

City of Keene
New Hampshire

CONSERVATION COMMISSION
MEETING MINUTES

Tuesday, January 21, 2020

4:30 PM

2nd Floor Conference Room,
City Hall

Members Present:

Alexander Von Plinsky, IV, Chair
Eloise Clark, Vice Chair
Arthur Walker
Brian Reilly
Kenneth Bergman
Thomas Haynes, Alternate

Staff Present:

Rhett Lamb, Community Development
Director/Assistant City Manager
Andy Bohannon, Director of Parks,
Recreation & Facilities

Members Not Present:

Steven Bill, Alternate
Mayor George S. Hansel

1) Call to Order

Chair Von Plinsky called the meeting to order at 4:30 PM. Mr. Haynes acted as a voting member.

2) Approval of Meeting Minutes – December 16, 2019

Mr. Haynes moved to approve the minutes of December 16, 2019, which Mr. Walker seconded.

Revisions:

- Page 2/10 – “Jim Rubineer” should be revised as “Jim Rousmaniere”
- Page 2/10 – Strike the following sentence: “This could be an annual spring tour”
- Page 3/10 – “no Patricia T. Russel Park” should be revised as “now Patricia T. Russell Park”
- Page 7/10 – The name “Carol Fosse” should be revised as “Carol Foss”

The Conservation Commission unanimously approved the minutes of December 16, 2019, as amended.

3) Welcome & Introduction from Mayor Hansel

[The Mayor made these brief comments out of the agenda order, at the end of the meeting, before the discussion of Airport Road habitat.]

Mayor Hansel noted his effort to visit all City committees early this year. While he is no longer a member of the Commission, he still offered support as a resource. He nominated former member Andrew Madison to rejoin the Commission, who still works at NH Department of Environmental Services (DES) and has a lot of relevant experience. The Mayor noted that Councilor Bobby Williams was nominated to replace him on the Commission, which would take effect soon.

Mayor Hansel requested that members send recommendations for new members to him so that he has informed choices when appointing in the future. He thanked the Commissioners for the pleasure of working with them.

4) **Informational**

a. **Subcommittee Reports**

i. ***Outreach Subcommittee***

Members of the Outreach Subcommittee—Vice Chair Clark, Mr. Haynes, and Mr. Reilly—provided the following updates.

- **February 1 at 10:00 AM: Tracks & Trees walk led by Vice Chair Clark at Goose Pond, beginning off Meetinghouse Road.** This event is being advertised on the Parks & Recreation and Community Development Department’s social media, in the Sentinel, and in the Shopper News. Participants do not need to sign-up in advance.
- **Seasonal Walks:** Jeff Littleton is likely available to lead a spring activity at Goose Pond in April or May. The Subcommittee will continue planning for a summer activity.
- **Tap to Toilet Event:** Jim Rousmaniere offered to lead a presentation on water in Keene, which would complement a “tap to toilet” event that the Commission would organize. The Subcommittee might reach out to the Historical Society about potential co-sponsorship. The Project Wet Curriculum is available to help with planning. This event would likely occur in mid-April.

Mr. Haynes reported as a member of the Ashuelot River Park Advisory Board, which has reached an agreement with the Conway School of Landscape Design to assess conceptual steps forward for the park. There will likely be more options to collaborate/cosponsor events at the park.

ii. ***ARM Fund Subcommittee***

Chair Von Plinsky said his Subcommittee hopes to meet soon.

b. **Concord Hill Easement Letter**

This letter was available in the meeting packet and the Chairman said it was an enjoyable time. There were no expressed concerns with sending the letter.

c. **Society for the Protection of NH Forests – Letter Re: Easement Monitoring Donation**

Mr. Lamb said that he and the Director of Parks & Recreation, Andy Bohannon, reached out to the Society in order to clarify the intention of their letter. They were simply letting the Commission know that their monitoring process is ongoing and the letter was not referring to a specific property. The Commission’s membership in the Society continues.

