

ADOPTED

City of Keene
New Hampshire

CONSERVATION COMMISSION
MEETING MINUTES

Monday, November 20, 2017

4:30 PM

**2nd Floor Conference Room,
City Hall**

Members Present:

Thomas Haynes, Chair
Sadie Butler, Vice Chair
Councilor Jan Manwaring (Left Early)
Councilor George Hansel
Denise Burchsted
Brian Reilly
Andrew Madison
Eloise Clark, Alternate
Spark 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 – October 16, 2017

Councilor Hansel made a motion to accept the minutes of October 16, 2017, which was seconded by Councilor Manwaring.

Chair Haynes clarified on page 2/6 (4th paragraph) it says, “Eversource will need to dig a three to four foot trench to place conduits.” This should be clarified to say the trench will be three to four feet deep.

The motion to approve the minutes as amended carried unanimously.

3) Wetland Permit by Notification – City of Keene Maintenance Dredging of Ash Swamp Brook Tax Ditch

Ms. Kessler shared information from her meeting with the City Engineer about this application. This is an application from the City of Keene to the NH Department of Environmental Services (DES) for the tax ditch portion of Ash Swamp Brook, which was

dredged for emergency repair. Therefore this permit is retroactive, as the work already occurred; this permit was a condition of the emergency approval that DES granted the City for this work. In October 2017 there was a water main break that caused a drop in water pressure throughout the City. The Public Works Department found this was a major break in the water main in the location where that main crosses the Ash Brook Swamp tax ditch. The main split lengthwise (4-5 feet long split). Approximately 500,000 gallons of water were lost in the time it took to find the break and isolate the valves. That pipe had been buried 3-4 feet below the stream bed; when water was released the earth around the pipe eroded, depositing sediment in the tax ditch downstream. The City stabilized the embankments and had to do extra work where the pipe broke to recreate the flowline of the ditch. The berm of sediment downstream from the break was so tall that it would have kept water upstream from flowing; 10-15 inches of sediment were removed along the length of the swale the week after the water main break with emergency approval from DES. As a condition of that approval, the City must submit a Permit by Notification within 30 days of completing the repair. The NH DES is not seeking Commission comments at this time but keeping them apprised of the situation.

Chair Haynes noted pictures and a map were included in the meeting packet to demonstrate this work near Meadow Road.

4) Monadnock Conservancy Request for Financial Support – Belvedere Road Parcel Acquisition

Chair Haynes welcomed Anne McBride, Land Protection Director for the Monadnock Conservancy. Ms. McBride explained the Conservancy sometimes needs financial assistance when doing work in the City of Keene, which is why she was at this meeting. The Conservancy is working to acquire Patricia Lake's property in northeast Keene, which near the greater Goose Pond property owned by the City and the Gilsum town line. She showed an adjacent property on the map that the Conservancy has used for research, planting trees, and as a demonstration forest. Three years ago, Ms. Lake approached the Conservancy about a right-of-way through Conservancy property to reach her property for a timber harvest. Now, Ms. Lake would like to sell her property, ideally with a conservation outcome; the Conservancy was her first choice as they are already an abutter. This property has already been reviewed by the Conservancy Land's Committee and Board of Trustees for all criteria. The Conservancy is hopeful for the opportunity to acquire this land and expand the adjacent demonstration forest; they are under contract and hope to close the purchase before February 2018. The Conservancy is not usually in a position to purchase land so quickly because grant writing and fundraising are required; however, the Conservancy was given a bequest three years ago that was kept undesignated and will be used toward this acquisition. Still, that is not enough money to complete the purchase. Thus, Ms. McBride requested assistance from the Commission to complete this land purchase. The property is 150 acres in Keene and extends into Gilsum, there are seven separate tax lots on the property, and it scores highly on the NH Wildlife Action Plan with both Tier 1 and Tier 2 landscapes.

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Councilor Hansel asked the assessed value of the property. Ms. McBride replied she did not have the exact number with her, but there was a private appraisal.

Dr. Reilly asked the logging history of the property. Ms. McBride replied there was logging to create a right-of-way from Conservancy property to the Lake property approximately three years ago; that was phase one of a three-phase harvest the Lake's were planning and the only phase to be completed (there is still good standing oak on the property).

