

City of Keene
New Hampshire

CONSERVATION COMMISSION
MEETING MINUTES

Monday, November 15, 2021

4:30 PM

**Council Chambers,
City Hall**

Members Present:

Eloise Clark, Vice Chair
Councilor Robert Williams
Art Walker
Ken Bergman
Thomas Haynes, Alternate
Brian Reilly, Alternate
Steven Bill, Alternate
John Therriault, Alternate

Staff Present:

Corinne Marcou, Administrative Assistant

Members Not Present:

Alexander Von Plinsky, IV, Chair
Councilor Andrew Madison

SITE VISIT: At 3:30 PM before the meeting, Commissioners visited the proposed U-Haul site at 472 Winchester Street.

1) Call to Order

Vice Chair Clark acted as Chairperson and called the meeting to order at 4:30 PM.

2) Approval of Meeting Minutes – October 18, 2021

Revision: line 225, delete the word *asked*.

Mr. Bergman moved to adopt the Minutes of October 18, 2021 as amended, which Mr. Reilly seconded, and the motion passed unanimously.

3) Applications

A) Planning Board referral – Surface Water Protection Conditional Use Permit Application – Eversource – A152 and T198 Transmission Line Pole Replacement Project

Vice Chair Clark welcomed Lindsey White of GZA Geoenvironmental and Jeremy Fennel of Eversource.

Ms. White and GZA are helping Eversource with permitting an upcoming utility pole replacement project that requires temporary impacts to the Surface Water Protection District. This project involves that T-198 and A-152 transmission lines that run parallel to each other in the City and extend between the Emerald Street substation and Swanzey/Keene town line. Eight utility poles were proposed for replacement along the T-198 line and 20 on A-152. Most of the work area intersects the Surface Water Protection District. Timber matting would be used to minimize wetland impacts, which is typical for prior Eversource projects. Within the 75-foot wetland buffer, restoration is proposed after work is complete. There was a pre-application meeting on November 10 and Ms. White felt the proceedings were standard to these sorts of applications. She assured the Committee that the proposal included restoring the wetland buffer with a pollinator seed mix as the Commission has requested typically. She has been in contact with the City Engineer, Don Lussier, for Encumbrance Permits and Excavation Permits and so the Engineering Division is prepped on this upcoming project. Ms. White welcomed questions.

Councilor Williams understood why timber mats are needed but asked what happens to the compacted ground underneath once the mats are removed. Ms. White replied that the vegetation under the mats usually returns on its own, but the areas would also be seeded and mulched when the timber mats are removed from the wetland areas. Councilor Williams stated his concern that what frequently comes back could be invasive species and he thought the preference of the Commission would be for the mat areas to be overplanted with something native and pollinator friendly. Ms. White said absolutely.

Mr. Bill commented on section two (or three on the old map), where he said there is a sand pit and a lot of the material underlying it is loose, fine sand that was likely blown in by wind. He asked if that impacts the treatment of the area and species there. Discussion ensued as to the exact location, which Mr. Bill said was near the old railroad bridge and a snowmobile trail, but he could not provide a location/structure number on the maps. Mr. Bill asked if the procedure for this sort of project is different when faced with a sand substrate, knowing that sand tends to be unstable. Mr. Fennel replied that if there were an unstable sandy substrate, which they encounter more in Swanzey, they would temporarily stabilize the area (e.g., mats, silt fence, straw waddle), reduce the work pad area, and employ erosion control matting or rip rap in extreme situations; these are the general best management practices to keep sand out of the wetland. Mr. Bill thought there might be windblown sand in the proposed work area.

