

City of Keene
New Hampshire

CONSERVATION COMMISSION
MEETING MINUTES

Tuesday, January 21, 2025

5:00 PM

**Room 22,
Recreation Center**

Members Present:

Councilor Andrew Madison, Chair
Councilor Robert Williams, Vice Chair
Art Walker
Steven Bill (Remote)
Gary Flaherty
Barbara Richter
Robert Milliken, Alternate (Voting)
Alexander Von Plinsky, IV, Alternate
Thomas Haynes, Alternate
John Therriault, Alternate
Ken Bergman, Alternate

Staff Present:

Mari Brunner, Senior Planner

Members Not Present:

Deborah LeBlanc

SITE VISIT: At 4:30 PM, prior to the meeting, a quorum of the Conservation Commission conducted a site visit of the property located at 19 Ferry Brook Road.

1) Call to Order

Chair Madison called the meeting to order at 5:00 PM.

2) Elections and Introductions

A) Elections

A motion by Ms. Richter to nominate Councilor Madison as Chair for the 2025 calendar year was duly seconded by Mr. Milliken and the motion carried unanimously on a roll call vote.

A motion by Chair Madison to nominate Councilor Williams as Vice Chair for the 2025 calendar year was duly seconded by Mr. Walker and the motion carried unanimously on a roll call vote.

Vice Chair Williams explained that the City Council passed an Ordinance to align with NH law, which made it so that the City Council is no longer required to have a representative on the

Conservation Commission. Now, Chair Madison and Vice Chair Williams would be serving as a regular citizens and not ex-officio members. In the future, there may or may not be a Councilor on the Commission.

B) Introductions

Chair Madison welcomed introductions from the newly appointed Commissioners, Gary Flaherty and Bob Milliken. Mr. Flaherty said he had been living in Keene for approximately one year since moving from Hollis, where he was on the Conservation Commission for five years. Mr. Flaherty is a 40-year certified wetland soil scientist in NH, so he quipped that he is dangerous with information. Mr. Milliken said he had lived in Keene for over 40 years and worked for the School District and in IT. He is very interested in helping this Commission.

3) Approval of Meeting Minutes – December 16, 2024

Revisions: Line 84, edit a Scrivener’s error to the run on sentence by adding a period after the word “foam” and deleting the word “so.” Line 48, change the word “ribbing” to “cribbing.” Lines 43–45, revise as: “Mr. Haynes said he had one meeting with the City Engineer, Bryan Ruoff, and Parks & Recreation Director, Carrah Fisk-Hennessey, to share the initial idea and invite them to that Subcommittee meeting at Goose Pond.”

A motion by Mr. Flaherty to adopt the December 16, 2024 minutes as amended was duly seconded by Mr. Walker and the motion carried unanimously on a roll call vote.

4) Planning Board Referral: Major Site Plan & Surface Water Conditional Use Permit Application, 19 Ferry Brook Rd – Applicant SVE Associates, on behalf of owner Cheshire County Shooting Sports Education Foundation, proposes a gravel shooting berm located within the 75’ surface water buffer. The parcel is 55-ac in size and is in the Rural District

Chair Madison welcomed a presentation from the applicant, Liza Sargent of SVE Associates, on behalf of Cheshire County Shooting Sports Education Foundation. Ms. Sargent showed site plans that depicted the indoor shooting range, the berm used at the shooting range, and two different wetlands. She said the Foundation wanted to maintain the earthen berm within the 75-foot buffer. As a part of the application process, the applicant’s original intention was to ask for a reduction to the 30-foot buffer, but they thought it would be better to keep the 75-foot buffer and ask to maintain the berm. She said there was approximately 1,200 square feet of berm within the 30-foot buffer, so the applicant proposed to double that area as a constructed wetland adjacent to one of the existing wetland areas. She showed where an existing topsoil pile would be removed, and a rock pile would be moved outside of the 75-foot buffer.

Mr. Therriault asked if some of the topsoil pile would be deposited along the top of the berm. Ms. Sargent said yes, to help vegetate is. Mr. Therriault asked what would be planted in the new

topsoil and Ms. Sargent said the standard Department of Transportation seed mix. Mr. Therriault suggested a northeast pollinator mix to grow wildflowers that would help the native pollinators and mentioned the availability of several online nursery companies, like Prairie Moon Nursery. Another Commissioner suggested a good list of seed mix from New England Wetland Plants in Amherst, MA.

