

**AGENDA
CONSERVATION COMMISSION
MARCH 12, 2020**

**AGENDA ITEM #2
APPROVAL OF MINUTES**

FEBRUARY 6, 2020

DRAFT

LEBANON CONSERVATION COMMISSION
REGULAR MEETING MINUTES
20 West Park St., Lebanon, NH
3rd Floor-Room 386
Thursday, February 6, 2020
7:00 PM

MEMBERS PRESENT: Ernst Oidtmann (Chair), Sarah Riley (Co-Chair), Susan Almy, Donald Lacey, Erling Heistad, Christopher Johnson, Barbara Hirai (Alt.)

MEMBERS ABSENT: Bruce James, Suellen Balestra (Alt.), Darla Bruno (Alt.)

STAFF PRESENT: Mark Goodwin (GIS Coordinator), Tim Corwin (Senior Planner/Zoning Administrator)

- 1 **1. CALL TO ORDER – Chair Oidtmann called the meeting to order at 7:00 PM.**
2 • Chair Oidtmann appointed Ms. Barbara Hirai as a regular Commission member for tonight’s
3 meeting in the absence of Mr. Bruce James.
4
- 5 **2. ELECTION OF OFFICERS: Election of Officers (Chair and Vice Chair)**
6 After some discussion regarding the open officer’s positions for the Conservation Commission, the
7 following actions were taken:
8
- 9 *Vice Chair Riley MOVED to elect Ernst Oidtmann as Chairman for the Conservation Commission.*
10 *The MOTION was seconded by Mr. Heistad.*
11 **The Vote on the MOTION passed (7-0).*
12
- 13 *Ms. Hirai MOVED to elect Sarah Riley as Vice Chairman for the Conservation Commission. The*
14 *MOTION was seconded by Ms. Almy.*
15 ** The Vote on the MOTION passed (7-0).*
16
- 17 **3. APPROVAL OF MINUTES: December 12th, 2019**
18
- 19 *Mr. Heistad MOVED to approve the December 12th, 2019 Minutes as amended below and*
20 *presented in the February 6th, 2020 agenda packet.*
21 *Seconded by Ms. Almy.*
22
- 23 Amendments:
24 Page 2, Line y, Remove “Planning and”
25 Page 4, Line 5, Replace “changes to the GC using a map of the proposed area to be changed” to
26 “proposed creation of the GC1 zone”
27 Page 4, Line 24, Change “urge” to “urges”
28 Page 5, Line 1, Change “Clem’s” to “Clems”
29 Page 5, Line 2, Change “Clem’s” to “Clems”
30
31 ** The Vote on the MOTION passed (7-0).*

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4. PERMIT REVIEW: Jill Thomas, Homecrafters, LLC.:

Review and comment on NHDES Wetland Expedited Review (minimum impact only) application to build a driveway access across a wet meadow for access to a proposed house lot. The wetland impact will be 2,200 square foot and will include a permanent 36” oval culvert and fill. **CC#2020-01**

Audra Klumb from A & D Klumb Environmental, LLC came before the Conservation Commission with her assessment of the Hardy Hill Road property that is the subject of an expedited review for a permit to build a driveway. The request, if approved, will allow the subject property to be sub-divided into 2 parcels. For the second parcel to be accessible a driveway will need to be built across wetlands. Ms. Klumb located the narrowest place to cross the wetland that would have the least impact. There would be 2,260 square feet of wetland that would be impacted, and the crossing would need to have a 36” oval culvert installed to allow for water to flow through the driveway if need be.

Ms. Almy commented that the culvert in the drawings looked enormous. Ms. Klumb explained that the shaded area is the whole area that would be disturbed wetlands, not just the culvert.

Ms. Hirai commented that it looked like the driveway would create a dam without a culvert being put into place. Ms. Klumb explained that is why the culvert was being added.

Mr. Lacey asked if there would be actual flow of water through the culvert? Ms. Klumb answered that if the water in the field came up to the surface or if there was a storm event then the water would flow through the culvert. On a normal day there would be no flow, most of the water was in the ground and would flow underneath the driveway.

Ms. Hirai asked for more clarification as to why the culvert was being placed where it was shown in the drawings? Ms. Klumb answered that was where the water was currently flowing through the most.

Ms. Almy asked about the septic design shown on the drawings and cited concern that it was close to Hardy Hill Brook. Ms. Klumb declined to comment on the drawings or designs of the septic system since she was not a part of that aspect of the project.

Ms. Hirai asked what would happen when the dirt being used to build the driveway compacted over time and how that would impact the flow of water overtime? Ms. Klumb answered and said that the dirt would compact but that she did not believe it would ever compact enough to disturb the water flowing three feet below the ground.

