

FINAL

**LEBANON CONSERVATION COMMISSION
REGULAR MEETING MINUTES
Remote Via Microsoft Teams
LebanonNH.gov/Live
Thursday, November 12th, 2020
6:30 PM**

MEMBERS PRESENT: Ernst Oidtmann (Chair), Sarah Riley (Vice Chair), Erling Heistad, Christopher Johnson, Bruce James, Donald Lacey, Sue Almy, Darla Bruno (Alt.), Barbara Hirai (Alt.)

MEMBERS ABSENT: Suellen Balestra

STAFF PRESENT: Mark Goodwin (GIS Coordinator)

1. CALL TO ORDER – Chair Oidtmann called the meeting to order at 6:32 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.

2. APPROVAL OF MINUTES: October 8th, 2020

Ms. Almy MOVED to approve the October 8th, 2020 Minutes as amended below and presented in the November 12th, 2020 agenda packet.

Seconded by Ms. Hirai.

Amendments:

Page 2, Line 9, Change “Conservatory” to Conservancy”

Page 2, Line 18, Add “and” between “James” and “Mr. Goodwin”

Page 2, Line 19, Remove “and the Hanover Conservation Commission”

Page 2, Line 34, Remove “They have also identified 2 endangered species plants on the site, Virginia Stickseed, which will be fenced off as to not disturb where they are” and replace it with “The New Hampshire Heritage Bureau identified 2 endangered plant species in the area, one of which was found on site. Areas with this plant, Virginia Stickseed, will be fenced off so as not to disturb the plants.”

Page 3, Line 28, Remove “for the Lebanon Housing Authority”

Page 3, Line 38, Change “Dock” to “Doc”

Page 4, Line 7, Change “Contaminates” to “contaminants”

Page 5, Line 32, Change “Oddly” to “Audley”

Page 5, Line 34, Add “in exchange” after “Rivers”

Roll Call Vote:

Ernst Oidtmann, Bruce James, Christopher Johnson, Erling Heistad, Sarah Riley, Donald Lacey, Susan Almy all voting Yea.

None voted Nay.

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

4. STUDY ITEMS:

- A. Airport Business Park-Phase One:** Mr. David Brooks, Community Development Director for the City of Lebanon, explained that last fall the City Council created a TIF District on a couple of properties adjacent to the airport. Since the creation of the Tax Increment Financing District the City has funded a preliminary engineering phase for some infrastructure improvements to open some of the City owned property next to the north-south runway. The property is just shy of 50 acres and the area that the City is envisioning developing is the northern 25 acres of the property. There is already a 7- or 8-acre piece of property in the southwest corner that is under a conservation deed restriction. The City has been working for the last year with an engineering consultant, the Dufrane Group, to design, approximately, a 1,700-foot road extension off Air Park Road. The roadway would extend into the property and open access to 4 or possibly 5 developable pad sites.

Rick Van de Poll, Environmental Consultant, said the thought for mitigation was to take the 7.36 acres already in conservation and add them to 11 acres making the mitigation approximately 18 acres. That idea is in flux because according to the DES mitigation program they require an easement and not a deed restriction. A possibility for mitigation would be to join the two lots together and find a third party such as the Land Trust to hold an easement on the combined total. Another option, without onsite mitigation, is to pay into the aquatic resource mitigation fund. That would be about \$211,000.00.

The Dufrane Group is trying to avoid wetlands as much as possible so that the mitigation would not have to be so much. Mr. Van de Poll has identified 6 wetlands on site that were all created by man-made work that took place, some by the farmer who used to own the land. The largest wetland appears to have been created by livestock. Others were created by an access road that was upgraded that runs along the airport. All the wetlands are of very low value. They are mostly covered by glossy buckthorn with a pine overstory. The only wildlife evidence was of deer and coyote. Mr. Lacey asked if any of the wetlands were vernal pools with amphibians and Mr. Van de Poll said no, they were not. The only possible vernal pools he found were all away from the construction zone.

Ms. Almy said that years ago when the Conservation Commission was given the conservation area by the Airport Manager, at the time, he said there was a proto bog on that piece of property. Is there? Mr. Van de Poll said there was not one on the property.

