



City of Keene, New Hampshire

CONSERVATION COMMISSION

Monday, November 16, 2020

4:30 PM

ZOOM

Commission Members

Alexander Von Plinsky, IV, Chair
Eloise Clark, Vice Chair
Kenneth Bergman
Brian Reilly
Art Walker

Andrew Madison
Thomas P. Haynes, Alternate
Steven Bill, Alternate
Councilor Robert Williams
John Therriault

- This meeting will be conducted using the online meeting platform, Zoom. The public may view the meeting online by visiting www.zoom.us/join and enter the Meeting ID: **850 7842 8581**.*
- More info on how to access this meeting is available on the Conservation Commission webpage at <https://ci.keene.nh.us/conservation-commission>
- If you encounter any issues accessing this meeting, please call **(603) 209-4697** during the meeting.

1. Call to Order
2. Approval of Meeting Minutes – September 21, 2020
3. Communication and Notifications
4. Informational
 - a. Subcommittee reports
 - Outreach Subcommittee
 - Arm Fund Subcommittee
5. Discussion Items
 - a. Continued discussion – Invasive Species Management
 - b. Continued discussion -- Airport CIP Wildlife Fence project – Birding/Habitat viewing along Airport Rd
 - c. Continued discussion -- Greater Goose Pond Forest Management Plan,
6. New or Other Business
7. Adjournment – Next meeting date Monday, **December 21, 2020**

**In Emergency Order #12, issued by the Governor pursuant to Executive Order #2020-04, which declared a COVID-19 State of Emergency, the requirement that a quorum of a public body be physically present at the meeting location under RSA 91-A:2, III(b), and the requirement that each part of a meeting of a public body be audible or otherwise discernible to the public at the meeting location under RSA 91-A:2, III(c), have been waived. Public participation may be provided through telephonic and other electronic means.*

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1 **City of Keene**
2 **New Hampshire**

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5 **CONSERVATION COMMISSION**
6 **MEETING MINUTES**
7

8 **Monday, September 21, 2020**

4:30 PM

Remote Meeting via Zoom

Members Present:

Alexander Von Plinsky, IV, Chair
Eloise Clark, Vice Chair
Art Walker
Ken Bergman
Andrew Madison
Councilor Robert Williams
Steven Bill, Alternate (Voting)
Thomas Haynes, Alternate (Non-Voting)

Staff Present:

Rhett Lamb, Community Development
Director/ACM
Andy Bohannon, Director of Parks,
Recreation & Facilities
Corinne Marcou, Administrative Assistant

Members Not Present:

Brian Reilly

9
10 **1) Call to Order**

11
12 Chair Von Plinsky called the meeting to order at 4:30 PM and read the executive order
13 authorizing a remote meeting: Emergency Order #12, issued by the Governor of the State of New
14 Hampshire pursuant to Executive Order #2020-04. Pursuant to this order, members present stated
15 that they were calling alone and stated their locations. The Chairman, Vice Chair Clark, Mr.
16 Reilly, Mr. Walker, Councilor Williams, Mr. Bergman, and Mr. Therriault called from their
17 home addresses. Mr. Bill called from Poestenkill, NY. Mr. Haynes' status was unknown and he
18 listened only. Mr. Bill acted as a voting member.

19
20 **2) Approval of Meeting Minutes – August 17, 2020**

21
22 Revision: Line 181, change the word "development" to "environment."

23
24 Mr. Bergman moved to approve the minutes of August 17, 2020 as amended, which Mr. Walker
25 seconded, and the motion passed with a unanimous roll call vote.

26
27 **3) Communication and Notifications**

28
29 No updates.
30

31 **4) Informational**

32 **a. Subcommittee Reports**

33 **i. Outreach Subcommittee**

34

35 No updates.

36

37 **ii. ARM Fund Subcommittee**

38

39 No updates.

40

41 **5) Discussion Items**

42 **a. Greater Goose Pond Forest Stewardship Plan – Andy Bohannon, Director of**
43 **Parks, Recreation & Facilities**

44

45 The Director of Parks, Recreation & Facilities, Andy Bohannon said he needed to begin the City
46 process to solicit bids and begin the woodlot management portion of the Greater Goose Pond
47 Forest Stewardship Plan, which he thought was the first priority for the Commission. Woodlot
48 management and timber harvesting are possible ways to generate revenue and pay for other
49 priority projects in the Stewardship Plan, like trails. The timber market was impacted badly by
50 Covid-19 and now could be a good time to start looking at that part of the plan again.

