

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

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

**Monday, July 20, 2015**

**4:30 PM**

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

**Members Present:**

George Hansel  
Thomas Lacey  
Councilor Janis Manwaring  
Brian Reilly

**Staff Present:**

Rhett Lamb, Planning Director  
Kurt Blomquist, Public Works Director

**Members Not Present:**

Chair Thomas P. Haynes  
Matthew Walton  
Bill Fleeger

**Others Present:**

**3:00 PM SITE VISIT, Nims Road**

**1. Call to order**

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

**2. Minutes – June 15, 2015**

Councilor Manwaring made a motion to accept the minutes of June 15, 2015 as amended. Mr. Hansel seconded the motion which carried unanimously.

Mr. Reilly stated that on pg. 2, section b it reads, “the Conservation’s Committees opinions on a path going through Tenant.” This should instead read, “the Conservation’s Committees opinions on a path going through Tenant Swamp.” Mr. Reilly stated that on pg. 3 it reads, “Mr. Shoefmann stated that Appleway became a paved lane for pedestrians due to a project in 1998.” This should instead read, “Mr. Shoefmann stated that Appel Way became a paved lane for pedestrians due to a project in 1998.” Mr. Reilly stated that on pg. 4 it reads, “Army Core of Engineers.” This should instead read, “Army Corps of Engineers.”

Councilor Manwaring made a motion to accept the minutes from the Conservation Committee Retreat on June 15, 2015 as amended. Mr. Reilly seconded which carried unanimously.

Mr. Reilly stated pg. 2 reads, “Ms. Shedd stated that it is important to know where they are and how invasive are being dealt with.” He continued, stating that he unsure about the context of this statement. Mr. Hansel stated that it should instead read, “Ms. Shedd stated that it is important to know where they are.” Mr. Lacey stated that on pg. 2 it reads, “He continued, stating that this

came up because of forestry activity that caused some conflict.” This should instead read, “He continued, stating that this came up because the idea of forestry activity caused some debate.” Mr. Reilly stated that on pg. 2 there is an incomplete sentence which reads, “Ms. Shedd stated that forests also need to be managed and protected due to.” This should instead read, “Ms. Shedd stated that forests also need to be managed and protected.”

### **3. Conservation Master Plan**

Councilor Manwaring stated that there was a lot of information from the retreat and it seems that a separate subcommittee needs to be created. She continued, suggesting hiring Ann Shedd to navigate this plan. Councilor Manwaring stated that this should be discussed at the next meeting. Mr. Lacey stated that this should be discussed with more members and he is not prepared to move forward. Councilor Manwaring stated that the retreat provided the committee with what the plan encompasses. Mr. Lacey stated that there are certain things that can be done, specifically an inventory which should be done anyway. Mr. Lacey stated that the idea to ask the public what should be collected is not favorable. He continued, stating that concrete data should be provided for the public to react to. Mr. Lacey stated that most of the people will request to protect the hillside although that is mostly a given.

Mr. Lacey stated that the Committee needs to know how the land is being used now. He continued, stating that the development of downtown was a great idea but there was no information to discuss the increase of flooding. Mr. Reilly asked if an inventory is necessary then why not hire someone. Mr. Lacey stated that hiring a consultant is a process in itself. Mr. Hansel stated that it seems that the Committee is still in the brainstorming phase. He continued, stating that the next step is to figure out the information necessary and put it on the table. Mr. Reilly stated that it seemed two focuses were city owned properties and ecologically significant properties for inventories. Mr. Hansel asked if this could be delegated to City Staff. Councilor Manwaring stated that the city is down one person. Mr. Hansel stated that at some point the city will have to provide this information. Councilor Manwaring stated that the Committee should use their resources first.

Mr. Lacey stated he was able to get information about easements from the city in 2009 but the system changed and information was lost. Councilor Manwaring stated that new mapping will be done soon. Mr. Reilly stated that the maps will be created this year. Councilor Manwaring stated that this would be helpful. Mr. Lacey stated that a list of actions could be made while figuring out the process. Councilor Manwaring stated that she was not insinuating hiring someone right away but at some point it may be necessary. Mr. Hansel stated that the purpose of hiring a consultant would be to create a clean finished product at the end. Councilor Manwaring stated that a consultant would also help communicate with the public. Mr. Lacey stated that hiring a professional forester will give the Committee a lot of information, and include timber values and environmental assessments. Mr. Lacey stated that using money for conservation projects could be helpful as well. Mr. Hansel stated that part of the project’s scope might be identifying manageable assets. Mr. Lacey stated that there are so many uses for the land that is not discussed. Mr. Hansel stated that at the next meeting a list of tasks or goals should be created in order to have a basic framework.

