

City of Keene
New Hampshire

CONSERVATION COMMISSION
MEETING MINUTES

Monday, December 18, 2017

4:30 PM

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

Members Present:

Thomas Haynes, Chair
Councilor George Hansel
Andrew Madison
Brian Reilly
Denise Burchsted
Alexander Von Plinsky IV, Alternate
Eloise Clark, Alternate

Staff Present:

Tara Kessler, Planner

Members Not Present:

Councilor Jan Manwaring

1) Call to Order

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

2) Minutes – November 20, 2017

Mr. Madison made a motion to approve the minutes of November 20, 2017, which was seconded by Councilor Hansel.

The following corrections to the minutes were discussed:

1. On page one, regarding the major break in the Ash Swamp Brook, the language should be changed to read: “The Public Works Department found this was a major break in the water main in the location where that main crosses the Ash Brook Swamp tax ditch.”
2. On page six, in the third paragraph, there needs to be clarification that there are more stakeholders for the West Street Dam than for dams in more rural areas. On the same page and subsequent pages, the City’s brooks should be referred to as such, and not as tax ditches.
3. Ken Bergman’s name should be corrected in the minutes (not Bergmann) and he should be referred to as Dr. Bergman; Emily Vogler should be referred to as Dr. Vogler.

4. On page four, the second sentence under item five, should read: "... and her team of designers investigating participation and dam removal."

The minutes were approved unanimously as amended.

3) Petition from Eversource Energy – Related to the trimming and removal of trees and brush adjacent to and beneath its power lines along scenic roads

Cory Keif of Eversource said the company wants to trim trees and brush along all scenic roads; this includes all limbs four inches or less in diameter that are eight feet to the left and right of their primary conductors, and removing dead wood as high as 55 feet. They would also like to remove some trees they see as hazards to utility lines. All roadside branches will be chipped or stacked to the side if they are off-road; any branches longer than three feet will be cut with a chain saw.

Chair Haynes asked if all adjacent landowners are notified about this work. Mr. Keif replied yes; he is unsure how many abutters have responded to those notification but if they have not responded within 45 days, that gives Eversource permission. If there are any landowner concerns, a permissions specialist will meet with the landowner.

Mr. Von Plinsky said there is one tree on the list for removal – a 24 inch oak close to phase on Chapman Road (near line 101, pole 13). He asked what "close to phase" means. Mr. Keif replied that healthy trees are only marked for removal if they are within eight feet of utility equipment. The tree Mr. Von Plinsky referred to is a healthy tree but could be conductive and become a safety hazard. Mr. Von Plinsky replied that is it a perfectly healthy, beautiful tree and he would like to see it stay in place. Mr. Keif said he can remove that tree from the list at this time.

Dr. Reilly said that dead and dying trees often create valuable wildlife habitat and asked how Eversource weighs when a tree is at a point to come down. Mr. Keif replied a lot depends on the landowner and if they want to preserve trees for wildlife; in those cases, Eversource will just top-cut the tree. When he assesses trees, he marks those he thinks will come down within the four-year maintenance cycle.

The Commission made the following recommendations to Council for consideration of this petition:

1. Do not remove the healthy oak on Chapman Road (24 inch oak, near line 101, pole 13 on Chapman Road).
2. Landowners should be made aware of the option to leave trees/parts of trees in place for wildlife.

4) Conservation Master Plan Discussion with Barbara Richter of the NH Association of Conservation Commissions

Chair Haynes welcomed Barbara Richter to help the Commission think about their Conservation Master Plan. Ms. Richter said she reviewed the 2015 Conservation Plan,

which she believed was a first draft. Chair Haynes clarified that was a Keene State College student exercise. Ms. Richter said it is good to use outside resources and thinks as a result, that plan was more of a framework of a plan; it is a good first step in addition to the Natural Resource Inventory (NRI) in the City's Master Plan.

Ms. Richter continued explaining the importance of a quality NRI for creating a Conservation Master Plan. Keene's NRI maps were last updated in 2009 and this would be a good time to update those maps and create a report to accompany them. She said the newly updated New Hampshire Wildlife Action Plan can help in this process. She said the first step for this Commission should be to start with the NRI, make sure everyone is comfortable with that, and write a descriptive report on why those natural resources are important to the City. The goal of the Commission and a Conservation Master Plan is to protect natural resources; but the Commission's goals are currently widespread and less focused. The Commission should identify the natural resources most important in the City based on documentation and public input; the public will have to support and help the Commission to implement a Master Plan. She said natural resources should drive the goals of the Conservation Master Plan; Jeff Littleton may be a good person to help enhance the NRI.