51

52 Vice Chair Clark asked about boundary marking. Mr. Bohannon said that is the most time
53 consuming activity and therefore expensive priority from the Stewardship Plan. Regardless, he
54 said that hiring someone for this work is especially important because the City acquired and
55 incorporated two new parcels recently. Mr. Bohannon could seek a quote for this work and then
56 plan accordingly.

57

58 Mr. Bergman said the Stewardship Plan called for timber harvesting staged over many years on
59 different tracts and asked whether a forester contract would be for the initial stage only or for all
60 stages. Mr. Bohannon said there would be an initial forester contract to ensure the process and
61 results are what was intended before contracting with someone for multiple stages.

62

63 Mr. Walker asked whether the forester for woodlot management could be incorporated into the
64 full timber harvest contract. Mr. Bohannon would discuss that possibility with Mr. Lamb and the
65 Community Development Department to determine whether the boundary marking could be paid
66 for in the timber harvest process. This would align with the ultimate goal for timber harvesting to
67 pay for other efforts in the Stewardship Plan.

68

69 Mr. Bohannon said he is working with the New England Mountain Biking Association
70 (NEMBA) on many trails projects outlined in the Stewardship Plan. NEMBA members posted
71 signs on a few trails that lead to private property to deter entry and warn of hunting season. Part
72 of the Goose Pond Dam project also resulted in two new kiosks at the new parking lot gate and
73 the dike with trail information. Mr. Bohannon said that trails work was planned initially in the

74 Capital Improvement Program (CIP) for the first year's work but it had to be pushed out a few
75 years. Potential revenue from timber harvesting could generate funds or combined with a
76 Recreation Trails Grant or be otherwise programmed into the budget, because all Keene trails
77 have needs.

78
79 Mr. Bill questioned whether the Commission would have an opportunity to review sites before
80 they are logged. Mr. Bohannon said he would work with the Community Development
81 Department to arrange that before the next meeting. Mr. Lamb recalled that the Stewardship Plan
82 also suggests creating an ongoing stewardship committee and he said that the next six months to
83 one year would be a good time to organize that more dedicated group to follow this work as it
84 progresses. There would be opportunity for a Commission member to liaise with that committee.
85 Mr. Bohannon agreed and said that stewardship committee would be a good way to begin vetting
86 bids on the project.

87
88 Mr. Bergman requested that when new maps are created, that their distribution not be limited to
89 kiosks but also available on the City websites and in a mobile-friendly version. Mr. Bohannon
90 said that www.keeneparks.com redirects to a City webpage, where there is a menu for Parks &
91 Trails. He works with the City's GIS Technician, William Schoefmann, who has made available
92 mobile-friendly (not printable) maps of Keene's parks and trails, and so any new trails could be
93 added in the same fashion.

94
95 Mr. Bill recalled that parks and trails maps used to be available at the Recreation Center. Mr.
96 Bohannon said those maps are now all available online and there are only limited copies
97 available from his office at the Recreation Center. Mr. Bohannon said this discussion was a good
98 reminder that not all citizens seek their information digitally and he would work with Mr.
99 Schoefmann to get more printed.

100

101 **b. Continued Discussion – Invasive Species Management**

102

103 Mr. Bohannon continued providing updates on the possibility of training residents to help
104 manage (without chemicals) invasive species that are widespread across the City, with some City
105 parks more problematic than others. Mr. Bohannon believed it was possible to train volunteers to
106 clearly identify invasive species so that when walking along City properties/rights-of-way, they
107 are authorized to remove those plants by hand. He thought such an effort fit the City's Spirit of
108 Place initiative. The Chairman thought what Mr. Bohannon described was exactly what the
109 Commission sought.

