

City of Keene
New Hampshire

CONSERVATION COMMISSION
MEETING MINUTES

Tuesday, February 18, 2020

4:30 PM

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

Members Present:

Alexander Von Plinsky IV, Chair
(Arrived at 5:08 PM)
Eloise Clark, Vice Chair
Arthur Walker
Brian Reilly
Thomas Haynes, Alternate

Staff Present:

Rhett Lamb, Community Development
Director/Assistant City Manager

Members Not Present:

Kenneth Bergman
Andrew Madison
Steven Bill, Alternate

Mayor George Hansel

1) Call to Order

Vice Chair Clark called the meeting to order at 4:30 PM. Mr. Haynes acted as a voting member. Councilor Bobby Williams was present but would not be an official member until February 20.

2) Approval of Meeting Minutes – January 21, 2020

Revisions:

- Page 4, §5.A. – change “Old Homestead Highway,” to “Old Gilsum Road.”
- Page 3, in the third line of the last paragraph – change “display much of the force,” to “displace much of the force.”
- Page 6, in the second paragraph – change “problematic for logs in the wetland,” to “problematic for timber mats in the wetland.”

Mr. Haynes moved to approve the minutes of January 21, 2020, which Mr. Reilly seconded and the Commission carried unanimously.

3) Mayor Hansel: Discuss the Idea of the Conservation Commission Absorbing the Duties of the Agricultural Commission

Mayor Hansel was at the meeting to begin a conversation as to whether the Commission should absorb the duties of the Agricultural Commission, which has struggled to achieve quorum in

recent years. Because the charges of both Commissions overlap in some areas – particularly surveying and inventorying agricultural and conservation lands – the Mayor is considering modifying the Conservation Commission’s charge to include the Agricultural Commission’s duties. The Mayor shared the Agricultural Commission’s charge and duties:

- § 2-1105 – Membership. The Agricultural Commission shall consist of seven members. Each Agricultural Commission member shall be a resident of the City. One Commission member shall be a member of the Keene City Council and one Commission member may be a member of the planning board. No more than two alternate members may be appointed. In determining each member's qualifications, the mayor shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate, and promote the purpose of the Agricultural Commission. Members of the Agricultural Commission also may serve on other City Boards and Commissions, including but not limited to the Conservation Commission.
- § 2-1108 – Powers, duties, and guidelines. In accordance with the provisions of RSA 674:44-e, the following powers, duties, and guidelines are hereby established for the conduct of the board. The Agricultural Commission shall have advisory and review authority, specifically as follows:
 1. Survey and inventory all agricultural resources.
 2. Conduct activities to recognize, promote, enhance, and encourage agriculture, agricultural resources, and agricultural-based economic opportunities.
 3. Assist the planning board, as requested, in the development and review of those sections of the comprehensive master plan, which address agricultural resources.
 4. Advise, upon request, City Boards and Commissions and other agencies in their review of requests on matters affecting or potentially affecting agricultural resources.
 5. Coordinate activities with appropriate service organizations and nonprofit groups.
 6. Publicize and report its activities.
 7. Hire consultants and contractors as needed.
 8. Receive gifts of money and property, both real and personal, in the name of the City of Keene, subject to the approval of the City Council, such gifts to be managed and controlled by the Agricultural Commission for its proper purposes.
 9. Hold meetings and hearings necessary to carry out its duties.

The Mayor was open to discussion and did not need a definite decision at this meeting. Vice Chair Clark asked if the Conservation Commission’s membership limit would increase with such a change. The Mayor said that the Commission’s size is limited by NH statute, but he is in conversation with the City Clerk to determine if the Commission could have more alternate members than permitted currently. Mr. Haynes suggested that a Conservation Commission subcommittee could be formed to focus on the absorbed agricultural duties.

Mr. Reilly stated that this Commission often reacts to proposals that it must comment on by law (e.g., Wetlands Permits for the NH Department of Environmental Resources) and it did not seem the Agricultural Commission had similar duties. Mayor Hansel agreed that the Agricultural Commission serves currently in an advisory role for agricultural matters that come before Council. He asked the Conservation Commission to consider whether they can provide that guidance to Council when needed.

Mr. Haynes asked if the Agricultural Commission has a budget that would transfer as well. The Mayor was unsure but if there was a budget, he imagined it would be nominal. He said that the

money the Conservation Commission can use from the Land Use Change Tax Fund is not only intended for conservation, but also for agricultural purposes.

