



City of Keene, New Hampshire

CONSERVATION COMMISSION

Monday, November 19, 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

3:30pm Site Visit to Ellis Harrison Park

1. Call to Order
2. Approval of Meeting Minutes – October 15, 2018
3. Informational
 - a. Sustainable Energy Resolution – Nancy Gillard
 - b. Shoreland Impact Permit – 11 Production Avenue
4. Discussion Items
 - a. Goose Pond Dam Permit
 - b. Citywide Stream Inventory
 - c. Ellis Harrison Park Request to City Council to Acquire Property
 - d. West Street Dam
 - e. Greater Goose Pond Forest Stewardship Plan
 - f. Aquatic Resource Management Subcommittee Update
 - g. Beauregard Property Acquisition
 - h. Margaret Kasschau – Friends of Open Space
5. Commission Membership
6. New or Other Business
7. Adjournment – Next meeting date Monday, December 17, 2018

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City of Keene
New Hampshire

CONSERVATION COMMISSION
MEETING MINUTES

Monday, October 15, 2018

4:30 PM

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

Members Present:

Thomas Haynes, Chair
Andrew Madison, Vice Chair
Eloise Clark
Alexander Von Plinsky, IV
Brian Reilly

Staff Present:

Rhett Lamb, Community Development
Director/Assistant City Manager

Members Not Present:

Denise Burchsted
Councilor George Hansel
Art Walker, Alternate
Ken Bergman, Alternate

1) Call to Order

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

2) Approval of Minutes – September 17, 2018

Mr. Madison moved to approve the minutes of September 17, 2018, which Mr. Von Plinsky seconded and the Conservation Commission carried unanimously.

3) Communication & Notifications

a. Shoreland Permit Application – 11 Production Avenue – Subaru Addition

Mr. Lamb recalled this is only a notification and does not require Commission action. While there are no direct impacts to wetlands, the Shoreland Water Quality Protection Act has standards that apply to the wetland buffer. This applicant is within the 50' or 100' buffer, for which they have to compensate by adding trees (in this instance) to the buffer. In response to Ms. Clark, Mr. Lamb noted that NH Department of Environmental Services (DES) monitors and enforces Shoreland Permits. This location is classified as a shoreland instead of a wetland because of Ash Swamp Brook; this stream is Class Four or larger and thus it is classified as a shoreland. These applicants also completed Planning Board Site Plan Review. The Commission accepted this notification.

4) Commission Chair & Vice Chair

Chair Haynes' term ends in December 2018 and he can no longer serve as an official member of the Commission. He brought this to the Commission's attention so they can begin thinking about an appropriate replacement as Chair. The Commission will discuss and vote hopefully at the November meeting. Mr. Madison (Vice Chair) is under no obligation to take the role of Chair but it would be good if a current member took that position. Mr. Reilly agreed it is a good idea for someone who has longer than one year left in their term. Chair Haynes agreed he has served as Chair for longer than a typical term, which might have been too much, so two/three years are likely ideal.

5) Proposed Updates to Section 2-774 of the City Code of Ordinances Related to Conservation Commission Powers, Duties, & Guidelines

Chair Haynes recalled this is an update to the City Code of Ordinances that Councilor Hansel has worked on. While the full Commission was not available to vote on this (as is preferred), he thinks members have discussed these changes enough to move forward. City staff is comfortable with the changes as well. Mr. Reilly agreed there was good discussion about the changes at the September meeting; the rest of the Commission agreed.

Mr. Reilly moved to adopt the proposed updates to Section 2-774 of the City Code of Ordinances Related to Conservation Commission Powers, Duties, and Guidelines as presented in the October 15, 2018 meeting packet. Mr. Madison seconded the motion, which the Conservation Commission carried unanimously.

6) Ellis Harrison Park Request to City Council to Acquire Property

Chair Haynes noted information was included in the meeting packet from the Planning, Licenses, and Development (PLD) Committee recommending that the portion of City owned property located at off Giffin Street be declared as surplus property.