110

111 Mr. Bohannon thought in-person socially distant trainings were possible – and preferable for
112 attendance and engagement – and referenced a recent Staff training by a master gardener. He
113 also suggested possible trainers through the University of New Hampshire Extension. Mr.
114 Bohannon suggested leading the public training in Ashuelot River Park, and said he could
115 schedule something for an upcoming weekend or an evening around the same time of this
116 meeting. Mr. Bergman suggested holding the training before any crucial identification aspects of

117 the plants fall beginning in October; the Chairman agreed that sooner is better. Vice Chair Clark
118 said that invasives tend to unfortunately hold their leaves longer than native species and so
119 identification should be uninhibited through October. Mr. Bohannon would arrange within that
120 timeframe.

121

122 **c. Continued Discussion – Airport CIP Wildlife Fence project – Birding/habitat**
123 **viewing along Airport Road**

124

125 Mr. Bergman was recently accompanied by Mr. Therriault to tour areas along Airport Road with
126 David Hickling, Airport Director. The tour was mostly comprised of the area opposite Runway
127 14-32 at the bend in Airport Road, where the Commission toured last fall. Mr. Bergman said the
128 Airport Director reiterated his desire to minimize wetland impacts and his goal to exclude
129 wetlands, and therefore wildlife, from the airport fence enclosure. The Airport Director also
130 wants to move this fence project sooner in the CIP to address the problem of wildlife on the
131 runways as soon as possible.

132

133 Mr. Bergman continued explaining that the primary challenge is the end of the alternate runway,
134 which is closest to the marsh and Airport Road. The Airport Director told Mr. Bergman that his
135 colleague at NH Department of Transportation (DOT) assured him that precedents exist for
136 allowing fences to impinge upon the runway transition zone surrounding the object-free zone.
137 Ultimate approval of any such fence design would await review of a grant application to the
138 regional Federal Aviation Administration (FAA) and the application would need to justify that
139 impinging on the transition zone would protect wetlands, that the Conservation Commission
140 supports the plan, and that the proposed fencing plan would still protect the runway from wildlife
141 incursions. Without such a waiver from the FAA, the fence at the end of the alternate runway
142 would need to extend far into the wetlands.

143

144 Mr. Bergman reported that he would meet again with the Airport Director on September 24 to
145 walk from the C&S hangar to the end of the runway. The goal of this tour is to begin establishing
146 the distance from the edge of the marsh to the end of the runway pavement, as well as to assess
147 the grade or decline leading from the grassland above the marsh to the end of the marsh. The
148 Airport Director thought it best to conduct this tour on foot before seeking drone footage. Mr.
149 Bergman said the Airport Director also believes that an eight-foot fence would suffice as
150 opposed to the 10-foot fence proposed in the Airport Master Plan. Mr. Bergman said the Airport
151 Director also expressed that constructing the fence might be possible outside the object-free zone
152 under certain conditions with FAA approval. According to the Airport Director, this segment of
153 the fence that would parallel Airport Road and the far edge of the runway, could possibly be as
154 low as a five feet, with vertical extensions that would yield easily to aircraft impact (posing
155 minimal hazard to the aircraft) but constitute an effective visual deterrent to wildlife.

156

157 Mr. Lamb thanked Mr. Bergman for that great summary of the conversation with the Airport
158 Director. The Airport Director anticipates construction beginning in FY-22, which would mean a
159 design phase beginning in August 2021, and he would ensure a Commission member liaises with

160 that design committee. Despite the possible caveats and challenges to these goals that could arise
161 from the FAA and/or NH Department of Environmental Services in this process, Mr. Lamb still
162 believed this communication with the Airport Director was positive as it confirmed the Director's
163 attention and interest. The Commission has advocated properly for the subject through the great
164 work of Mr. Bergman and others. Mr. Lamb encouraged more meetings with the Airport
165 Director as needed to ensure the Commission is involved formally when the design phase begins.
166 The Commission thanked Mr. Bergman for this encouraging update.

