

FINAL

**CONSERVATION COMMISSION
SPECIAL MEETING MINUTES
Remote Via Microsoft Teams
LebanonNH.gov/Live
November 30, 2021
6:30 PM**

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

MEMBERS ABSENT: Megan Smith (Alt.) Erling Heistad, Darla Bruno (Alt.)

STAFF PRESENT: Mark Goodwin (GIS Coordinator)

1. CALL TO ORDER – Chair Oidtmann called the meeting to order at 6:30 PM

2. APPROVAL OF MINUTES: None

3. PERMIT REVIEW

A. Review and Comment on NHDES Wetland Standard Dredge and Fill Application (Major Impact) associated with the long-term mining of the Lebanon Crushed Stone Quarry, operated by Pike Industries at 335 Plainfield Road in West Lebanon. The existing active quarry, totaling approximately 57 acres, will expand to an overall total size of approximately 250 acres (the continued mining area) as currently approved by AOT Permit AOT-0709B. A total of 110,413 SF (2.53 ac) of wetland located in the continued mining area will be permanently impacted, including 3 vernal pools. (30 minutes) - Continued from November 18, 2021 See application information there.

Ms. Almy stated that she is concerned that the project will create a cliff, leading down approximately 500' in shelves, and that there will be no area left for possible reclamation.

It was noted that there is a proposed grading plan for the site and that there will not be a cliff, but terraced areas in a manner consistent with the Alteration of Terrain (AoT) permit. There is an area of wetlands in the middle of the property that is proposed to be removed. The finished condition of the quarry shows a proposed elevation similar to that of Plainfield Road, with sloping land along the sides. The AoT permit requires that the site be stabilized and vegetated as terracing continues. The long-term process for the site will take place over decades and consists of removing some land, grading the slopes of the side of the property, digging down to the next layer, and repeating this process. Another part of the AoT permit requires adequate internal drainage conditions on the site. The AoT permit looks to minimize offsite changes in drainage and proposes to keep conditions similar to preexisting conditions in terms of drainage, erosion controls, sediment, etc.

Vice Chair Riley noted that it is difficult to know how the drainage modifications will impact the wetlands in the area immediately around the site. She stated that there may be value in reclaiming the site as a habitat for wildlife species.

It was noted that part of the AoT permit application involves coordination with Fish & Game and the Heritage Bureau.

Ms. Hirai stated that the areas to the north and south of this site may need to be protected if surface and groundwaters are going to be directed onsite.

In response to a question from Ms. Almy, the applicant noted that the processed water from the site is diverted onto nearby parcel 128-11.

Mr. Goodwin noted that it is likely that other groups are reviewing some of these items, such as the AoT permit, so that the Commission may not need to delve as deeply into it. He explained that three areas of importance for the Commission are which wetlands on site are being impacted, why these impacts cannot be avoided, and what the applicant is planning to do to mitigate these impacts.

In response to a question from the Commission, Brendan Quigley, Wetland Scientist of Gove Environmental Services, Inc., explained that there will be a requirement for a public hearing as part of this process. It is yet unclear if this public hearing will be held remotely, or at an office in Concord.

Ms. Hirai pointed out that a City parcel directly to the east of the site includes a small area of land that is owned by the Conservation Commission. There may be a small vernal pool in this area. She asked about potential impacts to the vernal pool due to potential drainage changes on site. Mr. Quigley explained that there is long-term monitoring proposed pre- and post-construction for this project to make sure there are no impacts and, if impacts are discovered, there is compensatory mitigation for these items.

Vice Chair Riley expressed concern regarding submitting comments on the site to DES without ever having seen the site.

It was noted that two of the wetlands on site are being avoided, as part of the mitigation plan. These wetlands will also be monitored long-term, as part of the monitoring plan. The Commission could make a condition to require that these two wetlands be avoided and are monitored long-term to maximize the protection of the wetlands functions and values. This would be a comment submitted to DES that could carry weight as part of the permitting process.

In response to a question from Chair Oidtmann, Mr. Quigley stated that the timing for the public hearing will depend on the process of comment and response on the application. It is possible that the public hearing would take place in February.

Chair Oidtmann stated that the Commission would like to recommend long-term monitoring of the wetlands on site, possible reclamation of the wetlands, that impacts to the two wetlands on

the eastern side of the site be avoided, an investigation as to if the 50' buffer is adequate, and to examine the hydrological impact of the project to the whole surrounding area.

