

City of Keene
New Hampshire

CONSERVATION COMMISSION
MEETING MINUTES

Tuesday, February 20, 2018

4:30 PM

2nd Floor Conference Room,
City Hall

Members Present:

Thomas Haynes, Chair
Andrew Madison (Left at 5:40 pm)
Councilor George Hansel
Brian Reilly
Alexander Von Plinsky IV
Ken Bergman, Alternate

Staff Present:

Tara Kessler, Planner
Brett Rusnock, Civil Engineer

Members Not Present:

Denise Burchsted
Art Walker
Eloise Clark, Alternate

1) Call to Order

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

2) Minutes – January 16, 2018

Councilor Hansel made a motion to approve the minutes of January 16, 2018, which was seconded by Mr. Madison.

Dr. Reilly noted on page two, in the first line of the third paragraph, the phrase, “asked if the,” was repeated twice.

The motion to approve the minutes of January 16, 2018 as amended carried unanimously.

3) Communications & Notifications

a. Wetlands Permit Application – Goose Pond Dam Rehabilitation

Chair Haynes welcomed Brett Rusnock, Civil Engineer for the City of Keene, and Charlotte Brody, Wetland Scientist with Dubois & King (dam reconstruction consultants). Mr. Rusnock said they were at the meeting to explain the wetlands dredge and fill permit they submitted to NH Department of Environmental Services (DES) the

previous week. He explained the history of this project. In 2009, the City received a letter of deficiency for the Goose Pond dam and dyke from the Dam Bureau of NH DES. The Dam Bureau inspects dams throughout the state to ensure they are safe and operational; if there are dam components that need repair, they send a letter of deficiency to the dam owner, which is the City of Keene in this instance. The City is responsible for fixing those deficiencies or they will face a fine of up to \$2,000/day; as long as the Dam Bureau sees that there is a plan in place to move repairs forward, they usually do not impose those fines. Repairs are required for safety depending on the risk of harm the public faces if the dam were to fail (high risk, medium risk, low risk, and no significant hazard).

In 2010, the City hired Dubois & King to create a Dams Master Plan for all dams the City received letters of deficiency for. That plan helped the City to budget for those eventual improvements; money for improvements of the Goose Pond dam and dyke have now been appropriated by Council. This project involves essentially rebuilding both the dam and dyke (the two regulatory structures of the pond); the dam is approximately 37' high and the dyke is approximately 12' high. This reconstruction project will provide additional stability, top width, and controlled seepage through both the dam and dyke.

Dr. Bergman asked if the spillway is a part of this project. Mr. Rusnock replied no because it is a separate structure made of native material that is not easy to erode. To clarify questions from the Commission, Mr. Rusnock demonstrated the location of all structures on a map.

Mr. Rusnock continued that this project is anticipated to impact some natural resources, so Ms. Brody visited the site twice to delineate wetlands and assess the access roads to both the dam and dyke. Ms. Brody found the following impacts:

- The Dam
 - Open water on upstream side will cause impacts to pond bank and bottom
 - Permanent channel downstream will impact channel bank and bottom
- The Dyke
 - Temporary and permanent impacts to the emergent wetland downstream of the dyke
 - Boardwalk upstream of the dyke will keep the walking trails accessible

Ms. Brody continued that the original plan proposed a 4' drawdown of pond water for reconstruction. However, with further consideration of construction of the gate house, it was clear that an 8'-10' drawdown is more advantageous. This more substantial drawdown will allow for a smaller coffer dam, safer conditions, and less equipment. They will be presenting this to the Wetlands Bureau to amend the application. All of this information, with the exception of the 8'-10' drawdown, was presented to and approved by the Army Corps of Engineers, NH DES, EPA, and NH FWS during a pre-application meeting. During that meeting, it was determined that work on the upstream faces of the dam and dyke are within the limits of previous dam construction and therefore no mitigation is required. Still, they will add some stone on the upstream side of both the dam and dyke to improve erosion control (stones approximately 1.5' in diameter, similar to riprap).

Ms. Brody continued that the access roads to the dam and dyke will be improved with gravel where necessary to limit erosion. The access road to the dyke will require gravel, except in two locations, where there are small vernal pools. While these small areas meet the technical definition of a vernal pool (includes indicator species; salamander eggs in this instance), the water levels are insufficient to meet the life cycle of these species. Still, to ensure species can cross these pools the locations will not be filled with gravel, but granite stones will be placed (24" long, 18" wide, and 12"-18" deep; will remain a few inches above the road surface). These stones will be situated in two rows to allow for vehicle and maintenance traffic, while still allowing water and species to pass in either direction.

Dr. Bergman asked if the construction will occur during high vernal pool activity. Ms. Brody replied no, construction is anticipated to begin August 1. Dr. Bergman said one year of interruption at this small vernal pool will likely not be detrimental to the species.

Dr. Reilly asked how an 8'-10' drawdown of the pond will affect wildlife in the pond. Mr. Rusnock replied he is unsure currently because he does not know the exact depth of the pond. He said this is a recent change because it became apparent that additional lowering may be necessary to adequately reconstruct the gate structure. Ms. Brody said they will be looking further into the ratio of dewatering to depth of the pond; NH DES has rules about speed at which dewatering can occur to not impact wildlife. Mr. Rusnock added the reconstruction is expected to last three months, and they will have a more specific timeframe as Dubois & King finalize their design and cost estimate.

