

City of Keene
New Hampshire

CONSERVATION COMMISSION
MEETING MINUTES

Monday, March 17, 2025

5:00 PM

**Room 22,
Recreation Center**

Members Present:

Councilor Andrew Madison, Chair
Councilor Robert Williams, Vice Chair
Gary Flaherty
Ken Bergman (remote; non-Voting)
Steven Bill
Thomas Haynes, Alternate (Voting)
John Therriault, Alternate
Bob Milliken, Alternate (Voting)
Alexander Von Plinsky, IV (left at ~5:30 PM)

Staff Present:

Mari Brunner, Senior Planner

Members Not Present:

Art Walker
Barbara Richter

SITE VISIT: At approximately 4:00 PM, prior to the meeting, a quorum of the Conservation Commission conducted a site visit of the properties located at 21 & 57 Route 9 (TMP#s 215-007-000 & 215-008-000).

1) Call to Order

Chair Madison called the meeting to order at 5:11 PM.

2) Approval of Meeting Minutes – January 21, 2025

A motion by Vice Chair Williams to adopt the minutes of the January 21, 2025, meeting was duly seconded by Mr. Bill and the motion carried unanimously.

3) Planning Board Earth Excavation Permit Referral:

- A) **PB-2024-20 – 21 & 57 Route 9** – Applicant Granite Engineering LLC, on behalf of owner G2 Holdings LLC, proposes to expand the existing gravel pit located at 21 & 57 Route 9 (TMP#s 215-007-000 & 215-008-000). A Hillside Protection CUP is requested for impacts to steep slopes. Waivers are requested from Section 25.3.1.D & Section 25.3.13 of the LDC related to the required 250’

surface water resource setback and the 5-ac excavation area maximum. The parcels are a combined ~109.1-ac in size and are located in the Rural District.

Mari Brunner, City of Keene Senior Planner, explained that the Conservation Commission receives referrals from the Planning Board for various types of projects, one of which is earth excavation. She said this earth excavation project started when it was initially permitted in 2023. This is a request to expand that operation. When the Planning Board votes to accept applications as complete, it refers them to the Conservation Commission and its role is to advise the Planning Board specifically on the protection of water bodies and water quality in general. The Conservation Commission's comments are sent to the Planning Board to help it make its decision. Ms. Brunner said this project had already been through the Planning Board review process for the first phase that was already underway.

Now, Ms. Brunner said the applicant was proposing to have multiple phases approved at once. If approved, the applicant would have to come back to the Planning Board for permit renewals when staff and a third party (who staff proposed hiring) would conduct inspections to confirm that the previous phase was completed according to plan. Staff would report out to the Planning Board before the next phase could occur. Mr. Bill asked if there would be inspection and approval after each of the seven proposed phases. Ms. Brunner said yes, those would be called permit renewals with the Planning Board at each phase. She continued, stating that this would be the last time in the process that the Conservation Commission would have a role in reviewing the whole project. Ms. Brunner said the Planning Board had voted to accept this application as complete, hence this referral to the Commission, and there would be a public hearing at the Planning Board meeting on March 24, which she thought would be continued due to the applicant's need for more time to respond to the letter from the third party reviewer, Fieldstone Land Consultants (in the meeting packet). Chair Madison confirmed that the Commission's role was to make recommendations less about whether the Planning Board should approve the application and more about water quality and surface water issues to consider, as well as any recommendations for the remediation plan (e.g., pollinator friendly plantings).

