

FINAL

**CONSERVATION COMMISSION
REGULAR MEETING MINUTES**

Remote Via Microsoft Teams

LebanonNH.gov/Live

April 14, 2022

6:30 PM

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

MEMBERS ABSENT: Megan Smith (Alt.), Darla Bruno (Alt.), Chris Johnson

STAFF PRESENT: Mark Goodwin (GIS Coordinator)

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

Chair Riley promoted Ms. Hirai to sit for Mr. Johnson.

2. APPROVAL OF MINUTES: March 10, 2022

This was tabled to later in the meeting.

3. PERMIT REVIEW – These items were tabled to later in the meeting.

A. Review and Comment on Zoning Board Special Exception application.

Applicant proposes to construct a new 800 SF open-air pavilion & associated site work. Applicant requests a Special Exception pursuant to Article IV, Section 401.5 ("Wetlands Conservation District") of the Zoning Ordinance. CC2022-02

B. Review and discussion re: Mt. Support Rd & Lahaye Dr Special Assessment District - DRAFT preliminary roundabout & traffic signal design alternatives

4. STUDY ITEMS

A. Current Use Penalty Process and the LOST Fund

The Con Com took up this item at this time.

Vicki Lee, Finance Director, and Marlene Boisclair, Deputy Assessor, addressed the Commission.

Ms. Boisclair stated that the Assessing Department is notified of building permits, which triggers a review of the property. Plans are also received from the Building Department. Cyclical reviews are carried out on 1/5 of the City each year. Research is completed regarding current use. She also handles the transfer of ownership of parcels, which could trigger current use items. If a current use parcel is being developed, there are 18 months to issue a current use change tax. Depending on how much of the parcel will be included in the development, research will be done on two years of land sales to determine the value of the parcel. A large development will trigger betterments, and the Department will take these into account when appraising the property. The form will be brought before the Board of Assessors for approval, which will then go to the Tax

Collector who issues the bill. Any liens go to the Registry of Deeds to be recorded. This is a statutory process. There is a State of NH Current Use Criteria booklet that describes the process in greater detail.

Mr. Lacey noted that the process is, if a year goes by and the full-and-best-use value has not yet been determined, a temporary ad valorem value is determined.

In response to a question from Mr. Lacey regarding appeals on these items, Ms. Boisclair stated that she has only seen one appeal in four years. There were 16 payments made in 2021.

Mr. Heistad asked what the process is for notifying the Con Com that these bills are being sent out and paid.

Mr. Goodwin asked how partial current use properties are processed. Ms. Boisclair stated that research is done on the property, the property is inspected, and the developer is reached out to. There are maps of all current use files that will be measured against during the process.

Ms. Lee stated that she was unaware that the Con Com was supposed to receive a quarterly report on this item. She has been sending reports to Mr. Goodwin.

Ms. Lee explained that each year there is a budget for the Con Com in the General Fund, \$10,860 for the last fiscal year. \$1,668.93 was not spent and was then placed into the Conservation Fund. She stated that the Open Space account beginning balance for 2022 was \$1,443,727 based on the amount to be collected, but only \$637,000 was actually collected. Once all of the bills have been actually paid, the ending balance for the account will be \$1,445,727. This reflects a couple of large projects being completed.

The Commission discussed what level of detail it would like to see reported. It noted that it would like to see this quarterly, unless requested more often.

3. PERMIT REVIEW

B. Review and discussion re: Mt. Support Rd & Lahaye Dr Special Assessment District - DRAFT preliminary roundabout & traffic signal design alternatives

This item was taken up at this time.

Brian Vincent, City Engineer, addressed the Committee. He explained that this project is in the preliminary phase at this time. It still needs to go through the public hearing process, which will likely occur within 3-4 weeks. There are a number of development projects happening to the south of Lahaye Drive. This intersection is currently failing and will continue to get worse as these developments continue. The bid phase will likely take place next January. The purpose of the project is to improve all modes of transportation through the intersection. The current intersection is prone to poor efficiency. The developers in this area will help contribute funds to engineering, permitting, and construction of this project. There are three options for this project: an improved signaled intersection, a roundabout, and a no-build option. The build options include a 1200' long multiuse path along the east side of Mt. Support Road. This will be a 10-12' wide path, depending on certain project specifics. One important goal of this project is

minimizing any impacts to the current TAP project, which runs from Route 120 to Lahaye Drive on the north side. There are also considerations being made to minimize impacts to utilities, rights-of-way, wetlands, and shoulder widths. The wetlands in this area are palustrine emergent and palustrine forested. There is a rare plant located in this project area, barren strawberry. Both build options will impact wetlands. The traffic signal alternative will cause approximately 14,000 s.f. of wetland impacts, and 44 s.f. of rare plant impacts. The roundabout alternative will cause approximately 18,000 s.f. of wetland impacts, and 71 s.f. of rare plant impacts.

