

City of Keene
New Hampshire
CONSERVATION COMMISSION
MEETING MINUTES

Tuesday January 20, 2015 4:30PM 2ND Floor Conference Room, City Hall

Members Present:

Thomas P. Haynes, Chair
Thomas (Tad) Lacey, Vice Chair
Matthew Walton
George Hansel
Peter B. Wright
William Fleegeer
Janis Manwaring, Councilor

Staff Present:

Karen Purinton, Planner
Rhett Lamb, Planning Director
Kurt Blomquist, Public Works Director
Andy Bohannon, Parks & Recreation Dr.
Jenifer Dickinson, Intern

Others Present:

Ken Stewart, West Street Hydro
Kim Goddu, West Street Hydro

1. Call to Order and Roll Call:

Chair Haynes called the meeting to order at 4:30 PM. Roll call was conducted.

2. Minutes-December 15, 2014 meeting:

Mr. Fleegeer reported that on Section g, pg. 7, line 6, Emily Hague should be changed to Emily Hague. Mr. Fleegeer reported that in Section d, pg. 5, line 6, Ms. Fleegeer should be changed to Mr. Fleegeer. Mr. Walton state that in Section c, pg. 10, line 7, “Chair Shedd stated a possible potential goal for the conservation plan” should be reworded. Ms. Purinton stated that this statement be changed to: “Chair Shedd stated this as a potential goal for the conservation plan”. Chair Haynes stated that Section b should not state: “490 Washington Street, Surface Water Protection Referral” but “Round House T, Wetland Permit.”

Councilor Manwaring made a motion to accept the minutes as altered. Mr. Fleegeer seconded the motion which carried unanimously.

3. Election of Chair/Vice Chair

Councilor Manwaring nominated Mr. Haynes as Chair and Mr. Lacey as Vice Chair. Mr. Walton seconded the motion which carried unanimously. Mr. Haynes accepted the position as Chair. Mr. Lacey accepted the position as Vice Chair.

4. NHDES Communications

a) Forestry Approval Notification – 74 Sullivan Road

Chair Haynes stated that this is for communication and asked if anyone on the committee had questions.

5. Discussions:

a) West Street Hydro update – Public Works Director & West Street Hydro

Ms. Goddu turned the committee’s attention to the power point presentation. Ms. Goddu stated that she has been a resident of Keene for 28 years. Mr. Blomquist reported that there is significant history that comes with the dam and on October of 2008, the city received letters of deficiency from the New Hampshire Dam Bureau concerning several dams in the city including the West Street facility. Mr. Blomquist stated that these letters initiated a discussion with City Council on how to address the dam situation. He continued, stating that the dam does not meet

maintenance issues or flow standards. A master plan was created to determine the cost of repairing and keeping the dam. The city received a grant from American Rivers and had an analysis conducted in reference to removing the dam. This was presented in front of City Council. Mr. Blomquist stated that a request was then sent to the Historic Commission and the Conservation Commission for recommendations. Mr. Blomquist stated that the Conservation Commission suggested dam removal with proper studies being conducted. Mr. Blomquist reported that the commission moved forward with a study of the Dwarf Wedge Mussel about a year ago. He continued, stating that a potential hydraulic project was discussed which would keep the dam and raise funding for repairs. Mr. Blomquist stated that the City Council authorized staff to work with West Street Hydro and look at permits for the project. This is the current status.

Mr. Stewart approached the committee to explain West Street Hydro. He stated that it is a nonprofit entity. He continued, stating that the purpose is to demonstrate the power behind renewable resources. Mr. Stewart stated that the money being raised would then be donated to environmental services through the city or through nonprofit organizations.

