



**LEBANON CONSERVATION COMMISSION
FEBRUARY 10, 2022 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

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- 1. Call to Order**
 - 2. Approval of Minutes**
 - A. January 13, 2022
 - 3. Permit Review**
 - A. None
 - 4. Study Items**
 - A. Review of Chapter 52 - Conservation Land Regulations
 - B. Review of the Con Com's Rules of Procedure
 - C. Con Com Trails Coordinator Proposal
 - 5. Committee Reports**
 - A. **Reports from other committees:**
 - Conservation Lands Monitors (Various Members) (10 Minutes)
 - Lebanon Biodiversity Group (D. Lacey) (10 Minutes)
 - Workshops & Educational Opportunities (Various Members) (10 Minutes)
 - 6. Other Business**
 - 7. Future Agenda Items**
 - 8. Open to the Public**
 - 9. Adjournment**

The order of agenda items is subject to change.

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to 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 disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

**Agenda
Conservation Commission
February 10, 2022**

**Agenda Item #2A
Approval of Minutes**

January 13, 2022

DRAFT

**CONSERVATION COMMISSION
REGULAR MEETING MINUTES
Remote Via Microsoft Teams
LebanonNH.gov/Live
January 13, 2022
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, Darla Bruno (Alt., remote)

MEMBERS ABSENT: Megan Smith (Alt.)

STAFF PRESENT: Mark Goodwin (GIS Coordinator)

1 **1. CALL TO ORDER – Chair Oidtmann called the meeting to order at 6:34 PM**

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3 **2. APPROVAL OF MINUTES: November 30, 2021 & December 9, 2021**

4
5 **November 30, 2021**

6 Amendments:

- 7 • Page 1, line 21: To read, "...sloping **land** along the sides."
- 8 • Page 1, line 24: To read, "Another part of the AoT permit requires **adequate** internal..."
- 9 • Page 4, line 24: To strike: "...parcels created in individual ownership that are less than 10
- 10 acres are placed into current use."

11 ***Ms. Riley MOVED to approve the November 30, 2021 minutes, as amended.***

12 ***Seconded by Mr. James.***

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

14 **December 09, 2021**

15 Amendments:

- 16 • Page 6, line 20-21: To read, "**removed a fallen** tree."
- 17 • Page 7, line 12: Change "Mr." to "Ms. Riley."
- 18 • Page 2, line 5: Change "Ms. Riley" to "Ms. Almy."
- 19 • Page 2, line 36: Change "Ms. Almy" to "Ms. Hirai."
- 20 • Page 5, line 16-17: To read, "**Enrique and Veronica** Darer..."
- 21 • Page 5, line 17: To read, "with the request it remains protected open space..."
- 22 • Page 5, line 22: To change "parcel" to "protected open space."
- 23 • Page 6, line 5: Change "Ms. Riley" to "It was..."
- 24 • Page 6, line 14: Change "monthly" to "quarterly"

25 ***Mr. James MOVED to approve the December 09, 2021 minutes, as amended.***

26 ***Seconded by Ms. Almy.***

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

2 **3. ELECT OFFICERS**

3 *Chair Oidtmann MOVED to nominate Sarah Riley as Chair of the Conservation*
4 *Commission.*

5 *Seconded by Mr. Heistad.*

6 *There were no other nominations.*

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

8 *Ms. Riley MOVED to nominate Bruce James as Vice Chair of the Conservation*
9 *Commission.*

10 *Seconded by Mr. Heistad.*

11 *There were no other nominations.*

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

13 **4. PERMIT REVIEW**

14 A. None

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16 **5. STUDY ITEMS**

17 A. **2022 Goal Setting**

18 There was discussion regarding moving a pile of lumber located on the Hirai property, to be used
19 in various locations on conservation properties.

20 Mr. Goodwin suggested that proposed goals could be placed into various buckets, such as
21 property stewardship (blazing, signage, new trails, etc.), educational outreach, zoning
22 regulations, natural resource planning, etc.

23 Ms. Riley noted that she would like to hear from all Commissioners as to their goals for 2022.

24 Mr. Lacey stated that the pile of lumber on the Hirai property can be moved to his property.

25 Ms. Hirai stated that she would like to get more involved and take the lead role in volunteer and
26 stewardship outreach.

