

City of Keene
New Hampshire

CONSERVATION COMMISSION
MEETING MINUTES

Monday, December 21, 2015 4:30 PM 2nd Floor Conference Room, City Hall

Members Present:

Chair Thomas P. Haynes
Matthew Walton
Thomas Lacey
Brian Reilly
George Hansel (Departed at 5:45)
Denise Burchsted

Staff Present:

Tara Germond, Planner

Members Not Present:

Councilor Janis Manwaring

Others Present:

Jim Mayo, Eversource Energy
Scott Perkins, Eversource Energy
Mark Frazier, Eversource Energy
Kris Wilkes, Eversource Energy
Margaret Kasschau, Friends of Open Spaces

SITE VISIT

1. Call to order

Chair Haynes called the meeting to order at 4:31 PM.

2. Minutes – November 16, 2015

Mr. Walton made a motion to accept the minutes of the November 16th meeting with the following corrections. Mr. Reilly seconded the motion which carried unanimously.

Mr. Hansel stated that on pg. 7 second to last paragraph it reads, “Mr. Hansel stated that the Commission does have the abilities to make this decision but a specific question of what is important to the Commission is needed.” This should instead read, “Mr. Hansel commented on what the ultimate goal of the Commission is regarding its decision on this matter.”

Mr. Reilly stated that on pg. 6 it reads, “He continued, stating that it would drop as much as 90 feet, about 60 -70 feet immediately near the dam.” This should instead read, “He continued, stating that the width would decrease as much as 90 feet, about 60 -70 feet immediately near the dam.”

Ms. Burchsted stated concern with the paragraph on pg. 7 that reads, “Ms. Burchsted asked if the Commission can recommend a project to listing the concerns like the Dwarf Wedge Mussel and leave it to the consultant to pick the path to address these concerns. Mr. Lacey suggested recommending the bypass solution. Ms. Burchsted stated that it is up to the consultant and noted that this is expensive. Chair Haynes noted that this was an alternative solution which Ms. Burchsted presented. Ms. Burchsted stated that she does not think the decision is up to the Commission. Chair Haynes noted that the Commission can change its position and it does not have to be black and white.” This should instead read, “Ms. Burchsted noted that the Commission discussed the priorities and concerns that might influence their recommendation and the Commission would like to see an evaluation of the impacts of the dam on ecological resources regardless of specific management actions.”

Ms. Burchsted stated that on pg. 8, “chad” should be changed to “shad.”

3. Communications and Notifications

a) Eversource Energy 76W5 and L76W5 Distribution Line Project Wetlands Permit Application

Kris Wilkes approached the Committee and presented an aerial map referencing the project. Mr. Walton asked if there are chemicals in the poles and the effect it may have on the wetlands. Jim Mayo replied that the chemicals are pressure treated but in order to avoid direct contact- caissons with a gravel fill are constructed which go around the pole and act as a buffer. Mr. Mayo noted that with time there would be a small amount of leaching. He continued, stating that red cedar is used which has many beneficial natural properties and the only part that is treated is below ground.

Mr. Wilkes pointed out the major wetland areas on the map for the Committee Members. Mr. Wilkes gave a recap of the project stating that the beginning line starts at 76W5-6 with 6 structures or poles in association and will come out of the new substation. Mr. Wilkes noted that structure 4 and 5 will be directly imbedded into the wetlands with 15 square feet of impact per pole. He continued stating that structure 6 will also be in the wetland- with about 17 square feet of impact due to support anchors.

Mr. Wilkes stated that the L76W5 line will run south of Route 12 up to Maple Avenue and will mostly be outside the limits of the wetlands. This line consists of 28 structures with three impacting the wetlands. Mr. Wilkes stated that there is limited right of way access causing the poles to be further from road for safety and possible road expansion in the future. The poles will be 30 feet from the pavement. Mr. Wilkes noted that there will be a pull off area and driveway during construction. He continued, stating that equipment will not be in the wetlands. Mr. Wilkes stated that temporary impact for equipment installation has also been determined and timber matting will be used on the edge of wetland areas.

