

City of Keene
New Hampshire

CONSERVATION COMMISSION
MEETING MINUTES

Monday, May 18, 2020

4:30 PM

Remote Meeting via Zoom

Members Present:

Alexander Von Plinsky, IV, Chair
Eloise Clark, Vice Chair
Councilor Bobby Williams
Ken Bergman
Andrew Madison
Art Walker
Steven Bill, Alternate
Thomas P. Haynes, Alternate

Staff Present:

Rhett Lamb, Community Development
Director/Assistant City Manager
Tara Kessler, Senior Planner
Don Lussier, City Engineer

Members Not Present:

Brian Reilly

1) Call to Order

Chair Von Plinsky called the meeting to order at 4:33 PM and read the executive order authorizing a remote meeting: Emergency Order #12, issued by the Governor of the State of New Hampshire pursuant to Executive Order #2020-04. Pursuant to this order, Mr. Lamb called roll. All members were calling alone from their home addresses, minus Mr. Bill, who was calling with his daughter from Poestenkill, NY. Thomas Haynes was present as a non-voting attendee.

2) Approval of Meeting Minutes – February 18, 2020

Mr. Walker moved to approve the minutes of February 18, 2020, which Councilor Williams seconded, and the motion passed by a unanimous roll call vote.

3) Communications & Notifications

a. 43 Production Avenue – Liberty Utilities notification to NHDES Wetlands Bureau regarding geotechnical borings within a wetland

Mr. Lamb referenced a letter from Liberty Utilities included in the meeting packet, notifying the NH Department of Environmental Services (DES) of planned geotechnical boring in the wetlands at the end of Production Avenue. The plan in the meeting packet outlined locations of entry into the wetland. Mr. Lamb said that this letter was informational and the Commission needed to take no action.

Mr. Bill asked when the project starts and Mr. Lamb said there is no date yet, this is an initial investigation. Mr. Walker asked the purpose of the boring. Mr. Lamb said it is a geotechnical investigation in preparation for Liberty Utilities submitting plans to the City and NHDES Wetlands Bureau for a permanent liquefied natural gas (LNG) facility. Mr. Bergman asked whether there was a map or detailed documentation of the boring locations. Mr. Lamb said that map was omitted mistakenly from the meeting packet and said the site was located at the end of

the existing Production Avenue cul-de-sac. Mr. Bill added that the ground conditions in that area are unstable and therefore a good understanding of belowground conditions is essential before any construction.

Mr. Lamb stated his understanding that there would be a significant wetland impact as a part of constructing the LNG facility and therefore the Commission would have input on the project again later through both the NH DES Wetlands Application and the Keene Planning Board site plan review for a Conditional Use Permit.

The Commission acknowledged receiving this informational communication.

b. Standard Dredge and Fill Application by City of Keene for Winchester Street Reconstruction & Replacement of the Island Street Bridge

The City Engineer, Don Lussier, called alone from his home address to speak about this project. This project will create two new roundabouts on Winchester Street, one at the Key Road intersection and the second at the intersection of Island and Pearl Streets, as well as replacing the Island Street Bridge over the Ashuelot River. As part of the project, there will be substantial drainage reconfiguration that will affect wetlands where the existing and proposed systems discharge into surface water. The first impact will be at the existing roundabout at Winchester Street and RT-101, where a storm water treatment pond will be constructed with overflow discharge going to the same location as currently. Mr. Lussier said that flow patterns would not be altered as a part of this project but that a substantial part of the project runoff would be treated. Mr. Lussier said that the second wetland impact will be to both the north and south sides of the Winchester Street Bridge over the Ashuelot River, where small impacts are necessary to replace the existing drain pipes. Specifically on the north side of the bridge, the drain will be replaced with a storm water treatment feature that will runoff into the river. The final impact will be to the embankments of the Ashuelot River due to Island Street bridge construction of abutments and retaining walls.