Mr. Bill asked if there were any existing issues with invasive plants at the site that would be affected by these changes. Ms. Sargent said there were none that she was aware of.

Vice Chair Williams asked if there was any concern with lead in the soil from past uses. Otto A. Busher, III, Chairman of the Board of Directors of the Cheshire County Shooting Sports Education Foundation said there were no problems with lead. The topsoil pile came from one of the Keene cemeteries. The berm was a free gift from the State of NH moved from roadwork, so he said there were no issues with invasive species or anything else. At this time, the berm was being used for copper coated lead and copper bullets, and he said that shotguns were not used in that area. Mr. Busher said there was no shotgun range on this site or hunting allowed on the 160-acre property, so there would not be lead shot.

Mr. Von Plinsky understood the intended location for the constructed wetland, but asked the plan for it; would it just be a hole in the ground? Mr. Busher said they hired a consultant who developed a plan to replicate the wetlands, but they were not pursuing a contractor until spring, and planned to try as much of the work as possible themselves. The group deconstructed the dam (to the north of the berm) manually and did a lot of revegetation.

Ms. Richter asked if the constructed wetland would be hand dug. Mr. Busher said if it could be, noting that there was not an approved plan yet, but said hand dug as much as possible. Ms. Richter asked about revegetation. Chris Danforth, of Danforth Environmental, certified wetland scientist, said he was asked to create a restoration plan for this project. He approached the task by determining where the water table is through test pits. He then brought the elevation of the grades down to approximately 50% in the water table and 50% above, creating a mounded pool configuration, which he compared to an egg carton. That configuration would enhance the variety of plants that would grow because of the variable hydrology. Mr. Danforth said he created a planting plan with shrubs and trees, as well as a wetland seed mix that would go in the entire area. He showed an area on the plans that would be a graded slope to achieve the desired elevation in the wetland and that slope would be planted with trees and shrubs as well. The conservation mix would be used along the upland buffer area. Mr. Danforth showed the existing wetland boundary on the map and where the new wetland was proposed just adjacent to the existing.

Chair Madison asked if the Commission's role was only to offer comments. Ms. Brunner explained that this was a referral from the Planning Board, which would be holding a public hearing on the application on Monday, January 27, at 6:30 PM. The Planning Board would review whether or not to grant the Surface Water Conditional Use Permit for the berm within the

75-foot wetland buffer. The Planning Board typically relies on the Commission's input and advice when making that decision. In this instance, Ms. Brunner thought that the Surface Water regulations focused on trying to minimize impact to the buffer where possible. She said this berm was constructed approximately 10 years prior, so it had been in the buffer for a long time, and thus the applicant's approach is mitigation. She said the applicant proposes to construct a wetland area that is double the size of the portion of the berm that is in the 30-foot buffer—which she called the more critical piece that is closer to the wetland—as potential mitigation. Ms. Brunner thought the Planning Board might value the Conservation Commission's input on whether that would be reasonable mitigation or the best way forward. She said the alternative would be for the applicant to remove the berm from the buffer, but she reiterated that it had been there for 10 years, and so that was the decision.

Mr. Bergman recalled the Commission reviewing a permit for an application on Gunn Road. He remembered discussing changes in the buffer size by Ordinance within the last 5–10 years. He asked if this berm pre-existed the change in buffer size? Ms. Brunner said that the berm did pre-exist the change to the regulations that allow for the buffer reduction. However, she said that the buffer reduction is really for uses that are in general prohibited. In the regulations, certain uses are allowed without any sort of approval (e.g., hiking trails) and some uses are completely prohibited (e.g., septic systems). The situation in this application was for a use that is allowed with a Conditional Use Permit (CUP). If it was not allowed with even a CUP, the applicant would have to seek a buffer reduction. So, Mr. Bergman said that approval of this request would not majorly deviate from recent practices of the City, Conservation Commission, or Planning Board. Ms. Brunner said it was consistent with similar requests.

Chair Madison said it sounded like the only recommendation to the Planning Board was to use a northeast pollinator mix to reseed the berm. He asked for any other recommendations. Mr. Von Plinsky said he spoke with a member of the Foundation onsite during the site visit and recommended working with the Natural Resources Conservation Service regarding plantings and observing the plantings to make sure they establish. Mr. Flaherty recommended that the Planning Board focus on erosion control. Mr. Bergman asked if the berm had a grass cover to stabilize the slope. Chair Madison imagined it had been vegetated over the years and Mr. Flaherty agreed that was the indication at the site visit.

