

FINAL

**LEBANON CONSERVATION COMMISSION
REGULAR MEETING MINUTES
Remote Via Microsoft Teams
LebanonNH.gov/Live
March 13, 2025
6:30 PM**

MEMBERS PRESENT: Sarah Riley (Chair), Bruce James, (Vice Chair), Erling Heistad, Barbara Hirai, Chris Johnson, Ernst Oidtman

MEMBERS ABSENT: Don Lacey, Susan Almy (Alt.), Sean Dittrich (Alt.), Travis Talbert (Alt.)

STAFF PRESENT: Mark Goodwin (GIS Coordinator), Nate Reichert, Director, Planning & Development, Brian Vincent, City Engineer

1. CALL TO ORDER: Chair Riley called the meeting to order at 6:31 PM.

2. APPROVAL OF MINUTES:

A. February 13, 2025

Mr. Erling Heistad MOVED to approve February 13, 2025 Minutes. The motion was Seconded by Ernst Oidtman.

** The vote on the MOTION was approved unanimously (6-0)*

3. OPEN TO THE PUBLIC:

4. PERMIT REVIEW:

A. **Re: The City of Lebanon , 28 S. Main St/Rt 12A & 0 Railroad Ave. (Tax Map 86-18, 72-5, and 86-57) -Review and Comment on NHDES Wetland Minor Impact Application to replace the two-lane vehicle bridge (NH Rt. 12A/South Main St) which passes over the Northern Railroad, realignment of the road immediately south of the bridge , and improvement to the incorporated access road connecting Rt 12A to the railroad underpass in West Lebanon, NH. CC2025-02 (40 minutes)**

City Engineer Brian Vincent spoke briefly about the reasons for the wetland impacts, the dry bridge project and the access road to the old Westborough railroad and said it would become a commercial and recreational space in the future.

Mr. Tyson Morrill, Environmental Scientist and Wildlife Biologist with D&K joined the conversation to help address any questions on this project.

Chair Riley stated that she wants to address these 2 areas separately starting with the bridge and the associated road widening and then discuss the wetland impacts associated with the access road . She inquired about the impacts to the existing wetland on the east side of the road, and how much of the slope

on that east side of the road is going to be impacted, if it's going to be cut and how many trees will be removed from that side of the road?

Mr. Morrill started by talking about the slope and the pocket pond and referenced sheet number 104 of the documents provided (and included in the Agenda Packet). The stormwater is being captured by the pocket pond where it then settles and can infiltrate through the ground, to then be recharged into the ground below. No surface water is being discharged directly into that wetland. That pocket pond is offset from the road a bit due to the required slope from the shoulder simply based on not having a guardrail along that shoulder to allow for continued maintenance to the pocket pond (requires a decrease in the slope).

The trees on the hillside are moderate (size of a paper towel roll) in size and a majority are hardwood. That area has been impacted over a long period of time by the railroad. The project will cut into this hillside to make room for the pocket pond. Between the pocket pond and the road, the majority of plants are invasive species. The quality of the wetland in that area is poor. The wetlands in the area of the pocket pond will be restored using native seed mixes, native vegetation and invasive plant removal upon restabilization of the pocket pond structure.

Chair Riley asked for a visual of how much of the hillside they are cutting away in order to create the pocket pond and how much of the proposed limits of tree clearing.

Mr. Morrill referred them to the map; it shows level of cutting or grading and also shows (5' behind that) that it is limited clearing being proposed.

Ms. Hirai said that the water there has historically been good drinking water. She also said that just because this area currently has invasives, it is still valuable. Mr. Morrill said that this spring is being recognized as a resource, and this has been documented and will be reviewed by DES to determine the function and value of the wetland itself. He encouraged her to provide comments on this if it is something she feels is impactful for the wetland impact here.

They looked at more maps (sheet 83) of the cuts and discussed changes in the grade, contour of the land, and other variables to try and determine the scale.

Ms. Hirai asked about the design and installation of the drains and if they provide for optimal safe crossing for both amphibians and other wildlife that would go through here. Mr. Morrill answered that there will be no outlet drop, and that the outlet itself will be comprised of some larger stone to prevent scouring and allow for safe crossing (referenced page 82). It will be a large (24") corrugated plastic; he stated that it is more than adequate.

