

City of Keene
New Hampshire

CONSERVATION COMMISSION
MEETING MINUTES

Monday, October 16, 2017

4:30 PM

2nd Floor Conference Room,
City Hall

Members Present:

Thomas Haynes, Chair
Sadie Butler, Vice Chair
Councilor George Hansel
Councilor Jan Manwaring
Denise Burchsted
Brian Reilly
Andrew Madison
Alexander Von Plinsky IV, Alternate
Eloise Clark, Alternate

Staff Present:

Tara Kessler, Planner

Members Not Present:

Site Visit: Tom Haynes, Councilor Hansel, Andrew Madison, Sparky Von Plinsky, Dr. Brian Reilly, Councilor Manwaring attended the site visit of the Emerald Street Substation at 3:30 pm. City staff present was Tara Kessler and Michele Chalice. Eversource staff present included Laurel Boivin, Ashley Ruprecht, Kurt Nelson, Dave Fenstermacher of VHB, and Mark Fraser of Eversource

1) Call to Order

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

2) Minutes – September 18, 2017

Councilor Hansel made a motion to approve the minutes of September 18, 2017, which was seconded by Dr. Reilly and carried unanimously.

3) Wetland Permit by Notification – Branch River Dam – Dubois & King on behalf of the town of Swanzy

Chair Haynes noted this application was withdrawn.

4) Surface Water Protection Conditional Use Permit – Eversource Emerald Street Substation

Ms. Kessler noted this is a conditional use permit application that is a part of the site plan application to the Planning Board for improvements to the Emerald Street substation. A small portion of the proposed work will impact the City's Surface Water Buffer, which is a 30-ft buffer from wetlands and surface waters in this specific Zoning District. Different types of activities are allowed to take place in the buffer zone and many are allowed only with a Conditional Use Permit, which is issued by the Planning Board but must be reviewed by the Conservation Commission before issuance. This is similar to a wetland permit review but the Commission will

not vote in the same manner, only provide comments to share with the Planning Board at their meeting on October 23. Dr. Burchsted asked if there will be a wetland review as well. Ms. Kessler replied as far as the City knows there are no impacts proposed to wetlands, only the buffers; so, no wetland permit will be reviewed.

Chair Haynes welcomed the guests from Eversource – Laurel Boiven, Ashley Ruprecht, Kurt Nelson, Mark Fraser, as well as Dave Fenstermacher from VHB Engineers. Mr. Fenstermacher provided a brief overview of the proposed work and then described the issue of trenching, which is most relevant to the Commission.

Ms. Boiven provided a handout with information about the project. She said the Emerald Street Substation is a key component to Eversource infrastructure and distribution. The project is a rebuild of the existing substation. There are currently five transformers, and the proposed project will remove four, retain one, and add two. This modern equipment will be better capable of handling current and future loads and creating a more reliable system. A control house is also being built on site.

Mr. Fenstermacher, the Civil Engineer on the project, demonstrated the existing pad at the location, the gravel driveway that will be moved farther away from the creek, and the new fence line proposed. The new gravel area will accommodate the new switch gear building to be installed. During the planning process, two areas of conservation concern were discovered – the creek and adjacent wetlands. Within the 30-ft buffer area from the wetlands, Eversource will need to dig a 3-ft to 4-ft trench to place conduit. The earth will be returned to the existing grade to not affect the flood plain. To accommodate the increased impervious area (gravel) they will install a dry wall, pending additional information on the water table from the Planning Board. A net 1,400-sf of gravel will be added, all of which will be placed outside of the 30-ft buffer.

Councilor Hansel asked if fill will be brought in for the front area. Mr. Fenstermacher replied yes, there will be fill outside of the buffer; he demonstrated on the site map.

Dr. Burchsted was surprised a conduit would be buried in the soil and asked what kind of maintenance that will require. Mr. Fraser replied conduits are buried all the time and there is no maintenance associated with conduits themselves. They require less maintenance than overhead conduits and this is a common installation. Dr. Burchsted asked if there is trouble with freeze/thaw in places that are wet. Mr. Fraser replied yes, when there is a slope, but that kind of problem will not occur at this location.