5) **Discussion Items**

a. **Old Gilsum Road Land**

Mr. Bohannon was at the meeting to discuss communication included in the meeting packet from Gary Boes to the City Manager. The currently vacant approximately six-acre lot off Old Gilsum Road is adjacent to the Greater Goose Pond Forest (GGPF) and many City properties surrounding

the forest. He said Mr. Boes inquired if the City wants to purchase the land because the family no longer has a purpose for it and there are so many surrounding City parcels with some recreational trails crossing his land. Because such a purchase would use the Conservation Land Use Change Tax Fund (LUCTF), the Commission would make a recommendation to Council on whether to purchase. More information on the property from the City Assessor was included in the meeting packet. Mr. Bohannon said Mr. Boes is reviewing other fair market value assessments and if Council recommended purchase, the City Manager would negotiate. Acquiring adjacent land was a primary recommendation in the GGPF Stewardship Plan.

Mr. Bergman asked if all tracts of the GGPF system are a part of one management entity that this parcel would be incorporated into if purchased. Mr. Bohannon replied that the Boes land would be incorporated into the GGPF and all conservation efforts and management schemes in the forest would apply to the newly acquired parcel. Mr. Lamb added that the Forest Society also holds an easement on roughly 1,000 acres of City-owned land around the GGPF. The Boes property would not automatically be added to that easement upon purchase, without modifying the easement language.

Mr. Haynes asked if the Commission's recommendation should specify what funds to use. Mr. Lamb replied in the affirmative saying that Council requires both a recommendation from the Commission before purchase as well as Commission recommendation to expend the Conservation LUCTF. Thus if the Commission wished, it made sense to recommend both in the same motion.

Mr. Reilly asked where to access the property from the public right-of-way. Mr. Bohannon believed that access was from Old Gilsum Road and added that current hunting rights on the property would be eliminated with City purchase. Someone could put a hunting camp on the property if it remains private, though Mr. Lamb thought that was the extent of development possibilities on the property because Old Gilsum Road is a Class VI road.

Mr. Haynes moved to recommend that Council negotiate purchase of the Boes property using the Conservation Land Use Change Tax Fund, which Mr. Walker seconded and the Conservation Commission carried unanimously.

Mr. Lamb reported a balance of \$95,000 in the Conservation LUCTF. Mr. Bergman asked about the vegetation, forest cover, and history of logging on the property. Mr. Bohannon was unaware of logging and did not imagine that the forest composition would be significantly different from surrounding parcels.

b. Planning Board Referral Re: Surface Water Ordinance – Eversource

The Chairman welcomed Anthony Damiano (of GZA GeoEnvironmental), Jeremy Fennell (of Eversource), and Lydia Morton (of Eversource) to discuss the proposed maintenance project on the L163 transmission line. This line passes from Hillsboro at the Jackman substation and travels to Keene's north substation off RT12. Mr. Damiano shared maps that were included in the meeting packet. He said that the proposed project involves 27 individual structure replacements. Steel poles will replace the existing wood utility poles 1 for 1. There are 27 total in Keene and only three of those are unavoidably in wetlands due to terrain. The work in Keene will travel from RT12 to the town line with Sullivan and access off Ferry Brook Road. Eversource is seeking a Conditional Use Permit from the Planning Board for the project, for which the Conservation

Commission must make a recommendation because of work within the 75' wetland buffer, per the Surface Water Protection Ordinance.

Mr. Damiano referred to the NH Best Management Practices Manual for Utilities and said that the best management practice (BMP) for this project is a wetland crossing with timber mats (4' by 16') that displace much of the force of heavy machinery traversing the wetland to replace the poles. The mats would be removed immediately when work is complete. Mr. Damiano used photos to demonstrate how well vegetation comes back within the same or next growing season. Additional BMPs prior to construction include straw wattles to control ground disturbance and silt fences to manage steep slopes. GZA will monitor the sites weekly or biweekly to ensure BMPs are installed and working correctly, especially before and after rain events, in addition to daily communication with contractors to ensure prompt BMP replacement. In response to Mr. Bergman, Mr. Damiano said that this work will begin late spring and completed by the end of summer. They prefer to do this work during the driest part of the year but that is not always possible. There are also BMPs after the project that include stabilizing any soils disturbed by access roads or work pads and creating water bars to divert water from resources and into uplands to prevent sedimentation.