Councilor Manwaring stated that everyone should brainstorm before the next meeting. Mr. Lacey stated that in Sharon a situation like this also occurred. He continued, stating that the

community was asked what a priority was and Temple Mountain was identified. Mr. Lacey stated that logging restrictions were then mandated and five property owners would be affected. Mr. Lacey stated this is why he is weary of going to the public for answers first. Mr. Hansel stated that in a business one does not take everyone's opinion. Councilor Manwaring stated that she agrees, but believes at some point the public needs to be approached. She continued, stating that there is some money for the Committee and can be used for the plan.

Councilor Manwaring stated that the Committee should begin with brainstorming. Councilor Manwaring asked about the next Surface Water sub-committee meeting. Mr. Lacey stated that there is not another meeting for the subcommittee.

#### **4. Communications / Notifications**

##### **a) Pipeline**

Mr. Lacey stated that this pipeline is located in the lower end of the county and the item seems to be informational. Mr. Lamb stated that this is a letter from the Mason Conservation Commission. He continued, stating that this commission is coordinating efforts of other conservation commissions affected by the pipeline. Mr. Lamb stated that the Committee is being asked to sign a letter in opposition of the pipeline even though the pipeline does not directly affect Keene at the moment. He continued, stating that there has been discussion of the pipeline being extended and in a close proximity to Keene. Mr. Lamb stated that if the Committee were to sign this letter, it would be important to hear both sides before taking a position.

Mr. Hansel stated that this topic is not in the purview of the Conservation Commission. He continued, stating that he is opposed to signing the letter and suggested using the letter as informational only. Mr. Lacey agreed. Councilor Manwaring stated that she has very strong feelings about the issue but agreed to put it on hold and leave it as informational. Mr. Reilly asked how the Committee would get the oppositional view. Councilor Manwaring stated that the company developing the pipeline would be well prepared to present their case to the Conservation Committee. Mr. Hansel stated that there are still venues for individuals to take a stand on this matter.

Mr. Hansel made a motion to accept the pipeline letter as informational and the Conservation Committee will not act on the matter at this time. Mr. Lacey seconded the motion which carried unanimously.

##### **b) ARLAC letter of thanks**

Mr. Lacey acknowledges ARLAC for their contribution.

##### **c) Sophia's Hearth – 700 Court Street**

Mr. Lacey stated that this item is also informational. He stated that the DES is involved because a project is affected by the Shoreline Water Quality Protection Act. Mr. Lacey stated that this project has been approved subject to conditions. Mr. Reilly asked if the development will be close to the river. Mr. Lamb stated that the original building design which was approved by the Planning Board involved two equal length wings. He continued, stating that one wing was

developed while the other was not in 2008. Mr. Lamb stated that this does bring them closer to the river but is consistent with the original plan. Mr. Reilly asked if a reapplication was necessary due to the time it took for development. Mr. Lamb stated that he is not sure but most likely. Mr. Lamb stated that the development is far enough from the river that a Surface Water Permit was not necessary.

Mr. Reilly made a motion to accept the Sophia's Hearth – 700 Court Street item as informational. Councilor Manwaring seconded which carried unanimously.

**a) 0 Chesterfield Road**

Mr. Lacey stated that this is standard forestry notification which is expedited. He continued, stating that this is informational and the committee does not have jurisdiction to the lot.

Mr. Hansel made a motion to accept the 0 Chesterfield Road item as informational. Councilor Manwaring seconded the motion which carried unanimously.

**b) 230 Daniels Hill Road**

Mr. Lacey stated that this project has been approved by the state and the waiver was granted.

Mr. Hansel made a motion to accept 230 Daniels Hill Road item as informational. Mr. Reilly seconded the motion which carried unanimously.

**5. Discussions**

**a) Nims Road: petition for Scenic Road designation**

Mr. Lacey stated that the Committee visited the location prior to the meeting. Mr. Lamb stated that the Conservation Committee's role in the Scenic Road Process typically requires a joint public meeting with City Council. He continued, stating that the City Clerk instead suggested a referral to the Conservation Committee and a separate public hearing with the City Council. Mr. Lamb stated that the joint public hearing was an awkward set up. He continued, stating that Conservation Committee's recommendation will be read into City Council minutes and anyone from the committee can attend. Mr. Lamb stated the Old Concord Road were the last scenic road created in 2013. Mr. Lamb stated that in the City Code under Article 6, Section 82, 156-158 the Scenic Road Ordinance resides. Mr. Lamb read the Scenic Road Ordinance with the Committee.

- (a) The characteristics to be examined in the criteria for determining whether or not a road should be designated as a scenic road are as set forth in this section.

