

City of Keene
New Hampshire

CONSERVATION COMMISSION
MEETING MINUTES

Monday, July 17, 2023

4:30 PM

**Room 22,
Recreation Center**

Members Present:

Alexander Von Plinsky, IV, Chair
Councilor Andrew Madison, Vice Chair (5:25 PM)
Eloise Clark
Councilor Robert Williams
Art Walker
Ken Bergman
Lee Stanish, Alternate (Voting)
Brian Reilly, Alternate (Voting)
Thomas Haynes, Alternate
John Therriault, Alternate

Staff Present:

Mari Brunner, Senior Planner

Members Not Present:

Steven Bill
Deborah LeBlanc, Alternate

SITE VISIT: At 3:30 PM, before the meeting, Commissioners conducted a site visit to the property located at 0 Old Walpole Road (TMP #211-010-000).

1) Call to Order

Chair Von Plinsky called the meeting to order at 4:30 PM.

2) Approval of Meeting Minutes – June 19, 2023

A motion by Mr. Walker to approve the June 19, 2023 minutes was duly seconded by Mr. Reilly and the motion carried unanimously.

3) Planning Board Referral: Surface Water Protection Conditional Use Permit Application, SWP-CUP-03-23 – 2 Lot Subdivision – Old Walpole Rd. (TMP# 211-010-000)

Chair Von Plinsky welcomed Jim Phippard of Brickstone Land Use Consultants, LLC. Mr. Phippard presented on behalf of Keene Executive Homes, which owns one of the largest

properties (211 acres) in Keene on the north side of Old Walpole Road. Keene Executive Homes proposed to subdivide 5 acres along their frontage for a single-family house lot. In developing the proposal, it was determined that the only way to get a driveway up to the proposed building site would be to cross some of the wetland buffers that exist on the property. Impacting those buffers would require a Conditional Use Permit (CUP) from the Planning Board. This site visit and discussion were so the Conservation Commission could make any necessary recommendations to the Planning Board. Mr. Phippard used site plans to demonstrate the proposal. He recalled that the site visit began on an existing woods road, which would become a part of the shared driveway leading to the proposed 5-acre building lot and the remaining 206-acre tract. He recalled that during the site visit, they walked up the proposed driveway path and stopped where Commissioners could see remains of the test pit, which indicated that the property could support a septic system; there is no City water or sewer at this location.

Mr. Phippard continued describing the wetlands on site. There is a wetland in the center of the property and two others along the frontage on both sides of the existing woods road; the impacted wetland buffers are for the latter two wetlands along Old Walpole Road. When leaving the woods road to go into the site, the proposed driveway would impact approximately 2,000 square feet of the wetland buffer. Mr. Phippard said Ms. Brunner advised him that the existing woods road would need to be included as a part of the impacted area because it would be resurfaced with a hardpack; there would be no excavation or widening. Thus, the woods road would be another 1,500 square feet of impacted road surface that is entirely in the wetland buffers. He showed where the buffers overlap and encompass the existing woods road. No direct impacts to wetlands were proposed.

Mr. Phippard said the proposed gravel driveway would be 10 feet wide with a hardpack surface. A turnaround would be constructed to accommodate fire trucks, per the City Code. He recalled the site visit, where he said Commissioners saw shrubs and trees; a few trees would have to be removed to construct the driveway. Mr. Phippard said he reviewed the site and considered various options to place the driveway with minimum wetland buffer impacts. He considered an option to have the driveway entirely within the lot; he noted that in his experience, there could be conflicts with shared driveways. He considered a driveway on the higher part of the lot to mitigate slopes. He used a map to demonstrate the 3 driveway locations he considered: (a) 8% grade all the way to the building site, which is a reasonable grade for a gravel driveway; (b) entirely within the wetland buffers but at a flatter grade; (c) off the existing woods road at 10% grade. The buyer of this lot decided they wanted a steeper but shorter driveway, which they were familiar with from their previous driveway and knew how to maintain. Approximately 130 feet of the chosen driveway option would be within the wetland buffer. The center of the proposed driveway would be at 15% grade, which is the maximum allowed in the City's driveway standards. The remainder of the driveway would be at 6% grade.