167
168 **d. Continued Discussion – Land Use Code Project, Surface Waters and**
169 **Hillsides**

170
171 Mr. Lamb summarized last month's healthy discussion on this topic. The Land Development
172 Code is in the final drafting stage, with revisions to two sections in Zoning – one on surface
173 waters and the other on hillsides – that the Commission has been briefed on since the beginning
174 because the contents are within this Commission's purview. Specifically, a subcommittee of the
175 Conservation Commission drafted the Surface Water Protection Ordinance in 2012-2013 and
176 proposed amendments to it in 2016. Additionally, the Commission has been involved actively
177 with the Hillside Protection Ordinance. Mr. Lamb said that the Commission's efforts on these
178 ordinances were to protect surface waters, wetlands, and natural systems that deter degradation
179 of these resources and ameliorate flooding events. Mr. Lamb said both of these ordinances
180 developed from Keene's experience of more frequent and intense flooding events that caused
181 great damage, primarily on the valley floor. He said those events reinforced the importance of
182 protecting the natural systems that deter runoff and flooding.

183
184 Mr. Lamb explained that in 2016, a subcommittee of the Conservation Commission proposed
185 amendments to the following two sections of the Surface Water Protection Ordinance (SWPO).
186 The first amendment was to eliminate from the SWPO the exemption of tax ditches, or manmade
187 surface waters (i.e., streams, retention ponds, and drainage and infiltration systems). The second
188 amendment was to eliminate from the SWPO the exclusion of wetlands from minimum lot size
189 requirements for subdivision. Mr. Lamb revisited both concepts that he said are challenging to
190 explain.

191
192 Many areas of the City have so called "tax ditches," which are streams that have been dredged
193 and straightened to increase storm water and flood flow, primarily to enhance drainage
194 opportunities for improved agriculture; for the same reason, some agricultural fields also had
195 "lateral ditches" traversing them. There is a history of these stream manipulations across the City
196 for hundreds of years. Through a relationship with the National Resource Conservation Service
197 (NRCS), which produced the tax funds to build the tax ditches, the City was obligated to
198 maintain the ditches – to dredge them when the very steep sides slough in or to maintain the
199 edges by removing woody vegetation and cutting down trees that could fall in a storm and block
200 the drainage system. The City maintains these tax ditch edges with a flail mower so as to prevent
201 stream degradation.

202

203 Tax ditches are no longer used primarily for agriculture because the NRCS obligation lifted in
204 2015. The City has continued maintaining the streams because they are part of the City's
205 drainage infrastructure for developments that occurred around these largely flat areas, where
206 floods can cause more damage. Mr. Lamb said the logic for continuing to mow the tax ditches
207 beyond that obligation, even though it might have negative environmental impacts, was that
208 those areas of the watershed are flat, where excess water could damage neighborhoods and
209 businesses, and extra drainage is needed. While it was clear that the mowing practice should be
210 phased out over time for the sake of water quality, it did not seem right to tell a property owner
211 that they could not construct a gazebo, for example, in the buffer around a surface water on their
212 property while the City can flail mow stream edges in that same buffer. Therefore, the proposed
213 amendment was not acted on in 2016 and was referred by City Council to the Land Use Code
214 update process.

215
216 Mr. Lamb shifted topics to explain the logic of the 2016 proposed amendment to eliminate from
217 the SWPO the exclusion of wetlands from minimum lot size requirements for subdivision. He
218 explained that in the rural district, 10 acres are needed to subdivide and created two five-acre
219 minimum sized lots. Under the current SWPO, even the smallest wetland area must be deducted
220 from the minimum lot size required by Zoning and therefore would exclude a 10-acre parcel with
221 a wetland from subdivision. In 2016, the Conservation Commission recommended eliminating
222 this restriction. Mr. Lamb believed the Commission's logic was that the wetland is already
223 protected reasonably by the NH Department of Environmental Services (DES) Wetlands Permit
224 and Keene Planning Board Conditional Use Permit processes, and it seemed questionable to
225 penalize a property owner further if the wetland is being protected sufficiently.