Mr. Bergman referred to page four of the GZA letter, specifically the last paragraph about rare species, and he presented two questions. First, he noted the common language stating that turtles and snakes would be moved off the path and reported to NH Fish & Game, and he asked if that actually happens. Ms. White said yes, when they encounter a rare, threatened, or endangered species identified by the Natural Heritage Bureau the sightings are added to their database. Mr. Bergman's second question regarded common nighthawks, which are historically naturally

ground nesting but have been more so on rooftops in recent years and are nearly gone from nesting in the Keene area. He asked the time of year this work was proposed. Ms. White said the overall schedule for the entire project of more than 100 poles is between February–August 2022. However, they do communicate with NH Fish & Game and know that common nighthawk is a rare species on the line so they provide photos and best management practices for construction crew to be aware and monitor for them. Mr. Bergman cited an active volunteer program monitoring common nighthawk nesting and populations in the State; they could refer to the Natural Heritage Bureau database to learn of local sightings.

Vice Chair Clark reminded that this was about impacts to the Surface Water Protection District as referred by the Planning Board. She read the following:

- The Conservation Commission may conduct an evaluation of the application based on the criteria in Section 11.6.2 and provide advisory comments to the Planning Board.

She continued listing some things outlined in Section 11.6.2 such as: whether proposed use cannot be located in a manner to avoid encroachment into the Surface Water Protection Overlay District, encroachment has been minimized to the extent possible, etc. She asked the Commission to focus on these issues and whether this application was worthy of proceeding. She said a motion to not intervene would allow the project to move forward in the Planning Board process.

Councilor Williams moved to not intervene, which Mr. Walker seconded.

Mr. Bergman asked the Vice Chair whether she had any concerns based on the stipulations she had just read. Vice Chair Clark said no, noting that through the Ashuelot River Local Advisory Committee, these projects are scrutinized and so she felt confident in what they do at this point.

The motion to not intervene passed unanimously.

B) Planning Board Referral – Surface Water Protection Conditional Use Permit Application – U-Haul of South Keene Site Plan Review

Vice Chair Clark welcomed John Noonan of Fieldstone Land Consultants and Jeff Bane, the U-Haul International owners' representative, to provide further details on their application to encroach on a wetland buffer to accommodate a paved driveway and display area.

Mr. Noonan said this work is proposed in the southwest corner of the former Clark Distributors building. The driveway will provide sufficient access to emergency vehicles as asked for in the initial hearing with City Staff, including Fire Department Cpt. John Bates, who wanted fire truck access around all sides of the building. The proposed driveway would also be used by clients and owners. He said the Ash Swamp Brook runs along the southern border of the property, very near to the existing building, and the 30-foot setback from the wetland aligns with the corner of the building and so the pavement there would encroach upon that surface water setback. Mr. Noonan said the applicant is willing to include plant pollinator friendly seedlings in the back of the

building and shrubs around the floodplain compensation basin at the back as well; they were willing to ensure that they were wetland shrubs and seed mixes.

Vice Chair Clark read some things the Commission needed consider in reviewing a Conditional Use Permit:

- The size, character, and quality of the surface water and the buffer being encroached upon.
- Location and connectivity of the surface water in relation to other surface waters in the surrounding watershed.
- The nature of the ecological and hydrological functions served by the surface water.
- The nature of the topography, slopes, soils, and vegetation in the surface water buffer.
- The role of the surface water buffer in mitigating soil erosion, sediment and nutrient transport, ground water recharge, flood storage, and flow dispersion.
- The extent to which the surface water buffer serves as a wildlife habitat or travel corridor.
- The rate, timing, and volume of storm water runoff and its potential to influence water quality associated with the effected surface water or any downstream surface waters.
- The sensitivity of the surface water and the buffer to destruction from changes in the grade or plant and animal habitats in the buffer zone.

Mr. Therriault asked about the stabilization of the slope because where the corner of the building goes to the slope is exactly 30 feet, and theoretically adding vehicles to that driveway would add to the weight on that steep slope to the brook. He was concerned especially for the slope carrying the weight during wetter conditions when soil adhesion breaks down and can slump. Mr. Noonan said there would be test borings prior to construction for all proposed pavement areas and they would box cut-out the native soils under the proposed pavement and install gravel (between bank-run and crushed), which will take the load bearing weight and pavement on top of it. He clarified that the bank would not be disturbed via this proposal, and it would not take any of the weight from the proposed structure or vehicles. He was unaware whether there would be riprap stone or concrete through that area associated with the bridge project when the banks are disturbed near to this site, according to his conversations with the City Engineer. This proposal should not impact the bank at all.

