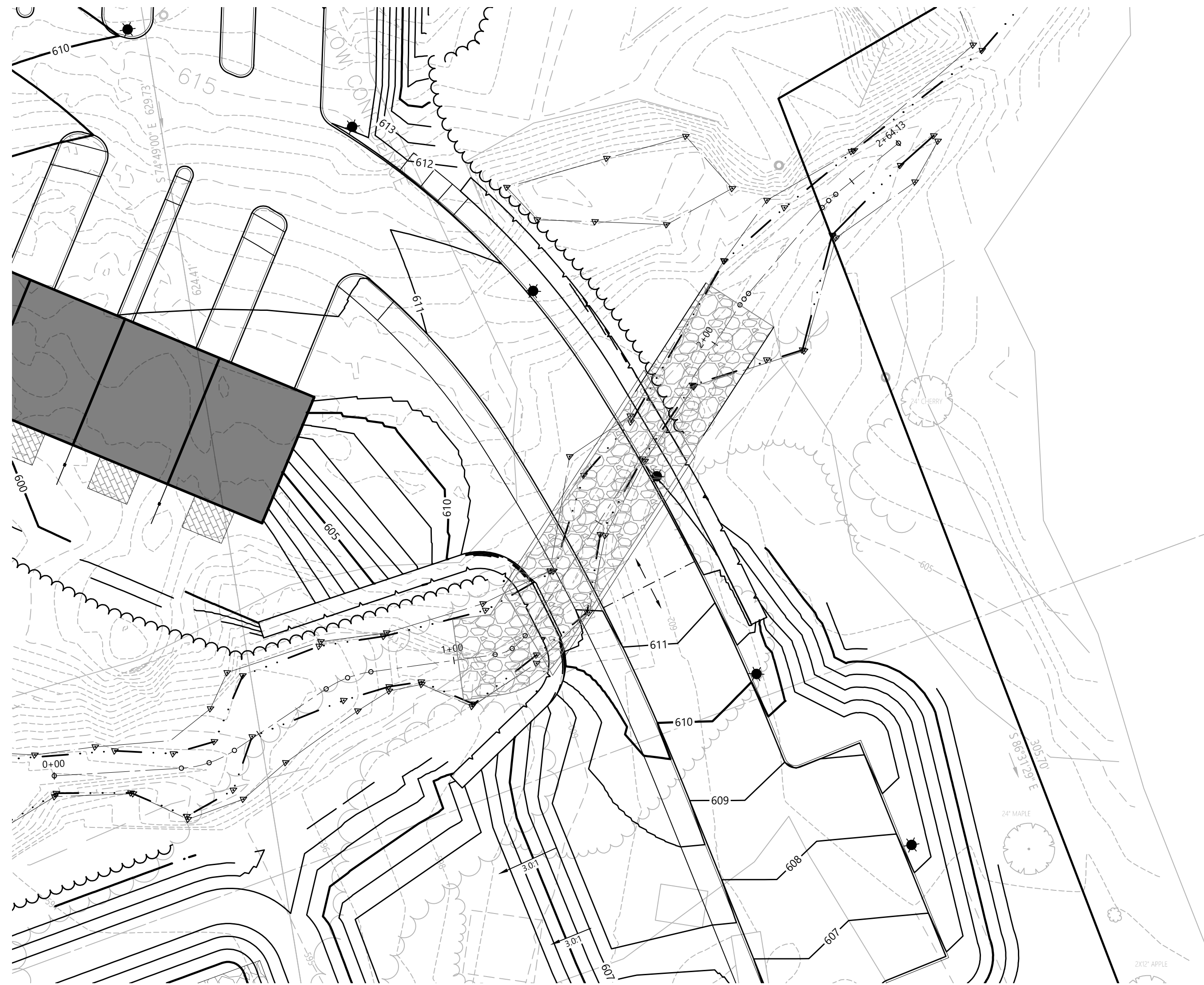
No.	Revision	Date	Apprd.

Designed by **DJB** Checked by **DHF**  
Issued for \_\_\_\_\_ Date \_\_\_\_\_  
**Permitting** March 28, 2025

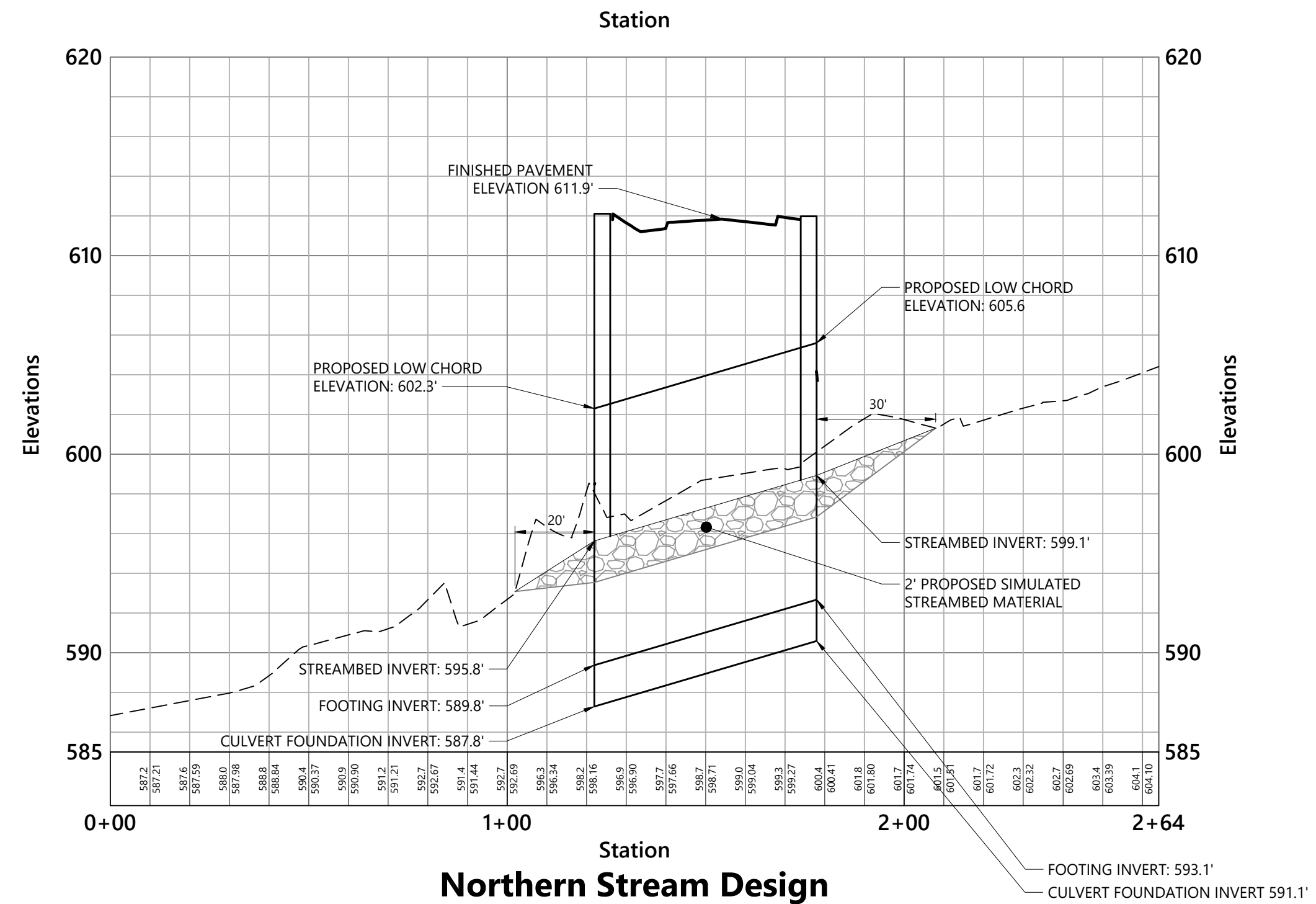
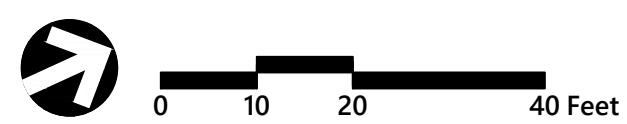
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Drawing Title: **Stream Crossing Plan and Profile 1**  
Drawing Number \_\_\_\_\_

STATE OF NEW HAMPSHIRE  
ANNIQUE HELEN FLEUROCK No. 16725  
LICENSED PROFESSIONAL ENGINEER

**C3.1**  
Sheet 5 of 8  
Project Number 52933.00

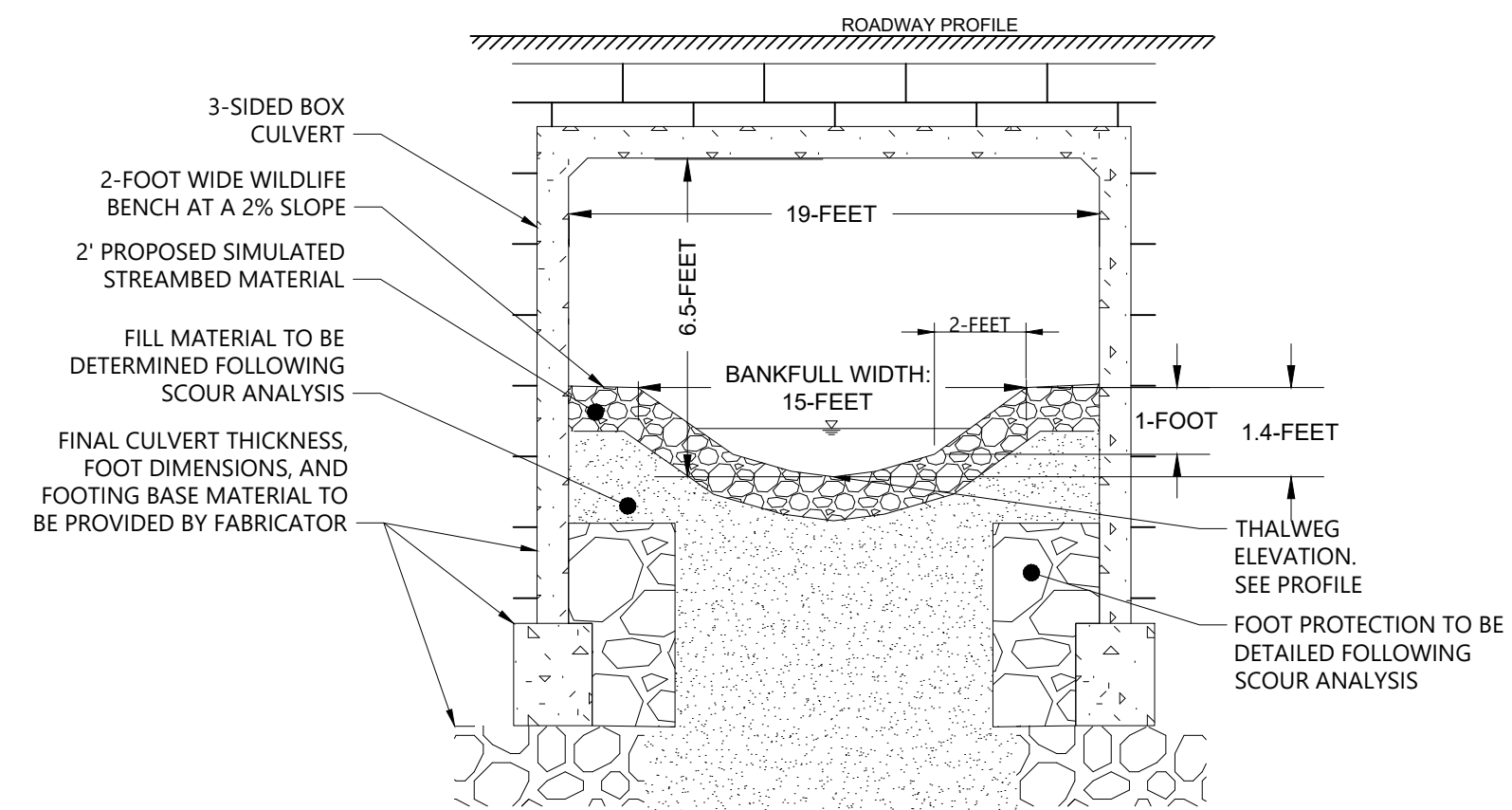
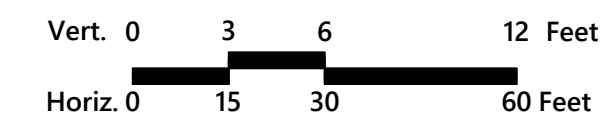


**PLAN VIEW**



**Northern Stream Design**

**PROFILE VIEW**



**PROPOSED CROSSING ELEVATION VIEW**

**NOTES:**  
1. THE PROPOSED SIMULATED STREAMBED MATERIAL WILL BE A STABLE MATERIAL CALCULATED DURING THE NEXT PHASE OF DESIGN.

**The Brickyard Residential Development**

174 Hanover Street Extension  
Lebanon, New Hampshire 03766

No.	Revision	Date	Apprd.

Designed by **DJB** Checked by **DHF**

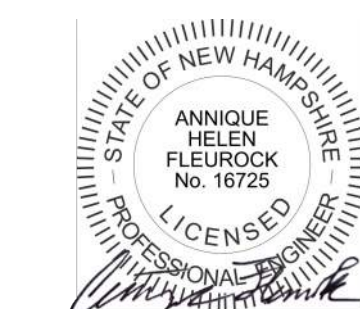
Issued for \_\_\_\_\_ Date \_\_\_\_\_

**Permitting** March 28, 2025

Not Approved for Construction

Stream Crossing  
Plan and Profile 2

Drawing Number



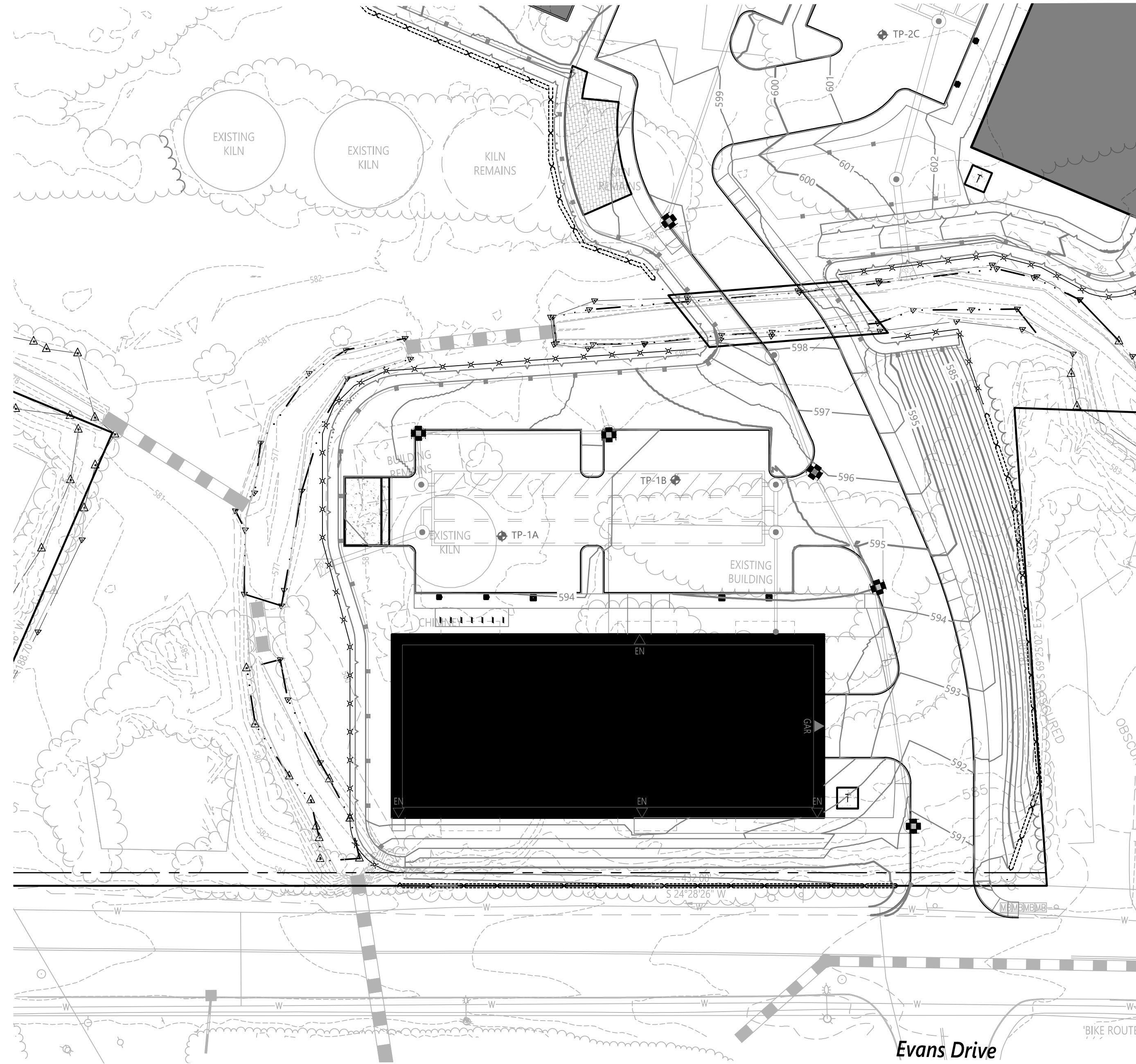
**C3.2**

Sheet **6** of **8**

Project Number  
**52933.00**



2 Bedford Farms Drive  
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603.391.3900



**COFFERDAM AND WATER DIVERSION NOTES**

1. THIS WATER DIVERSION PLAN IS PROVIDED FOR GENERAL INFORMATION ONLY. THE CONTRACTOR SHALL MODIFY AS NECESSARY TO ACHIEVE REQUIRED WATER HANDLING DURING CONSTRUCTION OF THE CULVERT. THE FINAL DIVERSION PLAN IS SUBJECT TO REVIEW AND APPROVAL BY THE ENGINEER.
2. THE FINAL WATER DIVERSION SHALL BE DESIGNED BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF NEW HAMPSHIRE. THE CONTRACTOR SHALL SUBMIT STAMPED WORKING DRAWINGS SHOWING WATER DIVERSION STRUCTURE LOCATION, COFFERDAMS, CONSTRUCTION METHOD AND SEQUENCE, AND DEWATERING METHOD, FOR REVIEW AND DOCUMENTATION.
3. WATER DIVERSION AND CONSTRUCTION ACTIVITIES IN CHANNEL SHALL BE SCHEDULED DURING A PERIOD OF LOW FLOW. IF THERE IS FLOWING WATER DURING CONSTRUCTION THE FLOW SHALL BE DIVERTED AROUND THE WORK SITE IN A STABLE MANNER USING METHODS APPROVED BY THE ENGINEER. SUCH METHODS WOULD LIKELY INCLUDE USE OF COFFERDAMS.
4. THE TWO-YEAR FLOW (Q2) IS ESTIMATED TO BE 25 CFS AT THIS LOCATION. TO ACCOMMODATE THIS MAXIMUM FLOW, THE COFFERDAMS SHALL BE SET AT ELEV. 580.0-FT.
5. CULVERT CROSSING TO BE INSTALLED IN TWO PHASES. COFFERDAMS TO BE INSTALLED AND REMOVED AT ONE SIDE OF THE STREAM AT A TIME AS THE WATER IS BEING DIVERTED TO THE OPPOSITE SIDE.



