



City of Keene, New Hampshire

AGENDA

CONSERVATION COMMISSION

Monday, September 17, 2018

4:30 PM

**City Hall
2nd Floor Conference Room**

Commission Members

Thomas P. Haynes, Chair
Andrew Madison, Vice Chair
Eloise Clark
Denise Burchsted
Councilor George Hansel

Brian Reilly
Alexander Von Plinsky, IV
Art Walker, Alternate
Kenneth Bergman, Alternate

1. Call to Order
2. Approval of Meeting Minutes – August 20, 2018
3. Communication and Notifications
 - a) NH DES Memorandum Regarding Keene City-Wide Stream Inventory and Maintenance Program
 - b) NH DES Request for More Information - Wetland Permit by Notification Application #2018-02339 for Chapel Drive in Woodland Cemetery
 - c) NH DES Notice of Approval with Conditions - Shoreland Impact Permit #2018-01130 for Goose Pond Dam
 - d) NH DES Letter to City of Keene Regarding Request to Extend Response Deadline to Request for More Information for Shoreland Permit Application #2018-01130
4. Donation Request:
 - a) Monadnock Conservancy – Conservation Easement Fees for 105 Daniels Hill Road property
5. Updates/Status:
 - a. Aquatic Resource Management Subcommittee Priority Projects
 - b. Land Prioritization Criteria Subcommittee
 - c. Commission Functions/Roles
 - d. West Street Hydro, Inc. – Cancellation of Hydropower Project at West Street Dam – acceptance by Keene City Council
6. New or Other Business
7. Adjournment - Next meeting date Monday, October 17, 2018

City of Keene
New Hampshire

CONSERVATION COMMISSION
MEETING MINUTES

Monday, August 20, 2018

4:30 PM

2nd Floor Conference Room,
City Hall

Members Present:

Andrew Madison, Vice Chair
Councilor George Hansel
Denise Burchsted
Brian Reilly
Ken Bergman, Alternate
Art Walker, Alternate

Staff Present:

Michelle Chalice, Planner
Don Lussier, City Engineer
Donna Hanscom, Assistant Public Works
Director

Members Not Present:

Thomas Haynes, Chair
Alexander Von Plinsky IV
Eloise Clark

SITE VISIT: At 3:30 PM, before the meeting, Commission members visited Woodland Cemetery, Chapel Drive.

1) Call to Order

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

Councilor Hansel moved to amend the agenda to include a presentation by Ms. Hanscom, which Ms. Burchsted seconded and the Conservation Commission carried unanimously.

2) Approval of Meeting Minutes – June 18, 2018

Councilor Hansel moved to accept the minutes of June 18, 2018, which Ms. Burchsted seconded and the Conservation Commission carried unanimously.

3) Wetland Permit by Notification (PBN) – Woodland Cemetery, Chapel Drive

The City Engineer said the City wants to replace the existing stone culvert that crosses the cemetery driveway with a new plastic culvert pipe. This application is because of potential wetland impacts from riprap/stone on the upstream side (a low spot in front of the inlet to the pipe) to collect sediment, therefore extending the life of the pipe. Burial sites overlay the current culvert. Thus, instead of replacing the culvert at the same site, they propose moving the culvert 60-65' south, which will require a longer pipe, but the elevations are acceptable. They propose an 18" HDPE (high-density polyethylene) pipe with a manhole structure in the center for maintenance access. He will investigate a trash

rack upstream to safeguard beaver activity. NH Department of Environmental Services (DES) is refuting the City's claim that this is eligible for a Permit by Notification; the City believes it is eligible because it is a culvert upgrade but moving the culvert location is complicated. DES thinks it should be a Minimal Impact Permit. The City needs to submit more information but nothing is different from the application materials the Commission has seen. He believed the Chair could sign the application at the meeting and it would be valid; if not, however, the motion in the minutes should allow the Chair to sign an updated application package.

Councilor Hansel said he thinks this is straightforward and there are no significant disturbances to the area or wetlands. The City Engineer and Mr. Bergman agreed there are no obvious alternatives. Mr. Reilly asked when the project would occur. The City Engineer replied as soon as possible to mitigate water accumulating upstream so, likely this fall.

Councilor Hansel moved to allow the Chair to sign the Woodland Cemetery culvert replacement project application without any concerns from the Conservation Commission, which Mr. Reilly seconded and the Conservation Commission carried unanimously.

4) Conservation Land Purchase Request – Beauregard, Chapman Road/Beech Hill Parcel

Mr. Beauregard referred to the letter in the meeting packet he submitted to the Commission. He is the executor of his father's (Robert A. Beauregard) estate. Before passing, his father had extensive conversations with the Commission and the City about acquiring his 27.5 acres of land that fronts Chapman Road, adjacent to the Beech Hill conservation area, which the City already owns. There is 2,700 feet of common boundary. There is an old wood road on the property, which leads to an outlook on Beech Hill that the City has maintained for many years with his father's permission. He shared photos to demonstrate that the property spans the whole face of Beech Hill, making it a prominent visual feature when driving into Keene. The Community Development Director and the Director of Parks, Recreation & Facilities suggested he gauge the Commission's level of support for acquiring the land before he explores development interest.

Dr. Reilly asked about steep slopes on the property. Mr. Beauregard replied that page 14 of the meeting packet demonstrates the slopes, particularly on the northern part of the property. Ms. Chalice noted that 25-45 degree slopes cover the whole property, meaning the City Hillside Protection Ordinance would preclude development on this site without a variance.