(b) It should have some or all of the following road characteristics. The road should:

1. Be a class IV, V, or VI highway.
2. Safely accommodate passing of slow or stopping traffic.
3. Have a design conducive to driving at slow or moderate speed.
4. Have hard or soft surfacing which blends with road shoulders.
6. Mold itself to the terrain, favoring dips and hollows to leveling, cuts, and fills as much as possible.
7. Incorporate a natural blending of roadside improvements such as culverts, ditches, drainage pipes, etc., with the scenic qualities of the road.

(c) It should have some or all of the following scenic characteristics. The road should:

1. Have prominent visual features such as boulders, old stone walls, fences, picturesque trees or other vegetation, or open vistas.
2. Provide the hiker, cyclist, or motorist with the opportunity to see or hear wildlife in its natural environment, see or hear unpolluted streams or brooks, or smell the scents of the woods or open fields.
3. Have no billboards.

Mr. Kurt Blomquist stated that the Public Works Department is responsible for upkeep of the scenic roads. He continued, stating that restrictions are in the City Code and Statute specifically with regards to upkeep. Mr. Blomquist stated that Nims Road has a 33-1/3 wide right of way. He continued stating that the City is able to maintain the property but not able to take down stone walls or cut trees. Mr. Blomquist stated that Eversource will typically come to the Committee for a briefing when tree trimming is necessary. He continued, stating that the Scenic Road Ordinance does not affect private property only the space within the right away.

Mr. Lacey asked if Eversource will still continue their maintenance. Mr. Blomquist replied that this road would then be added to their list and that Eversource is on a 2-4 year contract. Mr. Hansel stated that the Public Works Department will be the main department that is affected. Mr. Blomquist stated that there have not been any problems with other scenic roads in the city. Mr. Reilly asked if there are additional restrictions for residents to alter their property. Mr. Blomquist replied, no. He continued, stating that the city does not have control over the private property.

Jean Shapiro of 140 Peg Shop Road approached the Committee. Ms. Shapiro stated that she put up a solar panel at the beginning of the summer with the intent of having an arborist cut down several branches on the Marty's property. She continued, asking if the trees in question are inside or outside of the right away. Ms. Shapiro stated that taking down the branches would not affect the scenic road but wanted to make sure no violations occur. Mr. Blomquist stated that the trees would first have to be determined if in the right of way and City Council would have to be contacted for this removal process even if it was not a scenic road. He continued, stating that if it becomes a scenic road then the process would also include the Conservation Committee who would then give a suggestion to the City Council.

Ms. Shapiro stated that her property goes from Nims Road to Peg Shop Road. She continued, asking how far into the center of her property would the right of way go. Mr. Blomquist stated that it is approximately two rods wide going back to the 1700's which deals with layout. Mr. Blomquist stated that it would be specific to that lot and would have to be reviewed. Ms. Shapiro

stated that that Peg Shop Road has a significant grade and the residents have put gravel down to prevent further washout. She continued, asking if this would be in violation if done in the future. Mr. Blomquist stated that it would have to be viewed in this specific context.

Mr. Lamb stated that this would be the first Class VI Road designated as scenic and with the Class VI Road comes many regulations. Ms. Shapiro stated that she is not opposed to the scenic road. She continued, stating that a gate is currently up on Nims Road which has helped with unnecessary traffic. She continued, requesting that the gate maintain in the area if a scenic road is designated. Mr. Blomquist stated that when City Council closed that section of Nims Road it was subject to Gates and Bars which is a legal term. He continued, stating that municipalities have the responsibility of maintenance and the gates are not locked. Mr. Blomquist stated that by Class VI status, the public is still allowed to pass through but the city is not liable for what happens to vehicles that pass through this road.

Mr. Lacey stated that making a Class VI Road a Scenic Road is curious. He continued, stating that the travel way on a Class VI Road is not defined and asked what a scenic road means on a Class VI Road. Mr. Lamb stated that there are no utilities and will not affect the City because it is not being maintained by the City. Mr. Lacey asked if Nims Road is requesting scenic status in order to prevent it from turning into a Class V Road. Mr. Blomquist stated that it will not prevent this. He continued, stating that in order to have a Class V road, the process through City Council would occur.

Mr. Lamb stated that any repair or maintenance done to a scenic road cannot include cutting or removing or trees, destroying stone walls or portions except with the prior written consent of the Council after joint public hearing with the Conservation Commission. Mr. Lamb stated it is more of a process than a regulation. Mr. Blomquist stated that Gilsum Road for instance is a Class VI road but allows current residents that use this road to lay gravel if necessary but still have to come to the permitting process. Mr. Blomquist stated that this will be the same process for the Class VI scenic road. Mr. Blomquist stated that if necessary it would be discussed with the City Attorney. Mr. Blomquist stated that Class VI Roads are new territory for scenic roads.