**The Brickyard  
Residential Development**

174 Hanover Street Extension  
Lebanon, New Hampshire 03766

No.	Revision	Date	Apprd.

Designed by DJB	Checked by DHF
Issued for	Date
<b>Permitting</b>	<b>March 28, 2025</b>

**Not Approved for Construction**

Drawing Title  
**Erosion and Sediment  
Control Plan 1**

Drawing Number

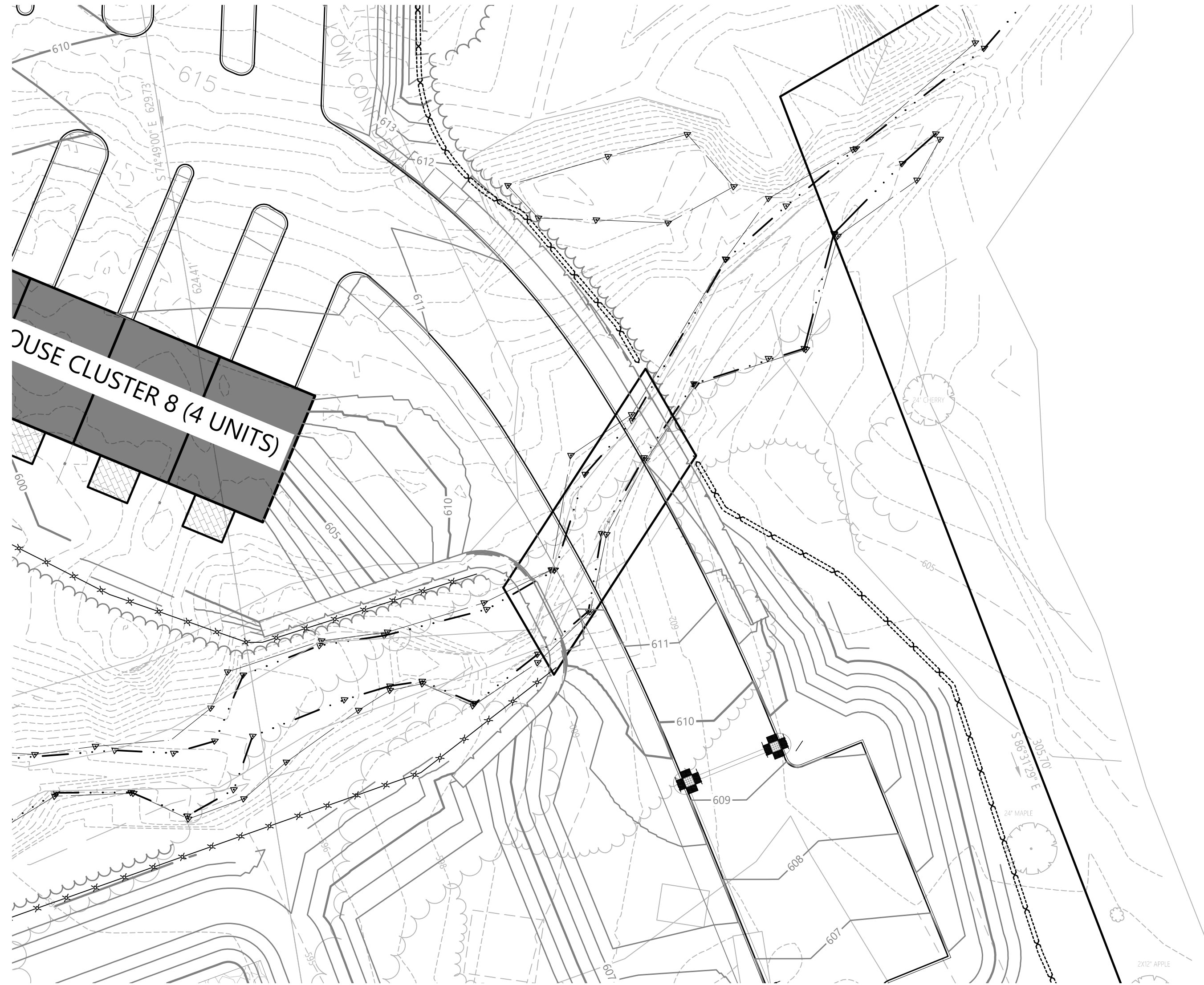
**C4.1**

Sheet **7** of **8**

Project Number  
**52933.00**

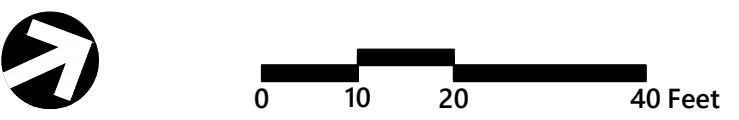


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603.391.3900



**COFFERDAM AND WATER DIVERSION NOTES**

1. THIS WATER DIVERSION PLAN IS PROVIDED FOR GENERAL INFORMATION ONLY. THE CONTRACTOR SHALL MODIFY AS NECESSARY TO ACHIEVE REQUIRED WATER HANDLING DURING CONSTRUCTION OF THE CULVERT. THE FINAL DIVERSION PLAN IS SUBJECT TO REVIEW AND APPROVAL BY THE ENGINEER.
2. THE FINAL WATER DIVERSION SHALL BE DESIGNED BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF NEW HAMPSHIRE. THE CONTRACTOR SHALL SUBMIT STAMPED WORKING DRAWINGS SHOWING WATER DIVERSION STRUCTURE LOCATION, COFFERDAMS, CONSTRUCTION METHOD AND SEQUENCE, AND DEWATERING METHOD, FOR REVIEW AND DOCUMENTATION.
3. WATER DIVERSION AND CONSTRUCTION ACTIVITIES IN CHANNEL SHALL BE SCHEDULED DURING A PERIOD OF LOW FLOW. IF THERE IS FLOWING WATER DURING CONSTRUCTION THE FLOW SHALL BE DIVERTED AROUND THE WORK SITE IN A STABLE MANNER USING METHODS APPROVED BY THE ENGINEER. SUCH METHODS WOULD LIKELY INCLUDE USE OF COFFERDAMS.
4. THE TWO-YEAR FLOW (Q2) IS ESTIMATED TO BE 25 CFS AT THIS LOCATION. TO ACCOMMODATE THIS MAXIMUM FLOW, THE COFFERDAMS SHALL BE SET AT ELEV. 603.0-FT.
5. CULVERT CROSSING TO BE INSTALLED IN TWO PHASES. COFFERDAMS TO BE INSTALLED AND REMOVED AT ONE SIDE OF THE STREAM AT A TIME AS THE WATER IS BEING DIVERTED TO THE OPPOSITE SIDE.



**The Brickyard  
Residential Development**

174 Hanover Street Extension  
Lebanon, New Hampshire 03766

No.	Revision	Date	Apprd.

Designed by DJB	Checked by DHF
--------------------	-------------------

Issued for  
**Permitting**

Date  
**March 28, 2025**

**Not Approved for Construction**

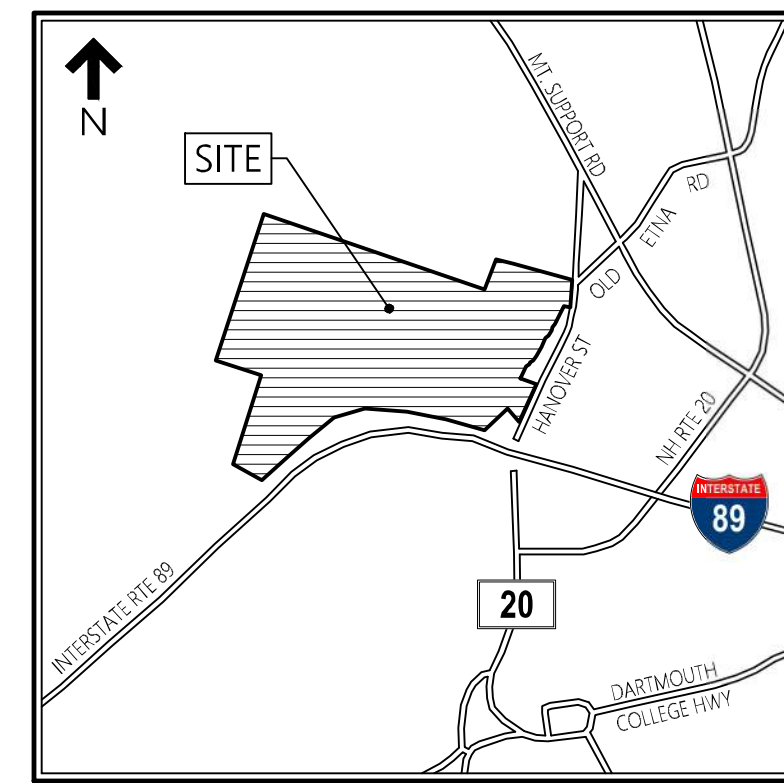
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Control Plan 2**

Drawing Number

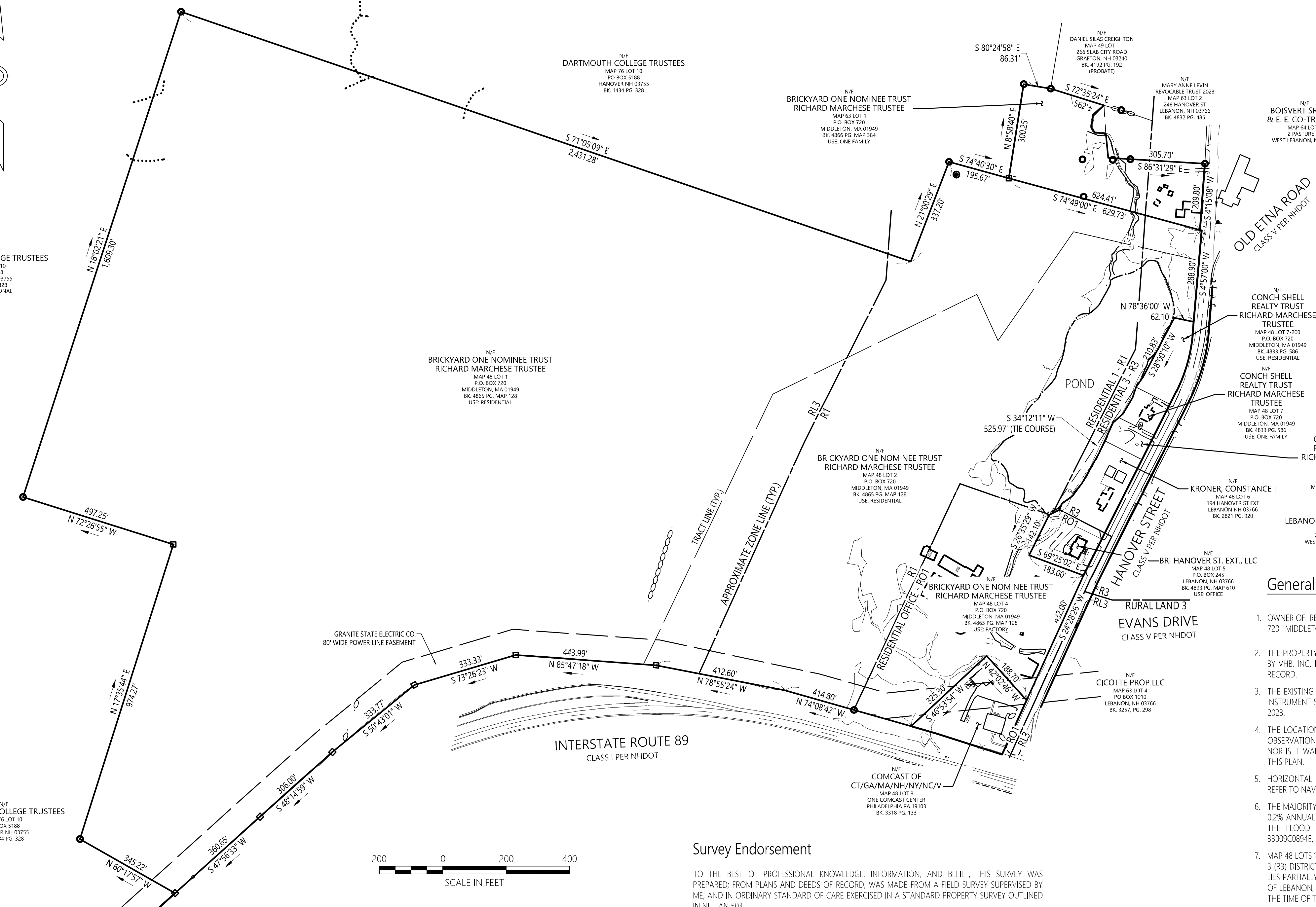
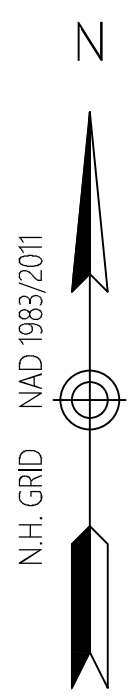
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Sheet **8** of **8**

Project Number  
**52933.00**

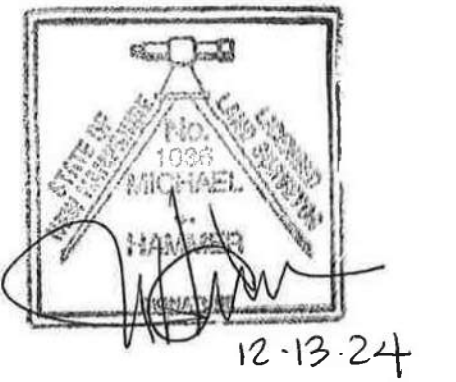


Locus Map  
(NOT TO SCALE)



### Survey Endorsement

TO THE BEST OF PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THIS SURVEY WAS PREPARED; FROM PLANS AND DEEDS OF RECORD, WAS MADE FROM A FIELD SURVEY SUPERVISED BY ME, AND IN ORDINARY STANDARD OF CARE EXERCISED IN A STANDARD PROPERTY SURVEY OUTLINED IN NH LAN 503.