Chair Riley stated that she does not believe the total area of rare plant species has been surveyed yet on the site. Mr. Vincent stated that he would bring this information to the Wetlands Scientist.

Mr. Vincent these proposed impacts assume a 3:1 slope. This can be examined as part of the overall design.

Mr. James stated that the largest areas of impact seem to be east of the intersection, south of Lahaye Drive. To reduce the impacts of the project, this area should be examined closely. This is a high value, functioning wetland that is proposed to be impacted. Mr. Vincent agreed. He noted that this project will have to go through the NH DES Alteration of Terrain (AoT) program. There may need a stormwater management element included in the design which could further impact wetlands in this area. There will be more impact, but it would include treated water, which the site currently does not have.

Mr. James noted that this could have great ecological impact on other non-rare species in the area as well. There is a huge amount of water moving to the south on this site. There could be impacts downstream to the Mascoma ultimately.

In response to a question from Ms. Hirai, Mr. Vincent stated that the intention is for the project to stay under the trigger for a mitigation response. The Army Corp of Engineers will likely have a chance to review this project under the PGP.

In response to a question from Mr. James, Mr. Vincent stated that there is some lane widening proposed for the roundabout option. Mr. James explained that some wetland remediation may be possible with restored hydrology, through things like rain gardens. This could protect the wetland itself, instead of seeking mitigation for impacts.

Chair Riley stated that there seems to be significantly less wetland impact through the signaled intersection option. Mr. Vincent noted that it does still add lanes, so there will still be pavement increase overall. The roundabout has the best level of efficiency for traffic. Chair Riley stated that the Con Com must consider environmental impacts.

Ms. Hirai stated that, on a broader scale, the Con Com also needs to consider emissions and pollutants being put into the atmosphere from each option.

Mr. Goodwin explained that the total number of proposed impacts are actually quite close, and the options need to be examined more closely. The roundabout seems to allow for more compact

impacts on site. Restoration is a form of mitigation, so if the functions and values of the wetlands can be improved through this project, that would be a large help.

In response to a question from Ms. Almy, Mr. Vincent explained that the roundabout option would contain two lanes that will accommodate large trucks.

Mr. James stated that idling cars sitting at the signaled intersection will impact air quality. It could also allow more pollutants to flow into the water.

Mr. Heistad agreed that there may be studies to show the difference between cars continuing around a roundabout, versus starting and stopping continuously at a light.

Mr. Goodwin explained that a roundabout may create a more attractive and efficient design for bicycles and pedestrians. This may take some cars off the road in the end. Mr. Vincent agreed that the multiuse path for this project is trying to be tied closely to other nearby paths to allow for more multiuse users.

Mr. Oidtmann stated that he believes the roundabout will lead to less carbon dioxide poisoning of the environment. He asked about landscaping of the area.

Mr. Vincent explained that single-land roundabouts do not have signalization for pedestrians. This type of roundabout was examined but discarded as it would not help the issue. The crosswalk on the east leg of the intersection is proposed approximately 25-30' back from the intersection. This allows for pedestrian crossing behind the first car in line, to allow for that car to focus on the roundabout. For a two-lane roundabout, NH DOT's policy is for a pedestrian hybrid beacon on both the entry and exit side. This allows for pedestrian-dedicated movement in the roundabout. These would be mounted on an overhead mast arm. The Pedestrian and Bicycle Advisory Committee asked about making all four crosswalks in the area the same, but this would increase the amount of wetland impacts.

Mr. Oidtmann asked about the possibility of a foot tunnel as part of the project. Mr. Vincent stated that separate bike/ped crossings are ideal, but the expense needs to be examined. This also leads to more infrastructure to be maintained. At this time, at grade crossings are proposed.