Vice Chair Riley was very concerned with the expedited permit process since there were a lot of concerns and questions about the protection of the wetlands. She was very unwilling to sign off on a permit in an expedited process. Ms. Klumb tried to address all the concerns voiced by Vice Chair Riley and the Commission.

Chair Oidtmann asked what the history of the property was? Ms. Klumb believed it had been a field for a long time, but that topsoil had been removed at some point, perhaps to sell. She said the field had been altered and was not in its natural setting at this time.

1 Ms. Jill Thomas, owner of the property, spoke on behalf of the project. She explained that the
2 subdivision of the property had already been approved contingent on her delineating the left side of the
3 driveway. The project has been worked on for a year. Ms. Thomas explained that she buys properties,
4 fixes them up and tries to sell them at a price affordable to a first-time home buyer. This property, as it is,
5 is not affordable, that is why they are subdividing the property, to make the house and smaller piece of
6 property affordable for her renters to purchase. She has no plans, at the moment, to build a house on the
7 other piece of property or even to sell it.

8
9 Chair Oidtmann asked if the property was in current use? Ms. Thomas replied that it was and that was
10 why the property was split the way it was, so both parcels could stay in current use.

11
12 Vice Chair Riley asked Mr. Goodwin to review what the next steps would be in this permit review
13 process. She asked what would happen if they did not sign off today? Would the Commission see this
14 permit request again and have time to express their concerns about the wetland impact? Mr. Goodwin
15 replied that the Commission could bundle up their concerns now if they wished.

16
17 Chair Oidtmann asked how long his signature would be valid for? Mr. Goodwin replied that he believed
18 it would be valid forever.

19
20 Mr. Lacey asked if the property could be offered for sale with the permits attached? Ms. Klum answered
21 that was a possibility, but Ms. Thomas would have to transfer the permits to the new owners.

22
23 Ms. Almy asked that in the future, would the Conservation Commission see the permit request for the
24 septic system? Mr. Goodwin answered that the Conservation Commission only sees that request if the
25 owners wanted to put the septic in a wetland buffer or something like that.

26
27 Vice Chair Riley had concerns about the potential effect on the brook on Hardy Hill Road, whether there
28 would be changes of the water flow, and feels that it is beyond the expertise of the Conservation
29 Commission. She would hope that the DES would take a good look at the effect this road will make on a
30 high value wetland and brook.

31
32 Mr. Lacey suggested that the Conservation Commission take a vote on whether to approve the expedited
33 permit now.

34
35 Ms. Thomas explained that the septic permit would only be good for 2 years and after that whoever
36 wanted to build a house on the property would have to apply and go through the permitting process again.
37 She also wanted to clarify that the wetland in question was not a high value wetland.

38
39 Chair Oidtmann called a poll vote to see if the Commission would approve the expedited permit. Five (5)
40 members voted for the permit to go forward and two (2) voted against it. Chair Oidtmann will sign off on
41 the permit paperwork that Mr. Goodwin has for him.

42
43 **5. STUDY ITEMS:**

- 44
45 A. **CONCISE STATEMENT FOR PROPOSED ZONING AMENDMENTS:** Prepare a concise
46 statement in accordance with section 1000.4.D of the Zoning Ordinance with regard to proposed

1 zoning amendments for placement on the March ballot. Statements will indicate the Board's
2 approval/disapproval of the proposed amendments and state reasons for such.

3
4 Mr. Corwin reviewed what took place at the last Conservation Commission meeting in December
5 and the council meeting on January 22, 2020. He explained what the Conservation Commission
6 needs to do tonight.

7
8 A brief conversation took place among the Commission members and Mr. Corwin.

9
10 *Ms. Almy MOVED to approve the Concise Statements as presented in the February 6th, 2020 agenda*
11 *packet for Zoning Amendments 1, 2, 3, 4, and 6.*

12 *Seconded by Mr. Lacey.*

13
14 **Amendment #1 (Enhanced Front Yard Setback)**

15 *The Lebanon Conservation Commission approves of and endorses the adoption of this proposed zoning*
16 *amendment which will eliminate a requirement that doubles the minimum required front yard setback*
17 *for certain properties located along state highways.*

18
19 **Amendment #2 (Multi-Family Dwellings in the R-1 & R-2)**

20 *The Lebanon Conservation Commission approves of and endorses the adoption of this proposed zoning*
21 *amendment as it supports the goals of the Lebanon Master Plan. The proposed amendment will help*
22 *encourage and facilitate needed housing in the City of Lebanon by eliminating the distinction between*
23 *new construction and conversions of existing structures in the R-1 District; and by increasing the*
24 *number of dwelling units requiring a Special Exception from the Zoning Board of Adjustment from*
25 *three (3) to five (5) in the R2 District.*