Chair Madison welcomed Justin Daigneault (of Granite Engineering, LLC, on behalf of the owner, G2 Holdings, LLC) to speak about the subject property in Keene (TMP#s 215-007-000 & 215-008-000) and Sullivan (Map 5, lots 46 and 46-1). Mr. Daigneault showed overview plans and explained some of the various phases. The four properties accessed off Route 9 total 300 acres. He referred to the existing conditions plan, stating that the applicant purchased the property in 2019. He showed what was permitted in 2022, the access road, the processing equipment area, stockpiles, the sediment retention area, the limit of clearing, and where the site visit occurred. He continued, reviewing the various proposed project periods on the plans. For example, expanding the sedimentation pond in Period 1 (sheet 5). Regarding Period 2, he answered a question from the site visit, stating that the distance between the two pit faces would be approximately 200'. Period 7 is the most northern that would be across the Sullivan town line. Once all the other periods have been reclaimed and completed, Mr. Daigneault said that Period 8 would lower the site an additional 40', the last portion of the access road would come down (be lowered) and the final infiltration area would be excavated. Lastly, Mr. Daigneault talked about the reclamation plans; as each period is completed, the City's

inspection would occur and the area would be reclaimed before moving on to the next one. He welcomed questions.

Chair Madison opened the floor to public comments.

Jim Manley of 67 Tyler Lane, Sullivan, stated that he was the major abutter to this project with approximately one mile of adjacent property line. He asked what year excavation began in Keene and Sullivan. Brenton Cole, P.E., (Granite Engineering, LLC) asked whether the question about Sullivan was relevant to the Keene Conservation Commission. Mr. Manley thought the question was very relevant, stating that both excavations were initiated without permitting from Keene, Sullivan, or the State of NH. Mr. Cole stated that whatever happened in Keene prior to 2023 was rectified through permits received through the City of Keene. Mr. Manley said those were received after the excavation occurred. Mr. Cole said that the applicant would be moving forward with a plan before any work occurred, on the up-and-up, and not going beyond what was permitted in 2023. Mr. Cole reiterated that this meeting was about Keene and not Sullivan, and that whatever happened in 2019 was rectified in 2023 with permits. Mr. Manley felt the past actions cast doubt on the character of the organization and Mr. Cole was sorry he felt that way. Mr. Manley felt it was a major alteration of terrain. He said he spoke with the State of NH Alteration of Terrain (AOT) Bureau, which told Mr. Manley that it asked Granite Engineering some more questions. Mr. Manley asked the status of the response to those questions. Mr. Cole said it was normal for the AOT Bureau to scrutinize the permit application and Granite Engineering was working through the comments as with every project.

Mr. Manley continued questioning the applicants, referring to sheet 4 of 22. His understanding was that the perimeter shown represented all of the wells within a one-mile radius of the proposed permit. Mr. Cole said this plan represented many things, including the wells permitted with the NH GIS; it would not include wells without documentation. They utilize meetings to add unknown wells; if someone feels their well is not represented, they can notify Granite Engineering to add it. Granite Engineering will make sure that any well within a one-mile radius that needs testing for blasting or water quality protocols are on this plan. Mr. Manley suggested that there were many individual homeowners within this proposed one-mile radius who did not know about this project and said they should be contacted and told they would be eligible for Keene's and the State of NH's well monitoring protocols. He stated that his home was within the radius, and he had two wells, but his home was not located on the plans. Mr. Manley also asked what the ramifications would be if a home lost access to its water; what indemnification would exist to compensate the homeowner without water? Mr. Cole asked Chair Madison if this line of questioning was relevant to the Conservation Commission, or more so to the Planning Board. Chair Madison said it was not relevant to the Conservation Commission and would be better for the Planning Board, but that he would allow it because it was a public hearing, and it was within the permitted scope of a public hearing.

The project hydrogeologist, Joel Banaszak (Frontier Geoservices), addressed some of Mr. Manley's questions about what the ramifications would be for a neighboring property. Mr. Banaszak explained that the applicant would be required to follow the City of Keene's earth excavation requirements, which include a hydrogeological investigation report and determining whether any aquifers connect

to abutting domestic water supply wells. He said none were found in the applicant's report, calling it a very dry hill. He said they also assessed the relative elevation of the wells, noting that the depths of a lot of the domestic water supply wells in the area are much deeper than this excavation would be because this is on a plateau. Regarding wells that might not be represented on the map, Mr. Banaszak said they were limited by what was available through the State of NH GIS database.