Vice Chair Riley suggested some possible conditions, including: 1) avoid impacts to the two wetlands on the eastern side of the site, 2) check if long-term monitoring is adequate for this project, 3) examine if the 50' buffer is adequate, 4) look into concerns regarding the wetlands and vernal pools on adjacent parcels, 5) examine if the site could be managed for wildlife due to the potential value of quarry sites for amphibian and reptile species, 6) to see if the reclamation plan can be modified to include wetland and wildlife habitats on the site, 7) examine hydrological impacts from the project to the conservation parcel on the City's land directly to the east of the site, 8) examine impacts of the largescale project on the hydrology of the surrounding landscape, 9) check with DES regarding how to protect surrounding wetland ecosystems.

Mr. Quigley explained that avoidance of certain wetlands and minimizing impacts to surrounding areas are at the core of the permitting requirements.

The Commission discussed that a similar project completed by Pike Industries in Hooksett had a three-pronged approach for mitigation, including a compensatory mitigation payment, the preservation of a 140-acre parcel and management of 1.4 acres of turtle habitat, and a one-time stewardship payment to the Hooksett Conservation Commission.

Mr. Quigley noted that this project placed land into an existing conservation parcel. It is preferred that a regional land trust be the steward for this type of preservation. There is also preference to use in lieu fees, instead of creating new wetlands on sites for mitigation.

Mr. Quigley explained that between each 50' raised terrace area is a space of approximately 75'.

It was noted that the process from here involves the Commission submitting comments to the DES, which will be processed and then passed along to the applicant.

Vice Chair Riley stated that she would like it to be noted to DES that Commissioners have not yet been on site to see the area. Also, that while internal drainage is a requirement of the project, it may not be of a benefit to the integrity of offsite wetlands. Possible connectivity between the terraces or examining the impact of the terraces on wildlife access, was also mentioned.

Mr. Lacey MOVED to recommend to DES the approval of the application for the Lebanon Crushed Stone Quarry, operated by Pike Industries at 335 Plainfield Road in West Lebanon. The existing active quarry, totaling approximately 57 acres, will expand to an overall total size of approximately 250 acres (the continued mining area) as currently approved by AOT Permit AOT-0709B. A total of 110,413 SF (2.53 ac) of wetland located in the continued mining area will be permanently impacted, including 3 vernal pools, with the following conditions of approval:

- 1) to avoid impacts to the two wetlands on the eastern side of the site,**
- 2) to examine if long-term monitoring is adequate for this project,**
- 3) to examine if the 50' buffer is adequate,**

- 4) to look into concerns regarding the wetlands and vernal pools on adjacent parcels,
 - 5) to examine if the site could be managed for wildlife due to the potential value of quarry sites for amphibian and reptile species,
 - 6) to see if the reclamation plan can be modified to include wetland and wildlife habitats on the site,
 - 7) to examine hydrogeological impacts from the project to the conservation parcel on the City's land directly to the east of the site,
 - 8) to examine impacts of the largescale project on the hydrogeology of the surrounding landscape,
 - 9) to check with DES regarding how to protect surrounding wetland ecosystems
- To also note to DES that Commissioners have not yet been on site to see the area; that, while internal drainage is a requirement of the project, it may not be of a benefit to the integrity of offsite wetlands; to examine possible connectivity between the terraces or examine the impact of the terraces on wildlife access; and to site the NH Wildlife Action Plan which shows highly ranked habitat for wildlife in the vicinity of this site.
- Seconded by Mr. James.*

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

In response to a question from the Commission, it was explained that the applicant proposed placing the southern portion of the property into a conservation easement and enhancing the wetlands there, but the Army Corp of Engineers and EPA did not agree with the proposal.

4. STUDY ITEMS

A. LOST Fund – Balance Update and pending CU penalties (30 minutes)- Continued from November 18, 2021 - See information there

Mr. Goodwin explained that there are triggers that take a property out of current use and the Assessor is responsible for keeping track of this. The Assessor then applies a formula to say what the value of the land would be, and which percent is owed as a penalty. There are a number of property owners that disagree with this assessment, and contest is through a certain process. The total committed fund balance for the LOST Fund, as of September 30, 2021, is approximately \$794,124.33.

The Commission discussed possibly creating a list of properties in Town that it would like to see purchased over the years. It was noted that there was previous agreement to not use these funds for acquisitions, but to use them for stewardship. The City Council must still approve any potential purchases made with money from this Fund.

5. OTHER BUSINESS

A. Review of 2022 Meeting Calendar - continued from November 18, 2021 see information there

This was not addressed during this meeting.

6. OPEN TO THE PUBLIC

This was not addressed during this meeting.

7. ADJOURNMENT:

The meeting was adjourned at 9:01 PM.

Respectfully submitted,
Kristan Patenaude
Recording Secretary