Ms. Richter continued that once critical natural resources are identified, the Conservation Master Plan goals should focus on why and how – why the resources are important to the City and how the City intends to protect them. In the current Commission documents there is a lot of focus on contiguous protected areas; this is important (the why) because it contributes to wildlife habitat, recreation, healthy air, and potentially timber harvest revenues that feedback to land protection. She suggested that a clear NRI will help identify the natural resources important to the community; these resources can be broad (like water quality) or specific (like protecting flood plains).

Chair Haynes asked about the level of detail in the Conservation Master Plan; this is something the Commission has struggled with. Ms. Richter said the most successful plans she has seen rely on the details in the NRI, with more general, useful, and readable information in the Conservation Master Plan that references the NRI. She said it is also good to work with the Planning Board to ensure they are comfortable with the document as well. The Commission has already identified good recommendations about working with the public and collaborating with Parks and Recreation; these recommendations should be more focused and general in the Master Plan. Some of the current goals cover a wide range of topics and in order to be successful the ideas should be broad with a more narrow focus on the NRI. She said it is easy to try to protect everything, but resources should be prioritized; for example contiguous forest land is mentioned often in Commission documents and can be general enough to address forest, wildlife, and water resources. It is recommended that NRIs should be updated every 5-10 years anyway and she thinks that is the most important first step to guide creation of a Conservation Master Plan.

Dr. Reilly said the NRI discussion has come up before and most NRIs for the City are focused on specific areas, like Goose Pond. He asked if Keene is too large geographically

to get the kind of natural resources details necessary. He added that renewing the NRI every 5-10 years sounds insurmountable. Ms. Richter replied the Commission does not want the level of detail like that in the Goose Pond NRI; the Commission should focus on broader areas if possible. She thinks GIS maps are a good start but the Commission might want to create better descriptions of what those maps show. The purpose is for the City and public to know why we want to protect those resources and maps do not always translate that information. She thinks if this Commission works on descriptions of maps already created they will gain a better understanding of what resources are most important; while it may take time to narratively describe all of these maps, it can help to more naturally lead into developing goals for the Conservation Master Plan. Some cities merge their NRI and Conservation Master Plan in the same document; but you do not want to overwhelm a person trying to read the Master Plan with too much data and research, which belongs in the NRI. The NRI data should be referenced in the Master Plan to help people understand why these resources are good for the whole community.

Ms. Richter said she also thinks the Conservation Master Plan should represent what the community wants the City to look like in the future. She led the Commission in a brief exercise, asking everyone to write down what the City would look like in 5-10 years with a successful Conservation Master Plan. She said thinking about what we want the City to look like in the future can help the Commission to work backwards from there in identifying goals. Commission members listed the following ideal future scenarios for the City:

- Connectivity of wildlife corridors (greenways) for land protection and public open space.
- Retaining forested hillsides and ensuring the Hillside Protection Ordinance is enforced.
- Ensuring protected riparian areas are not developed – not just the river, but feeder brooks as well, for storm water management.
- More natural flood storage to reduce dredging.
- More floodplain protection.
- Recreation and access to public lands.
- A plan the drives development in the center of the City to avoid urban sprawl into wildlife areas.

Ms. Richter agreed land protection is critical to ensure development will occur in the most appropriate areas. She thinks there are already consistent areas of importance throughout the City's maps and it can be a hard conversation to get consensus on the most important resources; this is why she encourages public involvement and science-based decision making. Ms. Richter asked about the Surface Water Protection Ordinance – how it has been challenged and how it can better explain why surface waters are important. Ms. Kessler replied there was a subcommittee of this Commission that worked to further define what a vegetative buffer is and what can be done there. Recommendations from that subcommittee went to Council for the Ordinance to be amended and Council recommended revisiting it during the 2018 Land Code review process.

