

**City of Keene**  
**New Hampshire**

**CONSERVATION COMMISSION**  
**MEETING MINUTES**

**Tuesday, February 20, 2024**

**4:30 PM**

**Room 22,  
Recreation Center**

**Members Present:**

Councilor Andrew Madison, Vice Chair  
Councilor Robert Williams  
Art Walker  
Steven Bill  
Barbara Richter  
Eloise Clark, Alternate  
Thomas Haynes, Alternate (Voting)  
John Therriault, Alternate (Voting)  
Lee Stanish, Alternate (arrived at 4:54 PM)

**Staff Present:**

Corinne Marcou, Administrative Assistant

**Members Not Present:**

Alexander Von Plinsky, IV, Chair  
Ken Bergman  
Brian Reilly, Alternate  
Deborah LeBlanc, Alternate

**1) Call to Order**

Vice Chair Madison called the meeting to order at 4:31 PM.

**2) Approval of Meeting Minutes – January 16, 2024**

A motion by Mr. Therriault to adopt the January 16, 2024 meeting minutes was duly seconded by Mr. Walker. The motion carried unanimously.

**3) Planning Board Referral: Surface Water Conditional Use Permit Application, 186 Gunn Road Applicants/owners Ashley & Peter Greene request a reduction in the Surface Water Protection buffer from 75' to 30' to allow for the future subdivision and development of the parcel at 186 Gunn Rd (TMP #205-013-000). The parcel is 11 ac and is located in the Rural District.**

The Commission welcomed Ashley Greene, the applicant, and her representative, Jason Bolduc, of Meridian Land Services, Inc. The Greene's were seeking a Conditional Use Permit from the

Planning Board to reduce the wetland buffer from 75' to 30' for a subdivision of their property. The Planning Board relies on the Conservation Commission for advice on these applications. There was a site visit on February 12 and the Commission was able to converse with the owners and ask questions. Commissioners shared their thoughts.

Mr. Therriault said the parcel is on the left side of the road going uphill. There is a small wetland on the right side of the road that, in essence, drains through a culvert under the road and into one of the wetland areas on the parcel. There is another wetland area (varies 40'–120' to the north side of the property) that slopes downhill. There is also a wetland near the bottom of the hill and a streambed. Mr. Bolduc confirmed that the stream mentioned is year-round, not ephemeral. Mr. Therriault felt that granting the waiver for the buffer reduction was reasonable given that the wetlands on site are not as high value as some. So, given that the reduction is allowable by law, Mr. Therriault maintained his position that the waiver should be granted, especially given that mitigation (dry wells and swales) was proposed for the driveway runoff.

Mr. Bolduc added that he received an email from Evan Clements, City Planner, on February 13, and Mr. Clements stated that the City Engineer reviewed the driveway profile Mr. Bolduc submitted and confirmed that the plans meet the driveway regulations, with no further comment. Otherwise, Mr. Bolduc had nothing new to share; everything was covered on the site visit.

Ms. Richter said the site visit was helpful. Because of how the wetlands onsite drain, she did not think the wetland in question would not be particularly helpful for flood retention or filtration of any excess nutrients. The wetland is pretty far from the Sturtevant stream, so she did not think it was an issue. Ms. Richter did notice that the location of the storage buildings on site would be one of the best locations for the new subdivision. She thought it would be helpful if the landowners looked into that possibility (e.g., ask a realtor how easy it would be to develop), because it is right off the road, and high and dry. Mr. Bolduc said the problem with that location is that there is another large culvert to the left of the storage buildings (between the barn and the house) that has more stream characteristics because it is channelized; another larger culvert drains directly into this stream. So, Mr. Bolduc thought there would be the same issues impacting the wetland buffer if the driveway was constructed at that location. Ms. Richter countered that the alternate site would not require such a long driveway and associated mitigation. Mr. Bolduc agreed.

Ms. Greene explained that the alternate site Ms. Richter mentioned is their pole barn, which they share with a neighbor. The barn is in the Greene's yard, where the children play, so she was nervous about developing the subdivision where the barn is located.