Mr. Wilkes stated that there will be a total of 92 square feet of permanent impact from pole installations and 10,530 square feet of temporary impact from timber matting and equipment

staging. Mr. Wilkes identified areas of tree trimming on the map and stated that the clearing would be 50 feet of the line on either side. He continued, stating that the clearing will occur on the edge of the upland area which contains pine and evergreen species and little wetlands would be impacted because it contains small saplings and herbaceous vegetation. Mr. Mayo noted that if the vegetation in the wetlands is over 6 feet it will be hand cut. Mr. Wilkes noted that in order to put in structure 6, forest clearing is necessary- about 8,700 square feet. Mr. Wilkes stated that on line L76W5 going west some clearing will occur along the southern edge of the shoulder- approximately 8 feet south of each pole. This contains mostly herbaceous vegetation, saplings and shrubs.

Chair Haynes asked about the clearing that will occur closer to Maple Avenue. Mr. Wilkes replied that the clearing width will be about 8 feet. Mr. Reilly asked if all the trees will be removed in that area to expose the line. Mr. Wilkes stated that the forested area would still be visible but would be further from the road- approximately 8 feet. Mr. Reilly noted that there are tapes along the area now and wondered the purpose. Mr. Wilkes was unsure of the purpose and stated that pink is wetlands and white may represent archeology. Chair Haynes asked about the aesthetic view with the construction of the poles and if this was considered. Mr. Mayo stated that the idea was to pick up the load off of Maple Street and the other option was going through Wheelock Park.

Mr. Hansel asked about the wetland impact from this project in comparison to the substation project. Mr. Mayo stated that there was no wetland impact. Ms. Burchsted asked how the lines will be maintained. Mr. Wilkes replied that it will be all mechanical. Mr. Mayo stated that chemicals have not been used in a very long time and so it will be mechanical. Mr. Frazier stated that vegetation along the road way will be maintained every four years.

Ms. Germond stated that Richard Berry, President of Friends of Open Spaces, wrote a letter to the Commission and passed out copies to the members. Ms. Germond stated that they are concerned with the project's visual impacts. She continued, stating that the Commission looks at impacts to the wetlands specifically and noted that the Department of Environmental Services stated that the Commission could comment on visual impacts as well. The Commission Members read over the letter.

Mr. Walton asked about the height of the poles. Mr. Perkins stated that the poles are 45 feet with 6 ½ feet underground. Ms. Germond stated that the wetland application stated that the poles would be between 50-60 feet. Mr. Mayo stated that the two poles by the highway crossing are taller because enough clearance is necessary to go over the roadway.

Chair Haynes stated that the letter from Friends of Open Spaces is questioning if the lines can be underground and avoid scenic damage. Mr. Mayo stated that they received this suggestion and they are drafting a response. He continued, stating that the wetland impact would increase tremendously if the lines were put underground and they would need to dig a 200 foot trench in the wetlands as well. Mr. Mayo stated that the cost of the project would also go up and run 10 times the cost- affecting rate payers. Mr. Mayo stated that the state may not allow underground lines along this area. He continued, stating that they do not have an easement on the area but a

license from the state. Mr. Mayo stated that the original layout had wetland impacts but the stated pushed the poles further from the road.

Margaret Kasschau, Friends of Open Spaces, stated that they were concerned about the view coming into Keene.

Mr. Walton asked if the Commission can make any comments to the application. Chair Haynes stated the Commission can decide to intervene or not with additional comments. Ms. Germond noted that intervening would delay the process and a public hearing would be held. Mr. Walton asked Mr. Mayo if pole distance from the road would be the same if constructed underground. Mr. Mayo stated that this would be up to the state but noted that the state does not favor a lot of wiring underground if at all. Mr. Reilly asked if they are restricted to working with the dotted lines presented on the map. Mr. Mayo stated that he believes the lines are the state's limited access. Mr. Reilly asked if an overhead line could be constructed further south, deeper into the woods. Mr. Walton stated that this would have further impact on the wetlands. Mr. Mayo stated that this would also have to be discussed with the state and receive rights from the city.

Chair Haynes stated that his biggest concern is the height of the poles- specifically the 55-60 feet for the secondary line. Mr. Walton asked why this is a concern. Chair Haynes stated that he wants the applicants to stay within the height and keep the poles at the same height.