Councilor Hansel asked if there will be any access for recreational use on the property. Ms. McBride replied yes, there is a kiosk and small parking area with mostly woods roads, but few trails. This is open to the public currently for hunting; some areas are gated off for tree planting. This destination is more for research than recreation but is open for use. Councilor Hansel said this is a good application of Commission funding; when a developer acquires land they pay a tax toward the Land Use Change Tax Fund and the Commission's budget. He has always felt that if the Commission is taking something out of current use (or a conserved state) it makes sense to apply that funding to compensate somewhere else. He does not know if the Commission can make the decision to provide this funding, but he anticipates they can write a letter to the Finance, Organization, and Planning Committee supporting this proposal. Ms. Kessler replied the Commission would be recommending that City Council allocate \$25,000 for this purpose from the Land Use Change Tax Fund (which has a maximum of \$500,000). The current balance net fund for the Conservation Commission is \$92,500, which accounts for the Goose Pond forest study; because of the transfer of land out of current use for Hillside Village, another \$60,000 will be added to the budget before the end of the fiscal year. Councilor Hansel said he supports this but would like the City Assessor to review the appraisal and evaluation to ensure the money is spent appropriately.

Mr. Von Plinsky agreed with Councilor Hansel that this is an ideal use of funding. Chair Haynes agreed and added this is increasing connectivity to Goose Pond. Ms. McBride shared a topographic map of greater Goose Pond, how it connects with Surry Lake, the Gilsum forest connection work, and more.

Ms. Kessler asked who owns the land between Goose Pond and the property being purchased. Ms. McBride replied there are at least three tax parcels and several smaller lots scattered throughout. Ms. Kessler asked if there is frontage for those smaller lots. Ms. McBride replied she believes there are class six roads that are unlikely to be developed. Councilor Manwaring agreed and said somewhere along Gilsum Road the City was gifted one acre of land. The Conservancy is interested in helping connect lands in conservation but some smaller parcels are not valuable enough.

Chair Haynes asked if the Conservancy has also approached the town of Gilsum for help. Ms. McBride replied she has worked with them in the past and they generally do not have a lot of funding; they have never gone through the process of approving funds due to political constraints. Walking Gilsum through the process would demand too much Conservancy staff time; Gilsum has a much more complicated bureaucracy.

Councilor Hansel made a motion for the Conservation Commission to recommend that City Council allocate \$25,000 of the Land Use Change Tax Fund for the purposes of providing financial support to the Monadnock Conservancy in its effort to acquire 130 acres in northeast Keene and 50 acres in Gilsum from Patricia Lake for permanent conservation, pending City staff approval of independent land assessment from the conservancy. The motion was seconded by Andrew Madison and carried unanimously.

5) Discussion with Emily Vogler Regarding Potential Research Project on West Street Dam

Chair Haynes welcomed Dr. Vogler, assistant professor and head of the landscape architecture department at the Rhode Island School of Design (RISD). She is working on a research project called The Future of Dams, which is made up of more than 40 researchers – biophysical scientists, social scientists, and her team of designers investigating participation in dam removal. Her team is specifically focusing on the use of public charrettes (a way of quickly generating design ideas while integrating the interests of a diverse group of people; to create an innovative atmosphere where diverse stakeholders can collaborate to develop visions for the future) in the decision making process; as a designer, she has facilitated many of these charrettes to engage the public in decisions about public spaces. She thinks charrettes are relevant for dam decisions because there are often diverse stakeholders. The goal of her research are to help facilitate the community decision making process and to help communities understand the tradeoffs of alternative options (fish passage, hydropower, etc.); the researchers have no desired outcome, only a goal to facilitate and build knowledge about the public process that can help other communities make decisions. The specific aspects of her research include breaking down the charrette into three components:

- Visualization
 - Do visualizations have an impact on decision making?
 - Still pictures that create a visual of what the future might look like given different alternatives; animations to show the physical landscape changing with different alternatives.
- Communication
 - What are the ways we can improve communication during the public process?
 - A series of lab experiments before the charrettes to test the methods of helping people reach an agreement; trying to understand the dynamics of engaging people with diverse perspectives in conversations.
- Design
 - How can design be used to move beyond the binaries in dam decision making?
 - There are often many more options than just leaving or removing a dam; this design engagement process can help communities move beyond the binaries.
 - How can design be used as a tool to reinterpret the landscape?

- How to create sense of place and community within the landscape; how to create this biophysical and cultural sense of place around dams or dam removal.