### Wetland Endorsement

THIS IS TO CERTIFY THAT THE WETLANDS HAVE BEEN DELINEATED IN ACCORDANCE WITH THE PROCEDURES OUTLINED IN THE 1987 CORPUS OF ENGINEERS WETLANDS DELINEATION MANUAL (TECHNICAL REPORT Y-87-1)



### General Notes

- OWNER OF RECORD OF TAX MAP 48 LOTS 1, 2, AND 4 IS BRICKYARD ONE NOMINEE TRUST, P.O. BOX 720, MIDDLETON, MASSACHUSETTS 01949, GCRD BOOK 4865 PAGE 128.
- THE PROPERTY LINES SHOWN ON THIS PLAN ARE BASED UPON AN ACTUAL FIELD SURVEY CONDUCTED BY VHB, INC. IN SEPTEMBER AND OCTOBER OF 2022, APRIL 2023, AND FROM DEEDS AND PLANS OF RECORD.
- THE EXISTING CONDITIONS SHOWN ON THIS PLAN ARE BASED UPON AN ACTUAL ON-THE-GROUND INSTRUMENT SURVEY PERFORMED BY VHB, INC. FROM SEPTEMBER THRU NOVEMBER, 2022, AND APRIL 2023.
- THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES SHOWN ON THIS PLAN ARE BASED ON FIELD OBSERVATIONS AND INFORMATION OF RECORD. THEY ARE NOT WARRANTED TO BE EXACTLY LOCATED NOR IS IT WARRANTED THAT ALL UNDERGROUND UTILITIES OR OTHER STRUCTURES ARE SHOWN ON THIS PLAN.
- HORIZONTAL DATUM IS BASED ON NH GRID SYSTEM, NAD 1983. ELEVATIONS SHOWN ON THIS PLAN REFER TO NAVD OF 1988.
- THE MAJORITY OF MAP 48, LOTS 1, 2 & 4 LIES WITHIN ZONE X (UNSHADED) (AREAS TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) WITH THE EXCEPTION OF THE POND (ZONE A) AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR GRAFTON COUNTY, NEW HAMPSHIRE, MAP NUMBER 33009C0894E, EFFECTIVE DATE FEBRUARY 20, 2008.
- MAP 48 LOTS 1 & 2 LIE PARTIALLY WITHIN THE RURAL LAND 3 (RL3), RESIDENTIAL 1 (R1) AND RESIDENTIAL 3 (R3) DISTRICTS, MAP 48 LOT 4 LIES ENTIRELY WITHIN THE RESIDENTIAL OFFICE 1 (RO1), MAP 63 LOT 1 LIES PARTIALLY IN THE R1 AND R3 DISTRICTS AS SHOWN ON THE "OFFICIAL ZONING MAP OF THE CITY OF LEBANON, NH", DATED JUNE 1, 2020. DIMENSIONAL REQUIREMENTS FOR THE ZONING DISTRICTS AT THE TIME OF THIS SURVEY ARE:

	RL3	R1 & RO1 (CLASS 1)	R1 & RO1 (CLASS 2)	R1 & RO1 (CLASS 3)
MINIMUM LOT AREA	_____10 AC.	10K SF	15K SF	40K SF
MINIMUM LOT WIDTH	_____N/A	75 FT	75 FT	100 FT
ADD. AREA PER D.U. AFTER TWO	_____N/A	3K SF	5K SF	15K SF
MINIMUM FRONT YARD SETBACK	_____50 FT	20 FT	20 FT	25 FT
MINIMUM SIDE YARD SETBACK	_____50 FT	15 FT	15 FT	25 FT
MINIMUM REAR YARD SETBACK	_____50 FT	20 FT	20 FT	30 FT
MAXIMUM BUILDING HEIGHT	_____35 FT	45 FT*	45 FT*	45 FT*
MAXIMUM BUILDING COVERAGE	_____1%	25%	20%	15%

\* WITHIN THE R1 DISTRICT, THE BUILDING HEIGHT MAY BE INCREASED TO 55 FT TO ACCOMMODATE A PARKING STRUCTURE UNDERNEATH OR WITHIN THE PROPOSED BUILDING (SEE SECTION 308.4).

- THE WETLANDS SHOWN ON THIS PLAN WERE FLAGGED BY GODDARD CONSULTING, LLC AND LOCATED IN NOVEMBER 2022.
- THE TREE SYMBOL OUTLINE SHOWN ON THIS PLAN DOES NOT REPRESENT THE ACTUAL TREE CANOPY.
- FOOT TRAILS WERE OBSERVED CROSSING THE NORTH AND WEST LOT LINES AS SHOWN. NO DOCUMENTS WERE FOUND AT THE GCRD PROVIDING RIGHTS OF ACCESS OR USE.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND MAY BE SUBJECT TO ADDITIONAL INFORMATION DISCLOSED IN SUCH.

### Legend

- DRAIN MANHOLE
- CATCH BASIN
- ⊗ SEWER MANHOLE
- ⊕ ELECTRIC MANHOLE
- ⊙ TELEPHONE MANHOLE
- MANHOLE
- ⊕ HAND HOLE
- ⊕ WATER GATE
- ⊕ FIRE HYDRANT
- ⊕ GAS GATE
- ⊕ BOLLARD
- ⊕ STREET SIGN
- ⊕ LIGHT POLE
- ⊕ UTILITY POLE
- ⊕ GUY WIRE
- ⊕ GUY WIRE
- ⊕ MONITORING WELL
- ⊕ FLOOD LIGHT
- ⊕ PEDESTRIAN SIGNAL
- ⊕ MAST ARM
- ⊕ FLASHING SIGNAL
- ⊕ WELL
- ⊕ MARSH
- ⊕ F.F.E. = 45.27'
- ⊕ FINISHED FLOOR ELEVATION
- ⊕ DOUBLE YELLOW LINE
- ⊕ DASHED WHITE LINE
- ⊕ EDGE OF PAVEMENT
- ⊕ VERTICAL GRANITE CURB
- ⊕ SLOPED GRANITE EDGE
- ⊕ GUARD RAIL
- ⊕ CHAIN LINK FENCE
- ⊕ SEWER LINE
- ⊕ DRAINAGE LINE
- ⊕ UNDERGROUND ELECTRIC
- ⊕ OVERHEAD WIRE
- ⊕ TELEPHONE LINE
- ⊕ GAS LINE
- ⊕ WATER LINE
- ⊕ STONE WALL
- ⊕ TREE LINE
- ⊕ LIMIT OF BANK
- ⊕ VEGETATED WETLAND BOUNDARY
- ⊕ 1:57.308
- ⊕ EDGE OF WATER (AERIAL PHOTOGRAMMETRY)

## The Brickyard

### Hanover Street

Lebanon, Grafton County, N.H.

No.	Revision	Date	Appvd
1	RESPONSE TO COMMENTS UPDATE	8/06/2024	MIH
2	RESPONSE TO CITY COMMENTS	12/10/2024	MIH

Designed by: \_\_\_\_\_ Checked by: \_\_\_\_\_  
Issued for: \_\_\_\_\_ Date: \_\_\_\_\_  
**April 1, 2024**

Drawing Title

## Boundary Plan of Land

Drawing Number

# Sv-1

Sheet of \_\_\_\_\_  
40 of 50

Project Number  
**52933.00**

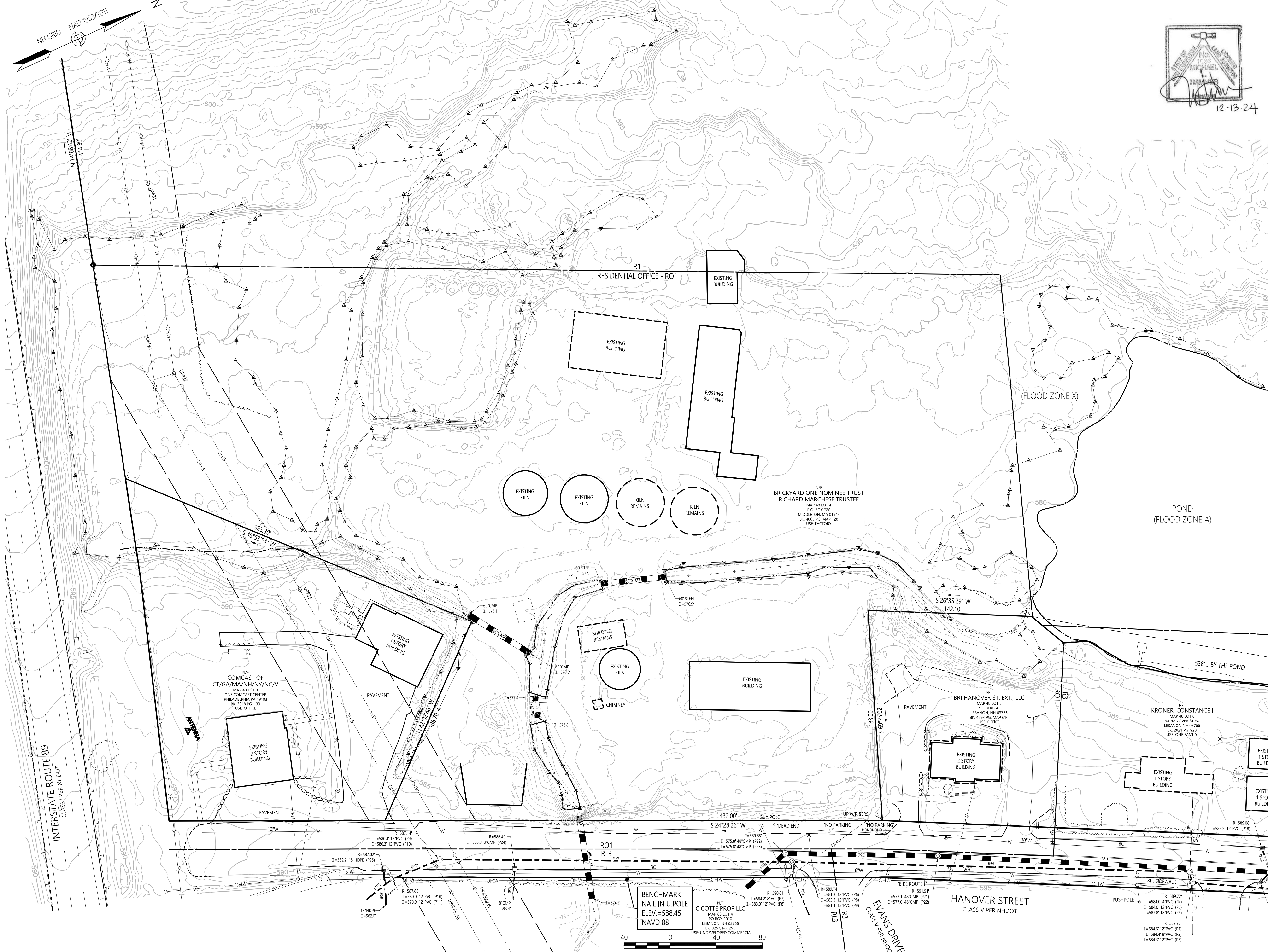


2 Bedford Farms Drive  
Suite 200  
Bedford, NH 03110  
603.391.3900

Legend

- ⊙ DRAIN MANHOLE
- ⊙ CATCH BASIN
- ⊙ SEWER MANHOLE
- ⊙ ELECTRIC MANHOLE
- ⊙ TELEPHONE MANHOLE
- ⊙ MANHOLE
- ⊙ HAND HOLE
- ⊙ WATER GATE
- ⊙ FIRE HYDRANT
- ⊙ GAS GATE
- ⊙ BOLLARD
- ⊙ STREET SIGN
- ⊙ LIGHT POLE
- ⊙ UTILITY POLE
- ⊙ GUY POLE
- ⊙ GUY WIRE
- ⊙ MONITORING WELL
- ⊙ FLOOD LIGHT
- ⊙ PEDESTRIAN SIGNAL
- ⊙ MAST ARM
- ⊙ FLASHING SIGNAL
- ⊙ WELL
- ⊙ MARSH
- ▲ F.F.E. = 45.27'
- DYL FINISHED FLOOR ELEVATION
- DWL DASHED WHITE LINE
- VISC EDGE OF PAVEMENT
- SCE VERTICAL GRANITE CURB
- SGE SLOPED GRANITE EDGE
- GR GUARD RAIL
- CLF CHAIN LINK FENCE
- DRN DRAINAGE LINE
- SWR SEWER LINE
- OHW OVERHEAD WIRE
- UGE UNDERGROUND ELECTRIC
- TEL TELEPHONE LINE
- GAS GAS LINE
- WTR WATER LINE
- STW STONE WALL
- TRN TREE LINE
- LWB LIMIT OF BANK
- VTB VEGETATED WETLAND BOUNDARY
- EWV EDGE OF WATER (AERIAL PHOTOGRAMMETRY)

See Sheet Sv-3



The Brickyard

Hanover Street  
Lebanon, Grafton County, N.H.

No.	Revision	Date	Appvd
1	RESPONSE TO COMMENTS UPDATE	8/06/2024	MIH
2	RESPONSE TO CITY COMMENTS	12/10/2024	MIH

Designed by: \_\_\_\_\_ Checked by: \_\_\_\_\_  
Issued for: \_\_\_\_\_ Date: \_\_\_\_\_  
April 1, 2024

Drawing Title: **Existing Conditions Plan of Land**

Drawing Number: \_\_\_\_\_

**Sv-2**

Sheet 41 of 50

Project Number: 52933.00

Legend

- ⊙ DRAIN MANHOLE
- ⊙ CATCH BASIN
- ⊙ SEWER MANHOLE
- ⊙ ELECTRIC MANHOLE
- ⊙ TELEPHONE MANHOLE
- ⊙ MANHOLE
- ⊙ HAND HOLE
- ⊙ WATER GATE
- ⊙ FIRE HYDRANT
- ⊙ GAS GATE
- ⊙ BOLLARD
- ⊙ STREET SIGN
- ⊙ LIGHT POLE
- ⊙ UTILITY POLE
- ⊙ GUY POLE
- ⊙ GUY WIRE
- ⊙ MONITORING WELL
- ⊙ FLOOD LIGHT
- ⊙ PEDESTRIAN SIGNAL
- ⊙ MAST ARM
- ⊙ FLASHING SIGNAL
- ⊙ WELL
- ⊙ MARSH
- ⊙ F.F.E. = 45.27'
- ⊙ FINISHED FLOOR ELEVATION
- ⊙ DOUBLE YELLOW LINE
- ⊙ DASHED WHITE LINE
- ⊙ VERTICAL GRANITE CURB
- ⊙ SLOPED GRANITE EDGE
- ⊙ GUARD RAIL
- ⊙ CHAIN LINK FENCE
- ⊙ DRAINAGE LINE
- ⊙ SEWER LINE
- ⊙ OVERHEAD WIRE
- ⊙ UNDERGROUND ELECTRIC
- ⊙ TELEPHONE LINE
- ⊙ GAS LINE
- ⊙ WATER LINE
- ⊙ STONE WALL
- ⊙ TREE LINE
- ⊙ LIMIT OF BANK
- ⊙ VEGETATED WETLAND BOUNDARY
- ⊙ EDGE OF WATER (AERIAL PHOTOGRAMMETRY)



**The Brickyard**  
**Hanover Street**  
 Lebanon, Grafton County, N.H.

No.	Revision	Date	Appr'd
1	RESPONSE TO COMMENTS UPDATE	8/06/2024	MJH
2	RESPONSE TO CITY COMMENTS	12/10/2024	MJH

Designed by	Checked by
Issued for	Date
	April 1, 2024

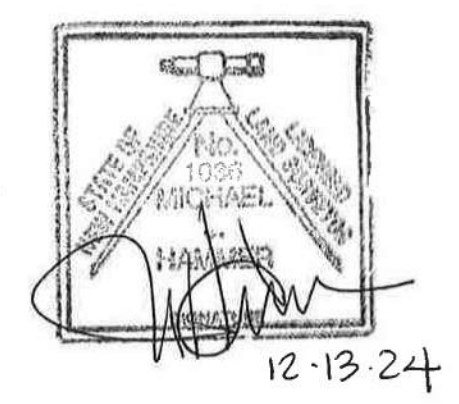
**Existing Conditions**  
**Plan of Land**

Drawing Title

Sheet **Sv-3** of 50

Project Number **52933.00**

Page 174 of 219



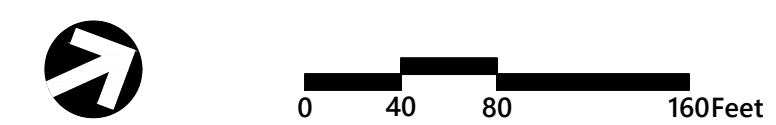
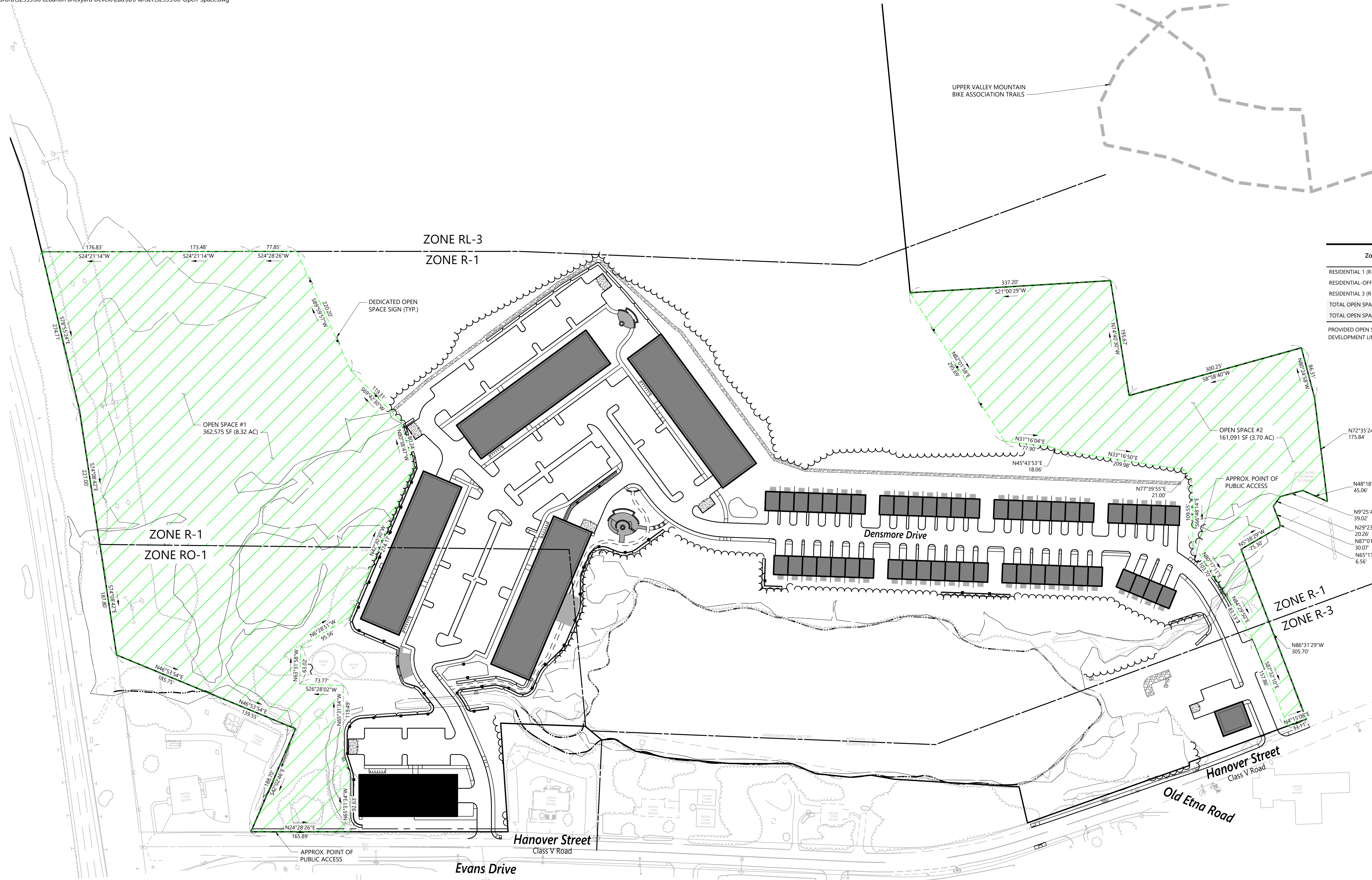
See Sheet Sv-2

**BENCHMARK**  
 NAIL IN U.POLE  
 ELEV.=591.00'  
 NAVD 88

### Open Space Calculations

Zone	Total Area (SF)	% Required	Open Space Required
RESIDENTIAL 1 (R-1)	1,252,605	30	375,782 SF (8.62 AC)
RESIDENTIAL-OFFICE-1 (R-O-1)	286,532	30	85,960 SF (1.97 AC)
RESIDENTIAL 3 (R-3)	123,849	50	61,925 SF (1.42 AC)
<b>TOTAL OPEN SPACE REQUIRED</b>			<b>523,666 SF (12.02 AC)</b>
<b>TOTAL OPEN SPACE PROVIDED</b>			<b>523,666 SF (12.02 AC)</b>

PROVIDED OPEN SPACE SHOULD MATCH OR SLIGHTLY EXCEED REQUIRED SO THAT IT IS NOT A FUTURE DEVELOPMENT LIMITATION.



