FINAL

CONSERVTION COMMISSION
REGULAR MEETING MINUTES
Remote Via Microsoft Teams
LebanonNH.gov/Live
December 9, 2021
6:30 PM

MEMBERS PRESENT:	**Ernst Oidtmann (Chair), Sarah Riley (Vice Chair), Erling Heistad, Donald Lacey, Barbara Hirai (Alt.), Bruce James, Chris Johnson, Susan Almy**
MEMBERS ABSENT:	**Megan Smith (Alt.), Darla Bruno (Alt.)**
STAFF PRESENT:	**Mark Goodwin (GIS Coordinator)**

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1. CALL TO ORDER – Chair Oidtmann called the meeting to order at 6:45 PM

2. APPROVAL OF MINUTES: November 18, 2021

There was discussion regarding the process for reviewing meeting minutes. Mr. James suggested that the Commission go back to the original method it used to review minutes, in which the Commission received minutes from the Recording Secretary, reviewed the draft minutes during a meeting, and sent any edits back to the Recording Secretary.

Ms. Riley noted that she has been listening back to each meeting in her pre-edit of the draft minutes from the Recording Secretary. If items have been left off that she believes should have been included, she adds them into her pre-edited set of minutes.

Mr. James stated that the process is becoming very confusing. He again suggested going back to the way draft minutes were processed in the past and try to limit discussion time on minutes during the meeting to 15 minutes.

Mr. Lacey suggested that the pre-edits completed by Ms. Riley be limited only to misspellings or punctuation edits. Ms. Riley noted that she has no interest in completing the pre-edit this way, as she would then be completing multiple rounds of edits. Mr. Lacey suggested that other edits suggested by Ms. Riley can be broached by the Commission during a meeting.

Ms. Almy explained that she believes it is impolite to have people's names or land parcels misspelled in the minutes.

Mr. Goodwin agreed that the pre-edit should not touch anything but typos or misspellings. He recommended going back to the original process the Commission used for reviewing minutes. The Commission can give the Recording Secretary any misspelling or grammar edits at the end of each meeting for incorporation to the draft minutes.

Chair Oidtmann agreed with going back to the old system for reviewing minutes. Commissioners can write down comments on the minutes, and these can be reviewed during a meeting in a timely fashion.

Ms. Almy noted that she believes it is important to capture things that might be skipped or misunderstood by the Recording Secretary. She suggested that 1-2 Commissioners be involved in picking up small things that are missed and sending them to the Recording Secretary after a meeting.

Amendments:

- Add to page 4, line 28: "…that caused him to mention that he would like to see members of the hunting community on the Commission, along the lines of the natural resource benefits of groups like Trout Unlimited and Ducks Unlimited;"
- Page 1, line 11: Change "?" to "Mr. Lacey"
- Page 1, line 12: Delete "**I can't find the recording of this part of the meeting to double check what was actually said, but I think the wording of the motion was different. Tim or Mark might have it."**
- Page 4, line 21: Change "?" to "Ms. Riley"
- Page 1, line 2: To amend the paragraph to read: "Chair Oidtmann complimented the Commission on all the work it's done the last few years. He explained that two cyclists he recently encountered on the Rail Trail also passed along their thanks to the Commission. He clarified his recommendations for actions during a meeting for new members. Chair Oidtmann explained that Commissioners should not interrupt speakers during presentations, but instead make notes during the presentation in order to ask precise questions at the end of the presentation. Commissioners should raise hands so that the Chair knows who wishes to speak."

Mr. Goodwin expressed his desire for accurate minutes but also noted that the Recording Secretary is not a stenographer.

Ms. Riley stated that permit reviews by the Commission should have additional details included, as accuracy of the draft minutes for these items are very important.

***Mr. Heistad MOVED* to approve the November 18, 2021 minutes, as amended.**
Seconded by Mr. Lacey.

**** The Vote on the MOTION was approved (7-0-0).***

Ms. Hirai thanked Ms. Riley for her work on the pre-edits of the draft minutes.