Mr. Phippard described how drainage would work for a steep slope driveway. He had experience with similar driveways in the City, such as ones on Hurricane Road and Darling Road, some of which were gravel driveways that he said held up very well. When building a gravel driveway on

a steep slope, it is best to raise the road above the existing grade and “crown” it in the middle. This would not collect runoff going down the road itself, but the runoff would sheet drain off the sides of the driveway to areas where the runoff and potential erosion would be controlled. In this instance, there would be a swale on the uphill side of the driveway that would collect runoff coming down the hill and half of the runoff from the driveway itself. Where the slope exceeds 5% there would be a stone-lined swale (5 feet wide) and that water would be directed to a level spreader, where the runoff volume would be slowed, sediment would settle out, and then the runoff would be filtered through vegetation. The runoff would dissipate through this area, and flow through the remaining buffer area before reaching the wetland. This would be treated stormwater. This is the approach Mr. Phippard uses when applying to the NH Department of Environmental Services (DES) for runoff permits. This is a well-established process that works well when built correctly. He showed where some of the flow would be concentrated into a partially stone-lined swale and directed to a culvert in the area between the wetland buffers.

Mr. Phippard referred the Commission to the Planning Board staff report. The Public Works Department reviewed the proposed subdivision and recommended that the Planning Board require a stormwater management plan. Mr. Phippard said that was a reasonable request, which Mr. Phippard usually does for homeowners whether or the City requires it. However, in this instance, the property owner did not have a house plan yet, and Mr. Phippard did not know what the ultimate footprint would be. Thus, he could not yet create a formal drainage plan for anything but the driveway. He said there was plenty of room to expand the level spreader up to 100 feet long without additional impacts to the wetland buffers. So, Mr. Phippard said the driveway could accommodate development at the top of the hill, where the owner said they intend to build. Mr. Phippard noted that test pits at the building site showed no ledge. Mr. Phippard reiterated that the proposed building site could accommodate a septic system and added that there would be an on-site well.

Mr. Phippard thought it was clear that none of the wetland areas would be directly disturbed. Those wetland areas would remain wooded, vegetated, and functioning. The wetland in the center of the property is isolated and not directly connected to any of the other wetland areas; he said it is a sag in the slope that had collected runoff and developed naturally into a wetland, and it would remain undisturbed. The wetlands along Old Walpole Road had been disturbed over time by activities along the road and driveway, but no additional disturbance (e.g., no tree cutting or widening of the driveway) was proposed for this project. Mr. Phippard added that the slopes and soils within the surface water buffer would not be changed other than where proposed to construct the driveway. Mr. Phippard noted that the project narrative stated that there is no wildlife corridor and no wildlife habitat on site, which one of the Commissioners questioned during the site visit. Mr. Phippard agreed that it is a forested site and does provide habitat. Still, he said the impact to the buffer would be minimal, with 10 feet for the driveway and 5 feet for the swale.

Mr. Reilly asked if there were any culvert-like connections between the wetlands along Old Walpole Road and the wetland in the center of the property. Mr. Phippard used the map to point

out a culvert under the existing woods road; water comes downhill and passes through that culvert, and at some point crosses into the swampy area on the other side of Old Walpole Road further down in an area not shown on the map. Chair Von Plinsky asked if the applicant checked the condition of the existing culvert under the woods road. Mr. Phippard said some debris at the bottom of that culvert should be cleaned out. He added that there are varying perspectives, with some favoring gravel at the bottom of culverts to support species like salamanders. For example, in some instances, NH DES requires oversized culverts with gravel bottoms.

Mr. Haynes thought that snow plowing in the winter would take the top layer off of a crowned driveway, and he wondered how to adjust for that. Mr. Phippard said that maintenance approximately every 3 years is important as the surface gets flatter. He said the danger with that flattening is that tires can start causing erosion.

Ms. Clark asked Mr. Phippard to point out on the map where the swales with riprap would be. Mr. Phippard showed where they would be along the 15% steep slope portion on the uphill side of the road. He said he waited to put certain things on the plans, knowing that the City would require a stormwater management plan in the future. Ms. Clark asked if there would be any excavation of the woods road. Mr. Phippard said no, the woods road had been there for 100 years and part of this work would include reshaping, resurfacing, and new crown. He said there were tire ruts all the way up the woods road that he forgot to point out during the site visit; it was just starting to erode with all the rain so far this year. Ms. Clark noted that the water was all the way up to the left side of the woods road when coming in, and asked if this driveway work would encroach into that area. Mr. Phippard said no.