## The Brickyard Residential Development

174 Hanover Street Extension  
Lebanon, New Hampshire 03766

No.	Revision	Date	Appvd.
1	Completeness Review Comments	07/02/24	DF
2	Response to Comments Update	08/06/24	DF
3	Revised Layout Resubmission	10/24/24	DF
4	Response to Comments Rev 2	12/04/24	DF
5	Response to City Comments	12/11/24	DF

Designed by: TMD  
Checked by: MJV  
Issued for: Permitting  
Date: May 10, 2024

Not Approved for Construction

Drawing Title  
**Open Space Plan**  
Drawing Number

**C1.2**  
Sheet 3 of 50  
Project Number: 52933.00  
Page 175 of 219

### Notes

- OPEN SPACE USES MAY INCLUDE TRAILS, RECREATION (BOTH ACTIVE AND PASSIVE), AND FUTURE UNDERGROUND UTILITY BUILDOUT, STREETS, PARKING AREAS, RESIDENTIAL AND NON-RESIDENTIAL STRUCTURES ARE NOT PERMITTED IN THE OPEN SPACE.
- UNDER A CONDOMINIUM FORM OF OWNERSHIP, THE CONTROL AND MAINTENANCE OF THE OPEN SPACE WILL BE HELD BY AN OWNER'S ASSOCIATION ESTABLISHED BY THE APPLICANT FOR THE BENEFIT AND ENJOYMENT OF THE RESIDENTS AND/OR USERS OF THE DEVELOPMENT.
- THE PROTECTION OF THE OPEN SPACE WILL BE ASSURED BY THE PLANNING BOARD'S CONDITIONS OF APPROVAL FOR THE DEVELOPMENT SO THAT THE SPACE REMAINS UNDEVELOPED AND ANY ENVIRONMENTALLY SENSITIVE CONDITIONS ARE PROTECTED AND PRESERVED. ADDITIONALLY, VESTING THE MANAGEMENT AND CONTROL OF THE OPEN SPACE IN AN OWNERS' ASSOCIATION WILL ASSURE THAT IT IS MAINTAINED AS INTENDED.
- METES AND BOUND FOR OPEN SPACE ARE PROVIDED ON THIS PLAN AND WOODEN DEDICATED OPEN SPACE SIGNS ARE TO BE LOCATED AT THE ACCESS POINTS TO THESE AREAS.
- THE PLAN WILL BE RECORDED PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY.
- THE DEDICATED OPEN SPACE IS AVAILABLE AND OPEN TO THE PUBLIC FOR USE.



2 Bedford Farms Drive  
Suite 200  
Bedford, NH 03110  
603.391.3900

**Erosion Control**

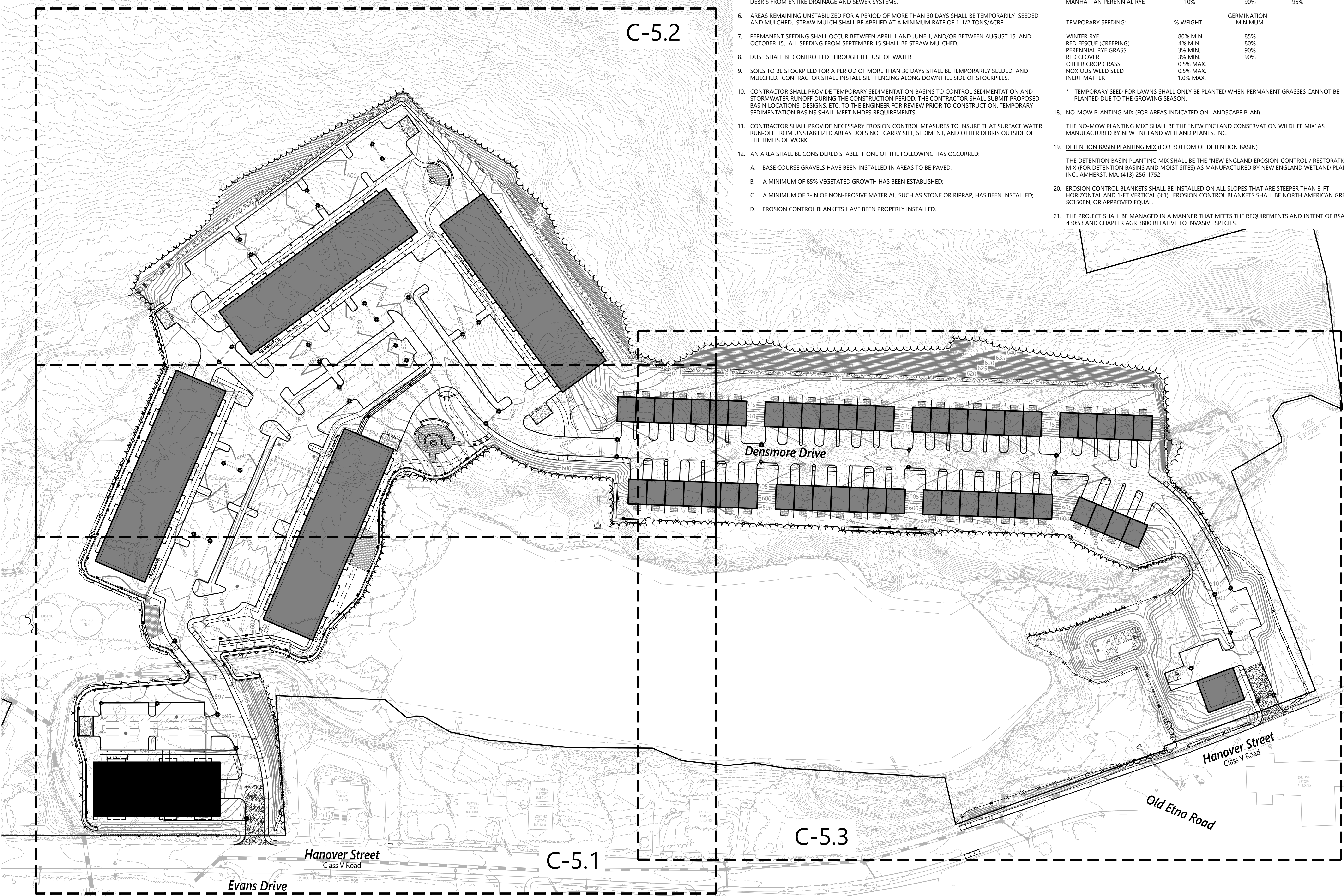
1. PRIOR TO STARTING ANY OTHER WORK ON THE SITE, THE CONTRACTOR SHALL NOTIFY APPROPRIATE AGENCIES AND SHALL INSTALL EROSION CONTROL MEASURES AS SHOWN ON THE PLANS AND AS IDENTIFIED IN FEDERAL, STATE, AND LOCAL APPROVAL DOCUMENTS PERTAINING TO THIS PROJECT.
2. CONTRACTOR SHALL INSPECT AND MAINTAIN EROSION CONTROL MEASURES, AND REMOVE SEDIMENT THEREFROM ON A WEEKLY BASIS AND WITHIN TWELVE HOURS AFTER EACH STORM EVENT (0.5" OF RAINFALL OR GREATER) AND DISPOSE OF SEDIMENTS IN AN UPLAND AREA SUCH THAT THEY DO NOT ENCUMBER OTHER DRAINAGE STRUCTURES AND PROTECTED AREAS.
3. CONTRACTOR SHALL BE FULLY RESPONSIBLE TO CONTROL CONSTRUCTION SUCH THAT SEDIMENTATION SHALL NOT AFFECT REGULATORY PROTECTED AREAS, WHETHER SUCH SEDIMENTATION IS CAUSED BY WATER, WIND, OR DIRECT DEPOSIT.
4. CONTRACTOR SHALL PERFORM CONSTRUCTION SEQUENCING SUCH THAT EARTH MATERIALS ARE EXPOSED FOR A MINIMUM OF TIME BEFORE THEY ARE COVERED, SEEDED, OR OTHERWISE STABILIZED TO PREVENT EROSION.
5. UPON COMPLETION OF CONSTRUCTION AND ESTABLISHMENT OF PERMANENT GROUND COVER, CONTRACTOR SHALL REMOVE AND DISPOSE OF EROSION CONTROL MEASURES AND CLEAN SEDIMENT AND DEBRIS FROM ENTIRE DRAINAGE AND SEWER SYSTEMS.
6. AREAS REMAINING UNSTABILIZED FOR A PERIOD OF MORE THAN 30 DAYS SHALL BE TEMPORARILY SEEDED AND MULCHED. STRAW MULCH SHALL BE APPLIED AT A MINIMUM RATE OF 1-1/2 TONS/ACRE.
7. PERMANENT SEEDING SHALL OCCUR BETWEEN APRIL 1 AND JUNE 1, AND/OR BETWEEN AUGUST 15 AND OCTOBER 15. ALL SEEDING FROM SEPTEMBER 15 SHALL BE STRAW MULCHED.
8. DUST SHALL BE CONTROLLED THROUGH THE USE OF WATER.
9. SOILS TO BE STOCKPILED FOR A PERIOD OF MORE THAN 30 DAYS SHALL BE TEMPORARILY SEEDED AND MULCHED. CONTRACTOR SHALL INSTALL SILT FENCING ALONG DOWNHILL SIDE OF STOCKPILES.
10. CONTRACTOR SHALL PROVIDE TEMPORARY SEDIMENTATION BASINS TO CONTROL SEDIMENTATION AND STORMWATER RUNOFF DURING THE CONSTRUCTION PERIOD. THE CONTRACTOR SHALL SUBMIT PROPOSED BASIN LOCATIONS, DESIGNS, ETC. TO THE ENGINEER FOR REVIEW PRIOR TO CONSTRUCTION. TEMPORARY SEDIMENTATION BASINS SHALL MEET NHDES REQUIREMENTS.
11. CONTRACTOR SHALL PROVIDE NECESSARY EROSION CONTROL MEASURES TO INSURE THAT SURFACE WATER RUN-OFF FROM UNSTABILIZED AREAS DOES NOT CARRY SILT, SEDIMENT, AND OTHER DEBRIS OUTSIDE OF THE LIMITS OF WORK.
12. AN AREA SHALL BE CONSIDERED STABLE IF ONE OF THE FOLLOWING HAS OCCURRED:
  - A. BASE COURSE GRAVELS HAVE BEEN INSTALLED IN AREAS TO BE PAVED;
  - B. A MINIMUM OF 85% VEGETATED GROWTH HAS BEEN ESTABLISHED;
  - C. A MINIMUM OF 3-IN OF NON-EROSIVE MATERIAL, SUCH AS STONE OR RIPRAP, HAS BEEN INSTALLED;
  - D. EROSION CONTROL BLANKETS HAVE BEEN PROPERLY INSTALLED.

13. THE SMALLEST PRACTICAL AREA SHALL BE DISTURBED DURING CONSTRUCTION, BUT AT NO TIME SHALL THE TOTAL UNSTABILIZED DISTURBED AREA ON-SITE BE GREATER THAN (5) FIVE ACRES. (NHDES ALLOWS FOR MORE THAN 5 AC ON CERTAIN SITES IF CERTAIN PROVISIONS ARE PROVIDED)
14. ALL DITCHES, SWALES, AND DRAINAGE BASINS SHALL BE STABILIZED PRIOR TO DIRECTING RUNOFF TO THEM.
15. ALL ROADWAYS AND PARKING LOTS SHALL BE STABILIZED WITHIN 72 HOURS OF ACHIEVING FINISHED GRADE.
16. ALL CUT AND FILL SLOPES SHALL BE LOAMED AND SEEDED WITHIN 72 HOURS OF ACHIEVING FINISHED GRADE.
17. ALL PERMANENT AND TEMPORARY SEEDING SHALL BE AS FOLLOWS (UNLESS OTHERWISE NOTED):
 

PERMANENT SEEDING	PROPORTION	GERMINATION MINIMUM	PURITY MINIMUM
LAWNS:			
CREeping RED FESCUE	50%	85%	95%
KENTUCKY BLUEGRASS	40%	85%	90%
MANHATTAN PERENNIAL RYE	10%	90%	95%
TEMPORARY SEEDING*	% WEIGHT	GERMINATION MINIMUM	
WINTER RYE	80% MIN.	85%	
RED FESCUE (CREEPING)	4% MIN.	80%	
PERENNIAL RYE GRASS	3% MIN.	90%	
RED CLOVER	3% MIN.	90%	
OTHER CROP GRASS	0.5% MAX.		
NOXIOUS WEEED SEED	0.5% MAX.		
INERT MATTER	1.0% MAX.		

\* TEMPORARY SEED FOR LAWNS SHALL ONLY BE PLANTED WHEN PERMANENT GRASSES CANNOT BE PLANTED DUE TO THE GROWING SEASON.

- 18. NO-MOW PLANTING MIX (FOR AREAS INDICATED ON LANDSCAPE PLAN)  
 THE NO-MOW PLANTING MIX SHALL BE THE "NEW ENGLAND CONSERVATION WILDLIFE MIX" AS MANUFACTURED BY NEW ENGLAND WETLAND PLANTS, INC.
- 19. DETENTION BASIN PLANTING MIX (FOR BOTTOM OF DETENTION BASIN)  
 THE DETENTION BASIN PLANTING MIX SHALL BE THE "NEW ENGLAND EROSION-CONTROL / RESTORATION MIX (FOR DETENTION BASINS AND MOIST SITES) AS MANUFACTURED BY NEW ENGLAND WETLAND PLANTS, INC., AMHERST, MA. (413) 256-1752
- 20. EROSION CONTROL BLANKETS SHALL BE INSTALLED ON ALL SLOPES THAT ARE STEEPER THAN 3-FT HORIZONTAL AND 1-FT VERTICAL (3:1). EROSION CONTROL BLANKETS SHALL BE NORTH AMERICAN GREEN SC150BN, OR APPROVED EQUAL.
- 21. THE PROJECT SHALL BE MANAGED IN A MANNER THAT MEETS THE REQUIREMENTS AND INTENT OF RSA 430:53 AND CHAPTER AGR 3800 RELATIVE TO INVASIVE SPECIES.