In response to a question from Mr. Heistad, Mr. Goodwin explained that the video recordings of Commission meetings are likely stored for somewhere between 10-20 years. There are State regulations that dictate how long recordings of meetings need to be stored for.

The Commission reviewed the motion and associated conditions from its November 30, 2021, meeting regarding: **the 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.**

Mr. Goodwin noted that the two draft versions of the minutes, originally written by the Recording Secretary Kristan Patenaude and edited by Ms. Riley, do not match well. He believes Ms. Riley's more accurately reflect what was said during the meeting, and the Commission reviewed her draft motion and conditions to be sent to DES.

1) *The Lebanon Conservation Commission has not been allowed on the site and thus has not been able to observe these wetlands firsthand. Because the impacted wetlands are scattered across such a large active quarry site, a visit would need to be guided. Since the scope of impacts likely extends beyond the subject parcel, a site visit would only paint a small part of the picture.*

The Commission discussed the wording of the first condition. Mr. Goodwin explained that the Commission should be specific in each condition as to the concern and request. The Commission reworded the first condition to read:

1-revised) *As the Lebanon Conservation Commission has not been allowed on the site and thus has not been able to observe these wetlands firsthand, and because the impacted wetlands are scattered across such a large active quarry site, and since the scope of impacts likely extends beyond the subject parcel, a site visit by a DES staff member is strongly encouraged.*

2) *Because of the large scope and duration of this project, we were relieved to hear from Mr. Quigley that DES will hold a Public Hearing but are concerned about the ability of local residents to participate in a hearing in Concord.*

The Commission discussed that it would like local residents to be able to participate in the public hearing process. The Commission reworded the second condition to read:

2-revised) *Because of the large scope and duration of this project, the Commission was relieved to hear from Mr. Quigley that DES will hold a Public Hearing but are concerned about the ability of local residents to participate in a hearing in Concord. Due to this concern, the Commission encourages DES to hold the public hearing in Lebanon or, if this is not possible, that the meeting be able to be accessed remotely for public comment.*

3) *The Lebanon Conservation Commission requests that DES examine the impacts to the two eastern wetlands that are being avoided by the applicant. Specifically,*
    a. *The applicant proposes long-term monitoring of these wetlands, but we are concerned that a 50-ft buffer is inadequate to protect the functions and values of these wetlands. Also, these two wetlands appear to extend off the subject parcel.*
    b. *A portion of the city-owned land to the east of the project (city parcel 159-4) is conservation land. Please consider how the proposed project will affect the*

hydrology and ecology of this conservation area (located in the southwestern quadrant of the city parcel).

The Commission agreed that the wording of the third condition is appropriate.

4) *We are concerned about the impacts of this large-scale project on the groundwater and surface water hydrology of the surrounding landscape. Our understanding is that internal draining is a condition of the AoT permit, but this might not be beneficial to the integrity of off-site wetlands. The hydrologic and ecologic integrities of nearby wetland ecosystems, including the Martin Brook complex, the Hall Road wetlands, the Trues Brook Road wetlands, as well as the Corpella/Cranberry Pond wetlands, need to be protected. Many of these wetlands are rated "high-value wetlands" by the City or are listed as Significant Ecological Areas in the Lebanon Natural Resource Inventory.*

The Commission changed the wording of the first sentence of the fourth condition to read:
"*The Lebanon Conservation Commission requests that DES examine…"*

5) *The City's Natural Resource Inventory states "The continued attraction of Trues Brook will rest upon the careful monitoring of upstream effects from the roadway and nearby development. In spite of some scattered concerns, the water quality still remains very high." I request that DES investigate how the massive alteration of terrain will impact surrounding high value wetlands and waterways, including Trues Brook.*

The Commission changed the wording of the third sentence of the fifth condition to read:
"The Lebanon Conservation Commission requests that…"

6) *There is an opportunity to create valuable wildlife and wetland habitat instead of performing traditional reclamation at this site. We recommend that DES Wetlands Bureau coordinates with the AoT Division and NH F&G to examine how the site could eventually be managed for wildlife habitat given the value of quarry sites for reptile and amphibian species, among others, as per Litvaitis, John. (2018). "Managing reclaimed san and gravel mines – are we overlooking a solution to a critical habitat need?" The Wildlife Professional. 12. 36-40.*

The Commission agreed with the draft wording for the sixth condition as written.