Ms. Clark said she was on the Commission when the first NRI was completed; she thinks the latest Wildlife Action Plan is significantly improved and will help the Commission in writing the Conservation Master Plan. Ms. Richter agreed there is a wealth of useful information in the Wildlife Action Plan and using it as a first resource to help define the NRI will help this process to be less overwhelming. She noted there are many other valuable resources, such as those on water quality, available for review. She suggested another subcommittee, including community members not on the Commission, to help begin this process.

Councilor Hansel asked if Ms. Richter has seen other Conservation Master Plans that include a guide for managing City-owned lands. Ms. Richter suggested that is more of a management plan; there can be general comments in the Conservation Master Plan on how City-owned lands should be used, but should not delve too far into management of City lands. She said if there is a philosophy the City has about managing their lands that would be appropriate to include in the Conservation Master Plan. Ms. Kessler said the City has developed many land management plans with specific recommendations but not a lot of action has been taken on those recommendations. She expressed concern about taking on another high-level document that might not be implemented. While there should be a plan with high-level goals, she hopes to see a document that ties these goals from all plans together and consolidates them into one document. Ms. Richter replied she thinks it is good to reference the management plans the City has developed if there are consistent goals throughout.

Ms. Kessler said the City has funding available for conservation purposes and one of the goals of the Conservation Master Plan process is to prioritize how those funds will be used. She said in her experience the prioritization process is challenging and asked if there are exercises other cities have used to help prioritize. Ms. Richter replied the communities she has seen have the most success are those that have public input in the NRI so everyone understands why a particular resource is important to protect. She said it is hard to prioritize areas for land protection but the Wildlife Action Plan can help identify unique areas. She also recommended being flexible in prioritizing areas for land protection; some areas may be more threatened or of greater interest to the public. She said to be open to opportunities; while it is great to focus on prioritizing areas for protection, the focus should be on why those areas are critical to protect specific resources and how the City will protect them. She said sometimes regulations do not work and there will need to be incentive or voluntary use of the land.

Mr. Von Plinsky asked if the Conservation Master Plan is a place to discuss recreational connectivity, like rail and bike trails. Ms. Richter replied yes but it should always be in the context of natural resources; always keep in mind the natural resources that make recreation in an area so attractive. Include whatever the community thinks is great about Keene but always keep natural resources in mind and how and why they will be protected.

Dr. Reilly asked if Ms. Richter could reference any other cities who's Conservation Master Plans have been used and prove this process to be fruitful. Ms. Richter said she

thinks the most successful communities have used the Conservation Master Plan as a form of public education and to support things such as site plan reviews. Hopefully working closely with the Planning Board will help guide development. Cities that have used their Conservation Master Plans well include Portsmouth, Hampton, and other seacoast towns; they face significant development pressure and really engage the Conservation Master Plan in site plan reviews. Councilor Hansel said he thinks the Planning Board would be open to working with the Commission on this Plan and there is not much conflict between the Commission and Planning Board goals; there is opportunity to work toward mutual goals. Ms. Kessler said the primary form of interaction right now between the Commission and Planning Board is review of Conditional Use Permits for the Surface Water Protection Ordinance and Planning Board standards to address environmental site impacts; the Planning Board is confined within the regulatory structure in how much they can rely on the Commission in decision making. She said it might be worth bringing the Planning Board and Planning, Licenses and Development Committee up to speed on how they can work with the Commission. Ms. Richter thinks it will be most effective if everyone views the Conservation Master Plan as a useful document. Ms. Kessler said the most important partner is City Council; if this is developed as a guiding conservation document with regard to funding, the Council will make the decision on how funds are allocated from the Land Use Change Tax Fund.

Dr. Bergman said the Commission can focus on land management but until homelessness is addressed in the City, land management may be ineffective. He spends a lot of time on conservation lands and homeless use of those lands inhibits recreational use by citizens. Ms. Richter said this is an example of how the Commission may identify unique issues that impact natural resources; she cautioned that social issues can snowball and reduce focus on natural resources. She said homelessness can be addressed as a philosophy of the City or specifically addressed as a goal to alleviate; homelessness does impact water quality, etc. She can investigate if other cities have addressed this issue in their Conservation Master Plans.

Mr. Madison said he does wildlife protection planning and the public will have favorite areas they want to focus on that are often not directly related to wildlife; this can lead to a bigger, more confounding document that is less likely to be implemented and utilized.