**The Brickyard Residential Development**  
 174 Hanover Street Extension  
 Lebanon, New Hampshire 03766

No.	Revision	Date	Appvd.
1	Response to Comments Update	08/06/24	DF
2	Revised Layout Resubmission	10/24/24	DF
3	Response to Comments Rev 2	12/04/24	DF
4	Response to City Comments	12/11/24	DF

Designed by: TMD  
 Checked by: MJV  
 Issued for: Permitting  
 Date: May 10, 2024

**Not Approved for Construction**  
**Overall Erosion Control Plan**



**C5.0**  
 Sheet 19 of 50  
 Project Number: 52933.00  
 Page 176 of 219



2 Bedford Farms Drive  
Suite 200  
Bedford, NH 03110  
603.391.3900



### The Brickyard Residential Development

174 Hanover Street Extension  
Lebanon, New Hampshire 03766

No.	Revision	Date	Appvd.
1	Response to Comments Update	08/06/24	DF
2	Revised Layout Resubmission	10/24/24	DF
3	Response to Comments Rev 2	12/04/24	DF
4	Response to City Comments	12/11/24	DF

Designed by: TMD  
Checked by: MJV  
Issued for: Permitting  
Date: May 10, 2024

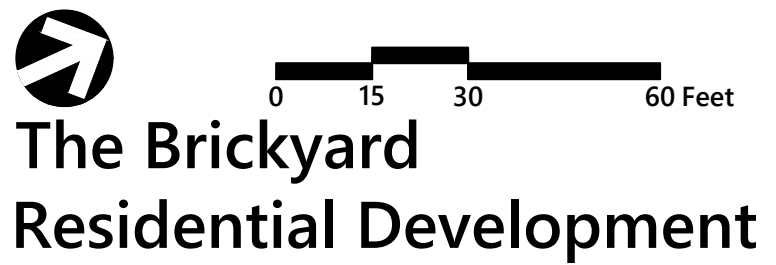
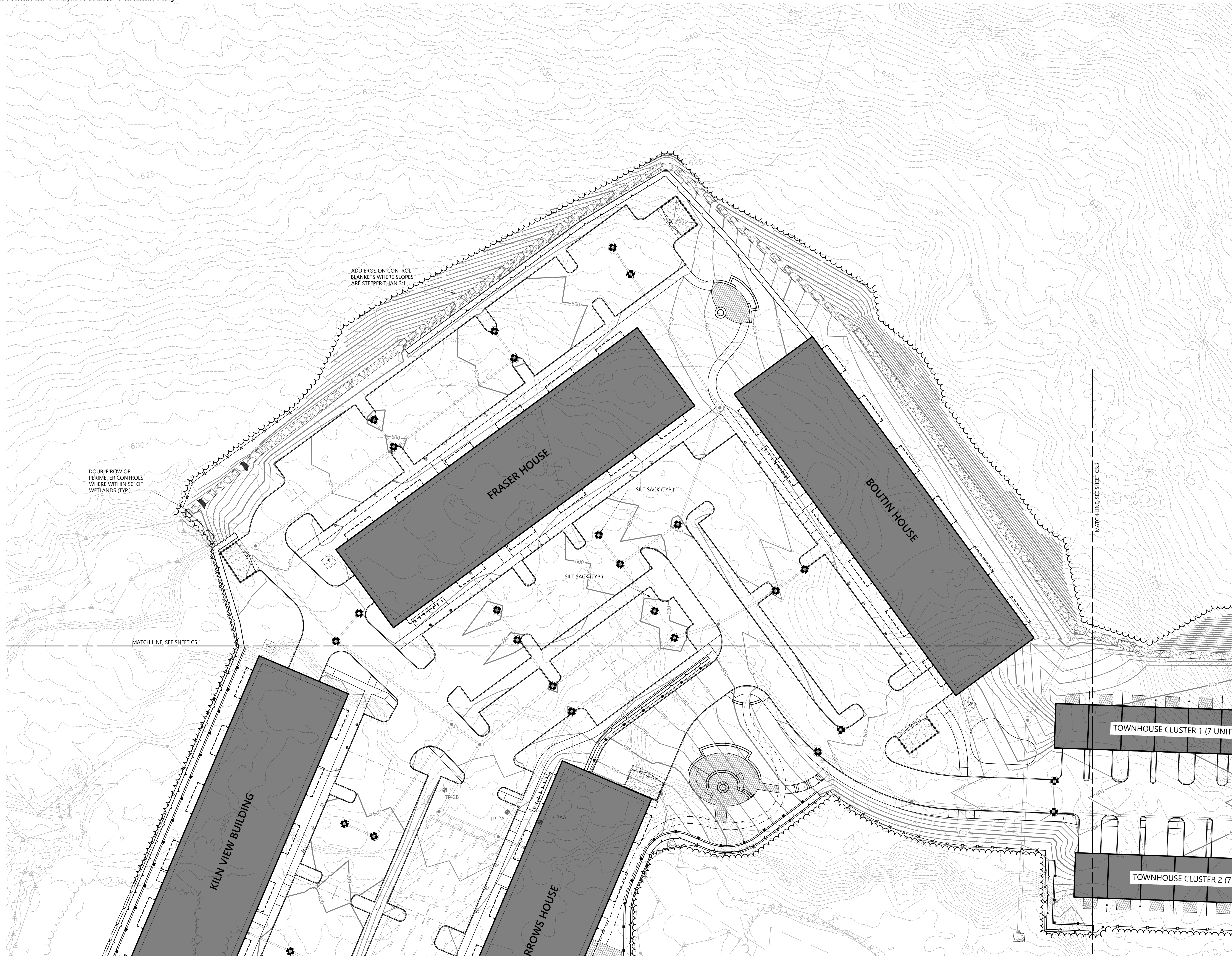
Not Approved for Construction  
Drawing Title: Erosion Control Plan 1  
Drawing Number: C5.1



# C5.1

Sheet 20 of 50

Project Number: 52933.00



**The Brickyard Residential Development**

174 Hanover Street Extension  
Lebanon, New Hampshire 03766

No.	Revision	Date	Appr'd.
1	Response to Comments Update	08/06/24	DF
2	Revised Layout Resubmission	10/24/24	DF
3	Response to Comments Rev 2	12/04/24	DF
4	Response to City Comments	12/11/24	DF


Designed by: TMD  
Checked by: MJV  
Issued for: Permitting  
Date: May 10, 2024

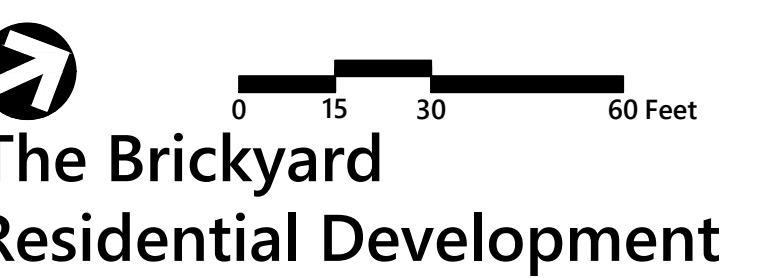
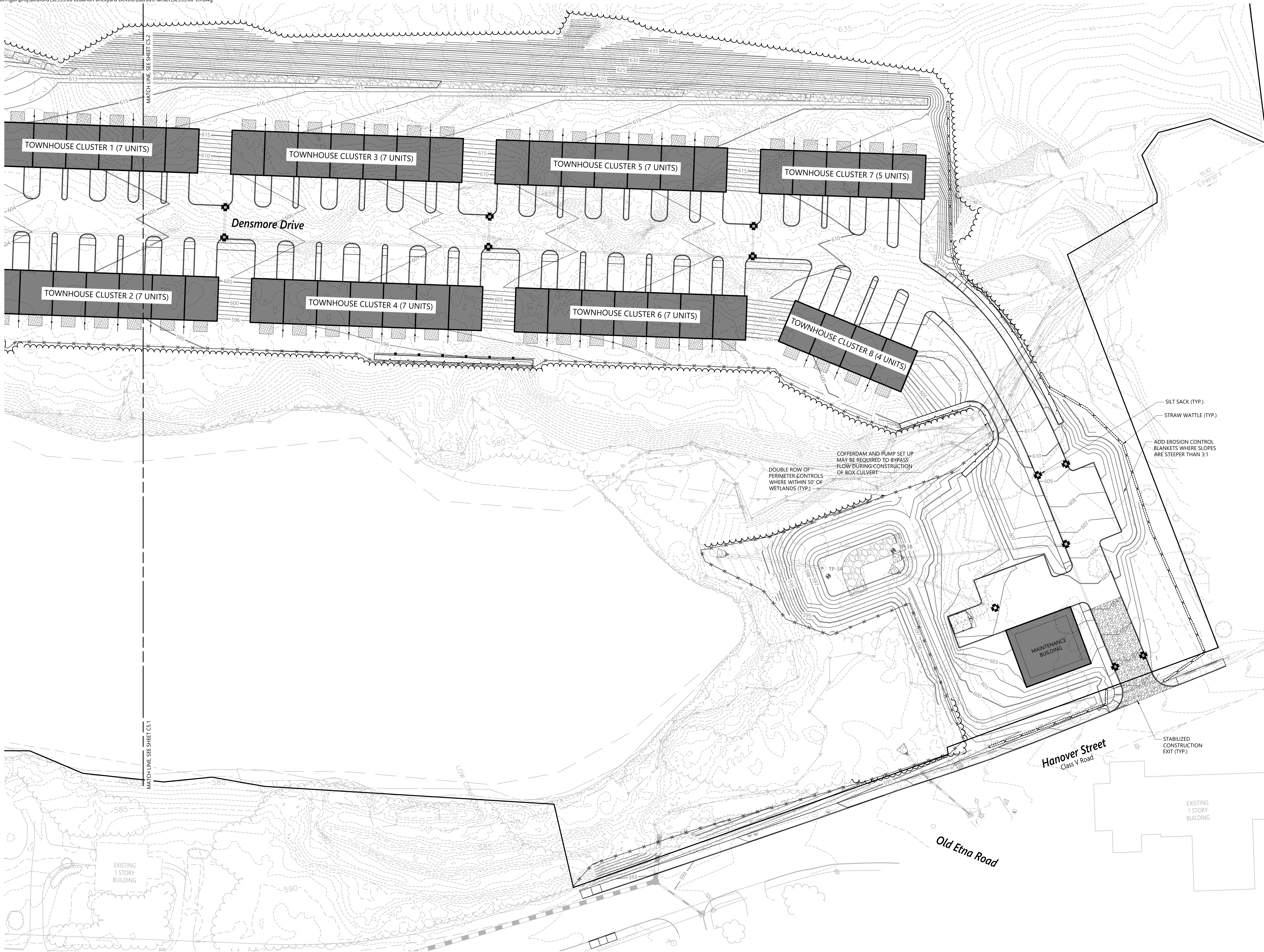
**Not Approved for Construction**  
Drawing Title: **Erosion Control Plan 2**

Drawing Number: **C5.2**

Sheet 21 of 50

Project Number: 52933.00





**The Brickyard  
Residential Development**

174 Hanover Street Extension  
Lebanon, New Hampshire 03766

No.	Revision	Date	Appvd.
1	Response to Comments Update	08/06/24	DF
2	Revised Layout Resubmission	10/24/24	DF
3	Response to Comments Rev 2	12/04/24	DF
4	Response to City Comments	12/11/24	DF
5	Conditions of Approval	02/06/2025	DF

Designed by	Checked by
TMD	MJV

Issued for: **Permitting** Date: **May 10, 2024**

**Not Approved for Construction**

Drawing Title: **Erosion Control Plan 3**

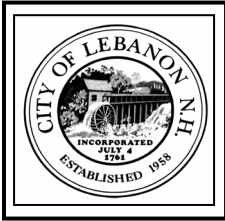
Drawing Number

**C5.3**

Sheet 22 of 50

Project Number: 52933.00

Page 179 of 219



**CITY OF LEBANON ~ PLANNING & DEVELOPMENT**

**ZONING BOARD OF ADJUSTMENT  
SPECIAL EXCEPTION  
Draft Motion  
Brickyard One Nominee Trust  
174 Hanover St Ext**

**DRAFT MOTION for:**

**Agenda Item: 3.C**

**Case: ZB2025-13-SE**

**Request for Special Exception per Section §401.5**

Motion made by: \_\_\_\_\_

On July 7th, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared \_\_\_\_\_ regarding 174 Hanover St Ext (Tax Map 48, Lots 1,2,4 & Tax Map 63, Lot 1), Zoned R1, RO-1 & R-3: The applicant requests a Special Exception pursuant to Article IV, Section 401.5, of the Zoning Ordinance to allow 253 sq ft of temporary and 831 sq ft of permanent wetland impacts. ZB2025-13-SE

**I. FINDINGS OF FACT**

Based on testimony given, application materials presented, and supporting documents submitted, the Lebanon Zoning Board of Adjustment makes the following findings of fact:

1. The applicant seeks to construct 5-four-story residential apartment buildings containing 422 units with parking beneath, 51 townhomes arranged in six groupings, an additional building which is anticipated to contain the development’s leasing office and maintenance shop, one residential unit for the on-site property manager, and associated parking and infrastructure.
2. Construction will permanently impact a total of 831 sq ft. of wetlands and allow two stream crossing necessary for road access to the property.
3. The applicant has applied for a wetlands permit from the NH Department of Environmental Services. The wetlands permit was reviewed by the Conservation Commission at its June 12, 2025, meeting. The applicant now seeks a Special Exception pursuant to Section 401.5 of the Zoning Ordinance to allow the proposed wetland impacts.
4. There are no known existing zoning violations on the property.
5. \_\_\_\_\_  
\_\_\_\_\_
6. \_\_\_\_\_  
\_\_\_\_\_

**II. CONCLUSIONS OF LAW**

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Board concludes the following with respect to the Special Exception criteria set forth in §401.5 of the Zoning Ordinance:

1. The use for which the exception is sought **can / 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. (§401.5.A)

\_\_\_\_\_  
\_\_\_\_\_

2. Due to the provisions of the Wetlands Conservation District, as applied to the particular characteristics, setting and environment of the property, the lot **can / cannot** reasonably be used for any of the uses permitted or allowed by special exception, without some form of special exception under this section. (§401.5.B)

\_\_\_\_\_  
\_\_\_\_\_

3. The design and construction of the proposed use **is / is not** consistent with the purpose and intent of §401.1 (A), (B) and (C) of the Zoning Ordinance, and adequate conservation measures **will / will not** be taken to mitigate the detrimental effects of the proposed use on the natural function of the wetlands (§401.5.C)

\_\_\_\_\_  
\_\_\_\_\_

4. The criteria set forth in Section 401.5.D relates to pipelines, powerlines, and other transmission of lines and, therefore, is not applicable.

5. The proposed use **will / will 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. (§401.5.E)

\_\_\_\_\_  
\_\_\_\_\_

6. The project is capable of complying with all State and Federal wetlands and wetlands permitting requirements. (§401.5.F)

\_\_\_\_\_  
\_\_\_\_\_

7. The project **is / is not** capable of conforming to all existing best management practices, as referenced in Appendix A of the Zoning Ordinance, and **will / will not** be implemented in a way which conforms to those practices (§401.5.G)

\_\_\_\_\_  
\_\_\_\_\_

**III. DECISION**

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 7<sup>th</sup> day of July 2025 hereby **GRANTS / DENIES** the requested Special Exception pursuant to Section §401.5 of the Zoning Ordinance to allow 253 sq ft of temporary and 831 sq ft of permanent wetland impacts associated with construction at 174 Hanover St Ext as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. \_\_\_\_\_  
\_\_\_\_\_
  
2. \_\_\_\_\_  
\_\_\_\_\_

Motion seconded by: \_\_\_\_\_

Vote: \_\_\_\_\_

DRAFT

**LEBANON CONSERVATION COMMISSION  
MEETING MINUTES  
Remote Via Microsoft Teams  
LebanonNH.gov/Live  
June 12, 2025  
6:30 PM**

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

**MEMBERS ABSENT:** Sean Dittrich (Alt.), Bruce James (Vice Chair)

**STAFF PRESENT:** Mark Goodwin (GIS Coordinator)

---

1       **1. CALL TO ORDER:**

2  
3       A. Chair Riley called the meeting to order at 5:31 PM.

4  
5       **2. APPROVAL OF MINUTES:**

- 6  
7       A. March 13, 2025  
8       B. April 3, 2025 Site Walk  
9       C. April 10, 2025  
10      D. May 8, 2025 Special Meeting  
11      E. May 8, 2025  
12      F. May 22, 2025

13  
14      Minutes were discussed after Permit Reviews A & B. Minutes were approved with stated amendments.

15  
16      *Mr. Ernst Oidtmann MOVED to approve all Minutes, with amendments as noted except May 8, 2025,*  
17      *Special Meeting Minutes were approved as written.*  
18      *Seconded by Mr. Don Lacey*

19  
20      *\*The MOTION was approved unanimously*

21  
22      **3. OPEN TO THE PUBLIC:**

23  
24      Mr. Mark Goodwin read the Preamble.

25  
26      **4. PERMIT REVIEW:**

- 27      A. **Saxon Real Estate Partners, LLC, 0 Mount Support Rd. (Tax Map 24, Lot 1, Plot 100)**  
28      – Pursuant to Section 401.5 of the Lebanon Zoning Ordinance, review and comment of a  
29      Zoning Board Special Exception Application for construction of a new 3-building, 4-story  
30      residential apartment complex with podium and surface parking, amenities, 0 Mt. Support  
31      Rd. – The Marek (20 minutes)

1 The Conservation Commission needs to respond to the ZBA about this wetland application.  
 2 The **application** has not changed as Saxon is waiting to hear from DES. Saxon was again represented this  
 3 evening by Mr. Dave Fenstermacher, and Mr. Brendan Gilmore. Saxon wanted to share the information  
 4 with ConCom in advance of presenting this to ZBA.

5  
 6 ConCom the opportunity to ask questions regarding the wetland impacts, and the Saxon team answered  
 7 them.