Mr. Lussier reported that he also spoke with the Ashuelot River Local Advisory Committee (ARLAC) and he wanted to address their questions, some of which were not included in the Wetlands Application. Mr. Lussier said that ARLAC questioned disturbance from the Island Street bridge reconstruction and the subsequent surface and embankment restoration. In a comment letter to NHDES, ARLAC requested a more specific plan for vegetation restoration, and Mr. Lussier said that the project consultant is working on comments in response. ARLAC also asked about treating the pipe discharges from the south side of the Winchester Street Bridge over the Ashuelot River. Mr. Lussier replied that today, the southern drain pipe is 30" with no treatment, whereas the proposed conditions are for a 24" pipe that redirects and captures some storm water that flows there today. Unfortunately, Mr. Lussier said that the right-of-way (ROW) is limited in the area, making it impossible to accommodate storm water treatment to that discharge point on the south side of the bridge without taking more land from Eversource and Keene State College properties. Therefore, the City respectfully declines treatment at that location. However, there will be storm water treatment for substantial discharge points at the north side of the bridge and at the end of RT-101. Mr. Lussier said that ARLAC also commented on the location of flows near the site of another project completed recently on Winchester Street. Mr. Lussier recalled speaking to the Commission more than one year ago about drainage improvements at the intersection of Ralston and Winchester Streets, which resulted in a discharge point on the north side of the bridge/east side of the river. ARLAC expressed concern with the bridge reconstruction project adding flow to a system that is already flood-prone.

Mr. Lussier said that due to new surface water treatment ponds and water detainment in new roadway islands, there would be less drainage into the system than currently.

The Chairman asked if there is a reason not to remove existing bridge abutments. Mr. Lussier said the reason is to minimize stream disturbance. Removing the existing abutments would require excavating below the stable riverbed and likely create more erosion later. He said the plan is to retain the existing abutments, cut them a few feet below the bottom of the new bridge, and use them to stabilize the embankment and prevent erosion.

Vice Chair Clark is a member of ARLAC and she confirmed the concerns and said that Mr. Lussier explained well the City's position on the issues. She added that ARLAC wanted to emphasize that annual river testing shows a significant decrease in water quality from above to below Keene. She was hopeful that extra storm water treatment would help to reduce any pollution entering the river.

Mr. Lussier said the Island Street Bridge is 40 years old and the goal is to remove it intact with minimal damage so it can be reused as a future pedestrian path bridge. Mr. Lamb said that Mr. Lussier was underselling that effort, which is part of redeveloping the trail system starting at Eastern Avenue and following the Cheshire Rail Trail to Swanzey and Marlborough. Mr. Lamb said it is a great project that the Commission would hear more about as it gains future support in the Capital Improvement Program.

Regarding this agenda item, Mr. Lamb stated that the Commission could intervene and ask DES to slow their process until the Commission can provide written recommendations. Otherwise, the Commission could choose not to intervene and allow DES to proceed with their Wetlands Permit process. Commission members expressed no reason not to have this application move forward.

Chair Von Plinsky moved to accept the communication as informational and allow the process to move forward, which Mr. Walker seconded.

Mr. Bergman said he appreciated Vice Chair Clark's comments and asked if ARLAC had any other concerns that merited discussion before voting on the motion. Vice Chair Clark said that ARLAC spent a long time discussing the type of vegetation that would be replanted on land around the new Island Street Bridge. Currently, the application states that vegetation would be allowed to regrow naturally and ARLAC was insistent that native shrubs be planted instead to avoid emergence of invasive species like Japanese knotweed. She said the application also mentioned removing larger trees around the river, in which case the river would warm. Vice Chair Clark asked Mr. Lussier to confirm the vegetation plan. Mr. Lussier said that when DES finishes reviewing comments – including those from the Commission and ARLAC – the City would receive a request for more information that includes a compilation of all comments DES received. At that time, the City can respond with additional information like further details on reestablishing vegetation. Mr. Lussier said that the project consultant received ARLAC's comments and has started to address them before receiving the formal request. Mr. Lussier said that vegetation is not his expertise and he has not yet spoken to the consultants about their recommendations. Regarding tree removal, Mr. Lussier confirmed that only one large tree would be removed as a part of the wetland impacts as well as a few more mature upland trees in the park due to changing the road configuration. Mr. Lussier is working with the Director of Parks, Recreation, & Facilities to determine where those trees can be replaced elsewhere in the City.

Mr. Bill asked how this project would affect discharge and flood storage in the area. Mr. Lussier said there would be an inconsequential net increase in flood impacts due to lowering the existing abutments, where the ground water will lower.