Ms. Goddu explained that she has been working with the Federal Energy Regulatory Commission and Mr. Stewart to reinstall hydro power to the Ashuelot River dam and update the structure. She continued, stating that around 96 kWh or 360,000 kWh over a year, of renewable energy would be produced for local businesses and would also act as an educational facility. Ms. Goddu stated that several studies have been underway with Mr. Stewart and Ann Shedd like the Dwarf Wedge Mussel study. Ms. Goddu reported that she has been working with Dr. Shedd, Ms. Purinton, Mr. Lamb, and Mr. Blomquist to determine the hydraulic impacts on the wetlands. She continued, stating that if a one foot flash board is installed it would affect the wetlands.

Ms. Goddu stated that the PAD, preliminary application document, is required by the Federal Energy Regulatory Commission and gives background information including existing studies and what the project would look like. Ms. Goddu stated that the conceptual drawings in the PAD are also in the agenda packet. Ms. Goddu stated that these are not the final draft, but she hopes that they will be completed in about two weeks along with the site plan. Ms. Goddu stated that the power house would be about 238 square feet and 16 feet tall. She continued, stating that the exterior would hopefully be brick to match the rest of the Colony Mill area and to utilize the historical structures already present.

Mr. Lacey asked how the turbine would work and where it would be located. Ms. Goddu stated that the plan view is in the agenda packet for the committee members, and hopes the turbines will be donated. Ms. Goddu stated that the floor plan has the existing patio and sluice gates, a potential power house, additional flash boards and the existing wall would be rebuilt. Mr. Walton asked if the height of the flash board would remain the same. Ms. Goddu stated that they proposed 2 feet for the historical accuracy but will be going with 1 foot boards. Ms. Janson asked about fish ladders. Ms. Goddu stated that is a discussion West Street Hydro would have with the New Hampshire Fish and Game.

Mr. Hansel asked how much money will be generated from this project and where it would be distributed. Ms. Goddu stated that it would be donated back to the city. Mr. Hansel stated that it could possibly go back to the Conservation Commission. Mr. Blomquist stated that there is no contract between the city of Keene and West Street Hydro at the moment. First they would need to see if this project is even possible. He continued, stating that details of who will be paying for improvements still have to be worked out.

Ms. Goddu stated that one major hurdle for West Street Hydro was the Dwarf Wedge Mussel. She continued stating that the dam provides habitat and now that research is complete, there is no barrier. Mr. Walton asked if the Dwarf Wedge Mussel study came back inconclusive. Ms. Goddu stated that she understood the data came back concluding the dam as the habitat for the Dwarf Wedge Mussels. Mr. Fleeger asked if a specific professional would have to conduct this study due to the mussel being federally protected. Ms. Goddu stated that the professional who was hired is credible in this capacity and is a certified mussel scientist. Mr. Fleeger stated that he also believed the study was inconclusive and suggested a test be conducted about the relationship between water levels and the Dwarf Wedge Mussel population.

Ms. Goddu stated that it was addressed and that the Dwarf Wedge Mussel population would increase with one foot flash boards. Chair Haynes stated that he has not seen this study. Ms. Purinton agreed. Ms. Goddu stated that she will send this document out. Mr. Blomquist stated that if further studies are needed, the New Hampshire Fish and Game Department will contact them.

Mr. Fleeger asked about the business plan and the cost tipping point. Ms. Goddu reported that a financial model was conducted and it will cost approximately \$200,000 to \$500,000 for necessary upgrades and the power house. Ms. Goddu stated that this amount includes necessary studies. Mr. Fleeger asked if cost estimates would be available to the committee. Ms. Goddu stated that it would be something that the staff would have to discuss. Mr. Fleeger stated this would be beneficial to see and determine if the project is viable.

