

City of Keene
New Hampshire

CONSERVATION COMMISSION
MEETING MINUTES

Monday, July 20, 2020

4:30 PM

Remote Meeting via Zoom

Members Present:

Alexander Von Plinsky, IV, Chair
Eloise Clark, Vice Chair
Councilor Bobby Williams
Brian Reilly
Art Walker
Ken Bergman
Andrew Madison
Steven Bill, Alternate
Thomas Haynes, Alternate
John Therriault, Alternate

Staff Present:

Rhett Lamb, Community Development
Director/Assistant City Manager
Corinne Marcou, Zoning Clerk

Members Not Present:

1) Call to Order

Chair Von Plinsky called the meeting to order at 4:37 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, members present, all of whom called alone, stated their locations. The Chairman, Vice Chair Clark, Mr. Reilly, Mr. Walker, Mr. Madison, Mr. Bill, Mr. Bergman, and Mr. Therriault called from their home addresses. Councilor Williams called alone from Fitzwilliam, NH, and Mr. Haynes' status was unknown as he only listened to the meeting.

2) Approval of Minutes – June 15, 2020

Mr. Madison moved to approve the minutes of June 15, 2020, which Vice Chair Clark seconded, and the motion passed by unanimous roll call vote.

3) Communication and Notifications

a. Thank you letter from ARLAC

A letter was included in the [meeting packet](#) from the Ashuelot River Local Advisory Committee (ARLAC) thanking the Conservation Commission for its donation. The Chairman echoed Conservation Commission sentiments from the previous month that the donation is a bargain for the benefits of ARLAC's work and he asked Vice Chair Clark to thank ARLAC again.

4) Informational

a. Subcommittee Reports

i. *Outreach Subcommittee*

Vice Chair Clark asked Mr. Lamb whether a Facebook page could be activated for the Commission to post educational information such as on pollinator-friendly plant species, invasive species management, etc. As a lifelong environmental educator, Vice Chair Clark is happy to generate these posts and questioned whether she could post things on behalf of the Commission as a private citizen. Mr. Lamb could not provide a definite answer and would report back at the next meeting after more research.

In the interim, some possibilities were discussed:

- To be effective, a key element would be to ensure content stays up-to-date.
- While possibly more expeditious than waiting for City Staff to post on the Commission's behalf, it would be likely inadvisable/inappropriate for Conservation Commission members to manage an unofficial Facebook page as private citizens, for concern of serial conversation/decision making by members without quorum. Mr. Lamb would confirm.
- The [Commission webpage on the City website](#) is a definite location where City Staff can post information on behalf of the Commission.
- The [Community Development Department](#) and [Parks & Recreation Department](#) Facebook pages are public and one does not need a Facebook account to view these pages/posts, you can instead subscribe via email for updates. Mr. Lamb thinks both pages are avenues for Conservation Commission posts, managed by City staff, with both pages reaching possibly several thousand subscribers.

ii. *ARM Fund Subcommittee*

No updates.

5) Discussion Items

a. Airport CIP Wildlife Fence Project – Birding/Habitat Viewing Along Airport Road

Mr. Lamb introduced the new Airport Manager of six months, Dave Hickling, who has tremendous airport experience. Mr. Hickling was not present during creation of the existing Airport Master Plan (AMP) that identifies the City's preferred alternatives for pending projects on the Keene Dillant-Hopkins Airport property. These projects include the installation of a fence to prevent wildlife from entering runway areas, which currently poses a significant safety and operations concern at the Airport. Mr. Lamb had provided Mr. Hickling context on the Commission's review/concern of the proposed Airport fence project over the last year with regard to wetlands impacts and interference with wildlife viewing from Airport Road.

Mr. Hickling introduced himself, his history in Airport Management, and his excitement to be relocated in New Hampshire. He reviewed past Conservation Commission meeting minutes on this topic and was appreciative of recent updates Mr. Bergman had shared. As such, he felt he grasped well the Commission's concerns with the fence to keep wildlife off the runway and away from aircraft. The fence project is programmed currently in FY-25 but he thinks it is a pressing issue and he is choosing to advance the project in the Capital Improvement Program (CIP). With the extensive time he spends on Airport Road, he understood the Commission's desire to preserve this amazing wildlife viewing resource.

