

City of Keene
New Hampshire

CONSERVATION COMMISSION
MEETING MINUTES

Monday March 16, 2015

4:00 PM

2ND Floor Conference Room
City Hall

Members Present:

Thomas (Tad) Lacey, Vice Chair
Janis Manwaring, Councilor
Matthew Walton
Brian Reilly
George Hansel

Staff Present:

Karen Purinton, Planner
Rhett Lamb, Planning Director
Andy Bohannon, Parks & Rec. Director

Members Not Present:

Thomas P. Haynes, Chair
William Fleeger

Others Present:

Julia Janson, Intern
Jennifer Dickinson, Intern

SITE VISIT: 490 Washington Street, Keene, New Hampshire

4:00 Regular Meeting

1. Call to order

Mr. Lacey called the meeting to order at 4:00 PM.

2. Minutes – February 17, 2015

Mr. Hansel made a motion to approve the minutes from February 17, 2015 with the following changes. Mr. Reilly stated that under Item 1, section a, paragraph 3 it states, “Mr. Hitchcock stated that the hole will be 1,100 feet deep in order to get under the pipes.” Mr. Reilly stated that this measurement does not seem appropriate and questioned what the measurement should be instead. Mr. Lacey stated that under Item 1, section a, paragraph 1 Night Street should be changed to Knight Street. He continued stating that under Item 1, section a, paragraph 1, 3, and 4 the word brooke should be changed to brook. Mr. Lacey stated that under Item 4, section a, paragraph 1 Dorothy Arway should read Dorothy Arwe. He continued, stating that Item 4, section b, paragraph 1 Jeffrey Littleton should be changed to Jeffry Littleton. Mr. Lacey stated that Item 4, section a, paragraph 2 Ms. Janis should read Ms. Janson. Councilor Manwaring seconded the motion which carried unanimously.

a) March 3, 2015 SWPO Amendments Subcommittee meeting minutes

Mr. Reilly stated that the minutes were very educational. Mr. Lacey stated that pg. 11 reads, “Mr. Lacey stated that the brook does not need to be exempt because it conforms.” This should instead read, “Mr. Lacey stated that the project does not need to be exempt because it conforms.” Mr. Lacey stated that on pg. 11 it reads, “Mr. Lacey stated that the City is just repaving.” This should instead read, “Mr. Lacey stated that the applicant is just repaving.” Mr. Lacey stated that on pg. 11 it reads, “He continued, stating that the City is creating more impervious surface due to

parking lot construction but this is outside the buffer area.” This should instead read, “He continued, stating that the applicant is creating more pervious surface due to parking lot construction but this is outside the buffer area.”

Mr. Lacey stated that on pg. 11 it reads, “Mr. Lacey stated that there does not seem to be any conditional use permit.” This should instead read, “Mr. Lacey stated that there does not need to be any conditional use permit.” Mr. Lacey stated that on pg. 11 it reads, “Mr. Lacey stated the original Ash Brook easement constituted that every landowner has a right to use the property in any way they saw fit within 10 feet of the stream.” This should instead read, “Mr. Lacey stated the original Ash Brook easement constituted that every landowner has a right to use the property in any way they saw fit to within 10 feet of the stream.” Mr. Lacey stated that on pg. 11 it reads, “Mr. Lacey restated that the landowner can use property in any way within 10 feet.” This should instead read: “Mr. Lacey restated that the landowner can use property in any way up to 10 feet.” Mr. Lacey stated that on pg. 12 it reads, “Councilor Manwaring stated that she is aware of individuals that mow within two feet of the buffer zones.” This should instead read, “Councilor Manwaring stated that she is aware of individuals that mow within two feet of the surface waters.”

Mr. Walton made a motion to accept the subcommittee minutes as revised. Councilor Manwaring seconded the motion which carried unanimously.

3. NHDES Permits & Surface Water Referral

a) 490 Washington Street – Conditional Use Permit Referral

Ms. Purinton spread out a map referring to 490 Washington Street in Keene New Hampshire. Ms. Purinton stated that the Conservation Commission’s objective is to provide advice to the Planning Board on this project.