27 Ms. Almy stated that there has already been some work done on existing homeless sites on some
28 conservation properties. She would like to see more involvement with schoolteachers and
29 students on conservation properties.

30 Ms. Riley noted that there is an active homeless site on the Ticknor property near the vernal
31 pool. Lynne Goodwin, Human Services Director, is helping with this item. It was noted that
32 having cards available with local resources to hand out is helpful in these situations.

1 Ms. Riley stated that the Commission may need to reach out to the school board or
2 Superintendent to begin outreach into the schools. Some of the schools are currently doing
3 limited or no field trips due to the pandemic.

4 Mr. James stated that he would like for the Commission to look at each conservation property
5 and set goals, or a general plan, for each. He also suggested the possibility of creating a standing
6 Trails Committee, made up of Mr. Goodwin, a conservation ranger, and three Commissioners to
7 look at all the trails and examine goals for these. This could be a bridge between policy and
8 operations.

9 Mr. James noted concern regarding Mt. Support Road and the nearby wetlands being chipped
10 away. There have been two major complexes that recently received support from the
11 Commission, and another will be proposed soon. He questioned if the Commission might
12 consider doing a more substantial analysis of this intersection area so that there is more of a base
13 of knowledge and resources, prior to additional permit reviews.

14 Mr. Lacey stated concerns regarding not having any mitigation projects ready to go. He
15 suggested proactively working with applicant's consultants ahead of time to consider mitigation
16 plan possibilities. The Commission could work as an advocate in the process.

17 Mr. Johnson suggested that the Commission could hire its own consultants for a full-scale
18 analysis for certain areas, such as Mt. Support Road.

19 Ms. Hirai stated that one Master Plan outcome is to develop a wildlife habitat overlay zone for
20 critical habitat areas.

21 Mr. Goodwin explained that the Commission's role is to advocate for natural resources and
22 potentially pay for NRIs or other studies to be completed. The Commission then hands off its
23 desires and knowledge to the professional planning staff to have further dialogue with the
24 developers.

25 Mr. Lacey stated that his suggestion is to work with the natural resource scientists on possible
26 mitigation projects for potential wetland impacts through future projects. Mr. Goodwin noted
27 that he has a list of potential projects that he can suggest to developers for possible mitigation
28 projects.

29 Ms. Almy asked if the wetland delineations done by the City are correct. Mr. Goodwin explained
30 that the GIS wetlands or City depictions are trumped by developers who pay for certified
31 wetland delineations.

32 Mr. Johnson stated that his goal interests involve stewardship, such as hiring someone similar to
33 a Junior Ranger over the summer. This could help increase the number of people working on the
34 lands.

35 Chair Oidtmann echoed concerns regarding having mitigation projects at hand. He noted two
36 projects, including a 20-acre property across from Stevens Road, and the Alana Cole
37 conservation area.

1 Mr. Goodwin stated that the Commission already has four programs: the Volunteer Stewardship
2 Program, Wild About Lebanon, the Amphibian Crossing Program, and the Land Conservation
3 Program.

4 Ms. Riley stated that she believes it is important to continue the Wild About Lebanon program.
5 She stated that a Commissioner would need to be available to lead the walks. Mr. Goodwin
6 stated that he will continue to work with Ms. Riley and Upper Valley Land Trust (UVLT) on this
7 item.

8 Ms. Hirai stated that she and Ms. Riley are working on an amphibian crossing and vernal pool
9 program.

10 Mr. Goodwin stated that there have been a couple of mailings send out for the Land
11 Conservation Program, to educate landowners about the options for possibly conserving their
12 property. There will also be a webpage for this on the City website.

13 Mr. Goodwin noted that some of the items under property stewardship goals include finishing
14 some kiosks, finishing, and hanging signs, boundary blazing, bog bridges, and larger bridges.

15 Ms. Riley stated there may be additional items to include under property stewardship, including
16 stair management at Alana Cole.

17 Ms. Hirai stated that she would like to see the emerald ash borer issue tackled under a topic
18 bucket as well. Mr. Goodwin stated that he would place it under the open space
19 planning/conservation category.

20 There was discussion regarding the Ranger position and its roles. The Commission agreed to
21 discuss this and how the position integrates with the stewardship program and Commission at a
22 future meeting. Mr. Johnson suggested there be additional discussion regarding making the
23 Ranger a full-time position.