Mr. Lamb requested more information about the equipment that would traverse the wetlands. Mr. Damiano said that 30-ton cranes are typically used to remove the current wood poles and to mount their new steel counterparts, which will be 5'-10' taller. Other smaller utility trucks, like bucket trucks, would be used for maintenance of distribution lines and a large drill rig is needed to create holes for the new steel poles, offset approximately 5' from the current poles. The poles will arrive to the location by a larger flatbed truck that can drive directly onto the mats, but are sometimes staged and poles are brought in multiple parts by smaller equipment and jointed at the site. Ms. Morton added that gravel trucks and excavators may need to enter the area as well, but no equipment would be larger than the crane.

Ms. Morton continued explaining the typical stages of these pole replacement projects:

1. Civil engineers build work roads and work pads around the poles to accommodate the equipment.
2. Line contractors use drill rigs to create holes for the new poles.
3. Line crews stage cranes and bucket trucks to set the new poles and move lines carefully from the old to new poles.
4. Old poles are removed.

Mr. Bergman asked about possible gravel road construction: how primitive and where they would be placed with respect to wetlands. Mr. Damiano said that graded gravel roads are typically installed so that large machines can access areas safely. He continued saying that typical restoration pulls that material back at least 15' from all wetland resources and the wetland edge would be fully restored with mulch to provide a natural buffer. Mr. Fennell said the rationale for leaving some upland gravel roads in place is to accommodate regular line maintenance every few years and for access in case of emergency. Generally, vegetation sprouts through the gravel over time. Mr. Bergman thought about the gravel roads creating new opportunities for ATV access. Mr. Fennell said that Eversource tries to limit entryways from public roads with gates or boulders, for example. Ms. Morton added that they work with the underlying property owners on complaints but Eversource cannot post notices on private property. She said that NH Fish & Game is tasked with patrolling these areas but ATV enforcement is understandably challenging. She added that gravel roads end at the wetlands because mats are removed after projects, which

minimizes long-term ATV access to the wetlands. Ultimately, Eversource works with property owners to mitigate access. Mr. Reilly asked if the gravel roads for subsequent maintenance would hold the typical bucket truck. Ms. Morton replied in the affirmative and added that vegetation management trucks might need to use the roads to attend to a fallen tree.

The Chairman said it appears more challenging to reach some sites than others, for example coming from Old Gilsum Road. Ms. Morton said that it is easy to access the right-of-way (ROW) there because of the existing road. The road is gated from the ROW with both City and Eversource locks. The Eversource real estate department is looking into it currently and they so far found that Eversource owns a parcel there and they are trying to determine if a joint use agreement exists or if Eversource needs to ask the City for a temporary access agreement to use the road. The Chairman said that Old Gilsum Road did not seem suitable to accommodate a 30-ton crane and would therefore need a lot of upgrading. Ms. Morton said she walked the road in the spring and did not expect it needing more than edge trimming. Mr. Lamb asked how tall the crane is. Mr. Fennell said it is about the size of a bus. He added that the contract is out to bid for that particular location with the clear expectation of no new road construction or upgrades to existing roads. In the case of muddy areas, they can add gravel, but they have special off-road equipment so no issues were anticipated with 12' wide roads. Mr. Haynes did not think that Old Gilsum Road could accommodate a 12' wide truck in all locations. Ms. Morton said the contractors would walk the road and if Eversource specifies limitations, then the crew must adhere to those and find a way to get to the site. She said that equipment could typically access narrow areas if the conditions are mostly passable. Mr. Lamb said that Old Gilsum Road is a Class 6 road and as such, it is primarily a trail, with a lot of recreational use, in close proximity to homes. He said that if a big improvement to the road were necessary, there would be significant resistance from the City's point-of-view because there is no intent to upgrade it beyond Class 6. Mr. Lamb said that the more the road is maintained by others, the less likely it is to remain Class 6. Ms. Morton said she has worked on many Class 6 roads and Eversource improvements such as gates, branch trimming, and filling gullies have never threatened a road's classification. Their project manager was confident that Old Gilsum Road would be accessible width-wise.

