

City of Keene
New Hampshire

CONSERVATION COMMISSION
SPECIAL MEETING MINUTES

Monday, February 10, 2022

2:00 PM

**Council Chambers,
City Hall**

Members Present:

Alexander Von Plinsky, IV, Chair
Eloise Clark, Vice Chair
Councilor Robert Williams
Art Walker
Thomas Haynes, Alternate
Brian Reilly, Alternate
Steven Bill, Alternate
John Therriault, Alternate

Staff Present:

Corinne Marcou, Administrative Assistant

Members Not Present:

Councilor Andrew Madison, Vice Chair
Ken Bergman

1) Call to Order

Chair Von Plinsky called the meeting to order at 2:00 PM.

2) Discussion Items

A) Potential Land Purchase – Route 9/Washington St. Exit

The Chairman said there was an opportunity for the City to purchase two parcels up for auction on February 19. To get through all the City approvals in time, this special meeting was scheduled to make a recommendation to Council for their approval on February 17. In response to Councilor Williams, the Chairman and Ms. Marcou said they were unsure whether the matter would appear before the FOP Committee on the same night of this meeting, though it was unlikely. Ms. Marcou said this opportunity arose two weeks ago and she contacted the Chairman, who initiated meetings with the Director of Public Works and Director of Parks, Recreation & Facilities about the possibility before the City Attorney and City Manager.

A motion by Chair Von Plinsky that the Keene Conservation Commission recommend to the City Council to use funds from the Land Use Change Tax Fund to purchase parcels #6827 and #6825 was duly seconded by Mr. Haynes.

The Chairman continued describing the two properties; while he was very excited, he wanted to hear objections as well. The first property #6825 on the south side of RT-9 near the Washington Street extension by Beaver Brook Falls; as you hike down the extension past the gate, it is all the land on the left buffering between RT-9. Because of the narrow and very steep nature of this parcel, the City Assessor did not believe it was developable. Acquiring this parcel would be great for the valley at Beaver Brook Canyon, insulating it from the noise of RT-9. The second parcel #6827 on the north side of RT-9 is important for its wildlife value and because it acts as a buffer between Drummer Hill, the Greater Goose Pond Forest, and the chaos of RT-9. The Chairman said this parcel is bigger and more awkward, but there was significant wildlife evidence, like a metric ton of deer droppings and deer dens. This parcel is less buffered from the sounds of RT-9 and can be loud, but he said it is an important piece of land in its own right, and the City Assessor said it was not developable, though more possible than for #6827. It is likely undevelopable because there are NH rules stating that land without road access cannot be developed. The only nearby option would be Timberlane Drive, which is private. It is unlikely someone would get permission to develop with access from the RT-9 limited access highway. Both parcels are owned by PGVG, LLC., which is a trust for the estate of Reverend Paul Garabedian.

The Chairman sent a letter (also signed by Councilors Williams and Madison) to the City Manager when these parcels came to attention two weeks ago (February 3), highlighting why he thinks purchase is a good idea for the City. It reads:

Dear City Manager Dragon, We are writing today to urge the city to purchase and conserve two parcels of land that have recently entered the market. The two parcels (ID numbers 6825 & 6827) are located on either side of Route 9 near the intersection with Washington Street. The southern, 30 acre parcel (6825) forms an important buffer between the intense noise of Route 9 traffic and the Beaver Brook near its gorgeous falls along old Washington Street Extension. The brook and its falls are an important part of the city's natural and cultural history. Preserving the area surrounding the falls will ensure that future Keene Residents can enjoy this peaceful corner of the city for generations to come. The northern, 37 acre parcel (6827) is just as important as its neighbor across the highway, but for a slightly different reason. The parcel is part of the first line of defense protecting the Drummer Hill and Goose Pond Forests from the damaging pollution (visual, audio, and airborne) of Route 9. Wildlife needs insulation from high stress environments such as highways. Without it much of their habitat becomes unusable. Protecting this parcel will be an important step toward ensuring the vitality of our larger city forests. We realize and appreciate that the city budget is not limitless; however, we feel that chances such as this one do not come along frequently. These purchases would help to ensure that Keene's future is a sustainable balance between man and the natural world. We hope that the city will take advantage of this opportunity.

Mr. Bill asked whether there would be complications related to the power line crossing. The Chairman said the right-of-way continues for that crossing regardless of the property owner.

Mr. Walker asked the estimated values of the properties. The Chairman said the larger parcel is appraised at \$46,000 and assessed at \$1,200. Because they are not developable, the Chair did not know what the market value would be. The smaller parcel is appraised at \$28,000 and assessed at \$960. He

said that both properties are in “current use” and taking very little money from the City in tax payments; current use is an extremely discounted tax rate.

