

**City of Keene**  
**New Hampshire**

**CONSERVATION COMMISSION**  
**MEETING MINUTES**

**Monday, March 20, 2017**

**4:30 PM      2nd Floor Conference Room, City Hall**

**Members Present:**

Thomas P. Haynes, Chair  
Councilor George Hansel  
Councilor Jan Manwaring  
Denise Burchsted (Arrived at 4:37 PM)  
Andrew Madison  
Dr. Brian Reilly  
Sadie Butler  
Eloise Clark, Alternate  
Alexander Von Plinsky IV, Alternate

**Staff Present:**

Tara Kessler, Planner

**Members Not Present:**

**1) Call to Order**

Chair Haynes called the meeting to order at 4:30 PM.

**2) Minutes – February 21, 2017**

Councilor Hansel made a motion to accept the minutes of February 21, 2017, which was seconded by Councilor Manwaring and carried unanimously.

**3) Election of Vice Chair**

Dr. Reilly made a motion to elect Ms. Butler as Vice Chair, which was seconded by Councilor Manwaring and carried unanimously.

**4) Communication and Notifications**

**a. Hillside Village Proposed Wetland Mitigation**

Chair Haynes welcomed Mr. Phippard of Brickstone Land Use Consultants, representing Hillside Village. Mr. Phippard noted that at last month's Conservation Commission meeting he requested this Commission recommend to City Council that Keene accept a conservation easement on the Hillside Village property. The Commission was concerned if the City wanted to take on another easement with the cost and labor of monitoring. The Commission recommended that Hillside Village approach the Monadnock Conservancy about taking on the easement. Mr. Phippard approached the Conservancy and they have expressed initial interest in taking on the easement.

However, as of March 17, the NH Department of Environmental Services (DES) has agreed to monitor a declaration of restriction on the property as opposed to a conservation easement; this means, per the wetland permit, the NH DES would accept responsibility for monitoring and enforcement. The final language of the declaration is currently being drafted and Mr. Phippard will share this with the Commission for comment. Mr. Phippard noted this is good news because the concern of enforcement has been relieved.

Dr. Reilly asked if NH DES also wants the City to stop maintenance of tax ditches on the property. Mr. Phippard replied yes, and the City does not necessarily support the program and some of the steps the EPA wants to see. He said all Hillside Village is doing is releasing the City from its obligation to maintain the banks of Black Brook along their property. Ms. Kessler noted the City is mostly concerned with ensuring property owners along the tax ditch system are protected in the event of flooding; they are concerned that stopping maintenance of certain tax ditches will increase flooding impacts for which the City may be liable.

Chair Haynes thanked Mr. Phippard for his presentation.

**5) Greater Goose Pond forest Stewardship Plan RFQ**

Ms. Kessler reminded the Commission that she had shared the draft RFQ with a local consultant to help determine a cost estimate for the proposed Forest Stewardship Plan for the Greater Goose Pond Forest area. She stated that the Commission has not yet passed an official motion requesting funding from the Land Use Change Tax Fund to support this project. She said the estimate from the consultant for the proposed work is \$27,000-\$30,000, which is similar to what the Planning Department had estimated. The Commission determined it would be best to request the upper limit of that price range from City Council.

Ms. Kessler noted that there is a balance of \$97,504 in the Conservation Land Use Tax Fund (Cost Center 90203).

Councilor Manwaring made a motion to recommend that the City Council authorize the Conservation Commission to use up to \$30,000 of the Land Use Change Tax Fund for the purpose of hiring a consultant to prepare a forest stewardship plan for the Greater Goose Pond Forest. The motion was seconded by Ms. Burchsted and carried unanimously.

Ms. Kessler said she will present this request at the April 6<sup>th</sup> City Council meeting. The recommendation will likely be forwarded to the Finance, Organization, and Personnel (FOP) Committee on April 13<sup>th</sup> at 6:30 PM; Commission members are encouraged to attend to show support. FOP will make a recommendation to Council, which will be voted on at the April 20<sup>th</sup> City Council meeting. Ms. Kessler added that Steve Roberge is still reviewing the RFQ and will provide comments.”