Mr. Blomquist stated that this project started with the question of keeping the dam or not. He continued, stating that the city of Keene and West Street Hydro must come to a development agreement taking dam removal off the table. Mr. Blomquist stated that the financial details will come later after the development agreement. Mr. Blomquist turned his attention toward the wetland question pertaining to the impact of upstream wetlands that were created due to the dam. He continued, stating that the habitat changed when the dam was put in 100 years ago and the question is: how will the habitat change if the dam is removed. Mr. Blomquist stated that further hydraulic analysis work would need to be conducted to provide this answer to the committee. Mr. Blomquist stated that the twist in this matter is that West Street Hydro wants to add flash boards. He continued, stating that this will cause the river to raise 1 foot so the habitat that is semi-wet will be permanently wet and the habitat that is dry will sometimes be wet. Mr. Blomquist stated that staff has been working with West Street Hydro to determine the effect on this land. Mr. Goddu stated that the Conservation Commission has hired a contractor and that we have now combined the two, resulting in a \$24,500 scope of work with a consultant. With this comes an analysis of what will change as a result of altering the dam. West Street Hydro has agreed to contribute to the analysis of raising the river with 1 foot flash boards valuing at about \$8,675. The remainder would be covered by the city. Mr. Blomquist stated that we are now looking to move forward with the hydraulic study to provide information on raising the water level one foot as well as the initial question of the effect caused by removing the dam. Mr. Blomquist stated that West Street Hydro will be able to use this study for the application process. He continued, stating that this study will also provide information affecting the dike.

Mr. Walton asked if a study was already done questioning the effect of the dam being removed. Mr. Blomquist reported that drawings were created referencing the effect of removing the dam but no analysis. He continued, stating that this particular study gets into more detail pertaining to inches of elevation change. Mr. Blomquist stated that if it is a private citizen's land that is

affected, it could be a problem. Ms. Purinton stated that it was called Ashuelot Dam Removal Feasibility Analysis completed by DuBois and King and is on the city's website. She continued, stating that they used hydraulic models from the past and new studies need to be conducted which is the reason for the increase in price.

Mr. Fleeger asked if there is a deadline required by the state. Mr. Blomquist stated that they are currently under a letter of deficiency and they have moved forward with maintenance requirements. Mr. Blomquist stated that the state knows Keene is working with West Street Hydro. Mr. Blomquist stated that this is a low hazard dam. He continued, stating that the state will inquire about the letter of deficiency at some point and he hopes that the city of Keene will make a decision on the dam at that time. Ms. Janson asked about a damn redesign for the mussels. Mr. Blomquist stated that the dam would not change. He continued, stating that once a more detail design is established, permits will be needed and when the dam is modified this conversation may occur.

Mr. Hansel asked about the request for \$7,000 more from the Conservation Committee and if it is an additional number or included in the \$10,000. Ms. Purinton stated that \$14,500 was already given prior to West Street Hydro's involvement. She continued, stating that \$4,400 was already spent on the biodiversity study and about \$10,000 remains. Ms. Purinton stated that if the committee is in agreement today, an additional \$7,000 would be given. Mr. Blomquist reported that the total project is \$24,500. He continued, stating that West Street Hydro will give \$8,000, there is \$10,000 remaining from the committee, and the \$7,000 is the shortage needed. Ms. Purinton stated that there is also a small contingency. Ms. Purinton continued by stating that last summer the scope of work was finalized and outlined by VHB, it was in a previous packet but will share it again.

Ms. Purinton stated that three scenarios: what the dam looks like today, how the dam will affect the area when removed, and how the wetlands will be affected if the water level rises with an additional 1 foot, will be studied. She continued, stating that the data is the added cost which is about \$8,000, but it is very important and everyone will benefit from this. She continued, stating that the Conservation Committee will be most interested in what would occur if the dam was removed but the study of how the dam looks today is a viable study. Mr. Blomquist stated that the committee cannot get this information until this hydraulic study is done.

Chair Haynes stated that the committee wants to know percentages and who is responsible for each study because the committee is being asked for more money. Mr. Lamb stated that we want to know what will happen to resource values in and around the damn for the three scenarios. He continued, stating that the advantage to working with West Street Hydro is that they are already working with the city and it is beneficial to have all the research in one study where everyone benefits. Mr. Blomquist stated that the difference is \$8,000. He continued, stating that if West Street Hydro is no longer working on the project, the city will still have to invest money to determine the effect of removing the dam.