Mr. Banaszak continued and said that, for offering monitoring and testing of an abutting property, they look at the tax map and even if a parcel does not look particularly developed, they send a letter to the parcel owner offering monitoring because the parcel is within the radius. Mr. Manley asked when those letters are sent. Mr. Banaszak said those letters are sent once project approval is received from the AOT Bureau and the City. Mr. Manley asked if that was according to the law. Mr. Banaszak said yes. As an abutter and in the interest of his neighbors, Mr. Manley thought that it would be good if they were alerted to matters like this, stating that the property owner never had the courtesy—as a neighbor—to reach out to him; he received a notification from the City of Keene about the Planning Board meeting in February.

Mr. Manley asked if it was correct that the applicant would monitor wells within the radius once everything was approved and done. Mr. Banaszak said yes, they would need to have a plan approved by the AOT Bureau and City to be able to move forward with well monitoring, because the plan would include the protocol for communicating with the public. Mr. Manley said that point would be too late for the general public to comment on their concerns. Mr. Daigneault asked if Mr. Manley was notified of the project enough to be at this meeting. Mr. Manley said he was notified of the Planning Board meeting in February and Ms. Brunner informed him of this meeting; he thought any other abutter in the one-mile radius was likely unaware. Mr. Daigneault said that all abutters would be notified as a part of the March 24 Planning Board public hearing.

Mr. Manley asked about the Acid Mine Drainage Potential Report prepared by Mr. Banaszak. Mr. Manley thought it looked good with the exception of Wells 7 and 8, which he said were located in Sullivan, and Mr. Banaszak added that they were also outside of this work area. Mr. Manley noted the report said the potential for drainage there was significant. Mr. Banaszak discussed acid mine drainage, stating that methods for prediction are not simple. They assessed the rock for acid producing and acid neutralizing compounds, and there were locations with the potential to create acid. They also looked at metal content, stating that granite quarries do not typically have acid mine drainage problems unless they are historic and operated incorrectly. If they find the potential for acid mine drainage, the next step is to monitor. So, Mr. Banaszak said the report recommended monitoring both groundwater and surface water. They could also mitigate acid mine drainage through actions like increasing the pH to neutral 7 by adding an alkaline compound like lime or limestone. He said acid mine drainage is usually a much larger concern for coal or gold ore mines, not granite quarries, particularly with the mitigation techniques available in New England. He said the applicant was offering a protocol acknowledging that there could be a problem, a way to look to see if the problem shows up, and a way to deal with it if it does. Mr. Manley cited from the report that the acid could leech heavy metals, in particular arsenic and lead into the subsurface.

Mr. Manley read parts of a letter that he wrote for both the Conservation Commission and Planning Board in objection to this application:

I live at 67 Tyler Lane, Sullivan. I purchased my property, consisting of 105 acres and shown on Sullivan Tax Map 5, Lot 47, on 16 June 2021. I have two undergraduate and two graduate degrees in business administration and also in electrical engineering and I am a 2021 alumni of UNH's natural resources steward program.

I am the major abutter to G2 Holdings with over 5,500 feet of adjoining property. I'm particularly concerned about the 2,300-plus feet abutment on my southern border.

Moving from the Virginia Beach area, I purchased this mostly wooded property to find quiet enjoyment, enjoy the abundant wildlife, and practice homesteading. Wildlife on my property includes a sizable herd of deer, bobcat, coyotes, bears, hawks, owls, and the occasional moose.

A rate of quiet enjoyment includes freedom from excessive noise and disruptions from surrounding areas such as construction or unreasonable disturbances from neighbors. Blasting noise will be a regional environmental issue affecting residents of Keene, Sullivan, and Roxbury.

No blasting schedule has been provided beyond Monday to Friday operations for the next 13 years, but I'm especially concerned what this is going to do to the wildlife on my property as they'll most likely migrate to more peaceful settings.

I'm also concerned about the effects of blasting on my home, the original portion of which was built in 1825 using a stone wall foundation. My home is located approximately 2,400 feet from the northern edge of planned excavations and well within the one-mile radius depicted on plan sheet 4 of 22, which claims to identify all wells for monitoring within a one-mile radius. It is wildly incomplete without depiction of wells servicing the private homes within that radius. Also, some public wells are identified as inactive, but there is also always the potential for those to become active again in the future.