Mr. Fennell explained that this site off Old Gilsum Road, though somewhat complicated, was chosen to avoid more challenging conditions and exposing steep slopes by accessing the area off RT10. He understood that Old Gilsum Road is a sensitive site for the City and the project manager's intention is to minimize overall disturbance. Ms. Morton added that if recreation is a concern, Eversource could make efforts to notify regular users, such as signs for the duration of the project or informing the local recreation associations.

Mr. Bergman understood that no tree removal was anticipated but asked what the City can actually constrain when a crewmember must make an ad hoc decision. Mr. Lamb was unsure and said, without disrespect to Eversource, that the City receives many complaints about tree trimming and while he knows trees grow back, he thinks that simple limb removal can dramatically change a street. Mr. Lamb said that if Eversource can use Old Gilsum Road as it is today without influencing its long-term character, then he thought it would likely be okay because it does minimize impact to the other end of the ROW. Mr. Bergman believed that for future possible GGPF logging operations they intend to use Old Gilsum Road for some access required at different stages of the project, but with much smaller equipment. Mr. Haynes thought road improvements would be needed to get some equipment there and Mr. Bergman thought tree removal would be needed as well. Mr. Lamb added that further up Old Gilsum Road there were wetland issues and a lot more water to deal with. The Chairman recognized the challenges coming

from the direction of RT10 as well. Mr. Fennell said they could access from that side but with significant ground disturbance. Ms. Morton recognized that trimming is a sensitive topic and said the primary rationale is to trim carefully so that equipment does not rip off vegetation. The Chairman asked for the dimensions of the 30-ton crane and Ms. Morton agreed with Mr. Fennell's comparison to a bus. Mr. Damiano added that the exact size depends on the specific contractor's equipment. In many instances, the cranes are smaller than 30 tons. Mr. Bergman added that a crane would have legs for stabilization extending outside the footprint of the vehicle when on the mats around pole structures and Mr. Damiano agreed.

The Chairman did not like the idea of trimming along Old Gilsum Road but said it was preferable to disturbing the wetland on the other side. Mr. Bergman asked if the City could receive a report on the degree to which tree cover was adjusted after the fact. Mr. Fennell said that if the Commission wanted something more specifically outlining where trimming would likely occur before the event, he can report with that information at a subsequent meeting. Mr. Fennell agreed to provide a photograph overlaid on a color-coded map. Ms. Morton added that her role is to notify all property owners in the area who might be impacted. She will make an extra effort to provide her contact information to surrounding property owners.

Mr. Haynes asked the best time of year to perform this work with regard to wetland impacts. Vice Chair Clark said that the applicants wanted to work when the vernal pools are drier. Mr. Fennell expected starting in April, which Mr. Haynes found more problematic for timber mats in the wetland. Mr. Fennell explained that Eversource is mandated to perform this line work in certain parts of the state at certain times, on a schedule to ensure transmission is not disrupted. They recognize that the time of year mandated might not be ideal for sensitive species there, but they work with the Natural Heritage Bureau and NH Fish & Game to minimize disturbances. Eversource provides all contractors with the data on sensitive species (e.g., turtles) in the area so they know the color and size to be looking for when moving equipment. He said there were no species of concern in this specific project area but they recognize that these species span the surrounding wetlands and special attention is still needed. The Commission used maps provided by the petitioners to ask questions about pole replacement locations. Mr. Bergman asked if chemicals would be used for vegetation control and Mr. Fennell said no.

Mr. Lamb asked if new work roads would be constructed. Mr. Fennell said they try to follow existing work roads as much as possible, but some were built when these lines were installed several decades ago so they are depleted. They also try to follow ATV roads as much as possible. Mr. Lamb referred to an area on the maps between pad locations 210-209, where there is an area of significant wetlands and a road goes through that wooded area in a few places. Mr. Fennell asked if anyone had walked that area recently and Mr. Lamb said he had not. Mr. Fennell said that Eversource took down some massive trees there recently and the City instructed them to leave the felled trees in the wetland for habitat. There is another area where an access road will be moved slightly because equipment must maintain safe vertical clearance from lines. Mr. Lamb asked how wide the access roads would be and Mr. Fennell said 12' wide, but the wetland matting is 16' wide.

