

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

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

**Tuesday, January 17, 2017**

**4:30 PM**

**2nd Floor Conference Room,  
City Hall**

**Members Present:**

Thomas P. Haynes, Chair  
George Hansel, Councilor  
Dr. Brian Reilly  
Andrew Madison

**Staff Present:**

Tara Kessler, Planner

**Members Not Present:**

Denise Burchsted  
Jan Manwaring, Councilor  
Sadie Butler

**1) Call to Order -**

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

**2) Approval of Minutes – December 19, 2016**

Mr. Reilly made a motion to accept the minutes of December 19, 2016 as submitted. Councilor Hansel seconded the motion, which carried unanimously.

**3) Election of Vice-Chair –**

Ms. Kessler reported Ms. Butler has expressed an interest in serving as Vice-Chair for the Commission. After discussion, Commission members agreed to table this item until the next meeting when Ms. Butler will be present.

Councilor Hansel moved to table the election of Vice-Chair until the next meeting. Mr. Madison seconded the motion, which carried unanimously.

**4) Communication and Notifications-**

Ms. Kessler reported on a proposed new gas plant at the end of Production Avenue. The applicant, Liberty Utilities is proposing wetland impacts of just under two acres. Liberty Utilities is starting the pre-application process with NHDES, the Army Corps of Engineers, and the US EPA due to the size of the wetland impact. The City has been invited to the first pre-application meeting tomorrow, at 3:30 PM. Noting she will not be able to attend the meeting, Ms. Kessler advised that the environmental consultant hired by Liberty Utilities has been keeping her informed and she has forwarded the materials onto Chair Haynes. Continuing, she noted that this wetland application would be coming before the Commission in the future; mitigation will also be involved due to the size of the wetland impact. Ms. Kessler provided some history on the project, reporting that Liberty Utilities was granted Planning Board approval for a plant in the early 2000s and had proposed a mitigation package at that time. As part of this mitigation they placed a

portion of the land area and adjacent lands under conservation easement. However, they never built the proposed facility. Ms. Kessler noted that the mitigation rules have changed since this time. Ms. Kessler will also provide information on the conservation easements described at the next meeting.

At this point Chair Haynes introduced Eloise Clark who is going through the appointment process to become an Alternate member of the Conservation Commission. Ms. Clark is a past Conservation Commission Chair.

Chair Haynes recommended moving agenda item #6 up as it is relative to the discussion with regard to mitigation.

**6) Development of an Aquatic Resource Mitigation Local Priority List –**

Ms. Kessler distributed the following handout “Report of the Land Protection Committee: Conservation Commission” from 2007, which was provided by Ms. Clark. Chair Haynes suggested it would be good for Keene to have a list of priority projects that would be eligible for Aquatic Resource Mitigation funds. This list would be important to have in the event that compensatory mitigation from projects involving significant wetland impacts could be directed to local projects.

Ms. Kessler explained the pre-application meeting is a step in the process for wetland permit applicants with projects involving permanent wetland impacts greater than 10,000 square feet. Ms. Kessler noted that the Hillside Village development on Wyman Road and Liberty Utilities’ proposed gas plant on Production Avenue will involve wetland impacts of this threshold. Representatives from each project will be holding a pre-application meeting with NH DES, Army Corp of Engineers, and the US EPA. Chair Haynes indicated the list provided by Ms. Clark is a reasonable start. He also recommended the group to share any other suggestions.

Discussion ensued with regards to the options for mitigation. Ms. Kessler explained the ARM Fund awards grants throughout the state on a competitive basis. In order for mitigation funds to be directed to local projects, separate from the ARM Fund Grant process, the City would need, at a minimum, a list of priority projects that would be eligible for mitigation funding. Without this list, mitigation payments are paid into the ARM Fund.

Commission members asked the following questions regarding this topic. Staff will provide answers to these questions at the next meeting.

- Can ARM Funds be used for private property, and does the landowner have to be willing?
- What are the criteria for eligible mitigation projects?
- Are there deadlines for spending the money?
- Can mitigation funds be used as matching funds for another grant?