Mr. Von Plinsky said the buffer currently runs through the existing footprint of the substation. He asked, when doing this work and making the site more efficient, could the fence line be pulled in, so that the buffer is undeveloped. Mr. Fenstermacher replied there are some constraints with a back entrance where a gravel area is still needed to circulate the site.

Dr. Reilly said there is a pole where the conduit will be buried that looks like it already has an existing conduit. He asked if this conduit would be alongside the other. Mr. Fraser replied there will probably be conduits to two new poles because old equipment there has to be removed; some of those features will change but it will be similar with two conduits going up the poles to overhead lines. Double conduits are run to those poles for increased reliability. Each pole will be on the upland side of the wetland.

Chair Haynes asked if the wetland scientists categorized the type of wetland in question. Mr. Fenstermacher said a report was submitted indicating the wetland vegetation includes wild elderberries, species of dogwood, and iron-depleted wetland soils.

Dr. Burchsted asked if the creek is a part of the Tax Ditch system and if the surface water at the site drains to the north. Eversource representatives replied that it is not a Tax Ditch.

The Conservation Commission had no comments to provide to the Planning Board regarding this application. Chair Haynes thanked the project representatives for their presentation.

5) Greater Goose Pond Forest Stewardship Plan RFQ Update

Ms. Kessler noted the contract has been signed with Moosewood Ecological. Moosewood Ecological has subcontracted with a trails consultant and a forester (Josh Ryan & Swift Corwin). That scope of work came in early September at \$29,990. After the receipt of additional spatial data, Moosewood found 2.5 miles of trails in the forest more than they had estimated in the submitted budget. They submitted a revised scope of work giving the City the option to stay with the \$29,990 proposal, which would only cover 6 miles of trails, or continue with the \$30,870 proposal received for 8.5 miles of trails. Ms. Kessler consulted with the Director of Parks and Recreation and he thought it important to include all the trails and was willing to contribute the \$870 out of his trail maintenance budget to support the additional costs. The Commission has only received approval from Council to use up to \$30,000 of the Land Use Change Tax Funds. The contract has been signed and the consultant team has begun collecting data and assessing conditions while the weather permits. A steering committee will be formed by the Mayor, hopefully in November. The Committee will include Ms. Butler, Mr. Madison, Tad Lacey, the Director of Parks and Recreation, a member of the mountain bike association, and an adjacent landowner. The first public outreach walking tour will be in the winter, followed by another in the spring. The consultants will do their best to maintain the proposed timeline despite a later start than anticipated. They anticipate completing the project by July 2018. Each consultant has a connection to the forest in some way and they are excited about this project.

The Commission was grateful to the Director of Parks and Recreation for the financial contribution made to this project.

6) Aquatic Resource Mitigation Subcommittee Update

Dr. Burchsted noted she has had difficulty contacting Lori Sommer from NH DES and asked if there is someone else she can contact. Ms. Kessler suggested Mindy Bubier; she will send contact information to Dr. Burchsted. Dr. Burchsted is waiting to confirm with DES if the subcommittee is on the right track with the portfolio and matrix work before discussing further with other City staff and prioritizing projects.

7) Conservation Master Plan Retreat Discussion

Chair Haynes spoke with Barbara Richter, who is willing to help facilitate the retreat but she is not in a position to create documents or sub-contract on her own. She is willing to come to a meeting or retreat to help the Commission move forward with the Conservation Master Plan and identify goals and priorities. Chair Haynes noted that there are pros and cons to this approach. If Ms. Richter is not willing to help the Commission draft goal statements or refine a scope of work, then this work will fall on Commission members. Chair Haynes noted that Ms. Richter mentioned that she works with a wildlife expert, who she would like to bring along with her for additional consultation. They are willing to come to the November meeting and give a presentation to help the Commission begin thinking about next steps.