While the supplied documentation talks about monitoring of wells and omits mention of other property damage, no mention is made of indemnification from G2 activities. What would happen if a well ran dry and or foundations for homes are damaged?

There are two streams which traverse both G2 and my properties. One of these [more westerly] originates on my property and was flagged for wetlands, without my permission despite clearly visible no trespassing signs. If wetlands were studied, why are there no corresponding reports present in the package submitted [and why did he not receive a copy since they went on his property without permission].

I'm also genuinely concerned about G2's demonstrated performance of acting first, ask for forgiveness. G2 has started logging and mining operations unilaterally in both Keene and Sullivan

without first obtaining the necessary local, State, and Federal permitting. I'd like to hear an explanation from G2 why this was done and know if it was done out of ignorance or just plain old disrespect for the law. I'd also like to know what penalties have been levied against G2 for these transactions. Can we assume that this leopard can indeed change its spots? I'm not so sure about that.

In a similar manner, I was assured by G2 employees both at the site and the February 24 Planning Board meeting that this site would serve only as a transfer station for G2's other mining locations. Needless to say, G2 never reached out to me, as I'd like to think a good neighbor would, to discuss their plans in advance.

I'm very concerned about the creation of manmade 60-to-70-foot cliffs close to my property and the dangers they could pose to children, pets, and wildlife. The plans call for the construction of a four-foot fence, but do not specify when this will be constructed or how it will be maintained in perpetuity.

Lastly, I'm concerned about the aesthetics of Granite Gorge. Currently this is a beautiful stretch of Route 9 when traveling from Concord along Otter Brook and provides a very nice prequel to views overlooking Keene, nestled in the valley below. What will the site of a major hillside destroyed communicate to future generations about Keene's values?

Mr. Manley wondered if 3D visualizations of the view from Route 9 could be generated, citing the very good GIS program at Antioch University New England. He questioned—if the proposed quarry location was visible to the multitude of residents in town—would the Planning Board have a different impression about allowing this activity to move forward? Mr. Manley asked if the applicant would answer his questions about why they initiated operations without permitting or why they did not reach out to him as their major abutter. The applicant declined to comment.

Mr. Bill asked what storm frequency the applicants were planning for. Mr. Daigneault said 50 years, which Mr. Bill said was better than 25 years. Mr. Cole cited the various State of NH storm frequency event categories (2-year, 10-year, 25-year, 50-year; and by volume), noting that all stormwater from this site must be maintained on site. Mr. Bill asked about the nature of the surficial materials (e.g., till, outwash). Mr. Banaszak said it is very gravelly and there might be some till at the very base but everything down to the bedrock is primarily gravel, with high hydraulic conductivity. He said there was not much overburden at this site on the hill (excluding the present-day basin that Mr. Bill mentioned), with the most at one location up to 14' deep. Mr. Bill asked where the water drained at present; would it drain down to the bedrock and then somewhere else? Mr. Banaszak said yes, explaining that the site was unique, exhibiting spring groundwater (very ephemeral) recharge signatures in the overburden that would disappear by June/July because it runs off the hill or evapotranspiration by plants, etc. He said it appears in the test beds but not the boring logs or monitoring well logs.

Regarding storm frequency events, Mr. Haynes noted that the City was grappling with weather changes and asked if the applicants modeled for a 100-year storm. Mr. Cole said no because it was not required. However, there was already some run-off occurring on site pre-development. So, they were trying to make the site significantly better prepared than the 50-year storm by completely removing whatever is leaving the site and allowing it to infiltrate back in the ground. They could consider the 100-year event; they had comments from the City Engineer to look at some models and Mr. Cole said they could consider the 100-year with the pre-development.