24 Ms. Hirai noted that there is a current project for Taking Action for Wildlife to create an
25 educational outreach calendar that lists all events and items to the community.

26 Mr. Goodwin stated that the Commission may also want to consider a speaker series at some
27 point. Ms. Riley noted that she has a vernal workshop in the field tentatively scheduled.

28 **B. Ticknor Conservation Area – Property Overview and Discussion**

29 Ms. Riley explained that UVLT holds the conservation easement, and it is to be managed as a
30 “community natural area.” The primary management purpose is to protect the ecology of the
31 property, with a nod to wetland and wildlife resources. There is also a mention of low-impact
32 recreation and heritage items on site. The easement recommends that the City, within a year of
33 protection of the property, carry out a more extensive inventory of resources on the property,
34 including invasive species. She believes this could be used to create a formal, comprehensive
35 management plan. This is a large project to undertake and could include collaboration with the
36 Historical Society. Following the inventory of resources, the City can determine if additional
37 trails are needed. The UVLT and City will continue to monitor trail impacts to the wetlands and

wildlife, and possibly place barriers to the buffers. She noted that there are no wetland delineations on the southern parcel of the property. The City will have to work to find dry spots in the area to create sustainable trails.

Ms. Riley noted that there is a Trails for People and Wildlife video through Taking Action for Wildlife that is very helpful to watch.

Mr. Goodwin explained that there are a combination of logical and illogical spots for trails on this property.

The group reviewed existing and potential trails.

Ms. Riley stated that she reached out to the Twin State Trailbusters, a local snowmobile club, to confirm which trails on the property the group actively uses. While there is a trail along the southern boundary, this is not an active property for the group to use.

The group discussed parking options and trail name possibilities.

Ms. Riley noted that there aren't supposed to be any wheeled vehicles on the conservation land. The group discussed this in terms of Ticknor Road and potentially limiting wheeled vehicle access. Mr. Heistad noted that abutters are allowed to access the trail for agricultural purposes. Mr. Goodwin stated that he believes Ticknor Road exists currently as a Class VI road.

Ms. Riley mentioned an area that needs to be cleaned up near one of the streams on the property near Dulac Street.

The Commission agreed to extend the meeting for 10 minutes.

Ms. Riley noted that some action items for Ticknor include having a management plan for the property, wisely promoting certain trails on the property, dealing with the Class VI road issue, a clean-up day for the property, invasive management, and a potential trail committee for the property.

6. COMMITTEE REPORTS

A. Reports from other committees:

--Conservation Lands Monitors (Various Members) – None at this time.

--Lebanon Biodiversity Group (D. Lacey) - None at this time.

--Workshops & Educational Opportunities (Various Members)

Ms. Riley stated that the UVLT has a Lunch-and-Learn series on January 20, 2022. There are additional items in the series to come. The Connecticut River Speaker Series is continuing on January 18, 2022.

Mr. Lacey stated that the NH Association of Natural Resource Scientists is having two Zoom sessions.

7. OTHER BUSINESS

Mr. Lacey noted that he will be asking former councilman David Jorgensen to place a few bluebird boxes in Baker's Crossing, per Matt Tarr's recommendations.

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8. FUTURE AGENDA ITEMS

9. OPEN TO THE PUBLIC

10. ADJOURNMENT:

The meeting was adjourned at 9:05 PM.

Respectfully submitted,
Kristan Patenaude
Recording Secretary

**Agenda
Conservation Commission
February 10, 2022**

**Agenda Item #4A
Study Items**

Review of Chapter 52 - Conservation Land Regulations

City of Lebanon, NH
Thursday, February 3, 2022

Chapter 52. Conservation Land Regulations

[HISTORY: Adopted by the City Council of the City of Lebanon 10-2-2002 by Ord. No. 2002-5, effective 10-2-2002. Amendments noted where applicable.]

GENERAL REFERENCES

Conservation Commission — See Ch. 31, Art. I.

Snow traveling vehicles — See Ch. 172.

§ 52-1. Title.

This chapter shall be known and may be cited as the "Ordinance for the Regulation of Conservation Land of the City of Lebanon."

§ 52-2. Declaration of purpose.