Mr. Bergman asked if any impacts were expected for the wetland buffers during the construction process (e.g., cement trucks or stacks of lumber). Mr. Phippard said that the bigger trucks would need the finished surface to drive on, so one of the first efforts would be to place erosion control measures all the way up. They would grub and clear where undisturbed and resurface the woods road all the way up. The large machinery would remain inside that footprint.

Ms. Clark noted how much rain there had been already this year (9.33 inches to date at her home) and said these events would keep happening. She asked if a gravel driveway like this would hold up to these weather events. Mr. Phippard said the property owner currently has a gravel driveway that requires regular maintenance, so they are prepared for that; they have a contract for that work with the same person that does their plowing. While the owner likes the gravel driveway, Mr. Phippard said it was possible that they would pave the driveway in the future to eliminate that maintenance. When building a house on an undeveloped lot with high up-front costs, Mr. Phippard said it was common for the owners to defer that pavement expense (approximately \$50,000 for a lot like this).

Ms. Clark noted that she did not see any unique vegetation in the buffer that should be addressed by the Planning Board. Mr. Phippard and Ms. Clark agreed that a lot of this parcel used to be open land. Mr. Bergman noted the presence of sweetgums and said that most sweetgum stands

are typically identified, mapped, and protected; many conservation organizations keep those locations private. Mr. Phippard said he did not see those onsite but would look into them. Mr. Bergman referred to sweetgums mentioned on page 19 of 25 in the meeting packet. He said they are protected in Brattleboro and there are some protected areas of them in NH that are among the oldest in the state. The name on the Soils Report in the meeting packet was Russ Huntley, who Mr. Phippard said he would speak to. Ms. Brunner said it was either the Soils Report or the Wetland Delineation Data Form. Mr. Phippard said that would have come into play if the owner was applying for a Wetlands Permit.

The Commission expressed no concerns for the Planning Board's review.

4) Report-Outs

A) Greater Goose Pond Forest Stewardship Subcommittee

Mr. Haynes reported that the Subcommittee had a working meeting at Goose Pond on July 14, and they finished hauling materials for bridges on the east side of the pond. They hoped to have the bridges on the east side finished by mid-to-end of the week of July 17. He said the trail was now in place and the old trail along the river had been covered. Mr. Haynes hoped to place new signage about the trail restoration, encouraging use of the new route. The contractor would begin work on other parts around the pond by the end of the week of July 17 or beginning of the week of July 24. Mr. Walker agreed that things were looking good and coming together, noting how much work had been accomplished since the first bridge was laid. Mr. Haynes agreed, noting that he had encountered trail users and heard no negative comments yet; people seemed to like the boardwalk, especially with the recent rain.

Chair Von Plinsky asked how they covered the existing trail. Mr. Haynes replied that they spread out a lot of downed debris to discourage walking in certain areas. Mr. Haynes keeps putting up signs around the loop trail, including along lower Drummer Road and most of the Old Gilsum Road. Mr. Walker said they did a really excellent job masking some of those trails, though some people had moved those things because they prefer the old trail. Mr. Haynes hoped the new signage explaining why the old trail was closed would help. Mr. Bergman complimented the new signs, but he noted that some were ripped down. Mr. Hayne agreed that is a challenge.

Mr. Haynes noted that there had been some volunteers. He hoped to create a schedule so people know of work days in advance, but the recent weather had complicated scheduling.

B) Outreach

Mr. Haynes reported that the work group had not met. He wanted to dedicate his efforts to the Goose Pond work, so he stepped down as leader of this work group. Chair Von Plinsky thanked Mr. Haynes for his efforts. Anyone interested in taking over the role should contact the Chair or Mr. Haynes.

C) Invasive Species

Councilor Williams said that after last month's meeting, there was a successful Japanese knotweed pull (400 square feet) along Beaver Brook at the Ellis-Harrison Park. He said that location was half knotweed and half poison ivy. Now, families visiting the park can access Beaver Brook. After this meeting, there would be another event pulling knotweed at the Woodland Cemetery. Volunteers addressed knotweed at the Cemetery last year, but Councilor Williams noted that the invasive requires treatment several years in a row to disable the root systems. Still, he said the volunteers made an impressive difference at the Cemetery last year, which is not always the case with knotweed. He is interested in planting new things that push the Japanese knotweed away, such as staghorn sumac, which grows large but provides shade and roots that would withstand knotweed. He thought it might be time to relocate some staghorn sumac this fall; the Chair said he has a lot in his yard.