Mr. Reilly asked if there are current Agricultural Commission members that would want to serve as Conservation Commission alternates. Mayor Hansel said he had not had that conversation yet and his next step was to gauge that interest.

Mr. Walker asked the two Commissions would merge. The Mayor said that the Conservation Commission would broaden its charge by absorbing a narrower set of the current Agricultural Commission duties. Mr. Walker asked if the Conservation Commission would still meet statutory requirements with this change and the Mayor replied in the affirmative.

The Mayor asked members to reflect on this potential change before the next meeting and then to provide him a recommendation. Mr. Walker added that it would be opportune to invite any current Agricultural Commission members who are interested in serving to the next meeting. The Mayor and Mr. Lamb agreed that Charles Daloz and Mark Florenz have been active and would likely want to continue serving; Mr. Lamb will invite them to the next meeting. Vice Chair Clark added that it would be ideal if more Conservation Commission members were present at the next meeting to discuss as well. Members can send questions to Mr. Lamb via email before the next meeting.

4) Informational

a. Subcommittee Reports

i. *Outreach Subcommittee*

Mr. Haynes reported that Vice Chair Clark led a successful Tracks & Trees walk at Goose Pond at the beginning of February with a mixed group of 12 participants. He said it was a great kickoff to what the Subcommittee hopes will become a Goose Pond through the season's event series. He has begun conversations with Jeff Littleton for a spring event, though no date is set.

The Subcommittee has begun planning a Tap to Toilet event, which will begin with a presentation from Jim Rousmaniere focused on Keene's water system. The Historical Society will sponsor and host the presentation so there is no need to rent a facility. No date is yet confirmed, though Mr. Rousmaniere is available on Wednesday nights and the Historical Society is available on Wednesdays April 15 and 22. Vice Chair Clark noted that April 22 might be the week of school vacation and Mr. Reilly added that April 22 is also Earth Day. Mr. Haynes imagined that more children would attend the subsequent water facility tours than Mr. Rousmaniere's presentation. Once the presentation date is confirmed, the Subcommittee will work with the City's Industrial Pretreatment Coordinator, Eric Swope, to schedule the tours of the Water Treatment Facility and Wastewater Treatment Facility. Mr. Swope would lead one tour, and he provided possible staff names for the other tour. These tours would be scheduled on Saturdays.

Vice Chair Clark reported that Keene will be represented at the statewide Fourth Grade Water Science Fair and she has plans in line for it.

ii. *ARM Fund Subcommittee*

No one from the Subcommittee was at the meeting but Vice Chair Clark reported that she was in contact with Barbara Scully, who reported that approximately \$3.3 million were available in the

ARM Fund this year, though it was unknown how much would be available for Keene's watershed; the funds are distributed statewide. Vice Clark recalled that the ARM Fund Subcommittee, including former member Denise Burchsted, was working to identify shovel-ready projects that ARM Funds could be applied to, but the status of that work was unclear. Mr. Haynes asked when applications are due and Vice Chair Clark believed May 29.

b. Concord Hill Easement Letter

At the January meeting, the Commission agreed to send a letter, which was in the agenda packet.

c. ARLAC 2019 Annual Report

Vice Chair Clark referenced the report from the Ashuelot River Local Advisory Committee (ARLAC) included in the meeting packet. She said that the conscientious Committee places great scrutiny on all matters that come before them. The Committee is comprised of two representatives from Keene and ideally one representative from each member town at minimum, which is not always possible. Mr. Walker asked if ARLAC's review of permits and projects is a statutory role. Vice Chair Clark replied in the affirmative, stating that ARLAC was appointed by NH Department of Environmental Services (DES) per state statute and established in the early 1990s and the Committee is always welcoming interested members. There are two state local advisory committee's – one for shore lands and one for river protection, the latter of which is ARLAC's role. Mr. Walker referenced the report, which mentioned that ARLAC is responsible for ¼ mile from the river. He asked if that ¼ mile is from the center of the river or starting from the bank on each side. Vice Chair Clark was unsure and thought it might be both sides of the river. Mr. Lamb thought it was likely beginning from the water surface and extending out the ¼ mile.