Vice Chair Clark said that while not included in the comments to DES, ARLAC also discussed deepening some sumps in the drainage area from 2' to 4', which Mr. Lussier said he thinks is a great idea and he would like that in catch basins City-wide. Still, more information is needed and so the consultant is looking at ground water surface elevations from bore logs because there is concern that adding 2' below the surface table could be problematic for excavations.

Chair Von Plinsky moved to support ARLAC's request regarding native vegetation and otherwise to support the process moving forward, which Mr. Walker seconded.

Vice Chair Clark and Councilor Williams supported the amended motion because the property already has many invasive species.

The motion passed by unanimous roll call vote.

4) Informational

a. Email from Bob King – West Hill Property

Mr. Lamb referred to this email included in the meeting packet from Bob King, owner of a significant chunk of West Hill near the Horatio Colony Nature Preserve. Mr. Lamb said that the property is well cared for, including some two-track roads. Mr. King said he is taking any actions that he can to limit increasing damage from off-road vehicles on the property. The email was simply informational so the Commission knew the actions taken with regard to walking and other respectful use of the property. Mr. King was concerned that if this is occurring on his property then it could be on other properties of the Commission's concern as well.

Councilor Williams asked how off-road vehicles are governed in State and City policies. Mr. Lamb said he was not an expert and it was best to return for a conversation when he is more familiar. The Chairman asked members to be watchful for similar activity on City-owned properties. Mr. Madison said his understanding was that ATVs are regulated by NH Fish & Game; when off-road vehicles are found traveling on private properties, it is first addressed by local police as trespassing and on subsequent occasions by NH Fish & Game.

The Commission acknowledged the email as informational.

b. Outreach Subcommittee Report

Vice Chair Clark reported that unfortunately the wonderful planned spring programs were canceled due to Covid-19.

5) Discussion Items

a. Bee City USA – Mr. John Therriault

The Chairman welcomed John Therriault, who was calling alone from 76 Bradford Road, Keene. Mr. Therriault recalled visiting Council a few months ago asking them to consider becoming a Bee City, meaning it is committed to raising awareness and preservation of pollinators. Mr. Therriault said that pollinators are important for our food chain and biodiversity. All

pollinators have their place in the ecosystem. In the US, pollination equals approximately \$20 billion in products. Mr. Therriault said that for example, one native leafcutter bee can do the same pollination of 20 non-native bees. However, the leafcutter and other native pollinators have a small niche of activity, as little as a few weeks, depending on the growing season of the nectar and pollen sources with which they coevolved. Many non-native pollinators, however, are active in many seasons. Mr. Therriault credited this information to the US Fish & Wildlife Service.

Mr. Therriault referred to Keene's 2010 Comprehensive Master Plan's second of six vision focus areas, A Unique Natural Environment, which states that, "The natural environment addresses the natural areas (green spaces, plants and animals, hillsides and waterways) within and around our City, as well as the man-made areas (green infrastructure, parks, agriculture, and gardens) (page 19). With the proper design, open spaces and the greenway connections between them can provide an important opportunity for environmental stewardship and education (page 95)." Mr. Therriault said that if Keene were a Bee City, pollinators would be an important component of any environmental stewardship and education. He was interested in the earlier discussion of replanting after Island Street bridge reconstruction and suggested considering not just native plants, but those that support native pollinators.

Mr. Therriault read §2-774(3) of the Conservation Commission's Powers, Duties, & Guidelines to, "Regard land as an extremely important asset, whose use should be consistent with the long-range community values." Mr. Therriault thought those values demonstrated an opportunity for the Commission to be important in Bee City USA activities.

Mr. Therriault explained that the Bee City USA program endorses a set of commitments, defined in a resolution, for creating sustainable habitats for native pollinators, which are vital to feeding the planet. As a Bee City, Keene would need to:

- Establish a standing Bee City USA committee to advocate for pollinators,
- Create and enhance pollinator habitat on public and private land,
- Incorporate pollinator-conscious practices into City policies and plans,
- Host annual pollinator awareness events, and
- Publically acknowledge Bee City USA affiliation with signs and an online presence.