8  
 9 **Mr. Don Lacey MOVED to approve the following:**

10  
 11 **The Lebanon Conservation Commission recommends that the Lebanon Zoning Board of**  
 12 **Adjustment (ZBA) approve the following application:**

13  
 14 **Saxon Real Estate Partners, LLC, 0 Mount Support Rd. (Tax Map 24, Lot 1, Plot 100) – Major**  
 15 **Impact Application, for construction of a new 3-building, 4 -story residential apartment complex**  
 16 **with podium and surface parking, amenities, and landscape improvement that would include 106**  
 17 **SF of temporary impacts and 12,623 SF of permanent impacts.**

18  
 19 **Seconded by Mr. Ernst Oidtmann**

20  
 21 **\*The MOTION was approved 6-1**

22  
 23  
 24 **B. Brickyard One Nominee Trust c/o Richard Marchese, LLC, 0, 174 Hanover St. Ext. &**  
 25 **238 Hanover St. (Tax Map 48, Lots 1, 2, and 4 and Tax Map 63, Lot 1) – Review and**  
 26 **Comment on NHDES Wetland Major Impact Application for construction of a new multi-**  
 27 **family planned unit residential development with associated parking, stormwater**  
 28 **management, utilities, landscaping, and pedestrian/vehicular access. A total of**  
 29 **approximately 1,931 SF of Temporary impacts and 2,417 SF of permanent impacts are**  
 30 **proposed by the project development. CC2025-04 No DES #2025-01128. Pursuant to**  
 31 **Section 401.5 of the Lebanon Zoning Ordinance, this project requires approval of a Special**  
 32 **Exception from the Lebanon Zoning Board of Adjustment (ZBA), as such, the Conservation**  
 33 **Commission will be providing comment to the ZBA as part of the application review. (30**  
 34 **minutes for DES review, 15 minutes for ZBA review)**

35  
 36 Many Conservation Commission members participated in a site walk at the above location earlier today;  
 37 Chair Riley stated that this was very helpful.

38  
 39 Speakers representing this project included Mr. Chris Wilkes, Mr. Gil Alexo, and Mr. Richard  
 40 Whitehouse (remote), along with Mr. Dave Fenstermacher.

41  
 42 This project is proposing some limited wetland impact related to the two new stream crossings. **They are**  
 43 **along systems on site at the narrowest points of those wetlands at the crossings; edge impact required**  
 44 **there. A 3<sup>rd</sup> impact is proposed on Hanover St., which was a condition of the planning board, to extend**  
 45 **the sidewalk there.**

46  
 47 This project will have 831 square feet of permanent impacts and 253 square feet of temporary impact on  
 48 the wetlands. There is also a tier 3-stream, and they are proposing 19' box culverts with an open bottom,  
 49 along with a 2' wildlife and organism passage. He spelled out temporary and permanent impacts to the  
 50 stream bank and they shared an exact chart with the Con Com (see screen/Agenda Packet). They are also  
 51 going to restore the stream area by removing a chimney that was left there decades ago, probably during

1 the Densmore Brickyard development. There is a second culvert near Hanover street, and they plan to do  
2 stream restoration. And finally, there is a wetland culvert, and they are proposing to take that culvert out  
3 and restore that area to a vegetated swell to enhance hydrological connectivity between the wetland and  
4 the stream.

5  
6 They also did an intensive flood study, and they took this into consideration as they planned this project.  
7 Consequently, this will reduce flood flow by two feet compared to what is there today.

8  
9 This team asked for any follow up questions from today's site visit.

10  
11 Chair Riley thinks that the stream is an amazing resource on this site, and she is glad that they are  
12 repairing as much of the bed and bank as they can. She asked if there is any natural riparian  
13 vegetation that is part of this restoration? Their reply was they will focus on bank stabilization, and they  
14 will put down logs as a natural, temporary solution while vegetation gets reestablished there. They will  
15 also apply a native plant seed mix (and will use this at the wetland swell area too). They named  
16 Dogwood, Speckled Alder, as well as some grasses, etc. They use New England Wetland Plants to source  
17 the seed mixes. This will improve upon this area. They are aware of the many invasives there and will  
18 use clean equipment, and a team will do weekly inspections at this job site, to ensure compliance.

19  
20 The applicant is proposing a 19 ft. wide crossing. The stream worksheet from DES indicates that based on  
21 the stream, there needs to be a 33 ft. crossing. This is referred to as the entrenchment ratio (how much  
22 room are you giving the stream to flood); this is the only criteria that this project doesn't meet. It does  
23 not add any value. They have put in for an alternative design review from DES. They have encountered  
24 this exact issue before and have gotten approval.

25  
26 Mr. Lacey asked what the downside is to not having the 33' crossing. Mr. Wilkes reiterated that this  
27 project as planned *improves upon* the current flood risk. They analyzed this based on hydraulics.

28  
29 Mr. Fenstermacher also reminded them that there was a significant investment to acquire the land to the  
30 North, so that they could cross at a more minimal width there, having less wetland impacts. The numbers  
31 support this project the way it is.

32  
33 Mr. Oidtmann asked about wildlife corridors. They have planned for these on both the North and South of  
34 this project, a total of 7 acres.

35  
36 Mr. Gil Alexo said that the site work will be done before any construction starts.

37  
38 Ms. Hirai was complimentary of the work they did at 343 along the bank and thanked them. She is  
39 hopeful that the stream at this new project will look better than it does now; Mr. Fenstermacher indicated  
40 that it will.

41  
42 Ms. Riley asked if they could work with the City about the sidewalks near Hanover High School on  
43 Hanover Street. She would like to see less impact on trees and wetlands. Mr. Fenstermacher said they will  
44 work with the City on this, and that this team is in agreement with ConCom that the sidewalk plan needs  
45 to be modified. He said they are dedicated to bearing some of the costs of the sidewalk.

46  
47 ***Mr. Ernst Oidtmann MOVED to approved the following:***

48  
49 **The Lebanon Conservation Commission recommends that the NH Department of Environmental**  
50 **Services (DES), *approve* the following application:**

51

1 The Lebanon Conservation Commission recommends that the NH Department of Environmental  
2 Services (DES) approve the following application:

3  
4 **Brickyard One Nominee Trust c/o Richard Marchese, LLC, 0, 174 Hanover St Ext & 238 Hanover**  
5 **St (Tax Map 48, Lots 1, 2 and 4 and Tax Map 63, Lot 1) - NHDES Wetland Major Impact**  
6 **Application for construction of a new multi-family planned unit residential development with**  
7 **associated parking, stormwater management, utilities, landscaping, and pedestrian/vehicular**  
8 **access. A total of approximately 1,931 SF of temporary impacts and 2,417 SF of permanent impacts**  
9 **are proposed by the project development. CC2025- 04 No DES #2025-01128.**

10  
11 **With the Following Conditions:**

- 12 • **DES and the applicant continue to identify crossing / bridge designs that provide optimal**
- 13 **ecological benefit within the realm of what is practical to require**
- 14 • **DES pay particular interest to the proposed stream bank restoration, including invasive**
- 15 **plant removal, native plantings, and the removal of historic culvert structures**
- 16 • **DES should be aware that the dead-end section of Hanover Street, in close proximity to the**
- 17 **proposed project, is a known amphibian crossing “hot spot”**
- 18 • **The ConCom desires the applicant continue to work with the City to minimize the wetland**
- 19 **impacts associated with the proposed sidewalk, as well as impacts to existing trees.**

20  
21 *Seconded by Mr. Chris Johnson*

22  
23 *\*The MOTION was approved unanimously*

24  
25 The ZBA review was discussed next.

26  
27 *Mr. Don Lacey MOVED to approve the following:*

28  
29 **The Lebanon Conservation Commission recommends that the Lebanon Zoning Board of**  
30 **Adjustment (ZBA) approve the following application:**

31  
32 **Brickyard One Nominee Trust c/o Richard Marchese, LLC, 0, 174 Hanover St Ext & 238 Hanover**  
33 **St (Tax Map 48, Lots 1, 2 and 4 and Tax Map 63, Lot 1) - NHDES Wetland Major Impact**  
34 **Application for construction of a new multi-family planned unit residential development with**  
35 **associated parking, stormwater management, utilities, landscaping, and pedestrian/vehicular**  
36 **access. A total of approximately 1,931 SF of temporary impacts and 2,417 SF of permanent impacts**  
37 **are proposed by the project development. CC2025- 04 No DES #2025-01128.**

38  
39 *Seconded by Mr. Chris Johnson*

40  
41 *\*The MOTION was approved unanimously*

42  
43 **5. STUDY ITEMS:**

- 44
- 45 A. Review and Comment on the Environmental Justice Report (30 minutes)
- 46

47 *Ms. Susan Almy MOVED to extend the meeting until 9:15PM*

48 *Seconded by Ms. Barbara Hirai*

49  
50 *\*The MOTION was approved Yay 6, Nay 1*

51

1 Chair Riley read a document about The Environmental Justice Task Force that formed in Lebanon back in  
2 2023. The DRAFT report was provided in the Agenda Packet for today’s meeting. Chair Riley was on  
3 this Task Force representing The Conservation Commission. She opened the floor for any comments or  
4 critical feedback from ConCom members; these will need to be submitted by June 20, 2025.

5  
6 Mr. Oidtmann had a specific recommendation which he handed to Chair Riley. Other members asked  
7 questions and Chair Riley addressed each. This Environmental Justice Task Force was very  
8 comprehensive and as such, there is much to consider.

9  
10 ***Ms. Barbara Hirai MOVED to extend the meeting an additional 5 minutes to 9:20PM***  
11 ***Seconded by Mr. Don Lacey***

12  
13 ***\*The MOTION was approved Yay 6, Nay 1***

14  
15 Ms. Almy provided a handout of a decision that passed the State House and Senate of New Hampshire  
16 earlier today, that will allow for Conservation Commissions to move excess funds into Cities’ General  
17 Funds accounts.

18  
19 Mr. Goodwin said that this is an expansion of what Con Com typically uses these funds for. He also  
20 added that there will actually never be a *surplus* of these funds, because they have 2,000 acres to take care  
21 of. He also said it would be the decision of The Conservation Commission to *offer* these funds.

22  
23 Ms. Almy is concerned because of some cities having financial pressures.

24  
25 Mr. Lacey said he wants to see what other communities do before they make any decisions.

26  
27 Chair Riley read part of the Bill text, and states RSA31.113 references a special forest maintenance fund,  
28 which Con Com does not have. It is not about a loss fund, which is what ConCom has.

29  
30 **6. COMMITTEE REPORTS:**

- 31  
32 A. Biodiversity Group (Invasives)  
33 B. Stewardship  
34 -Ranger  
35 -Trail Coordinator  
36 -Monitors and Stewards  
37 C. Wild about Lebanon  
38 D. Amphibian Crossings  
39 E. LUCT/Current Use  
40 F. Other Subcommittees

41  
42 **7. OTHER BUSINESS:**

- 43  
44 A. FYIs  
45 B. Follow Up  
46 C. Workshops and Educational Opportunities

47  
48 **8. FUTURE AGENDA ITEMS:**  
49  
50  
51

1           **9. ADJOURNMENT:**

2  
3           **The meeting was adjourned at 9:26 PM by Chair Riley.**

4  
5           Respectfully submitted,

6           Cinda Mersel

7           Recording Secretary

8

9

10

11

# Brickyard 1



# Brickyard 2



# Brickyard North Stream



© All EagleView Technology Corporation

# Brickyard South Stream



# Brickyard South Stream 2



# Brickyard North Stream 2



# Brickyard Whole Site





## CITY OF LEBANON ~ PLANNING & DEVELOPMENT

### ZONING BOARD OF ADJUSTMENT

#### STAFF MEMORANDUM

Alice Peck Day Memorial Hospital  
10 Alice Peck Day Drive

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**To:** Zoning Board of Adjustment

**Prepared By:** Nathan Reichert, *Director of Planning & Development* and *Zoning Administrator*  
& Tiffany Adams, *Zoning Executive Assistant*

**Date:** July 7, 2025 – Regular Meeting

**Application Number:** ZB2025-14-VAR

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#### HEARING NOTICE:

Alice Peck Day Memorial Hospital, 10 Alice Peck Day Dr (Tax Map 90, Lot 59), Zoned MC-2: The applicant requests a Variance from Article VI Section 608.4.A.4.a, pursuant to Article VIII Section 801.2, of the Zoning Ordinance to allow +/- 75 sq ft of freestanding sign area where none is allowed. ZB2025-14-VAR

#### SITE DESCRIPTION / BACKGROUND:

The subject property is improved with a dimensionally conforming medical center with buildings constructed between 1880 and 2015, per the City Assessor's records, is conforming to the MC-2 zoning district, Class 1, minimum lot size requirement of 30,000 sq ft with +/- 800,632 sq ft and is not within any overlay district. There has been no previous ZBA action that has an impact on this project or application.

#### PROPOSAL:

The applicant proposes to remove the existing externally illuminated, +/- 6.25 ft tall, +/- 32.25 sq ft, freestanding sign at the main entrance and install a +/- 8.5 ft tall, +/- 75 sq ft, internally illuminated freestanding sign.

Section 608.4.A.4.a of the Zoning Ordinance does not list the MC-2 Zoning District as a district that allows a freestanding sign of any area or height.

If this Variance is approved, the applicant proposes to locate the sign in accordance with Section 206 (Sight Distance at Street and Driveway Intersections) with landscaping and illumination that comply with Zoning requirements.

#### ZONING ORDINANCE REQUIREMENTS – VARIANCE:

To obtain the requested Variances the applicant must demonstrate compliance with each of the five Variance Criteria as set forth in Section §801.2 of the Zoning Ordinance and NH RSA 674:33, I(b). The five criteria are state in the bold text below, followed by general staff commentary on the meaning and intent of each.

**1. Will the variance be contrary to the public interest?** According to the Board of Adjustment in NH, 2012 Edition, for a variance to be contrary to the public interest, it must unduly and to a marked degree violate the basic zoning objectives of the zoning ordinance. To determine this, does the variance alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public?

**2. Will the spirit of the ordinance be observed?** According to the Board of Adjustment in NH, 2012 Edition, in deciding whether or not a variance will violate the spirit and intent of the ordinance, the Board

must determine the legal purpose the ordinance serves and the reason it was enacted. The effect of the variance should be evaluated in light of the goals of the Ordinance, which might begin or end with a review of the master plan upon which the ordinance is based.

**3. Is substantial justice done?** According to the Board of Adjustment in NH, 2012 Edition, Board members must determine each case individually. They suggest that perhaps the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.

**4. Are values of surrounding properties diminished?** According to the Board of Adjustment in NH, 2012 Edition, if there is conflicting evidence (dueling experts) then it is the Board's job to sift through such testimony and other evidence to make a finding as to whether there will be a decrease in property values. Board members may also draw upon their own knowledge of the area in reaching a decision on this standard. It is the applicant's burden to convince the Board that it is more likely than not that the project will not decrease values.

**5. Would literal enforcement of the provisions of the ordinance result in an unnecessary hardship?**

- a. **Special Conditions:** According to the Board of Adjustment in NH, 2012 Edition, Zoning imposes some hardship on all property owners by setting lot dimensions, allowable uses and other restrictions. Typically, the restrictions on one parcel are balanced by similar restrictions on other parcels in the same zone. When the hardship so imposed is shared equally by all property owners, no grounds for a variance exist. Only when some characteristic of the particular land in question makes it different from others can unnecessary hardship be claimed. Even within the same community, different results may be reached with just slightly different fact patterns.
- b. **Fair and Substantial Relationship:** Part of this standard includes whether or not a fair and substantial relationship exists between the general public purpose of the ordinance provisions and the specific application of that provision to the property. Is the restriction on the property necessary in order to give full effect to the purpose of the ordinance, or can relief be granted to this property without frustrating the purpose of the ordinance? Once the purpose of the provision has been established, the property owner needs to establish that, because of the special conditions of the property, application of the ordinance provision to their property would not advance the purposes of the ordinance provision in any "fair and substantial" way.
- c. **Reasonable Use: Is the proposed use a reasonable one?** All applicants believe their proposed use is a reasonable one. The applicant must establish that, in light of the special conditions of the property, as identified above, the proposed use is a reasonable one.

**STAFF COMMENTS:**

Zoning Ordinance Section 608.4.A.4.a allows 64 sq ft of sign area in the GC, GC-1, IND-L, IND-H districts, 32 sq ft in the CB district, and 24 sq ft in the LD district. The APD property is located within the Mascoma Street neighborhood and is surrounded by residential districts (R-1 and R-3).

*Section 608.7.J – Signs Allowed Without a Building Permit– Medical Center Complexes: On-premise signs for medical center complexes located in the Medical Center District, unless such signs are visible from a public street is applicable only to the signs at the interior of the property.*

A proposed sign size of 64 sq ft vs. a sign size of 75 sq ft should also be considered as this application would require a variance in any zoning district in the city.

**Erik Janiel**

Design Communications, Ltd

On behalf of:

Alice Peck Day Hospital

10 Alice Peck Drive

Lebanon, NH 03766

(857) 284-5429

ejanial@dclboston.com

**Date:** June 9, 2025

**Zoning Board of Adjustment**

City of Lebanon

Lebanon City Hall

51 North Park Street

Lebanon, NH 03766

**RE: Application for Variance – Freestanding Sign at 10 Alice Peck Drive**

**Applicant:** Alice Peck Day Hospital

**Location:** 10 Alice Peck Drive, Lebanon, NH

**Tax Map/Lot:** 90-59

**Zoning District:** MC-2

Dear Members of the Zoning Board,

On behalf of **Alice Peck Day Hospital**, I respectfully submit this application for a variance from Section 608 of the Lebanon Zoning Ordinance to permit the installation of a freestanding sign that exceeds the maximum allowed sign area of 64 square feet.

This request is part of a broader exterior signage rebranding initiative undertaken by **Mary Hitchcock Memorial Hospital** and **Dartmouth-Hitchcock Clinic**, who are jointly operating under the unified identity of **Dartmouth-Hitchcock**. The rebranding effort spans **26 separate medical sites** across the Dartmouth-Hitchcock system and is intended to establish a consistent and recognizable visual identity for patients, staff, and visitors across all affiliated campuses.

The proposed sign at Alice Peck Day Hospital will measure approximately **75 square feet**, representing a roughly **17% increase** over the current maximum permitted area. This additional square footage is necessary to accommodate the new standardized branding, which ensures that signage remains legible and appropriately scaled for campus identification—particularly given the hospital’s setback from the roadway and the critical importance of wayfinding for emergency and medical services.