Mr. Toby Tousley of 490 Washington Street, Keene, New Hampshire approached the committee. Mr. Tousley stated that there is currently an 18 inch culvert which runs across 472 Washington Street that the City would like to extend to a 36 inch culvert. He continued, stating that the City would also be extending the current headwall. Mr. Tousley stated that he contacted the City Engineer, Jim Donison to ask permission to extend the culvert because a piece of his property is land locked and the only accessibility is through wetlands. He continued, stating that Mr. Donison suggested moving the culvert through Mr. Tousley’s property which would also increase the size in Ms. Phelps’s property. Mr. Tousley stated that this movement would also allow the City to gain an easement on the headwall and pipe. He continued, stating that by increasing the pipe a small percentage of wetland would be filled in, but this area is only drainage for the wetlands. Mr. Tousley stated that this project would increase the value of 472 Washington Street because the large hole on the corner would be removed.

Ms. Maxine Phelps of 472 Washington Street, Keene, New Hampshire approached the committee. Ms. Phelps stated that she does not want an access road twenty feet from her back porch. She continued, asking why the wetlands were not considered when 490 Washington Street was purchased. Ms. Phelps stated her concern with landscaping these wetlands. She continued, stating that her real estate agent warned that an access road would decrease the value in her

property. Ms. Phelps questioned why Mr. Tousley did not want to access the land in previous years.

Mr. Walton stated that the committee can only comment on the wetland issue. He continued, asking if the headwall ever acts as storage for flooding and if this proposed project will be an issue. Ms. Purinton stated that the culvert pipe will be replaced with a pipe twice the size and all water in the area will be filtered through it. Mr. Tousley stated that the only time there is capacity in this pipe is during major flooding events. He continued, stating that regardless of his actions, a larger pipe will be put in for water drainage. Mr. Lamb stated that this is a conscious effort to contain storm water and minimize the effect on private property. Mr. Walton stated that the land in discussion is not a high quality wetland.

Mr. Lacey stated that the issue is the wetland storage area above the land being discussed; this area is just over an acre. He continued, stating that when this fills up, the water will run down the brook. Mr. Hansel asked if this proposal will go in front of the Planning Board. Ms. Purinton stated that all conditional use permit applications are automatically referred to the Conservation Commission. She continued, stating that this application has been on hold because the design was being finalized. Ms. Purinton stated that comments made today will go forward and an open hearing will take place. She continued, stating that this application goes through the conditional use permit process but the permit does not include filling the wetland. Ms. Purinton stated that this wetland permit is reviewed by a different state body. She continued, stating that the committee is looking at the access drive's specific location not the headwall or filling the wetlands. Mr. Lacey stated that this conditional use permit is to satisfy the Surface Water Protection Ordinance. Mr. Lamb stated that the Conservation Committee has already commented on the wetland's aspect of this application.

Mr. Walton stated that he believed the conditional use permit was to change the location of the headwall. Ms. Purinton stated that this permit will move the headwall and place an access drive in that area. Mr. Lacey stated that other concerns from the applicants can be discussed at the Planning Board.

Ms. Purinton stated that the committee is focused on the buffer area, which is 30 feet, and not the wetland. She continued, stating that the access drive is within 30 feet of the wetland. Mr. Reilly asked what type of traffic would go through this access drive. Ms. Purinton replied that this point should be discussed within the committee. Mr. Lacey asked if this is a drive or a bridge. Mr. Tousley stated that he is not applying for a curb cut, only a land bridge. Mr. Reilly asked what type of vehicle will be used on this access drive. Mr. Tousley replied that a vehicle will be used. Mr. Hansel asked if there is any right-of-way. Mr. Tousley stated that there is no direct access.

Ms. Phelps asked what would prevent other traffic from this access drive. She continued, stating that she is worried about traffic by her home. Ms. Lacey stated that it is a fair question but the Conservation Committee cannot answer this. Ms. Purinton stated that any road would be utilized for a single-family purpose. She continued, stating that any additional use would be reviewed by the Planning Board. Mr. Lamb agreed, stating that future permits and usage would be reviewed. Mr. Reilly stated that the wetlands provide little dry land and the largest structure possible would be a garage.