Councilor Williams was not comfortable with the idea of such a long driveway in between the two wetlands and the exceptional adjustment of the buffer from 75' to 30'. He thought this would be pushing the envelope. He recalled that when the Surface Water Protection Ordinance was enacted, the City considered 100' buffers in rural areas to preserve wildlife. He understood that the reduction to a 30' buffer would be necessary sometimes, but to do so with two wetlands

so close together would interrupt wildlife moving between the wetlands. Councilor Williams was also concerned with how steep the driveway would be, which would require more salt in the winter that would drain into the wetlands downstream, affecting water quality. He added that it appeared as though the driveway would create a lot of runoff, and the wetland in question has the role of absorbing that runoff, which was concerning. While the dry wells would be a good solution for the next 10–15 years, Councilor Williams said they would eventually be silted, and he questioned what would happen then, when the dry wells stop providing services. Given what he saw during the site visit, Councilor Williams thought that there was a better place for the driveway—adjacent to the pole barn and cut across the slope below the first wetland, rather than going across or between the wetlands. While the site of the pole barn would be a better home site, the site picked downhill could work, but he did not recommend the proposed driveway configuration to make that happen.

Ms. Clark reviewed the Surface Water Protection Overlay District’s exemptions for new driveways, which are allowed if the driveway serves to access the uplands. She asked if the proposed driveway access is in an upland area. Mr. Bolduc said yes, noting that the stipple pattern on the plans reflected the actual wetland delineations. The area the group walked on the site visit was nearly entirely within the upland. The flags seen on site marked the wetland area. Where the group stood on top of the test pits was the highest point of the upland. Mr. Bolduc reiterated that the proposal was to impact the wetland buffer, but no actual direct impacts to the wetland were proposed. Ms. Clark asked if they would need a Wetlands Permit from the State of NH and Mr. Bolduc explained that the permit was not needed unless crossing a jurisdictional line.

Ms. Clark was also concerned about high rain events with the driveway some distance from where the rivulet comes out of the culvert. Mr. Bolduc replied that the runoff would come out of the culvert and down the slightly depressed scoured area. Then, because of the vegetation, it would not meet the hydraulic vegetation indicator. Therefore, it is not a jurisdictional wetland and no direct impacts to the wetland were proposed. Mr. Bolduc added that—regarding comments on the swales—a culvert would also be needed below the other in order to put the driveway between the pole barn and the other culvert. Alternatively, the proposed building site would not require another culvert; the dry wells should be sufficient.

Ms. Clark also commented on the fact that on site, in the upland area, there was an exceptional amount of deer droppings. Given the characteristics of the site, she felt confident that it was likely a heavily used wintering deer yard, which she wanted on the record. Lastly, Ms. Clark said that if the Planning Board approves this application, they should ensure the landowner follows the mitigation plans Mr. Bolduc included, which accounted very well for the roof runoff, called for the wetland to remain forested, and suggested the red spruce fence. Her primary concern aligned with Councilor Williams’ comments on the steepness of the driveway and sending sediment further down slope. Otherwise, she thought Mr. Bolduc’s plans were well done.

Ms. Richter said this was the plan the current landowner was presenting, but whoever purchases the subdivided parcel might seek a Wetland Fill Permit for a larger lawn. Mr. Bolduc said he had never encountered that situation. For Wetlands Permits, he said avoidance and minimization are required. He thought that would only be allowed for a wetland running parallel to a right-of-way, meaning the only way to access the property's upland is to cross the wetland. In such a situation, he thought it was likely that the State would grant a waiver. Given that this was for approval to reduce the wetland buffer from 75' to 30', the new owner would not be able to do anything closer than 30' away from the wetland without the City's approval.

Ms. Stanish arrived.

Mr. Bill noticed that the west side of Gunn Road is largely undeveloped and abuts Surry Mountain, a wide tract of territory that probably has high ecological value. His concern was for the septic system and trenches collecting water. He wondered how effective those would be 10 years from now, for example, and how they might impact the surrounding area. Mr. Bolduc said he could add maintenance to the plans for the sediment concerns. The only way to mitigate future use is to include a maintenance schedule on the plans. He recommended cleaning the dry wells every spring, which benefits the homeowner by keeping the wells working. He would include this on the plans.

Ms. Greene thanked the Commission for their time, attention, and visit to her property.

Vice Chair Madison accepted public comment. Thomas Lacy of Daniels Hill Road said he was present because the 2-acre zoning was new, and he believed this application had the potential to set a precedent. He trusted the Commission's opinions since they had reviewed the application in greater detail.

Ms. Clark said there was a lot of conversation at the previous meeting about setting a precedent in this regard. She thought the site was marginal for development and she did not feel good about approving it. Still, if approved, she recommended that the Planning Board scrupulously follow Mr. Bolduc's plans and disallow any vegetation cutting anywhere near the wetland.