The sign will conform to all other applicable zoning requirements, including height, location, lighting, and landscaping standards. It will be professionally designed and constructed in accordance with the Dartmouth-Hitchcock system-wide signage standards and in keeping with the aesthetics of the existing medical campus.

We believe this request satisfies the five criteria for a variance under RSA 674:33 and Lebanon Zoning Ordinance Section 801.2, and we have included a completed support statement addressing each standard. The proposed sign will not negatively impact the surrounding area and will enhance the hospital's ability to serve the public safely and effectively.

Thank you for your consideration of this application. Please do not hesitate to contact me with any questions or for additional materials in support of the request.

Sincerely,

**Erik Janiel**

Design Communications, Ltd

**On behalf of: Alice Peck Day Hospital**

**SUPPORT STATEMENT FOR A VARIANCE**  
Amended as to comply with amended State statute and intent statement\*  
**CITY OF LEBANON, NEW HAMPSHIRE**  
**Variance Standards: RSA 674:33 Effective Jan. 1, 2010**

**1. Not Contrary to the Public Interest**

The proposed sign will not alter the essential character of the area or negatively impact public health, safety, or welfare. Located within the existing hospital campus and surrounded by other institutional and medical uses, the sign is consistent with the setting. It will aid in safe navigation to hospital services and reduce confusion for visitors and emergency vehicles.

**2. Observes the Spirit of the Ordinance**

The ordinance aims to ensure signage is safe, legible, and harmonious with its surroundings. The proposed sign is appropriately scaled for the hospital's campus layout and setback from the public way. It will be professionally designed and landscaped, consistent with the ordinance's goals of clarity, safety, and aesthetics.

**3. Substantial Justice**

Granting the variance allows the hospital to clearly identify its location and services, particularly for first-time visitors and emergency traffic. Denial would create a disproportionate burden on the hospital's ability to provide safe, accessible care to the public, while offering no corresponding benefit to the community. Therefore, substantial justice will be served by granting the variance.

**4. No Diminution in Surrounding Property Values**

The sign will be professionally constructed and maintained, consistent with the medical campus aesthetic. It will not produce glare or visual clutter, and will improve site visibility and circulation. There is no evidence that the sign will negatively affect nearby property values; on the contrary, it may enhance the value of the area by improving campus identity and function.

**5. Unnecessary Hardship**

**(a) Owing to special conditions of the property that distinguish it from others in the area:**

**(i)** Due to its location on a medical campus, set back from both Mascoma Street and Route 120, the hospital is not readily visible to passersby. The public purpose of the 64 sq. ft. sign limit—minimizing visual impacts—is not substantially advanced by applying it in this context, where a larger sign is essential for visibility and public safety.

**(ii)** The proposed sign is a reasonable response to the needs of hospital patients, emergency vehicles, and visitors, providing essential wayfinding consistent with the campus use.

**(b) Alternative hardship justification:**

If the above criteria are not fully met, the property cannot be reasonably used in strict conformity with the ordinance due to its scale, setbacks, and vital function as a healthcare facility. A variance is therefore necessary to enable reasonable and safe use of the site.

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

SPECIAL EXCEPTION	<input checked="" type="checkbox"/>	<input type="checkbox"/> BUILDING CODE BOARD OF APPEALS
WETLANDS SPECIAL EXCEPTION	<input type="checkbox"/>	<input type="checkbox"/> APPEAL OF AN ADMIN DECISION
VARIANCE	<input type="checkbox"/>	<input type="checkbox"/> REHEARING REQUEST
EQUITABLE WAIVER	<input type="checkbox"/>	<input type="checkbox"/>

**PROPERTY OWNER (APPLICANT):**

NAME: ALICE PECK DAY MEM HOSPITAL TEL.#: \_\_\_\_\_  
 MAILING ADDRESS: ONE MEDICAL CENTER DR, LEBANON, NH 03756  
 E-MAIL ADDRESS: \_\_\_\_\_

**CO-APPLICANT, AGENT, OR LESSEE:**

NAME: DESIGN COMMUNICATIONS, LTD TEL.#: \_\_\_\_\_  
 MAILING ADDRESS: 85 BODWELL ST, AVON, MA, 02322  
 E-MAIL ADDRESS: \_\_\_\_\_

**PROJECT LOCATION:**

TAX MAP #: 90 LOT#: 59 PLOT #: \_\_\_\_\_ ZONE: \_\_\_\_\_  
 STREET ADDRESS: 10 ALICE PECK DAY DR  
 IS THIS PROPERTY LOCATED IN THE: WETLANDS  YES  NO HISTORIC DISTRICT  YES  NO  
 FLOOD PLAIN  YES  NO

**REQUEST DESCRIPTION:**

Applicant is requesting relief for the following section of the zoning ordinance:  
 S608.4.A.1.a.i - Sign Area; proposed replacement sign exceeds 64 sq.ft

**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: HOSPITAL

**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 July 7, 2025, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

Owner Signature: A. E. Mooney DATE: 6/9/25

**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: \_\_\_\_\_

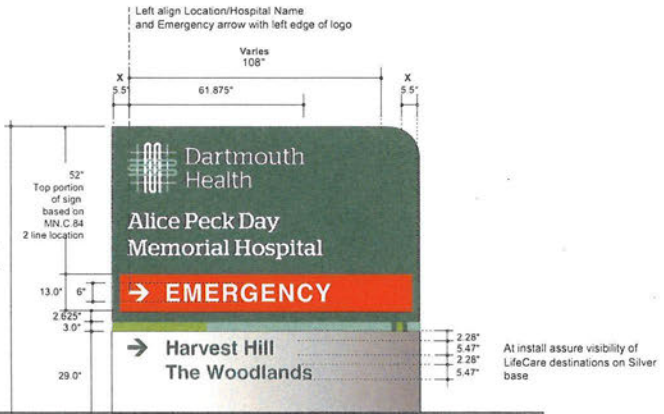
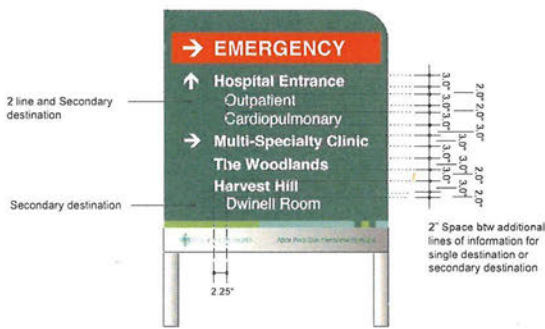
DATE RECEIVED: 6/9/2025

APPLICATION #: ZB2025-14-VAR

DH-010 Alice Peck Day EXTERIOR Branding & Directional Signage/Wayfinding  
PHASE 1 Sign Locations

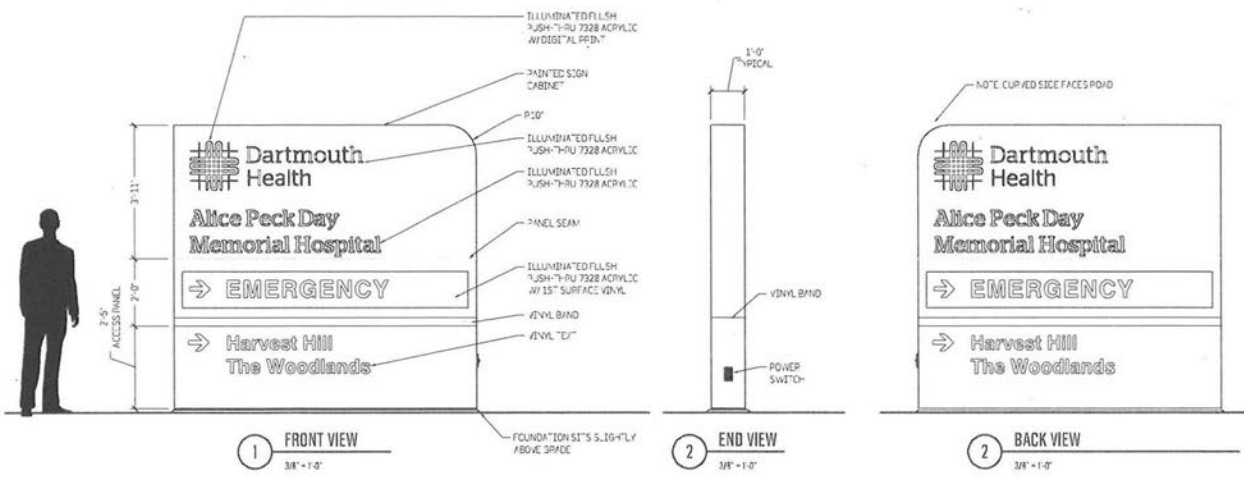


**DH-010 Alice Peck Day EXTERIOR Branding & Directional Signage/Wayfinding Entrance Monument Signs- Design Intent an Spacing Modifications**



Front View (PP.EU.60) - Reduced Copy Size/Line Spacing  
Scale 1/2" = 1'

Front View (MN.E.100) - 8.3x9 CUSTOM Front View  
Scale 3/8" = 1'



**DCL**

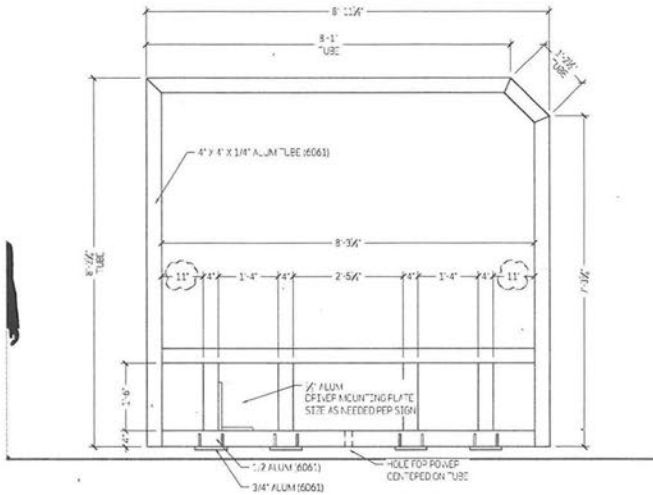
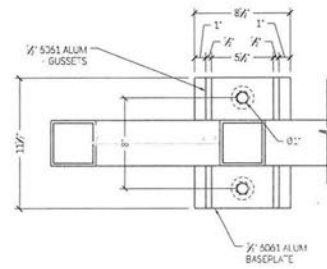
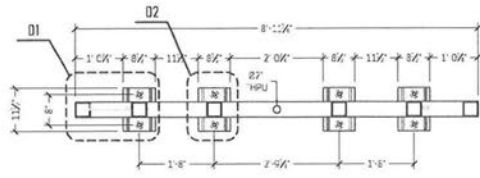
16983 Dsgn\28282 Alice Peck Day Hospital D-MP 3D.MVE\120125 Monument - Close Standing Facade.dwg 09 June 25 - 2:00pm By: [redacted]

Bartmouth Health Rebrand  
Alice Peck Day  
120125 Monument  
Dartmouth, NH 03824

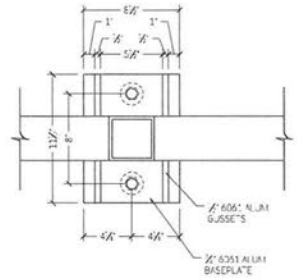
16983 For Approval 11 Feb 25  
16983 For Approval 14 Feb 25  
16983 FOR PRODUCTION 14 Feb 25

ELECTRIC	120-277VAC, 4A@120
DRAWN BY	ADH Exterior
CHECKED	
Shop Drawing	1
JOB	16983
WD	28282

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.



**D1** DETAIL  
1/4" = 1'-0"



**D2** DETAIL  
1/4" = 1'-0"

**1** INTERNAL FRAME  
3/4" = 1'-0"

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.



**DCL**

120-277WAC, 4A@120  
16993  
28282

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Barlborough Health Rebrand  
Nice Park Day  
Signage Requirements

For Approval  
11 Feb 25  
For Approval  
14 Feb 25  
FOR PRODUCTION  
14 Feb 25

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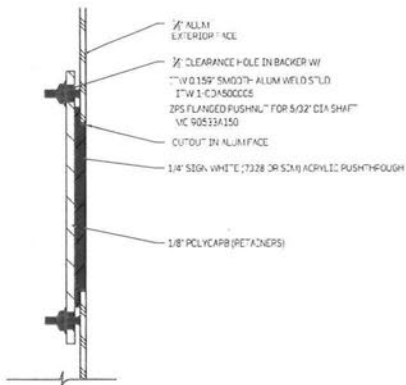
ELECTRIC 120-277WAC, 4A@120

DRAWN BY ADH Exterior

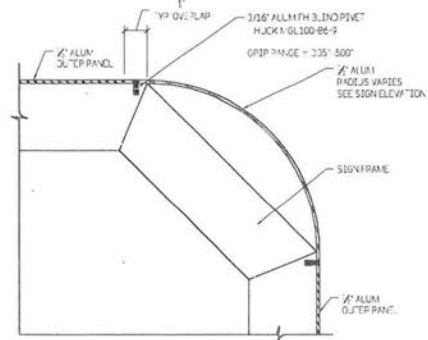
CHECKED

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Shop Drawing 1a  
JOB 16993  
WO 28282



1 DETAIL - TYPICAL LIT PUSH-THROUGH LETTER/LOGO  
HALF SIDE



3 DETAIL - CURVED CORNER  
3'-1 1/2"

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

DCL

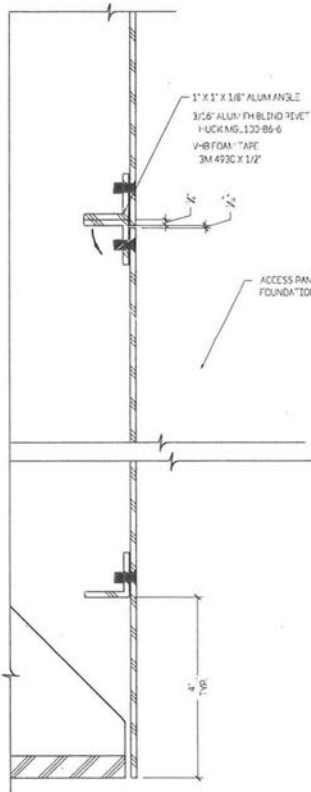
100 WATER STREET  
 DARTMOUTH, NH 03824  
 TEL: 603.431.1234  
 FAX: 603.431.1235

P: 1008  
 Dartmouth Health Rebrand  
 Alice Peck Day  
 16083 Dwg(22222)  
 Project: 16083

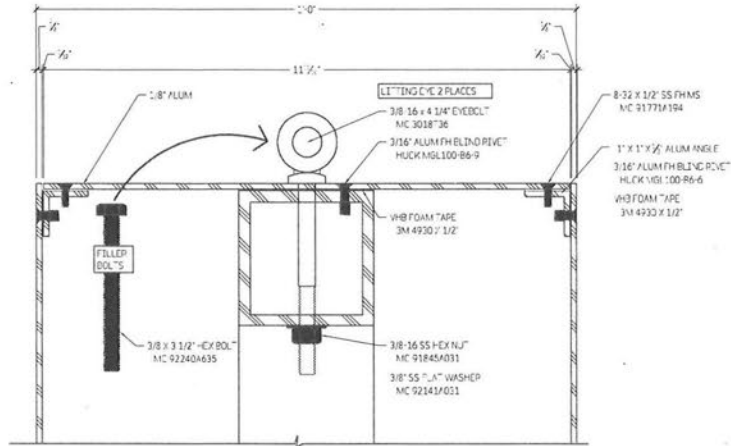
DR: [Redacted]  
 Designer: [Redacted]

DATE: For Approval 11 Feb 25  
 For Approval 14 Feb 25  
 FOR PRODUCTION 14 Feb 25

ELECTRIC	120-277VAC, 4A@120
DRAWN BY	ADH Exterior
CHECKED	
Shop Drawing	1b
JOB NO	16893
WO	28282



**1** DETAIL - BASE ACCESS  
HALF SIZE



**2** DETAIL - TYPICAL OUTER PANEL AND FACE REMOVAL  
HALF SIZE

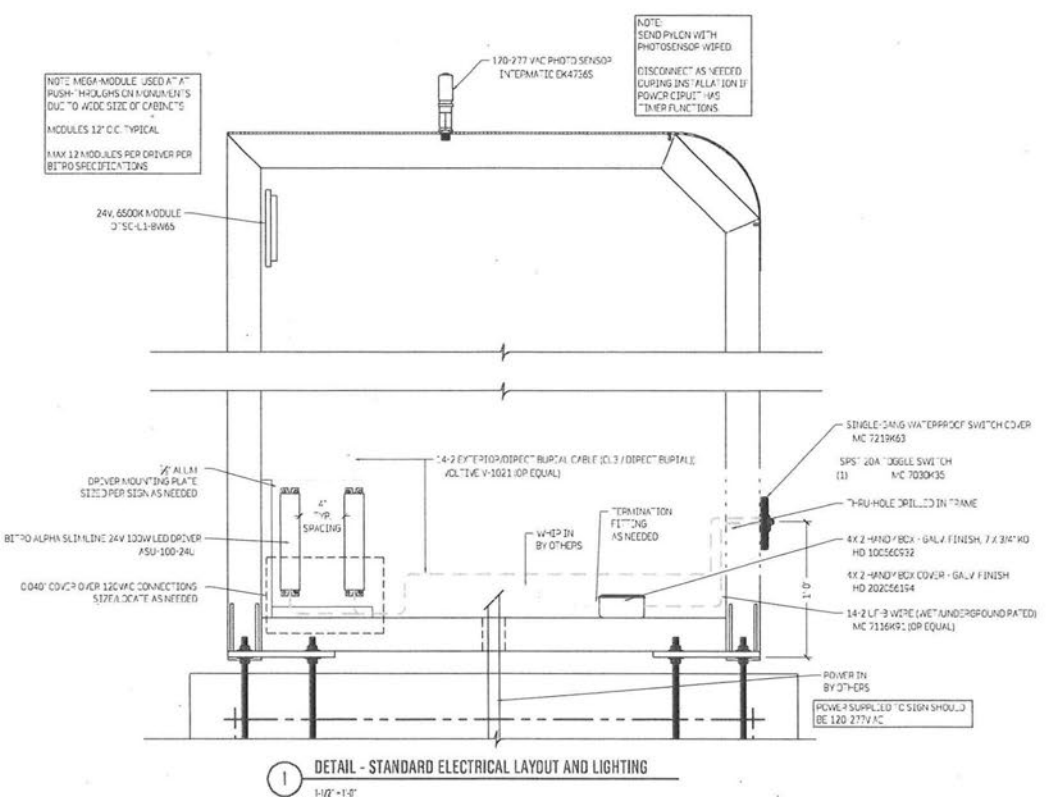
THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.