Mr. Therriault recalled that at the last meeting he offered to research any options to use cold against the knotweed. He said there were several non-chemical ways to address the plant and he passed that information to Councilor Williams. Mr. Therriault said that knotweed has a biochemical method of suppressing any other growth in the areas it takes over. Thus, he thought it might be challenging to establish staghorn sumac in an area currently or recently covered with knotweed because of the biochemical impact of the rhizomes underground. Complete mechanical elimination would require digging down 3 meters. Mr. Therriault commented on the origin story of Japanese knotweed as an ornamental invasive. Councilor Williams noted that one solution Mr. Therriault found was to place a ½-inch by ½-inch mesh down before the first shoots in the spring, which he thought could be useful for roadside patches. Ms. Clark imagined that stakes or something else to weigh down the mesh would be needed. Councilor Williams thought it might be worth trying since there is no option to use cold treatment. Mr. Therriault was awaiting a call from a University of NH knotweed expert, and he planned to ask about using cold therapy for the plant. Everything Mr. Therriault read reiterated the need to treat the plant 4–5 years in a row to deplete the energy in the rhizomes. Councilor Williams agreed and added that things like shade help.

D) Land Conservation

Chair Von Plinsky said the work group members' schedules were not aligning but they hoped to meet in the next few weeks to get back on track.

5) Discussion Items

A) Society for the Protection of NH Forests – Request for Comments on Re-Accreditation Application

Chair Von Plinsky recalled touching on this topic at the last meeting. The Society for the Protection of NH Forests was going through reaccreditation as is required every 10–11 years. The Society asked groups with an interest in the Society to comment on their work. In reading

the materials, Chair Von Plinsky saw that a lot of their requirements states that the Society “must” do certain things. He did not feel that he was in a position to rate the Society’s performance on those standards. Ms. Brunner said that www.landtrustaccreditation.org/help-and-resources/indicator-practices is the website provided which lists the relevant standards. Ms. Brunner would send the website to the whole Commission. Chair Von Plinsky said the Commission would decide on their comments at the August meeting, since the Society did not need feedback until November. Councilor Williams asked what properties in Keene are under the Society’s purview and Ms. Clark said only Goose Pond. The Society also has a lot of easements on private properties.

B) Keene Meadow Solar Station Project Update

Chair Von Plinsky reported that Glenvale Solar was considering hosting a public site walk later this summer (possibly early August). They still have many regulatory steps to go through. Ms. Brunner said that Glenvale Solar hoped to provide 2 weeks’ notice. Ms. Brunner would keep the Commission apprised of anything scheduled between Commission meetings so Commissioners could share it with their networks. Mr. Haynes asked who would provide the public notice. Ms. Brunner thought the City would not be promoting the walk because the Community Development Department has more of a regulatory role; it is possible that another City department (e.g., City Manager’s office) might advertise it. There would be a limit on how many Commissioners could attend to avoid forming a quorum. For those Commissioners who do attend, their role would be to listen and learn, but not ask questions or engage in discussions.

Mr. Bergman asked if a walk like this would have any role in the regulatory approval process. The Chair said the Commission would still be involved in regulatory steps. Ms. Brunner said that Glenvale Solar would need a Building Permit for a property with frontage on a Class VI Road—Old Gilsum Road. If Glenvale Solar receives that Building Permit, they would go into the Planning Board phase for a Solar Conditional Use Permit (CUP). Ms. Brunner thought they would also need a Surface Water CUP. Those CUPs would be referred to the Conservation Commission for comment; the Commission could choose to have a site visit the same day as the Commission meeting, or a different date in advance. The Conservation Commission meets 1 week before the Planning Board, so the Commission must make its recommendations at that meeting, so as to not delay the public hearing process. This would remain on the Commission’s agenda for the foreseeable future.

C) Potential Land Purchase Update (RT-9/Washington St. Ext. Properties)

Chair Von Plinsky reported that the City Manager and property owner had been going back-and-forth by phone and there was nothing new to report.