Mr. Heistad said that culverts that are open at the bottom get more flow through without having to raise them. Chair Riley said that it was agreed that one of the things that the Con Com is trying to do Citywide is to encourage more resilience in our culverts and more wildlife friendliness in our culverts, what Mr. Heistad spoke about. She wondered if open bottoms could be used here. It was agreed by Mr. Morrill that better connectivity between the two would result in a healthier system. He said even turtles can cross here. Mr. Vincent stated that they are meeting all State standards while considering costs feasibility as well. He encourage the Con Com to provide any comments to the Wetland board.

Sheet 48 details drainage and utility and the direction of flow into the pocket pond.

Stormwater management was discussed. Stormwater will drain west to east under the road, to the pocket park. And overflow outlet will connect the pocket pond to the eastern wetland. Mr. Tyson Morrill said it is very limited to traffic or any further use, and this requires stabilization downslope. There was

discussion of groundwater and the decision to elevate the pocket pond above the groundwater, and Engineer Vincent confirmed that the reason the road needs to be elevated is that the railroad is requiring clearance for double-deckers below the bridge on the east corridor. They viewed sheet 94. Mr. Vincent said that the road is driven by the City's desire to have a recreational park near the river and by the New Hampshire Department of Transportation for future commerce. He thinks the City and the State are having difficulty coming to an agreement on this land.

Chair Riley confirmed with Mr. Vincent that the access road is not needed for the dry bridge project itself.

Ms. Hirai asked why this is being included in this project; why not wait until after an agreement is reached between the City and State (for the ball fields and recreation area)?

Mr. Morrill said that his involvement in the project was to evaluate the existing conditions of these wetlands in the stream and the impacts to those with the infrastructure that is planned. He said this is all part of one permit application; he referred them to the map showing the proposed permanent impact.

The reason the road curves as planned was determined based on potential use and allowing adequate room for vehicles to turn (DOT request), and also for a guardrail here. Engineer Vincent explained that the road is designed for large tractor trailers, which drives the need for the size of lanes and need for the curves as shown in the plans. The reason for the tractor trailers is future commerce (at DOT's request).

Chair Riley is concerned that this streambank engineering will allow for more erosion on the north side of the stream, in an area that has contaminants.

Mr. James said that based on the uncertainty about the impacts and about the railyard, and about the *need* for this access road, he recommends that the Conservation Commission recommend to the DES that this part of the project be segregated away as it seems it could be counterproductive to the design for the bridge, and the design of the wetlands and the pocket pond along the road. He thinks it would be better to leave the zone to the West of the road and toward the rail yard as it is. He suggested that the City could revisit this at a later time in a different project. He is most concerned about the Connecticut River.

Mr. Morrill will pass this along to DES. Ms. Hirai concurred with Vice Chair James. She is very concerned about current erosion on the north side of the ravine. Would the proposed changes to the south side of the bank exacerbate this north bank erosion? Mr. Vincent said that the State of New Hampshire is paying for approximately 50% of this project. Chair Riley stated that it would be for a smaller project though.

Mr. Vincent concurred.

Mr. Heistad reiterated that this project will be much more expensive in the future.

Mr. Morrill said that the two wetlands and the stream impacts combined do not meet the threshold for mitigation of paying into the ARM fund. Separating this as its own individual project is even more limited on a scale of extent of impacts that the State views as reasonable.

Chair Riley acknowledged this but said that she sees a contrast between the bridge project, where she sees attempts to improve stormwater treatment and slow down before it gets to the Connecticut River, and this project, where she does not see it. She has concerns. And she understands that there would not be any mitigation. She is looking at what is best for West Lebanon and for the Connecticut River, and she would hope that the City and the State would take better care of this particular stream than what this seems to be doing.

Vice Chair James said that this area is recovering from disturbance in the past, and he does not feel that he or the Con Com have enough information. Chair Riley said that their job is to make a recommendation to DES to approve or deny this application and they can provide concerns, questions, and comments.