Vice Chair Williams asked if there was anything the applicants could do about the sight lines to Route 9 in the future, like planting trees to block the view of the cliff face. Mr. Cole thought Route 9 was situated lower, so he thought that vantage point already looked into a set of trees. He also cited a City regulation that would create a setback from Route 9 and explained how the grade would change and level off to where the site visit was. He did not think the cliff face would be visible from Route 9; he said skiers on Granite Gorge might see it. Mr. Manley said the current excavation area was very visible from the Sullivan Store and going down the hill. Vice Chair Williams hoped to see something like a buffer of fast-growing red oaks, for example, which would line the roadway nicely 20–40 years from now. He said it is one of the most attractive and welcoming vistas to Keene, so he wanted to mitigate. Mr. Manley agreed.

Chair Madison pointed out an ephemeral stream to the east of a collection of buildings at the center of Otter Brook. During high water, he said the stream was falling pretty rapidly but looked like it was cutting into the hillside sharply. Mr. Cole said that was not a part of the project but that there was erosion there that predated the current property owner's purchase. Cody Gordon (G2 Holdings, LLC, applicant), the property owner, said he learned through conversations with the Planning Board that some of what Chair Madison referenced was a result of historic logging (and roads) of the hillside and subsequent flooding around 2005. He said G2 had not done anything to that location but that in theory they would look at it in a future phase. Chair Madison also asked if the retention ponds would be left on site or filled in. Mr. Cole said they would be left on site.

The Commission continued discussing its recommendations for the Planning Board, agreeing that the Commission's purview was surface water concerns.

Mr. Bill knew the applicant had described the rock on site as a rusty schist and the potential for acid drainage on site. When crushing that rock and using it on road or water systems, he said they would be taking some of those components and scattering them on the road surface or in the waterway, for which he imagined there were State guidelines. Mr. Bill said he would feel much better about this if he knew what those State limits were and how the applicant's product would fit into those. He said they could control the acid drainage on their site, but not the product once it is scattered around the City and causes problems the City must deal with. So, Mr. Bill wanted some reassurance that he could not glean from the data presented; what was the sulfur content, did they sample the entire well distance and a composite for that? He wanted either additional information from the applicants or further testing.

The Commission debated whether it could recommend the forest buffer. Mr. Bill said that trees could enhance transpiration and therefore water quality.

Mr. Flaherty made the following motion, which was duly seconded by Mr. Bill.

On a vote of 7–0, the Conservation Commission recommended that the Planning Board consider the following for application PB-2024-20:

- Greater consideration of 100-year storm/flood events in planning.
- Further study into potential offsite impacts of acid mine drainage.
- Potential to increase forest buffer with Route 9.
- Remediation with pollinator friendly plants.

4) Report-Outs:

A) Greater Goose Pond Forest Stewardship Subcommittee

Mr. Haynes reported that the Subcommittee met on March 7 and discussed enlarging the trailhead maps as well as making paper maps available at the trailheads for those who do not visit with their phones. He said he was continuing to put up new trail signs as he completed them, which had been helpful. Most of the March 7 meeting was focused on the new bridge planned at the spillway, which had been designed. The Subcommittee was working with the City Engineer, Bryan Ruoff, who was finalizing the engineering plans (e.g., abutments). The group also started working on the fundraising brochure. They hoped to have the engineering plans and brochure mostly finalized by April, in which case the project might be able to proceed in the fall, though Mr. Haynes said that timing was still unclear.

B) Invasive Plant Species

Vice Chair Williams said it was still winter, so he expected to start developing a list of areas for the summer invasive species removal events by the April meeting. He welcomed recommendations of sites to consider. Ms. Brunner asked if Vice Chair Williams anticipated requesting anything from the Commission's budget for invasive species removal this fiscal year. The Vice Chair replied that if funds remained available, he thought it would be a good use and he could think of many places in the City where shrubs would be useful to replace invasive species.

Mr. Bill mentioned that the Subaru dealership offered him a free tree to plant in his yard and he wondered if they might do something on a City-wide basis too if someone contacted them. Vice Chair Williams mentioned hearing that Eversource was doing something similar, so he said the City should have a street tree planting program in the spring.