Mr. Von Plinsky said the pond is shallow along most of the shoreline and asked for more details on why 8'-10' dewatering is necessary because it seems like a significant impact. Mr. Rusnock indicated a low level drain pipe cross section in the plans that showed the existing gate house for the dam. Historically the dam and gate house, built in 1868, were used for City water supply; this resulted in a 16" waterline and 8" drain line from the bottom of the dam. DES requires that dam owners have the ability to drain ponds in a controlled fashion as much as possible if there is a damage related safety risk or a storm is coming. Mr. Rusnock listed the following details:

- The current low level outlet is at approximate elevation 619
- Normal water elevation is approximately 634.53; between 630-632

Material must be excavated in front of the gate structure to allow dry conditions for reconstruction and use of a temporary coffer dam; the original dewatering depth of 4' is insufficient for this. If the 4' dewatering depth is maintained, a more expensive temporary dam would be required.

Mr. Madison said the average depth of the pond at the dam is 15' based on the drawings. Mr. Rusnock replied yes but he is unsure if that is the true low level outlet or just the lowest point at that location; he suspects there are lower points in the lake itself. Mr. Von Plinsky said it would be nice to know what the pond surface will look like with 10' of water missing. Ms. Brody replied it does seem like a lot of water to drawdown but

practicable alternatives are limited and this is only temporary. Mr. Von Plinsky agreed the reason is a good one; he asked how equipment will actually access the dyke. Ms. Brody replied the lower branch of the access road goes to the dyke and some improvements will be made to that path to be accessible to construction equipment, as she demonstrated on the map. Despite stabilizing the surface with gravel, they will not be changing the horizontal or vertical alignment of the roadway. All existing roadways will be utilized; no new roadways will be created.

Dr. Bergman asked if there will be any tree clearing. Mr. Rusnock replied there will be some but not a significant amount; the Dam Bureau requires tree clearing within 15' of the limits of any dam structure. Chair Haynes asked about the parking expansion. Mr. Rusnock replied the original plan was to provide spaces for the contractors to lay gravel and concrete mixing materials, etc. This expanded as a design idea to be a reusable parking area; the new plans will double the amount of parking spaces. Ms. Kessler said Mr. Littleton and the consultants are aware of this change and are incorporating that into their recommendations. Mr. Rusnock added that Bauer Property, owners of the conservation easement on the parking lot, is amenable to the changes.

Mr. Von Plinsky asked how long it has been since there was work on the dam or dyke. Mr. Rusnock replied the most recent work was 1946. He thinks with a quality plan and contractor, 50-75 years of longevity are reasonable to expect for the dam and dyke with annual maintenance. However, the Dam Bureau could change their standards and requirements in the future.

Ms. Kessler said the applicants are not seeking expedited review so the Commission can provide comments to DES at any time. The Commission had no comments for DES at this point but provided an idea for the consultants to consider:

- Detailed signage while the water level is down so the public is not concerned and to warn people not to walk on the muddy banks.

b. Wetlands Utility Maintenance Notification – Eversource Energy

Ms. Kessler said this is a standard notification from NH DES for work in the right of ways. Chair Haynes noted there is a large main line that goes through that part of tenant swamp. They will likely be weed whacking vegetation; Dr. Bergman said he has seen the results of this in the past.

c. Routine Roadway and Railway Maintenance Activities Notification – NH Department of Transportation

Ms. Kessler said this is a notice that NH DOT is doing vegetative clearing on drainage ditches and culverts in the western Monadnock region. The outlets of the drainage areas are considered riparian, so the Commission is notified. All locations are along RT-101.

4) Review of Commission Role, Functions, and Staff Support

Ms. Kessler recalled the previous City Manager had surveyed all committees about their work, time commitment, and staff roles. The new City Manager asked all committees to review their charge, roles, and functions as defined in Chapter Two of the City Code; Ms. Kessler shared this list for the Conservation Commission. These roles in the City Code are associated with NH RSA 36 that governs Conservation Commissions. She said it is a long list of powers, duties, and guidelines; the Commission agreed it could likely be edited and condensed. Councilor Hansel agreed to edit this document for review at the March meeting.

Ms. Kessler said she learned from the survey that staff time commitment to committees is unclear. She shared a document that outlines her time dedicated to this Commission, which comprises 10% of her monthly work. She spends approximately 84 hours in six months doing standard activities like agenda packets and meeting with Chair Haynes; this total is unlikely to change. She also provides technical assistance to the Committee like research and analysis, coordinating presenters, and managing contracts and grants; she spends approximately 98 hours in six months on these tasks. This estimate for the next six months includes the Goose Pond Forest Stewardship Plan, which will demand a lot of her time. This 10% total is comparable to the other Committees she staffs, give or take, in addition to the other responsibilities she has as a planner. She said this list is a starting point to discuss how staff is giving support; she is unsure if she will staff this Commission in the future but this can provide a guideline for scheduling Commission projects in the future. She suggested discussing the next year of projects the Commission would like to schedule so they can know the maximum time she can contribute to those projects; the rest would require Commission member volunteer time.

