

City of Keene
New Hampshire

CONSERVATION COMMISSION
MEETING MINUTES

Monday, September 16, 2019

4:30 PM

2nd Floor Conference Room,
City Hall

Members Present:

Alexander Von Plinsky, IV, Chair
Eloise Clark, Vice Chair
Ken Bergman
Brian Reilly (Left at 5:59 PM)
Art Walker
Councilor George Hansel (Left at 5:19 PM)
Thomas Haynes, Alternate
Steven Bill, Alternate

Staff Present:

Rhett Lamb, Community Development
Director/Assistant City Manager

Members Not Present:

Denise Burchsted

Site Visit: At 4:00 PM, Commission members conducted a site visit on Airport Road.

1) Call to Order

Chair Von Plinsky called the meeting to order at 5:10 PM.

2) Approval of Meeting Minutes – August 19, 2019

Ms. Clark noted that the church name referenced in the minutes should be corrected as *Keene Unitarian Universalist Church*.

Councilor Hansel moved to adopt the minutes of August 19, 2019 as amended, which Mr. Haynes seconded and the Conservation Commission carried unanimously.

3) Informational

a. Subcommittee Reports

Mr. Haynes reported that the Education and Outreach Subcommittee had not met since the previous meeting. However, the group has proposed October 26 for a walk around Goose Pond with Jeff Littleton. The Parks and Recreation Director supports this date as well, though scheduling will depend on completion of construction work. That date is a Saturday, so the walk would be likely in the morning.

Mr. Haynes asked if there was a press release for the Beauregard property acquisition. Ms. Clark said that would be uncommon. Mr. Haynes thought it was a good thing to highlight so there is public recognition of the purchase. Councilor Hansel suggested checking with the Parks and Recreation Director to understand the use of that property because some abutters had concerns about access; it is important to know the Commission is inviting and welcome activity. Mr. Haynes thought letting people know the acquisition is happening is not a bad idea. Mr. Lamb said there had been no press release, but there could be; typically, promotion would be through the Parks and Recreation Department. Mr. Haynes will communicate with the Parks and Recreation Director.

Chair Von Plinsky said the Aquatic Resource Mitigation (ARM) Subcommittee is in a period of starting over, especially with Ms. Burchsted's resignation from the Commission. He recalled speaking with Mr. Bergman about a CD with GIS maps of what parcels are preserved in the City. Ms. Clark said she has an older spreadsheet listing the parcels that could likely be updated, which Chair Von Plinsky said would be a great place to start. Ms. Clark only had paper copies of older lists that she can share with Mr. Lamb, who will seek the digital copies.

Mr. Lamb confirmed that Commission members do not need to notice publically a meeting that is for research purposes, as long as no decisions or choices are made on behalf of the Commission. The Chairman would contact members for such a meeting.

b. Letter of Support – The Nature Conservancy Surry Mountain Project

Mr. Lamb referred to a request for a letter of support for this project. Mr. Lamb agreed to send a record of the Commission's vote of support via email. The Chairman thought this was another good opportunity to walk the Nature Conservancy property in Gilsum. He will share details of that walk with members when it is scheduled. Ms. Clark noted the walk would start this time likely from the northern Hammond Hollow entrance in Gilsum.

c. NH DES Letter to the Keene Alumni Association

Mr. Lamb referred to page 10 of the meeting packet, where a letter from the Keene Alumni Association (KAA) documented an after the fact approval for the dam off Arch Street. The dam came with the property owned by KAA and is managed through an agreement with Keene High School. That management is now under some level of review and the Commission might see a permit regarding this dam in the future. Mr. Lamb said the area does go under water and the High School is looking at what to do in the future, whether that means repair, removal, or other options. Chair Von Plinsky noted that he has visited the site and there has been noticeable lowering of the water.

4) Discussion Items

a. 44 Black Brook Road – Surface Water Protection Ordinance Referral from the Planning Board

Mr. Lamb provided context about the City's Surface Water Protection Ordinance, which is part of Section 102 of the Zoning Ordinance. A Conditional Use Permit is required for construction or alterations in wetland buffers. This project is for modifications to what is now the Mannatech building, which was built on Black Brook Road 21 years ago, before there was an Ordinance for wetland buffers. The owners seek to expand a portion of the building with a minor encroachment into the 30' wetland buffer. The Surface Water Protection Ordinance developed in 2012/2013 created the Conditional Use Permit approval process the Planning Board uses to modify any wetland buffer. Conditional Use Permits have a referral process to this Commission; this is a non-binding referral allowing the Commission to comment on the project and suggest alternatives to minimize impacts. This project will return to the Planning Board at the end of September. No wetland alteration is proposed.