Mr. Lamb recalled in August, the City was working with an adjacent property owner who wanted to buy a piece of this land to add to the back of their property. The parcel is on the west side of Beaver Brook and disconnected from the main portion of the parkland, as he demonstrated on a map. The adjacent property owner already has a storage shed at or over the property line. Staff, including the Parks, Recreation & Facilities Director, found this is an isolated piece of City land associated with the Ellis Harrison Park but is not used or maintained by the City. At this time, staff is moving forward to see if Council wants to maintain this land as City property or sell it. The PLD Committee agreed this could be considered as surplus property, however, in the 1970s the City applied for federal Land and Water Conservation funds. Those funds have been used for park development and maintenance across the City since, including the playground and tennis courts at this property. Use of federal funds usually places restrictions on future sale of the land. At this point, after speaking with the relevant state and federal agencies, it does seem selling this land is subject to the Land and Water Conservation restrictions. Now, Council will decide if they want to proceed petitioning the federal agency to sell that parcel of land. Council has done so once before for the basketball courts on Water Street near the bike path with another federal agency; the City was released from prohibition of sale through equal exchange of property with an adjacent property owner.

Commission members agreed they are not familiar with that portion of the park. Mr. Lamb agreed it is a part of the floodplain the City does not maintain because it is inaccessible without crossing the brook. Chair Haynes questioned, if it is not valuable land to the City, if it is valuable wildlife habitat. Mr. Von Plinsky said he likes that the undevelopable parcel is there because brooks meander over time; even though it is small and isolated, he still thinks it is valuable. Mr. Reilly asked, if it were sold to the adjacent property owner, if they could develop it in any way they choose. Mr. Lamb replied it is not a separate developable lot, so any future use must relate to the properties current use. The parcel is steep, on the edge of the floodplain, and he does not think there is an economic value to the property for development.

There will not likely be action on this quickly, so Chair Haynes suggested a site visit might help the Commission better understand these possibilities; the parcel should be visible from Knight Street.

Ms. Clark asked if this could fall under the Steep Slopes Ordinance. Mr. Lamb replied he has not yet looked at it from that point of view, but it is likely because it is so steep. Ms. Clark also asked if there is an ethical precedent to the City selling land to neighbors. Mr. Lamb said it happens quite often and depends really on what the land is and how the City acquired the land. The City has acquired many small parcels over time that, for example, was maybe never developed as intended or fell into unknown ownership. In some cases, the City is open to selling to a neighbor who is willing to maintain the land. Each case is unique and this situation depends on Land and Water Conservation stipulations; still, these are the right questions for the Commission to be asking.

Mr. Von Plinsky asked, if approved for sale, where the revenue from this land would go. Mr. Lamb replied that is a great question and if the Commission recommends sale there is no reason not to recommend that money goes back into one of the conservation funds; that might be the best trade-off to show the Land and Water Conservation fund that this is a priority. Chair Haynes added this could also relate to the Aquatic Resource Management work.

7) Aquatic Resource Management Subcommittee

Chair Haynes reported the subcommittee is meeting the week of October 22 and will provide an update at the November Commission meeting.

8) Updates

a. West Street Dam

Chair Haynes recalled that West Street Hydro is no longer interested in the dam.

Mr. Lamb provided an update about the Rhode Island School of Design (RISD) proposed West Street Dam project. Staff is in communication with Dr. Vogler from RISD, who has prepared a proposal to show how their framework can assist in decision making around the dam. The project would likely begin in January/February 2019; Public Works and Community Development staff is working with Dr. Vogler to refine that proposal. It is a reasonable framework from Mr. Lamb's point of view and a proposal will move forward to Council when it is finalized; the Commission will receive updates along the way as well. Staff has had to restart research on the dam and RISD has a great framework that could help, if it works out. The RISD team is providing a lot of the decision making service for free as a part of their research. However, the City may have to hire a consultant to conduct a feasibility analysis of each alternative, which is expensive. That potential cost is a current area of discussion, and from the engineering perspective it is problematic if that cost ever changes. These are the details in discussion right now.

