

ADOPTED

City of Keene
New Hampshire

CONSERVATION
COMMISSION MEETING
MINUTES

Monday, April 16, 2018

4:30 PM

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

Members Present:

Thomas Haynes, Chair
Andrew Madison
Eloise Clark
Brian Reilly
Art Walker, Alternate
Denise Burchsted
Ken Bergman, Alternate
Alexander Von Plinsky IV
George Hansel, Councilor

Staff Present:

Tara Kessler, Planner
Don Lussier, City Engineer
Michele Chalice, Planner

Members Not Present:

1) Call to Order

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

2) Minutes – March 19, 2018

Councilor Hansel made a motion to approve the minutes of March 19, 2018 as presented. Mr. Reilly seconded the motion which carried unanimously.

3) Communications & Notifications

**a. Wetlands Permit Application – City of Keene Maintenance of
Drainage Upgrades Along Ralston Street**

Don Lussier, City Engineer explained he was before the Commission last month regarding the drainage ditch work application. At that time he also provided an overview of the Ralston Street work. Mr. Lussier noted copies of the application were submitted to the Commission by Ms. Kessler. Mr. Lussier reiterated his overview of the project for Commission members not present at last month's meeting. In an attempt to address the frequent flooding seen around Winchester/Ralston Streets the City proposes installation of a 36-inch storm water line from Ralston Street to the Ashuelot River; and a 24-inch line from the Ralston/Winchester Streets intersection up Davis Street. The piece the Commission will be most interested in is where it empties into the Ashuelot River.

He reported a temporary bank impact of 73 square feet and 94 square feet below the ordinary water line. The embankment is ripped below the ordinary high water line and the same material will be put back which is why we are calling it a temporary impact.

Ms. Clark asked if there was any cause to worry about impact of the amount of water to flow out of there; like erosion on the opposite bank. Mr. Lussier replied the width of the Ashuelot is such that it would not cause erosion on the opposite bank. All of this water flows through the KSC campus and goes to the Ashuelot River. We are adding capacity to get it out of that neighborhood a little bit. Our expectation is to stop the street flooding in maybe up to a 10-year storm event.

Mr. Walker asked if it was going down further to accommodate the pipe diameter. Mr. Lussier reiterated the system drains out through KSC campus and the existing 15-inch pipe starts at the bike path (high point); when you are draining it all the way back up to Ralston/Davis Streets neighborhood the whole system has to be a bit lower.

Councilor Hansel asked if other communities are doing anything to filter some of this storm water and in the future would we be able to retrofit any of that technology. Mr. Lussier reported there are systems that treat water at the discharge end. He explained he and Ms. Kessler have been discussing applying for some ARM funding for some of those systems. Instead of designing the system for a 36-inch pipe it would be designed for what is called the first flush; the first inch of rain would get treated through a system. These systems allow the sediments, floatable materials, and oil/grease to get trapped while the water continues on its way. Mr. Lussier also noted the consultant looked at other green systems that were not economically feasible.

Mr. Bergman asked for clarification on whether or not the water that exits this pipe upstream of the Winter Street Bridge includes some from the KSC campus as well. Mr. Lussier replied in the negative and provided a whiteboard diagram. He noted the installation of the bigger pipe is to improve the capacity not to eliminate the connection to campus (split flow).

Mr. Madison wondered if there were any longer term strategies to deal with flooding there; he shared what may be a 10-year storm today might be an annual storm 10-20 years from now. Mr. Lussier explained we used the Cornell Storm Water data for the analysis we did (most recent). He reiterated long term we have to find a way to manage it on our sites instead of just putting it into the street. Mr. Lussier noted the challenges as Keene is built on an ancient lake bed and people rely on dumping it into the street drains.

In response to Ms. Clark, Mr. Lussier explained this project does not include any filtration and will not be increasing negative elements into the Ashuelot. The filtration discussion was talking about future projects; and Mr. Lussier was describing hydrodynamic separator systems. Mr. Lussier then explained how these systems function.

After Ms. Kessler explained the Commission's options Mr. Lussier said as the applicant he is here requesting the Commission authorize the Chair to sign the application so it can be put out as an expedited permit application. Mr. Lussier also noted the intent to get the work done while KSC is not in session.

Councilor Hansel motioned for the Conservation Commission to sign the application without comment. Mr. Madison seconded the motion which carried on a 7-1 vote. Ms. Clark voted in opposition.

b. Otter Brook Master Plan Review- Army Corps of Engineers

Ms. Kessler referred to the communication in the packet noting when the Army Corps enters the planning phase for the Master Plan they will keep this Commission in the loop. The Commission will be provided an opportunity to comment on the draft Master Plan when it is available.