Chair Haynes stated that he would want to make a motion to keep the poles within the 45 feet. Mr. Hansel stated that he does not see the applicants making the poles any higher than necessary. Mr. Mayo noted that standard poles are 50 feet at the most but it depends on communication of the area. Mr. Hansel asked if the poles can go lower. Mr. Mayo stated that the lowest height would be 45 feet. Mr. Hansel stated that the Commission should comment on the height because of the fluctuation that can occur. Mr. Lamb disapproved of limiting communication.

Ms. Germond stated that by signing the application, the Commission is waiving the right to intervene- that the Commission believes the application and submitted plan accurately represent the proposed project- that the Commission has no objection to permitting the proposed work. Ms. Germond stated that comments can be added to the application but cannot be contradictory to the before mentioned criteria. Mr. Hansel asked if the comment of having a mandatory 45 foot pole height be contradictory. Mr. Lamb replied that this would not be contradictory.

Mr. Walton stated that the application noted that the heights of the poles are 45 feet. Chair Haynes clarified that the application discusses raising the pole height if necessary in the future. Mayo stated that in the future the poles near the highway may have to be raised in order to keep with a standard of 5 feet between the wires. Mr. Walton asked if adding a 45 foot requirement to the application would be redundant. Mr. Mayo stated that wetlands do not have a height requirement.

Ms. Burchsted stated that the suggestion of putting wires underground has not been addressed or discussed. Mr. Reilly asked if the function of the Commission is to address the conservation concern as opposed to the aesthetics. Chair Haynes replied, yes and the Friends of Open Spaces have addressed this item. Mr. Mayo stated that they received a letter from DES concerning this

suggestion but not Friends of Open Spaces. Ms. Germond stated that she suggested to Friends of Open Spaces to send a letter to DOT, Eversource Energy and DES.

Mr. Lacey asked why this proposed design was not discussed when the substation was approved. Mr. Lamb stated that the lines were not supposed to go to the corridor (the powerline right of way). Ms. Burchsted asked why this has changed. Mr. Frazier stated that the new line is coming out of the new substation and meets with Maple Avenue from Route 12 creating a loop resulting in better reliability and support for that side of Keene. Mr. Frazier noted that if there is a problem on Hasting Avenue today everything beyond it would go out- with the new equipment the feed would be coming from another direction. Mr. Frazier noted that addition is addressing the increased population growth and once constructed the emerald substation would be improved.

Mr. Hansel stated that he would vote for a motion without comment or intervening. He continued, stating that the Commission is voting on the impact of the wetlands and the letter from Friends of Open Spaces will go to DES and Eversource who can address the aesthetic concern. Ms. Burchsted did not agree with the proposed motion and stated that it is important for DES to know aesthetics are a concern of the Conservation Commission. Mr. Lacey agreed with Ms. Burchsted and suggested making comments to the application.

Mr. Lacey made a motion to not intervene on the motion and include comments on the concern of the height of the poles and the impact of the view shed. Mr. Hansel seconded the motion which carried unanimously.

Mr. Walton noted that burying the lines is preferable but not in the wetland area. Mr. Lacey noted this is a significant and meticulous process and the Commission is limited at this point to commenting on this suggestion. Ms. Burchsted noted that the Commission stating concern with the view shed is important and DES can come to a conclusion about the lines underground. Mr. Mayo asked if the Commission is in support of burying the lines. Ms. Germond stated that the Commission did not take a stand on this item but approved the application with a comment concerning the height of the poles and the impact of the view shed.

b) Cheshire County Shooting Sports Education Foundation Inc.

Chair Haynes stated that DES had additional comments and concerns on this proposal and looking for additional feedback. He continued, noting that this is informational.

c) Eversource Energy Right-of-Way Maintenance

Ms. Germond stated that this item has already been approved and referencing maintenance to the overhead facilities. She continued, stating that they will be replacing three poles with about 7,600 square feet of temporary impact. Ms. Germond noted that they will be using swamp mats. She continued, stating that the Conservation Commission does not have opportunity to intervene. Mr. Reilly asked if permits have to be submitted if routine maintenance is done but not on the poles specifically. Ms. Germond stated that she is unsure but assumes a permit would have to be submitted.

Ms. Burchsted noted that the greatest impact to waterways is roads and utilities. She continued, stating that each project is small but the Commission should have an idea of the coexistence of roads and utilities and the bigger picture as opposed to individual projects. Ms. Burchsted noted that this is a challenge and she does not have an answer. Chair Haynes agreed, noting that each permit has a small impact on wetlands but when you add them up- it could have a large affect.