Mr. Von Plinsky talked to colleagues at the University of Massachusetts about bringing student design teams to Keene to work on various projects, like the Marlboro Street connector. He asked if the City, in general, would be opposed to something like that; he thinks of it as free ideas. Mr. Lamb said it has to be in the context of decision making and budgeting the City has to consider for these projects. Each year staff and Council update the Capital Improvement Program (CIP) to forecast and include projects for the next six years (one-time expenses greater than \$20-30,000). The budgets included in the CIP are not arbitrary; they are calculated carefully by the engineering staff so future deviations are not too extreme and stay within City means. He said a classroom exercise around one of these projects is doable, but only within the context of the project budget. Mr. Von Plinsky understood and said these projects are more about the student's

workshopping ideas and less about budget, in his experience. Chair Haynes said it would be good to coordinate with engineering staff to see where a student project could fit in. Mr. Lamb said it is possible and has happened many times in the past. Chair Haynes said Mr. Von Plinsky can share ideas the Commission discusses with his contacts at UMass and see what they think moving forward.

b. Greater Goose Pond Forest Stewardship Plan

The consultants are working to bring the plan back to the Committee in advance of a public meeting. Ms. Kessler has not received the draft plan yet. The Commission hoped the field work would be complete in August/September and they are unsure what the delay is. Mr. Lamb agreed that is the case and staff will be contacting Mr. Littleton to stress the importance of an update and completing the project within the ideal timeframe.

c. Goose Pond Dam

Ms. Clark reported that Ashuelot River Local Advisory Committee received notification that all permits were issued for the Goose Pond Dam. There are no other updates at this time.

d. Citywide Stream Inventory

Chair Haynes recalled the Commission wanted an update on the tax ditch system but the City Engineer was not available for this meeting. He will discuss this item and another update at the November meeting.

e. Other

Ms. Clark asked about negotiations on the Beaugard property. Mr. Lamb replied he is working on a proposal for the City Manager. The first step is to hire an appraiser, which the Director of Parks, Recreation & Facilities will be involved in. Mr. Lamb will likely have an update at the November meeting. Chair Haynes noted when appraisals are necessary there is a fee and he asked who is responsible for paying that. Mr. Lamb replied it is usually a minor fee (less than \$5,000) that can potentially be absorbed in the Community Development budget; if more is needed it could be requested from the Commission budget. Ms. Clark is excited to see this project move forward as she has worked on it more than 10 years.

Ms. Clark noted the NH Association of Conservation Districts has their annual meeting on November 3 at Pembroke Academy. Chair Haynes recalled members that have attended in the past and the Commission will still pay fees for members to attend. Anyone interested should contact Chair Haynes or Lee in the Community Development Department, who will help with registration.

9) New or Other Business

Chair Haynes recalled that Ms. Kessler has other commitments at this time, so Mr. Lamb is the current contact for the Commission.

Chair Haynes read a letter the Community Development Department received from Friends of Open Space:

We would like to make the Conservation Commission aware that staff of the City of Keene asked us to remove a proposal from the agenda for your May 21, 2018 meeting shortly before that meeting. The removal was never mentioned at the meeting. This proposal was for the then empty lot at 169 Church Street to be retained as open space since it is adjacent to Beaver Brook and lies within the FEMA floodway. We were hoping that the Conservation Commission would be

interested in helping to preserve an ecologically significant piece of land while creating an opportunity for community beautification. It is also our understanding that acquiring property within the Beaver Brook floodway is part of the long-term plan of the City of Keene. While we understand at this time that nothing can be done to resurrect this proposal, we do feel that it is important that the Conservation Commission be aware that control of the agenda by the City of Keene staff prevented discussion without the Commission's knowledge.

*Sincerely,
Margaret Cashaw, Friends of Open Space*

Chair Haynes said he remembers the building that burned and was demolished at that location. He recalls the discussion of its potential as open space but realizes it was overlooked after that. The parcel has already sold to a private owner so the Commission cannot take action now.