Mr. Vincent said that the water that is generated by the access road is treated, Also, all the work they are doing is to prevent erosion, not cause it. Regarding wetlands, one of the reasons the retaining wall is there is to avoid having to grade into a stream or cross the stream. This is the reason why the plan is as presented.

Mr. Goodwin reminded them that the DES is a team of professionals that will be looking at this including materials being used, the project design, etc. and Con Com's role is to highlight things that there might be a high probability of DES missing. Vice Chair James concurred.

****A MOTION was made by Vice Chair James to recommends approval on the application with the following conditions:***

Seconded by Mr. Erling Heistad

****The vote on the MOTION was approved 5 Yay, 1 abstained (Mr. Ernst Oidtmann), 0 Nay***

Related to the wetland impacts along S. Main Street

The Conservation Commission recommends that the DES approve the wetland minor impact application by the City of Lebanon at 28 S. Main Street/Route 12A and 0 Railroad Ave., West Lebanon, NH with the following conditions:

1. Encourage NH DES to review potential impacts to the historical spring that exists on the east side of S. Main Street (West Lebanon) as noted on one of the plan sheets.
2. Encourage NH DES to assess opportunities to utilize "aquatic passage or "wildlife friendly" culvert design.
3. To ensure a minimization of grading and clearing of the bank on the east side of S. Main Street.

Related to the wetland impacts in the railyard area

1. To be mindful of an opportunity to completely avoid impacts by removing the proposed access road from the project if it is determined that there is no current intended use, or a high degree of uncertainty.
2. The Conservation Commission has numerous concerns related to the proposed impacts on the linear frontage of the stream resource.
3. If the project moves forward, the Con Com encourages DES to look for opportunities to minimize impacts in that area (e.g. stream linear frontage), including design alternatives. Design alternatives that are in concert with previous NRCS restoration projects that occurred in this general area.

B. Proposed Wetland Impact – Concept Review 0 Labombard Rd. (Map 64, Lot 34) (20 minutes)

Mr. Tom D'Aguiar, Civil Engineer and Jake Tinus with VHB along with Mr. Keith Skorupski, General Manager and Mr. Benjamin Blunt. Operations Manager, Dartmouth Coach, were here to discuss 4,156 square feet of wetlands and their need to expand parking. The reason is that their current lots are regularly full and exceed capacity.

Mr. Skorupski started by saying that they have pursued other properties adjacent to theirs, but did not work out. He said they have exhausted all options that they have at their disposal. This request has the smallest impact given their options.

Vice Chair James stated that his biggest concern is that this request would be paving a wetland. Have they considered the possibility of turning the current overflow lot into a parking garage with an additional level. He asked if they could keep to the impermeable surface that exists to the West without any further wetland impact.

Mr. Ben Blunt said that the economics of parking garages make this really challenging for them. When they last specked out a parking garage, the cost per space was \$50,000, which make this cost prohibitive. That would put the cost of this at around \$10 million dollars.

Mr. Oidtmann said that over ten years ago, he suggested a parking garage. He said the environment comes first, and the cost would be too much.

Mr. Blunt stated that every car that parks here is off the road and environmentally positive. Mr. Oidtmann said that the destruction to the environment is more important.

Ms. Hirai said that the Con Com's job is to protect the environment, no matter how worthy the cause.

Chair Riley said there are many parking lots throughout the area that are underutilized, and she would like to see more collaboration with these places. Also consider having more people consider parking in Hanover or New London. Consider having people take an Uber for the last leg to Dartmouth Coach. She encouraged them to look at all these options rather than paving a wetland here.

Mr. Blunt said that New London's car park is typically full as well. He reiterated that every car that parks in their lots is a car that is not spewing emissions between Lebanon, NH and Boston, MA. He said a motorcoach can get up to 300 passenger miles to the gallon, better than airplanes and trains. The parking lot helps facilitate that. They have already checked with nearby businesses and have already been able to work with the Elk Club.

Mr. Johnson said that even if they were to be able to build this proposed lot on a wetland, they would exceed capacity quickly. He encouraged them to look long term as he thinks a parking garage could be more economically feasible in the long term for Dartmouth Coach.