Vice Chair Clark recalled that Eversource spoke to this Commission in January about utility pole replacements. ARLAC was only able to comment on two poles near RT-12 that are within that ¼ mile corridor and Eversource spoke with them about vegetation clearing through a lot of wetlands to access those poles. Mr. Lamb recalled that this Commission reviewed that Eversource work for a few access roads changing locations and requiring new road surfaces. He thought the Commission commented without a formal recommendation.

5) Discussion Items

a. Old Gilsum Road Land

Mr. Lamb reported that the Commission's recommendation and a memo from Andy Bohannon, the Director of Parks, Recreation & Facilities went to the Finance, Organization & Planning Committee, which recommended that the City Manager be authorized to negotiate the purchase. Staff anticipated a positive Council vote to purchase the six-acre parcel at their February 20 meeting.

Mr. Lamb cited an email from Mr. Bill asking if the Commission should visit and tour this parcel. Mr. Lamb thought that Mr. Bill might have missed some details in his absence. Mr. Lamb did not think it necessary to visit primarily because the general state of the parcel should be comparable to the other City inholdings surrounding it. Additionally, it would be a one-mile walk off-trail in the winter. Mr. Walker agreed, noting that the Commission did not walk the land on Beech Hill before recommending purchase. Mr. Lamb thought it was most important for

Council to receive the Commission's recommendation. Ms. Clark recalled that Mr. Bill offered to walk the property himself, but Mr. Lamb said it might be difficult to discern from other surrounding woodlots. Mr. Reilly asked if proceeding with purchase would require a boundary survey. Mr. Lamb said it depends on the state of existing deeds and the surrounding area. It might not be necessary because the City owns the surrounding lots. The City would conduct a phase one environmental study on the parcel, which is a paper exercise looking at prior use files for the property. If an activity were identified that might have been a contamination source, then further ground studies would be called for. Mr. Lamb did not think ground studies would be needed in this instance because there had not been use of this parcel to his knowledge beyond forestry and farming activities decades ago.

b. NHDOT Floodplain Compensation

Mr. Lamb referred to the nice layout that NH Department of Transportation (DOT) sent so that the Commission could be familiar with project advancement. The summary included a well-done explanation of the late 1990s state highway bypass project when the City successfully negotiated that upon project completion, DOT would comply with the City's Floodplain Protection Ordinance and supply compensatory storage for fill. To do so, DOT must dig holes of equal size and volume elsewhere in the floodplain, and in this instance, the volumes are high. Staff has been revisiting the original construction drawings to determine the amount of fill that occurred and therefore where it could be compensated, which is challenging without competing with other important natural resources. Mr. Lamb said the City might identify potential impacts to water resources (e.g., shore lands) that are pivotal in deciding if DOT should move forward with the compensation.

Mr. Walker questioned where compensation would be possible along the confines of West Street. Mr. Lamb agreed that West Street is confined and therefore the only potential location is at the T intersection of RTs-9/12/101, where there are significant wetlands.

Ms. Clark said that Barbara Scully spoke with The Public Works Director, Kürt Blomquist, about potential compensation in the Beaver Brook watershed but Mr. Blomquist thought it was only possible in the Ash Swamp Brook or Ashuelot River watersheds. Mr. Lamb explained that the compensation is required to be within a certain distance and elevation of the fill itself to ensure there is sufficient storage within that same reach of the dominant river, which in this case is the Ashuelot. Staff is trying to be as flexible as possible in finding space for compensation and Mr. Lamb stated that he was open to the idea of using the Beaver Brook watershed for some compensation to help the City with frequent flooding on the east side.

Mr. Reilly asked if compensation is only possible on City-owned land. Mr. Lamb said no, they are looking all over the City. Vice Chair, Clark added that they are looking in Swanzey as well, specifically the compensatory area created just off the rail trail near the sand pits. Mr. Lamb recalled that the Floodplain Protection Ordinance was revised to allow that compensatory fill in what is now the cornfield at the corner of RT-101 and Winchester Street.

Councilor Williams questioned if compensation was possible along Beaver Brook in the corridor of renovations to the Patricia T. Russell Park (former Carpenter Field), where there are significant flooding problems. He recalled talks of improving flood mitigation efforts as a part of that project. Mr. Lamb agreed that is a good idea to consider, though he was unsure if the elevations that far up Beaver Brook would be sufficient for this particular compensation. Vice

Chair Clark said that her recommendation is the area of cornfields along RT-101. She anticipated five acres available there and Mr. Lamb agreed. The Chairman asked who owns those cornfields and Mr. Lamb replied the estate of Emile Ledger. He continued saying that finding a location for compensation is a balancing act so as not to also disturb wetlands in the process.