Mr. Lamb said this letter came in after the agenda was issued. He suggested agendizing this for a future meeting to allow all members a chance to review the letter and allow Friends of Open Space to be present at the meeting for discussion, if they choose. It is up to Chair Haynes to decide if this rises to a level to become an agenda item and Mr. Lamb is happy to provide any information needed. Not only would agendizing it be an opportunity to address this in an appropriate way, Mr. Lamb noted there are also serious allegations in the letter and the Commission should have all the relevant information before any further discussion. As a personnel matter, this is not in the Commission's jurisdiction, so Mr. Lamb will take this letter to the City Manager. Any discussion at this time would be limited to Commission policies and if changes should be made in the future. Mr. Lamb has reviewed some of the information with the City Attorney already and he spoke with Daniel Prial (President of Friends of Open Space). Ms. Clark noted she is no longer a member of Friends of Open Space so she cannot comment. Chair Haynes agreed to table this for now and add this to a future agenda if needed.

Mr. Madison noted he would be sending his resignation from the Commission to the Mayor; he moving to Concord but will miss serving on the Commission. Chair Haynes thanked Mr. Madison for his time and expertise that have been much appreciated on the Commission; the rest of the members agreed. Mr. Lamb reminded him to send a physical signed letter to the Mayor; an email will not suffice. Chair Haynes noted there are two alternates who can join as full members and we are always looking for new full-time or alternate members; the Commission members should begin recruiting. Mr. Lamb will provide an update on whose terms are ending at the November meeting.

10) Adjournment – Next Meeting Date: Monday, November 19, 2018
Hearing no further business, Chair Haynes adjourned the meeting at 5:24 PM.

Respectfully submitted by,
Katelyna Kibler, Minute Taker
Reviewed by Rhett Lamb, Com. Dev. Dir./ACM



Transmittal Form

October 26, 2018

TO: Mayor and Keene City Council

FROM: Nancy Gillard and Suzanne Butcher

THROUGH: Patricia A. Little, City Clerk

ITEM: 3.

SUBJECT: Nancy Gillard & Suzanne Butcher - New Energy Goals for the Community

COUNCIL ACTION:

In City Council November 1, 2018.

Referred to the Energy and Climate Committee and the Municipal Services, Facilities and Infrastructure Committee.

ATTACHMENTS:

Description

Communication - Gillard_Butcher

BACKGROUND:

Nancy Gillard and Suzanne Butcher are submitting a draft resolution for the Council's consideration that would set new goals that call for all electricity consumed in the City come from renewable energy sources by the year 2030 and that 100% of all thermal energy and energy used for transportation come from renewable energy sources by the year 2050.

October 25, 2018

Honorable Mayor Lane and City Councilors,

As citizens of Keene, we are proud that our city was an early leader in addressing the challenge of climate change, becoming a member of Cities for Climate Protection in the year 2000 and adopting a Climate Action Plan in 2004 and a Climate Adaptation Plan in 2007. Those plans were incorporated into Keene's Comprehensive Master Plan in 2010, after extensive community stakeholder engagement.

The 2004 Climate Action Plan set targets for reducing greenhouse gas emissions by 2015. With the City's assessment of our emissions in 2017 and as the challenges presented by climate change have become even more apparent, it is time to set new, ambitious, achievable goals for our community.

We propose that the City of Keene establish a goal that 100% of energy consumed in the City come from renewable sources, for electricity by the year 2030 and for heating/cooling and transportation by 2050. The need is clear. Existing and emerging technologies make this goal achievable and offer economic opportunities. Currently 89 cities across the U.S. have already set similar goals.

We look forward to working with you to develop and adopt a resolution along the lines of the attached draft.

Sincerely,



Nancy Gillard
72 Reservoir St.
Keene, NH
ndgillard@ne.rr.com
603-357-0213



Suzanne Butcher
44 Felt Road
Keene, NH
SuzanneButcherNH@yahoo.com
603-313-5773

In City Council November 1, 2018.
Referred to the Energy and Climate Committee
and the Municipal Services, Facilities and Infrastructure Committee.