Mr. Therriault asked the uses of either parcel for the City. In response, the Vice Chair cited the Conservation Commission’s Land Protection Criteria (developed by past Conservation Commissions), which help explain why she supports this acquisition. She stated how each parcel met certain criteria, which she thought more than provides justification for recommending the acquisition:

1. Water Resources
 - a. *Frontage on rivers, streams, lakes, ponds, and reservoirs*
 - i) The Vice Chair said parcel #6825 would satisfy this criterion, with the head waters of Beaver Brook along there, where there is an already owned City parcel, and so acquisition would help prevent development.
 - b. *Land overlying aquifers and aquifer recharge areas*
 - c. *Wetlands, floodplains, buffer areas, and riparian zones*
2. Forest Resources
 - a. *Tracts of woodland with sufficient size, appropriate soils, and other attributes that support responsible forest management, including the production of timber and other forest products.*
 - b. *Steep slopes (slopes with grades greater than 15%)*
 - i) The Vice Chair said that parcel #6825 would satisfy this criterion, making it undevelopable and would add to the package of Beaver Brook Falls.
 - c. *Urban forests*
 - d. *Large un-fragmented blocks of forests*
 - i) The Vice Chair said that parcel #6827 is important because it would increase the contiguous area of the Greater Goose Pond Forest. Adding to existing conserved parcels is an important consideration to expand that footprint.
3. Agricultural Resources
 - a. *Farmlands and open fields with prime soils and other attributes that support agriculture or have the potential to support agriculture.*
 - b. *Land well suitable for agriculture that do not have prime soils*
 - c. *Urban agriculture*
4. Wildlife and Natural Areas
 - a. *Large tracts of undeveloped habitat and corridors important for wildlife*
 - i) The Vice Chair said that parcel #6827 satisfies this criterion by creating additional land in the Goose Pond Forest.
 - b. *Land containing ecologically significant or rare natural communities or species*
 - c. *Priority land as identified in the New Hampshire Wildlife Action Plan, Natural Resource Inventories, or existing Land Management Plans*
 - i) The Vice Chair said that the whole NH Wildlife Action Plan targets those northcentral and northeast corners of Keene as very high value for wildlife. The falls nicely into the Greater Goose Pond Forest Stewardship Plan.
 - d. *Other lands which increase the diversity and viability of wildlife populations, including fields, riparian areas, land contiguous to existing protected natural areas, and land that can serve as a buffer to developed areas*
 - i) The Vice Chair said that parcel #6827 satisfies this criterion by creating additional land in the Goose Pond Forest.

5. Cultural, Recreational, and Scenic Value

a. Land that offers opportunities for appropriate outdoor recreation by the public

i) The Vice Chair said that parcel #6827 satisfies this criterion by creating additional land in the Goose Pond Forest.

b. Scenic views, ridgelines, and other aesthetic areas

i) The Vice Chair said that parcel #6827 satisfies this criterion by creating additional land in the Goose Pond Forest.

c. Landscapes that preserve the region's cultural and historic heritage

d. Land that promotes connectivity of recreational networks

i) The Vice Chair said that parcel #6827 satisfies this criterion by creating additional land in the Goose Pond Forest.

6. Collaboration and Leverage

a. Land where there are multiple entities (e.g. surrounding towns or local organizations) willing to collaborate on protection/conservation efforts

b. Land that is vulnerable to development pressure

c. Land where there are landowners willing to support conservation and protection

Mr. Therriault asked what the City would do with the parcels to provide a service to the public other than just "locking it up." The Chairman thought that for the south parcel, the City had done a lot with that walkway up to Beaver Brook Falls and there were other ways the area could be opened to the public that would secure it for generations to come; the Falls are on City land but do not exist in a vacuum. Someone else could acquire that parcel and perhaps change the character of the Falls and the old Washington Street extension. The Chairman said he felt that protecting the northern parcel for wildlife was service enough; he did not think it needed to be opened to recreation or protected against development. Mr. Therriault asked whether parcel 36 on the map was a part of the Goose Pond Forest and the Vice Chair replied in the affirmative. Mr. Therriault referred then to the several hundred yards of interface between Goose Pond and the northern parcel. He asked if parcel 44 on the map was a part of Goose Pond and the Chairman said not yet. Mr. Therriault asked if it would be possible in the future to extend the Goose Pond trail network into this new acquisition #6827. The Chairman said absolutely and that the parcel is gorgeous, with stone walls and deer dens. Councilor Williams said he would love to see the trail network expand there and eventually connect with the road that goes to Beaver Brook Falls to create a loop to Goose Pond from the City. The Chairman agreed that was a project decades in the making.

The Chairman asked whether any Commissioners had misgivings or concerns and there were none.

Councilor Williams asked where the funds would come from. The Chairman referred to the Land Use Change Tax Fund (LUCTF). If common use land is developed in the City, the developer must pay a penalty tax that goes into the LUCTF for projects like this. Annually, \$25,000 is released into that fund.