Mr. Therriault said that a Bee City committee could be a subcommittee of this Commission, that opportunities to support pollinator habitat include City policies on chemical use, and that annual events could be as simple as a walk through a park cataloguing pollinator sightings.

Mr. Therriault listed the steps to becoming a Bee City:

1. Complete the application form and resolution template (on website),
2. Assign facilitation to a local government body or non-profit organization,
3. Designate a local government department as a sponsor,
4. Draft your Bee City USA resolution and review with Bee City USA headquarters,
5. Submit application & resolution to local government for approval, and
6. Finalize your Bee City USA designation by submitting the final application, the adopted resolution, and fee payment. *Mr. Therriault has offered to pay the fee.*

Mr. Therriault listed some benefits of becoming a Bee City:

- Ensure survival of vital animal species,
- Improve local food production,
- Stimulate local plant nursery market,
- Engage community in removing invasive species,

- Address pest problems less toxically,
- Heighten awareness of seasonal changes, and
- Increase small business opportunities.

Beyond these benefits listed on BeeCityUSA.org, Mr. Therriault said a benefit of the program is making the environment more welcoming to native pollinators. He recalled a study from the University of New Hampshire a few years ago, which showed a 50% decline in native pollinator species, for some because the flowers they coevolved with are less available.

Mr. Bergman recalled that a few years ago, Amanda Littleton and the Cheshire County Conservation District worked on native pollinator plantings/gardens on approximately 20 sites throughout the county. Mr. Therriault said he was familiar and received seed mixes as part of the project. The public was asked to plant and then provide feedback on germination and pollinator activity, but he had not yet seen the results. Mr. Bergman recalled a project in the athletic fields at Keene State College and another site on the east side of East Surry Road. Mr. Bergman said the Xerces Society is a very worth organization and he saw nothing negative about the proposal.

The Chairman, Councilor Williams, and Mr. Bill agreed that if the Commission is also absorbing duties of the Agricultural Commission that assuming responsibility of Bee City USA would align well, but all were concerned that it would be adding too much work to the Commission. Councilor Williams questioned the best route forward in deciding the Commission's role in this project. The Chairman thought the Commission was to first recommend to Council whether to become a Bee City and if the Council so chose, they would then draft a resolution and determine where the duties would fall within the City structure.

Mr. Bergman asked if there are other Bee Cities in NH/New England and if so, whether they encountered any implementation challenges. Mr. Therriault said there are two Bee Cities in New England in addition to many university campuses enrolled as Bee City affiliates. To his knowledge, there were no issues with implementation but he had not asked specifically.

Vice Chair Clark said she supported the idea but questioned the mechanisms of implementation and whether the Commission has the work force for another subcommittee. Chair Von Plinsky was inclined to recommend that Council move forward drafting a resolution, but he was unsure what it would look like after. Councilor Williams expected that if the Commission sends the Council such a recommendation, that the matter would be sent right back to the Commission questioning how to implement. While the Commission did not need to tell Council exactly how it should work, Councilor Williams thought they would appreciate any ideas this Commission has. Mr. Walker suggested placing the matter on more time for one month to give the Commission an opportunity to work out some of these answers.

Mr. Bergman wondered whether one Commission member could act as a point person and he asked if there could then be a hybrid working group with non-Commission members involved, so not all Commission members would have to be continuously engaged. Ms. Kessler thought that would be possible as long as it is clear that those subcommittee participants are not voting members of the Commission. The Chairman asked if there are examples of such hybrid subcommittees in the City and Ms. Kessler said those instances are most commonly a subcommittee of two existing committees working together, like the Historic District and Heritage Commissions. A Council recommendation might be needed to determine roles and formality of such a group. Vice Chair Clark cited a recent example of the Goose Pond Land Management Plan subcommittee, which included non-members. Ms. Kessler said that was an Ad

Hoc Committee overseeing the project. Ms. Kessler thought there were many options for deciding what the Commission wants and how to formalize it, but there need to be some clearly defined rules and procedures as well as clear location within the City structure. Those details would need to be worked out moving forward. Mr. Bergman thought Mr. Therriault's proposal was worthy but shared concern accomplishing what the Council has tasked the Commission with already. The Chairman agreed and suggested accepting this presentation as informational until next month, allowing him to speak with Councilor Williams and Mr. Lamb about specific ideas to send to Council, which the Commission to review at the next meeting. Councilor Williams agreed that would help speed the overall Council decision-making process.