Mr. Walton made a motion to approve the permit and stated that the movement of the headwall will not adversely affect the buffer. Mr. Lacey seconded the motion which carried unanimously.

Ms. Purinton stated that the approval will be discussed at the Planning Board meeting on Monday, March 23rd. Mr. Lamb stated that the committee's motion is a recommendation to the Planning Board.

b) Roundhouse T Phase 2 – Approval

Ms. Purinton explained the Roundhouse T to Mr. Reilly. She continued, stating that this proposal was approved and is informational.

4. Discussions

Land Use Change Funding Request update

Ms. Purinton stated that City Council accepted the donation from West Street Hydro although it has not been physically received. She continued, stating that City Council has approved the dispersal of up to an additional \$7,000. Ms. Purinton stated that contractors will be sending in offers on April 1, 2015.

a) Conservation Plan progress – Dr. Fleeger

Ms. Janson asked if any of the committee members have any additional comments. Mr. Walton asked when the plan will be finalized. Ms. Purinton replied that it will be discussed at the retreat. Ms. Janson stated that key issues have been addressed. She continued, listing: Potential Conservation Properties, NRI's and Management Plans, Invasive Species, Involvement in Protecting Agriculture Land, Surface and Storm Water Management, West Street Dam, Public Outreach and Education, Funding for Conservation Commission, and Staffing and Management Capacity. Ms. Purinton stated that this list will be emailed to committee members. Ms. Janson stated that she has been working on key issues that needed editing. She continued, stating that storm water infrastructure had been reviewed as well as trail stewardship. Ms. Purinton asked if Ms. Janson will be available to attend the retreat. Ms. Janson replied, yes. Ms. Purinton stated that a copy of this plan will be available prior to the retreat. Ms. Janson stated that she has sent the current draft to Mr. Fleeger.

b) Request for Council to take position against SB83

Ms. Purinton stated that this was discussed during the February meeting. She continued, stating that the commission had requested City Council to take a position. Ms. Purinton stated the City will not be taking a stand on SB83 because it has not received support at the state level. Mr. Lacey stated that no more time should be spent on SB83 due to the lack of support.

c) Ashuelot River Park event April 12 / Green Up Keene

Mr. Andy Bohannon, Parks and Recreation Director, stated that the Monadnock Conservancy contacted Parks and Recreation Department through the Historical Society. Both are collaborating to build a fence using buckthorn from Ashuelot River Park. He continued, stating that Parks and Recreation Department would then spray herbicide over the cut area and remove the roots. Mr. Bohannon stated that this is informational and it will occur on Sunday, April 12, 2015.

Ms. Purinton stated that they are looking for individuals to help with this project. Mr. Bohannon stated that the Cheshire Historical Society will be using this fence and it will be 30 feet in length.

He continued, stating that he will send pictures of these fences to Ms. Purinton and the committee

d) Beech Hill NRI

Ms. Dickinson stated that an Antioch student would potentially like to do an NRI as his final project. She continued, stating that she recommended Beech Hill and would like to hear the committees concerns or questions. Ms. Purinton stated that the student would be working with Jeffrey Littleton. She continued, stating that the NRI could be done without spending money. Ms. Purinton asked Ms. Dickinson to tell the student that the committee is in favor of this idea.

5. Reports from Committees / Liaisons

a) SWPO Amendments Subcommittee Report: Next Meeting – April 7th at 8:30AM

Mr. Walton stated that the subcommittee came to an agreement that the main objective is to determine inconsistencies in the ordinance and recommend possible changes. He continued, stating that Kurt Blomquist will be attending the next meeting. Mr. Lacey stated that the tax ditch system related to the Ash Brook Project is no longer exempt because there is no maintenance agreement in place. Mr. Walton stated that at some point an agreement created by the City could be in effect. Mr. Lacey stated that the original federal parties are no longer involved. Ms. Purinton stated that the agreement was not renewed due to the conflict in management.

Councilor Manwaring stated that the subcommittee is trying to clear up the difference between a tax ditch and a brook. Mr. Lacey stated that it would be interesting to know the actual agreement for Beaver Brook. He continued, stating that the term man-made is in discussion. Ms. Purinton stated that she has been researching the history of tax ditches in Keene.