Mr. James asked about the amount of impermeable surface that will be created in the new construction and how much run off will go onto the southern portion of the property? Mr. Van de Poll said everything in the construction zone will flow from the north to the east in the construction zone. There will be no runoff or ground water that will go into the south part of the property. He estimates there will be 5 or 6 acres of impermeable added to the property. There will be a retention pond created behind each of the buildings and a detention treatment pond at the north end of the lot which will handle any of the overflow.

Conservation Commission members asked questions about the project. Chair Oidtmann asked what would happen if there was a 10- or 50-year flood? Mr. Van de Poll said he believed the large retention pond would be inspected for a 50-year flood. Vice Chair Riley asked why it was only being inspected at a 50-year flood, why not a 100-year flood? Mr. Brooks said the

construction is meeting the City's storm water regulations which is for a 50-year flood. The detention capacity is for a 50-year storm but the conveyance such as pipes and culverts are for a 100-year storm.

Ms. Hirai asked if the project could lessen the amount of parking required? Mr. Brooks said that parking was covered under the zoning ordinance and would require a variance. There could be a reduction if the builder could show that there is an ability to build more parking spots if they became necessary.

B. Two Rivers I-89 Project Proposal: Mr. Goodwin explained that Audley has been contracted by the State of New Hampshire to do work on the I-89 bridges between Vermont and New Hampshire. The construction company is looking for a place to park their equipment and materials. Mr. Scott Stevens from Audley was looking for about 2 acres from Two Rivers to put the equipment on and was asking if they could do that and what mitigation they could provide to the Conservation Commission?

Vice Chair Riley said that a few Commission members walked some areas of Two Rivers and found incredible value in the larger trees on the property. She suggested that the empty parking areas of the K-Mart and JC Penney parking lots would be better for the housing of the construction materials and vehicles. Ms. Hirai and Chair Oidtmann agreed with Vice Chair Riley's statements.

Mr. Stevens responded that the plazas do not want the construction equipment in their parking lots. The K-Mart plaza owner is looking into how they will revitalize that plaza and the JC Penney parking lots are for the stores in that plaza. His company has currently built an access road along the 100-foot right of way by the K-Mart Plaza. He is looking to see what property may be available over there for his materials and equipment. He proposes taking out some of the invasive species growing in Two Rivers, possibly putting in a nice walking path, some benches and adding more plants and bushes in there.

Mr. Lacey said there had been sycamore trees down by the water and commented that they should be saved if possible. Ms. Almy commented that the easement is held by the Upper Valley Land Trust and that the property is supposed to be a complete conservation area. Mr. Goodwin said that since it is one of the older easements it is also one of the weaker ones. The easement does not restrict what is proposed to go there.

Mr. Heistad asked what size trees were being proposed to be planted to replace any that are taken down? Mr. Stevens said they would like to save as many trees as they can. They would be of various sizes up to 2 or 3-inch diameter trees.

Vice Chair Riley explained that the Conservation Commission was not interested in making Two Rivers into a park. It is a conservation area that is a flood plain forest which is in desperate need of restoration. They want the soils and vegetation to continue as a flood plain.

Mr. Billy Zane, resident of Lebanon and who works for the Lebanon Highway Department, said that he was tasked earlier this year with mowing down by Two Rivers. He was to clear the trails that the kiosk showed. It was so overgrown down there that he could hardly mow the area at all. He said there were a lot of not very pretty trees down there and the area could use some help. He suggested that the Conservation Commission worked with Audley to restore the area. He dealt with a lot of scrub brush and not very many trees.

Mr. Lacey said that perhaps Audley's proposal could be changed to doing some restoration work on the land instead of walking paths. Mr. Stevens asked if it was worth meeting some of the Commission members out at Two Rivers to talk about what they are looking for. Mr. Goodwin will set up a meeting between some Commission members and Mr. Stevens.

