

FINAL

**LEBANON CONSERVATION COMMISSION
REGULAR MEETING MINUTES
Remote Via Microsoft Teams
LebanonNH.gov/Live
Thursday, May 13th, 2021
6:30 PM**

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

MEMBERS ABSENT: Chris Johnson, Bruce James, Darla Bruno (Alt.), Suellen Balestra (Alt.)

STAFF PRESENT: Mark Goodwin (GIS Coordinator)

1. CALL TO ORDER – Chair Oidtmann called the meeting to order at 6:33 PM

- Mr. Mark Goodwin reviewed the meeting procedures for remote meetings and NH RSA 91-A “Right to Know” requirements. A Roll Call of Commission Members who participated remotely are listed above.
- Chair Oidtmann appointed Barbara Hirai as a regular voting member in place of Chris Johnson.
- Chair Oidtmann wanted to compliment Vice Chair Sarah Riley for the work she had done on the garlic mustard project. He also wanted to thank Mr. Bruce James for the great work on the report he did.

2. APPROVAL OF MINUTES: April 8th, 2021

Mr. Heistad MOVED to approve the April 8th, 2021 Minutes as amended and presented in the May 13th, 2021 agenda packet.

Seconded by Ms. Riley.

Amendments:

Page 4, Line 3 Change “his” to “their”

Page 5, Line 48 Change “trail head” to “trailhead”

Roll Call Vote:

Ernst Oidtmann, Erling Heistad, Sarah Riley, Donald Lacey, Barbara Hirai, and Susan Almy all voting Yea.

None voted Nay.

**** The Vote on the MOTION was approved (6-0).***

3. PERMIT REVIEW:

A. City of Lebanon- Preliminary review and comment on a draft NHDES Wetland Standard Dredge and Fill Application (Major Impact) associated with construction of a new multi-use path on Lahaye Drive with a total of 18,642 square feet of total permanent plus temporary wetland impacts on a 5.93 acre parcel

owned by Dartmouth College, under preliminary agreement for easement, located at 0 Mount Support Road, Lebanon, Tax Map 10, Lot 24, Plot 200.

Mr. Goodwin explained to the Commission that this was not a formal application process and therefore did not need to have a Motion done at the end of the presentation.

Ms. Rebecca Owens, with the City of Lebanon, started the presentation by explaining the background of the project. She said the project had been around for a while. In 2016 it was part of a federal application for a grant for the work to be done. The goal was to construct just under 1,000 linear feet of a 10-foot-wide multi-use path to safely convey pedestrian and bicycle traffic from Route 120 to the Mt. Support Road intersection. The preliminary design was done in 2019, but the project was held up due to Covid-19. They were hoping the project would go out to bid in the winter and that construction would start in 2023, if not sooner.

Mr. Lacey asked if federal funding was still going to be involved in the project and Ms. Owens said yes, it would be an 80/20 funding. Mr. Lacey asked if because federal funding was involved if there would be more extensive requirements being made? Ms. Owens said the project was subjected to categorical exclusion.

Ms. Hirai asked how the timing of the project being presented coincided with the project being done on Route 120? Would this project be done before or during that project? Ms. Owens said this project was on a faster track than the other project. The scope of work on 120 did not include the part of Lebanon that this project was incorporating.

Chair Oidtmann said that the map he was looking at showed two different properties on it. He was questioning the property lines on the map. He also asked what the structure was at the head of the project area? Mr. Goodwin suggested that after the presentation was over, they may cover any questions that the Commission members may have.

Ms. Charlotte Brody, Wetland Specialist and Field Naturalist with Dubois and King, gave her presentation on the project. Mr. Brian Bresland was also there as the engineer who worked on the project. The project is only on the north side of Lahaye Drive. Chair Oidtmann asked what the area represented in the right upper corner of the project was? Ms. Brody said it showed where the intersection with NH Route 120 was involved. She said the wetland extended up north and south of Lahaye Drive. This would be a multi-use path on the north side of Lahaye Drive between Mt. Support Road and Route 120. The City of Lebanon was the applicant for the project. The purpose of the project was to safely convey bicycles and pedestrian traffic on Lahaye Drive. The new path would connect to the existing sidewalk at Mt. Support Road, south of the project area, and to the existing sidewalk along Centerra Parkway.