Garnemuth Health Rebrand  
 Alice Peak Day  
 120-277WAC, 4A@120  
 14 Feb 25

FOR APPROVAL		120-277WAC, 4A@120
11 Feb 25	14 Feb 25	14 Feb 25
FOR APPROVAL		
14 Feb 25		
FOR PRODUCTION		
14 Feb 25		

DRAWN BY	ADH	Exterior
CHECKED		
Shop Drawing		1c
JOB NO	16993	
WO	28282	



THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

**DCL**

Barlborough Health Refractor  
**Alice Peak Day**  
 7 New York St. Suite  
 20000 AB 0270

For Approval  
 11 Feb 25

For Approval  
 14 Feb 25

FOR PRODUCTION  
 14 Feb 25

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ELECTRIC 120-277VAC, 4A@120

DRAWN BY ADH Exterior

CHECKED

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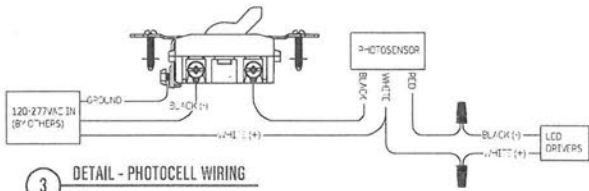
Shop Drawing **1d**

JOB 16983  
 WO 28282

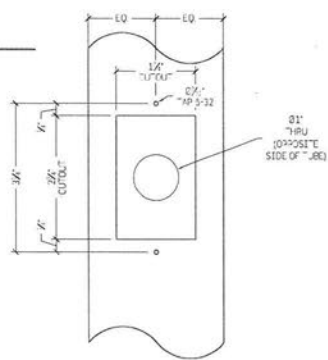


NOTE  
THIS LAYOUT IS FOR 24V-1 SIDE  
DOUBLE THE AMOUNT OF DRIVERS AND  
LED'S SHOWN HERE FOR CROSS.

1 LED LAYOUT - TYPICAL EACH SIDE  
1/2" - 1/4"



3 DETAIL - PHOTOCCELL WIRING  
N.T.S.



4 DETAIL - SWITCH CUTOUT  
HALF SIZE

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

**DCL**

Bartholomew Health Rebrand  
Alice Park Day  
16883 (Sign)\22222\Alice Park Day\Isata-D-NP-31.MNE\20215\Mount - Close\Sheeting\Detail on 09 June 25 - 2024.dwg

DATE: 06/09/25  
DRAWN BY: ADH  
CHECKED BY: ADH

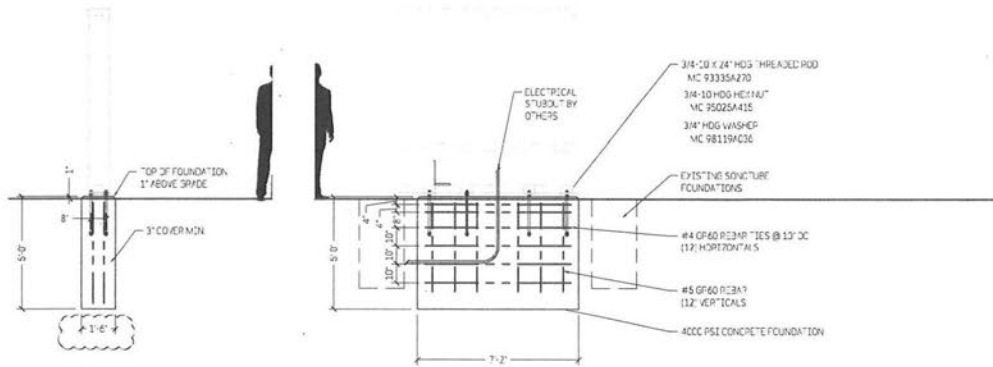
FOR APPROVAL  
11 Feb 25  
FOR APPROVAL  
14 Feb 25  
FOR PRODUCTION  
14 Feb 25

ELECTRIC 120-277VAC, 4A@120

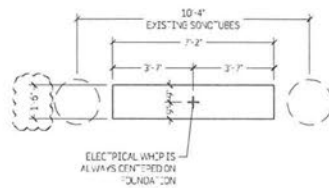
DRAWN BY ADH Exterior

CHECKED

Shop Drawing 1e  
JOB 16883  
WD 28282



**1 FOUNDATION**  
1/4" = 1'-0"



**2 DETAIL - ELECTRICAL WHIP LOC.**  
1/4" = 1'-0"

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

100 W. 84th St., Suite 100  
 Overland Park, KS 66204  
 Phone: 913.241.1111  
 Fax: 913.241.1112

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26983  
 26983 Alice Peak Day Spa  
 1400 West 100th Street  
 Overland Park, KS 66204

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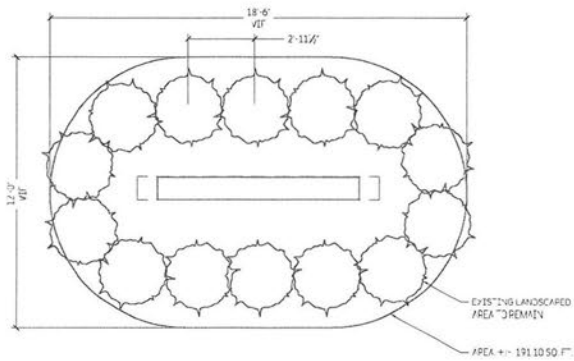
26983 Shop Drawing 28282  
 Emergency Retainer

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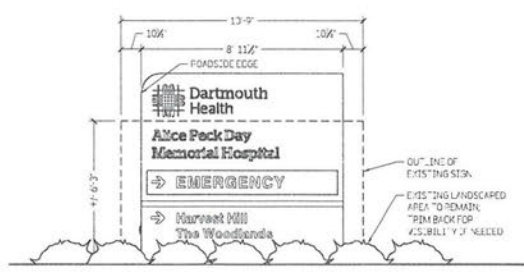
For Approval 11 Feb 25  
 For Approval 14 Feb 25  
 FOR PRODUCTION 14 Feb 25

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ELECTRIC	120-277VAC, 4A@120	
DRAWN BY	ADH Exterior	
CHECKED		
Shop Drawing	1f	
JOB		16593
WO		28282



2 PLAN  
1/4" = 1'-0"



1 DETAIL - EXISTING SIGN COMPARISON  
1/4" = 1'-0"



3 IMAGE - EXISTING CONDITIONS  
N.T.S.

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

DCL

PROJECT NO. 16983  
 JOB NO. 16983  
 SHEET NO. 01-01-01

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PROJECT: Dartmouth Health Rebrand  
 Alice Peck Day  
 17 Alice Peck Day Blvd  
 Lebanon, NH 03756

TITLE: Sign Type W&L 84.9  
 Emergency Monument

DATE: Addendum  
 05 June 25

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ELECTRIC 120-277VAC, 4A@120

DRAWN BY ADH Exterior

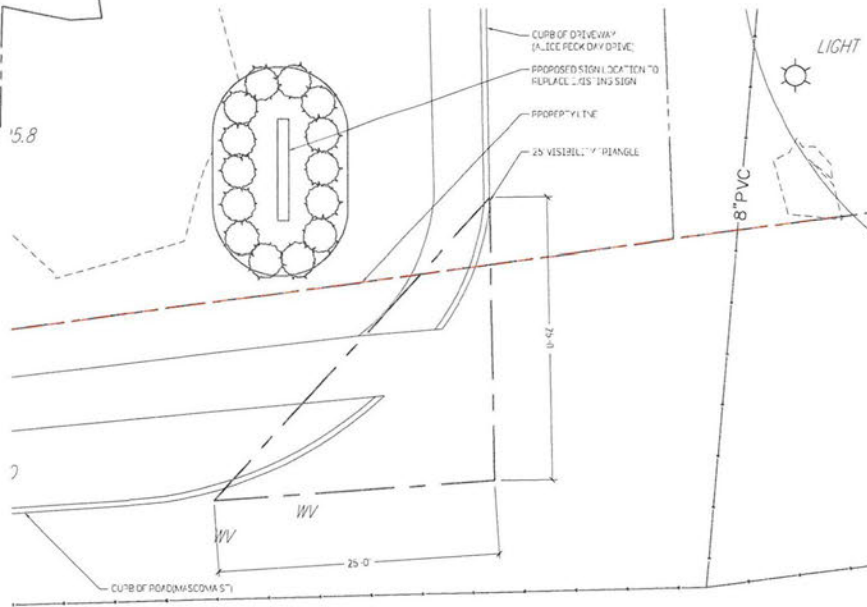
CHECKED

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Shop Drawing 1g  
 JOB 16983  
 WO 29282



1 PLAN  
1/8" = 1'-0"



2 DETAIL - LOCATION  
1/8" = 1'-0"

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.



DCL CONSULTANTS LTD

10000 BAYVIEW AVENUE  
SUITE 1000  
SCARBOROUGH, ONTARIO  
M1V 4Y5

PH: (416) 291-1111  
FAX: (416) 291-1112  
WWW.DCLCONSULTANTS.COM

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**Bartmouth Health Rebrand**  
**Alice Perk Day**  
 17 Alice Perk Day Drive  
 Scarsdale, NY 12158

PROJECT: Signage for Emergency Room

DATE: Addendum  
05 June 25

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ELECTRIC 120-277VAC, 4A@120

DRAWN BY ADH Exterior

CHECKED

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Shop Drawing 1h  
 JOB 16983  
 WO 28282



**CITY OF LEBANON ~ PLANNING & DEVELOPMENT**

**ZONING BOARD OF ADJUSTMENT  
VARIANCE**

**Draft Decision**

**Alice Peck Day Memorial Hospital  
10 Alice Peck Day Drive**

**DRAFT MOTION for:**

**Agenda Item 3.**

**Case ZB2025-14-VAR**

**Request for Variance from Section §608.4.A.4.a**

Motion made by: \_\_\_\_\_

On July 7, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared \_\_\_\_\_ regarding 10 Alice Peck Day Dr (Tax Map 90, Lot 59), Zoned MC-2: The applicant requests a Variance from Article VI Section 608.4.A.4.a, pursuant to Article VIII Section 801.2, of the Zoning Ordinance to allow +/- 75 sq ft of freestanding sign area where none is allowed. ZB2025-14-VAR

**I. FINDINGS OF FACT**

Based on testimony given, application materials presented, and supporting documents submitted, the Lebanon Zoning Board of Adjustment makes the following findings of fact:

1. The subject property is improved with a dimensionally conforming medical center with buildings constructed between 1880 and 2015.
2. The subject property is conforming to the required minimum 30,000 sq ft lot size.
3. The proposed sign is able to be replaced with a sign that is equal in area and height to the existing sign.
4. The proposed sign will be located in accordance with Section 206 with landscaping and illumination that comply with Zoning requirements.
5. The applicant has submitted testimony addressing the section §801.2 Variance criteria in an application received by the Planning and Development Department on June 9th, 2025.
6. To obtain the requested Variance from section §608.4.A.4.a, the applicant must demonstrate compliance with each of the five variance criteria as set forth in Section 801.2 and NH RSA 674:33, I(b).

7. \_\_\_\_\_  
\_\_\_\_\_

8. \_\_\_\_\_  
\_\_\_\_\_

**II. CONCLUSIONS OF LAW**

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Board concludes the following with respect to the Variance criteria set forth in section §801.2 of the Zoning Ordinance

1. The variance **will not / will** be contrary to the public interest.  
\_\_\_\_\_  
\_\_\_\_\_

2. The spirit of the ordinance **is / is not** observed.  
\_\_\_\_\_  
\_\_\_\_\_

3. Substantial justice **is / is not** done.  
\_\_\_\_\_  
\_\_\_\_\_

4. The values of surrounding properties **are not / are** diminished.  
\_\_\_\_\_  
\_\_\_\_\_

5. Literal enforcement of the provisions of the ordinance **would / would not** result in an unnecessary hardship. Owing to **[the following]** special conditions of the property that distinguish it from other properties in the area.  
\_\_\_\_\_  
\_\_\_\_\_

6. There **is not / is** a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property.  
\_\_\_\_\_  
\_\_\_\_\_

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7. The proposed use is / is not a reasonable one.

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**III. DECISION**

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **7<sup>th</sup> day of July, 2025**, hereby **GRANTS / DENIES** the Variance from Section §608.4.A.4.a, pursuant to Section §801.2 of the Zoning Ordinance to allow +/- 75 sq ft of freestanding sign area where none is allowed, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The Applicant shall apply for a building permit.

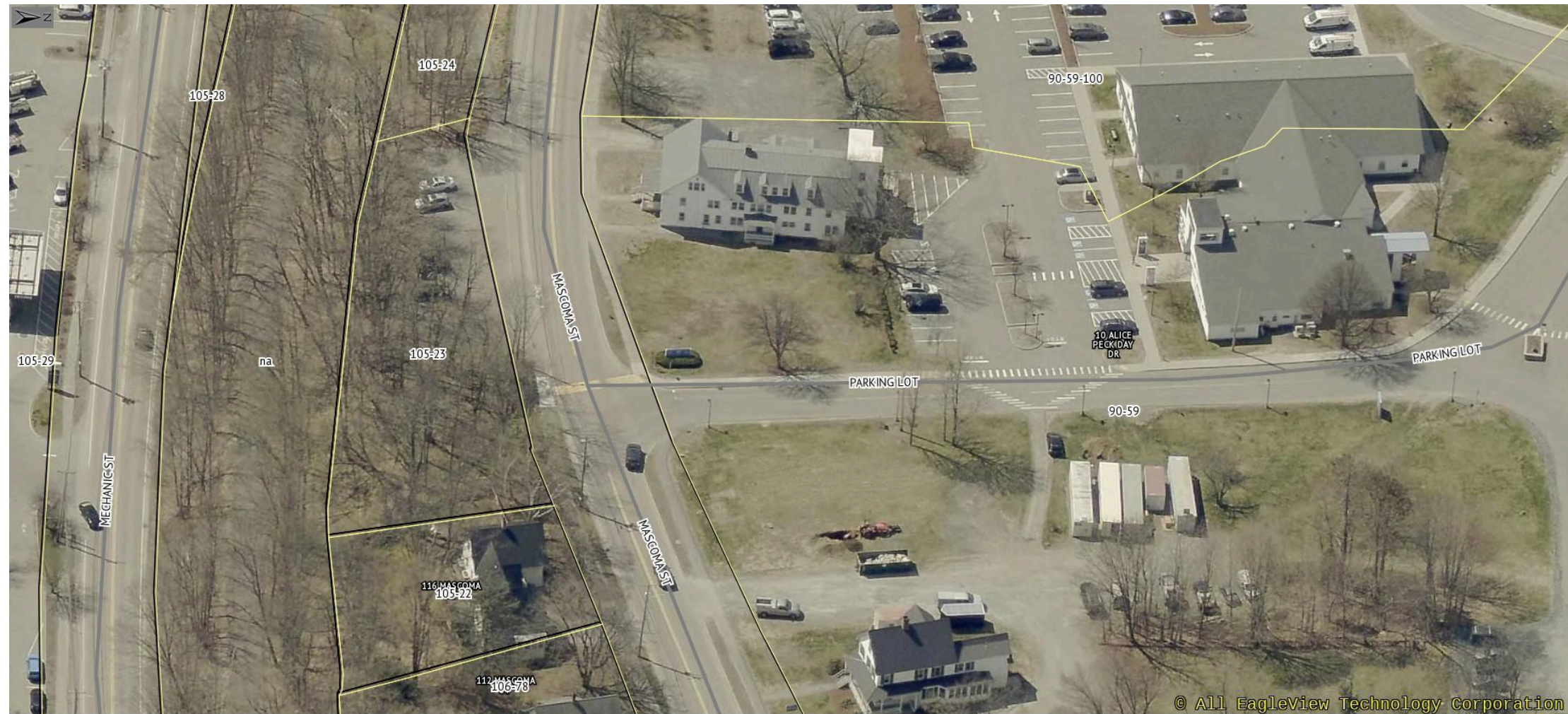
2. \_\_\_\_\_  
\_\_\_\_\_

3. \_\_\_\_\_  
\_\_\_\_\_

Motion seconded by: \_\_\_\_\_

Vote: \_\_\_\_\_

# 10 APD Sign 1



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# 10 APD Sign 2







Image capture: Jul 2024 © 2025 Google