C. Zoning Ordinance Amendments: Review and comment to City Council on proposed amendments to the Zoning Ordinance

***Mr. Lacey MOVED to extend the meeting for 30 minutes.
Seconded by Mr. Heistad.***

Roll Call Vote:

**Ernst Oidtmann, Christopher Johnson, Erling Heistad, Sarah Riley, Donald Lacey, Bruce James, Susan Almy, Darla Bruno and Barbara Hirai all voting Yea.
None voted Nay.**

**** The Vote on the MOTION passed (9-0).***

Mr. Tim Corwin, with the City of Lebanon Planning Department spoke about the proposed changes to the current ordinances. The Planning Department performs an annual review of the ordinances every year. The Conservation Commission is charged with looking at specific areas that are an interest to the Conservation Commission. Mr. Corwin pointed the Commission to a proposed amendment to Section 308 which is an R1 Residential District. The proposed amendment is to the maximum height of 45 feet for a building's height which, with a special permit could go up to 55 feet if the builder plans to put parking underneath the building. Mr. Corwin explained the new amendment's criteria.

Ms. Almy commented that she was not sure how there was an incentive to the builder if they lost width in the building to gain height for a parking garage. Mr. Corwin said they could take a closer look at that provision. Other Commission members asked various questions on the proposed amendments to the ordinances.

Ms. Almy asked about Section 314.1 which states the primary use of Rural Lands 3 District would be forestry or to develop single family residences on large lots. She said that they had been trying for a long time to keep large lots out of that region of the City so as not to interfere with animal crossing and the flow of water in the area. She felt that the amendment would change that to allow only single-family houses on large lots to be built there. It creates issues for animals crossing and the flow of water per house. Mr. Corwin said it was just meant to remove inconsistent language in the ordinance.

Mr. Corwin collected the comments that the Commission members made and will incorporate them into the red line and take them before the City Council in January. No Motion was needed by the Commission members.

***Ms. Almy MOVED to extend the meeting to 9:15PM.
Seconded by Mr. Heistad.***

Roll Call Vote:

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

None voted Nay.

*** *The Vote on the MOTION passed (8-0).***

Mr. Corwin said he was very interested in the Commission members comments or concerns about the ordinance amendments that may not pertain to conservation. The members could e-mail him with their thoughts.

5. COMMITTEE REPORTS:

A. Conservation Lands Monitors: Mr. Heistad said he was up on Signal Hill and took down 8 trees that had fallen across the trail. They also pulled out a lot of buckthorn up there. Mr. Goodwin said there should be some mowing going on up there as well.

4. STUDY ITEMS CONT.:

D. Open Space Plan Update: Mr. Goodwin has received input and questions from the Commission members on the Open Space Plan and the proposed edit to the document. The edits will be sent to the editor to work on the Plan. One major change that is being looked at is developed versus undeveloped land percentages.

5. COMMITTEE REPORTS CONT.:

B. Lebanon Biodiversity Group: Mr. Lacey sent some reports to the state for the special permits for invasive species removal at Mill Road and Baker Crossing. Snowmobilers plowed about a 30-foot-wide path the length of Baker Crossing. This raises the question, who is supposed to be maintaining the field at Baker Crossing?

C. Workshops & Educational Opportunities: Some members of the Commission attended the annual meeting of the New Hampshire Association of Conservation Commissions. Ms. Almy, Mr. Lacey, Ms. Hirai, Ms. Darla Bruno and Vice Chair Riley attended and will send their notes to the other Commission members who could not attend.

Mr. Heistad MOVED to extend the meeting by 15 minutes.
Seconded by Mr. Heistad.

Roll Call Vote:

Ernst Oidtmann, Christopher Johnson, Erling Heistad, Sarah Riley, Donald Lacey, Bruce James, Susan Almy, and Barbara Hirai all voting Yea.
None voted Nay.

*** *The Vote on the MOTION passed (8-0).***

6. OTHER BUSINESS:

A. Resident Stewardship Volunteer Program: Vice Chair Riley had drafted a letter to the City Council and City Manager to let them know about how much more the trails are being used by the public and stressed the need to keep any City funding that is in place for the maintenance of the conservation trails. The members of the Commission liked the letter and all agreed that it should be sent by email to the City Council and City Manager.

B. 2021 Calendar: There were no issues brought up by the Commission members about the upcoming 2021 meeting schedule.

7. ADJOURNMENT:

The meeting was adjourned at 9:33 PM without a vote.

Respectfully submitted,
Barbara R. Higgins
Recording Secretary