Mr. James asked if the Wetland Scientist could come up with ideas to maintain the function of the wetland. Mr. Vincent stated that this will be part of the permit process. Mr. James encouraged a design that protects the functions of the wetland.

3. PERMIT REVIEW –

**A. Review and Comment on Zoning Board Special Exception application.
Applicant proposes to construct a new 800 SF open-air pavilion & associated site work. Applicant requests a Special Exception pursuant to Article IV, Section 401.5 ("Wetlands Conservation District") of the Zoning Ordinance. CC2022-02**

The Con Com took up this item at this time.

Chair Riley explained that the Con Com's role in this is to provide comments to the Zoning Board, per the City ordinance. The 100' buffer to high value wetlands is being discussed. An impact to the wetland or its buffer will trigger comment of the Con Com. The applicant has two applications for special exceptions. The Con Com only needs to look at Section 4015 of the ordinance as it relates to these applications.

It was noted that the proposal is to place a pavilion on a parcel of land owned by Dartmouth College. The group reviewed the potential placements for the pavilion on the site. This is a permitted use, but a special exception is needed due to its location to the wetland/buffer. The Con Com can comment on where the structure might best sit, from a natural resources standpoint.

Dan Justynski, Dartmouth College Trustees, stated that he is fully in support of the project through the Upper Valley Mountain Bike Association. There is a longstanding relationship between the two groups for the trail maintenance.

Jon Criswell, Upper Valley Mountain Bike Association, stated that regardless of placement of the pavilion, the plan is for a dry well to be placed on the lower drip edge of the structure.

Ms. Almy noted that a dry well will require maintenance. Mr. Criswell stated that a maintenance plan has not yet been put in place, but the dry well is designed to be oversized. There is not much in the way of debris near the structure. This portion is sloped away from the wetland and toward the parking lot.

Ms. Hirai expressed concern with one of the proposed locations closest to the bank.

Mr. Criswell noted that both location options will require special exceptions for the use. If the variance is granted, a wetlands special exception will not be needed. There are a number of options being reviewed. Chair Riley stated that the Con Com is reviewing which option will create the least amount of impact to the wetland and its buffer.

Mr. James asked that the soils map he created be reviewed. The site proposed for the pavilion is located in an area with sandy, well-draining soils. This is not typical of a wetland. There are similar soils in all of the proposed locations on site. The runoff from the roof will likely not be a problem, due to the nature of the soil.

Mr. Goodwin explained that the 100' wetland buffer regulation was adopted to indicate that wetlands and their buffers have value. Chair Riley explained that this is a chance to submit comments to the Zoning Board, based on Section 4015.

Ms. Hirai noted that placing the structure closer to the buffer will create more of an impact from walkers/bikers. Mr. Criswell explained that the prime parking spots are along the left hand of the parking area, which is also located in the buffer.

Chair Riley expressed concern that parking is being allowed within the buffer and that a structure has also been built within the structure previously, without going through the special exception

process. Mr. Criswell stated that he believes the existing shed structure was possibly under minimum square footage of impact required to file for a special exception. He stated that the believes Section 401.4H – Permitted Uses, allows for a structure of 130 s.f. or less. This was an Eagle Scout project that includes a changing area and bathroom.

Mr. Goodwin stated that this would all fall within the Zoning Officer's purview. Chair Riley stated that, as the Zoning Board is reviewing the special exception form, these existing violations could be noted.

Mr. Lacey suggested that a fence be erected along the buffer so that there is not further infringement on the area. Mr. Heistad agreed that kids will likely run down the bank eventually and a fence would help to protect it.

Chair Riley stated that the Con Com might recommend that the pavilion be located as far from the buffer as possible, along the eastern property boundary. This might require the applicant to seek a variance, but that is an item for the Zoning Board. She noted that fences are not wildlife friendly.

Mr. James stated that people parking at the edge of the bank could cause erosion eventually. It might be useful to install a natural barrier in this area. The pavilion could be proposed to be placed as far southeast as possible on site to minimize impact to the buffer zone.

Chair Riley stated that she would like for the Zoning Board to look at the parking area configuration, potentially move it out of the buffer, and consider delineating it. She would also like the Zoning Board to consider the design of the pavilion, such as a permeable surface, and its location.