Over the years, the City has acquired the ownership of various tracts of land to be held for public use, such as natural resource conservation, open space preservation, outdoor recreation, nature study, and other similar uses, and may acquire similar tracts in the future. In order to protect and preserve such tracts of land while allowing for reasonable public use, this Conservation Land Ordinance is hereby adopted.

§ 52-3. Authority.

This chapter is adopted pursuant to RSA 41:11-a, Town Property, 47:17, Bylaws and Ordinances, and 231-A:4, Public Trail Use Restrictions.

§ 52-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CONSERVATION LAND

Any tract of land acquired by the City for the purposes of natural resource conservation, open space preservation, outdoor recreation, nature study, and other similar uses, as set forth in § 52-13 of this chapter, and to which the public has access as set forth herein. The location and boundaries shall be determined by reference to the deeds or other recorded documents by which the City acquired an interest therein.

MOTORIZED VEHICLES

Any motor vehicle, moped, motorcycle, motor-driven cycle, off-highway recreational vehicle, or snow traveling vehicle as defined in RSA Chapter 259.

POWER CHAIR

A motorized wheelchair used by an individual with a disability or with infirmity.

POWER SCOOTER

A motorized chair, usually having three wheels and a steering column, used by an individual with a disability or with infirmity.

SPECIAL PERMIT

A permit issued by the City Manager, or his/her designated representative, in response to an application which contains the following information:

- A. A description of specific activity for which permission is requested.
- B. The location of the activity on the conservation land.
- C. The duration of the activity and the starting date.
- D. The name and address and telephone number of the person making the request and the name and address and telephone number of the person who will be responsible, if different from the applicant.
- E. If applicable, the name of the group for which the request is made.
- F. The number of people in the group and age level.

WHEELED VEHICLE

Any vehicle or contraption, with or without motive power, designed for carrying property or people wholly on its own structure that is supported on the ground by either inflated or solid wheels. The term shall also include, but is not limited to, roller skates, in-line skates, roller skis, skateboards, and mountain boards, so called.

§ 52-5. Approved activities.

The following activities, if pursued in a manner otherwise lawful, are permitted as a matter of right on conservation land, except when such lands are posted under § 52-11:

- A. Hiking, to include cross-country skiing and snowshoeing.
- B. Horseback riding.
- C. Nature study, observation, data gathering, or other educational activities; provided, however, that any such activity which entails making any physical changes to the land or its flora or fauna, including but not limited to the marking of study plots, erection of physical structures of any kind, or the cutting, gathering, or removal of vegetation or soil, shall require prior written permission of the Lebanon Conservation Commission.
- D. Hunting of wild game as otherwise may be permitted by state or City law during the designated seasons, unless prohibited by the posting of signs.
- E. Fishing.
- F. Sledding.
- G. Nonmotorized boating.
- H. Swimming.
- I. Ice skating.
- J. Mountain biking in places authorized by the Lebanon Conservation Commission and specifically posted for such use.

§ 52-6. Special permit activities; appeal.

- A. The following activities are allowed only after securing a special permit approved by the City Manager, or his/her designated representative, who shall notify the Lebanon Chief of Police, the Fire Chief, and Park Ranger:
 - (1) The kindling of any fire, including any camp or cooking fire, after securing a fire permit from the Fire Department.
 - (2) Camping in conformance with the Camping Policy adopted by the Lebanon Conservation Commission on October 28, 2010, as may be amended from time to time.
[Amended 12-1-2010 by Ord. No. 2010-3]
- B. Any person aggrieved by a decision made by the City Manager concerning a request for a special permit may, within five working days of receipt of the decision, file a written appeal with the Lebanon Conservation Commission setting forth the reasons why the appellant is aggrieved. The Lebanon Conservation Commission shall meet and review the appeal within 45 days from the date of the appeal being filed. The decision of the Lebanon Conservation Commission shall be final.

§ 52-7. Prohibited conduct on conservation land.

