

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

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

**Monday, May 15, 2017**

**4:30 PM**

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

**Members Present:**

Thomas P. Haynes, Chair  
Sadie Butler, Vice Chair  
Councilor George Hansel (Left Early)  
Dr. Brian Reilly  
Councilor Jan Manwaring (Left Early)  
Dr. Denise Burchsted (Arrived Late)  
Andrew Madison  
Eloise Clark, Alternate  
Sparky Von Plinsky IV, Alternate

**Staff Present:**

Tara Kessler, Planner

**Members Not Present:**

**1) Call to Order**

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

**2) Minutes – April 17, 2017**

Councilor Hansel made a motion to approve the minutes of April 17, 2017 as amended, which was seconded by Mr. Madison and carried unanimously.

Ms. Clark noted that under number 8, Conservation Master Plan Retreat – the name Barbara Richards should be corrected to Barbara Richter. Chair Haynes noted, in the same paragraph, that he had not yet contacted Jeff Littleton at that point as a correction. Dr. Reilly noted that it should say “yards” not “years” in the second paragraph of section five as follows, “high quality habitat: more than 500 yards.”

**3) Communication and Notifications**

**a. Conditional Use Permit Application – Liberty Utilities Proposed Temporary CNG Facility – 43 Production Avenue**

Chair Haynes welcomed Peter Walker, Environmental Scientist with VHB, who also introduced Shawn Furey from Liberty Utilities, who manages the gas system throughout the state, and Steve Roakes, who manages the Keene systems. Mr. Walker noted that Liberty Utilities bought the NH Gas system in 2010 and has been planning a number of improvements. He explained this presentation is to review the Conditional Use Permit for a temporary Compressed Natural Gas (CNG) fueling facility at 43 Production Avenue. He said he will be back before the Committee soon to present on a larger, permanent project to be located at the site. The site has been owned by NH Gas for some time. A permanent Liquefied Natural Gas (LNG) facility was designed, permitted, and approved but never built at this site, with final permits issued in 2002.

Many of the elements of this proposal are similar to those proposed in 2002, particularly the discontinuance of Production Avenue and creation of vehicle turnaround. He noted that after exploring the area, there is no way to install this turnaround without impacting the surface water buffer to some degree. Mr. Walker showed a site map and indicated the parcel, which is 16.2 acres if the discontinued portion of Production Avenue is included. Without this discontinuance, the site is approximately 15.7 acres, of which 8 acres is in a permanent conservation easement deeded to the City. Mr. Walker explained the site is undeveloped with the exception of Production Avenue; nearby, there is shrubby wetland that transitions to forest across the parcel. The National Heritage Bureau is not aware of current threatened or endangered species in the vicinity, but has no concerns about developing this site. The proposed temporary facility would be fenced in and located on an area currently paved so there is no need for grading. The fenced area will house two tanker trucks and contain a decompression skid, which is a modified shipping container with mechanical equipment inside to warm the CNG as it comes off the tanker trucks, regulate the pressure, and put it into a pipeline system. There is no permanent tank associated with the CNG facility; all fuel is carried on a truck. The proposed turnaround would be graded and paved with expansion 30 feet off the existing pavement. There are no proposed direct impacts to wetlands or the 100 year floodplain, and the proposed impacts to the Surface Water Buffer are minimal. While there is some pavement being installed, Mr. Walker does not feel it is significant enough to require storm water treatment, but some temporary erosion control will be installed there.

Mr. Walker continued, addressing the criteria for a Conditional Use Permit. The location for the turnaround is in the only upland area (essentially) adjacent to Production Avenue, in an attempt to minimize impacts to adjacent wetlands. The turnaround has been designed to meet the minimum dimension standards. It is not larger than it needs to be in order to provide a safe space for people to turn around. There are 262 square feet of surface water buffer impact. Only the buffer will be filled, the wetlands will not be impacted, and this is not an area with potential for high quality habitat. Very little tree and shrub clearing will be required and the canopy will not be significantly impacted.

In terms of mitigation for the temporary facility, Mr. Walker said he does not feel the impacts are significant enough to warrant any project-specific mitigation. For the permanent project that will soon be proposed, they will discuss mitigation more.