Regarding the Commission's concern with wetlands impacts, Mr. Hickling said his preference is to locate the fence closer to the runway on the other side of the wetlands but the Federal Aviation Administration (FAA) regulates acceptable distance of grounded fixtures from the runway. By locating the fence as close as acceptable to the runway, parts the fence would traverse wetlands, which is why Mr. Hickling thought the Airport Road alternative was preferred in the AMP. However, locating the fence along Airport Road essentially encloses the adjacent wetlands and therefore wildlife into the runway area, contradicting the fence's purpose. Mr. Hickling felt he could make a case to the FAA to allow the fence closer to the runway in the Object Free Area, which would truly minimize wetlands impacts. If the FAA denies that request, the only way to avoid wetlands impacts is to locate the fence along Airport Road, which is not his goal. Mr. Hickling shared the Commission's concern about a wildlife fence located along Airport Road obstructing significant recreation and wildlife viewing opportunities. Mr. Hickling agreed that it was his least preferred option and said if it is ultimately the only possibility, he would find ways to create wildlife viewing areas through the fence. Mr. Lamb referred to the end of Runway 14-32, where the Commission also had some concerns due to significant wildlife viewing. Mr. Hickling had overlooked the significance of that impact area and would have to report back with ideas; he would still have the same goal of locating the fence as close to the runway as possible.

Mr. Bergman identified Mr. Hickling's preference of an option more aligned with Alternative One (closer to runway) in the AMP, although Alternative Two (closer to Airport Road) was selected as preferred in the AMP; Mr. Hickling agreed. Mr. Bergman referred to the end of Runway 14-32 previously mentioned by Mr. Lamb and said there is a main marsh area with many pools that are prime habitat for several species such as bitterns and Virginia rails, among many others that are of concern for both wildlife viewing and species movement. Mr. Bergman added that running the fence as close as possible to the end of Runway 14-32 would also result in the fence traversing the wetland twice and causing perhaps greater impacts. He said that most bird species like bitterns are thought by the NH Audubon Society to be capable of flying over such a fence but the Virginia rails have also on occasion been seen walking across Airport Road in this vicinity. Mr. Bergman thought that protecting wetlands should be the primary goal and he is conflicted as an advocate of preserving wildlife viewing recreation. Mr. Bergman recalled a Commission discussion of an alternative in which the fence follows the tree line from the C&S hangar to Airport Road and continuing along the road to the Waste Water Treatment Plant (WWTP), which might have fewer wetland impacts but Mr. Bergman said would perhaps have the greatest impact on wildlife viewing opportunities. He also referred to the brook that crosses Airport Road near the WWTP that has been identified as a breeding ground for eastern ribbon snakes, which are a species of significant concern in the NH Wildlife Action Plan; the construction of a fence would likely have more impact on this species than the presence of the fence itself, but NH Fish & Game

would likely have advice. Mr. Hickling welcomed Mr. Bergman for a visit to the Airport to look at the areas of concern.

Mr. Hickling's goal is to keep the fence as close to the runway as possible and to hopefully accomplish a hybrid of the two alternatives in the AMP to achieve the goal of aircraft safety with minimal auxiliary impacts. When funding becomes available to start the design phase for the fence, Mr. Hickling will ensure that representatives of the Conservation Commission participate to provide feedback on the impacts of different designs. His goal is to begin the design phase as early as FY-22. He reiterated that the AMP was not a mandate but rather guidance for a best option, and that guidance does not dictate the ultimate design.

Mr. Bergman questioned whether NH Department of Environmental Services would be involved with design choices and Mr. Hickling said yes, because of wetlands impacts, which he said is likely why the Airport Road option was favored in the AMP.

b. Land Use Code Project Update

Mr. Lamb provided an update on the draft Land Development Code, which Staff has been working on as a long-term goal from the City's 2010 Comprehensive Master Plan. This project streamlined and simplified the City's various development standards (i.e., Zoning, Historic District, Planning, street standards, etc.) that occupied multiple locations throughout the City Codes, making the regulations challenging to navigate for developers, residents, and Staff. This effort was with the guiding principles of simplicity, efficiency (graphics vs. text), and consideration of long-term City goals. The Conservation Commission has heard updates on this project throughout its duration.

Mr. Lamb explained that this project was an effort to not rewrite the City's existing development standards, but rather to reorganize them; joining standards for all regulations. The new consolidated document is intended to be easier to navigate, reduce confusion, streamline the review process for all parties, and remove outdated/conflicting provisions. Mr. Lamb explained the objective of the project to update and modernize the downtown zoning districts to a form-based approach that will replace the familiar downtown Central Business District and Central Business Limited, among others; this objective aligns with community goals, creates tools for the future, and encourages new development. The new document creates a consistent, more user-friendly process for (re)development for residents and developers, while also allowing Staff to provide better service.