Mr. Haynes asked if DOT would get back to the City with ideas for compensation. Mr. Lamb said that is why DOT is seeking advice of local experts to scout locations. A technical committee has been established to provide this advice. Mr. Lamb is on the committee and he would ideally like a member of the Conservation Commission to serve in that advisory role as well, if available. If a member of the Commission cannot participate, Mr. Lamb will continue providing monthly updates. Mr. Haynes and Vice Chair Clark suggested that Mr. Madison, who recently returned to the Commission, is a hydrologist and could possibly contribute to this effort.

Mr. Reilly asked what the compensatory storage would look like when complete. Mr. Lamb said they are sort of like bathtubs. He recalled a similar project at the Woodland Cemetery, where approximately one acre of soil was removed to a level just before intersecting with groundwater and therefore restoring the wetland. Mounds were constructed to alter elevations to mimic the wetlands, which the City hopes DOT would do in this instance as well, removing soil in the most effective way to create new volume and better natural resource habitat. Mr. Reilly asked if wetland vegetation would be sown at the bottom of the compensatory areas and Mr. Lamb said that was yet to be determined.

c. Airport Road Habitat

Mr. Haynes reported that due to timing complications, he was unable to speak before the Finance, Organization & Personnel Committee about the airport fence project during their Capital Improvement Program (CIP) review. Still, Councilor Steve Hooper suggested that the Commission should submit a statement on the project to Council, which Mr. Lamb agreed to enter into the Council record for CIP review. Mr. Lamb is also sharing the statement with David Hickling, the new Airport Manager.

Mr. Reilly recalled questions about when this airport fence project was scheduled in the CIP. Mr. Lamb confirmed that it is funded for FY25, making funds available in July 2024, which is likely with the design phase would begin. Mr. Lamb added that the fence project is high on the Airport Manager's priority list. The Airport Manager indicated that he would seek Commission input, especially in scouting other funding sources for habitat viewing structures to minimize recreation impacts.

6) New or Other Business

Mr. Haynes said that the ARM Fund discussion should continue for the Chairman. The Chairman said the ARM Fund Subcommittee had not met due to scheduling. Still, he said it occurred to him to talk with local organizations like the Harris Center and Monadnock Conservancy because the ARM Fund grant process opens May 1. As opposed to the Subcommittee taking lead on a particular project, he thought there might be opportunities to collaborate with one of these organizations on an ARM Fund project for this grant round. He said this could be a good way to pool resources and accomplish something without all the work falling to this Commission. The Chairman will contact the Conservancy to identify opportunities for partnerships. Mr. Lamb saw no problems with that outreach from staff's standpoint.

Vice Chair Clark recalled that former Commission member Denise Burchsted was working with the Public Work Director, Kürt Blomquist, and City Engineer, Don Lussier, to identify shovel-ready projects for possible ARM Funds. Mr. Lamb offered to speak with the Public Works Director. He recalled discussion about a few possible City projects with wetland impacts that could be eligible for ARM Funds, but no project was exclusively dedicated to wetland restoration. Staff was working with Peter Walker (head of the DOT advisory committee), who is representing Liberty Utilities, which is going to build a Compressed Natural Gas plant at the end of Production Avenue. The project means they must re-permit with many wetland impacts that will also require mitigation. Peter Walker asked the City if there were mitigation projects possible that he could ask Liberty Utilities to fund as a part of their mitigation package. They looked at the second phase of the Woodland Cemetery project to redirect the small stream that crosses under North Lincoln Street into the cemetery and then into a large, adjacent City-owned wetland area. Mr. Lamb said that would have been the next shovel-ready project possible for ARM Funds but DES denied the site. Mr. Lamb agreed it would be a good time to speak with the City Engineer and Public Works Director again.

Mr. Walker asked why DES denied that second phase of Woodland Cemetery project. Mr. Lamb thought they did not see great enough benefit for the work that would be involved. The work would redirect a small feeder stream to the system running at the end of Beaver Brook and into a wetland and upland area to dechannelize and spread it out just south of the cemetery. Mr. Lamb is willing to return to that project for ARM Funds but imagines there would be a lot to sell on its value.