Ms. Lacey asked how much funding the Public Works Department contributed. Mr. Blomquist stated that this is not his project; it is the city of Keene's project. He continued, stating that if it were based on Public Work's interest- it would be removed because there is no value. Mr. Walton asked if the decision must be made today. Chair Haynes stated that the committee needs to discuss this today but a final decision does not have to be made.

Councilor Manwaring stated that the committee was lucky to receive \$20,000 from the city, but it is unknown how much will be given this year. Mr. Andy Bohannon, Parks & Recreation Director, stated that they oversee the dam and is in favor of keeping it. He continued, stating that it has historical and aesthetic value. Mr. Lacey stated that the study should be done, but the Conservation Commission is being asked to pay a disproportionate amount because the city of Keene is also benefiting. Mr. Walton stated that this is all from the state to the city and he does not think the committee should spend the money.

Mr. Lamb stated that the discussion to have the dam studied began in 2011 and several years ago City Council contacted West Street Hydro to try and keep the dam. He continued, stating that the Conservation Committee asked for the additional information about the removal of the dam. Mr. Lamb stated that the project has grown and he agrees with Mr. Lacey, but the committee's fund is the city's money. Mr. Lamb stated that the question of the impacts on the wetlands started with the Conservation Committee. He continued, stating that if this project is not accepted by the committee then it will go back to City Council and be delayed. Mr. Lacey asked who would pay if additional tests are needed. Mr. Blomquist stated that it would be up to City Council. He continued, stating that once this project occurs, other funding options can be discussed.

Chair Haynes asked if different estimates have been reviewed. Ms. Purinton stated that the City Manager has the power to sign contracts that are less than \$25,000, and if it is over that amount bids would be accepted and go through a review process. She continued, stating that the city is not going through that process so the Purchasing Department requested two other bids from firms. Ms. Purinton stated that these firms are being identified. Once that occurs the scope of work would be sent out and the quotes would be reported back to the project team.

Ms. Purinton stated that she understood that the Commission has already pledged \$10,000, and that at this point staff does not see an alternate funding source. She explained that the group could make their vote contingent on Council exploring other funding options first, and suggested that situations like this are a good bartering point when asking City Council for augmented contributions to the Land Use Change Tax Fund. Mr. Hansel asked if the committee can wait a month to see what funding the city will be giving the committee. Chair Haynes asked when the bids will be coming back and if the funding will be different. Ms. Purinton stated that this will happen over the next month but she is not sure if the budget will change significantly. Mr. Lamb stated that the fiscal policy workshop is February 4th and will go back to the City Council for adoption in a two week cycle. The answer of finances for the committee may not happen until March.

Mr. Lacey asked how much money the city has given to this project. Mr. Blomquist stated that there is no project yet but the city has given about \$20,000 in preliminary work. He continued, stating that at the end of the day the Conservation Commission's money is tax money and for the community. Councilor Manwaring suggested discussing this matter at the next meeting. She continued, stating that the committee should also have a better understanding of their funds. Ms. Purinton offered to prepare a summary of the Land Use Change Tax Fund for the next meeting.

Councilor Manwaring made a motion to discuss this item at the next meeting on February 17, 2015. Mr. Fleeger seconded the motion which carried unanimously.

b) Beech Hill Master Plan discussion

Chair Haynes asked if the committee feels comfortable with the recommendation and to move the plan forward to City Council after viewing the area today. Mr. Walton asked if the committee

has to pay for the parking lot. Councilor Manwaring stated that it is a CIP project and would come out of the Public Works Department.

Mr. Bohannon stated that the money can come from a Recreational Trail Grant. He stated that it is a reimbursement program with an 80-20 split with the state. Councilor Manwaring stated that she did not see any information about the kiosk. Ms. Dickinson stated that it is in the plan. Ms. Purinton explained that it is under the recommendation section. Mr. Lamb asked if the kiosk is eligible under the trail's grant.