Dr. Reilly asked if the turnaround is a requirement of a dead end street. Mr. Walker replied in the affirmative. Dr. Reilly asked what would happen to the turnaround if a permanent facility were installed. Mr. Walker replied that the turnaround will be permanent and will not be removed if and when a permanent facility was installed.

Mr. Madison inquired about the anticipated traffic volume that would be generated for CNG deliveries. Mr. Roakes replied that on a busy day in the height of winter it could be one load per day, but on average three or four loads per week. A load means one tractor trailer with usually only one trailer sitting at the facility at a time.

Dr. Reilly asked why they will not move forward building the permanent facility now. Mr. Roakes replied that this project will be the first phase in getting that project started. This facility will help address issues with propane supplied to the Monadnock Marketplace, and to help improve conversions to natural gas for major customers in that location.

At Ms. Clark's request, Mr. Walker clarified the boundaries of the proposed turnaround pavement on the site plan.

Mr. Von Plinsky inquired about any restrictions for planting on the side slopes of the proposed turnaround. Mr. Walker noted that they will be seeding the side slopes with grass and that these slopes are there to raise the level of the turnaround to meet the grade of the existing roadway, not necessarily to create a safe area. The slopes are in the City right of way and any future plantings there will be up to the City.

Chair Haynes asked if the 262 square feet of impact could be grouped into the impacts that will be reviewed as part of a future wetland application for a permanent facility. Mr. Walker noted that this could be possible; the NH Department of Environmental Services (DES) does not require mitigation for buffer impacts, the Army Corps of Engineers does, however. It is a question that can be discussed further. The NH DES has suggested working with groups like this Commission at the local level where mitigation could take place. The 2002 mitigation plan for this site included a conservation easement on the site, the Bergeron conservation easement, and the creation of some compensatory storage and wetland on another site.

Ms. Kessler explained the Conditional Use Permit process. She said per the Surface Water Protection Ordinance, the application comes to the Conservation Commission for evaluation and comments. She said the Commission is not voting yes or no on this application, but comments will be shared with the Planning Board on May 22. The Planning Board will use the Commission's feedback as a part of their review of the proposed facility.

Councilor Manwaring inquired about the location of tax ditches on the project site. Dr. Burchsted asked for clarification on the path of the tax ditch easement in relationship to the proposed project. Mr. Walker reviewed the location of the tax ditches on the project plan showing where the water line follows the tax ditch.

Ms. Clark entered into the record her evaluation of the site as a naturalist is that there is excellent early successional habitat for species such as yellow warblers, for the Planning Board's information. Dr. Burchsted added that perhaps the upland being referred to is previous fill and what is now buffer, used to be wetland. Mr. Walker noted that it is a disturbed area, and is only slightly higher than the adjacent wetland elevations. There are upland areas that have clearly been filled on the site, but this is not one. Mr. Walker noted that Production Avenue once was wet, bottomland and this is the last parcel available; however, most other developed portions of Production Avenue had similar environment. Dr. Burchsted stated she feels it is important to maintain value of the bottomland, as we are losing this important habitat. She noted that the cumulative impact is significant, and is not just this one project.

With no further questions, Chair Haynes thanked the guests for their presentation.

**b. Shoreland Permit Application – Ciardelli Fuel – 639 Marlboro Rd**

Ms. Kessler directed the Commission to the application from MAC Milford Realty LLC for a development within the Shoreland Protection District, the former site of Chabot Oil. The site has been purchased by Ciardelli Fuel along the Branch River. This application will go to the State for their review and approval; it is different from a Wetland Permit in that the Commission does not have the opportunity to intervene but can provide comments. The Planning Board reviewed this project at their April meeting and approval was contingent upon receipt of a Shoreland Permit.

They are proposing to build a 5,000 square foot office/storage/garage space on the developed portion of the site, where there is currently a shed and storage area as well as two 30,000 gallon aboveground propane storage tanks. They propose paving what is currently a hard pack gravel area. The entire site is within the NH Shoreland Protection District, which extends 250 feet from the shoreline of the Branch River. The Applicant noted that, "the percentage of the lot to be covered by post-construction impervious area within 250 of the reference line would be 15.2% of the entire parcel." A portion of the parcel is in the Conservation Zoning District; however, the proposed work will take place within the portion of the parcel that is located in the Industrial Zoning District. All activity would be on the existing developed portion of the lot.