Dr. Vogler's team has been looking for a place to conduct this research, which they think can help communities like Keene in making dam removal decisions. Through her conversations with Dr. Burchsted about the West Street Dam, she thought Keene could benefit from this process and help build knowledge for other communities. The charrette would include two workshops: 1) bring the community together to learn about the dam, share values, brainstorm possibilities through sketches and conversations, encourage "what if" thinking; 2) help the community to visualize their future ideas and tradeoffs. This allows the space to introduce people to all the options as well as their impacts. Dr. Vogler's goal is to create an open-source toolkit for these charrettes to share with other communities in New England; she provided an example of this project in Rhode Island. She thinks there is a great need for help in making these decisions and for communities to learn for each other. Her team is in the process of choosing a dam site with the goal of beginning research and visualizations in the winter followed by the two charrettes at the end of spring; this is flexible, however, based on the City's schedule. The goal is to use what is developed in the charrette to create a larger community survey to validate the charrette process with the community. The survey would also help to test the visualization methodology. She spent the day of this meeting exploring the West Street Dam site and history and is hopeful to engage the City in this research.

Councilor Manwaring said she thinks it is a process Keene is very familiar with; similar charrette and survey efforts have taken place in Keene so the community would not be surprised.

Mr. Madison asked for examples of this project in other communities. Dr. Vogler shared a video example of pilot testing this process in coastal Rhode Island where the dam is privately owned and the owner is not interested in selling. She provided examples of how animations can help make decisions across multiple scales.

Councilor Hansel asked the costs associated with the project. Dr. Vogler replied an advantage for the City is that the researchers would be doing this for free; this type of work could cost from \$10,000-20,000 but this research is grant funded. The goal is to work with the town in terms of organizing events and advertising, so there may be some small cost associated with organizing events.

Chair Haynes recognized Dr. Bergman, a retired KSC professor, who asked what deadline the state has imposed on the City's decision making process. The Commission replied the deadline is indefinite. Ms. Kessler noted the City has been working diligently to repair many other dams so the dam bureau has not put too much pressure on the West Street Dam decision. Mr. Madison said with the recent weather patterns, nature may make the decision and it may not be in the City's favor; he said he believes addressing the West Street Dam and finding a solution to the structural problems is becoming more urgent each year. Dr. Bergman asked if the dam is structurally unstable enough to be

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damaged in a strong storm. Mr. Madison said a good storm can take down any dam, and this is a very old and poorly maintained dam, the reservoir behind it is heavily sedimented, and there have been more severe storms. He has not seen reports about the dam's structural integrity but his understanding is that DES is concerned and he thinks that is cause for the City to be concerned as well.

Dr. Vogler said she knows cost of repair is something the City is concerned with and part of this research and visualization process will help the City to understand the costs associated with different alternatives. She thinks the importance of two workshops is to ensure the community is making informed decisions. Mr. Madison asked if biophysicists, hydrologists, etc. would be brought in to do a complete profile of the dam options. Dr. Vogler replied an advantage of working on this larger team is that her colleagues are interested in this research and her team can facilitate the public process but there are many other researchers looking at the biophysical and hydraulic aspects. Mr. Madison said the animations would have to be based on physical modeling; Dr. Vogler agreed there have already been a lot of studies on the West Street Dam her team could use.

Councilor Manwaring noted this was a heated topic when it was first discussed at City Council but now there is a new Council. She thinks raising this topic again is important because it has been so long; she thinks it is a great idea. Dr. Vogler agreed some of her work will help to summarize the complicated history of this dam and the public can communicate their desires to Council.

Dr. Reilly asked if there is an ideal minimum attendance for the workshops and if City Council should participate. Dr. Vogler replied charrettes vary in size but there needs to be a good representation of the community with momentum to support ideal outcomes; for this community 50 people would be ideal. Councilor Manwaring said there would likely be many more people. Dr. Vogler said this is why she is interested in this as a research site because there are more stakeholders for the West Street Dam than for dams in more rural areas.

Ms. Clark asked if this will impact City staff time and if the Commission should designate a sub-Committee for this; but, she said it seems ideal.