Mr. Walker asked if there is an opportunity for water storage beyond the Beaver Brook Falls to help with downtown flood control. The Chairman noted that there already is water storage (from RT-9 onto RT-10) and he was unsure there was sufficient space or purpose in adding further storage between there

and the Falls. The Vice Chair said that if the City were to own that land, they could contribute to flood storage and slower surface waters by not cutting trees on the parcel.

Vice Chair Clark asked how much money was in the LUCTF. Ms. Marcou stated \$129,214.02, including this years \$25,000 addition. Still, the Chairman was unsure what the parcels would cost at market but hoped there would be substantial funds remaining in the LUCTF after these purchases. That spending is at Staff's discretion. Mr. Haynes noted that the annual \$25,000 addition is intended to offset these big purchases.

Mr. Reilly asked whether there were other parties interested in these acquisitions. Ms. Marcou said the Community Development Department received a few phone calls inquiring about the properties but that does not mean they will show up to auction. The starting bid on each parcel is \$5,000. The Chairman said there were no bids on the auction website at present.

Vice Chair Clark wondered who would do the bidding. Mr. Marcou was under the impression that the Chairman would attend but further Staff decision making would ensue. The Chairman suspected that the City Manager, City Attorney, and City Assessor would make the financial decisions, but he was happy to attend and help. Ms. Marcou was unsure whether the auction was in person or virtual. Many properties across the State are up for auction on the same day, so it might be virtual. Ms. Marcou will let the Chairman know whether the letter he already wrote will suffice; she will attach the Land Protection Criteria to the final letter too. Chair Von Plinsky intended to revise the letter.

Mr. Bill thought there was a good case to add to that stretch of Beaver Brook Falls, with value added for water protection. Chair Von Plinsky called that area a nice micro watershed.

In response to Mr. Therriault, the Chairman said both parcels were owned by the same legal entity but would be auctioned individually. Mr. Therriault suggested structuring the motion on each parcel, because there could be a situation where one parcel costs too much to buy the other, and so the Commission should likely prioritize the parcels. Discussion ensued on how to structure the motion. Mr. Therriault cited his experiences doing negotiations and suggested knowing what they were willing to pay but above which they were unwilling to pay. He urged prioritization to ease Staff burden in their purchase. The Chairman said it was a fair point and good idea, Mr. Walker agreed.

The Commission discussed what parcel to prioritize. Councilor Williams favored the parcel by Beaver Brook Falls because it would be most visited by the public. A Commissioner agreed inaudibly off microphone. The Chairman favored the larger parcel by Goose Pond Forest, with the assumption that the smaller parcel by the falls is likely too steep to develop. Mr. Haynes favored the larger parcel by Goose Pond Forest because of its connection to the Forest, its wildlife habitat, and because the smaller parcel is likely less developable. Vice Chair Clark also leaned toward the northern parcel because of the Goose Pond connection, though she was hesitant choosing between the two. She said it was unlikely that someone would develop the southern parcel, unless they buy it to clear all the trees, which she thinks would be precluded by the Steep Slopes Ordinance. Mr. Bill thought the parcel south of RT-9 was most useful but that the northern parcel needed more protection. The Chairman would address this

prioritization in his letter. Discussion ensued on the best motion to move forward with and how specific they wanted to be about prioritization and spending.

An informal vote ensued to determine parcel prioritization. Five Commissioners favored the northern parcel, and three Commissioners favored the south.

A motion by Chair Von Plinsky recommending to the City Council that the City use funds from the Land Use Change Tax Fund to purchase parcels #6827 and #6825, with slight priority given to #6827, was duly seconded by Mr. Therriault.

Vice Chair Clark asked whether an upper spending limit should be specified to not deplete the LUCTF. Ms. Marcou noted that the City Council would set the monetary limit when they vote on this matter.

On a vote of 8–0, the Conservation Commission recommended to the City Council that the City use funds from the Land Use Change Tax Fund to purchase parcels #6827 and #6825, with slight priority given to #6827.

3) Adjournment – Next Meeting Date Tuesday, February 22, 2022

Following Vice Chair Clark’s advice, the Chairman was arranging guest speakers each month. In February, County Forester Matt Kelly (just led a walk at Goose Pond) would present and asked that Commissioners submit questions he should be prepared to address. In March, Amanda Littleton of the Cheshire County Conservation District would attend. In April, the Chairman hopes that Councilor Madison would discuss his work with the State. If Commissioners have other ideas, submit them to the Chair.

There being no further business, Chair Von Plinsky adjourned the meeting at 2:50 PM.

Respectfully submitted by,
Katryna Kibler, Minute Taker
February 11, 2022

Reviewed and edited by,
Corinne Marcou, Admin. Assist.
February 18, 2022