Councilor Hansel said he does not want the preparation of documents to fall onto City staff. Chair Haynes said it would only be the goals/objectives portion, not the entire Master Plan document. Someone is needed to take-in/record information from the retreat and assemble a draft. Dr. Reilly asked if that information would then be given to a consultant to draft the Master Plan. Chair Haynes replied yes, to provide the foundation necessary to draft a substantial scope of work.

Mr. Von Plinsky asked if there is a downside to having Ms. Richter come speak to the Commission to help with this decision. Chair Haynes said Ms. Richter is more than willing to come to the November meeting to brainstorm. However, he does not want the visit to result in more questions being posed to the group that might deter forward movement. Dr. Burchsted said those questions the Commission needs help answering might be what to include in the Scope of Work. She asked the timeframe for hiring a consultant and if it makes sense to just begin that hiring process in addition to Ms. Richter's expertise. Chair Haynes replied there is no timeframe, but this process has been ongoing for several years and it seems the Commission is not making progress.

Ms. Clark asked why the Commission would not want Ms. Richter to come. Chair Haynes said he is not questioning that, but asking what will happen after she visits. Perhaps the Commission will see they can do this themselves or that a larger retreat is necessary.

Councilor Hansel said hiring a consultant after a retreat could be an inefficient use of time. He suggested hiring someone who has written a document like this before to lead the Commission throughout the entire process. He understands working on the RFQ together, but he would like a professional hired to start the process correctly and not waste time. Dr. Reilly agreed but sees a meeting with Ms. Richter as an opportunity to identify the consultant's Scope of Work. He agreed that progress on this is necessary and he thinks the only way to do that is to hire a consultant and set a deadline to do so.

Chair Haynes will invite Ms. Richter and the wildlife expert to the November meeting to help the Commission identify questions before moving forward hiring a consultant. Ms. Richter would not be interested in competing for the RFQ. The Commission agreed there is no downside to meeting with her and it could be helpful in preparing to hire a consultant; she has consultants she can recommend.

8) Commission Membership

Councilor Manwaring's term ends at the end of the year. Councilor Hansel and Dr. Reilly's first terms are also expiring. They would both like to extend their terms. Ms. Kessler will inform the Mayor's office. There are two alternates who could replace Councilor Manwaring. Dr. Burchsted also suggested professors from KSC and Antioch that she will explore. Ms. Clark stated she was happy to stay on as an alternate and Mr. Von Plinsky is willing to take Councilor Manwaring's place.

9) Public Education and Outreach

Chair Haynes is just beginning to make contacts on this and now that a contract is signed with Moosewood Ecological there may be opportunities to launch this initiative at Goose Pond. He will provide further updates at the November meeting.

10) Staff Updates

Ms. Kessler provided an update on the Commission's annual budget of \$1,500. To date nothing has been expended from that annual budget. The Land Use Change Tax Fund currently has a balance of \$98,553, which accounts for the \$30,000 allocated for Goose Pond. This balance is

available until July 1, 2018, after which another \$25,000 will be deposited into the Fund. Councilor Hansel asked if there is a cap on the Land Use Tax Fund; Ms. Kessler will confirm this at the next meeting.

Dr. Burchsted suggested beginning the process of hiring a Master Plan consultant now if there are funds to support a study; Chair Haynes agreed. Ms. Kessler recalled the retreat is to help develop language needed for a Scope of Work. The Commission has been struggling to define the goal of this Master Plan to draft the RFQ. She is unsure of whether she can begin another RFQ process for this Commission at this time as they are in the midst of another contract. Time is needed to develop the Scope of Work for the RFQ and estimate the cost of the project. The Commission will have to request funding from Council first and will want a clear goal outlined and cost estimate before doing so. The process of developing that scope of work alone could take a few months, depending if it falls on the Commission more than staff. Yet, there are samples the Commission could use as a model. It will take multiple months for the Commission to prepare the necessary scope of work, work through the RFQ process, procure approvals from City Council, etc. Councilor Hansel suggested Ms. Kessler speak with the Planning Director and report at the November meeting if this is a good time to take on another RFQ process or wait until the spring. Dr. Burchsted agreed and noted that there are two universities in town that may do something interesting between now and next spring to help the Commission define their goals. It would be good to understand the timeframe ahead and what the Commission can do in the meantime. She would rather not wait to take any action during the five months it could take to hire a consultant. Ms. Kessler agreed she will consult with the Planning Director. The Commission agreed to invite Ms. Richter next month and provide Ms. Kessler time to investigate further. They agreed they do not want extra pressure placed on staff. Ms. Kessler noted there are also staffing changes and other priority projects in the Planning Department right now. She will provide an update at the next meeting.