Mr. Lamb stated that funding through grants should be written into the plan. He continued, stating that it does not guarantee funding but if the committee has ideas for grants, now is the time to say it. Mr. Bohannon stated that Beech Hill is very well protected and mountain biking is a growing interest; it would be hard to keep them off of this area. He stated that the Parks & Recreation Department could possibly conduct a CIP project for next year if the Recreational Trail Grant goes through. Chair Haynes asked the committee if anything in the plan jumped out that was not possible. Mr. Bohannon stated that anything is possible and if you go for a land - water conservation grant you automatically put that land in a protective status. He continued, stating that the committee would not have to spend the money for the conservation easement.

Mr. Lacey asked what the definition of protected status is. Mr. Bohannon stated it is in perpetuity, and must be used for recreational and conservation purposes. He continued, stating that there are alternative ways to get it protected without an easement. Mr. Walton asked if Parks & Recreation Department received calls about parking at Beech Hill. Mr. Bohannon stated that the department does not get many phone calls pertaining to this. He continued, stating that most people that use Beech Hill live in that area.

Ms. Purinton stated that additions can be made about grant funding in the plan and that it would be best to discuss them in February before the document moves forward to City Council. Chair Haynes stated that there are also some typos and it would be best to save it for the February meeting. Ms. Purinton continued, stating that the plan is asking for: protection from development for the whole property, conduct a full survey on the 180 acres by a licensed surveyor, investigating acquisition of a parcel south of the site, additional designated trail heads, and a complete NRI. Mr. Hansel asked if this list was prioritized. Ms. Purinton stated, no. Mr. Hansel stated that it would be best to do so and avoid future problems. Mr. Walton stated that the committee should look into a protected status before providing recommendations. Chair Haynes stated that recommendation still allows the committee to change funding. Ms. Purinton stated that wording can be changed. Chair Haynes asked if committee members could email Ms. Purinton plan suggestions. The committee unanimously agreed. Mr. Lamb stated that the priority of the recommendations should come from Conservation Committee. Mr. Lacey stated that protection often gets interchanged with conserve and that the committee does not want the wording to prevent future management activities.

c) Conservation Plan draft

Mr. Fleeger stated that there are no updates but Ms. Janson will review and revise the plan. Chair Haynes stated that Ann Shedd will continue to assist with this plan and he would like to hold a retreat.

d) 2015 Legislative Service Requests to follow in 2015

Mr. Haynes stated that a list of Legislative Service Requests to follow is in the agenda packet and that this list represents actions that may affect conservation. Mr. Lamb stated that if there are

items that are significant and the committee would like to bring them to City Council's attention, the city could take a position and council can then contact the appropriate personnel.

Ms. Purinton stated that these service requests are before actions become a bill.

e) Conservation Commission Membership

Chair Haynes stated that Mr. Reilly's vote for membership will come up next month. He continued, stating that one alternate is still needed.

Councilor Manwaring made a motion to accept discussion items a –e as informational. Mr. Walton seconded the motion which carried unanimously.

6. Reports from Committees / Liaisons

a) Commission Charge Subcommittee – Draft Charge
Tabled until February.

b) Surface Water Protection Ordinance Amendments Subcommittee
Tabled until February.

7. Letters/Communication:

a) Eloise Clark – Friends of Open Space
Chair Haynes asked the committee to review this letter for the next meeting.

8. Staff Updates

a) NH Association of Natural Resource Scientists Annual Meeting January 30
Ms. Purinton stated that the city will pay for anyone who wants to attend this meeting.

9. Adjournment – next meeting date Tuesday, February 17, 2015

The meeting adjourned at 6:00 pm.

Respectfully submitted by
Lana C. Bluege, Minute-taker
January 20, 2015

With additional edits by,
Karen Purinton, Staff Liaison