The Commission thanked Ms. Richter for her guidance.

5) Stoddard Conservation Commission Letter – Request to support HB 1343 related to protection of beavers

Ms. Richter provided some information about this matter before leaving the meeting. She said NH Fish and Game does not currently support this bill because they feel it does not solve the problem or help to protect beavers; a lot of data was compiled but the bill is unclear on how the data will be used to address the problem.

Councilor Hansel said he is not in favor of signing this letter at this time. Dr. Burchsted said she thinks it is worth considering in more detail; she understands the bill may not

provide sufficient information on clear and immediate use, but she would not rule out use of it. She said the natural resources and heritage of Keene are derived from historic beaver ponds and meadows; we are seeing a tiny hint of return of what that system had been and the more we can understand the better this species can be protected and fostered. She understands why this bill needs clarification but she is in favor of the spirit of the letter, especially because Keene is in a valley bottom.

Councilor Hansel said it may make sense to wait and see how this moves through the state committee process and what the resulting proposed bill includes; typically the City would send a supporting letter once that happens. Commission members were unsure where the bill was in the state legislative process. The Commission agreed to table this matter until the January meeting when staff can provide more detail about the bill and its status.

6) Election of Chair and Vice Chair

Dr. Reilly made a motion to re-elect Chair Haynes as Commission Chair for another term, which was seconded by Dr. Burchsted and carried unanimously.

Mr. Madison volunteered to act as Vice Chair. Councilor Hansel made a motion to nominate Mr. Madison as Vice Chair of the Conservation Commission, which was seconded by Mr. Von Plinsky and carried unanimously.

7) Adoption of 2018 Meeting Calendar

Councilor Hansel made a motion to accept the 2018 meeting schedule as presented in the meeting packet, which was seconded by Dr. Burchsted and carried unanimously.

8) Aquatic Resource Mitigation Subcommittee Update

Dr. Burchsted noted she, Mr. Von Plinsky, and Chair Haynes met the same day as this meeting to discuss how to choose priority projects. She thought the subcommittee would coordinate with NH DES to choose priority projects, but learned this is just an internal list for the Commission itself. She recalled the spreadsheet developed, which lists the types of protection the ARM Fund seeks and the four categories within the City that might meet those priorities. The sub-committee recognized that land protection is a consistent priority throughout the document and seems to be the most beneficial priority in conjunction with Commission goals. There was also tentative agreement on other larger habitat restoration projects and how restoration will meet many City needs, including flood management. Most projects have been centered on Beaver Brook because there are opportunities for innovative efforts for the City to address issues around the Brook.

Next, the sub-committee will seek opinions from the Commission on these priorities; Ms. Clark has agreed to help rank the different land parcels in terms of feasibility because these projects will have a short window of opportunity for implementation. Once feasible

land parcels are identified, the Commission will identify and prioritize projects. Subsequently, input will be sought from City staff to help further identify shovel-ready projects, or steps that can be taken to get these projects shovel-ready. Mr. Von Plinsky added the goal is to fill in blanks on this document to identify as many opportunities as possible.

9) Land Prioritization Criteria

This item was tabled until the January meeting.

10) Staff Updates

a. Greater Goose Pond Forest Stewardship Plan

Ms. Kessler reported an Ad Hoc Committee for this plan met for the first time in November and the consultants presented a high level overview of the property as well as information about the trail system. The Committee will meet again in January; in the interim, City staff and the President of the NE Mountain Bike Association will meet with the trails consultant to help him understand the different user groups in the forest.

Mr. Madison, the Commission liaison for the Ad Hoc Committee, said there was a lot of discussion about the conflicts between mountain bikers and hikers in the forest. The consultants provided a brief overview of forest health but most of the discussion was about trail conditions, lack of markings, and ease of getting lost. They also discussed the difference between lower Goose Pond and Drummer Hill; the parts of the forest that are more suitable for bikers versus hikers. The forester should complete his work this season. Ms. Kessler noted the forester has identified an area of forest that has the most valuable red oak he has seen, which is near where the Commission is purchasing a conservation easement. Ms. Kessler will provide an update about the public outreach efforts planned in the forest at the January meeting; there will be two community forums and at least two walking tours of the forest.

b. West Street Dam

Ms. Kessler reported the Council has granted West Street Hydro an additional six months to finalize their studies on water quality and the impacts of hydropower on the Canadian Quillwort and Dwarf Wedge Mussel.