11) New or Other Business

Councilor Manwaring noted she was tasked with investigating what other Conservation organizations use as criteria for prioritizing which lands should have conservation easements. She shared a handout documenting her research. She said a property, for example, that met several of these criteria would be a top selection for Commission action. She shared recommendations she drew from the NH Wildlife Action Plan and made more specific to Keene. This will help the Commission draft the Master Plan and think about wildlife, land acquisition, and how much the Commission wants to work with other land trusts. Chair Haynes noted this began when the Commission discussed putting easements on many City properties and the need to define criteria for doing so; he agreed this is a great start.

The Commission discussed next steps for establishing easements based on these criteria. Councilor Manwaring said the Commission needs to determine what they want in their Master Plan – more easements, more education, more studies, etc. She thinks this raises more questions about how the Commission wants to spend their money. Councilor Hansel said he thinks the Commission should be actively managing the properties the City owns as a priority. Councilor Manwaring noted she is also on the Roaring Brook Watershed Committee, which involves forest management and protecting the water supply.

Chair Haynes recalled an Antioch student created a Beech Hill management plan for the Commission that was adopted by City Council. He asked if the Commission wants to bring that plan back to see if the criteria are applicable for action there. Councilor Manwaring will review the criteria for Beech Hill and provide an update at the November meeting. Ms. Kessler will share the management plan with the Commission.

Dr. Burchsted noted a research project she is a part of across Rhode Island, Maine, and New Hampshire focused on decision making around dams. The group out of Rhode Island is interested in how people make decisions around and think about dam alternatives. She has suggested they study decision-making around the West Street Dam and they are interested in sponsoring different visualization tools to blend art and the sciences. They want to essentially provide consulting services in terms of what the dam could look like if different actions are taken, as well as alternatives, such as bypass channels to maintain water level upstream. They are interested in how people respond when faced with different types of information. While they have a research question, a large part would be service to subjects thinking about dam changes. Dr. Reilly asked who is involved in the project. Dr. Burchsted replied scientists from the Rhode Island School of Design and the project is funded by the National Science Foundation. Councilor Manwaring noted the last discussion about the dam at Council was heated. Ms. Kessler said West Street Hydro will be presenting an update to Council on October 19 and at the November Commission meeting. Dr. Burchsted said the main researcher would like to come present to the Commission at a future meeting. The Commission agreed to invite her to the December meeting depending on the presentation from West Street Dam in November. Mr. Madison said he does not think West Street Hydro would like this conversation as they are in favor of the dam becoming hydroelectric. Ms. Clark noted West Street Hydro came to the Ashuelot River Local Advisory Committee meeting and she did not think Mr. Madison's concern was warranted based on that presentation. Ms. Kessler suggested, because the Public Works Department oversees the dam infrastructure, consulting with them on this option. Dr. Burchsted will share the Commission's potential interest with the researchers, ask for extra materials to share with the Commission, and consult the Public Works Department.

Ms. Clark provided an update that Council approved the pocket park on Church Street and now the Friends of Open Space are fundraising; she thanked the Commission for their donation. The donation has been delayed and Ms. Kessler will follow-up with Ms. Clark about that.

12) Adjournment – Next meeting date Monday, November 20, 2017

Hearing no further business, Chair Haynes adjourned the meeting at 5:50 PM.

Respectfully submitted by,
Katie Kibler, Minute Taker

Reviewed and edited by Tara Kessler, Planner