Ms. Richter said this proposal seemed like the most appropriate use for restoration vs. trying to enforce the buffer, stating that trying to move the berm would be more mess and trouble than recreating an adjacent wetland. She said it looked like a standard plan that should be all right.

Chair Madison made the following motion, which was duly seconded by Mr. Flaherty. On a roll call vote of 6–0, the Conservation Commission sent its comments regarding the pollinator mix, working with the Natural Resources Conservation Service regarding plantings and vegetation, and erosion control to the Planning Board, otherwise stating no objections to the Major Site Plan & Surface Water Conditional Use Permit Application for 19 Ferry Brook Rd. Mr. Bill abstained.

All members of the public left the meeting.

5) Report-Outs:

A) Greater Goose Pond Forest Stewardship Subcommittee

Mr. Haynes reported that the Subcommittee met on Friday, January 10 and talked about signage, maps, and trail work. These would be ongoing conversations. Mr. Haynes put up another batch of signs in the Park and would be slowly creating more.

Mr. Haynes explained that most of the January 10 meeting was focused on the proposed bridge by the spillway. Lew Shelley, the trail builder, attended the meeting to present on different styles of bridges, materials, and support beams. The Subcommittee worked through and agreed upon a design and support beams it would like. The preferred beams would be much lighter than the initial ones considered. Now, the Subcommittee would be working with the City Engineer, Bryan Ruoff, to develop a sketch and schematic. At the Subcommittee's meeting on Friday, February 14, it would discuss fundraising because the goal is for this to be a community project.

Ms. Richter asked if the intention was for the bridge to span the entire spillway. Mr. Haynes said no, and shared some images to demonstrate, explaining that it would be further back just before getting into the vegetation—where the span would be much shorter—and not directly over the spillway. He said the intention is to not have any issues with the Bureau of Dams because of something over the spillway. The Subcommittee did not want to go down any further than where he showed because it gets more steeply eroded, so he said this was the best spot they could determine. At this point, he said the Bureau of Dams was okay with the project as long as the City could demonstrate that during a massive 100-year flood, the water coming over the spillway would not destroy the bridge.

B) Invasive Species

Vice Chair Williams reported that due to winter, there was little to report. He and Mr. Von Plinsky presented their invasive species letter to the City Council, which was forwarded to the Municipal Services, Facilities, & Infrastructure (MSFI) Committee. When the MSFI Committee first received the letter, it was unclear what it would do with it, but at a subsequent meeting, the City Manager said she would bring forward updates potentially at the January 22 MSFI meeting. Vice Chair Williams said it was exciting that City staff would be bringing forward some ideas for invasive species.

C) Land Conservation

No updates.

D) Pollinator Updates

Mr. Therriault reported that on January 22, there would be a Bee City USA webinar on their revised renewal process that he would attend. During the New Business section of the agenda, he intended to request a motion to pay the Commission's annual \$200 Bee City USA dues renewal.

6) Discussion Items:

A) Citywide Approach/Strategy for Invasive Species Management

Chair Madison referred to the update from Vice Chair Williams above.

B) Airport Wildlife Control Fence

Mr. Bergman said there were no updates as everything on the project was pending.

C) Land Stewardship Updates (easement monitoring)

Chair Madison reported that Ms. LeBlanc resigned from the Commission. Ms. Richter agreed to take on easement monitoring in her place and Ms. Brunner would get Ms. Richter the necessary materials. Mr. Bill offered to help Ms. Richter and they would coordinate come spring.

D) NHDOT Route 101 Project

Ms. Brunner reported that there was a meeting in December that she was unable to attend. Mr. Flaherty said he attended and that it was productive, with a great presentation; he noted the need in terms of health and safety. Mr. Von Plinsky agreed, noting that the design chosen was his preferred design from the original meeting. He said the last few hundred yards of the current area of Swanzey Factory Road would revert back to the ownership of the abutting landowner; the City does not own it. Mr. Von Plinsky had hoped that area could be turned into a park or something similar along the river but unfortunately, that would not be possible. Overall, he said it seemed like it would be a great set-up and one of the few win-wins he had seen in road design. If heading away from downtown Keene, Mr. Bergman asked if the exit would be before the current Swanzey Factory Road. Mr. Von Plinsky said no, if heading away from Keene, it would be beyond that toward Marlborough. Mr. Therriault asked if there was any indication of when the project might start. Mr. Flaherty said a few years and cited \$17 million involved in the project so far. Mr. Bergman asked if it would be near Ciardelli Fuel and Mr. Flaherty said yes, adding that there would be another roundabout there as well.