City Clerk

10/25/18

DRAFT Sustainable Energy Resolution for Keene

WHEREAS, The City of Keene has formally recognized the challenges of Climate Change since the year 2000 when it became a participant in the Cities for Climate Protection Program and

WHEREAS, The City of Keene then developed and implemented a Climate Action Plan in 2004 and a Climate Adaptation Plan in 2007 and incorporated the Climate Action and Adaptation Plans into its 2010 Comprehensive Master Plan after extensive community stakeholder engagement and

WHEREAS, The State of New Hampshire 2009 Climate Plan set a goal of reducing Greenhouse Gas Emissions by 80% from 1990 to 2050 and

WHEREAS, the challenges presented by Climate Change have become increasingly apparent in the intervening years, as reported in the Congressionally-mandated National Climate Assessments (see reference below) and

WHEREAS, the combustion of fossil fuels accounts for as much as 76% of US Greenhouse Gas Emissions (see US EIA citation below) and

WHEREAS, energy efficiency measures that drive down energy demand are the most cost-effective means to reduce fossil fuel consumption, and clean energy sources such as solar, wind, and small hydro may now be cost-competitive with fossil fuel sources and

WHEREAS, local, distributed generation of energy can provide resilience to weather-related interruptions of energy supply and economic disruptions of energy pricing while reducing air pollution and associated public health risks, and

WHEREAS, clean, renewable energy is one of the nation's fastest-growing employment sectors and represents an enormous economic opportunity for Keene to create jobs in the emerging industry, fulfilling the vision of a vibrant economy outlined in the Comprehensive Master Plan and the Economic Development Action Plan and

WHEREAS, economically disadvantaged residents, older people and children, people who are homeless, people with disabilities or health conditions, and members of other under-represented minorities experience the impacts of climate change disproportionately and

WHEREAS, cities across the nation have made commitments to transition to 100 percent clean energy and Keene strives to remain a leader among its peer cities,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Keene that:

- 1. It is the goal and policy of the City of Keene that all electricity consumed in the City will come from renewable energy sources by the year 2030 and that 100% of all thermal energy and energy used for transportation come from renewable energy sources by the year 2050. This goal will apply to the entire Keene community, not just municipal government operations.**
- 2. The City of Keene develop a strategic plan by April, 2020 to meet this renewable energy goal through a transparent and inclusive stakeholder process.**



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



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SHORELAND IMPACT PERMIT 2018-02829

NOTE CONDITIONS

PERMITTEE: WILCO REALTY LLC
591 MONADNOCK HWY
SWANZEY NH 03446

PROJECT LOCATION: 11 PRODUCTION AVE, KEENE
TAX MAP #242, LOT #002

WATERBODY: ASH SWAMP BROOK

APPROVAL DATE: OCTOBER 17, 2018

EXPIRATION DATE: OCTOBER 17, 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 12,200 square feet (SF) of protected shoreland in order to construct an addition to an existing primary structure, remove and replace the existing pavement, and perform site grading.

THIS APPROVAL IS SUBJECT TO THE FOLLOWING PROJECT SPECIFIC CONDITIONS:

1. All work shall be in accordance with plans by Brickstone Land Use Consultants, LLC, dated August 17, 2018, revised through October 9, 2018, and received by the NH Department of Environmental Services (NHDES) on October 11, 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 50.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.
4. Native vegetation within an area of at least 58,660 SF within the Woodland Buffer located between 50 and 150 ft. landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. 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.
6. 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.
7. 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.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

9. 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.
10. 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).
11. 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.
12. This permit shall not preclude NHDES from taking any enforcement or revocation action if 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

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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 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

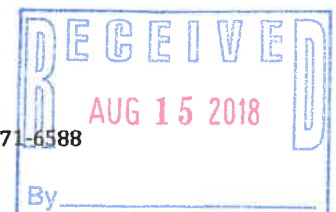
Dear Mr. Lussier:

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).