The Land Development Code includes some overlap with the Conservation Commission, with an emphasis on preserving natural resources throughout land development standards. Mr. Lamb recalled that in 2012-2014, a Conservation Commission subcommittee drafted the current Surface Water Protection Ordinance (SWPO), which established buffers around surface waters where development is prohibited; the buffers vary from 75' to 30' from the rural areas to the denser valley floor, respectively. Property owners could apply for Conditional Use Permits (CUPs) from the Planning Board to alter surface water buffers with permanent structures and the Conservation Commission had to review those permit applications. Mr. Lamb described two important areas of change between the current Surface Water Protection Ordinance and the new Land Development Code:

1. The SWPO established wetland/buffer types where the Ordinance did not apply, such as for manmade streams like significant portions of Beaver Brook channelized with concrete, where property owners did not need CUPs to build. Agricultural, fire, and irrigation ponds were exempt because they were wetlands constructed to support a development. Tax ditches were exempt from issuance of CUPs because they are natural streams that were excavated and deepened to accelerate drainage of surrounding lands. The City has maintained those ditches with edge mowing to remove woody vegetation and keep water flowing. A few years ago, the Commission suggested that the City remove tax ditches from the list of exempt activities. The Commission would discuss this substantial change further at a future meeting to determine if the current Commission shares the same point-of-view as previous Commissions. Mr. Lamb is happy to discuss the history of the SWPO with members to provide more background.
2. The SWPO as originally adopted required that if land was subdivided for a residential development, for example, the quantified wetland and buffer area could not count toward the minimum lot size zoning requirement. A few years ago, the Conservation Commission also requested removing this requirement because the protections offered by the SWPO itself through the creation of a buffer would provide adequate protection to the wetland.

The new Land Development Code still requires that the Commission review CUP applications before the Planning Board can vote, requires delineation of wetlands so impact can be determined, and the buffer requirements remain the same. Mr. Lamb would share the draft Land Development Code with the Commission via email and will be available for discussion at upcoming meetings. The draft is currently under informal review with public outreach, and formal review would occur September-December 2020.

Vice Chair Clark asked if the new document would reflect changes/reorganization of NH wetland rules. Mr. Lamb replied that the SWPO is more about buffers than wetlands themselves. Vice Chair Clark added that Barbara Richter was on the original SWPO Committee, is now the Director of the NH Association of Conservation Commissions, and could be a good resource on this subject.

Mr. Bill asked whether Beaver Brook was included as exempt in the SWPO because it is channelized or was the decision based on size criteria for streams. Mr. Lamb replied that the Conservation Commission had a lot of discussion about Beaver Brook when developing the SWPO. Portions of Beaver Brook are clearly manmade and therefore have no buffer per se, though he said there would be value to a buffer in those areas because discharge surface water would get better treatment. Still, in such urbanized areas, establishing a standard for a buffer there was overwhelming and would have posed development challenges not ideal in an urban setting. Mr. Lamb said that at the time, some Conservation Commission members were concerned about projects directly adjacent to Beaver Brook, but the Zoning Administrator determined it as exempt because of the concrete walls. The Commission can continue this discussion.

c. Continued Discussion – Invasive Species Management

Chair Von Plinsky said that after some more research, it seemed something could come to fruition for a deputized group of volunteers to help manage invasive species on City property. Mr. Lamb said he spoke with the Director of Parks, Recreation & Facilities, Andy Bohannon, who was open to the idea of educating

citizens and creating a process to recognize their volunteer status as authorized to manage invasives on City property/parks/roadways, etc. They have a meeting scheduled to discuss this further and Mr. Lamb will report back with more ideas.

Councilor Williams shared the resource, www.naturegroupie.org, which is a New England organization that recruits outdoor volunteers. The UNH Cooperative Extension is very involved and he thought they could be a resource for expertise, educational materials, and volunteers. The Chairman added that there is an app that helps Nature Groupies and other interested New England citizens to track invasives. The Chairman will experiment with that app and report back at the next meeting. Councilor Williams said an easy way to begin engaging possible volunteers is to schedule a Nature Groupie meeting in Keene to gauge community interest. The Chairman believed that could be arranged with Covid-19 precautions.

Mr. Lamb recalled that citizens could not apply chemicals to invasives on City property. There are three City Staff members licensed to do so and in cases of large tracts, the City contracts outside services. Still, there are other ways that volunteers could be helpful.

6) New or Other Business

Mr. Bergman referred to a Keene Sentinel article about work on the Roxbury dams and the City being at greater risk of drought-induced water restrictions than in the past because reservoir levels are lower. Mr. Lamb said the City has two reservoirs in the Roaring Brook watershed, primarily in Roxbury – the Babbidge Dam is smaller and was repaired a few years ago and the Woodward Dam is larger but is currently under construction and water levels are lower. The primary work on the Woodward Dam began this summer and he was unsure when the work was going to finish. Due to the lower than normal surface water reserves, the City activated ground water wells to compensate and Council authorized Phase 1 water restrictions due to drought conditions.

Mr. Bergman questioned changes to the Community Development Department mission statement language. The Chairman said the language is accurate in the Department's budget but the change was not yet reflected on the website and it would be soon.

7) Adjournment – Next Meeting Date: Monday, August 17, 2020

There being no further business, The Chairman adjourned the meeting at 5:46 PM.

Respectfully submitted by,
Katie Kibler, Minute Taker
July 26, 2020

Reviewed by Rhett Lamb, ACM/Community Development Director
Edits, Corinne Marcou