The Chairman asked if any tree removal was planned in the overall project area and Ms. Morton said no, with the exception of small scrub trees that might have grown since the areas were last mowed, but there will be no widening of the ROW.

Mr. Lamb said that the Commission needed to provide a recommendation to the Planning Board regarding this work with respect to the 75' wetland buffer, not the actual wetland impacts. The Commission will see details about direct wetland impacts later in the Wetland Permit application process, which Mr. Damiano is for 175 sf of temporary direct wetland impacts. Mr. Lamb read the Commission's charge to advise the Planning Board in these instances. There are roads proposed in the buffer, which are the subject of the Surface Water Protection Ordinance and the Commission's recommendation to the Planning Board. Mr. Lamb reviewed the specific criteria.

In response to a question from Mr. Haynes, Mr. Damiano said that matting would be placed in wetland areas as work pads and uplands would have partial work pads graded with gravel. After the work, some of the gravel would be receded and some retained for long-term maintenance. The solid 100' x 100' white pads depicted on the maps would be reduced back down to 30' x 50' and all else restored.

The Commission summarized their recommendations for the Planning Board:

1. Push the work until the driest part of the year to minimize wetland impacts.
2. Minimize impacts to the existing road surface and vegetation conditions at the Gilsum Road access point.
3. Request a preliminary depiction of where surface and vegetation modifications are anticipated on Old Gilsum Road with an annotated map. Vegetation might be harder to depict at this time because of snow cover.

Mr. Reilly asked the approximate distance on Old Gilsum Road from the gate to the ROW. Mr. Damiano believed it was approximately 0.5 mile and Mr. Lamb confirmed the distance was 5260 feet or approximately 1 mile. Mr. Bergman asked what the Commission should evaluate surrounding wetlands on the maps provided. Mr. Lamb suggested that if the Commission felt they needed more information, to put this matter on hold until the review is complete. Mr. Reilly agreed it is challenging because each pole is like an individual project within the 75' buffer, which makes it hard to judge. He said it looks as if the BMP is to protect water temporarily and the Commission has no reason to believe the contractor would not uphold that obligation. Mr. Fennell said all consultants involved in this project agreed that access is possible based on topography and height, but micromanaging each crossing will become problematic.

Mr. Haynes moved to make the following recommendations to the Planning Board, which Mr. Bergman seconded and the Conservation Commission carried unanimously:

1. The Conservation Commission recommends postponing the work until the driest part of the year to minimize wetland impacts.
2. The Conservation Commission recommends minimizing impacts to the existing road surface and vegetation conditions at the Old Gilsum Road access point.
3. The Conservation Commission recommends requesting a preliminary depiction of where surface and vegetation modifications are anticipated on Old Gilsum Road, with an annotated map.

c. NHDOT Floodplain Compensation Meeting

If members could not attend, Mr. Lamb said they could send him questions.

d. Airport Road Habitat

Vice Chair Clark thanked Mr. Bergman for his efforts creating a report on the Airport Road habitat. Mr. Bergman said he continues communication with Carol Foss, who has provided further useful insight on construction and placement of birding photo blinds. Mr. Bergman also communicated and shared the document with Michael Marchand from NH Fish & Game, who is curious about potential wetland impacts and who asked some of his colleagues to look into it. Mr. Bergman made clear that Mr. Marchand's inquiries and research were not solicited by the Conservation Commission, but he has every right to inquire about the wetlands.

Mr. Bergman continued explaining that he feels the Commission needs a better understanding from the FAA or consultants about rules for fence distance from the runway; he imagined there were clearance requirements that would be helpful to know when making a recommendation. Mr. Bergman said it would also be useful to seek permission to walk the area, though he said wintertime might not be ideal. Vice Chair Clark said that winter is actually a great time to access the wetlands and she is able to identify woody plants in the winter.