4) Aquatic Resource Mitigation Fund

Mr. Von Plinsky reported the ARM Fund is accepting applications. He noted Commission discussions regarding potential projects. He distributed copies of his proposal entitled "Tenant Swamp Project", an opportunity to permanently protect more than 180 acres of wetland within the City. The map depicts three parcels; only parcels #1 and #2 are included in the proposal. Mr. Von Plinsky said should the Commission decide to move forward with this project a pre-proposal would need to be submitted by April 30th; which is non-binding. The actual proposal date is August 31, 2018. Mr. Von Plinsky presented the following questions.

1. Who will take up the easement? Monadnock Conservancy is the only realistic option reported by Mr. Von Plinsky.
2. If we were to get an easement donated and get funding what would the easement look like (currently part of Ashuelot River Park)? What uses are still available and who has responsibility for certain aspects of the property?
3. Is the City even interested in donating this easement?

Mr. Von Plinsky feels the upside of this project (permanently protecting almost 200 acres of wetlands) is really big. He also suggested connecting to parcel #3 which would be a big bonus.

Ms. Burchsted said she endorses Mr. Von Plinsky's idea; adding there is value in storing water- these sites provide a service we do not pay for.

Mr. Madison asked if parcel #3 was privately owned. Mr. Von Plinsky replied it is owned by Emily Shaw's family with oversight by the City. In response to Mr. Bergman, Mr. Von Plinsky said the parcel numbering is his means of identifying each one. Parcels #1 and #2 are currently City owned with a utility easement through them. Mr. Bergman indicated he could provide Mr. Von Plinsky three years of trail camp data for parcel #1. Mr. Von Plinsky noted this would be very helpful if the Commission decides to move forward with this project; he outlined the sales pitch to be utilized.

Playing the devil's advocate, Mr. Reilly affirmed most of this is wetlands. He then asked what is the likelihood anyone else would ever be interested in this area. Mr. Von Plinsky

agreed that was a good question. He noted his motivation for this project is that he has been other places where land cannot be developed; until it does. Mr. Reilly then asked who would set the price. Mr. Von Plinsky indicated there were two ways this could go forward.

1. The City could sell the easement to an easement holder.
2. The City could donate the easement to an easement holder.

Mr. Von Plinsky continued the money we would be going after (ARM Fund) would pay for the administrative costs of that easement. Ms. Burchsted echoed the concerns about City land getting chipped away at. Ms. Burchsted reiterated the value of the project noting her support. Mr. Madison initiated a discussion regarding how City land gets chipped away at; the Middle School, the hospital, and the Eversource substation were mentioned.

Chair Haynes asked Mr. Von Plinsky what the next steps would be if the Commission decided to go forward with this project. Mr. Von Plinsky reiterated his earlier comments regarding the pre-proposal submitted by April 30th and the actual proposal submitted by August 31st.

Mr. Von Plinsky continued the pre-proposal is non-binding. He noted the actions that would take place and pointed out if Council is not interested then there would be no need to continue with this effort. Mr. Von Plinsky also explained once the actual proposal is submitted we would be competing against the rest of the watershed (from Lebanon to Hinsdale) for the money with a decision made in late fall.

Ms. Kessler reported she spoke with the City Manager who would like to see the Commission go before City Council after submitting the pre-proposal to gain their thoughts, input, and willingness to grant the easement. Ms. Kessler also explained the Commission would have to do the work to pull the application together and play a significant role in managing this grant. Questions the City Manager wanted to be clear on were:

- How this easement would impact the use of the land as it is today.
- How restrictions would impact the use of that land into the future.

As the discussion continued Councilor Hansel asked how much the administrative costs would be. Mr. Von Plinsky said he was advised that with a survey approximately \$50,000 to \$70,000 would be needed for the whole transaction, as a ballpark figure. Ms. Chalice asked if that included the monitoring funds; Mr. Von Plinsky replied in the affirmative. Ms. Chalice then asked if the easement would protect from future utility requests for additional land/disturbances. Mr. Von Plinsky said he feels it would. Ms. Clark commented we have a Conservation Easement on our land and we have a Right-of-Way that runs through it with power lines. Mr. Von Plinsky clarified the power lines were there before the easement was obtained. Ms. Kessler and the Commission members thanked Mr. Von Plinsky for his efforts.

There being no further questions or comments Chair Hay asked if the Commission wanted to move forward with the pre-proposal application.

Councilor Hansel moved to approve a pre-application to the ARM Fund for the Tenant Swamp Project. Ms. Burchsted seconded the motion which carried unanimously. Mr. Von Plinsky said he would draw up the 1,000 word pre-application and obtain the

USGS map. By consensus the Commission agreed to let the subcommittee review the draft. Mr. Von Plinsky said by the next meeting he would have a better idea of what the next concrete steps are.

Ms. Clark suggested the Friends of Open Space and the Ashuelot River Local Advisory Committee would be favorable to this proposal.

With a quorum still present Mr. Von Plinsky left the meeting at 5:22 PM.

5) Land Prioritization Criteria

Noting this item was tabled at the last few meetings Chair Haynes asked if there were any additional comments before approval.

