

City of Keene
New Hampshire

CONSERVATION COMMISSION
MEETING MINUTES

Tuesday February 17, 2015 4:30PM 2ND Floor Conference Room, City Hall

Members Present:

Thomas P. Haynes, Chair
Thomas (Tad) Lacey, Vice Chair
Matthew Walton
George Hansel
William Fleeeger
Brian Reilly

Staff Present:

Karen Purinton, Planner
Rhett Lamb, Planning Director
Jim Donison, City Engineer

Members Not Present:

Janis Manwaring, Councilor

Others Present:

Jennifer Dickinson, Intern

3:45 SITE VISIT: Rule Street Drainage Improvements

1. Call to order

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

2. Minutes – January 20, 2015

Mr. Fleeeger made a motion to approve the minutes of January 20, 2015 with the following changes. Mr. Walton seconded the motion which carried unanimously.

Chair Haynes stated that on pg. 5, paragraph 4, third line, the word damn should be spelled dam. Mr. Lacey stated that on page 8, first line, it is states: “Mr. Lacey stated that protection often gets interchanged with conserve and that the committee does not want the wording to prevent future activities.” However it should read: “Mr. Lacey stated that protection often gets interchanged with conserve and that the committee does not want the wording to prevent future management activities.

3. NHDES Permits & Communications

a) Rule Street/Sullivan St - Drainage Improvements

Mr. Jim Donison, City Engineer, stated that this is a drainage system improvement project that extends from Rule Street to Sullivan Street and down to Knight Street and Beaver Brook. Mr. Donison stated that this project is being proposed because the neighborhood is having a large amount of runoff coming down from Rule Street. The pipes in existence cannot handle the storm water and the overflow goes down Sullivan Street to homes in this area, flooding basements. Mr. Donison continued, stating that numerous issues have occurred forcing residents to purchase new furnaces. He stated that the residents of this area came to the city asking for a better drainage system. He stated that this is a Capital Improvement Project and will go to City Council for approval. If the project is approved it will cost about 200,000. He continued, stating that the

money will be available on July 1, 2015. Mr. Donison stated that once the design plans are finalized it will be conditional on the wetland's permit approval and the funding approval being available July 1, 2015. Mr. Donison stated that currently if there is an intense storm, the city goes to the area with sand bags and places them in front of driveways and low spots to divert water to the next lot. The city has retained SVE Associates for the project.

Mr. Rob Hitchcock, SVE Associates, explained that the drainage area is quite large and a four foot diameter pipe is needed to get the water into a two by six box culvert. Mr. Hitchcock explained that a box culvert is needed in order to get over the sewer lines. Mr. Walton asked where the stream is in relation to the box culvert. Mr. Hitchcock points to the left side of the map and states the culvert will be under the road. Mr. Walton asked what defines a box culvert. Mr. Hitchcock stated that it is a rectangular shape and about two feet high and six feet wide. Mr. Hitchcock explained that it has to do with the elevation and depth around the sewer line. Mr. Hitchcock stated that this started as a simple project but is now complicated due to the sewer line and water line. He continued stating that the box culvert is not standard and is more expensive but is necessary.

Chair Haynes asked about wetland impact. Mr. Hitchcock stated that there is wetland impact along the Brook and one other area. He continued, stating that a turbidity curtain will be added and the pipe itself is above the 100 year flood elevation area. Mr. Hitchcock stated that this will be the only real impact to the brook. Chair Haynes asked what the rough impacts are to the wetlands. Ms. Purinton stated that it is 2,500 square feet as seen on pg. 9 in the agenda. Mr. Hitchcock stated that the hole will be 1,100 feet deep in order to get under the pipes. Mr. Walton asked about the permit and why the wetland area must be filled. Mr. Hitchcock stated that there is a little fill at the upper end of the pipe but no other areas would have fill. Mr. Hitchcock stated that the wetlands will not be filled, but will be disturbed. He continued, stating that there are areas that must be excavated due to the sewer.