Vice Chair Clark asked how things associated with transportation, like salt or oil, would be kept from running off the new pavement and into the brook. Mr. Noonan said that the plans show that on the end encroaching the setback, there would be an asphalt curb line that would divert water into catch basins, which are four feet deep. This would allow sediment to build-up, which are inspected by owners once annually per their Operational Terrain Permit obtained by the state, so that it does not overflow into the culvert then the surface water. On the culvert side, exiting each catch basin, there is an oil and debris hood that catches any floatable debris like oils, plastic bottles, or wood and keeps them in the deep sump of each catch basin. Once the water enters the culvert, there are perforated pipes with stone around them and the soil drains out impurities before reaching the ground water table or any surface water. Mr. Bill asked who is responsible

for the maintenance of the catch basins and how often. Mr. Noonan confirmed U-Haul is responsible for maintenance at least once annually. On the question of transportation salt, Mr. Bane added that the U-Haul policy is no rock salt usage at storage facilities like this, one for environmental reasons and two, because salt damages the storage units. They use strictly sand in the winter.

In response to Mr. Bergman, Mr. Noonan confirmed that there would be a catch basin near Winchester Street. Mr. Bergman then asked if that catch basin construction would need to await the bridgework by the City. Mr. Noonan replied that the City would encroach to the corner of the U-Haul parking lot where that catch basin is located on the plans and not onto the pavement. That catch basin will be in place when the bridgework begins, which is not anticipated until 2025–2026. The temporary bridge would also not encroach upon the catch basin site.

Vice Chair Clark asked for comments from the site visit about the overflow area for the record. Mr. Therriault said that in the overflow area he wanted to see native wildflowers planted, including flowering shrubs, if possible, that are consistent with a wetland environment. They also discussed that a few willow trees would be nice additions as early season pollinator plants.

Councilor Williams thought that digging out this area in the floodplain was very important after the City Council heard this year from citizens experiencing flooding downstream of this area. He thinks one of the primary causes of flooding is runoff from buildings like this one and he thinks there is a need to mitigate this degree of pavement and how it could affect the pulse of water entering ash swamp brook. He was glad to know there would be some cut-down of the floodplain, which he thought could mitigate some problems downstream. Councilor Williams asked whether Mr. Noonan had a sense of how often the area would be flooded. Mr. Noonan said he did not, but that the flood elevation is considered as 100-year, though those floods are becoming more often. Technically, there is a one-percentile chance of flooding to that location. To meet Federal Emergency Management Agency and City rules, all buildings at this location will be one foot above the flood elevation in addition to the area where flood water can backfill into the site. Currently, the floodplain can flood into the buildings and so providing a larger volume area in one spot allows the backfilling without crossing the Krif Road area. Councilor Williams said he hoped that the lower area down by the floodplain does flood occasionally to support a wetland habitat, which he thinks would be valuable in that part of the watershed to prevent flooding downstream.

Mr. Reilly asked if there had been discussion about alternatives to asphalt by the new storage sheds, such as hard pack. Mr. Noonan said that was planned originally as a gravel surface but in modeling and considering maintenance, gravel would be too difficult due to the sediment from the gravel entering the catch basins. Additionally, there was little difference between the gravel and pavement surfaces in the model for the amount of water leaving the site. Mr. Bill asked if the runoff would be flashier with the paved surface into the catchment area. Mr. Noonan said there are shallow slopes on the asphalt. Mr. Noonan said the flow rate is nearly the same for gravel and asphalt. They modeled the present surface (trees and grasses) versus the area with asphalt and

building surfaces, which determines the capacity of the underground drainage system; the pre-construction amount of water leaving the site is the same or less post-construction. They measure velocity and volume of water in pre- and post-built condition.