The Chairman welcomed Rob Hitchcock of SVE Associates, who was representing the applicant, Mannatech. Mr. Hitchcock displayed a map with the area of impact proposed within the 30' buffer. This project would add a 6,500 sf building that would result in some parking loss, which is currently at the front of the building primarily. This expansion would result in more employees, which

warrants more parking. Mr. Hitchcock showed the wetland boundary on the map; 24' is the closest point from the wetland to the curb line. With grading and a curb, there might be 10' of buffer remaining at the closest point. He showed a similar map to demonstrate the property lines in relation to wetlands to demonstrate the property constraints.

Mr. Haynes asked if another retention pond would be established. Mr. Hitchcock showed where one retention pond exists already, the location of the new proposed retention basin, and other drainage areas. He also showed where and the degree to which approximately 20,000 sf – 25,000 sf of new pavement will be constructed; there will be a loop of pavement around the building. The new pavement will be impermeable standard asphalt, graded to drain into the sandy gravel and loam soil. He used the map to demonstrate the different infiltration strips proposed. Chair Von Plinsky noted how close the tree line is to the building already. Mr. Hitchcock agreed the tree line is about 10' off the building at the closest point. Ms. Clark asked if all trees would be removed to accommodate the new asphalt. Mr. Hitchcock demonstrated where trees would be removed and where the new tree line would be at the grading limits.

Mr. Haynes asked the benefits of permeable versus impermeable asphalt. Mr. Hitchcock said the last time he used permeable pavement was at the KAA Center, where a strip has been removed since and filled with gravel because it would no longer drain; whether due to a construction error or because Keene State College did not put sand or salt on it, the pavement seems to have sealed itself. Mr. Hitchcock provided an example of the PC Connection parking lot on Marlboro Street that was constructed as pervious concrete, which crumbled possibly due to salt from the highways; they have since paved over a large portion. He thinks that permeable parking lots are good in theory but must be constructed correctly to work effectively.

The Chairman and Mr. Lamb confirmed that this application proposes minimal impact to the wetland buffer and no direct impact to the wetland. Regarding mitigation, the Chairman suggested something like a park donation elsewhere in the City to mitigate the tree cutting; for example, how other projects pay into the ARM fund if impacting over 10,000 sf. Mr. Lamb said that was not possible because state law charges the Conservation Commission to advise the Planning Board, which has some ability to connect the effect of the impact of a project to the cost of responding to it. The Commission's authority is limited here to advising the Planning Board; similar to how the Commission advises the Wetlands Bureau on Wetlands Permits.

Mr. Lamb said that when this building was constructed the 30' buffer existed as a Planning Board rule, but not as a matter of the Zoning Ordinance; today it is the opposite. Mr. Lamb said the Zoning Board looks at the history of properties, how owners can reasonably use their properties, how they can expand the use that already exists, and if there is an attempt to minimize the impact of that expansion. He said a lot of the work proposed in this application is for shipping and loading docks, which only this part of the property can accommodate and therefore would result in a parking loss. The Planning Board works to ensure that the applicant does enough to minimize impacts. Mr. Bergman asked if the applicants have strategies to mitigate impacts of oil spills on pavement; Mr. Hitchcock was unaware of the applicant's maintenance process, but imagined they had plans. Mr. Lamb noted that many catch basins in Keene now have hoods to minimize wetland impacts, and that is a recommendation this Commission could make to the Planning Board. Mr. Bill said that even runoff from routine activity in a parking lot can reach infiltration strips and then wetlands. Mr. Hitchcock stated that some would go into the soil and then overflow. Mr. Bill said there is a sandy subsoil in the area, which would probably soak through readily.

Mr. Lamb said the Commission should use their knowledge of resource values and make a motion recommending action that the Planning Board should take during the public hearing on this application. He said the Commission sometimes has special knowledge of resource values that the Planning Board does not.

Ms. Clark said this application proposed a significant increase in permeable surface, from which hard rain would carry any oil from cars into wetlands, so she supported any technology to minimize that impact. Mr. Haynes agreed. Mr. Hitchcock demonstrated on the map where the new catch basin would be, in addition to the approximately one dozen that already exist on the property. Ms. Clark suggested there should be more than one catch basin on the side of the property with new pavement construction. Mr. Hitchcock said that in areas without a curb, catch basins are useless. Mr. Lamb noted that locations with infill strips cleanse a lot of sediment from water carrying those pollutants. He said there would be value in adding a hood to the one proposed catch basin (CB1), where the curb stops water from running off down the slope. Mr. Hitchcock felt that was a reasonable recommendation; he said this site is hard to work with because it is flatter.