No person on any conservation land shall:

- A. Deposit any rubbish, waste, or other offensive or unsightly material.
- B. Travel by any motorized vehicle or by any wheeled vehicle, whether motorized or not, unless specifically authorized by the Lebanon Conservation Commission and specifically posted for such use.
- C. Deface, destroy, or remove any sign, bench, fence, stone wall, or other structure(s), or any living plant material existing on the Conservation Land except for forestry and recreation management practices and educational activities specifically authorized by the Lebanon Conservation Commission.
- D. Remove or have in his/her possession any animal's nest or remove the young or eggs of an animal, or injure or kill any animal unless operating with a valid license during hunting season as stated in § **52-5E**, or remove injured or abandoned animals for the purpose of rehabilitation unless operating under valid state or federal permits.
- E. Carry or use any firearm, crossbow, or bow except during hunting season as stated in § **52-5D**.
- F. Allow any pet under one's ownership or custody to enter onto Conservation land unless the animal is under the direct control of the owner or custodian.

§ 52-8. Implements for persons with disabilities or infirmities.

Notwithstanding § **52-7B** above, people with disabilities or infirmities are permitted to travel by wheelchair, power scooter, or power chair over trails designated for their use by the Lebanon Conservation Commission and specifically posted for such use.

§ 52-9. Exemption.

There shall be exempted from the prohibition of vehicular use emergency vehicles as defined in RSA 259:28, and vehicles of the City of Lebanon used for the purpose of maintenance or repair of the conservation land or any sewer or water line contained therein.

§ 52-10. Deed restrictions and other ordinances/regulations.

Whenever the provisions of this chapter conflict with each other or with deed restrictions affecting any conservation lands, or with other municipal, state, or federal ordinances, statutes, laws, or regulations, the stricter provision shall govern.

§ 52-11. Authority of Lebanon Conservation Commission.

In order to provide for the controlled and equitable use of the conservation lands and to protect the safety of users and to preserve the natural environment, the Lebanon Conservation Commission may issue, and provide for the proper posting of, rules and regulations which:

- A. Fix times and dates when the conservation lands shall be closed to public use whenever such restrictions are necessary to protect the public or the lands;
- B. Restrict the use of all conservation lands, individual conservation lands, or parts thereof, for any use which may be determined by the Lebanon Conservation Commission to be detrimental to forest or open space management after conducting a duly noticed public hearing; or
- C. Lay out proper open space land uses in accordance with the open space plan and other management studies dealing with these conservation lands.

§ 52-12. Penalties for offenses.

The penalty for a violation of this chapter shall be as set forth in RSA 41:11-b, as amended. In addition the violator shall be responsible for the restoration of the conservation land to the satisfaction of the Conservation Commission.

§ 52-13. Conservation lands.

The provisions of this chapter shall apply to all tracts acquired as conservation land, as listed below, and to any other tract which may in the future be designated as conservation land by the City Council at the time of, or subsequent to, its acquisition by the City. Such designation of additional tracts shall not be required to follow the procedures for amending an ordinance.

Baker's Crossing Conservation Area

Boat Launch, East Wilder Road

Boston Lot

Chambers Memorial Area

Cole Conservation Area

Farnum Hill Reserve

Goodwin Conservation Area

Jackson Conservation Area

Lebrun Meadow

Signal Hill

Starr Hill

True's Ledges

Two Rivers Conservation Area

Zeev Darer Memorial Natural Area

**Agenda
Conservation Commission
February 10, 2022**

**Agenda Item #4B
Study Items**

Review of the Con Com's Rules of Procedure

4.5 OPEN MEETINGS. All meetings of the Commission and its committees shall be open to the public except as stipulated by RSA 91-A.

ARTICLE 5

CONDUCT OF BUSINESS

5.1 CALL TO ORDER. Meetings shall be called to order by the Chair, or in the Chair's absence, by the Vice-Chair. In the absence of both, the most senior member of the Commission present at the meeting shall preside as the acting Chair.

5.2 QUORUM. The Commission shall only conduct a meeting and transact business when a quorum is present. A quorum shall be at least a majority of the total membership, not to include alternate membership, of the Commission.

5.3 ORDER OF BUSINESS. The order of business, unless taken out of order by motion, shall be as follows, and shall be shown on the agenda of each regular meeting.

- A. Call to Order
- B. Approval of Minutes
- C. Public Hearings
 - 1. Old Business
 - 2. New Business
- D. Public Review
 - 1. Old Business
 - 2. New Business
- E. Other Business
 - 1. City Planner's Report
 - 2. Study Items
 - 3. Miscellaneous
- F. Open to the Public
- G. Adjournment

5.4 MINUTES. Records shall be kept of those Commissioners present and those absent. The minutes of previous meetings shall be submitted for acceptance at the regular meeting and any errors noted and corrections made, after which the regular order of business may be taken up. The reading of the minutes may be dispensed with and the same accepted if there are no objections.