6. Staff Updates

a) Eastside Forum report

Ms. Purinton stated that this forum was held at Heberton Hall in reference to the future of the East Side of Keene, specifically abandoned buildings. She continued, stating that over 100 people attended. Ms. Purinton stated that the information from this forum is being organized and will be presented on the City's website.

Mr. Walton asked if there is City property in the area. Ms. Purinton stated that a few parcels are in the area but none are suitable for building. Councilor Manwaring stated that the YMCA is up for sale.

b) Membership: Society for the Protection of NH Forests

Mr. Lacey stated that a letter was received asking the committee to renew membership. Ms. Purinton stated that the committee held a membership in 2011 and the cost is either \$40 or \$45. Mr. Hansel suggested the committee renew the membership. Mr. Walton stated that Goose Pond is held as an easement.

Mr. Hansel made a motion to renew the outdated membership. Councilor Manwaring seconded the motion which carried unanimously.

c) April retreat – Conservation Plan, Priority Parcels & Projects

Ms. Purinton asked if people were able to stay two hours after the April meeting. Mr. Walton asked if this falls during school vacation. He continued, stating that it would be difficult to attend during that time. Ms. Purinton suggested moving the retreat to May 18th.

Ms. Purinton asked if anyone had a preference on the space. She continued, stating that she will reserve a room. Ms. Purinton stated that she will include the mission statement.

d) Saving Special Places – UNH Cooperative Extension Conference April 11

Ms. Purinton stated that this event is the same day as Green Up Keene. She continued, stating if anyone is interested to let her or Lee know.

7. New or Other Business

Ms. Eloise Clark of 1185 Roxbury Road, Keene, New Hampshire approached the committee. She stated that she is currently the Vice President of Friends of Open Spaces. Ms. Clark stated that she wanted the committee to be aware of the organization, and if anyone is interested in being a liaison to let her know. Councilor Manwaring asked when the meetings occur. Ms. Clark stated the first Wednesday of every month at the Recreation Center in Room 12. Ms. Clark stated that the group creates events to educate on open spaces and ordinances. She continued, stating that she would like to stay up to date on the Conservation Plan as well.

8. 5:30PM – Beech Hill Master Plan discussion with surrounding property owners

Mr. Lacey called the meeting back to order at 5:30 PM.

Ms. Purinton stated that the Beech Hill Master Plan was last updated in 2002. She continued, stating that pg. 10 of the plan covers long term and short term recommendations. Ms. Purinton stated that the intent of the meeting is to receive feedback. She continued, stating that if changes to the plan need to occur the committee will address these, if not the plan will move forward to City Council.

Ms. Purinton began to read the recommendations. She stated that the first short term plan is to conduct a natural resource inventory of the site. Ms. Purinton stated that the second goal is to have protection of the land; currently it is not under an easement and is not permanently protected.

Mr. Greg Blanchett of 399 Chapman Road, Keene, New Hampshire asked what the protection will provide to the area. Ms. Purinton stated that this is to restrict development. She continued, stating that new roads or structures would not be allowed under a conservation easement. Mr. Blanchett asked if this is still City owned property. Ms. Purinton stated the distinction is that there is no protection for the land itself and if the land was sold there would be no restrictions on building. Mr. Lamb stated that the motivation for protecting this land came from a cell tower developer who wanted the land. He continued, stating the City realized the land had no protection.

Ms. Ruth Skank of 435 Chapman Road, Keene, New Hampshire asked if the protection would be through the City. Ms. Purinton stated that there are many options. She continued, stating that the

City has easements on properties but most are through third parties. Ms. Barbara Handy asked the permanency of this easement. Ms. Purinton stated the land would be protected forever.

Ms. Purinton stated the third short term recommendation is to build a bridge on the Woodland Avenue trail. Ms. Barbara Staples of 109 Woodland Avenue, Keene, New Hampshire stated that the trail has washed out. She continued, stating that the stream was once clear but the culvert washed out in 2013 and redirected the stream. She continued, stating that the stream is not maintained and this needs to be addressed. Ms. Staples stated that the area is very unsafe. Ms. Purinton stated that the Conservation Commission can only address certain issues but other concerns can be presented to City Council as well.