226
227 Mr. Lamb said that whether the Commission provides comments on this matter, the Joint
228 Planning Board & Planning, Licenses & Development Committee will move forward with final
229 recommendations. In the most recent meeting with the Joint Committee, the group was leaning
230 toward leaving the tax ditch portion of the ordinance as is, whereas the group agreed with the
231 Commission's 2016 recommendation to allow wetlands to count toward minimum lot size. The
232 Commission needed to make any recommendations at this meeting.

233
234 Councilor Williams questioned how tax ditches were being defined in the Land Development
235 Code and posited hypothetically whether these streams would be protected still if returned to
236 their natural state 75 years from now. Mr. Lamb said that tax ditches are defined in the ordinance
237 as the areas that were under agreement previously with NRCS. The City has maps of both the
238 traditional tax ditch systems and areas such as Beaver Brook, which is channelized between
239 Spring Street and south of Roxbury Street. Mr. Lamb said there is a balance of improving the
240 streams and encouraging development. Mr. Lamb replied in the affirmative to the Councilor's
241 latter question, stating that the ordinance could be revised in the future should these tax ditches
242 be improved over time toward their more natural form. Councilor Williams said it would be good
243 to have a process for retiring logical tax ditches from that status and through stages back toward
244 wetlands protection. Mr. Lamb said there are potential legal implications, for example in west
245 Keene, where residents have come to depend on this drainage and the City's maintenance. Mr.

246 Lamb thinks the City should be looking at better ways to maintain tax ditches that align with
247 proper buffer management.

248

249 Vice Chair Clark said that NRCS would be likely open to a demonstration project on trying to
250 return tax ditches to more normal stream morphology, which she said could be as effective as
251 flail moving in terms of water retention. Mr. Lamb agreed that NRCS and the Environmental
252 Protection Agency have both expressed interest in such an effort.

253

254 Mr. Bill questioned if Beaver Brook across Baker Street is considered a tax ditch and Mr. Lamb
255 said it is not considered such like the others, though it is manmade. Mr. Bill asked whether tax
256 ditch maintenance includes removing beaver dams and Mr. Lamb said yes, annually.

257

258 The Chairman expressed concern that if the exemption for tax ditches is allowed and a precedent
259 is set for construction in the 30-foot buffer, there would be additional structures remaining in that
260 buffer if the City later finds better options for stream restoration. Mr. Lamb said that big new
261 structures in the floodplain are not likely where compensatory storage places a premium on
262 development. He thought more paved development like driveways and parking lots are more
263 likely. Vice Chair Clark considered west Keene more hopeful than Beaver Brook for stream
264 restoration. Mr. Lamb agreed. The Chairman said we cannot get to a better scenario if we
265 continue to develop and pave within these buffers that provide a future opportunity to create
266 more natural systems; he was concerned with causing a future disservice.

267

268 If the buffer zone were re-imposed, Mr. Bergman questioned whether there would be other ways
269 to maintain tax ditch bank stability and minimal flow. Mr. Lamb said it was a bigger
270 management questions of how to return streams to their natural states. Mr. Bergman asked if
271 significant changes have occurred in buffer zones since the 2016 decision. Mr. Lamb said
272 ordinance had only been applied a few times, likely because it is working and development stays
273 out of buffer. There are very few Conditional Use Permit issues for buffer alteration.

274

275 Mr. Bill asked whether good evidence exists that tax ditches are effective in flood control, noting
276 that vegetation removal generally increases erosion and it might be beneficial to stop mowing
277 certain areas. Mr. Lamb did not know of specific evidence but said that when Beaver Brook was
278 dredged in 2014/2015, people reported less severe water pooling from smaller storms than
279 previously in the Carpenter Street and Church Street neighborhood.

280

281 To avoid misuse of the tax ditch system in the future, the Chairman wanted to see a clear list of
282 what tax ditches are and are not. Mr. Lamb was unsure such a list existed but he displayed a map
283 of the City's tax ditch today including: Black Brook floodplain and laterals that join with White
284 Brook to Ash Swamp Brook the Monadnock Marketplace, both sides of Production Avenue, Key
285 Road, Tannery Brook, Winchester Street south of RT-101, and adjacent to the Rail Trail off
286 Victoria Street. While there was no official definition of a tax ditch, the City has records of
287 where tax ditches have been maintained since the 1800s.