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



- 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

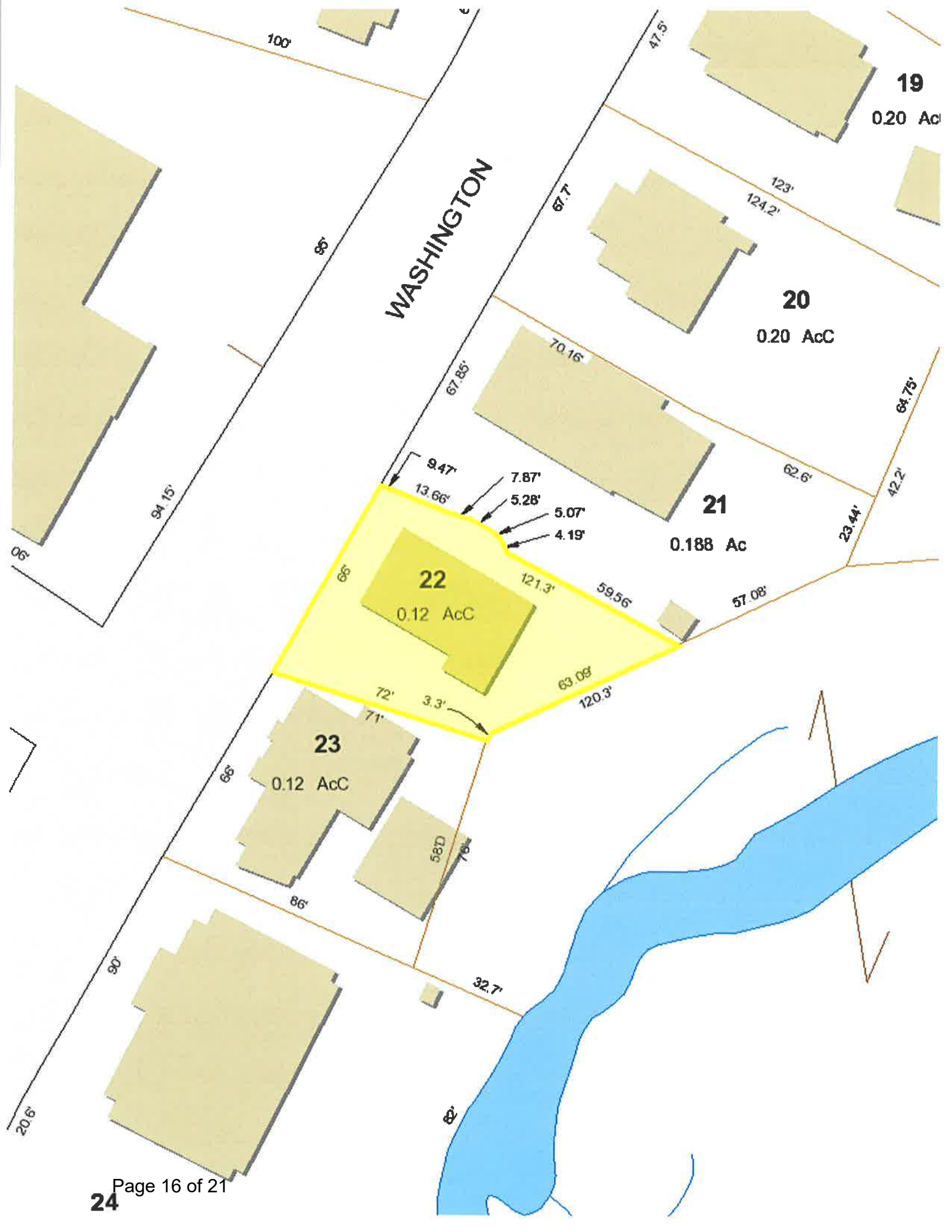
It is our hope that the meeting and these notes will assist the city with planning and prioritizing ditch maintenance activities and NHDES looks forward to continuing to assist you with Wetlands permitting. Once you prepare some of the information requested herein, we are available to conduct visit sites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



