

FINAL

**LEBANON CONSERVATION COMMISSION
PUBLIC HEARING
CITY COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
5:30PM THURSDAY SEPTEMBER 14, 2023**

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

MEMBERS ABSENT: Sean Dittrich (Alt.)

STAFF PRESENT: Mark Goodwin (GIS Coordinator), Shaun Mulholland (Lebanon City Manager), Carl Gross (Lebanon Airport Manager)

OTHERS PRESENT: Peg Merrens, Vice President of Conservation, Upper Valley Land Trust
Jeanie McIntyre, President, Upper Valley Land Trust

1. CALL TO ORDER

Chair Riley called the meeting to order at 5:33pm.

2. PUBLIC HEARING ITEMS:

- A. Support the Purchase of Conservation Land - Receive public input and take action within the provisions of RSA 36-A:4-a, I(B), authorizing the expenditure of \$500,000 from the Lebanon Open Space Trust (L.O.S.T) Fund, as a contribution towards the Upper Valley Land Trust's purchase and permanent protection of a 180 +/-acre parcel of land with frontage on Poverty Lane, identified as Tax Map 161, Lot 3.**

Ms. Merrens gave an overview of the property, which she said is currently owned in trust by the Stockwell family, that would be purchased by the Upper Valley Land Trust. She noted that the UVLT has been in communication with Lebanon Airport Manager Carl Gross as to how best manage the portion that is affected by the proposed Airport safety improvement project.

Ms. Merrens said the property includes wetlands and forest habitats. She said one area is listed as an exceptional wetland corridor for wildlife, tree populations, and rare plants. She said the property is on Poverty Lane at the intersection of Hall Road, which is a Class IV Road that becomes a Class A Trail.

Mr. Goodwin said he would describe the property as special with unique natural qualities.

Chair Riley opened the meeting to the public.

Mr. Tony Palazzo (Ward 3) asked if the City had plans to use the property other than for recreational activities. Mr. Goodwin said the property will be maintained as a natural resource. He also noted that the land will be owned by the UVLT, not the City, as had been incorrectly stated in a Valley News article published recently. Mr. Goodwin said the Valley News will be printing a correction to state that the UVLT will own the land.

City Manager Shaun Mulholland asked the Conservation Commission to include in its motion that the transfer of the funds to the UVLT be contingent on an agreement with the Lebanon Airport that includes the successful execution of an aviation easement. He explained an aviation easement would allow cutting the tops of the trees in the flight path. He said large vehicles/equipment would not be used to cut the trees so the land will not be damaged.

Lebanon Airport Manager Carl Gross said an aviation easement would involve the air space over the portion of the property that is impacted by the proposed Airport safety improvement project. He said a requirement of the FAA safety improvement project is to mitigate existing hazards and prevent the establishment of future hazards in that air space.

Chair Riley and Mr. James asked if the FAA was requiring the aviation easement as part of the safety improvement project. Mr. Gross said it was brought to light, during the planning of the safety improvement project, that an aviation easement should be obtained for the affected section.

Mr. Brian Moses (248 Poverty Lane) said his property abuts the property in question and he said he supports the appropriation of funds from the LOST fund to the UVLT to purchase the property.

Mr. Stephen Wood (REMOTE) said the property being discussed is very valuable and the issue for the public hearing is whether the Conservation Commission should approve the transfer of funds to the UVLT for the purchase of the land. He said the other issues being discussed should be between the UVLT and the Airport. He said he thinks the Conservation Commission should not make the UVLT agree to the aviation easement as part of the funds transfer.

Ms. Janet Davis (REMOTE) (218 Poverty Lane) said she is concerned that the aviation easement will allow for the encroachment of the Airport, bigger planes coming in to the Airport, or expansion of the Airport. She said she is concerned the property will be destroyed by sound and air pollution from the Airport and she said she is concerned about the impact the easement will have on this property.

Lebanon Mayor Tim McNamara (Ward 1) said there already exists a power line easement on the property being discussed. He said the power line equipment will be maintained in whatever manner the power company chooses, so mechanical methods may be used. He said conserving this property does not guarantee that large equipment will not be driven across it.

Jeanie McIntyre, president of the UVLT, said the UVLT understands the need for discussion between the City's and the UVLT's attorneys about legal protection of the air space affected by the safety improvement project, but she said she is not comfortable with an avigation easement being included in the vote for the funds transfer. She said the UVLT is not fully knowledgeable on what is the best way to harvest timber or what is the best treatment of tall trees. She said she feels it makes sense to assess the resources on the property and develop a treatment that will preserve, to the greatest extent possible, the ecological functions and values of those resources. She said the UVLT will work with the City to keep the air space affected by the Airport safety improvement project safe for the Airport and still preserve the land, trees, and wildlife under the designated air space. She said it would not take long to come to an agreement if both entities' attorneys work together.

Mr. Heistad said the Commission members need to agree on spending \$500,000 from the LOST fund in support of purchasing this land. He said that is the question that needs to be voted on today.

A MOTION was made by Mr. Oidtmann to authorize the expenditure of \$500,000 from the Lebanon Open Space Trust (L.O.S.T) Fund, as a contribution towards the Upper Valley Land Trust's purchase and permanent protection of a 180 +/-acre parcel of land with frontage on Poverty Lane, identified as Tax Map 161, Lot 3.

The Motion was seconded by Mr. Heistad.

Ms. Almy recused herself from the vote because she is an abutter to the property.

At 6:19pm, Chair Riley approved the appointment of Ms. Hirai to sit in for Ms. Almy.

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

3. ADJOURNMENT

The Public Hearing was closed at 6:20pm.

Respectfully submitted,
Paula Roux
Recording Secretary