Councilor Hansel recalled when the Commission discussed this property previously and decided this was the most appropriate use of Land Use Change Tax funds, particularly because it is adjacent to City-owned conservation land. Mr. Beauregard noted that there was a time in the past when the Conservation Commission had previously voted to

proceed with purchase of the land. The City Council had approved money for appraisal of the land, and they were discussing terms of sale before his father passed.

Mr. Walker asked the Commission's purpose in this situation. Ms. Chalice replied that the Commission needs to determine if they want to recommend the City Council proceed with purchasing this land. The Land Use Change Tax funds would be the funding source for this acquisition, if the Council approves it. There is currently approximately \$148,000 in the Land Use Change Tax fund.

Councilor Hansel and other members agreed that this purchase would be consistent with themes the Commission has prioritized in recent years, particularly: wildlife corridors, watershed protection, continuity of conservation land, and greenways/recreation.

Dr. Bergman asked the physical condition of the land. Mr. Beauregard replied it is wooded and forested heavily; there are ledges and a significantly utilized trail network (unmaintained) that connects to the Beech Hill trails. Mr. Beauregard confirmed the physical condition of the land has not changed since the Commission voted to support acquisition of the property in 2010 (e.g., no logging, etc.). Mr. Bergman asked if there is competing land acquisitions the Commission should consider. Ms. Chalice replied no. Additionally, she shared the April 5, 2010 Commission motion to negotiate purchase of the land via email.

Vice Chair Madison said his primary concern is steep slopes; if logged or cut there would be significant impacts on the Beaver Brook watershed.

Mr. Bergman asked about maintenance if the City buys the land. Ms. Chalice replied the Commission could add it to a list of parcels for conservation plans. Councilor Hansel replied the City has maintained the watershed historically but does no other maintenance on the property currently. He continued that these opportunities are rare and align well with City conservation initiatives. This opportunity makes sense to him based on the funding source, a tax to mitigate development impacts. Dr. Reilly agreed because if the next owner decided to log it, there would be a significant visual impact in the City. Dr. Burchsted noted it is important to remind Council that the Commission arrived at this same conclusion once before.

Dr. Burchsted moved to recommend that City Council authorize the City Manager to do all things necessary to negotiate the purchase of 27.5 acres of land belonging to the Beauregard family, which Councilor Hansel seconded and the Conservation Commission carried unanimously.

5) Donation Requests

a. Ashuelot River Local Advisory Committee (ARLAC)

Vice Chair Madison noted a memo from ARLAC (in the meeting packet, from April 2018) requesting \$125 for watershed data monitoring, which they request from every town in the watershed annually.

Mr. Reilly moved to donate \$125 to ARLAC, which Mr. Bergman seconded and the Conservation Commission carried unanimously.

b. Monadnock Conservancy – Conservation Easement Fees for 105 Daniels Hill Road Property

There were changes to the parcel so the Conservancy needs more time and will return in September.

6) Watershed Management Plan – Donna Hanscom, Assistant Public Works Director

Ms. Hanscom, the Assistant Public Works Director, said she was at the meeting because the Commission expressed interest in learning about watershed management. For the last eight months, the Public Works Department worked on a watershed management plan and they just received the draft (City Council has not heard a presentation of the plan yet). Keene established a water supply in the mid-1800s, when water volume was a significant problem. The City used various water supplies for a long time, like the Goose Pond and the Robin Hood dams, but fire protection predicated establishing a sufficient formal water supply in 1860. The City bought parcels in Roxbury and the Water Commissioner identified Woodward Pond, with a sawmill powering dam, as an ideal location for a large reservoir; the State agreed. The City bought Woodward Pond in 1881 and continued acquiring adjacent parcels of land through the 1940s (today, the City owns 2,600 acres in Roxbury). The City last improved Woodward dam in 1910, raising it to hold more water. Water from Woodward continues down Roaring Brook to Babbidge dam, where a water outlet pipe goes to the water treatment facility and into two storage tanks that drain by gravity to the rest of the community; elevation turns hydroelectric turbines for electricity. NH DES has rules written for the watershed that says Keene's water supplies are only for that purpose; the City can access the land for maintenance but citizens cannot use it for recreation. There are many tributaries throughout the watershed and logging is prohibited because of a logging-related typhoid incident in 1959, which is when the City began chlorinating their water.

Ms. Hanscom continued explaining features of the water treatment facility established in 1993 to treat water beyond chlorination. Before the facility, City water had an unpleasant odor and noticeable color. Today, the facility processes 1.8 million gallons from Babbidge dam (maximum capacity: 120 million gallons) daily. Staff can shut the gate of at the base of Woodward dam to maintain water supply there (maximum capacity: 450 million gallons). If the City uses the average 2 million gallons daily, Woodward dam can store water for a long time, meaning the City rarely has to restrict water use during droughts. When the plant opened, there were basic water quality regulations that have changed twice since to include disinfection byproducts that form based on chemicals added to the water. The cost efficient way to assess water quality daily is to test organic carbon, which indicates the capacity to produce byproducts. The facility can treat 6 million gallons of water daily but can only take 2.2 million gallons out of the reservoir safely. The City also has two well fields that help compensate for water use, but that requires pumping water out of aquifers, which do not recover from drought as quickly.