Ms. Almy asked for more clarification on the map and where exactly the project was located. Ms. Brody, Ms. Owens, and Mr. Bresland provided clarification on the drawings of the project. Ms. Hirai asked if the bicycles and the pedestrians would all use the same lane, or would there be separate lanes? Ms. Owens said it would be like the Mt. Support pathway. It was decided that before the next presentation was given a better drawing of the project map would need to be created and provided.

Ms. Almy asked what would happen with the water on either side of the new pathway. Ms. Brody said that was why the culverts would be put in place. Ms. Owens said there was already a culvert there, it would just be moved a little. The culvert would be 36 inches wide.

The area was cleared for Section 106 (Historical and Archeological Resources) and there was potential habitat for the Long-Eared Bat. Cutting trees in a non-active time of year would result in “May affect, not likely to adversely affect the species”. No other listed species or communities of concern were found in the NH Natural Heritage database, but a Conservation Commission member had noted the presence of a rare species. Ms. Brody stated she would very much like to hear more on that. Ms. Owens pointed out that there was a property owner aspect to this and that a representative of the property owner was on the call. At that point, Dan Justynski of Dartmouth introduced himself and indicated he would want to continue the conversation about the rare species off-line. He indicated to Ms. Riley that he would be available to talk early the following week about what she found. Ms. Brody requested that she be kept in the loop too. The last category of impacts are the wetland impacts, which Ms. Brody categorized for all intents and purposes as unavoidable.

Ms. Brody showed a map of the wetland delineation and impacts of the western section of the project. Ms. Owens said that the culvert would eventually need to be maintained at some point due to age and wear and tear. Vice Chair Riley asked about the two culverts shown on the map. Mr. Bresland said that the lowest part of the roadway would have a catch basin and the other culvert was an existing culvert. More conversation was had on the culverts and their placement and what they would be draining.

Ms. Brody explained the total wetland impacts would include 13,257 ½ square feet of permanent impact and 5,383.9 square feet of temporary impact. The total impact would be 18,641.4 square feet. The impacts were unavoidable, if they tried to go to the south side of the road, even more wetlands would be impacted over there. She did say that they had been able to minimize the impacts to wetlands by steepening the slopes. Having the path immediately adjacent to the road also helped to minimize the wetland impact.

Because of the wetland impact the NHDES Wetlands Rules required compensatory mitigation for the major wetlands application. The project had to investigate on-site opportunities first for mitigation, but there were none since the City of Lebanon only owned a narrow strip of right-of-way along Lahaye Drive. The next route that was being taken was to ask the Conservation Commission if they knew of any projects that could be done for the wetland mitigation. If there were any suggestions, they would be investigated. If there were no suggestions than an In-Lieu Fee would have to be paid by the City.

Mr. Goodwin asked if, with the increase of slope, that would require a fence being put in, interrupting a wildlife corridor? Ms. Owens said there would be a fence that was required. Mr. Bresland said he would confirm the need for a chain link fence.

Mr. Lacey suggested fixing the continuity of the wetland on either side of Lahaye Drive as the mitigation for the wetland impact. Ms. Owens said it could be possible to ask the owners of the land, Dartmouth College, to see what their willingness would be to help with the wetland impact. Ms. Owens reminded the Commission that since it was a federal grant, they also needed to raise matching funds and the project was close to being at its limit where that was concerned.

Ms. Hirai asked where land would come from for mitigation? Ms. Owens said on-site would be Dartmouth, off-site would be first City opportunities then, possibly Dartmouth College property. More discussion was had on mitigation property and projects. Ms. Brody asked if she was hearing that the Conservation Commission did not have any ideas for a mitigation project?

Vice Chair Riley would like to come up with a project instead of in-lieu funds being paid for mitigation. She thought, given time, a project could be thought of. She said it was hard though not knowing the figures that were being thought of for the mitigation.

More conversation was had on different places that mitigation could take place. Questions were asked as to what would constitute a mitigation project? Ms. Brody explained the rules of mitigation and the in-lieu fee process and who might benefit from the fees. Ms. Owens explained that as delays continued the project, the project cost continued to go up.

Mr. Lacey suggested treating Japanese Knotweed. Ms. Brody asked if they would be in wetlands? Mr. Lacey said he thought most of the Japanese Knotweed would be in wetlands. Ms. Hirai thought the Commission should look at the wetland options in the City and have another meeting. She thought they could find little areas in the City for mitigation.

Ms. Brody asked if they could find some areas and sketch them on a map and send them to her. She asked how long that may take?

It was decided by some of the members of the Conservation Commission that they would get together to investigate wetland areas in Lebanon. Vice Chair Riley said they could get together informally in a non-quorum group and look for some wetlands.