Councilor Hansel asked if the City Manager plans to implement a new system to account for staff time devoted to Committees. Ms. Kessler replied that is a good idea; planners have flexibility and there is no direction from the City Manager yet on how much time staff should give to Committees. Planning Department staff met and listed Committee projects they anticipate in the next year to determine which align with department priorities and should be budgeted as a part of staff time. This can also help determine projects where other Committees or community members are taking the lead to generate partnerships with those already doing similar work.

Dr. Bergman asked if the RISD/West Street Dam project is listed on the Commission agenda for this year. Ms. Kessler said that depends on what the Commission wants to prioritize for the year. Councilor Hansel said moving forward he thinks it makes sense to have a specific number of hours allocated for Ms. Kessler and the Commission members can make up the difference. Dr. Reilly noted Ms. Kessler listed 75 hours she will contribute to the Goose Pond Forest Stewardship Plan; he asked if a Commission member had the expertise to do so, if they could serve as a liaison. Ms. Kessler said staff has to be involved with respect to managing a contract but there could be a combined approach with a Commission liaison as long as that person does not abandon the commitment. She thinks it is a great suggestion and it may be helpful as the Commission thinks about bringing on a consultant for the Master Plan. The only things Commission members cannot oversee is money or contracts. She thinks all of her work is vital and just

wants to prioritize overlap with department commitments to know where staff time should be allocated over the next year. The Commission listed their primary projects for the next year:

- West Street Dam (and the RISD research project)
- ARM fund projects
- Standalone NRI (that will eventually contribute to creating the Master Plan)
- Goose Pond Forest Stewardship Plan
- Public outreach and education
- Land Prioritization (Mr. Von Plinsky can contribute his skills for creating GIS maps)
- Stream Passage Improvement Program (SPIP) – collaboration between DES and DOT for cities to rank their stream crossings so DOT is aware of them. Should be a simple task but could be valuable and coincide with the ARM projects.

5) Land Prioritization Criteria

Ms. Kessler presented a handout of the draft criteria the Commission discussed at the last meeting. The Commission has not yet formally adopted this list; the Commission will vote on this list in March once all members have had a chance to review it. Ms. Kessler will reschedule the subcommittee meeting.

6) Conservation Master Plan Discussion

Dr. Reilly has been working to gather information from previous working groups for a NRI. He has begun defining why a NRI is necessary and listing already available data that can be gathered for GIS mapping without getting too advanced. He has easily found listings of what could be included in the GIS maps from NH Granit (statewide GIS mapping agency), and NH DES (resources from the National Heritage Bureau). Dr. Reilly suggested the next step should be looking at the land prioritization criteria and working backward from those to decide what should be included in the NRI. Dr. Bergman suggested also including actual documented occurrences of wildlife activity as an appendix to the NRI, for which there is a lot of available data for the past 20 years. Dr. Reilly said the NRI should be composed of a series of maps, some overlays, and narratives, tables, and charts to explain those maps; it could also potentially include prioritization recommendations. He will coordinate with the land prioritization criteria working group.

7) Updates

a. Greater Goose Pond Forest Stewardship Plan Update

There is a walking tour of March 4 from 1:00 PM to 3:00 PM in the forest. There are three spaces left for registration. There will be additional walks in other seasons.

b. Aquatic Resource Mitigation Update

Mr. Von Plinsky attended a presentation about the ARM fund by NH DES in January. He shared a report on the presentation via email which outlines the entire process of applying for ARM funds. The ARM fund collects money from mitigation projects throughout the lower CT watershed (including Keene) and accepts proposals biannually for use of those funds on ARM projects. This year, there is \$1.7 million available for projects in our watershed. To apply for funds the Commission must complete a preproposal (simple two pages) by April 30; if the preproposal passes, then the final application deadline is August 31. The ARM fund likes proposals for projects that have matching funds and outside contributions; for example, the City matched ARM funds for wetland restoration in Woodlawn Cemetery. Mr. Von Plinsky thinks the City has many projects that would qualify for these funds and he hopes to continue being a part of that process. The ARM subcommittee will meet again to further prioritize projects in an effort to complete a preproposal by April 30.

8) Society for the Protection of NH Forests Membership

Ms. Kessler said the Commission has never been a member of the Society for the Protection of NH Forests, so this is a new request. Membership requires a donation from \$50 - \$5,000. Chair Haynes said the Commission should be a member because the Society holds an easement for Goose Pond and there will likely be further interaction in the future; he suggested a donation of \$50.

Dr. Reilly made a motion for the Commission to join the Society for the Protection of NH Forests with a \$50 donation, which was seconded by Mr. Von Plinsky and carried unanimously.

9) New or Other Business

10) Adjournment – Next meeting date Monday, March 18, 2018

Hearing no further business, Chair Haynes adjourned the meeting at 6:09 PM.

Respectfully submitted by,
Katie Kibler, Minute Taker

Reviewed and edited by,
Tara Kessler, Planner