Dr. Burchsted clarified that she invited Dr. Vogler to the meeting because they work together and she thinks this is a great opportunity for the City. However, she will not be involved in the charrette research aspect but could hopefully contribute knowledge about sediment and existing ecological studies. She said the Commission has a certain mission regarding this dam but she thinks other perspectives should be equally considered; she said perhaps this should be a collaborative effort between the Commission and other stakeholder Committee's. Councilor Hansel suggested a presentation to Council and an introduction to other relevant Committee's to share this idea. Ms. Kessler noted the Council is expecting an update from West Street Hydro on December 7 and they will present at the December Commission meeting. There will likely need to be some decision making by next spring for this to go before Council. Ms. Kessler has spoken with the Public Works Director and the Director of Parks and Recreation, who are aware of this

project and are very interested in this tool for the City. However, they are cautious about the Council's feelings about the dam and decision to give West Street Hydro more time. Ms. Kessler said speaking with the new City Manager is a good idea, but ultimately there will need to be a presentation to Council to determine if this is something the City wants to take on. Ms. Kessler suggested giving City staff time to explore this opportunity further with Dr. Vogler and the new City Manager and revisit the path forward. She agreed a public Council presentation is a great idea; Councilor Hansel agreed with Ms. Kessler that this should be vetted by staff before taking it to Council. Ms. Kessler recognized the need for timeliness for many stakeholders and hopes there will be a better understanding of next steps by early 2018. Dr. Vogler is willing and hopes to come back in December to meet more with town staff and officials if there is willingness. She agreed this is a way of bringing people together, even if just in organizing the event and bringing together multiple City committees.

The Commission looks forward to more on this.

6) Friends of Open Space Donation

Ms. Kessler reported the donation the Commission authorized in June 2017 for \$270.25 to Friends of Open Space was never processed and she is unsure why. Unfortunately, at the end of the fiscal year, Commission money goes into the General Fund and there is no way to get it back; now the Commission can vote to allocate the donation from this year's budget. The annual budget is \$1,500 and an \$817 fee for NH Association of Conservation Commissions annual membership (this was the only expenditure last year) was already paid, which leaves \$683 remaining; to the City's knowledge the Commission has not consistently voted on maintaining that membership. Ms. Kessler and Chair Haynes remember voting on it in the past. Ms. Kessler said that matter was not agendized and can be revisited in December. Chair Haynes agreed this is prudent as Barbara Richter is coming to the December meeting; but it is something to revisit because it is a high fee and he's unsure the Committee has benefitted accordingly.

Dr. Reilly asked if the \$1,500 annual budget has been in place a long time and how Council might feel about increasing it. Councilor Hansel replied it can be discussed next budget season and the Commission can argue the need. Chair Haynes said that could be hard because the Commission also has another large pool of money to work from.

Councilor Hansel made a motion to allocated \$270.25 from the FY18 budget to the Friends of Open Space, which was seconded by Dr. Burchsted.

Chair Haynes suggested amending the motion to \$275. The motion carried unanimously as amended.

Ms. Clark reported the Friends of Open Space have been fundraising for the pocket park and are excited to keep moving forward.

7) Public Education and Outreach

Chair Haynes noted Dr. Burchsted reached out to the Harris Center and they are interested in helping with educational outreach in Keene. He will explore that more. Also, there are opportunities with Jeff Littleton for an educational activity at Goose Pond, likely this winter. Ms. Clark suggested Jenna Spear-O'Mara who lives in Keene. Dr. Burchsted clarified it is Brett Thelen from the Harris Center who has expressed interest.

8) Aquatic Resource Mitigation Subcommittee Update

Dr. Burchsted recalled for the last few months she has worked with Chair Haynes and Mr. Von Plinksy to come up with a potential project list for the Aquatic Resource Mitigation (ARM) fund. Projects in three different target areas were listed with the ARM fund priorities the project meets. The question arose of what the goal of this list is and which projects are the highest priorities. A DES Representative said Keene is one of the first communities in the state to respond to the call from the Wetlands Bureau to develop a list like this. Ms. Kessler recalled this came to the Commission because Wetland Permits that were contributing to the ARM fund came before the Commission and the goal developed to determine how those funds can be used locally; but there was no clear way to prioritize how to use those funds in Keene. There was not a call from DES for communities to develop this list. This all really began with Hillside Village and Liberty Utilities wetland applications. Dr. Burchsted said DES is happy to see cities working on this list of possibilities; the DES representative said the list is good as is and can be used to advocate for future projects as they develop.