Mr. Haynes agreed with Councilor Williams about ideas for Russell Park. Mr. Lamb said that project is going into design phase right now, and it would not be a good time for a letter of interest yet for several months. Mr. Haynes asked if that could be a future ARM Fund project. Mr. Lamb would follow-up with the Director of Parks, Recreation, & Facilities to keep track of the Russell Park progress. Councilor Williams reported that he is on the Russell Park advisory committee, which just met for the first time and would continue to monthly through completion of the \$1.275 million project involving the fields and playground. He thought that if funds could be found for Beaver Brook habitat improvements that there would be opportunities at the park, especially where kids could be involved with water activities.

Vice Chair Clark recalled a parcel on Church Street where a house burned down. She said the lot is vacant now and though it is privately owned, it could be a great incorporation to Russell Park. Councilor Williams agreed that the advisory committee is aware of that parcel, which is challenging to develop in the middle of the floodplain; it could be a parking area for access to the field, among other possible uses. Mr. Lamb said there is plenty of time for this Commission to develop ideas for Russell Park.

Vice Chair Clark said that ARM Fund pre-proposals are due May 29. She noted another eight-acre City-owned parcel abutting North Lincoln Street near Woodland Cemetery. Mr. Lamb said that is where a channel was to be diverted from the cemetery in the second phase of that project. Vice Chair Clark said the back of that property has lovely alder swamps and the front of the property contains a lot of invasive species that have grown through fill there, and so she said a lot of that fill could be dug out. Mr. Lamb thought it was a good idea for the ARM Fund Subcommittee to begin looking at ideas toward an application. Vice Chair Clark added that

regardless of receiving funding, this is a good practice for the Commission. Chair Von Plinsky will try to assemble the Subcommittee.

Mr. Lamb noted that John Therriault was present, who recently presented before the Municipal Services, Facilities & Infrastructure Committee encouraging Council to make Keene a “Bee City.” Mr. Therriault explained that Bee City USA is funded through the Xerces Society for Invertebrate Conservation and is intended to enhance habitat for all pollinators, not just bees. He said the process is simple for the City: assign a City staff liaison to the program, establish a standing Committee to spearhead pollinator efforts, place a sign in the City identifying participation, review City policies and procedures to be pollinator friendly, and complete an annual report. For example, Mr. Therriault said that the invasive Japanese knotweed is pervasive in the Beaver Brook watershed abutting Russell Park and those plants could be replaced with native species to support native pollinators. Mr. Lamb said this matter would be on the Commission’s March agenda as a referral from City Council for advice and Mr. Therriault would return for that discussion. Mr. Haynes noted that this relates to the Commission’s potential absorption of the Agricultural Commission’s duties and Mr. Lamb agreed. Mr. Therriault is interested in being an alternate Commission member to help in this advisory role. Vice Chair Clark suggested that Mr. Therriault communicate with the Cheshire County Conservation District, which has pollinator efforts.

Mr. Haynes said that Commission membership needed to be updated on the City website and that the Greater Goose Pond Forest Stewardship Plan is not yet available on the website. He added that the Commission’s description still lists “development of natural resources,” and he thought the Commission had voted to remove the word “development.” Mr. Lamb agreed that the webpage still reflected the old language and he would work to revise it. Mr. Haynes added that the Commission webpage could be an ideal location to post outreach activities as well as photos and links to events. If members send information to post, he would forward it to the proper staff for publishing on the website.

Vice Chair Clark said there would be a Clean Water Café event on March 24 at the Old County Courthouse from 6:00 PM – 8:00 PM. The event would include representatives from the CT River Conservancy, Cheshire County Conservation District, and ARLAC. There will be a brief film on the Source to Sea event from the CT Conservancy. The event provides networking opportunities for those interested in clean water.

7) Adjournment – Next Meeting Date is Monday, March 16, 2020

Next year, Chair Von Plinsky hoped the January and February meetings could be changed to the second Monday of the month instead of the third Tuesday so that it is easier for him to attend. The meeting adjourned at 5:34 PM.

Respectfully submitted by,
Katriona Kibler, Minute Taker
February 25, 2020

Reviewed by Rhett Lamb, Community Development Director/ACM