Ms. Burchsted suggested adding vernal pools under section 1.c.

Mr. Bergman asked if it was premature to ask how such a list of priorities would be used. Councilor Hansel indicated it could potentially be used on several projects; this would be a guiding document for the Commission. Mr. Bergman continued its use would depend on the context we find ourselves in so this discussion is premature. Chair Haynes explained the reasoning behind the development of the list. Mr. Bergman raised the question of weighing the properties which Chair Haynes agreed was a good question. Ms. Clark added the Conservancy has a similar list and an evaluation committee. Ms. Kessler suggested it could also be used if the Commission is approached by an outside entity looking to give land to the City.

Councilor Hansel moved to adopt the City of Keene's Conservation Commission' Land Protection Criteria as amended; adding the vernal pools to section 1.c. Mr. Madison seconded the motion which carried unanimously.

Chair Haynes said the next question is do we want a working group to look at this and City owned land for conservation easements. Ms. Clark suggested the Commission put its efforts towards Mr. Von Plinsky's proposal. Chair Haynes and Ms. Burchsted agreed.

6) Updates

a. Greater Goose Pond Forest Stewardship Plan Update-

Mr. Madison reported the group did meet but he was unable to attend. Ms. Kessler reported there was no quorum. Mr. Madison advised he will no longer be available to attend these meetings because of taking a new position. Ms. Kessler asked if there were any other Commission members interested in attending these meetings in Sadie Butler's position. She also noted Ms. Butler's resignation from the Commission. Ms. Kessler advised she needs a resignation letter from Mr. Madison and a letter of interest from Chair Haynes and Ms. Burchsted if they are interested for approval by City Council.

Ms. Kessler reported there is a quorum available for the meeting tomorrow at 6:30 PM, at the Rec Center. A flyer was distributed for the Goose Pond Walks. Ms. Kessler reported there will be a presentation and opportunity for public input. The walks will take place April 28th, May 12th, May 26th, and June 2nd. Ms. Kessler noted she is looking for volunteers from the Commission to serve as an ambassador at each of the walks. Volunteers are as follows:

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- Mr. Madison – April 28th
- Ms. Burchsted – needs to confirm for May 12th
- Chair Hay – possibly May 12th and May 26th
- Mr. Reilly – possibly May 26th and June 2nd

Commission members agreed to check their calendars and advise Ms. Kessler of their availability.

b. Commission Function/Roles

Add to next meeting agenda.

7) New or Other Business

Ms. Burchsted reported some beavers have moved into the cemetery at Beaver Brook, and they are both: (a) restoring some really excellent wetland and riparian habitat; (b) about to cause serious havoc for the road and the cemetery. Ms. Burchsted is asking the Commission to consider investigating the use of Beaver Deceivers. Ms. Burchsted feels Skip Lisle, the Beaver Deceiver originator would be willing to visit Keene and assist with the research. Ms. Burchsted reported the water is running over the culvert and there is a risk to the road and graves.

Chair Haynes asked which Department oversees these operations. Ms. Kessler replied Parks & Recreation. Not knowing if Andy Bohannon is aware of the situation Ms. Kessler advised she would forward Ms. Burchsted's email to him.

Mr. Madison reported the damage is more urgent than it sounds as he discovered when walking through the cemetery on Saturday. He noted the water is just a few inches from some of the graves. Although he thinks the Beaver Deceiver might be a good solution, Mr. Madison noted his concern with some of the bigger storms we may get and if we can keep up with incoming water. He and Ms. Burchsted agreed this is new beaver activity (late this fall). Ms. Burchsted echoed Mr. Madison's comments regarding the imminent damage. Mr. Bergman shared the beaver history at the cemetery.

Mr. Reilly asked had the budget to support this. No one present had the answer nor did anyone have information on the cost of the Beaver Deceiver. Ms. Kessler indicated she would report back on Mr. Bohannon's response to her email. Chair Haynes suggested it might be beneficial to have Mr. Lisle come to Keene. Councilor Hansel said it would be nice to know how many wild animal removals the City actually does; Ms. Burchsted agreed.

Ms. Kessler reported with new staff in the office and varied responsibilities she will be transitioning away from the Commission. Michele Chalice will be her replacement.

Charles Daloz, of Keene said he wanted to make his usual pitch for an agricultural piece. Mr. Daloz posed two questions he would like the Commission's input on.

1. How much land needs to be in production to feed the City?
2. What is the interaction between the agricultural land use and conservation land use?

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Chair Haynes asked if Mr. Daloz was in the midst of a study. Mr. Daloz reported on the difficulty he has run into obtaining the necessary data. Ms. Clark suggested contacting the Cooperative Extension.

8) **Adjournment** - Next meeting date Monday, May 21, 2018
Hearing no further business, Chair Haynes adjourned the meeting at 6:02 PM.

Respectfully submitted by,
Mary Lou Sheats-Hall, Minute Taker
April 17, 2018