5.5 RECESS OF THE MEETING. The Chair may order a temporary halt to the proceedings of the meeting. Said recess should normally not exceed 30 minutes. Upon ordering the recess, the Chair shall state the time and place for reconvening.

5.6 CONTINUANCE OF THE HEARING. The Commission may continue a hearing if the application cannot be disposed of on the day set. No further public notice shall be necessary provided that the date, time, and place of the continued hearing shall be announced before adjournment.

5.7 ADJOURNMENT OF MEETING. The Commission shall adjourn each meeting to its next regularly scheduled meeting or to a special meeting specifying time, date, and place.

ARTICLE 6 COMMITTEES

6.1 AUTHORIZATION. The Chair is authorized to appoint Committees to study and to report upon such matters as directed by the Chair which is germane to the purposes of the Commission.

6.2 MEMBERSHIP. All Committees shall consist of not more than three Commission members.

6.3 DUTIES. The duties of any Committee shall be defined by the Commission at a regular meeting.

6.4 COMMITTEE CHAIR. The Chair will be elected by the Committee.

6.5 MEETINGS. The Chair of a Committee shall call the same at such time and place as he or she may deem proper whenever there is any business requiring the attention of the Committee.

6.6 INVESTIGATIONS. If necessary for the proper consideration of any matter referred to the Committee, the Committee is authorized to make investigations and request the City staff for such surveys, plans, estimates, and recommendations as may be deemed necessary.

ARTICLE 7 VOTING

7.1 MAJORITY VOTE REQUIRED. Determinations on any matter before the Commission shall require the concurrence of a majority of the regular members present at that meeting.

7.2 CONTINUANCE OF DELIBERATIONS. If the Commission is unable to obtain the concurrence of a majority of its members on a motion because of the absence of one or more members from the vote, it shall continue the matter for reconsideration before the members present.

7.3 CONFLICT OF INTEREST. No member should participate in deciding or should sit upon the hearing of any question if:

A. that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizenry; or

B. that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law, namely:

1. is related to any applicant or abutter;
2. has assisted or advised the applicant or any abutter;
3. has directly or indirectly given his opinion or has formed an opinion;
4. is prejudiced to any degree regarding the case;
5. if it appears to a reasonable person that the member is not indifferent or impartial with regard to the case.

Any member who has employed an attorney, said attorney now appearing before the Commission, shall so inform the Commission and in generic terms give the cause of the employment (e.g. will, business contract) for the record. Such employment could possibly be cause for disqualification.

A member who is disqualified shall remove himself from the Commission, shall not take part in the public discussion, and shall sit with the public until such time as the Board has completed its consideration of the case at that meeting. The member may then return to the Board.

When an uncertainty arises as to whether a member is disqualified under RSA 673:14, the Board shall vote on the question but such vote shall be advisory and non-binding. Any person may request such a vote at any time.

If as a result of disqualification the Board loses its quorum, then there shall be an

adjournment or recess of consideration of the matter until there is a quorum either at the same meeting or the next available meeting.

7.4 VOTE OF MEMBERS PREVIOUSLY ABSENT. For matters continued from a previous meeting, any member absent from such meeting shall not cast a vote on the matter until the member examines the public record and minutes of the proceedings and becomes familiar with the evidence.

7.5 RECONSIDERATION OF A FORMER VOTE. If an applicant is aggrieved by a Commission's duly passed decision, in whole or in part, the applicant may request in writing the Commission to reconsider the matter.

At a regularly scheduled meeting or at a special meeting, the applicant shall present evidence different from or in addition to evidence presented for the former vote. At the conclusion of the applicant's presentation, the Commission, by majority vote, shall determine whether or not the evidence presented is substantially different from or in addition to the fact established for the former vote. A motion, duly passed, to accept the evidence and to reconsider the matter must be made by a member who voted in the majority on the former vote. After deliberation, the Commission shall then vote on the matter.

An applicant must file a request to reconsider prior to the Commission's decision being forwarded to the appropriate authority requesting or requiring the Commission's determination on a wetlands matter.