Paul Venezia of 75 Nims Road approached the Committee. Mr. Venezia stated that Nims Road is currently between two Scenic Roads and it does not make sense for it to not be scenic. Mr. Venezia stated that the Class VI road has been unusable for traffic for some time. He continued, stating that Nims Road has a dead end sign but is technically not a dead end. Mr. Venezia stated that the sign is there to keep people from using it as a through way. He continued, stating that the Class VI Road is an appendix at this point and there would be many hurdles to open this road even if designated scenic. Mr. Venezia stated that scenic road makes sense.

Mr. Lacey asked if the Dead End sign was provided by the city. Mr. Venezia replied, yes. Mr. Blomquist stated that there is no access for motorized vehicles and that is why the sign was provided. Mr. Reilly asked if the whole road has to be designated scenic. Mr. Lamb stated that it has been provided as Nims Road in the petition and the motion would then have to change. Councilor Manwaring stated that the whole road should be designated scenic.

Councilor Manwaring made a motion to recommend to City Council that Scenic Road status is granted to Nims Road. Mr. Reilly seconded the motion which carried unanimously.

Mr. Lamb stated that the Committee should refer back to the Scenic Road requirements. Councilor Manwaring stated that making Nims Road scenic is conducive with the neighborhood and appreciates the picturesque trees, stone walls and open vista view. Mr. Lacey stated that Nims Road is comparable to the other scenic roads in Keene. Mr. Reilly stated that it meets all the criteria listed in the article. Mr. Hansel stated that he does not see how this will affect the neighborhood but if this is what the neighborhood wants then it should be granted.

Mr. Lamb stated that this will petition will go to City Council until the end of August and will not be voted until then. He continued, stating that it is best to call the City's Clerk's Office in order to get the details of committee dates.

**b) NHACC Workshop ideas for conference**

Mr. Lacey stated that the NHACC Workshop requests ideas for the workshop. Mr. Lacey stated that he currently does not have anything at this time. Mr. Lamb stated that if recommendations are given in August then that would give sufficient time. Mr. Reilly stated that he went to a conference this past spring and there were good topics discussed. Councilor Manwaring stated that she would be interested to know how conservation commissions discourage or encourage easements. Councilor Manwaring continued, asking about the maintenance of hay for example. She continues, asking why the city is not foresting, haying or maple syrup. Mr. Hansel stated that this encompasses using underutilized resources. Mr. Lacey stated that some conservation committees have these products and some do not. He continued, stating that Concord has logging with little negative reaction to it. Mr. Lacey stated that he would find out more information on this.

Mr. Hansel stated that some towns connect farmers with land. Mr. Lacey stated that there are interesting things going on in town and the Conservation Committee should be more active in knowing these events. He continued, stating that many people and events are falling under the radar. Mr. Lacey stated that there are things going on and the committee needs to become aware. Mr. Hansel stated that perhaps a Conservation Committee blog would work. Mr. Lacey stated that he has gone to a few different conferences and the speakers were outstanding.

**(c) Reports from Committees / Liaisons**

**a) SWPO Subcommittee**

Mr. Lacey stated that Mr. Walton is not here and this item should not be discussed without the rest of the Committee. Mr. Lamb stated that hopefully Mr. Walton will have the minutes and the item will be tabled until August.

**(d) Staff Updates**

**a) West Street Hydro update**

Mr. Lamb stated that the contract has been signed and development has been occurring over the last couple weeks. He continued, stating that the 100 year flood model is being created which will evaluate the height of the 100 year flood as well as cross sections of the river. Mr. Lamb stated that the land adjacent to the dam will also be evaluated and then analyze what will occur

with raising the damn or removing the dam. Mr. Lamb stated that this evaluation will be done by November.

Mr. Lamb stated that West Hydro had a public meeting as well. He continued, stating that any changes to the project will be brought to Conservation Commission. Mr. Lamb stated that Andrew Bohannon, Parks and Recreation Director, went back to the Ashuelot River Park Advisory Board because a portion of the river will be consumed by the hydroelectric system and water will not be flowing over the dam at times. Mr. Lamb stated that under low flow conditions electricity cannot be made anyway. Mr. Hansel asked if they can shut off the system and stated that it would just be in the operational practices as opposed to design. Mr. Lamb stated that this will be going back to City Council. Mr. Blomquist stated that the letters of deficiency of the dam coming from the state is what is driving the forces.

Mr. Reilly asked if the state is happy as long as progress is occurring. Mr. Blomquist stated that no additional letters has been received.

**(e) New or Other Business**

**(f) Adjournment-next meeting date Monday, July, 20, 2015**

Vice Chair Lacey adjourned the meeting at 5:56 PM.

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