Ms. Hanscom stated watershed maintenance and quality of water entering the reservoir impact the quality of water delivered to customers. Historically, watershed maintenance polices were informal; now, the City has developed this draft watershed management plan to formalize policies. Water quality is the priority of the plan. Consultants from the firm VHB should present the final document to Council this fall. She discussed contents of the plan:

- Characteristics of the watershed from a full natural resource inventory
- Options, benefits, and impacts of timber management
- Potential for a water quality sampling plan to identify potential changes to water quality based on human or other events
- A critical threshold guideline for all nutrients that could increase Cyanobacteria (algae) growth; algae is limited by phosphorous in the water and can produce harmful byproducts like odor, illness, and liver damage
- The potential impacts of storms intensified by climate change
- Areas of the watershed most likely to impact water quality
- Additional areas of the watershed the City should own
- Options to control access in certain areas if appropriate
- Prioritized recommendations for future Capital Improvement Projects (CIPs) or grant opportunities
- Potential solutions for access problems; there are old, unmaintained roads and issues with abutting landowners
- Watershed security

The City Engineer noted Babbidge dam improvements to meet DES standards will conclude in October and he would be happy to show it to the Commission; Woodward dam is scheduled for improvements in FY2020.

The plan concludes that the reservoir property is in good condition because it is remote. Ms. Hanscom noted there is abundant ecological habitat rated highly by DES; a pair of nesting loons has reproduced on the pond for many years. The report does not delineate species to protect in the watershed but indicates the area should remain protected. Foresters did not encounter any invasive species on the property. She discussed other conclusions from the plan:

- This land works well for water storage because of steep slopes, so the reservoir recharges quickly
- The biggest risk to water quality is human activity and thus phosphorus/cyanobacteria
 - ATV activity and other activities (e.g, hunting) continue to increase despite no trespassing signs
 - The water treatment facility is not equipped to remove oil or gas
 - There is no fencing around the watershed
 - Keene pays Roxbury police to patrol the property 10-12 hours monthly

Staff might recommend that Council adopt a long-term stewardship and monitoring plan, which would include the Conservation Commissions of all surrounding towns to share

maintenance of the watershed in the future. She added that there is adjacent conservation land and it would be in the City's best interest to protect this land as well. Ms. Hanscom will notify the Commission before the presentation to Council (likely October) and will share a final copy of the report.

7) Updates/Status:

a. Dillant-Hopkins Airport Wetland – Construction Water Pumping

The City Engineer said the last construction meeting was two weeks ago and the pump is already discontinued. The amount of water taken was below the state reporting threshold so there was no obligation to report use of that water. Dr. Bergman said it was in service of an excellent project. The only wetland impacts were from cleaning manmade drainage ditches and the construction access road is temporary.

b. Public Visitation of City Reservoir Properties

There is no update at this time.

c. Aquatic Resource Management Subcommittee Priority Projects

Dr. Burchsted stated the subcommittee met with the City Engineer. They want to identify up to four projects in the CIP that are good opportunities for ARM funding and opportunities to continue discussing tools for improving conservation priorities with the City Engineer. At the next subcommittee meeting, they will identify priorities and official projects to collaborate with the City on.

Councilor Hansel moved to table the rest of the agenda until the September meeting, which Dr. Burchsted seconded and the Conservation Commission carried unanimously.

d. Land Prioritization Criteria Subcommittee – CSI Project

e. Commission Functions/Roles – Councilor Hansel

f. West Street Hydro, Inc. – Cancellation of Hydropower Project on West Street Dam – acceptance by City Council

g. Keene Scenic Roads Policy to NH Association of Conservation Commissions

8) Informational Communications

a. ARLAC – 7/30 Public Utilities Commission/ Liberty Utilities Request Letter

b. Goose Pond Dam Improvements – Shoreland Permit Notice – Vernal Pool, ARLAC Comments

9) New or Other Business

10) Adjournment – Next Meeting Date: Monday, September 17, 2018

Hearing no further business, Vice Chair Madison adjourned the meeting at 5:49 PM.

Respectfully submitted by,
Katryna Kibler, Minute Taker

CONS Meeting Minutes
August 20, 2018

Reviewed and edited by,
Tara Kessler, Senior Planner



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



August 10, 2018

CITY OF KEENE
DEPARTMENT OF PUBLIC WORKS
C/O DONALD LUSSIER
350 MARLBORO STREET
KEENE NH 03431

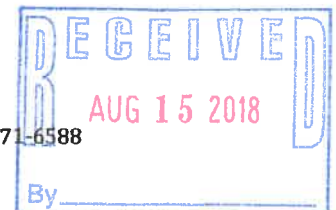
RE: Keene City-Wide Stream Inventory and Maintenance Program

Dear Mr. Lussier:

On May 3, 2018 the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau met with the Keene Department of Public Works (DPW) in Concord, NH to discuss the permitting of ditch maintenance activities in the areas identified in the *Keene City-Wide Stream Inventory and Maintenance Program (SMP)* report by Weston and Sampson (March 2017). This letter summarizes that meeting and includes recommendations for next steps. If you have any questions or concerns, please feel free to contact me directly at seta.detzel@des.nh.gov or (603) 271-2917.