Vice Chair Clark asked exactly, how many catch basins were proposed and Mr. Noonan replied 18.

Mr. Bergman said that without the Fire Department insistence on such a wide corner around the building, he would not be happy about that part of the plan, but that would have to accept the emergency services evaluation. Vice Chair Clark asked whether there was documentation of that Fire Department recommendation. Mr. Noonan said that arose at the formal meeting with City Staff before the Planning Board meeting. The Vice Chair agreed with Mr. Bergman that it was regrettable having the pavement so close to the brook.

Discussion ensued on the language for a motion and recommendation to the Planning Board. Ms. Marcou agreed that a pre-submission meeting with the Fire Department was formal. There was Commission agreement that it could be negligent to not make this statement about pavement near the brook for the record. Mr. Noonan confirmed that the width of the pavement was determined by the proposed design, not the Fire Department, which only provided the fire truck dimensions. Mr. Noonan said the pavement could be narrowed further at that corner of the building down to 22 feet and still accommodate the fire trucks. He also discussed removing some of the display pavement at the corner closest to Winchester street as well. Vice Chair Clark was concerned that there would be more traffic on this pavement than emergency vehicles. Mr. Bill suggested making it a one-lane road to limit the volume of traffic and there was agreement that this could actually increase traffic around that corner.

Discussion ensued on the motion language and consensus was reached.

Mr. Therriault made the following motion, which Councilor Williams seconded. The Conservation Commission unanimously moved to not intervene, provided the Planning Board confirms the Fire Department requirement of pavement around the corner of the building, and to encourage reconsideration of that pavement due to Conservation Commission concern for pavement of that width approaching the brook so closely.

- 4) **Informational**
 - A) **Subcommittee Reports**
 - i) ***Outreach Subcommittee***

The Subcommittee would meet next on November 17 at 9:30 AM at the Recreation Center to discuss winter and spring activities for 2022. Vice Chair Clark continues sending Nature Nuggets to Ms. Marcou.

- ii) ***ARM Fund Subcommittee***

No updates.

iii) *Greater Goose Pond Stewardship Subcommittee*

Mr. Haynes reported that the Subcommittee met on November 12 to continue their process of prioritizing actions to take based on the 2019 Forest Stewardship Plan. Trails are the initial focus, particularly in the first segment of the forest, which is the pond and connecting trails. The Subcommittee created a priority list based on the Stewardship Plan and would begin fieldwork at their next meeting. Current efforts are working toward a document to look for funding this spring. Mr. Bill added that the focus currently is maintaining the trails directly around the pond, where there are signage issues, and a lot of work is needed at the old trailhead.

Vice Chair Clark said, she was sad to have missed Mr. Bill's geology walk at Goose Pond. Mr. Bill offered to take a similar walk with the Vice Chair to help her create a Nature Nugget about it. Mr. Bill said his public walk went well; approximately one dozen people attended on a nice day. Mr. Bill offered to lead a similar walk for just the Committee or for the public again at other locations, like Robin Hood Park; Vice Chair Clark also suggested Beech Hill.

5) Discussion Items

A) Invasive Species November 11 Event

Councilor Williams reported that the November 11 volunteer effort to pull burning bush along the Industrial Heritage Rail Trail near to where the trailhead meets Eastern Avenue. Eight or nine volunteers attended and worked on a large thicket of the invasive, which the Councilor has seen more of around town. The volunteers filled nine large garbage bags as a good start. Councilor Williams said that this invasives volunteer effort is long-term and that knowledge and resources are gained along the way. At some point, more resources would be needed, such as selective herbicide application, to address the more pervasive patches of plants that volunteers alone could not eradicate; an issue then becomes replacing those patches with large shrubs to compete with any invasives that try to return. The Councilor's strategy is to continue addressing small patches to prevent them from becoming large. This event closed the season, and he hopes to put together an advanced schedule next year to addresses different invasives as appropriate throughout the seasons, with more formal organization and connection to regular volunteers. Vice Chair Clark said Councilor Williams did an excellent job spearheading this first years' effort.