Councilor Hansel asked if prioritizing projects on the list provides any advantage. Dr. Burchsted replied by asking the same question because she is unsure how it moves forward from here and figuring that out will be a City issue. Councilor Hansel said he thinks further prioritizing is advantageous because it gives Ms. Kessler more ability to advocate for a project when applying. Chair Haynes added there is also a time crunch when applying for these funds and knowing which projects are highest priorities would save time. Ms. Kessler said it is not only to prepare for projects that will require mitigation (or payment for mitigation) but the ARM fund is also a competitively distributed regional grant, so it is a matter of being prepared to apply for funding. Perhaps it would be best to prioritize within the four categories the subcommittee identified. She reiterated this could save time when there is only 180 days to complete these shovel-ready projects. Councilor Hansel agreed the priorities should be shovel-ready projects eligible for grant money. Dr. Burchsted suggested there may be things that are high priority but not shovel-ready in terms of high interest; for example, a study of some kind that would not be applicable to the ARM fund. This way the Commission knows what high priority projects are ineligible for ARM funding as well. Councilor Hansel said he is unsure there is an advantage to using significant time to organize the projects; he said time should be spent understanding and staying up-to-date on these projects.

Dr. Reilly asked how projects become shovel-ready once they have been identified as priorities. Dr. Burchsted replied the Commission is asking which projects have already been developed as shovel-ready by City staff. Ms. Kessler said the mitigation portion of

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some of these projects are not always timely, finding the right fit can be difficult, and knowing details about each project may naturally help the Commission to prioritize. Councilor Hansel said it would be good for the Commission to agendize and review the project list on a semi-annual basis to monitor and evaluate.

The subcommittee agreed to meet again to preliminarily categorize and prioritize the projects and report back in December. Dr. Burchsted will share some materials with Ms. Kessler, the Planning Director, the Public Works Director, the Director of Parks and Recreation, and Barbara Skully. Ms. Kessler said once the list is complete the Commission can vote to adopt it as the list we are working with.

9) Land Prioritization Criteria

Chair Haynes said he and Ms. Kessler think a good exercise is to take the work Councilor Manwaring has prepared and create lists of Commission criteria when evaluating a piece of land. The Commission agreed to dedicate approximately 30 minutes of future meeting time to this discussion; Ms. Kessler will share the list before the next meeting.

10) Conservation Master Plan Retreat Update

Chair Haynes reported that Barbara Richter has agreed to come in December to give a presentation; he is unsure if the wildlife expert will come as well. She will help the Commission think about prioritizing goals for the Conservation Master Plan. Ms. Clark also suggested contacting the UNH Cooperative Extension; Chair Haynes will share a packet of information before the next meeting.

11) Staff Updates

a. Greater Goose Pond Forest Stewardship Plan RFQ Updates

Ms. Kessler reported that an Ad Hoc Committee has been formed for the Greater Goose Pond Forest Stewardship Plan and that Committee will meet on December 7 or 8. The trails consultant, Josh Ryan, has already completed a preliminary assessment of the trail conditions and will work with the Committee to draft preliminary recommendations. The foresters have been collecting data and Ms. Kessler has been in regular communication with Mr. Littleton sharing historic and spatial data as well.

b. West Street Hydro

West Street Hydro will present to City Council in December and to the Commission in December or January.

12) New or Other Business

Ms. Butler shared that she will be leaving the Conservation Commission for personal reasons; she expressed pride in the Commission's work and thanked members for their

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support. Chair Haynes thanked Ms. Butler and welcomed her back to the Commission any time.

Chair Haynes noted that leaves a position open. He asked Mr. Bergmann if he is interested in serving on the Commission. Mr. Bergmann replied he is retired and plans to do some traveling so he is unsure if he would be able to make the commitment; but he loves Keene and is interested in the contribution the Commission makes. Councilor Hansel noted it is not the Commission that makes the decision but the Mayor; he has had a lot of interest in this Commission over the years but also listens to the Commission's recommendations. Chair Haynes said absences can be handled and it is really up to Mr. Bergmann if he would feel he is making a valuable contribution; but he encouraged Mr. Bergmann's participation even as an alternate so he can share his expertise. Councilor Hansel suggested Mr. Bergmann send a letter (or email) of interest to the Mayor and he thinks the Mayor will appreciate individual endorsements from Commission members. Ms. Kessler added qualifications should be included in that letter, which helps the Mayor to make an informed decision.

The Commission agreed to formally vote on who will serve as Chair in 2018 at the December meeting; Chair Haynes is happy to continue serving. The Commission will also vote on a new Vice Chair. Mr. Von Plinksy has agreed to fill Councilor Manwaring's seat on the Commission in 2018 and Ms. Clark has agreed to fill Ms. Butler's seat. This leaves two vacancies for alternates on the Commission.

13) Adjournment – Next meeting date Monday, December 18, 2017

Hearing no further business, Chair Haynes adjourned the meeting at 6:15 PM.

Respectfully submitted by,
Katie Kibler, Minute Taker

Reviewed and edited by,
Tara Kessler, Planner