E) Master Plan Update

Ms. Brunner reported that the Master Plan was in the Task Force phase, with each Task Force based on one of the Strategic Pillars: housing, economy, mobility, neighborhoods, workforce, and environment. There were also six online discussion boards for each of the Pillars. There was still time for members of the public to join Task Forces, with all of them kicking-off during the week after this meeting. Each Task Force would meet three times over the course of three

months and all meetings would be virtual. Ms. Brunner encouraged anyone unable to participate in the Task Forces to engage with the Discussion Boards at www.KeeneMasterPlan.com. City staff and project consultants were reviewing those Discussion Boards weekly to garner ideas and share them with the Steering Committee and Task Forces. Staff's next task would be developing lists of key studies and best practices from other communities, and the Task Forces would produce lists of goals and strategies that the community would be asked to prioritize in a survey. More updates to come.

F) Outreach

No updates.

7) New or Other Business

Following Ms. LeBlanc's resignation, Chair Madison said he had reached out to someone working locally as a wetland scientist who was interested in joining the Commission. So, the Chair hoped to have the position filled by the next meeting.

Chair Madison also shared that the Council agreed to have the City's boards and committees file annual reports with the City Council. These would be requested and not required by July 1 of each year. Chair Madison said that he would be assuming this responsibility of reporting on behalf of the Commission. If any of the Subcommittees or work groups had data to share for reporting, such as on invasive species cleared or volunteer hours at Goose Pond, the Chair welcomed that information to help him when the time comes.

Mr. Bergman returned to the topic of Ms. LeBlanc's replacement, noting that he could see the value of adding a wetlands scientist to the Commission, but he wondered if any existing alternates wanted to move up as regular members. Chair Madison said that would be fine but would also have to go through the Mayor and City Council process. Ms. Brunner thought that changing an alternate to a regular could happen through the course of one City Council meeting whereas a new appointment would take two. Chair Madison asked if any alternates were interested in shifting to a regular member and Mr. Therriault said he was, so Chair Madison said he would share that information with the Mayor. In that case, Ms. Richter suggested still inviting the other wetlands scientist to join as an alternate and Mr. Haynes agreed.

Mr. Therriault asked for a motion to renew the Bee City USA annual dues for \$200. Chair Madison asked the status of the Commission's budget. Ms. Brunner said that at the last meeting, the Commission voted to pay its annual \$950 dues to the NH Association of Conservation Commissions, but that payment had not been processed yet. That had been the only expenditure from the Commission's \$2,000 budget so far this fiscal year.

A motion by Ms. Richter for the Conservation Commission to renew its Bee City USA membership for \$200 was duly seconded by Mr. Milliken and the motion carried unanimously on a roll call vote.

Mr. Bill referred to the permit for the gun club, noting that they were planning for a 25-year flood and asked if that was the standard the Commission and the City was held to. He wondered if Commission could ask about the status of the project in a 50-year flood. Chair Madison said it could be a follow-up question to the Planning Board. Mr. Bill said the City would run into this issue more and more with permitting and when considering variable climates, so he wondered if the Commission could have people entertain the possibility of floods beyond 25 years. Chair Madison said that the Conservation Commission's role was more so to comment and advise. If the Commission wanted to make that an actual rule, it would have to go through the Land Development Code, which would require approval by the Planning Board and City Council. Ms. Brunner agreed that part of the Commission's purview is advising the Planning Board on the Master Plan and issues of land use, so this would be a great concern to share with the Planning Board as a part of the Master Plan update that drives regulatory updates. For this specific permit, Ms. Brunner said that the City's standard at this time was the 25-year storm, unless the project was on a steep slope, then it would be a 50-year storm. It was the Commission's purview to advise more stringent standards to the Planning Board and City Council but there would be a process to get adopted. Chair Madison agreed that in the future, with the changing climate and more frequent heavier storms, the Commission could advise the Council to start looking at greater flood protection requirements.

8) Adjourn – Next Meeting Date: Tuesday, February 18, 2025, at 5:00 PM

There being no further business, Chair Madison adjourned the meeting at 5:49 PM.

Respectfully submitted by,
Katelyna Kibler, Minute Taker
January 27, 2025

Reviewed and edited by,
Mari Brunner, Senior Planner