7) *Please look into impacts of the eventual contours on wildlife passage and access.*

The Commission changed the wording of the seventh conditions to read:
"*The Lebanon Conservation Commission requests that DES examine impacts of the eventual contours/terracing on wildlife passage and access."*

8) *We request that DES have the applicant reexamine local mitigation options – The Lebanon Conservation Commission was not directly involved in the search for local mitigation opportunities and that is unfortunate. There are so many high-value wetlands located in this corner of Lebanon, and they are likely interconnected. These are identified on the NH Wildlife Action Plan maps as well as the City's Natural Resource Inventory. At both of the Conservation Commission meetings at which this permit was discussed, the applicant explained their attempts to find local mitigation solutions, but that the criteria imposed by the Army Corps of Engineers, in particular with respect to vernal pool mitigation, were very strict. Perhaps a combination approach where some local*

mitigation and/or land protection occurs in addition to an in-lieu fee payment to the ARM Fund could be worked out.

The Commission agreed to change the word "strict" in the eighth condition to the word "rigid."

9) *We encourage eventual permanent protection of the parcel for use as wildlife habitat.*

The Commission agreed with the draft wording of the ninth condition.

In response to a question from Ms. Almy, Mr. Goodwin explained that the Commission could ask that DES share with them the date for the public hearing, once known.

3. PERMIT REVIEW

A. None

4. STUDY ITEMS

A. Zeev Darer Conservation Property – Property Overview & Discussion

Mr. Goodwin reviewed the history of the Zeev Darer property. It was gifted from Enrique and Veronica Darer, with the request it remains protected open space, with a potential limited use of a catwalk/boardwalk, if the Conservation Commission desired. The area is mostly made up of highly valued wetlands, leaving it without much possibility for development.

Ms. Riley noted that there is a potential link between the Zeev Darer property and the nearby Timberwoods parcel. There is protected open space to the west of the Zeev Darer property (Matt Brown's lot), which has been overtaken by beavers, that lies between these two conserved parcels.

Mr. Goodwin noted that there is also the nearby Nicole Cormen Nature Preserve, located just up Route 120. He explained that it is unclear yet what will be done with the parcel located across the street, which contains F.W. Webb, and the Treetops units. He noted that Zeev Darer is located within a major wildlife corridor, with a travel route stretching from the Nicole Cormen Nature Preserve to Hanover. He explained that it is unclear if Matt Brown would be able to use his property as a mitigation option, due to DES criteria.

Ms. Hirai noted that, at a future meeting, she would like the Commission to discuss how to sit down with landowners to review options available for donating land or an easement to the Town.

Ms. Riley explained that she circulated a couple of videos which show the value in Conservation Commissions sitting with landowners to create relationships and plant the seed for possible future land/easement donation.

Ms. Almy suggested that, at a future meeting, the Commission hear from someone at the Army Corp of Engineers and/or DES regarding their mitigation criteria.

Ms. Riley asked about a possible site visit to Zeev Darer.

Ms. Hirai stated that there is some trash in an area of the site that should be cleaned up.

B. 2021 Year Summary Review – Open Discussion

Mr. Goodwin updated the Commission on a number of items it completed during 2021 including approval review of approximately 6-7 wetland permit applications, the Two Rivers project, being part of the zoning amendment process, an overhaul of the Commission's website, connecting with educators and the Linking Land Alliance, the Boston Lot Bog Bridge project, etc.