Councilor Manwaring asked if the Commission has reviewed this item before. Ms. Kessler replied no, because it is a Shoreland Permit and there are no wetland impacts in this area. The local Surface Water Protection Ordinance does not apply because the applicant needs a Shoreland Permit that supersedes the local ordinance. There was a previous application for the Cheshire Oil site, which is nearby. Ms. Kessler demonstrated the impacts to the 100 year flood plain as well as areas of compensatory mitigation in their Floodplain Permit. The current aboveground concrete tanks on the site will remain and may be used in addition to the two new tanks. Nothing will be stored underground and they will require an additional review permit by DES for the storing and handling of fuel.

The Commission provided the following comments to NH DES for this application:

- Ms. Clark recommended the applicant use permeable pavement.
- Chair Haynes noted his biggest concern is ensuring that whatever is stored on the site does not contaminate the river.
- The Commission expressed concern about the amount of run-off from the site itself and the type of roof that is proposed and serious concern about acute and chronic surface water runoff problems. In addition, there are significant concerns for the proposed impacts to the 50 foot waterfront buffer area, which appears to be extensive disturbance (may not be as much as pavement as appears on the map because includes 240 linear feet grass swale for storm water management). The applicant should manage the storm water outside of the 50 foot waterfront buffer.

**c. Hillside Village Wetland Permit Update**

Ms. Kessler reported that Hillside Village received their Wetland Permit with a series of conditions that she will share with the Commission. One of the main conditions is no tree cutting between the beginning of June and end of July due to concern for potential species habitat in the area. They also found someone to salvage the large barn on the property and many of the materials will be stored and used on site for historic significance. They broke ground the previous week. Monadnock Conservancy will not be making a decision to accept the conservation easement until mid-summer and DES has extended the 120 days necessary to complete work to 180 days to allow the Conservancy to make a decision.

**4) Greater Goose Pond Forest Stewardship Plan RFQ Update**

Ms. Kessler reported the City Council approved the Commission's use of \$30,000 of the Land Use Change Tax Fund for a Greater Goose Pond Forest Stewardship Plan. Ms. Kessler is currently working with Purchasing to have the RFQ issued. Many staff and others reviewed the RFQ: Director of Parks & Recreation, The Planning Director, Steve Roberge, Jeff Littleton, and The Society for the Protection of NH Forests. She hopes the RFQ will be issued in the following week. She hopes to have a consultant hired and beginning work by summer. She noted the need to form a Selection Committee with a member of the Conservation Commission, who can also

assist in refining a review template within the next month. Ideas for the Selection Committee included:

- Dr. Burchsted suggested Tad Lacey should be on the Committee as he has worked on this a long time.
- Chair Haynes and Ms. Butler volunteered to be on the Committee.
- The Director of Parks & Recreation was suggested.

#### **5) Aquatic Resource Mitigation Subcommittee Update**

Chair Haynes mentioned that the Subcommittee met a few weeks ago. Dr. Burchsted said this effort fits into a broader initiative of the Conservation Master Plan process. This component is fueling the aquatic resource element. Dr. Burchsted mapped out areas of overlap between land conservation and aquatic resource conservation. She noted the ARM Fund could be used to fund the aquatic resource conservation efforts and there is opportunity for projects that are a combination of land and aquatic resource conservation. Land preservation is not the only tool for aquatic resource mitigation. Lori Sommer of the NH Department of Environmental Services suggested the Commission develop an ARM Portfolio. A handout containing a Sample Priority List was distributed to the Commission. Dr. Burchsted noted the first five bullets on this list represent five categories of fundable projects. The Subcommittee intends to identify partners to help identify projects around these categories. Ms. Clark can help narrow down parcels and work with landowners.

The other bulleted items are areas where the Commission can look to other groups or people to recommend potential projects. The second grouping of bulleted items represents the category of in place stream/wetland restoration projects. Dr. Burchsted said the Subcommittee's recommendation to the Commission is to look to others for expertise to suggest potential projects; she hopes to gather these various recommendations, along with her own, into a formal Commission document. The third group of bulleted items represents infrastructure projects, such as the West Street Dam. Ms. Clark referenced Whitcombs Mill Bridge as an example of a project that might fall in this third category. Dr. Burchsted noted that the short recommendation is that the Commission follows the proposed groupings of project priority types and begin looking for specific recommendations within those categories.

