

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

**HERITAGE COMMISSION SPECIAL MEETING MINUTES**

**Wednesday, October 12, 2016      4:00 PM      Trustee's Room, Library**

**Members Present:**

Louise Zerba, Chair  
Rose Carey, Vice-Chair  
Katherine Snow  
Jonathan Foskett, Alternate  
Robert O'Connor, Councilor (Late)

**Staff Present:**

Tara Kessler, Planner

**Members Not Present:**

Kevin Dremel  
Marilyn Gemmell  
Susan D'Egidio

**1) Call to Order/Roll Call -**

Chair Zerba called the meeting to order at 4:00 PM. Roll call was conducted. Chair Zerba asked Mr. Foskett to sit in for Marilyn Gemmell. Chair Zerba welcomed Jim Phippard and Attorney Thomas Hanna as guests.

**2) Approval of Minutes – September 14, 2016**

Ms. Snow made a motion to adopt the minutes of September 14, 2016 as submitted. Ms. Carey seconded the motion which carried unanimously.

**3) Section 106 Review – 99 & 0 Wyman Road -**

Mr. Phippard apologized for not being able to attend last month's meeting noting Attorney Hanna did bring him up to date. Mr. Phippard commented he didn't have a formal proposal to present today, but he will have one within the next few weeks that he will forward to Ms. Kessler. Mr. Phippard said he sees this as the next step in the process and needs more input from the Commission about where we are in developing the formal proposal. Since the last meeting they have spent a considerable amount of time trying to figure out where a pathway could be developed at the property.

Noting this gets complicated fast, Mr. Phippard said this is what he wants to explain to the Commission. Even though the property will belong to Hillside Village they can't do what they want on it, especially in the area along the brook. Mr. Phippard explained the City holds

easements (50 feet on each side) on both sides of Black Brook (tax ditch system), and City Council permission would be needed to encroach on those easements. This is the headwater of the tax ditch system that has an actual physical structure; this system was started in 1960. Mr. Phippard continued this was a construction easement when they started the work, and now it is a maintenance easement as the City is obligated to maintain the ditches. Mr. Phippard also noted the area adjacent to the stream is in the floodplain which requires a permit. Creating trails would require fill and this creates the need for compensatory flood storage areas. Mr. Phippard noted this will be done for the Hillside Village project and we just want to ensure we have enough to construct the pathways.

With all that in mind, Mr. Phippard noted if we get a positive recommendation from this Commission we will include that in our request to the City Council. Mr. Phippard noted the project is currently before the Planning Board and the next hearing date is October 24, 2016.

After spending additional time on the property, Mr. Phippard noted he wanted to avoid having to get an additional wetlands permit. He noted the need to avoid and minimize wetlands impacts as much as possible. Although pathways are not looked at as a severe impact, they are still an impact and a lot of federal agencies object to it. Mr. Phippard then outlined the tax ditch system construction by the Army Corps of Engineers. He also pointed out bridges over streams aren't encouraged due to creature crossings. He noted the headwalls on each side of the physical structure are a good location to create a wood footbridge; the physical structure (concrete building) is close to Wyman Road. Mr. Phippard said this would give us access to the grassy area to the north side of Black Brook which was an active farm field. The soils here are dryer and no wetlands would be affected. Mr. Phippard continued we have kind of given up on this idea for now noting other people's land would be involved. For this reason Mr. Phippard noted we have focused on an on-site pathway.

Referring to the site plan, Mr. Phippard discussed the proposed building layout and the areas on the property that would provide pathways. Mr. Phippard also noted earlier discussions about moving the corncrib and reported they have instead discussed putting up an open gazebo in the field area. Mr. Phippard continued within the gazebo there would be a small kiosk that would contain historical reference to some of the property's history, along with photographs and an invitation to the public to visit the community building. In the community building lobby there will be a more permanent display that identifies the history of the property in more detail. This history will draw from the inventory and archeological report. Mr. Phippard also noted the community building will be open and is always manned. Returning to the gazebo area in the field, Mr. Phippard also noted the discussions regarding the creation of a public parking area. Mr. Phippard also noted of talk of using this area for community gardens. He pointed out the areas on the site plan where they already have community gardens.

Mr. Phippard noted the green line (looping around) on the site plan commenting it is just under a mile long. He noted the other areas available for walking such as the sidewalk around the villa and other areas. Mr. Phippard noted the emergency access road which will be paved and is also walkable; he added the sewer line area will also have to be accessible for Public Works and it would also be available to the public for walking.

Mr. Phippard concluded noting this is where we are. He also noted he could not submit it as a formal proposal until permission is obtained from all the entities. Referring to the site plan Mr. Phippard noted the area designated for compensatory flood storage.

Chair Zerba asked if a gravel walkway was envisioned; Mr. Phippard replied in the affirmative. Chair Zerba asked for Commission questions; none were offered.

Mr. Phippard commented that Nadine Miller is waiting to hear this Commission's reaction and to receive more information from him. Mr. Phippard noted he would send everything onto Ms. Miller and the Army Corps of Engineers.

Chair Zerba commented she likes what Mr. Phippard has proposed. Ms. Carey asked if there was a secondary plan; Mr. Phippard replied in the negative noting this is pretty doable even with the obstacles. Mr. Phippard outlined the areas (30 acres) that would be placed under easement or restriction as part of the mitigation easement package.

Mr. Phippard noted he spent a lot of time in the woods looking for an old roadway or upland area that was contiguous and it just doesn't exist. He then explained how wet the area is throughout. Mr. Phippard explained he was determined to find a natural route through this area that would connect to the longer community trail; he noted this is not going to happen without wetlands permits which can be very challenging to get.

Chair Zerba clarified the forested area and the north hillside would be included in the mitigation; Mr. Phippard replied in the affirmative. He also noted he has yet to meet with the State and the Army Corps for a pre-mitigation meeting. Chair Zerba asked if Mr. Phippard wanted a consensus from the Commission. Mr. Phippard replied anything you can do at this point without a formal proposal will allow me to continue.

Attorney Hanna addressed Ms. Carey's question about a Plan B noting he sees the obstacles here as being pretty much bureaucratic hassles and he sees City Council being enthusiastic about the proposal. He continued the only real issue would be wetlands and this plan tries to stay away from that. Attorney Hanna noted the more enthusiasm this Commission could show would help us in proceeding with the State and the Army Corps.

Chair Zerba asked if anyone was willing to make a motion to at least support conceptual approval of what was presented today to include the trail, gazebo and community room lobby with historical components, public parking, and preservation of the north hillside and forested area to the south of the property. Ms. Carey made the motion which was seconded by Mr. Foskett and carried unanimously.

#### **4) Staff Updates-**

Ms. Kessler reported the CGL grant letters are due November 21, 2016; she presented this information for consideration at the November 9, 2016 Commission meeting. In response to Chair Zerba, Ms. Kessler suggested bringing back the Action Plan ideas. She indicated she would create a list prior to the next meeting. Ms. Kessler also reported she is also sharing this with the HDC; they are considering an update to their regulations so they may also have an interest in applying. She indicated the two Commissions don't want to be in competition. Chair Zerba requested the slide presentation be included with the next agenda packet.

5) **New or Other Business** -

6) **Next Meeting**- November 9, 2016

7) **Adjourn**– There being no further Commission business Chair Zerba adjourned the meeting at 4:26 PM.

Respectfully submitted by,  
Mary Lou Sheats-Hall, Minute-taker  
October 13, 2016