Ms. Handy asked if traffic would increase when the trail is made official. Ms. Purinton stated that this will be determined. She continued, stating that instead of the three posts, increased barriers would be created to keep cars out. Ms. Purinton stated that the kiosk would educate people on where to enter Beech Hill. Ms. Staples stated there is a consistent group of people that go on the trail. She continued, stating that the parking would only allow a few cars. Ms. Staples stated that it would be delightful to have people use the trail as long as it is not abused.

Diane Farmer of Woodside Avenue, Keene, New Hampshire is concerned because she lives on the corner. She continued, stating that the residents work hard to keep it in order. Ms. Farmer stated that she is concerned about having a trail there. She continued, stating that she is concerned about fires from college kids. Mr. Blanchett stated that individuals go to Beech Hill after dusk. Mr. Dennis Donegan of 412 Chapman Road, Keene, New Hampshire asked if the committee has reviewed reports from the police. Ms. Purinton replied that the committee has not reviewed these reports. Mr. Donegan suggested the committee review these reports.

Mr. Blanchett stated that he wants people to enjoy the area but it is difficult with the increase in litter and disturbances. He continued, stating that he calls the police often and asks the committee to be sensitive to these issues. Mr. Blanchett stated that the police do not issue tickets for the individuals that are caught. Ms. Purinton stated that signs will be developed showcasing laws for the area. Mr. Bohannon stated that he worked with Mr. Blanchett to install signs. Mr. Blanchett stated that the signs are still there but it is difficult for police to catch individuals.

Ms. Jean Dobson of Chapman Road, Keene, New Hampshire stated that she has been picking up trash from the area for thirty years. She continued, stating that one year over 6,000 cans and bottles were collected. Ms. Dobson stated that she is worried about putting a parking lot in the area and the litter and visits from college kids may get worse. She continued, stating that many people have crashed into her front yard. Ms. Staples asked who is responsible for cleaning the area. Ms. Purinton stated that it is a mix of the Conservation Commission, Public Works Department and Parks and Recreation Department. Mr. Lamb stated that there is an annual cleanup that offers free disposal. Mr. Bohannon stated that the date is April 11, 2015.

Ms. Purinton stated that the Trail Stewardship Plan would address this. Ms. Purinton stated that the next short term plan is to remove invasive species. She continued, stating that the final short term goal would be to utilize the trail kiosk. Ms. Purinton stated that no new trails would be added and the kiosk would explain about rules of the area as well as history etc. Ms. Purinton stated that the ownership of the trees in view would be investigated and a timber management plan would be created.

Mr. Blanchett stated that the placement of the parking lot is confusing. He continued, stating that it seems that it would go on private property. Ms. Purinton stated that the intention was to use the shoulder to accommodate more cars but it may not be plausible. Ms. Purinton stated the next long term recommendation is to install parking and trash barrels to alleviate problems. She continued, stating that next recommendation would be to create a connecting trail to Robin Hood Park. Ms. Purinton stated that a trail that was created without the knowledge of the commission but it is a usable trail. She continued, stating a small gravel parking lot would be created as well. Ms. Purinton stated that the final long term recommendation is to protect streams. She continued, stating there is a surface water protection order in place and the Beech Hill area has a 75 foot buffer zone.

Mr. Blanchett asked about the process and if it goes to City Council, will residents get notification. Ms. Purinton stated that if individuals provide email addresses, she will email any notifications. Mr. Donegan asked if wildlife will be maintained and if hunting would be allowed. Ms. Purinton stated that there is no intention to manage wildlife. Mr. Bohannon stated that there is no hunting allowed on City property and he will post more signs. Mr. Walton stated that the commission will be sensitive to daily obstacles that the residents face.

9. Adjournment – next meeting date Monday, April 20, 2015

The meeting was adjourned at 6:20 PM.

Respectfully submitted by:
Lana Bluege, Minute-taker
March 16, 2015