26
27 **Amendment #3 (ADU from Special Exception to Permitted Use)**

28 *The Lebanon Conservation Commission approves of and endorses the adoption of this proposed zoning*
29 *amendment as it supports the goals of the Lebanon Master Plan. Removing the requirement for a*
30 *Special Exception for Accessory Dwelling Units (ADUs) in the R-3, RL1, and RL-2 Districts will help*
31 *encourage and facilitate needed housing in the City of Lebanon, while preserving community*
32 *character by still requiring each ADU to meet the performance criteria set forth in Section 610.*

33
34 **Amendment #4 (Uses in a PURD)**

35 *The Lebanon Conservation Commission approves of and endorses the adoption of this proposed zoning*
36 *amendment which will streamline the process for review of Planned Unit Residential Developments*
37 *(PURDs) without compromising the standards of review, performance criteria, or opportunities for*
38 *public input and comment.*

39
40 **Amendment #6 (Church to House of Worship)**

41 *The Lebanon Conservation Commission approves of and endorses the adoption of this proposed zoning*
42 *amendment which will change the "church" use category to "house of worship" in order to be*
43 *inclusive of all forms of worship.*

44
45 **The Vote on the MOTION passed (7-0).*

46
47 Chair Oidtmann asked for further comments on Zoning Amendment #5. No further discussion was had.

1 *Mr. Heistad MOVED to approve the Concise Statement as presented in the February 6th, 2020 agenda*
2 *packet for Zoning Amendment 5.*

3 *Seconded by Vice Chair Riley*

4
5 **Amendment #5 (Home-Based Agriculture)**

6 *The Lebanon Conservation Commission approves of and endorses the adoption of this proposed zoning*
7 *amendment as it supports the goals of the Lebanon Master Plan. Allowing limited commercial*
8 *agriculture uses on large-sized properties in the R-1, R-2, and R-3 Districts supports a sustainable*
9 *community and promotes efficient land use.*

10 .
11 **The Vote on the MOTION passed (7-0).*

12
13 **B. CONSERVATION COMMISSION GOALS AND OBJECTIVES FOR 2020:** Mr. Goodwin
14 explained the goals and objectives decision making process. Each member of the Commission
15 spoke on what their priorities for projects would be for the upcoming year.

16
17 Mr. Heistad would like to investigate replacing the bridge at the Goodwin Conservation Area in order
18 to get to the exercise trails.

19
20 Mr. Johnson would be interested in reviewing the various conservation properties and see if there was
21 room to improve them, such as better signage. He was also interested in better visual documentation
22 of those lands and then using the visual media to amp up the current webpage.

23
24 Vice Chair Riley would be interested in urban trees and having better protocols put in place for how
25 utilities can cut and trim trees in Lebanon. She was also interested in having informal conservation
26 walks with the community.

27
28 Chair Oidtmann believed that education is the key, especially at the elementary and high school level,
29 to help improve land conservation in the area. He would like to see public service as a requirement to
30 graduate high school, with concentration on the environment.

31
32 Mr. Lacey would like to see more walks with the public along with education sessions including
33 lectures and slide shows.

34
35 Ms. Almy would like to identify places that need to be purchased in order to connect wildlife corridors
36 and create conservation easements.

37
38 Ms. Hirai is very interested in the stewardship of the land. She volunteered to head up the stewardship
39 program.

40
41 Mr. Goodwin put all the requests together and summarized them. He will work on putting the goals
42 together for the Commission.

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44 **6. COMMITTEE REPORTS:**

45 **A. Conservation Lands Monitors:** None

46 **B. Lebanon Biodiversity Group:** None

47 **C. Workshops and Educational Opportunities:** None

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7. OTHER BUSINESS:

Ms. Almy was curious about how the permit that impacts 4800 square feet of protected shoreline got passed by the Commission. Vice Chair Riley explained that it was under the Shoreline Protection Act which does not have the Conservation Commission as part of the process. She believed that the Commission could, in the future, have the permits directed to the Commission before they move through their normal processes, for review.

8. ADJOURNMENT:

*Ms. Almy MOVED to adjourn the meeting at 9:30 PM.
Seconded by Mr. Lacey.
* The Vote on the MOTION passed (7-0).*

The meeting was adjourned at 9:30 PM.

Respectfully submitted,
Barbara R. Higgins
Recording Secretary