Mr. Therriault said he was unsure that becoming a Bee City would require an entirely new committee because once established, the only ongoing activities are one annual event and one annual report that should be no more than 30 minutes of work. He urged the Commission not to feel a need to create unnecessary administrative burden. If the Commission committed to considering pollinator protection as a criterion of their decision-making, he thought one member of the Commission would then be a sufficient point-of-contact for Bee City USA. The Chairman thought that sounded reasonable. Councilor Williams still expressed concern not of how to handle the Bee City commitment in the long-term, but rather the short-term decisions related to where this fits in the government structure, and what points of intervention in the City that the program should target. Councilor Williams wanted to do due diligence to make the program as strong as possible. Mr. Therriault agreed to meet with Chair Von Plinsky, Councilor Williams, and Mr. Lamb before the next meeting to formalize a recommendation.

The Commission accepted this presentation as informational, with continued work planned before the next meeting.

b. ARM Fund Project Concept – North Lincoln Street

Vice Chair Clark reported that the City owns an eight-acre parcel abutting Woodland Cemetery, one half-acre of which is fill that was added before the City's purchase in 2008. Before purchase, the City did its due diligence conducting a phase one environmental assessment in search of anything toxic, which revealed little of concern. Today, the area is significantly invaded by Japanese knotweed and to some degree garlic mustard. Vice Chair Clark said the subcommittee thought to apply for Aquatic Resource Mitigation (ARM) funds to remove some or all of the fill in an effort to eliminate the invasive species, return the area to productive wetlands for wildlife such as the annual amphibian crossing, and increase floodwater storage that is needed in east Keene. Vice Chair Clark referenced a letter of support from Brett Amy Thelen and the Harris Center, who lead the annual amphibian crossing volunteer efforts. Vice Chair Clark has tried to contact the Director of Parks, Recreation, & Facilities, Andy Bohannon, with no response.

The Chairman expressed excitement about the possibility. Mr. Bill agreed and noted that south of that site toward Roxbury Street there is a section natural old growth forest and he imagined no problem removing the fill if regraded to that same slope. Councilor Williams was also enthusiastic because he walks past the area daily, which he said could use some help. The Councilor noted that a sidewalk is needed in that area and the Commission should consider whether to leave a 6' ROW for walking. Mr. Bergman asked if there would be sufficient ARM funds for the project. Vice Chair Clark replied that she needs more help from the City in determining a cost estimate and she has felt unsupported by City staff after reaching out a few times. The Chairman heard more discussion before returning to the matter of cost.

Mr. Madison questioned where the parcel is on North Lincoln Street and Vice Chair Clark said by the southernmost speed hump, just south of the easterly cemetery entrance. She said there is a fairly intact wetland, minus an understory of honeysuckle, and a nice alder swamp. Vice Chair Clark did not propose removing the honeysuckle at this point and to instead focus on the knotweed, which Mr. Madison supported. Vice Chair Clark confirmed the City owns the parcel.

The Chairman said the deadline for ARM fund preproposals is May 29 and one element is to provide a cost estimate, which has become the tripping point for the subcommittee completing the preproposal. He questioned if the Commission could get such an estimate from staff in time. Ms. Kessler would have to discuss with Mr. Lamb (who had departed the meeting at 5:25 PM) but she was certain he had more information. In past ARM projects, a consultant was typically used to provide an estimate and ultimately write the full grant proposal. Alternatively, Ms. Kessler thought she could coordinate with Mr. Lamb to request an estimate from the Engineering Division. Ms. Kessler would follow-up with Mr. Lamb. Vice Chair Clark agreed that professional help was needed to determine first how much fill to clear in order to specify costs. The Chairman recalled that the May 29 deadline is only for a preproposal and he thought they only needed an estimate. After the preproposal is approved, the Commission could work on engineering and cost details. Ms. Kessler thought that was a good idea and she added that \$330,000 of ARM funding is available for this watershed. Mr. Bill did not think it would be difficult to estimate how many cubic yards of fill to remove to develop a cost estimate. Vice Chair Clark said her elevation estimates show 9' at one end progressing to even with the roadway at the other end. Mr. Bill offered to work on an estimate of fill to remove, which Ms. Kessler said would help the Engineering Division's cost calculation.