Meeting Summary:

1. The status of Wetland PBN (File #2018-00760) was discussed. NHDES disqualified the Permit by Notification (PBN) on April 20, 2018 due to proposed impacts exceeding 20,000 square feet. NHDES agreed to apply the \$200 PBN fee to a future application.
2. NHDES explained that the permitting pathway for proposed maintenance activities identified in the SMP will depend on the type of activity and type of resource. There is no single pathway to address the diversity of activities and resources potentially affected by the proposed maintenance activities.
3. NHDES and DPW reviewed photos, each depicting a specific channel segment in need of maintenance, and discussed the scope of work and permitting pathway. The photos were representative of the diversity of maintenance activities and resources.
4. NHDES and DPW agreed that some of the ditches were man-made stormwater conveyances that were developed in uplands and could meet the statutory 'ditch maintenance exemption', per RSA-A:3(III)(b). NHDES explained that some ditches that function as stormwater conveyances today may have been historically dredged within stream channels and would therefore not meet the exemption.
5. NHDES recommended that DPW reference historic plans and photos to determine which ditches were developed within surface waters and pursue Standard Dredge and Fill Permits for those segments that are not considered abandoned.
6. NHDES and DPW discussed permitting requirements for several maintenance activities. As noted in Item 4 above, segments that meet the 'ditch maintenance exemption' are not subject to permitting.
 - a. Activity 1: debris removal.
 - i. Removal of debris that does not require equipment in the water does not require a permit. There can be no degradation of wetlands or streams. Debris must be transported to areas outside jurisdiction. Work must be conducted so as to minimize erosion and/or siltation.
 - ii. Beaver dams in streams may be removed without a permit as long as the work meets the conditions in NH Administrative Rules Env-Wt 303.05(j).



- b. Activity 2: vegetation mowing.
 - i. Mowing/brush cutting within stream banks or wetlands does not require a permit. No machinery can enter the water. Roots, stumps cannot be disturbed.
 - ii. NHDES recommends keeping existing vegetation along banks wherever possible.
 - c. Activity 3: bank repair/stabilization and sediment removal (dredge).
 - i. Work in a stream, or a historic stream, requires a Standard Dredge and Fill Application. The permit category will depend on the jurisdictional impacts.
 - ii. Bank stabilization in a stream must be the "least intrusive method", pursuant to NH Administrative Rules Env-Wt 404. Dredge spoils must be transported off site.
 - iii. Minimum Impact Projects: <50 linear feet of an intermittent stream or <3,000 square feet in wetlands.
 - iv. Minor Projects: 50-200 linear feet of an intermittent or perennial stream, 3,000-20,000 square feet in wetlands, or <20 cubic yards of dredge in public waters.
 - v. Major Projects: >200 linear feet of an intermittent or perennial stream, >20,000 square feet in wetlands, or >20 cubic yards of dredge in public waters.
 - d. Miscellaneous activities.
 - i. Maintenance, repair or replacement of culverts in ditches does not require a permit per NH Administrative Rule Env-Wt 303.05(a). Maintenance, repair or replacement of culverts within a stream requires either a PBN for Maintenance of a Non-Docking Structure or Standard Dredge and Fill Application.
7. In addition to the Standard Application requirements, please note that wetland applications must include the following detail.
- a. Statement of need/avoidance/minimization.
 - b. Copies of easements for any work on parcels not owned by DPW.
 - c. The limits of permanent and temporary impacts within state wetlands jurisdiction.
*Temporary impacts are restored to pre-construction grades and conditions:
 - d. The limits and area (square feet and linear feet if within a streambed or bank) of jurisdictional impact.
 - e. Cross-sections of the impact area with existing and proposed dimensions, where dredging or bank stabilization is proposed.
 - f. Coordination with NH Natural Heritage Bureau (NHB) or NH Fish and Game Department (NHFGD) as necessary.
8. Mitigation requirements were discussed. NHDES explained that any work that does not qualify for a mitigation exemption would be subject to mitigation requirements. The following work is exempt from mitigation pursuant to NH Administrative Rules Env-Wt 302.02: minimum impact projects, rip-rap installed to protect existing infrastructure, bio-stabilization of banks and temporary impacts.

Recommended Next Steps:

1. The SMP report was required as a condition of Wetlands Permit #2013-00434 and provides a thorough inventory of waterways in need of maintenance. To streamline permitting for both agencies and the long term maintenance of these waterways, NHDES recommends developing an addendum to the report including the following detail and the preparation of applications as required.
 - a. Inventory of each channel segment in need of maintenance. Establish unique IDs for each channel segment.
 - b. Identify the resource type for each segment (e.g. stream, wetland or manmade ditch). Per Item 5 above, determine which channels were developed historically within surface waters and would qualify as stream resources and which segments meet the 'ditch maintenance exemption'.
 - c. Photographs of existing conditions for each segment that will require a permit.

Keene City-Wide Stream Inventory and Maintenance Program
August 10, 2018
Page 3 of 3

It is our hope that the meeting and these notes will assist the city with planning and prioritizing ditch maintenance activities and NHDES looks forward to continuing to assist you with Wetlands permitting. Once you prepare some of the information requested herein, we are available to conduct visit sites as needed.