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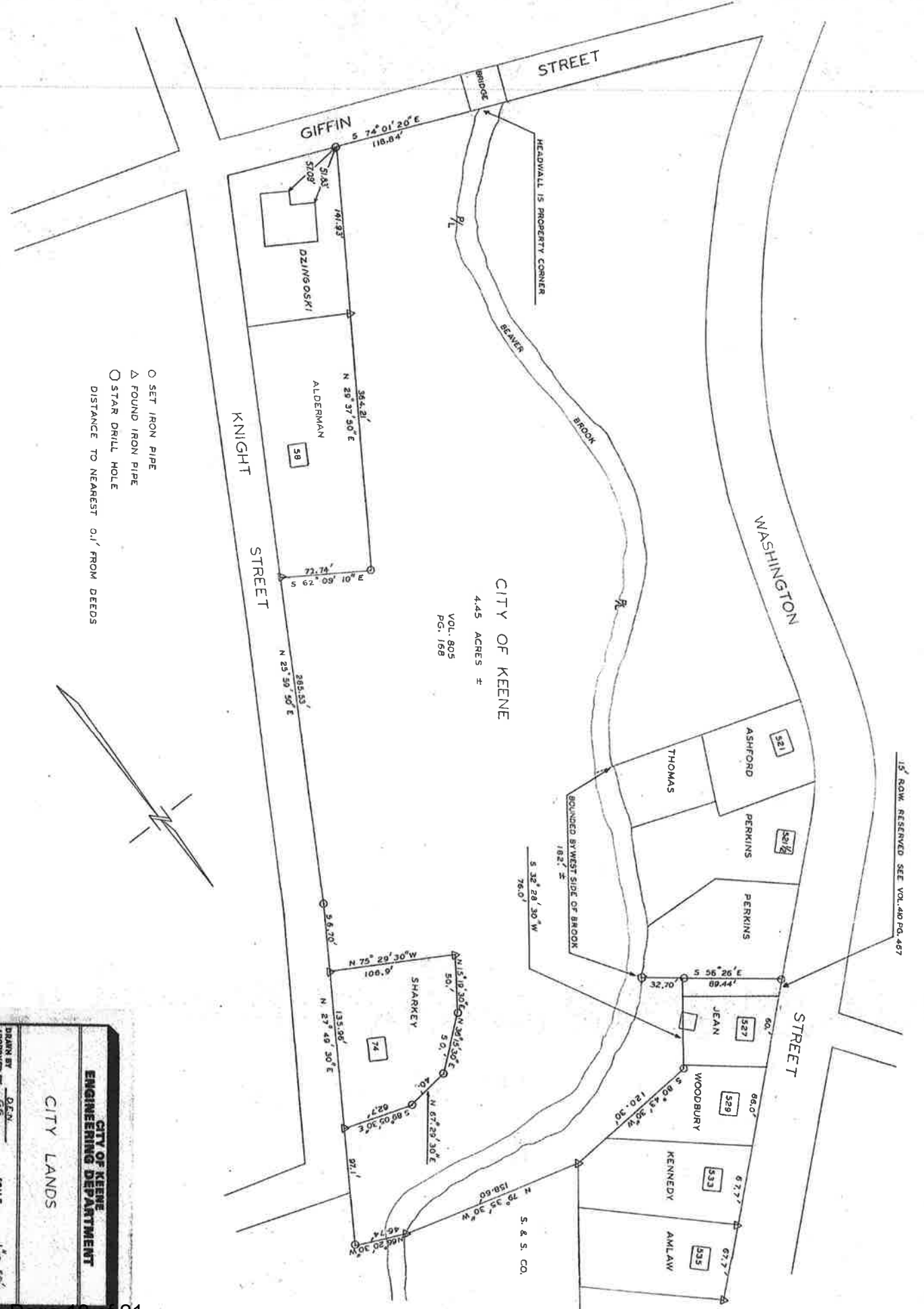
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0.188 Ac

WASHINGTON

22
0.12 AcC

23
0.12 AcC



- SET IRON PIPE
- △ FOUND IRON PIPE
- STAR DRILL HOLE
- DISTANCE TO NEAREST 0.1' FROM DEEDS

CITY OF KEENE
 4.45 ACRES ±
 VOL. 805
 PG. 166

15' ROW RESERVED SEE VOL. 440 PG. 467

CITY OF KEENE ENGINEERING DEPARTMENT	
CITY LANDS	
DRAWN BY _____	D.E.M.
APPROVED BY _____	G.S.
DATE _____	8-21-70
REVISED BY _____	V.F.
DATE _____	8-24-73
SCALE 1" = 50'	
SHEET OF 2	