Mr. Haynes questioned what was more important: protecting the wetland, or people's views of the wetland. From a conservation perspective, he thought the wetlands were the priority. Mr. Bergman hoped to accommodate both, saying that the more people see things the more they value them. Mr. Lamb said that NH DES will always preside over the Wetland Permit process and both the Swanzey and Keene Conservation Commissions advise DES on whether to grant those permits. Ultimately, the Keene City Council will decide whether the project is funded. In this case, the Commission is discussing more wetland impact in favor of observation value.

Mr. Bergman referred to the upcoming Council discussion in February of forthcoming projects included in the Capital Improvement Program (CIP). He asked if Council would accept requests during the review to modify the recommendations in the Airport Master Plan (AMP). Mr. Lamb replied in the affirmative, adding that Council would be reviewing and approving projects planned for FY20-21 and any projects outside that two-year window, would receive less focus at this time. Mr. Lamb believed that the airport fence project is funded in the CIP for FY25 and would receive more focus when a design comes forward. At the upcoming review, the project will be read into the record and opened for discussion, at which time Commission members can briefly state their case for why the City Manager and Airport Director should work to solve this fence problem. The Commission should identify how the currently proposed project in the AMP presents competing interests.

Mr. Lamb and the Chairman agreed with Mr. Bergman that proposing something more costly than the original allocation could generate backlash. However, they said that is okay because this Commission's job is make the best recommendation to Council for conservation and it is then their job to determine if it is worth the investment. Mr. Bergman recalled that he would not be present for the CIP review, but Mr. Haynes agreed to appear. Mr. Bergman suggested presenting two or three options, including gates, blind construction, and educational outreach.

The Chairman returned to Mr. Bergman's question about the degree of outreach he can do on behalf of the Commission. The Chairman said his impression is that Mr. Bergman is a member of this citizen-run Commission and as such, members have the right to seek input regarding different projects. He said that a Subcommittee does not need establishing to garner legitimacy for such inquiries. Mr. Lamb agreed that this Commission has standing as an advisory body to Council.

Mr. Lamb said that he and the Chairman could draft a brief summary that can be read directly into the record during the CIP review. Vice Chair Clark asked if the Commission should adopt the report that Mr. Bergman created. Mr. Lamb said that it should first be properly circulated through the Commission before adoption at a subsequent meeting. Mr. Bergman said that Ms. Foss also suggested that another way to bolster claims of biological significance in the area and impact of fencing is to cite the NH Wildlife Action Plan cross-referenced with the species list from eBird.

Because there was not another meeting before the CIP review, Mr. Lamb suggested giving the Chairman authority to draft the Commission's summary that would be presented to Council. Mr. Reilly suggested that getting detailed information on FAA regulations might require spending money for a consultant. Mr. Lamb replied that the Airport Director or consulting engineer would likely serve in that advisory role. Mr. Bergman felt that running a fence between the wetland and the runway would not pass FAA regulations. Mr. Lamb said both horizontal and vertical distances are regulated.

Mr. Haynes moved to authorize Mr. Lamb and Chair Von Plinsky to write a statement to Council on the proposed airport fence, which Mr. Bergman seconded and the Conservation Commission carried unanimously.

Mr. Lamb would share the draft statement with the Commission for feedback in advance. The Chairman and Mr. Haynes would attend the February 10 CIP meeting to present the statement, with support from Mr. Lamb.

6) New or Other Business

Ms. Clark questioned if the Roaring Brook Watershed Management Plan is available online and Mr. Lamb agreed to inquire.

a. Adoption of 2020 Meeting Calendar

Mr. Walker moved to adopt the 2020 meeting calendar, which Mr. Reilly seconded and the Conservation Commission carried unanimously.

7) Adjournment – Next Meeting Date is TUESDAY, February 18, 2020

There being no further business, Chair Von Plinsky adjourned the meeting at 6:12 PM.

Respectfully submitted by,
Katryna Kibler, Minute Taker
January 28, 2019

Edited by Lee Langella
Additional Edits by Katryna Kibler