Mr. Goodwin summarized what the Commission was thinking for mitigation. He said that some members of the Conservation Commission were going to try to brainstorm wetland enhancement ideas to satisfy the mitigation. He said probably a land protection idea was out of the question but perhaps they could come up with a wetland enhancement that would satisfy the DES requirement.

4. STUDY ITEMS:

A. Review and Comment Regarding Proposed COL Tree Advisory Board- Vice Chair Riley said that Mr. Paul Coats asked her to present this idea to the Commission. Some residents of the City have shown interest to do more to protect the trees of Lebanon. They would like to set up a more formalized Tree Board. This Board would be an Advisory Board. She believed that the City Manager asked that the Conservation Commission weigh in on the idea.

Ms. Hirai said that it looked like the trees being proposed to keep safe were on City lands, not necessarily on Conservation lands. Mr. Goodwin agreed with that statement and said it would be a new Board in the City. He thought the Conservation Commission might like a voice on the new Board.

***Ms. Riley MOVED to extend the meeting until 9:00PM.
Seconded by Mr. Heistad.***

Roll Call Vote:

Ernst Oidtmann, Erling Heistad, Sarah Riley, Donald Lacey, Barbara Hirai, and Susan Almy all voting Yea.

None voted Nay.

*** *The Vote on the MOTION passed (6-0).***

Chair Oidtmann asked if this new Board would fill a need? The consensus was it would. More discussion was had on which other boards might want representation on the new Board.

Mr. Heistad thought LEAC, the Conservation Commission, City Council, and the Recreational Department should all have a seat on the new Board. Ms. Almy added that the Public Works Department should also be involved. Mr. Heistad thought the Board should have 7 members on it. Mr. Goodwin said they could suggest that one of the members on the Tree Board should be a representative from the Conservation Commission. Chair Riley said she would volunteer to be on the Board, it was scheduled to meet every 2 months.

It was decided that Conservation Commission members would e-mail Vice Chair Riley with any ideas or suggestions that they might have for the new Tree Board. It was agreed that the Tree Board was a good idea.

Mr. George Sykes, City Council alternate representative, thought the new Tree Board was a very good idea. He thought it should encompass all trees in the City.

5. COMMITTEE REPORTS:

A. Conservation Lands Monitors: Mr. Goodwin said that the City had hired a new Ranger. His name was Mr. Clayton Morlock, but said that Mr. Ron Bailey was still around (having gone from semi-retired to semi-semi-retired).

Mr. Morlock said he had lived in the City for approximately the last 30 years and was very familiar with the trails in the City. He is on the Board of Directors for the Upper Valley Mountain Biking Club. He said his priorities were to take an inventory on what would be needed to stabilize the trails and what signage was needed. He would be looking into getting some grants and volunteers for trail maintenance.

Ms. Hirai said she had several people who were interested in working on the bog bridges at Boston Lot. She said she needed the information of when the project was going to take place, to e-mail the volunteers.

Ms. Hirai reported that she has at least 16 volunteers who have reported to the Stewards at the Jackson Conservation Area and Boston Lot. The Stewards have been using the new reporting system online. She also said that there were approximately 20 volunteers from the Church of Jesus Christ of Latter-day Saints that cleared out the north mitigation area at Two Rivers Conservation Area.

Vice Chair Riley said that there were some people who were using the Eldridge Street trailhead at Starr Hill to dump their yard waste. She said the next time she looked the yard waste was gone and a No Dumping sign was up. Mr. Goodwin said 5 truck loads of debris were removed from that area by DPW.

B. Lebanon Biodiversity Group: Mr. Lacey said there was a lot going on, but he yielded his time to Vice Chair Riley. She reported that she and Ms. Hirai, Mr. Lacey along with other volunteers, had been pulling Garlic Mustard. She also reported that the amphibian migration program had been successful, and people had been using the online form to report what they had found during crossings in the City.

Mr. Lacey left the meeting at 8:59pm.

Chair Oidtmann reported that he had been attending the NH DOT meetings of the Route 120 Committee. He said he had been trying to push to get trees in the median just south of Exit 18.

C. Workshops and Educational Opportunities: Ms. Hirai reported that the Connecticut River Joint Committee was going to have a presentation on invasive plants along the river on May 25th, 2021 at 6:30pm.

6. ADJOURNMENT:

The meeting was adjourned at 9:01 PM.

Respectfully submitted,
Barbara R. Higgins
Recording Secretary