Ms. Janson suggested that wetlands are natural storm buffers and she is surprised that this project is in place. Mr. Donison stated that the water flow volume is 110 cubic feet per second. He continued, stating that there are wetlands which help contain the flow but during large storms, the wetlands cannot contain the large amount of water. Mr. Hitchcock stated that it is not a flat area and the water does not have time to settle. Mr. Lacey stated that the volume is not being increased in Beaver Brook but the city is taking control of the water and directing it.

Chair Haynes stated that the committee can either intervene or not. Ms. Purinton stated that the project is expedited and comes to the committee first and then goes to DES. She continued, stating that if the committee chooses not to intervene, the project will be eligible for expedited review.

Mr. Walton made a motion to not intervene on the expedited permit. Mr. Fleeger seconded the motion which carried unanimously.

b) PSNH Utility Maintenance Notifications (Route 12, West St)

Ms. Purinton stated that there is no action needed for this but just an acknowledgement as informational. Chair Haynes asked if anyone had any questions. No questions asked.

c) 351 Winchester Street: NHDES Request for More Information, CHA Response

Chair Haynes stated that DEP came back with some other questions in regards to the site on Winchester Street. He continued, stating that comments are in the agenda packet. Chair Haynes stated that the committee chose not to intervene and this is informational. No questions asked.

4. Discussions

a) Land Use Change Funding Request – West Street Dam Project

Chair Haynes stated that there was a lengthy discussion from last month in reference to this item. Ms. Purinton put figures together for the budget of the Conservation Commission. Chair Haynes stated that if the project is to go forward, the committee must give additional funds. He is concerned that otherwise the project would not move forward. Mr. Hansel stated that it is irresponsible for the commission to allocate more money until the future budget of the commission is known. He stated that the commission should wait. Mr. Lacey stated that city staff mentioned that the commission money is city money. He continued, and asked how the \$640,000 was used from public service for the sale of Wheelock Park. Ms. Purinton stated that this subject is not relative to this discussion, but the money was allocated specifically to improvements of the park. Mr. Lacey stated that it is relevant because the land was donated by Dorothy Arway to the city and this sale was found money. He continued, stating that the donation of this land precluded land use change tax. Mr. Lacey stated that he did not want to see this project slowed down but wanted to state his concerns. Mr. Lamb stated that Dorothy Arway was contacted about this sale because there was a question about the gift. He continued, stating that her interest was the money is spent on the park. He continued, stating there was no current use of this. Mr. Lacey stated that he wanted to point out it was found money.

Mr. Walton stated that he is having trouble with this request because it is a natural resource area but at the same time it is a study for city owned property and should be paid by the city. He continued, stating that the commission has not been specific as to what the money should be spent on but he is leaning towards the fact that it should be city paid. Ms. Janis stated that she believes it should also be paid by the city and had concerns about the Wedge Mussel population. Mr. Fleeger asked for the monetary summary. Ms. Purinton stated that initially the vote from the Conservation Commission was \$14,500 and \$4,400 went to study biodiversity. The Conservation Commission has given 10,000 for the study and West Street Hydro has agreed to put in \$8,675 for the study. There is \$18,000 of funding available and the number was rounded up to have a small contingency in the request for the land use change tax fund money. The request that the commission received was for an additional \$7,000, totally an \$18,000 contribution from the commission.

Mr. Fleeger stated that he is in favor of the project but is worried about the viability of West Street Hydro. That being said the study must be completed. Mr. Fleeger stated that he believes the project should continue but wanted to point out that the Conservation Commission is giving a large amount towards this. Ms. Purinton stated that the finance committee voted to adopt the fiscal policy recommended by the Conservation Commission. This will be voted on by city council again, but if approved it will place \$25,000 in the commission's budget beginning in July. She continued, stating that some of this would be from the Land Use Change Tax Fund and the rest would be supplemented. Mr. Hansel stated that in reference to this, there are enough funds to move forward with the project.