Vice Chair Madison said he would draft the letter of recommendation to the Planning Board.

Mr. Therriault motioned to recommend that the Planning Board approve the exemption to the 75' Surface Water Protection Buffer, with the stipulation that all mitigations in Mr. Bolduc's plans are followed and that maintenance is instituted for the dry wells on the property annually. Mr. Walker seconded the motion.

Vice Chair Madison recalled that this application was specifically about reducing the wetland buffer from 75' to 30', which limited the Commission's scope to comment on other concerns about the site.

Councilor Williams reiterated that he would vote in opposition because he was uncomfortable with the shortened buffer on both sides of the driveway.

On a vote of 2 in favor and 5 opposed, the motion to recommend that the Planning Board approve the exemption failed. Mr. Therriault and Mr. Walker voted in the minority.

The Commission's letter of decision would be forwarded to the Planning Board for their hearing on February 26, along with the draft minutes.

Ms. Greene asked the Commission to explain in their letter what the applicants failed to adhere to in accordance with the law, which would be helpful to understand moving forward given that driveways are exempt.

Ms. Clark noted that the Planning Board could still approve the application if they feel it fits within their standards. Ms. Richter wanted the letter to mention that the property is a supporting landscape in the NH Wildlife Action Plan (available online), which helped her make her decision. This is not the highest ranked habitat, but it is a supporting landscape.

**4) Downtown Infrastructure Project: Tree Assessment & Recommendations**

**A) Review Letter of Support**

Chair Von Plinsky had submitted a letter on behalf of the Commission regarding trees and the downtown project. This is different from another letter on urban forest management. There were no further comments on the letter. Councilor Williams did note that if the City is not awarded the RAISE grant, the Keene taxpayers would be paying a lot more for this \$6–\$7 million project.

**B) Review List of Trees**

A lengthy discussion ensued as the Commission debated the best trees to be included on this list, and those to remove or add. Ms. Clark visited the sites of all trees on the list, and it seemed that just under half of the trees standing today would be removed—there are 118 total and 53 will be removed (4 were removed already). No high value trees would be removed. Of the trees downtown today, 13 were in poor condition, 24 in good condition, and 17 in fair condition. Downtown, Ms. Clark found: 14 callery pear, 12 green ash, 6 Japanese zelkova, 5 ginkgo, 3 pin oak, 3 red oak, 2 crabapple, 2 little leaf linden, 1 sugar maple, 1 hackberry, 1 flowering cherry (very poor condition), 1 Japanese lilac, and 1 red maple. The Commission did not recommend replanting the existing Norway maple or the green ash [this was stated but these are not on the list below].

Ms. Stanish commented on historical recommendation to only plant male trees in urban areas because they are lower maintenance, as female trees produce pollen and impact people's allergies. For this reason, it had become more challenging to source female trees. She wondered if the City had considered this before. While there are tradeoffs, she thought it was worth

considering more of a mix. Ms. Clark noted that the male ginkgoes were doing well downtown. Councilor Williams added that 2 nice ginkgoes would be removed. Ms. Clark did not understand why trees would be removed for “surface treatments.” Councilor Williams said those would be for things like bike lanes or expanding pavement. A lot of the trees in the existing center median would be removed.

From the list provided by City Staff, the Commission suggested *removing* the following species:

- Pin oak
  - The Commission was surprised that the pin oaks were not in great condition (2 poor condition, 10 fair condition, and 2 good condition). They might do better with drier conditions.
- Cleveland pear
- Sugar maple
  - The existing one was really struggling.
- Crimson maple (a cross between red and silver maples)

The Commission recommended *keeping* the following species on the list:

- Red maple
- Linden
- Birch cluster
- Crabapple
  - Those existing were healthy.
- Blue spruce
- White oak
- Japanese zelkova
  - They were doing well downtown.

The Commission recommended *adding* the following species to the list:

- Red oak
  - The northern red oaks downtown were doing well.
- Ginkgo
- Yellowwood
  - There was one healthy one on Railroad Square. While it is more of a southern tree, it might be a good inclusion with the warming climate, and downtown being a warmer location.
- Dogwood

Ms. Marcou would share these lists with the Public Works Department.

### **C) Provide Comment to Invasive/Disease Prone Species**

The list above accounts for invasive and disease prone species.

**D) March 6, 2024: Streetscape Workshop, Recreation Center, 3:00 PM–4:30 PM  
& 5:30 PM–7:00 PM**

There would be an upcoming public workshop on the downtown project, specifically about the streetscape, on March 6, with two sessions: 3:00 PM–4:30 PM and 5:30 PM–7:00 PM.