Chair Von Plinsky asked who sends the preproposal; does staff do that? Vice Chair Clark said she had a great head start on the preproposal. Ms. Kessler would consult with Mr. Lamb but assumed that staff could do that on behalf of the Commission to keep communication clearer with DES. Vice Chair Clark has the form completed, minus cost estimates, and she has sent it to Mr. Lamb twice. If Mr. Lamb is unable then Ms. Kessler was willing to facilitate an estimate from the Engineering Division. She said it is just a matter of staff's time right now.

Vice Chair Clark moved to authorize staff to send forward an ARM fund preproposal for the North Lincoln Street project, which Mr. Walker seconded, and the Commission passed by unanimous roll call vote.

c. Proposed Land Acquisition off Old Gilsum Road – Gary Boes

[The Chairman heard this item out of order, before item 5.a., at staff's request.]

Mr. Lamb recalled that Mr. Boes came to Council when the Commission recommended using the Land Use Tax Fund to acquire his six-acre property. The City's acquisition of that parcel is complete and in the end stages, Mr. Boes returned to the City offering another smaller 0.86-acre parcel. Mr. Lamb used a map to demonstrate that minus a few outparcels with access right onto Old Gilsum Road, almost all parcels in the area are owned by the City as a part of the Greater Goose Pond Forest. The City's long-term goal has been to acquire these parcels through purchase or gift when possible because most are minimally used and could not be developed. Mr. Boes' smaller parcel is entirely wooded and directly adjacent to Old Gilsum Road. You can find the parcel by walking from Timberlane Drive to across from the water tank at the top of Meetinghouse Road. If walked recently, one could see the parcel across from a recent forestry clearing that is starting to grow back. The parcel is unrecognizable as a separate lot when walking past, but it is a separate holding. Staff recommended acquiring this parcel like the other.

Chair Von Plinsky moved to recommend that the City Council authorize the City Manager to do negotiate the acquisition of the 0.86-acre parcel on Old Gilsum Road owned by Gary Boes using the Conservation Land Use Tax Fund, which Mr. Walker seconded, and the Commission passed unanimously by roll call vote.

6) New or Other Business – Invasive Species – Councilor Williams

Councilor Williams introduced the topic of how the City and this Commission are handling invasive species for discussion at the next meeting. Councilor Williams presented three specific subtopics:

1. Ways to educate the public and engage people in invasive species control. For example, engagement to show members of the public that it is okay and how to pull garlic mustard on the City ROW.
2. What the City can do when particularly bad areas of invasive species are found, like the one on North Lincoln Street.
3. How to address the newly pervasive ornamental “Bradford” pear trees, which were initially thought incapable of seeding because they are a hybrid, but other pear trees can cross-pollinate with them. Seed dispersal by birds now has Councilor Williams and others finding the ornamental trees in the wild where they could grow problematic.

Mr. Bergman stated that he appreciated Councilor Williams’ comments as he also walks past areas of invasive species daily, including two extensive but not yet thick patches of knotweed at Ladies Wildwood Park. He said now is the time to remove them before they are out of control. He was unsure if that was a matter for the Director of Parks, Recreation, & Facilities or a more formal invasive species plan from this Commission.

Vice Chair Clark said that if the ARM fund project moves forward on North Lincoln Street, that it would be an opportunity for education that Councilor Williams seeks. The Chairman agreed that education is important for invasive species control. Mr. Bergman also suggested posting QR code signs to help people know and learn about invasive species. The Chairman welcomed further discussion when this item is on the next month’s agenda.

The Chairman recognized Chuck Redfern, who called alone from 9 Colby Street, Keene. Mr. Redfern requested to be on the next month’s agenda as a representative of Pathways for Keene, which is seeking support from various public bodies for a heritage trail proposal that the Public Works Department and City Engineer are working on. The Chairman agreed.

7) Adjournment – Next Meeting Date Monday, June 15, 2020

There being no further business, Chair Von Plinsky adjourned the meeting at 6:10 PM.

Respectfully submitted by,
Katie Kibler, Minute Taker
May 25, 2020

Reviewed by, Rhett Lamb, ACM/Community Development Director