Chair Haynes stated that \$25,000 is needed. Ms. Purinton stated that it is \$24,500 and with the contingency it comes to \$26,000 total. She continued, stating the reason for the contingency is

because this may have to go in front of other public meetings and the contingency allows the activity to take place without going through the process and sign the contract again. She continued, stating that the commission would vote on allowing up to \$11,000.

Mr. Fleeger made a motion to authorize the commitment of up to \$7,000 for the continuation of the Ashuelot River Dam study. Mr. Lacey seconded the motion.

On a vote of 5:1 The Conservation Commission approves the request for an additional 7,000 for the Ashuelot River Dam study. Mr. Walton voted in opposition.

Ms. Purinton stated that the request will come before council and it is an opportunity for people to discuss how the vote went. She continued, stating that West Street Hydro is here for any questions. Mr. Ken Stewart, West Street Hydro, stated that there were three alternatives for the future of the dam: to take it out, leave it there without a hydro power station and leave it with a hydro power station. He continued, stating that a third of that is because of West Street Hydro's interest. Mr. Stewart stated that West Street Hydro decided that the city of Keene would need to evaluate the dam indefinitely to satisfy the NH Dam Bureau. He stated that he is happy to be collaborating with the city and the Conservation Commission. Ms. Purinton stated that she will try to have this item on the FOP's agenda next week. Ms. Purinton stated that West Street Hydro will receive details on the time schedule of FOP.

b) Beech Hill Master Plan update

Ms. Dickinson stated that there are some new additions and changes to the plan. The recommendation section has been changed. Ms. Dickinson stated that looking ahead she and Ms. Purinton met with Mr. Jeffrey Littleton to discuss an NRI on the property. Chair Haynes asked if there were comments specifically on the recommendation section which was recently edited. Ms. Purinton stated that there is a spot for deeds of the property in the plan but it was decided to not include those. She continued, stating that they are on file if anyone is interested. Ms. Purinton stated that she and Ms. Dickinson have discussed public involvement with Mr. Lamb. She continued, stating that there are a number of individuals in the area and Ms. Dickinson has been reaching out to the neighbors to discuss concerns. Ms. Purinton suggested inviting neighbors in the Beech Hill area to the March Conservation Commission meeting. She continued, stating that Ms. Dickinson has been working on an invitation and a list of property owners who would be invited to the meeting. Ms. Purinton stated that at the meeting concerns can be discussed, the committee can then vote and the proposal will go to council with assurance that the neighbors have been heard.

Chair Haynes asked if this discussion will occur at the regular meeting. Ms. Purinton replied, yes it will not be a public hearing. She continued, stating that it would only be about a half hour. Chair Haynes asked if the meeting should start early at 4:00 pm instead of 4:30 pm. Mr. Reilly stated that the committee should set a time that is convenient for the residents, specifically those coming from work. He suggested the item be discussed at 5:00 or 5:30 pm. All agreed that it should be put at the end of the agenda. Chair Haynes asked if everyone agrees on 5:30- 6:00 pm for this specific item. Ms. Purinton stated that the invitation would say that there will be a spot after the regular meeting for anyone to come and discuss. Chair Haynes asked if the committee should meet at 4:00 pm in order to have adequate time for the regular meeting. Mr. Walton asked if there is a lengthy agenda for next month.

Ms. Purinton stated that there will be a visitor from the New Hampshire Association of Conservation Commission which will take a large amount of time during the meeting. Chair

Haynes stated that Anne Shedd will also be coming to discuss the Conservation Plan. Chair Haynes stated that it is a great idea to have a public meeting and if the committee members can meet at 4:00 pm that would be best. Ms. Dickinson stated that it is her last official meeting with the committee.

c) Conservation Plan progress – Issues & Strategies

Mr. Fleeger stated that this is a draft document about some of the issues that came to mind which the commission may want to address. He continued, stating that this was put out primarily for the committee member's consideration. Mr. Fleeger stated that this is a draft to get feedback, decide goals for the Conservation Plan, and to propose strategies to achieve these goals. He continued, stating that Ms. Janson is prepared to note any concerns or questions but feedback does not have to occur at this meeting. Mr. Fleeger stated that he hopes comments and issues will be discussed to keep the conversation going. Chair Haynes suggested a retreat specifically on this topic.