Mr. Bergman wondered whether it was appropriate for the Commission to request an increase in its annual budget from the City Council to be more engaged on the ground with things like replacement shrubs or equipment; the amount the Commission gets annually is fairly minimal. Councilor Williams said he would like to try that, but some fellow Councilors are tight-fisted; still, he said that there is possibility if value is added and people can see benefits from a real plan that makes sense well within the realm of possibility. Mr. Haynes cited the annual Commission contribution from the Land Use Change Tax Fund and suggested not requesting more money but asking to have portions allocated to educational outreach (e.g., stipends for speakers), equipment,

or shrubs, for example. He said that if the Commission wants to increase activities, they will need more income to do those well and reallocating the funds the Commission already receives could help. Councilor Williams thought the use of those funds might be limited by State statutes but said it would be nice to find out.

Vice Chair Clark suggested borrowing or renting a weed wrench from the Cheshire County Conservation District to cut down large patches and then work on the roots. With things like burning bush, any bit of root left in the ground returns next year.

B) Summit Road/Summit Ridge Drive Ponding

Ms. Marcou relayed information from the Community Development Director, Rhett Lamb, who said that the City Engineer, Don Lussier, was supposed to attend this meeting. The City Engineer was not present, and Ms. Marcou would invite him to the next meeting.

C) See-Click-Fix

Ms. Marcou spoke to the Office Manager in the Public Works Department, who is acquiring the See-Click-Fix tutorial to send to the Commission. Mr. Bergman noted that the Commission also wanted training on how to submit invasives specifically and had asked when the public could start using the app for this purchase. Ms. Marcou would follow-up with the Public Works Department before the next meeting.

6) New or Other Business

Councilor Williams wanted to recognize that Mr. Lamb would be retiring on December 3 and stated how valuable he had been to the Commission as just one of the many things he does for the City. All Commissioners agreed that Mr. Lamb's wealth of institutional knowledge and ability to articulate everything so well and quickly would be missed and thanked him for his service.

Vice Chair Clark reported that her Ashuelot River Local Advisory Committee survey of the Ashuelot River's banks in Keene concluded successfully. She was pleased to report that there was no concerning erosion other than evidence of natural processes and that there was no concerning discharge into the river identified. However, there is overwhelming prevalence of the invasive glossy buckthorn in the understory as well as some bittersweet climbing into the canopies and honeysuckle, which is easy to pull. The overall impression was of the pervasive invasive species. The Vice Chair said the river looks really good despite the high e-coli rates downstream of Keene. She said an overwhelming problem is non-point source pollution like parking lots and other permeable surfaces within that corridor.

Mr. Bill recalled the discussion of the West Street Dam at the last meeting and thought Mr. Lamb was looking into that timeline, though not imminent. Vice Chair Clark knew from ARLAC

that the Rhode Island School of Design project was simply an exercise to benefit their research versus anything intended to impact City policy. However, the City does have their information to use, which included interesting ideas for the dam.

Councilor Williams shared a message from Councilor Jan Manwaring, expressing concern about rain gardens, for which there is insufficient City Staff to maintain them around town, despite the gardens being a valued resource. Councilor Manwaring hoped the Commission would consider a volunteer effort like that for invasives to maintain rain gardens and provide the needed support and training. Councilor Williams suggested another Commissioner spearheading this effort. There were no volunteers currently.

Mr. Bergman noted that his term would expire at years' end, and he sent a message to the Mayor expressing his desire to continue serving for another term. Ms. Marcou said the Mayor would be reaching out to those with terms expiring to see if they would like to continue. Discussion ensued inaudibly about an alternate position on the Commission.

7) **Adjournment**

There being no further business, Vice Chair Clark adjourned the meeting at 5:40 PM.

Respectfully submitted by,
Katrnya Kibler, Minute Taker
November 18, 2021

Reviewed and edited by,
Corinne Marcou, Administrative Assistant