Mr. James asked if they could expand on the south and the southwest side. Mr. Tinus said that those areas are higher value wetlands. It is about 20' x 200' in size, and so also too small. Based on the highway methodology, in comparison to the proposed wetland, the one proposed is more environmentally friendly.

Ms. Hirai said that this serves the entire Upper Valley, but Lebanon is bearing the burden of all. She asked if they have gone back to other communities to see if they can help meet some of Dartmouth Coach's parking needs. Mr. Blunt said they did not, because other stops would be involved, the local transit system, etc., which is beyond their scope.

Chair Riley asked them to consider innovative marketing campaigns, encouraging people park at friend's houses, raise the parking fees to say \$10 daily, etc. She said she thinks residents would prefer this over seeing another wetland filled in for parking.

Mr. Blunt said they already do many of these, including emails to riders, raising the rates, etc. Mr. James asked if they could have a parking lot in Hanover, since he sees many riders from there. Mr. Blunt said Lebanon and this parking lot is a watershed for the area, given its proximity to I-89. Mr. James, the same could be said for I-91.

5. STUDY ITEMS:

A. Goals and Funding for 2025 (continued)) (60 minutes) - none

B. Consideration and possible action on zoning change recommendations

Mr. Goodwin was asked for the Conservation Commission to expound on their motion on zoning change Amendment #20 and 21; they were considered weak.

#20 - The property owner had approached the City asking to have the property in questions rezoned to GC1, the same as across the street, so that every time they do something, it does not become non-conforming. This is a resident driven amendment.

Mr. Goodwin proposed the following:

The Conservation Commission is neither in favor nor opposed to proposed zoning amendment #20 as the subject parcel is an existing developed area and the proposal does not have any bearing on natural resources.

**A MOTION was made by Mr. Erling Heistand to approve this statement.
Seconded by Vice Chair James*

** The MOTION was approved unanimously*

#21 –This was an amendment brought forward saying if the City is going to expand GC1 industrial light areas, then the owner wanted this property included in that same proposal.

Mr. Goodwin brought of a map showing the areas in question.

Mr. James said that he thinks the zoning was an error by Planning. He said the zoning should be RL3, as proposed by staff back in 2017, and in accordance with the City Master Plan, not INDL.

Wording proposed:

The Conservation Commission recommends that the City Council not approve Proposed Amendment #21.

The Northern Lebanon Community Plan (NLCP) called for expanding the width and breadth of protected lands for wildlife corridors in the area by expanding land protection and creating a Wildlife Corridor Passage Overlay District. Proposed amendment #21 does the opposite. It would have you rezone 67-69 Etna Road (M/L 26-2) from IND-L and RL-3 to GC-1, a move in the wrong direction.

This is an area of significant natural resources, including steep slopes and surface and groundwater, and Proposed Amendment #21 would have an adverse effect on the wildlife corridor that runs through the area and negatively impact the abutting Nicole S. Cormen Memorial Nature Preserve at Rix Ledges.

We recommend that the City Council rezone the northwest portion of this property from Industrial Light to Rural Lands3. This would be identical to the zoning change proposed by staff in 2017 as depicted on the Master Plan Future Land Use Map, which represents much hard work and considerable public feedback.

****A MOTION was made by Mr. Johnson to extend the meeting by 10 minutes.
Seconded by Ms. Hirai***

****MOTION was passed unanimously***

6. COMMITTEE REPORTS: none

- A. Biodiversity Group (Invasives)
- B. Stewardship
 - Ranger
 - Trail Coordinator
 - Monitors and Stewards
- C. Wild about Lebanon
- D. Amphibian Crossings
- E. LUCT/Current Use
- F. Other Subcommittees

7. OTHER BUSINESS: none

- A. FYIs
- B. Follow Up
- C. Workshops and Educational Opportunities

8. FUTURE AGENDA ITEMS: none

9. ADJOURNMENT

****A MOTION was made by Chair Riley to make this the Conservation Commission statement on amendment #21, to the City Council
Seconded by Ms. Hirai***

****MOTION approved unanimously***

Meeting ended at 9:11PM

Respectfully submitted,
Cinda Mersel
Recording Secretary