288

289 Mr. Bergman quoted lines 149-151 in the August 17, 2020 minutes that state, "When new
290 subdivisions are proposed, any wetland area flagged by a scientists on the site could not be
291 included in minimum lot size density for that property from a zoning standpoint, so that large
292 wetland areas could not count toward the density of the lot." Mr. Lamb said that was the
293 Commission's 2016 proposal. Mr. Bergman cited confusion between the wording in those
294 minutes and Mr. Lambs explanation at this meeting. Mr. Lamb said perhaps for clarity the
295 minutes should have read "eliminate the current requirement that any wetland area flagged by a
296 scientist on site could not be included..." No such amendment to the minutes was made.

297

298 The Chairman cited significant misgivings about exemption of the tax ditch system. Mr. Lamb
299 said he found it difficult to tell property owners they cannot put a structure on their property in
300 that buffer when the City has such activity there, as an issue of fairness. He added that unless the
301 tax ditch is in an urban areas, most are in rural residential areas, where development in the buffer
302 would be small.

303

304 Mr. Lamb clarified that if the Commission made no recommendation, the Joint Committee
305 would move forward maintaining tax ditches as exempt and would eliminate the exclusion of
306 wetlands from minimum lot sizes. The Chairman favored no recommendation.

307

308 Mr. Walker said he agreed with Mr. Lamb in the short term but was concerned that without
309 empirical evidence of their benefit, he questioned whether the City is maintaining them because
310 they need to or just because they always have.

311

312 Mr. Madison said tax ditches serve as storm water conveyance and their maintenance could
313 prove increasingly important with continued big storm events and during those events, he said a
314 gazebo would be inconsequential compared to a 30-car parking lot.

315

316 Mr. Bill questioned slopes as related to minimum lot size. Mr. Lamb said half of slopes graded
317 between 15-25% can count toward minimum lot size, and no slopes graded above 25% can count
318 toward minimum lot size in the Hillside Protection Ordinance. Both rules are proposed to be
319 eliminated in the Land Development Code and in both cases, the intent is to rely on ordinance
320 itself that already places limitations on what is allowed in these resource areas.

321

322 In response to Mr. Bergman, Mr. Lamb did not think necessary to make any motion given that
323 there appeared to be consensus obvious in this meeting's minutes.

324

325 Mr. Bill suggested the Commission should focus on what the City should do with tax ditches in
326 the long term. He also suggested a tax ditch definition in the SWPO itself.

327

328 **6) New and Other Business**

329

330 Vice Chair Clark alerted the group to the NH Association of Conservation Commissions' annual
331 meeting on November 7 from 8:00 AM-12:00 PM entirely via Zoom. Two different seminar

332 options with a \$35 fee for Conservation Commission members and in past, Vice Chair Clark
333 recalled that the Commission paid for members to attend. If all members wanted to attend, it
334 would cost \$250.

335

336 Vice Chair Clark moved that the Conservation Commission pay the \$35 fee for each individual
337 Commission member that wishes to attend the 2020 NH Association of Conservation
338 Commission's annual meeting. Mr. Bergman seconded the motion, which passed with a
339 unanimous roll call vote.

340

341 Vice Chair Clark announced the NH Association of Conservation Commissions' Lunch and
342 Learn Zoom seminars that she would forward via email, with upcoming topics to include
343 drinking water, protecting wetlands, and proven ways to engage community.

344

345 Mr. Bergman will resend information on Ashuelot River flow to Mr. Lamb for disbursement to
346 the Commission.

347

348 Mr. Madison reminded the group of the annual Ashuelot River Clean-Up on September 26.

349

350 **7) Adjournment – Next Meeting Date: Monday, October 19, 2020**

351

352 Everyone should be on lookout for invasive species training information from Mr. Bohannon.

353

354 There being no further business, the Chairman adjourned the meeting at 6:12 PM.

355

356 Respectfully submitted by,
357 Katie Kibler, Minute Taker
358 September 27, 2020