It was noted that the Durham City Manager puts links in the monthly report to what all agencies in Town are currently doing. Mr. Goodwin explained that updates about the Commission could be included in the Leb e-News newsletter.

Ms. Riley suggested that the Commission could hold a hike/property of the month.

Mr. Heistad noted that the Commission also worked on the Open Space Plan this year.

Ms. Hirai noted that it is difficult to know how many volunteer hours were contributed to Commission projects this year. It would be nice to be able to track this and review it over time. Mr. Goodwin stated that he believes the Commission saw more volunteers and stewards involved this year than any other.

It was noted that the Commission's quarterly reports to the City Council are to inform audiences about what the group is doing; this year in summary review is just for the Commissioners.

Ms. Almy suggested that the Commission do more with schoolteachers and outdoor education.

5. COMMITTEE REPORTS

A. Reports from other committees:

--Conservation Lands Monitors (Various Members)

Ms. Hirai explained that she went out to the Two Rivers Conservation Area and removed a fallen tree. There are still two homeless sites on the Conservation Area. She contacted Lynne Goodwin about this, who told her that it would be appropriate to hand out cards to anyone she saw with some Human Service options. It may not be readily known if the people have relocated, in an effort to then clean up the sites.

There was discussion regarding holding a monthly cleanup date at Two Rivers, or simply holding one annually/biannually.

Ms. Hirai suggested that the Commission could also explore ideas regarding legacy trees around Town and how to deal with the emerald ash borer.

--Lebanon Biodiversity Group (D. Lacey)

Mr. Lacey stated that Matt Tarr, of UNH Cooperative Extension recently visited Baker's Crossing to discuss how to manage the field. Mr. Lacey explained that Mr. Tarr suggested not mowing the field at all and only treating invasives in the wooded area of the property. There are a number of unique habitats in this area, such as goldenrods and grasslands, that should be left for wildlife cover and food. Mr. Tarr also noted that the Commission should be careful not to disrupt the landscape with any invasive treatment. There was also discussion about creating a loop trail along the edge of the wood line, instead of through the field. Invasive treatment could be focused on the southern portion of this property.

Ms. Riley noted that the Commission could also look into placing birdboxes in the field to attract bird species. The Commission should also be aware that box turtles may be located right near the trail, for future mowing.

Mr. Lacey stated that he has never seen the existing bat boxes used. Mr. Tarr is happy to come back and walk other properties in Town. This does not cost the Commission anything.

--Workshops & Educational Opportunities (Various Members)

None at this time.

6. OTHER BUSINESS

Ms. Riley explained that the Board of Assessor's met today at 12pm, regarding Land Use Change Tax (LUCT) funds for 401 Mt Support Road.

Mr. Goodwin explained that the bill for this parcel has been submitted. The owners now have 90 days to appeal the assessor's bill. If the owner does not appeal within the 90 days, the Commission should see LUCT funds come through at a future date.

In response to a question from Mr. Heistad, Mr. Goodwin noted that the Assessor's Department does not need to notify the Commission that bills have been sent out.

Ms. Riley asked if there could be a list of all parcels in Town that would be large enough to flag the Commission in case of the potential for future LUCT funds. Mr. Goodwin explained that there is a team of Department Heads that generally comments on properties that may be developed. Properties that are in current use would generally be noted during this process.

Ms. Riley explained that Suellen Balestra did not renew her alternate status on the Commission but is happy to help on projects or as the group needs.

Mr. Goodwin explained that Ms. Balestra was one of the most experienced Commission members. She provided countless volunteer hours to the City. The City usually sends out a proclamation when a senior volunteer ends his/her time on a Commission, but this has, unfortunately, fallen by the wayside due to COVID-19. He has been meaning to reach out to Ms. Balestra.

7. FUTURE AGENDA ITEMS

8. OPEN TO THE PUBLIC

9. ADJOURNMENT:

The meeting was adjourned at 9:15 PM.

Respectfully submitted,
Kristan Patenaude
Recording Secretary