**6) Development of an Aquatic Resource Mitigation Local Priority List**

**a. Conservation Master Plan**

Ms. Kessler shared materials summarizing the Aquatic Resource Mitigation (ARM) fund eligible projects, previous Conservation Commission priority parcel lists, and a list of implementation strategies and projects identified in land management and/or restoration plans conducted for various tracts of land in the City. At the last meeting, the Commission discussed the ARM fund and types of projects eligible for funding. The Commission’s goal is to develop a priority list of local projects that can be addressed as ARM funds become available. Any project however, must be shovel-ready, because applicants only have 120 days after issuance of a wetlands permit to complete the project.

Ms. Kessler noted one type of project eligible for funding is land acquisition so she began by looking at land this Commission has prioritized for acquisition in the past. This Commission created one list of priority lands in 1998 and another in 2009. There is also the Friends of Open Space parcel list. Some of the identified properties are already protected via conservation easement today. Ms. Kessler displayed a large map with each parcel identified and a list with information about each parcel (with parcels categorized geographically). Many of the proposed

parcels are adjacent to lands already in conservation today, promoting large, contiguous tracts of land in conservation. Ms. Kessler pointed out the Beauregard Property adjacent to the southwest portion of Beech Hill. This parcel is 27 acres of undeveloped land that the City had approved accepting for conservation once before. Ms. Clark marked other properties on the map north of the greater Goose Pond area and along Otter Brook.

Ms. Kessler noted that she shared many of the proposed projects from the Beaver Brook Restoration Plan, but not all of these projects align with the ARM fund priorities. She suggested the Commission review previously identified priorities and projects for Keene to see what matches with ARM fund criteria. She encouraged the Commission to begin developing this list. She noted the only plan strategies/projects missing from what she provided are from the Beech Hill Management Plan, which was adopted in 2015.

Ms. Kessler said a next step, as suggested by Councilor Hansel, could be to review the Capital Improvement Program (CIP) to see if there are opportunities to build on those projects. The Public Works director agrees this is a good idea. The challenge with CIP projects will be timing, because ARM funded projects must be shovel-ready.

Ms. Burchsted said, when looking at the map she sees conservation clusters, which makes sense for the City, but she does not believe they align with aquatic resources. She has been thinking about the aquatic portion of the proposed Conservation Master Plan, which she thinks is congruent with the ARM fund. She said while these conservation parcels are important for conservation in general, perhaps they should be assessed in the aquatic context of the City. Ms. Burchsted offered to help with this work. Chair Haynes noted this is less about the Conservation Master Plan and more about the returning to the focus area concept the Commission discussed for the Master Plan which may help identify ARM fund projects.

Councilor Manwaring noted the West Street Dam is still an unresolved issue in the City. She said the last City Council clearly considered it a historic site and were not interested in removing it. There is a new Council now, however, who may view it differently. The Commission had also considered the possibility of an alternate channel around the dam as opposed to a fish ladder. She said it would be interesting to know where this project stands so the Commission is prepared if it comes up to Council again. Ms. Kessler said that West Street Hydro has until June/July to present an update on their efforts to Council.

Councilor Hansel noted the difficulty in objectively narrowing this priority list. He said all eligible project types have to do with wetlands, so perhaps they could eliminate those properties without wetlands first. Ms. Kessler replied that NH DES is looking for a 10:1 ratio of wetland to uplands, so they would like a combination of both. They are also looking for preservation of vernal pools and other associated habitats, water quality improvement, and invasive species management. She said the only past plan that focused closely on aquatic resources was the Beaver Brook plan.

Ms. Clark noted the Friends of Open Spaces list she provided has identified priority wetlands in the City and some of those projects could probably be pursued rapidly. Ms. Kessler asked Ms. Clark to work with her to match the colloquial parcel names on that list to the tax map parcel numbers; Ms. Clark agreed.

Ms. Burchsted said a concerted focus should be on what aquatic resources the City has, issues with them, and how to solve those issues. She said the ability to limit maintenance on the tax ditch system at headwaters is another easy option to protect headwaters in uplands. Uplands can

be protected by focusing on water and flood management. Ms. Clark said that is the ideal but most upland area is privately owned and getting those easements with landowners takes time, more than the 120 days for ARM funding. She and Ms. Burchsted still agreed it is necessary to identify strategies to protect aquatic resources.