**5) Report-Outs:**

**A) Greater Goose Pond Forest Stewardship Subcommittee**

Mr. Haynes reported that the Subcommittee met on February 9 and reviewed normal updates, like trail maps and signage. The Subcommittee also started reviewing baseline data from the Stewardship Plan. For summer projects, work is planned for the Lower Drummer Hill and the Mattson Trails.

Mr. Haynes continued, noting that the Subcommittee was also considering constructing a bridge over the outlet at Goose Pond, and how to pay for that work. The Subcommittee discussed doing this as a community project, given that the community uses the Greater Goose Pond Forest a lot.

Mr. Haynes also reported that the Subcommittee discussed various ways to recruit volunteers for trail work.

Ms. Clark asked if there were any plans for the Cheshire County Forester, Matt Kelly, to lead a walk this winter. Mr. Haynes replied that he was awaiting follow-up communication from Mr. Kelly. If he is willing, Mr. Kelly's walk would likely be on a Sunday. Mr. Haynes noted that he was also reaching out to individuals about another bird walk this spring.

**B) Invasive Species**

While it was still the offseason, Councilor Williams was trying to make headway. He met with Peter Hansel of the Elm City Rotary about working together on these invasive species activities. They talked about a project in Ellis-Harrison Park, where volunteers pulled a lot of knotweed in 2023. There was still a lot of knotweed on site, preventing access to Beaver Brook from the park. The Rotary might consider donating funds to purchase shrubs for planting where the knotweed is removed.

Commissioners should bring ideas to the next meeting for where else in the City to address invasive species this year.

**C) Land Conservation**

The work group was not present to report updates.

**D) Neighborhood Pollinator Garden**

Mr. Therriault said there were no new updates. He would have an update again in May or June as the project progresses.

6) **Discussion Items:**

**A) Letter to Keene City Council re: Recommendations for Urban Forest Management**

Vice Chair Madison reported that a few weeks prior, the Commission's letter on urban forest management was sent to the City Council. The hope is for more funds allocated to replacing trees during the next budget cycle. Further, Councilor Bryan Lake contacted Chair Von Plinsky and they discussed a cost sharing program for street trees. For example, if someone wants a tree in front of their house, the City could cover half the cost and arrange for the planting. Councilor Lake took the lead on this effort, which is based on similar models in Manchester and Nashua. Councilor Lake forwarded the information to the City Manager for a meeting on February 29. Councilor Williams imagined an advertisement to homeowners, who could sign-up, and then the City would arrange the suppliers to do the plantings. He imagined there would be an additional cost if a homeowner wanted to have a tree removed and replaced. Mr. Bill noted that the budget seemed limited given the high cost of taking trees down. Councilor Williams agreed that would not be a service the City would offer, but a supplier might at their cost. Ms. Clark asked if this would include trees on private lawns. Councilor Williams replied that the idea is for anywhere within 20' of the street, so he imagined there could be some on private land. Trees would not be planted in the exact location of the previous tree.

**B) Keene Meadow Solar Station Project Update**

No updates.

**C) Potential Land Purchase Update (Rt 9/ Washington St. Ext. Properties)**

No updates.

**D) Airport Proposed Wildlife Control Fence Update**

No updates.

**E) NH DOT Route 101 Project: February 8, 2024, 6:00 PM at Heberton Hall, 60 Winter Street**

The project is still years away and the plans were not yet finalized. Mr. Therriault attended and said it was mostly planning for a plan, but some members of the public made recommendations.

**F) Outreach**

No updates.

7) **New or Other Business**

Mr. Bill mentioned the wetlands near Best Western and what appeared to be permanent standing water, which raised concern about mosquitoes breeding there, particularly given that there is no good access for predatory species. He wondered if the Department of Transportation planned any mosquito control. Mr. Therriault noted that as a beekeeper, he is registered with the State of NH and he is notified any time there is broad spectrum insect control. Essentially, granules (not airborne pesticides that inhibit larvae) are sprayed along the City's tax ditches.

8) **Adjournment – Next Meeting Date: Monday, March 18, 2024**

There being no further business, Vice Chair Madison adjourned the meeting at approximately 5:35 PM.

Respectfully submitted by,  
Katrinya Kibler, Minute Taker  
February 26, 2024

Reviewed and edited by,  
Corinne Marcou, Staff