Mr. Lacey stated that he is happy to see the pipe shed issue in this document. Ms. Janson stated that there was a discussion on whether to get in contact with the Agriculture Committee. Mr. Fleeger stated he was unsure if there are areas in the plan that overlaps with the Agricultural Committee's mission. He continued, stating that specifically there are soils identified as important for agricultural uses and this goes into an arena of complication for conservation. He continued, stating that the corn field is on the horizon. Mr. Fleeger stated that he was unsure if this is under the view of the Conservation Commission. Mr. Hansel replied that this speaks exactly to the commission's mission. He continued, stating that lands with prime soil have already been developed and this is definitely the role of this commission. Ms. Janson stated that there is a section which discusses agricultural lands for anyone that is interested in reviewing this.

Chair Haynes stated that he agrees, agricultural land is an important component for the Conservation Commission to review. He continued, asking how other members felt about a retreat. All agreed that the retreat would be beneficial. Chair Haynes stated that this will be discussed at the next meeting and a date will be decided. Mr. Fleeger stated that he is available for comments or questions via email. Mr. Walton stated that deadlines need to be added to items on the committee's agenda. Chair Haynes suggested possibly recruiting interns in order to move things forward. He continued, stating that this question can be discussed at the retreat. Mr. Walton stated that in the past, retreats have been done after meetings for a few additional hours. He continued, suggesting the retreat occur in April.

d) State Legislation Update & SB83 Discussion

Ms. Purinton stated that on pg. 38-39 of the agenda, there is an email. She continued, stating that Mr. Nick Coates is the Director for the New Hampshire Association of Conservation Commissions and he is looking for Conservation Committee members to take a stand on SB83. Ms. Purinton stated that the request is to not make the Conservation Commission a public agent when entering properties to conduct any kind of scientific research. She continued, stating that this request has come to the state level from a local request in Milford. Ms. Purinton stated that Mr. Coates is asking the Conservation Commission to take a stand that this is bad for conservation. There is a public hearing at 10:45 am tomorrow in the State Capital building. Ms. Purinton stated there are several options for the committee according to Mr. Coates. She continued, stating that members can make phone calls, send letters, or ask City Council to take a position. Ms. Purinton stated that any communication that comes from the committee must go to City Council first. She continued, stating that if members would like to take a position, first City Council must be asked.

Mr. Lamb stated that when Ms. Purinton discusses entering property it is specifically town or public property. Mr. Lacey stated that the Conservation Commission would not have a function if they cannot go onto city property. He continued, stating that if the committee has the opportunity to oppose the bill then we should. Mr. Hansel stated that an effective approach would be writing a letter and sending it to the Cheshire County legislatures. Mr. Lamb stated that this process happens every year, where the City Clerk provides a list of items that the city may want to take a position on. He continued, stating that city staff is now in the process and staff will bring significant items to City Council in the first cycle in March. He continued, stating that the council then votes and it becomes a city position. Legislatures that represent Keene will know the city's position on the bill. Mr. Lamb stated that this item has not been discussed in this process but if the committee had a position it could go forward to the City Council. Mr. Hansel asked if the committee could write a letter without the City Council. Mr. Lamb replied no, that is the limitation but as individuals you could contact legislatures. Mr. Hansel stated that it may be best for individuals to contact legislatures now. Mr. Lamb stated that the process to City Council will take several weeks.

Mr. Fleeger made a motion to advise City Council to oppose SB83. Mr. Walton seconded the motion which carried unanimously.