PO Box 255 Keene, NH 03431

October 10, 2018

Conservation Commission
c/o Tom Haynes, Chair
3 Washington Street
City of Keene
Keene, NH 03431

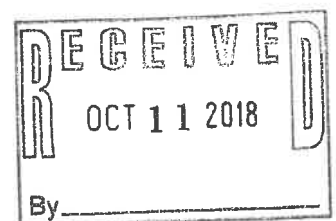
To the Conservation Commission:

The Friends of Open Space in Keene (FOOSK) would like to make the Conservation Commission aware that staff of the City of Keene asked us to remove a proposal from the agenda for your May 21, 2018 meeting, shortly before that meeting. The removal was never mentioned at the meeting. This proposal was that the then empty lot at 169 Church Street be retained as open space since it is adjacent to Beaver Brook and lies within the FEMA Floodway. We were hoping that the Conservation Commission would be interested in helping to preserve an ecologically significant piece of land while creating an opportunity for community beautification. It is also our understanding that acquiring property within the Beaver Brook Floodway is part of the long term plan for the City of Keene.

While we understand at this time that nothing can be done to resurrect this proposal, we do feel that it is important that the Conservation Commission be aware that control of the agenda by the City of Keene staff prevented discussion without the Commission's knowledge.

Sincerely,

Margaret Kasschau, Vice President
Friends of Open Space in Keene





New Hampshire Association of Conservation Commissions

SERVING NEW HAMPSHIRE'S COMMUNITIES SINCE 1970
54 Portsmouth Street, Concord, NH 03301 |(603) 224-7867

October 9, 2018

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Dear Conservation Commissioner,

Thank you for the great work you do protecting NH's natural resources in your community! For more than 50 years, NH conservation commissions have been undertaking important conservation efforts in their communities and the New Hampshire Association of Conservation Commissions (NHACC) has been supporting commissions individually and collectively at every step.

Your support of NHACC builds a stronger NH conservation community.

Your annual dues provide so much more than simply access to expert advice. We work diligently to make sure your voice is heard in the state legislature and on state-wide commissions. Your NHACC membership is vital so we can continue to provide assistance and strong leadership on behalf of NH Conservation Commissions.

Last year, with your support NHACC was able to:

- Coordinate regional roundtables to encourage networking and best practices;
- Provide technical assistance to CCs for help with conservation funding, land management, natural resource planning and working with other boards;
- Follow the State Legislative Session to keep you up-to-date on bills that would affect CCs, such as proposed changes to wetland permitting, defending current use and clarifying RSA 36-A;
- Lobby the legislature to support CC's ability to request extensions when reviewing wetland permit applications;
- Work closely with NH Dept. of Environmental Services on the Draft Wetland Rules review to ensure CC concerns are addressed;
- Serve on the Taking Action for Wildlife Team with the UNH Cooperative Extension, and NH Fish & Game;
- Assist the Community and Town and Forest Committee to help towns better track and manage town owned land;
- Began updating the NHACC Handbook to continue to educate our members and provide an important reference source for CC endeavors;
- Encourage schools to work with CC's on environmental education programs through the School Partnership Program.

NHACC's goal is to ensure that all NH conservation commissions remain strong and relevant within their communities, making NH a healthy, desirable place to live and work. **We cannot accomplish this goal alone; we need your help.** Please renew your NHACC membership today. We look forward to working with you again this year and **I hope to see you at the annual conference on November 3 in Pembroke, NH.**

Sincerely,

Barbara Richter,
Executive Director

NH Association of Conservation Commissions
54 Portsmouth Street
Concord, NH 03301

www.nhacc.org
info@nhacc.org

Invoice

Invoice No.
602

Date
10/09/18

Bill To
Keene Conservation Commission City of Keene 3 Washington St Keene, NH 03431

Item	Amount
FY 2019 Membership Dues	900.00



Thank you for your membership!

Total	\$900.00
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