Ms. Kessler, the Public Works Director, the Planning Director, and the Director of Parks and Recreation met with Dr. Vogler to follow-up about her presentation to the Commission so the City could better understand her research. The next step is to consult with West Street Hydro to find out how soon they can finish their studies and to further explore if it is a viable option for the City to participate within the research timeframe. It seems the West Street Dam would be a great fit for the project and staff is interested, but this has not yet been presented to the City Manager.

Dr. Burchsted noted that West Street Hydro has been granted many extensions and have still not completed their studies. Ms. Kessler agreed and said City staff is still seriously considering participating in this research effort but cannot move too quickly without City Manager consultation. Councilor Hansel said he is unsure if there is Council support for this research; he said he does not believe there is any memorandum of understanding with West Street Hydro and the City only contributed funds for their studies. Chair Haynes agreed that was his understanding as well and does not see a reason that this research cannot commence while West Street Hydro is completing their studies. Ms. Kessler agreed the City has continued exploring alternatives while West Street Hydro has conducted their studies but the City does not want to jump start a project without public input; she thinks the City is trying to commit to their verbal agreement with West Street Hydro to give them time and space to explore hydropower as an option. Councilor Hansel said perhaps it is time for Council to provide guidance on whether or not to participate in this research project because it is an opportunity for the City. Chair Haynes agreed and said he thinks this research might help the City and West Street Hydro to make decisions. Mr. Madison recalled that the season has passed for West Street Hydro to conduct their remaining studies and there will not be another opportunity before the latest extension expires.

Councilor Hansel made a motion for the Conservation Commission to direct staff to write a letter to City Council as soon as possible encouraging them to pursue the opportunity with Dr. Vogler regarding West Street Dam. The motion was seconded by Dr. Reilly.

Ms. Kessler noted staff would likely prefer to pursue this internally at this time but understands the desire to inform Council of the opportunity.

Dr. Burchsted asked if staff believe West Street Hydro will actually complete their studies with the latest extension. Ms. Kessler said staff is not just looking for study results from West Street Hydro but also if this will be a viable business option for them in order to have a sustainable hydropower facility. She said staff is relying on West Street Hydro to do what they committed to Council and provide clarity by April/May 2018. She told Dr. Vogler that staff would consult with West Street Hydro to determine the earliest they can complete their studies.

Councilor Hansel said he thinks the role of this Commission is to provide advice to Council; the Commission is very interested in getting more information on the West Street Dam and this research project. He said Council can take this recommendation or not but he thinks it is appropriate for them to know the Commission is interested and to get their input. Ms. Kessler noted the latest Dr. Vogler could begin this project is April 2018. Dr. Burchsted and Mr. Madison noted they are not confident West Street Hydro will deliver their results by the end of this current extension. Mr. Von Plinsky said he does not think beginning this research project would impede on West Street Hydro's efforts. Ms. Kessler said she understands experience has shown that we cannot rely on West Street Hydro to meet deadlines but she is fairly confident the City will have answers by the end of this extension if not sooner.

The motion carried unanimously. Dr. Burchsted abstained because of her relationship with Dr. Vogler.

11) New or Other Business

Ms. Clark reported the Friends of Open Space have raised enough money for 1.5 benches.

Ms. Kessler recalled there was no motion for the Eversource petition and said one was needed.

Councilor Hansel made a motion to approve the request from Eversource Energy relating to the trimming and removal of trees and brush adjacent to and beneath its power lines along scenic roads provided that the following comments are included: the Commission has requested the 24 inch oak tree close to phase near line 101 for pole 13 on Chapman Road be removed from the list of trees slated for removal, and that Eversource Energy make landowners aware of the option for leaving topped dead or diseased trees for the purposes of supporting wildlife habitat. The motion was seconded by Mr. Madison and carried unanimously.

12) Adjournment – Next Meeting Date Tuesday, January 16, 2018

Hearing no further business, Chair Haynes adjourned the meeting at 6:15 PM.

Respectfully submitted by,
Katie Kibler, Minute Taker