D) Airport Proposed Wildlife Control Fence Update

Ms. Brunner spoke to the Airport Director, David Hickling, who said there were delays in the funding application. The Airport Director seemed frustrated that the funding had not come through yet, which was delaying things for at least another month. Mr. Bergman intended to call Mr. Hickling to find out when the wildlife and wetlands assessments would occur so that those who frequent Airport Road could share their sightings. Ms. Brunner did not think any of that had begun yet. Mr. Bergman noted that the Swanzey Conservation Commission has the ultimate jurisdiction because it is on Swanzey property.

E) Conservation Commission Speaking Events

Councilor Madison had nothing new to report.

6) Correspondence

Chair Von Plinsky noted that the Commission received a letter of thanks for the donation to the Society for the Protection of NH Forests.

7) New or Other Business

Councilor Williams noted that a constituent raised concerns about so many trees being cut in their neighborhood. He said they were older trees that might have been planted after the 1938 hurricane and had reached maturity. He wondered about the City's current street tree replacement program and how homeowners could be encouraged to replant trees; he wondered if there was any funding for that. He added how many residents were concerned about trees being replaced with the downtown infrastructure and improvement project but said the issue was relevant in neighborhoods as well. Ms. Brunner said she would invite the Director of Public Works, Kürt Blomquist, to speak with the Commission about the issue. Ms. Brunner's understanding was that the City did not have a tree replacement program and that replacement is often constrained by budgets. She shared the example of work and a new sidewalk on the northern side of Emerald Street that has no street trees because of budget constraints. When trees are removed, they are not always replaced. Councilor Williams agreed that the budget was key, with trees often being the first thing cut from budgets. He wondered if there were any grants available for this purpose and/or he thought a line item might be needed in Keene's Capital Improvement Program. He got the sense that trees were not being replaced and he wanted to rectify that.

Chair Von Plinsky cited a number of trees recently removed on the Keene State College (KSC) campus. Mr. Bergman noted that KSC once had a tree inventory through Bartlett Tree Experts (including replacement costs) that led to the KSC arboretum. That led to the KSC administration requiring that any new construction contractors protect trees wherever possible, which led to preserving many mature trees. The Chair noted that trees are an important part of what makes

Keene, both for people and wildlife. He wanted to take a step toward advocating for trees. Councilor Williams thought more information from Mr. Blomquist would be helpful. He suggested having a City advocate for trees. Mr. Bergman thought there must be some grants/funding available for tree replacement.

Ms. Clark recalled approximately 1 year ago, when the Commission worked diligently on a letter to the Ad Hoc Downtown Infrastructure Project Steering Committee, advocating for keeping as many trees as possible. Ms. Clark's understanding was that many trees would be removed in favor of bike lanes. Ms. Brunner said that most trees planned for removal were from the center median and elsewhere where they impede the needed utility work. She said there was a tree plan that showed locations of the trees to be removed, ranked by condition. She said the goal was to save as many trees in good condition as possible, but there are 3–4 high quality trees that must be removed because of the utilities. She added that some trees were being removed because of the emerald ash borer. Councilor Madison said his understanding that most trees removed through the project would be replaced and Councilor Williams agreed, stating that he did not think the City Council would allow them to be lost completely. Councilor Madison thought the removal of all trees was a part of the misinformation spreading about the project. All Commissioners were encouraged to think about questions for Mr. Blomquist.

Mr. Bergman cited a location along the RT-9 bypass by the T intersection, where the mitigation work creating water storage was evident. He thought this storage was a result of widening work further up RT-9 toward Chesterfield. There is a lot of equipment there, but the rain seemed to have slowed some of their work. Mr. Bergman said he also sent the Chair and Ms. Brunner a link to his photos of the alumni-funded dam on Arch Street with the most recent rains. He asked about the Commission's Flickr site and the Chair said he would try to upload Mr. Bergman's photos. Right now, only the Chair can log-into the Flickr account. Mr. Bergman also asked whether the Commission needed to make a motion regarding the Planning Board Wetlands CUP referral earlier in this meeting and Chair Von Plinsky said no because there were no recommendations.

8) Adjournment –Next Meeting Date: Monday, August 21, 2023

There being no further business, Chair Von Plinsky adjourned the meeting at 5:31 PM.

Respectfully submitted by,
Katrinya Kibler, Minute Taker
July 24, 2023

Reviewed and edited by,
Mari Brunner, Senior Planner