ARTICLE 8 E-MAIL AND OTHER COMMUNICATIONS BETWEEN MEETINGS

8.1 PURPOSE. The aims of this Article are:

- A. To ensure compliance with the letter and spirit of the Right-to-Know Law, RSA 91-A, and with the Due Process rights of parties before the Commission;
- B. To clarify Commission members' ability, between meetings, to research issues and prepare motions or other potential Commission actions, thus promoting efficient use of meeting time, but only to the extent allowed by law; and,
- C. To clarify the role of electronic media such as E-mail in achieving these goals.

8.2 DEFINITIONS. In this Article:

- A. Communication means a transfer of information, objective or subjective, from one person to another. It includes face-to-face or phone conversations, letters, memos, E-mails, web sites, or any other medium, regardless of the location or ownership of any device or equipment used.
- B. Distribution is a one-way communication between meetings involving more than one Commission member where no between-meeting response (except acknowledgment of receipt) occurs or is expected.
- C. Exchange is a communication between meetings, or series of communications, involving more than one Commission member which includes a between-meeting response, or expectation of a response.
- D. Ex Parte Communication is communication, other than at a legally-noticed meeting, between a Commission member and a person with an interest in, or affected by, a pending or future case.

8.3 ACTIVITIES BETWEEN MEETINGS OF INDIVIDUAL MEMBERS. Individual Commission members may, between meetings, prepare drafts of motions or other potential

Commission actions. They may also research or investigate general or specific factual issues. However, if the research pertains to a case, the member shall, at the public hearing, report all findings to the Commission, and parties to the case shall be given a meaningful opportunity to respond.

8.4 DISTRIBUTIONS. A Distribution may be made to any number of Commission members, so long as it does not become an Exchange. Whenever a member makes a Distribution concerning a pending or future case and it involves a quorum of the Commission (counting all senders and recipients):

- A. A copy shall be forwarded to the City Planner, who shall determine, under RSA 91-A or other applicable law, whether the Distribution is subject to public disclosure and shall place the copy in the appropriate file;
- B. The member making the Distribution shall report on it, and its contents, at the public hearing on the case unless the information is exempt from disclosure under RSA 91-A; and,
- C. Parties to the case shall be given a meaningful opportunity to respond to the information in the Distribution.

8.5 EXCHANGES. Exchanges involving a quorum or more of the Commission or of any Conservation Commission Committee are prohibited. Such Exchanges shall be considered deliberations and shall occur only at meetings noticed in accordance with RSA 91-A. An Exchange pertaining to any activity allowed under Subsection 8.3 is permitted if the number of Commission or Committee members involved is less than a quorum; however:

- A. Each member involved shall be responsible for preventing the number of members involved from reaching a quorum;
- B. Information discussed in, or generated by, an Exchange between members shall not be subject to further Distribution; and
- C. No Exchange shall include any vote or straw vote, or any Ex Parte Communication.

8.6 EX PARTE COMMUNICATIONS. Commission members shall not initiate Ex Parte Communications. If an Ex Parte Communication is initiated by another person, the Commission member contacted shall:

- A. Refrain from discussing the substance or merits of a case;
- B. Inform the person, if necessary, that such a discussion could lead to disqualification;
- C. Refer the person to the Planning Office or to a Commission meeting, as

appropriate; and

D. Report on the conversation to the Commission at a public meeting.

8.7 SCHEDULING AND AGENDA. Notwithstanding Subsections 8.4, 8.5, and 8.6, nothing in this policy prevents any Distributions, Exchanges or Ex Parte Communications which pertain solely to:

A. Scheduling of meetings or hearings;

B. The determination or ordering of agenda items or topics to be taken up at meetings or hearings; or

C. General procedural requirements pertaining to such scheduling and agenda matters.

8.8. CONSERVATION COMMISSION COMMITTEES. A Conservation Commission Committee shall be considered a public body, and all provisions of RSA 91-A and this Article, applicable to a quorum of the Commission, shall also apply to a quorum of a committee.

ARTICLE 9 ADMINISTRATIVE

9.1 ADOPTION. Upon adoption of these rules, the Chair shall file a copy of these rules and all amendments with the City Clerk as a public record and post a copy in two or more public places for 15 days.

9.2 AMENDMENTS. These rules may be amended at any regular meeting by an affirmative vote of a quorum of the Commission provided that such amendment has been presented in writing to each member of the Commission at least 30 days preceding the meeting at which the vote is taken.