Dr. Burchsted highlighted the Arm Fund Grant Program booklet that was recently released. She noted that ARM eligible project costs are often much higher than one would anticipate; very large projects can be and are funded. Chair Haynes likes the idea of approaching this as a diverse portfolio of possible projects within these categories to be prepared when ARM funds become available. Ms. Clark agreed saying it is nicely organized.

Dr. Burchsted referenced the ARM Fund Evaluation Criteria to help guide the Commission in identifying projects to be added into the ARM Fund Portfolio for Keene. Dr. Burchsted suggested using the Evaluation Criteria as a way to rank potential projects locally. One category that is missing from this list is whether it is feasible or not, which will require vetting by the Commission. Chair Haynes noted the next step would be to identify projects. Dr. Burchsted noted that if the categories make sense, the Commission should identify experts in each category. She said there may be another ad-hoc meeting to go through project points. She is looking for input on who to speak with about projects around the project categories. Chair Haynes asked if Ms. Clark would be willing to meet with the ad-hoc Committee and she agreed. Mr. Von Plinsky has been researching the Wildlife Action Plan, which will help when combined with Ms. Clark's information from Friends of Open Spaces. Further Subcommittee meetings will be scheduled in June as well as meetings with relevant City staff such as the Planning Director, the City Engineer,

the Public Works Director, and the Parks & Recreation Director. Other professionals to contact include: Barbara Skully – ARLAC, Jeff Littleton – Moosewood Ecological, and Deb ZartaGier – GZA. Ms. Kessler noted there may be many opportunities for invasive species management projects.

**6) Conservation Master Plan Retreat Discussion**

Chair Haynes has called Jeff Littleton and has not heard back yet. He noted that Mr. Littleton is very busy. Chair Haynes will follow up with Amanda Littleton and Barbara Richter. Ms. Kessler noted that Barbara Richter is the Executive Director of the NH Association of Conservation Commissions. The earliest this retreat would happen is July of this year. Chair Haynes will continue following up. The Commission will have preliminary discussions to be best prepared for the retreat.

**7) Staff Updates**

**a. Commission Budget**

Ms. Kessler reported that there is \$663 left in the Commission's annual budget of \$1,500. This budget will be renewed starting July 1, at which time the remaining budget of \$663 will be lost. Chair Haynes noted in the past that the Commission has made donations of the surplus funds to organizations like ARLAC. He also suggested using some of that money to create a box of surveying tools (compasses, etc.) for the Commission to use. Chair Haynes asked the group about ideas for donating to local environmental organizations. Dr. Burchsted suggested Friends of Open Space and noted that KSC and Antioch students are great resources and lower cost for reviewing materials and survey work.

**b. Easement Monitoring**

Ms. Kessler provided an overview of the training held by the Monadnock Conservancy for their land stewards. Ms. Butler and Mr. Von Plinsky said they learned a lot. Chair Haynes said the Commission has typically not done well monitoring the parcels the City owns easements on and he and Ms. Kessler are exploring ways to improve, including training of monitors and acquiring the necessary tools. Dr. Burchsted said this could also be a good job for a student. The City has formed a partnership with the Conservation Commission to assist with monitoring but there is currently not enough staff available to have this done annually.

**8) New or Other Business**

Ms. Clark addressed progress on the pocket park on Church Street. Michele Chalice met with Friends of Open Space to discuss ideas for this space. Ms. Clark hopes the Conservation Commission will support the proposal for benches and vegetation. The cost of a bench is \$500 and Ms. Clark suggested the Commission consider sponsoring a bench. There is also potential to grow crops there in collaboration with the Agriculture Commission. Ms. Kessler will add this to the June agenda before this continues to City Council. Ms. Clark will put together a proposal for donation of a bench and send it to Ms. Kessler for the agenda in advance.

**9) Adjournment**

Hearing no further business, Chair Haynes adjourned the meeting at 6:01 PM.

Respectfully Submitted By,  
Katie Kibler, Minute Taker

Reviewed by Tara Kessler, Planner