C) Land Conservation

No updates.

D) Pollinator Updates

Mr. Therriault showed a photo from the Edgewood Neighborhood pollinator garden—an 18-yard diameter circle/2,000-square foot garden around the flagpole. At this time, it was bare, with a small pathway of woodchips. The garden was populated with native plants and low-growing shrubs. Mr. Therriault would report back with new photos in June. They also placed a small sign indicating why they planted native plants and the benefits to pollinators. Mr. Therriault also said that he was working on the City's annual report to Bee City USA.

5) Discussion Items:

A) Citywide Approach/Strategy For Invasive Species Management

This matter was referred to the City Council's Municipal Services, Facilities, & Infrastructure Standing Committee several months prior, which asked the City Manager to come up with something and report back to it. That had not occurred yet.

B) Airport Wildlife Control Fence

Mr. Bergman said there was no update from the Airport Director, David Hickling. Mr. Bergman was concerned that part of the project could be tied to funding from the Bipartisan Act of Congress, and he was unsure where that stood with attempts to rollback. He would ask the Airport Director.

C) Land Stewardship Updates (Easement Monitoring)

No updates.

D) NHDOT Route 101 Project

No updates.

E) Master Plan Update

Ms. Brunner reported that the Comprehensive Master Plan Update was entering a busy phase, with June 3 being the date to present the full Master Plan to the public. The online Discussion Boards were still active at www.KeeneMasterPlan.com and the final Task Force meetings were occurring on the Six Strategic Pillars: Livable Housing, Flourishing Environment, Vibrant Neighborhoods, Connected Mobility, Adaptable Workforce, and Thriving Economy. The Master Plan Steering Committee would be reviewing individual chapters of the Master Plan on each Pillar. There would also be an online StoryMap launching early April created with ArcGIS, allowing users to visually explore the pillars and goals. Ms. Brunner said there would also be a decision matrix sent (end of April/early May) to specific groups throughout the City including the membership of all City boards and committees (more than 200 individuals), City staff leadership, and the City Council, among others. The purpose of the matrix is to get specific feedback to help prioritize the goals and strategies

developed in the Master Plan. Ms. Brunner would keep the Commission informed of these various aspects but told them about the Future Summit on June 3 at 5:00 PM, at Heberton Hall, Keene Public Library.

F) Outreach

No updates.

6) New or Other Business

Mr. Flaherty shared that the [NH Department of Environmental Services Wetlands Bureau](#) was revising its 300 and 500 Series wetland rules; it was still in the review process. He added that as a member, the Northern Soil Scientist Society was trying to push for stricter NH Alteration of Terrain (AOT) regulations for what is accepted into the soil (e.g., a sediment basin). Mr. Flaherty went on to explain how the Society provides professional opinions to engineers to report to the NH AOT.

Mr. Milliken recalled the Planning Board referral for 19 Ferry Brook Rd at the January 21, 2025, Conservation Commission meeting. At that meeting, Vice Chair Williams asked about lead in the soil from past uses and Otto A. Busher, III, Chairman of the Board of Directors of the Cheshire County Shooting Sports Education Foundation, quickly said no. Mr. Milliken wondered if the Commission was able to ask for a water sample, noting that the brook next to that location flows into Otter Brook. Chair Madison said the Commission could always *ask* but does not have the statutory authority to *require*. Mr. Haynes wondered if such testing could be a recommendation to the Planning Board from the Conservation Commission when reviewing an application. Chair Madison said the Conservation Commission has the broad authority to request or recommend, but not to force. So, the Commission could certainly recommend that someone collect water quality samples, for example, within reason. Ms. Brunner said it was a good point, reiterating that the Commission makes recommendations to the Planning Board, which decides whether it agrees with those recommendations and whether to make those conditions of the Planning Board's approval.

7) Adjournment

There being no further business, Chair Madison adjourned the meeting at 6:19 PM.

Respectfully submitted by,
Katrinya Kibler, Minute Taker
March 24, 2025

Reviewed and edited by,
Mari Brunner, Senior Planner