Chair Haynes stated that it is best that the commission's position is on the record even if it does not get to City Council in time. He continued, stating that every individual is free to act on this item.

e) Email from Cities for Climate Protection Committee

Chair Haynes stated that this was the first time he saw the Conservation Commission's goals. He continued, asking where the information came from and when the climate plan was produced. Ms. Purinton stated that there are two plans: the Climate Action Plan was created in 2004 and the Climate Adaptation Plan which was created in 2007. She continued, stating that two years ago Jim Gruber's class at Antioch reviewed the Climate Adaptation Plan and the students created a matrix to see who is responsible for carrying the plan through. Ms. Purinton stated that the Conservation Commission was identified as one of the responsible partners. The Conservation Commission was identified for specific items. She continued, stating that this email was sent out to every commission that was identified as a partner. Ms. Purinton stated that the question at this point is to see if the commission is working towards these goals and if help is necessary. Chair Haynes asked if there were Conservation Commission members on this team creating this language. Ms. Purinton replied no and stated that the matrix is online.

Mr. Lamb stated that there was overlap with the drafting of the Climate Adaptation Plan and the Conservation Members. Mr. Lacey stated that Goal C: Advised Land Use Regulation to Preserve Forests is not accurate because forests are not threatened except perhaps because of specific insects. He continued, stating that New Hampshire is 84% forested. Mr. Lacey stated that this has been discussed in the Steep Slopes Ordinance and the Surface Water Ordinance. He continued, stating that this has been discussed at the state level also. Mr. Lacey stated that last July there was a ruling about land use and municipalities. He continued, stating that Foresters manage the area well and the state looks over the forest seriously. Mr. Fleeger asked if a response is necessary. Ms. Purinton stated that a response may not be necessary and the goal is to remind committees of climate adaptation. Mr. Walton stated that the committee could respond and state that we will discuss this item at the retreat. Chair Haynes stated that most of the information will be addressed in the Conservation Plan.

Mr. Fleeger made a motion to accept the e mail from Cities for Climate Protection Committee as informational. Mr. Lacey seconded the motion which carried unanimously.

5. Reports from Committees / Liaisons (Tabled from January)

a) Commission Charge Subcommittee – Draft Charge

Ms. Purinton stated that on pg. 41 the committee can see a new mission statement and other language that would go on the website. Chair Haynes asked if anyone had any further questions. Mr. Walton stated that it should be finalized at the retreat.

b) Surface Water Protection Ordinance Amendments Subcommittee

Mr. Walton stated that a meeting will be held on March 3, 2015 at 8:30 am. Mr. Lamb stated that these notices should go through the Planning Department not the City Clerk's Office. Chair Haynes asked that once the meeting is finalized, to send it via email to all committee members. Ms. Purinton replied that she will handle this request.

6. Staff Updates

a) ARLAC: Water Quality Monitoring Report – 2/17 at Keene Public Library, 7PM

Ms. Purinton stated that ARLAC will be presenting their Water Quality Monitoring Report today. She continued, stating there was an invitation for individuals to attend. This is an important item and ARLAC may be invited for an extended presentation.

b) NHACC: Regional Commissions meeting 2/23 in Milford, NH re: Kinder-Morgan Pipeline

Ms. Purinton stated that this item has been on the radar but it will not affect the community. She continued, stating that the information is on their website.

c) Mailing of Commission Packets

Ms. Purinton stated that if anyone would like a packet via mail to let her know.

7. Letters/Communication:

a) Eloise Clark – Friends of Open Space

8. New or Other Business

Ms. Purinton stated that the city will be hosting an East Side Forum at 6:30 pm on Tuesday, February 24, 2015 at Heberton Hall. This will include a talk about the development of the east side of Keene. She continued, stating that there will be a short presentation and a group discussion.

9. Adjournment – next meeting date Monday, March 16, 2015

The meeting adjourned at 6:00 pm.

Respectfully submitted by:
Lana Bluege, Minute-taker
February 17, 2015

Additional Edits by,
Karen Purinton, Staff Liaison