Sincerely,



Seta A. Detzel
Wetlands Specialist

cc: Kurt Blomquist, Public Works Director, Keene Public Works Department
Collis Adams Wetlands Bureau Administrator, NHDES
Craig Rennie, Inland Wetland Supervisor, NHDES
✓ W. Rhett Lamb, City of Keene Planning Board / Conservation Commission



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

REQUEST FOR MORE INFORMATION

August 21, 2018

CITY OF KEENE PUBLIC WORKS DEPARTMENT
C/O DONALD LUSSIER, P.E.
350 MARLBORO ST
KEENE NH 03431

**RE: Standard Dredge and Fill Application
Wetlands File # 2018-02339
Subject Property: Chapel Drive
Keene Tax Map/Lot #: 534 / 4**

Dear Don Lussier:

The New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau has reviewed the above-referenced **Permit by Notification** application and has determined that the project better qualifies as a Minimum Impact Project, and that additional information is needed to clarify and complete it. This information is required in accordance with RSA 482-A (the New Hampshire Dredge and Fill Law), specifically RSA 482-A:3, XIV(a)(2), and Administrative Rules Env-Wt 100 through 900.

In order for NHDES to render a decision on your application, all of the information requested below must be addressed in full. In order to facilitate a timely decision, your response must be formatted to coincide with the information as requested below; *i.e.*, each numbered item below must be likewise numbered in your response. NHDES will make a **final determination** based upon the information provided in your response to this request.

1. Per our discussion on August 16, 2018, the project is not eligible for the Wetlands Permit by Notification (PBN) process, and will be reviewed as a Minimum Impact Standard Dredge and Fill Application. As long as wetland impacts remain under 3,000 square feet and/or intermittent stream impacts are less than 50 linear feet per Administrative Rules Env-Wt 303.04(f) and 303.04(n), there will be no additional application fee. Please submit a complete Wetlands Permit Application form.
2. It is unclear if the proposed project will impact a wetland, an intermittent stream, or a ditch system. The plans depict wetland boundaries, but the tax map and application indicate that there is also a stream or ditch system present. Please provide documentation to support the presence of either a natural stream, a man-made ditch, or ditch that was constructed within an intermittent stream, pursuant to Env-Wt 302.04(b)(1). Please note the statutory exemption under RSA 482-A:3(III)(b), which may apply to maintenance of ditches that were artificially constructed for collecting runoff.
3. The location of the drainage ditch/intermittent stream relative to the location of the proposed culvert and the culvert to be abandoned must be depicted on the plans as required by Env-Wt 501.02(o).

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588
TDD Access: Relay NH 1 (800) 735-2964

August 21, 2018

Page 2 of 2

4. If an intermittent stream is present, please provide the watershed size to verify the tier classification, and provide a drainage analysis indicating that the culvert can accommodate a 50-year flood event, pursuant to Chapter 900 Administrative Rule Env-Wt 904.02.
5. Ensure that the permanent and temporary impact areas provided in the application and depicted on the plans match.
6. Clarify the dimensions of the proposed HDPE culvert. The application specifies a 24-inch pipe, but the plan specifies an 18-inch pipe. Revise application materials as necessary.
7. Pursuant to Env-Wt 302.03, provide a statement on avoidance and minimization.
8. Please address Env-Wt 302.04(b) as part of your response.
9. Pursuant to Env-Wt 501.02(a)(5), provide a narrative that describes the sequence of construction including pre-construction through post-construction activities and the relative timing and progression of all work.

Please include the file number (2018-02339) on your response to this request as well as on all other correspondence submitted to this office relative to this application, and forward a copy of all information to the town Conservation Commission. The requested information should be submitted to my attention at NHDES as soon as practicable, **but in any event no later than 60 days from the date of this request.**

Please be aware that in accordance with RSA 482-A:3, XIV(a)(2), failure to provide a single and complete response to the items listed above within 60 days of the date of this request will result in a denial of your application. Therefore, if NHDES does not receive a complete response by October 20, 2018, your application for a permit will be denied.

If you have any questions, please contact me directly at Jessica.Bouchard@des.nh.gov or (603) 271-4064.

Sincerely,



Jessica Bouchard
Wetlands Inspector

cc: Keene Municipal Clerk/Conservation Commission



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

Conservation Commission

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SHORELAND IMPACT PERMIT 2018-01130

NOTE CONDITIONS

PERMITTEE: CITY OF KEENE PARKS & RECREATION
312 MARLBORO ST.
KEENE, NH 03431

PROJECT LOCATION: EAST SURRY RD., KEENE
TAX MAP #219, LOT #025, TAX MAP #212, LOT #030

WATERBODY: GOOSE POND

APPROVAL DATE: AUGUST 28, 2018

EXPIRATION DATE: AUGUST 28, 2023

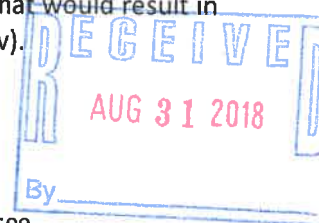
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Based upon review of the above referenced application, in accordance with RSA 483-B, a Shoreland Impact Permit was issued by the New Hampshire Department of Environmental Services (NHDES). This permit shall not be considered valid unless signed as specified below.

PERMIT DESCRIPTION: Impact 5,533 square feet (SF) of protected shoreland in order to improve the access path by widening it to eight feet and adding gravel. An area of the path will also be relocated to avoid vernal pools. 1,203 SF of impact will be in tax map 219, lot 025; 4,330 SF of impact will be in tax map 212, lot 030.