Mr. Oidtmann stated that he would like the Zoning Board to also discuss the existing porta potty that is on site. He asked if this land is in current use and if the pavilion would change that.

Chair Riley noted that the area is in need of some invasive management.

Mr. James MOVED to recommend that the proposed pavilion be located farther from the buffer, as far east and south as possible, to minimize or eliminate impacts to the wetland buffer. Also, the Commission requests that the Zoning Board and Administrator examine the creep of the parking area into the wetland buffer area, and request that the parking area be delineated by wildlife friendly fencing or boulders outside of the wetland buffer, in order to eliminate impacts to the wetland buffer. Further, the Commission requests that the Zoning Board examine waste and sanitation items, and that a dry well maintenance program be discussed.

Seconded by Mr. Oidtmann.

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

Ms. Almy exited the meeting.

4. STUDY ITEMS

A. Current Use Penalty Process and the LOST Fund

This item was addressed earlier in the meeting.

B. Con Com Trails Coordinator Update

Mr. James stated that there is a State of NH Recreational Trail program grant which could be used to fund a bridge over Great Brook in the Goodwin Conservation Area. The potential design of the bridge could cost approximately \$60,000. This would be within the scope of the grant. The City will need to provide a 20% match of the total cost of the project. The bridge will need to be ADA compliant. The project will need three bids and the lowest one must be chosen.

Mr. Oidtmann MOVED to extend the meeting for 15 minutes at 8:58pm.

Seconded by Mr. Lacey.

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

Chair Riley stated that she has concern regarding the amount of impact this project could have on the site.

Mr. Goodwin suggested placing this project on the CIP list, for an additional potential source of funding.

The Commission agreed for Mr. James to move forward with the grant application process. A draft will be ready for the Commission to review at its May meeting.

2. APPROVAL OF MINUTES: March 10, 2022

Amendments:

- Page 7, line 14-15: strike “something regarding” and replace with “a better definition of,” and strike the word “included.”
- Page 8, line 5: change “Mr. Lacey” to “Mr. James”
- Page 8, lines 1-2: strike the second sentence. Replace with “treating glossy buckthorn and is considering planting some fresh stake cuttings of native species to augment bank stabilization as invasives are cut.”

Mr. James MOVED to approve the March 10, 2022 minutes, as amended.

Seconded by Mr. Oidtmann.

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

C. Master Plan Update – Actions & Strategies

This item was tabled to a future meeting.

D. Farnum Hill Preserve – Property Overview & Discussion

This item was tabled to a future meeting.

6. OTHER BUSINESS

There will be a joint meeting between the Planning Board and Conservation Commission on April 25, 2022, at 6:30pm, to discuss the tools the Commission uses to protect and steward natural resources in Town. There may also be discussion regarding how the two groups can better coordinate and work together.

It was noted that the Ranger position has been advertised.

5. COMMITTEE REPORTS

A. Reports from other committees:

--Conservation Lands Monitors (Various Members)

Mr. Goodwin noted that some trail work has been started on a number of trails.

Mr. Heistad explained that there are two tree stands on Signal Hill. According to Fish & Game these must be removed once the season is over. It is unclear how to enforce this. Chair Riley suggested some education and outreach.

Mr. Heistad stated that rerouting the path along Signal Hill is a good idea to get around the wet area. There also need to be 2 10' bog bridges installed.

Mr. Lacey stated that he has been doing some work at Bakers Crossing. The elms planted at Two Rivers are being monitored.

--Lebanon Biodiversity Group (D. Lacey)

This item was not discussed at this time.

--Workshops & Educational Opportunities (Various Members)

Ms. Hirai stated that there have been two Wild About Lebanon walks since the last meeting. There will be a Vernal Pool Exploration event on April 30th at 10am at Ticknor with an expert from UNH.

A Wild About Lebanon event will be held at Starr Hill on Earth Day, April 22nd at 4pm.

7. FUTURE AGENDA ITEMS - *This item was not discussed at this time.*

A. Continued Review of Chapter 52 – Conservation Land Regulations

B. Continued Review of the Con Com's Rules & Procedure

8. OPEN TO THE PUBLIC

9. ADJOURNMENT:

The meeting was adjourned at 9:31 PM.

Respectfully submitted,

Kristan Patenaude

Recording Secretary