Ms. Kessler commented that it would be helpful for the Commission to have a more in depth conversation about developing, refining, and prioritizing a list of projects. She feels the Commission can accomplish this without bringing in additional assistance. Ms. Kessler also indicated she felt a more thoughtful list would come out of the Commission’s Master Plan process. Ms. Kessler reported that she has looked at other towns that have developed priority lists. Chair Haynes agreed it would be beneficial to look at these other towns. Ms. Kessler suggested the Commission create a process for identifying projects.

Commission members agreed that more information was needed before they could start to work on a priority list.

Ms. Kessler reviewed the list of questions and requested she be advised of any additional questions/ information needed in preparation for the next meeting.

- What criteria would NHDES like to see for these type of projects?
- What restrictions would be placed on the City if we were to receive these funds?
- Can these funds be used as matching funds for another grant?
- Level of detail and types of projects on other community's priority lists?
- Do the projects on the list need to encompass only wetlands or wetlands, open space and other resource areas?
- How has Keene used mitigation funds in the past, other than for the Cemetery?
- What is a ballpark figure of funding for a project like this?

There being no further questions/comments Chair Haynes noted this issue would be ongoing and moved back to agenda item #5.

**5) Greater Goose Pond Forest Stewardship Plan -**

Chair Haynes referred to the draft document in the packet and asked Ms. Kessler what she needs from the Commission. Ms. Kessler reported that she had shared the draft with Andy Bohannon and is waiting for his response. She noted that she needs confirmation the Commission is accepting of the changes made to the draft Request for Qualifications after the last meeting's discussion. If the Commission approves of the changes, the next step would be packaging it into a more formal document. Chair Haynes asked for input from Commission members.

Page 7, Section II. Background: Mr. Reilly referred to the first paragraph's last sentence reference to Attachment B and asked if there were any other attachments. Ms. Kessler noted Attachment A is supposed to be the Management Plan (2006) for Goose Pond. Ms. Kessler noted she will make reference to Attachment A. Discussion ensued with regards to adding additional attachments/and or removal of some already included.

Ms. Kessler explained the difference between a management plan and stewardship plan for Ms. Clark. Chair Haynes also noted this was discussed at the previous meeting.

Councilor Hansel commended Ms. Kessler for the work she did on the document. He also commented that he did not see a requirement to make a presentation to City Council in section L. Community Engagement (Page 10). Commission members agreed this should be a requirement. Ms. Kessler noted she would make this change.

Chair Haynes noted a numbering error in section I. Maps on Page 9 of 10. Ms. Kessler reported she would correct this error.

Ms. Kessler explained the difference between the site quality map and the work plan map for Chair Haynes. Discussion continued with Ms. Kessler suggesting she could edit this section to make it broader so the responding Consultants can share their proposal on how they might organize this information.

Also on Page 9, section I.2, Mr. Reilly asked for clarification on blocks versus stands. Mr. Madison suggested his understanding is a forest block is something delineated by humans for management whereas a stand can be a grouping of a specific species of trees.

There being no additional comments Ms. Kessler advised she would have the next steps of issuing the RFQ, and requesting funds from the Land Use Change Tax Fund. She will also clarify the process with the City Manager.

**7) NH Association of Conservation Commission's Request for Co-Sponsorship of a Regional Workshop on the Wetlands Permitting Process**

Ms. Kessler reported that she received correspondence from Barbara Richter, the NH Association of Conservation Commissions' new Executive Director. Ms. Richter indicated that the Chesterfield Conservation Commission is co-sponsoring an event and would like to know if Keene's Conservation Commission would also like to be a co-sponsor. The event is to be held on March 27, 2017, at 6:00 PM, in the Library's auditorium. The speaker for the event is Marc Jacobs. Ms. Kessler reported there has been no monetary request. Ms. Kessler will confirm that the event is free to members.

Mr. Madison motioned for the Conservation Commission to co-sponsor the March 27, 2017 regional workshop. Mr. Reilly seconded the motion, which carried unanimously.

**8) Conservation Master Plan**– Nothing at this time.

**9) New or Other Business** – None at this time.

**10) Staff Updates** – None at this time.

**11) Adjournment** -

There being no further business, Chair Haynes adjourned the meeting at 5:16 PM.

**Next Meeting- Tuesday, February 21, 2017**

Respectfully submitted by,  
Mary Lou Sheats-Hall, Minute Taker  
January 18, 2017

Reviewed and edited by,  
Tara Kessler, Planner