THIS APPROVAL IS SUBJECT TO THE FOLLOWING PROJECT SPECIFIC CONDITIONS:

1. All work shall be in accordance with revised plans by DuBois & King, Inc., dated July 24, 2018, and received by the NH Department of Environmental Services (NHDES) on August 14, 2018.
2. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
3. No more than 1.8% of the area of the tax map 219, lot 25 within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.
4. No more than 0.1% of the area of the tax map 212, lot 30 within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.
5. In tax map 219, lot 25, native vegetation within an area of at least 6,725 SF within the Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. In tax map 212, lot 30, native vegetation within an area of at least 214,975 SF within the Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
7. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a), (2), (D), (iv).



8. The owner shall coordinate with NH Fish and Game Nongame and Endangered Species Program (NHFG) staff regarding the need for any turtle monitoring required before and during construction.
9. The owner shall contact NHFG staff to address identification and movement of any turtles encountered during construction.
10. Any observed turtles shall be moved off of the construction access road to limit and prevent mortality during construction. In the event that rare turtle species are observed, NHFG shall be notified immediately to assist with potential documentation.
11. At the conclusion of the project, a summary report of any rare species observations shall be provided to NHFG.
12. The owner shall inform all equipment operators and construction personnel of the potential presence of rare species and all staff shall be properly trained to identify rare species. The information flyer regarding rare turtle species from NHFG shall be distributed to all on-site staff.
13. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
14. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
15. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
16. Any fill used shall be clean sand, gravel, rock, or other suitable material.
17. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
19. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.
20. This permit shall not preclude the NHDES from taking any enforcement or revocation action if the NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

GENERAL CONDITIONS THAT APPLY TO ALL NHDES SHORELAND IMPACT PERMITS:

1. A copy of this permit shall be posted on site during construction in a prominent location visible to inspecting personnel;
2. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others;
3. The NHDES Wetlands Bureau shall be notified upon completion of work;
4. This permit does not relieve the applicant from the obligation to obtain other local, state or federal permits, and/or consult with other agencies as may be required (including US EPA, US Army Corps of Engineers, NH Department of Transportation, NH Division of Historical Resources (NH Department of Cultural Resources), NHDES Alteration of Terrain, etc.);
5. Transfer of this permit to a new owner shall require notification to and approval by NHDES;

6. This permit shall not be extended beyond the current expiration date;
7. This project has been screened for potential impacts to **known** occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or have only received cursory inventories, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species.

APPROVED:



Marie-Eve Jacques
Shoreland Program
Land Resources Management

=====

BY SIGNING BELOW I HEREBY CERTIFY THAT I HAVE FULLY READ THIS PERMIT AND AGREE TO ABIDE BY ALL PERMIT CONDITIONS.

OWNER'S SIGNATURE (required)

CONTRACTOR'S SIGNATURE (required)



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



August 28, 2018

CITY OF KEENE PARKS & RECREATION
C/O ANDREW BOHANNON
312 MARLBORO ST
KEENE NH 03431

RECEIVED
CITY OF KEENE

AUG 30 2018

OFFICE OF
CITY CLERK

RE: Wetlands Bureau File # 2018-01130
East Surry Rd , Keene
Tax Map/Lot # 914-04 / 030, 023

Dear Andrew Bohannon:

The New Hampshire Department of Environmental Services (NHDES) Land Resources Management Shoreland Program has received and accepted Ms. Charlotte Brodie's request to extend the deadline to respond to the Request for More Information for Shoreland Permit Application # 2018-01130.

Please include file number 2018-01130 on all the required items requested in the Request for More Information, and submit the items to NHDES by December 20, 2018. Failure to submit a complete response to this Request for More Information by December 20, 2018 will result in the denial of your application.

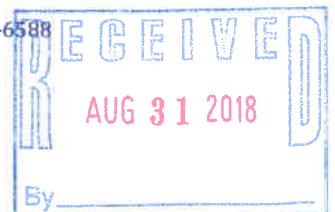
If you have any questions, please contact me directly at Marie-Eve.Jacques@des.nh.gov or (603) 271-0868.

Sincerely,

Marie-Eve Jacques
Wetlands Inspector
NHDES Wetlands Bureau

cc: Keene Conservation Commission
Ashuelot River Local Advisory Committee
Dubois & King Inc.

www.des.nh.gov
29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588
TDD Access: Relay NH 1 (800) 735-2964





Domina Property (~60 acres)

A proposal to the Keene Conservation Commission from the Monadnock Conservancy September 5, 2018

The Monadnock Conservancy requests **\$15,000** from the Keene Conservation Commission to conserve 60 acres on Daniels Hill Road in Keene. These funds will go towards the project transaction costs (see budget on page 2.) The property will be protected with a permanent conservation easement, ensuring that the land will never be subdivided and developed. Traditional land uses, such as those associated with forestry, agriculture, and recreation, will be allowed.

The Domina property is located within the *California Brook Natural Area*—a conservation focus area containing over 9,000 acres of undeveloped land connecting the 645-acre Horatio Colony Nature Preserve in Keene & Swanzey to the 13,300-acre Pisgah State Park. In fact, this property is within the largest remaining unfragmented forest block of land (approximately 27,900 acres) in southern New Hampshire. The Domina land is also adjacent to 800 acres of conserved land on West Hill, including three other Conservancy easements (see attached maps). The property's strategic location and the habitat connectivity it will expand upon is the primary reason why the Conservancy wishes to protect it.