Chair Haynes asked if the Commission wants to think about these focus areas, identify the priority areas, and then take steps to identify and prioritize the aquatic resources/conservation needs in each priority area; like a ranking system. Ms. Clark replied that perhaps instead of reinventing the wheel for a ranking system, the Commission could consult the Forest Society and Monadnock Conservancy who already have developed ranking systems. These systems could provide a template the Commission could adjust to their needs. Ms. Burchsted said she still advocates for focusing on the aquatic resources as the focus areas as opposed to looking at the water within the focus area. She thinks, as opposed to other options, this will provide a strategy to think about the aquatic resources first.

Councilor Manwaring asked if there are other funding sources besides the ARM fund. Ms. Kessler replied the Commission has access to the Land Use Change Tax Conservation Fund but, currently, there is no method for prioritizing how this funding is utilized. The Commission had discussed using the Conservation Master Plan as a tool to prioritize the use of this funding. Mr. Madison suggested speaking with the Ashuelot River Local Advisory Committee. Ms. Burchsted suggested a functions-based approach that could lead to more a streamlined and organized process in the future to analyze parcels; flood control and management is one obvious function. Ms. Kessler agreed there could be different categories of functions to prioritize parcels under; some projects could address a variety of functions.

#### Next Steps:

- Ms. Clark will share ranking information from the Forest Society and Monadnock Conservancy; she will speak with the Ashuelot River Local Advisory Committee (ARLAC), of which she is a member.
- Ms. Burchsted will contact NH DES to better understand the ARM fund and strategies to approach prioritizing
- Eliminate Monadnock Marketplace from the list
- Ms. Clark and the Friends of Open Spaces will assist with vetting landowners on priority identified parcels
- Include other data sources
  - Water quality (Ms. Burchsted will share)
  - USGS stream flow and flood mitigation data (Ms. Burchsted will share)
  - Flood history data (Councilor Manwaring and Ms. Kessler will share)
  - Other communities that have utilized ARM funds

#### Homework:

- Think about the aquatic resources in Keene and how to prioritize their functions and values
- Share ideas and resources with Ms. Kessler

Ms. Burchsted asked about the EPA effort to reduce the maintenance of tax ditches in Keene. Ms. Kessler replied the EPA is encouraging the City to discontinue maintenance along the tax ditch system. Maintenance was required for many years and when the requirement expired, the City continued maintenance because landscape and development patterns have changed and the City is concerned that stopping maintenance could potentially result in flooding impacts. The EPA, at a minimum, is trying to find opportunities to release the City from that maintenance obligation.

That is what is happening at Hillside Village, the property owners have released the City from this obligation and any liability from lack of maintenance. Ms. Burchsted said she thinks the tax ditch system has the biggest impact on the City's aquatic resources and any effort to limit that impact without flooding should be pursued. She is glad to know the EPA is concerned about this and that something is happening to address the concern.

Chair Haynes welcomed Tad Lacey, Keene resident and former member of the Conservation Commission. He asked how the EPA got involved when the tax ditch system expired. He said he agrees with Ms. Burchsted that preserving headwaters might cause flood storage but asked if the City wants to forfeit the opportunity to address tax ditches when they pose property damage threats. He said because they are natural systems, brooks move over time, and while maintaining natural spaces is preferable, he does not want to see the City lose an opportunity to address a serious hazard. He does not want the City to forfeit opportunities to take care of emergencies. Ms. Kessler replied the EPA got involved because the Hillside Village wetland permit involved over 10,000 square feet of impact. When Hillside Village had a pre-application meeting with the EPA, NH DES, and the Army Corps of Engineers, Mark Kern of the EPA provided Hillside Village the opportunity to get credit if they released the City from tax ditch maintenance obligation. The City is not forfeiting their right to maintain those tax ditches in case of emergency at this time; only the property owners can release the City from obligation.

**7) Staff Updates**

Ms. Kessler shared that the NH Association of Conservation Commissions is hosting a workshop on March 27<sup>th</sup> at 6:00 pm at the Keene Public Library on wetland permit review. Chair Haynes and Dr. Reilly will attend, Ms. Burchsted might as well. Commission members who wish to attend should notify Ms. Kessler as an RSVP is required.

**8) New or Other Business**

**9) Adjournment – Next meeting date Monday, April 17, 2017**

Hearing no further business, Chair Haynes adjourned the meeting at 5:55 PM.

Respectfully submitted by,  
Katie Kibler, Minute Taker

Reviewed and edited by,  
Tara Kessler, Planner