9.3 ATTENDANCE. A Commission member may be excused for nonattendance of a meeting or hearing for valid reasons if he or she notifies the Chair prior to the meeting or hearing.

These rules of procedure were adopted by the Conservation Commission on 10-31-90 and amended on: 07-07-94, Section 4.2, meeting time;
05-11-95, Section 4.2, meeting date;
05-09-96, Section 4.2, meeting time;
03-13-97, Section 5.4, acceptance of minutes;
11-09-00, Section 4.1, annual meeting.

Chair

Date

These Rules of Procedures supersede all other rules and By-Laws.

**Agenda
Conservation Commission
February 10, 2022**

**Agenda Item #4C
Study Items**

Con Com Trails Coordinator Proposal

Agenda item for the Lebanon Conservation Commission meeting on Feb. 10, 2022

Establishing a Trails Coordinator for the Lebanon Conservation Commission

DRAFT for Commission Review & Discussion

Background

Conservation Commission Chair Sarah Riley, Planning Department Liaison Mark Goodwin, Trail Stewardship Coordinator Barbara Hirai, and Commission member Bruce James met in a Zoom meeting on January 24 to refine Bruce James's earlier proposal for a standing trails committee of the Commission (his suggestion at the January 13, 2022 meeting). During discussion of how such a committee and its responsibilities might be organized, the group reached a consensus that one person from the Commission could be more effective than a standing committee in keeping track of issues and overseeing developments related to trails on Lebanon's conservation lands. Bruce James was asked if he would assume this role, he confirmed his interest in doing so, and he agreed to prepare this proposal for the Commission.

Rationale for a member of the Commission to serve as Trails Coordinator

The Lebanon Conservation Commission oversees 15 conservation areas that comprise approximately 2,000 acres in the City, including 21 miles of trails used for hiking, nature study, and other recreational activities. After reviewing the histories, uses, and challenges associated with these parcels of conserved land during 2021 and 2022, the Commission identified a clear need to develop long-term plans for each of them, including the trails. Currently, the Commission as a whole is responsible for establishing policies and goals for these trails, and for coordinating its policies with Mark Goodwin, who operationalizes them. Given the myriad issues surrounding trail stewardship, maintenance, and planning, there is a need for one Commission member to oversee these matters and facilitate project planning and implementation. The individual also will act as a point person for communication and reporting between the Commission, Mark, the Conservation Ranger. As requested and appropriate, he will communicate with members of City government, the press, and other individuals and groups with questions, suggestions, and concerns about trails in Lebanon.

Responsibilities of the Trails Coordinator

1. **Coordination & communication:** Act as a point person for concerns, questions, and suggestions related to the trails under the purview of the Commission, and coordinate communication on the planning and implementation of projects with Mark and the Conservation Ranger. Help to recruit volunteers for projects and communicate with the stewards and others working on the trails. Consult with Ron Bailey on proposed projects, given his exceptional knowledge of our trails, their history, and current condition.
2. **Stewardship:** Help improve the data and records system for the trails, in conjunction with the Trail Stewardship coordinator and Mark. Assist in improving and adopting an online/phone app that will be used by trail stewards to record their field surveys. Be cognizant of other stewardship efforts closely related to trails work (e.g., control of invasive species and education/outreach).
3. **Projects:** Oversee and identify projects and other matters related to trails on conservation lands, including trailhead parking, safety, natural resource protection, and various emergent issues needing immediate or longer-term attention, as they arise (e.g., bridges, water bars, blazing, signage, litter, graffiti, and treadway erosion).
4. **Long-term planning:** Work with other Conservation Commission members in the review of current and new property management plans. Guiding documents should include the Lebanon Open Space Plan (LOSP), Natural Resource Inventory (NRI), Master Plan, Wildlife Corridor Study, Trails for People and Wildlife tool, and other best management practice guidelines.

Assume the lead in developing plans and recommendations for opening new trails, closing others, and making changes to existing trails as guided by the goals developed by the Commission for a given conservation area. Consider the perceived, changing interests and needs of trail users (e.g., handicapped access, young children, senior citizens, educational programs, and exercise stations on some trails), and emphasize that the interests of trail users need to be balanced with the overarching responsibility of the Commission to protect the ecological integrity and natural resources of the City and its conservation lands.