The property is owned by Charlie Domina and his sister Judith Dimock. Charlie and Judith are 3rd generation landowners who both spent their childhood summers on the property. They have a strong attachment to the land and desire for it to be protected. They are conserving the land in honor of their late sister Emily who spent her final years on the property. They are generously donating a conservation easement to the Conservancy and contributing funds to offset the project costs. We expect to complete the project by December 2018.

Conservation Values

- **Expands existing block of conservation land.** The property is within an expansive block of undeveloped land within the California Brook Natural Area and is surrounded by other conserved land.
- **Critical wildlife habitat.** Twenty-seven acres are designated as “supporting landscape” habitat, as determined by the 2015 NH Wildlife Action Plan. Abundant wildlife has been observed on the land including deer, bear, fox, coyote, and numerous songbirds.
- **Important forestry soils.** The entire property consists of Group 1 forestry soils—soils that are well suited for producing and harvesting quality timber.
- **Water resources.** The property has approximately 1,200’ on a first order stream, as well as several springs.
- **Scenic rural landscape.** The property has approximately 2,000’ of scenic, forested frontage on Daniels Hill Road and another 1,400’ along Route 9.

- **Meets municipal conservation priority.** The City of Keene’s Open Space Plan (1990) recommends “securing easements from property owners to establish permanent buffers along edge of all major roadways” to provide wildlife habitat and preserve rural character in Keene.

Project Budget

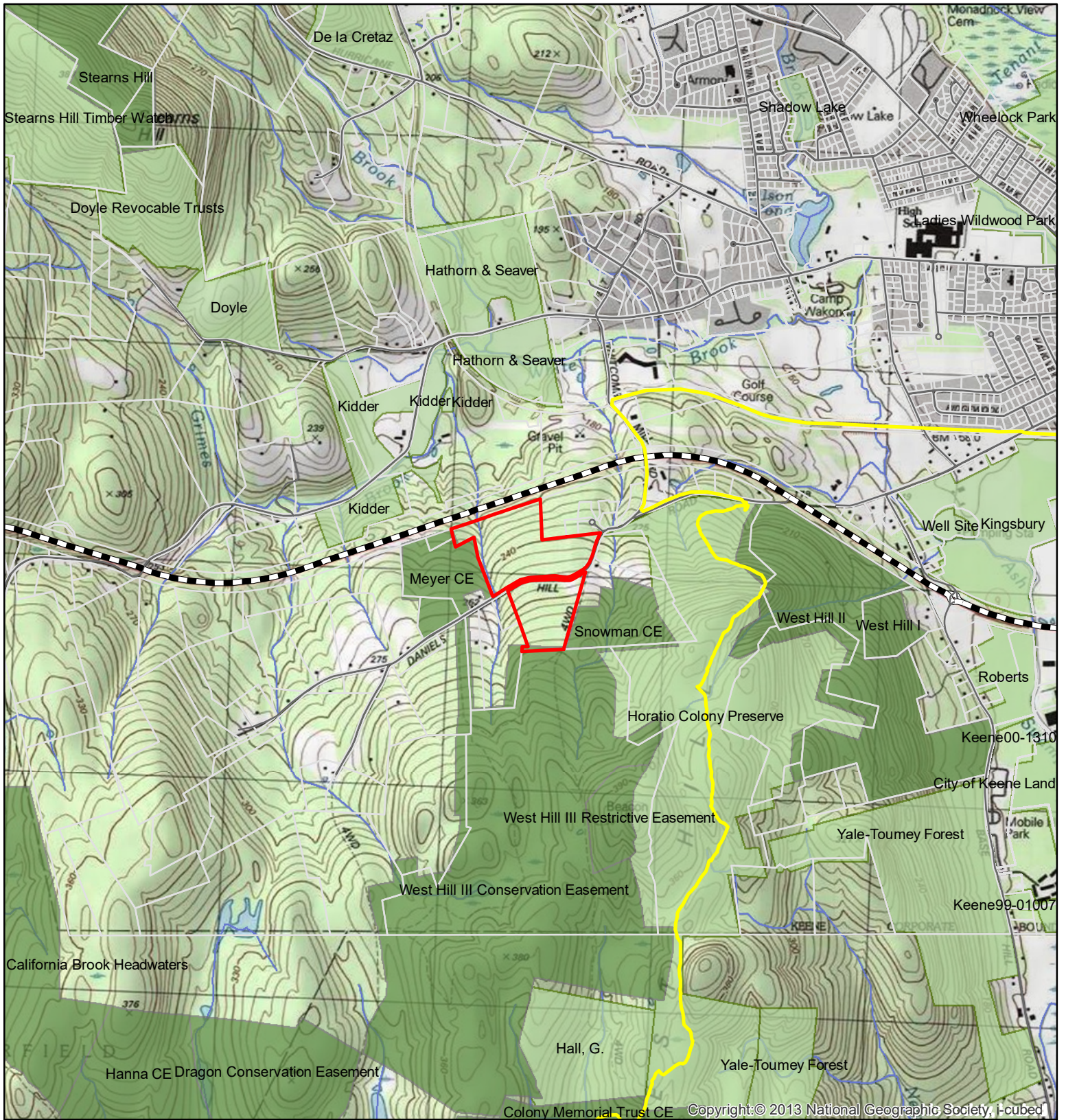
Estimated Costs

Staff Time (84 hours @ \$60/hr)	\$5,040
Legal Costs (includes title exam)	\$1,500
Boundary Survey	\$5,300
Environmental Assessment	\$350
Recording Fees	\$125
Admin (15% of transaction costs)	\$1,847
Easement Stewardship Fund	\$15,000
TOTAL	\$29,162