Chair Von Plinsky moved for the Conservation Commission to recommend that the Planning Board consider hooded outlets for the catch basin(s) to minimize the entrance of petroleum or any technique that would have the same effect. Mr. Bergman seconded the motion, which passed unanimously.

b. Airport Road Habitat

Chair Von Plinsky said the site visit was informative. Mr. Bergman recalled that Commission members had several questions during the site visit about the wetland impacts of the two fence alternatives proposed in the Airport Master Plan, as well as ways to modify that plan. He suggested clarifying those questions and recommendations as fodder for future discussion. He recalled Councilor Steve Hooper mentioning a possible third option. Mr. Lamb recalled a concept map that does not pin the exact location of the fence because there remains ambiguity as to what the FAA will approve. He agreed that a document identifying questions, other considerations, and a timeline with action items would facilitate further practical discussion. Mr. Haynes agreed it is critical for the Commission to know where the fence will be; otherwise, some of the Commission's concerns could be moot. Mr. Bill noted ambiguity as to how far the fence must be from the end of the runway; the Chairman agreed. Mr. Bergman recalled a conversation with Councilor Hooper, who indicated that finances could make a difference in the fence location proposed and that any FAA requirements could delay this process.

Mr. Lamb noted that a design engineer is typically consulted to help the City propose airport changes, which are then reviewed by NH DOT to ensure the changes are eligible for FAA funding. The state contributes 2.5% of funding for FAA approved airport projects. He said the City Council, NH DOT, and FAA must agree before any money is spent or bids issued. Thus, he suggested the Commission introduce any suggestions other than the standard sooner than later. Mr. Haynes said it would also be important for the Commission to support any claims made about wetland importance and alternative fencing options; Mr. Lamb agreed. Mr. Bergman and Mr. Lamb agreed that recruiting data and photos from the Antioch Bird Club and others would support the suggested alternative. Mr. Bergman has photos of rare birds breeding at the airport. Ms. Clark suggested consulting the NH Wildlife Action Plan. Mr. Haynes added that organizations like the NH Audubon Society could help bolster what the Commission knows about wetlands; Mr. Bergman spoke to a senior biologist there, who said the concern is less about birds crossing Airport Road (because they fly over) and more so about breeding habitat on either side of the road.

Mr. Bergman will work on a draft recommendation on behalf of the Commission, which he will share with Mr. Lamb to circulate (to ensure there is no email quorum). The Commission agreed that a baseline document defining the problem is something to build on, with maps and photos as attachments. Mr. Reilly asked about the consulting engineer group. Mr. Lamb noted that Stantec was the engineer of record for the Airport Master Plan; Dubois and King will consult on plan implementation. Mr. Reilly suggested those consultants should meet with this Commission to explain FAA requirements. Mr. Lamb suggested the Commission should document their expertise and recommendations to share with the interim Airport Manager, Mark Goodrich (of Dubois and King). Mr. Lamb said he could share Commission interests at meetings where current versions of this project will be reviewed internally through the CIP process; he has already done this to some degree. Mr. Bergman, Councilor Hansel, and Councilor Hooper expressed interest in working on this recommendation. Mr. Bergman said that Councilor Hooper is running for reelection at large and if not reelected, has expressed ideas to stay involved.

c. Easement Monitoring Schedule

The Chairman envisioned choosing one City easement that is ideally easy to monitor, and then choosing a date in late October or early November to do so with the best weather. He hopes working through the easiest property will help the Commission to develop a full monitoring plan for the other four properties. Before the October meeting, the Chairman would research what the Commission needs to accomplish through monitoring. He thinks monitoring does not need to take a long time because most properties are not that large. Mr. Lamb said Black Brook and Beaver Brook Falls would be the easiest.

5) New or Other Business

Mr. Haynes signed the Commission up for the Source to Sea Cleanup event, even if he is the only participant. He will contact Eric Swope about the location on Beaver Brook and Ms. Clark suggested wearing waders.

Ms. Clark reported that the Ashuelot River Local Advisory Committee is revisiting their 2006 Management Plan for the Ashuelot River Valley. They will look for any changes in the river corridor and update the plan as necessary. Ms. Clark is working with one of the interns for Keene, who recently reviewed Ashuelot River Park and will continue searching for signs of change through the Bretwood Golf Course area. The most significant change in Ashuelot River Park was invasive species.

Ms. Clark also reported that the Cheshire County Conservation District was holding their annual potluck for Conservation Commissions on October 8 at Stonewall Farms. She said it is a good way to connect with nearby towns. She suggested that all members should be on the District's mailing list. This year's topic is about trails and wildlife corridors. She said it is free to sign-up and worth it.

Mr. Bergman requested an update on the tree cutting by the hospital and Ms. Clark reported that the hospital was issued a "slap on the wrist" for not consulting DES before cutting; Mr. Lamb recalled seeing such a letter from the Shoreland Protection Bureau. Ms. Clark said that DES did not follow-up on the cutting along RT-101 near the overpass, which Mr. Lamb thought was the college's responsibility. Ms. Clark suggested that members send her questions like these, which the intern she is working with can research, such as the recent oil spill on Beaver Brook.

6) Adjournment – Next Meeting Date October 21, 2019

Hearing no further business, Chair Von Plinsky adjourned the meeting at 6:11pm.

Respectfully submitted by,
Katryna Kibler, Minute Taker
September 23, 2019