

FINAL

**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. CALL TO ORDER:

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

2. APPROVAL OF MINUTES:

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

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

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

**The MOTION was approved unanimously*

3. OPEN TO THE PUBLIC:

Mr. Mark Goodwin read the Preamble.

4. PERMIT REVIEW:

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

The Conservation Commission needs to respond to the ZBA about this wetland application.

The **application** has not changed as Saxon is waiting to hear from DES. Saxon was again represented this evening by Mr. Dave Fenstermacher, and Mr. Brendan Gilmore. Saxon wanted to share the information with ConCom in advance of presenting this to ZBA.

The Conservation Commission and the Saxon team discussed many components of the wetland impacts and other impacts associated with the project.

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***

- B. **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) – Review and Comment on 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. Pursuant to Section 401.5 of the Lebanon Zoning Ordinance, this project requires approval of a Special Exception from the Lebanon Zoning Board of Adjustment (ZBA), as such, the Conservation Commission will be providing comment to the ZBA as part of the application review. (30 minutes for DES review, 15 minutes for ZBA review)**

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

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

This project is proposing some limited wetland impact related to the two new stream crossings. Those crossings are at the narrowest points of the wetlands, but there will be edge impacts there. A 3rd wetland impact is proposed on Hanover St., to extend the sidewalk there, which was a condition of the planning board.

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

street, and they plan to do stream restoration. And finally, there is a wetland culvert, and they are proposing to take that culvert out and restore that area to a vegetated swale to enhance hydrological connectivity between the wetland and the stream.

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

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

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

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

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

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

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

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

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

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

Mr. Ernst Oidtmann MOVED to approved the following:

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

The Lebanon Conservation Commission recommends that the NH Department of Environmental Services (DES) 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.

With the Following Conditions:

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

Seconded by Mr. Chris Johnson

**The MOTION was approved unanimously*

The ZBA review was discussed next.

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*

5. STUDY ITEMS:

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

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

Seconded by Ms. Barbara Hirai

**The MOTION was approved Yay 6, Nay 1*

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

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

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

****The MOTION was approved Yay 6, Nay 1***

Ms. Almy provided a handout of a decision that passed the State House and Senate of New Hampshire earlier today (HB124), that will allow for Conservation Commissions to move excess funds into Cities' General Funds accounts.

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

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

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

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

6. COMMITTEE REPORTS:

- A. Biodiversity Group (Invasives)
- B. Stewardship
 - Ranger
 - Trail Coordinator
 - Monitors and Stewards
- C. Wild about Lebanon
- D. Amphibian Crossings
- E. LUCT/Current Use
- F. Other Subcommittees

7. OTHER BUSINESS:

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

8. FUTURE AGENDA ITEMS:

9. ADJOURNMENT:

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

Respectfully submitted,

Cinda Mersel

Recording Secretary