Funding Sources

City of Keene Conservation Fund (pending)	\$15,000
Monadnock Conservancy's Greenways and Corridor Fund (secured)	\$6,662
Landowner donation (committed)	\$7,500
TOTAL	\$29,162





Domina property, Keene, ~60 acres, Daniels Hill Road



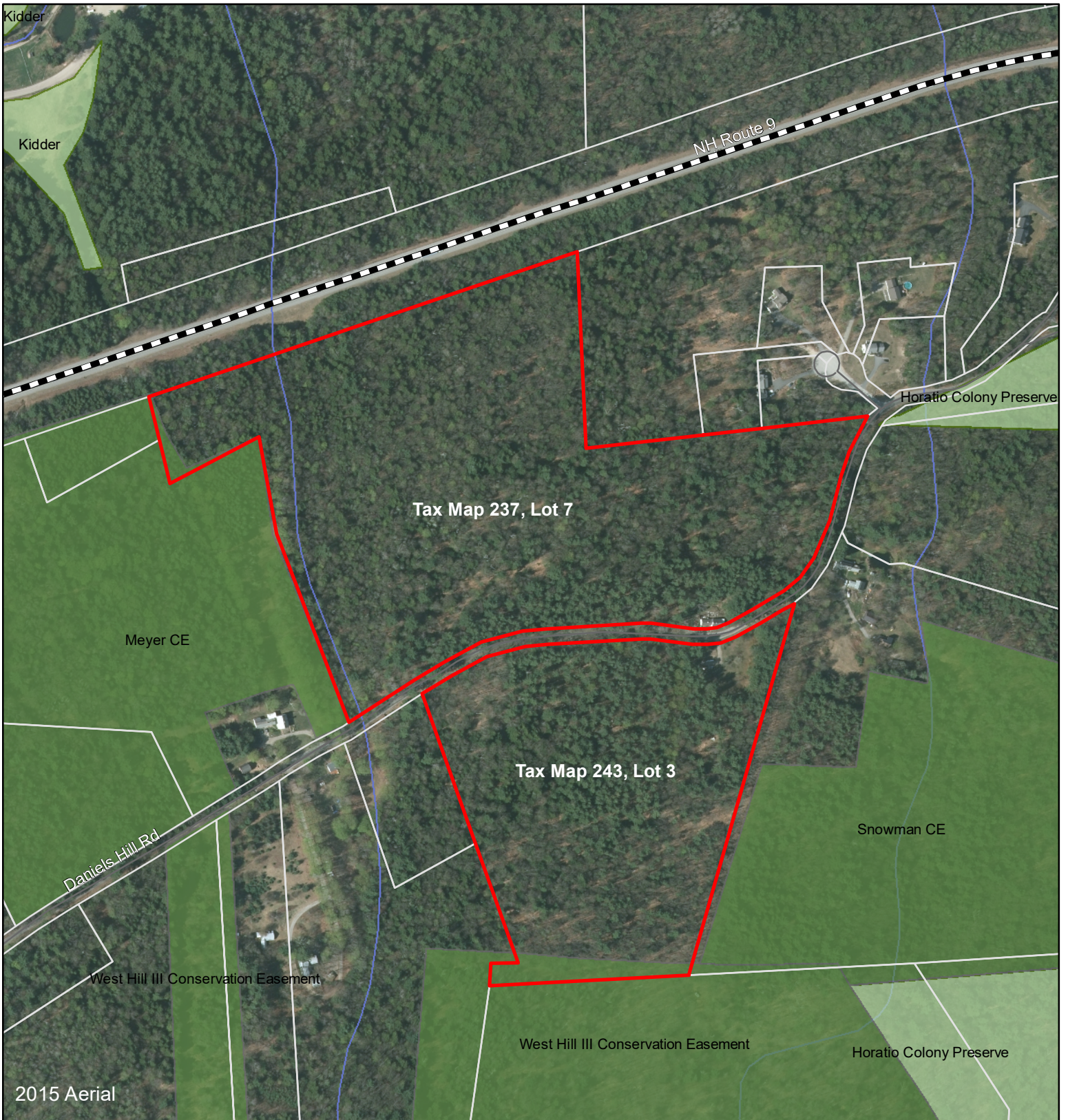
NAD 83 - NH State Plane
 S. Cibula, 7-12-18
 Source: GRANIT & SWRPC

- Wantastiquet to Monadnock Trail
- Domina property
- Local Roads
- State Roads
- Parcel Bounds
- Monadnock Conservancy Lands
- Other Protected Lands
- Streams

Note: Map is not survey accurate.

1:24,000





Domina property, Keene, ~60 acres, Daniels Hill Road



NAD 83 - NH State Plane
 S. Cibula, 6-19-18
 Source: GRANIT & SWRPC

- Domina property
- Local Roads
- State Roads
- Parcel Bounds
- Monadnock Conservancy Lands
- Other Protected Lands
- Streams

Note: Map is not survey accurate.

1:5,000