Mr. Lacey stated that different sites were viewed for the substation and some were very remote. He continued, stating that many things fell into place for Eversource to choose the location but was surprised that the line was not part of the process. Ms. Burchsted agreed, stating that she was concerned that the lining was not originally in the plan. Ms. Germond stated that she was not here during the first review but noted that the secondary line came up recently and the previous meeting in March discussed a shorter line. She continued, stating that the second line was never part of the original discussion.

6. Conservation Master Plan Discussion

a) Reports from Conservation Master Plan Working Groups

This item has been tabled until the next meeting.

b) Potential Action Items

This item has been tabled until the next meeting.

7. New or Other Business

a) Bobcat Season Proposal – Request for Letter to NH Department of Fish and Game

Mr. Hansel requested this item be tabled because he had to leave and Councilor Manwaring is not present. Chair Haynes asked if there is a time restraint on this. Ms. Germond stated that on the Fish and Game Website it notes that a final proposal will be submitted in a December meeting with a public hearing in early winter. Ms. Germond stated that she was under the impression that comments must be submitted before the end of the year. She continued, stating that there was a letter include in the agenda as well. Ms. Germond stated that Councilor Manwaring requested the Commission sign this letter and so she is one to discuss this item.

Mr. Lacey noted that the Commission did not make a comment about the gas pipeline and wonders if the Bobcat Season Proposal is similar- is it the Commission's purview. Mr. Reilly agreed that this is similar. Mr. Walton also agreed. Chair Haynes stated that there was a request that the Commission sign on to oppose the pipeline. Ms. Burchsted stated that this may not be the same case because Councilor Manwaring made the request. Ms. Germond stated that under the City Charter, the Committee has a right to sign the letter and this can be done as a private citizen as well. She continued, stating that members have the ability to sign the letter without

City Council approval. Mr. Lacey stated that the pipeline letter was not signed because it did not affect the city. Chair Haynes stated that the bobcat proposal feels different. Mr. Lacey noted that there are bobcats in Keene. Chair Haynes stated that it is about utilization of the land. Mr. Lacey noted that it is about policy and opposing specific things. He continued stating that there is advocacy and questions about how the state will intervene. Mr. Lacey stated that the Commission should wait to sign this. Ms. Germond read the City Code to the Commission Members.

Chair Haynes suggested tabling the item until the next meeting. Mr. Walton stated that this item does not affect the Commission's functions. Ms. Burchsted asked what the functions of the Commission are. Ms. Germond stated that there are 28 lengthy functions and read a few examples. She continued, stating that these functions are online for review. Ms. Burchsted stated that the functions could include bobcats.

Mr. Lacey read other Conservation Commission functions. Ms. Germond stated that both lists are compatible. Mr. Walton asked what is being requested of the Commission. Ms. Germond stated that Councilor Manwaring asked for a request from the Commission directly to the state. She continued, stating that the letter requests the Commission sign on with other Conservation Commissions. Ms. Germond stated that the City Clerk confirmed that the Commission can sign on without approval of the City Council.

Ms. Germond asked if she should make a packet for permitting and regulations etc. Chair Haynes stated that he received a book upon entering the Commission and will bring it in for review.

This item will be discussed at the January Conservation Commission meeting.

b) 2016 Meeting Schedule

Ms. Burchsted noted a typo- stating Wednesday instead of Monday. Mr. Reilly made the motion to accept the 2016 meeting schedule as amended. Mr. Walton seconded which carried unanimously.

c) Member Updates

Chair Haynes stated that Steve Harphonist wanted to join the Commission as an alternate. Ms. Germond noted that Mr. Walton must write a resignation letter.

Mr. Reilly asked if old members can join sub-committees. Ms. Germond replied that she will have to check with the Town Clerk but members are not terminated forever. Chair Haynes stated that people can volunteer as well. Ms. Germond agreed and stated that volunteers cannot vote or be part of the deliberation

d) Other

8. Adjournment-Next meeting date-January 19, 2016

Chair Haynes adjourned the meeting at 6:09 PM.

Respectfully submitted by:

Lana C. Bluege, Minute-taker

December 21, 2015