



**City of Keene, New Hampshire**

**AMENDED AGENDA**

**CONSERVATION COMMISSION**

**Monday, September 18, 2017**

**4:30 PM**

**2<sup>nd</sup> Floor Conference Room  
City Hall**

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**Commission Members**

Thomas P. Haynes, Chair  
Sadie Butler, Vice Chair  
Councilor George Hansel  
Councilor Jan Manwaring  
Denise Burchsted

Andrew Madison  
Brian Reilly  
Eloise Clark, Alternate  
Alexander Von Plinsky IV, Alternate

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- 1. Call to Order**
- 2. Minutes** – August 21, 2017
- 3. Communication and Notifications**
- 4. Greater Goose Pond Forest Stewardship Plan RFQ Update**
- 5. Aquatic Resource Mitigation Subcommittee Update**
- 6. Conservation Master Plan Retreat Discussion**
- 7. Public Education and Outreach**
- 8. New or Other Business**
- 9. Adjournment** - Next meeting date Monday, October 16, 2017

**City of Keene**  
**New Hampshire**

**CONSERVATION COMMISSION**  
**MEETING MINUTES**

**Monday, August 21, 2017**

**4:30 PM**

**2nd Floor Conference Room,**

**City  
Hall**

**Members Present:**

Thomas P. Haynes, Chair  
Councilor Jan Manwaring  
Councilor George Hansel  
Brian Reilly  
Andrew Madison  
Denise Burchsted (Arrived Late)  
Eloise Clark, Alternate  
Alexander Von Plinsky IV, Alternate (Arrived Late)

**Staff Present:**

Don Lussier, City Engineer (Left Early)  
Ryan Kaulback, Engineering Technician (Left Early)

**Members Not Present:**

Sadie Butler

**Site Visit:** Before the meeting, a site visit was conducted at Kendall Road Bridge over Black Brook, followed by a site visit of 55 Old Summit Road.

**1) Call to Order**

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

**2) Minutes – July 17, 2017**

Councilor Hansel made a motion to approve the minutes of July 17, 2017, which was seconded by Mr. Madison and carried unanimously.

**3) Communication and Notifications**

**a. Kendall Road Water Main Replacement – Wetland Permit Application – City of Keene**

The City Engineer explained the application for this site is a request to repair a City water main that runs under a stream channel. Vehicle use on the Kendall Road Bridge was discontinued a long time ago but a City water main conveys water under the bridge from the east to west side of Kendall Road. A few months ago, the Water Department found the water main under the channel was leaking water and chlorine into the channel, which needs to be corrected; a new valve has already been installed and the water main in that area is currently turned off and needs to be returned to service. The water main is in the City right of way, increasing flexibility to move repairs north and avoid damaging bridge abutments. The work will require a temporary coffer dam up and downstream of the new main; this could be an inflatable porta-dam, sand bags, or large sandbags lowered into the stream with a crane. The choice of coffer dam material will be

left to the contractors to propose and the City will choose the most creative and economic option. Water will be pumped out of the area and clean water will be allowed to flow naturally back downstream. When work is complete the coffer dam will be removed and the channel restored.

Dr. Reilly asked what materials will be used and how long those materials will last compared to the older materials. The City Engineer replied the section of water main in question now is currently made up of two materials: 1) ductal iron (which is used modernly) and 2) cast iron universal, which was popular in the 1920s and 1930s. There are two problems with cast iron universal: 1) the pipe collects mineral deposits inside that minerals in the water are attracted to, restricting flow (tuberculation); 2) the joints were bolted together with two mild steel bolts, which corrode and rust limiting the ability to hold the force of water and causing a water main break. He expects those problems to be found when work begins. Today, ductal iron is installed because it is more flexible and joints can be deflected.

Councilor Hansel made a motion for the Conservation Commission to not intervene on the Wetland Permit Application submitted by the City of Keene for water main replacement at Kendall Road. The motion was seconded by Mr. Madison and carried unanimously.

**b. 55 Old Summit Road Detention Basin Maintenance – Wetland Permit by Notification Application – City of Keene**

The City Engineer explained this application is for restoration of a detention basin at the City Recycling Center. The basin in question was built in 1994 to manage storm water running off the landfill and Recycling Center. It is a tension basin built with a few pipes coming in that receive water and hold peak flows. It minimizes the effect of runoff going directly into the stream, allowing it to dissipate into the stream slowly. The City had not maintained the basin since 1994 resulting in a lot of accumulated sediment and organic material clogging the system. This came to the attention of the City when the scale house operator noticed the embankment that comprises the basin was always saturated with water trickling out; this should not happen with an earthen embankment because it signifies loss of stability and potential for collapse. While no catastrophic collapse is expected here and there is no indication the water is carrying any embankment material out with it, it still has to be fixed. The basin will need to be drained fully and dried between storm events. This permit is for permission to maintain the structure.

Dr. Reilly asked if the basin should have been maintained since 1994 and how it will be maintained in the future. The City Engineer replied it is fair to say sediment should have been removed from the basin periodically. Going forward he recommends not replanting trees around the basin because it complicates maintenance; instead he recommends establishing turf grass that can be mowed a few times per year, which should keep the system moving. Another issue is sediment coming from uphill and he is working with the Public Works Department to stabilize those slopes and avoid that issue. Dr. Reilly asked if the basin should be evaluated annually or every five years so it does not get to this point again. The City Engineer replied the easiest way is to clean the catch basins upstream of the basin; before the water discharges through the pipe underneath the driveway into the basin there is a catch basin that takes the flow through the swale and then puts it into the pipe. The catch basin has a sump in it that captures sediment before it migrates through the pipe into the basin. Regular inspection and pumping out that catch basin sump should regulate this problem in the basin in the future. Catch basins have been regularly cleaned throughout the City for the last two years and improvements can be seen from that effort.

Mr. Von Plinsky asked if the sediment currently in the basin has been tested for contaminants. The City Engineer replied no chemical tests have taken place because the source of the sediment

is on the site property, will be managed on site, and brought back to the top of the landfill and vegetated. It is not transferred off the site.

Councilor Hansel made a motion for the Conservation Commission to not intervene on the Wetland Permit submitted by the City of Keene for detention basin maintenance at 55 Old Summit Road. The motion was seconded by Mr. Madison and carried unanimously.

**4) Request for Support of Letter Related to Upholding Federal Guidelines for ATV Use on NH Rail Trails - Chuck Redfern**

Chair Haynes welcomed Chuck Redfern, President of the NH Rail Trail Coalition, who provided a brief overview of this request. Mr. Redfern lives in Keene and he recalled that in 1993-1995 the City wanted a bike and pedestrian plan, which was completed by an Antioch University study group and some members of the Conservation Commission at that time. That group wanted members of the Commission to undertake activities related to Rail Trail development, but that was discouraged because Commission members already had a lot of work. With that, the City formed the Bicycle/Pedestrian Path Advisory Committee (BPPAC) in 1995; this was one year after Pathways for Keene was established to raise private funds for the trail system. In Keene, more than \$500,000 has been privately raised for the multi-million dollar Rail Trail system, 50% of which was federally allocated funds.

Mr. Redfern continued explaining this particularly urgent issue for the Rail Trail regarding ATV use. First, he explained that ATV's cause a lot of erosion problems, especially on the stone bridges; this happened 15 years ago and had to be repaired at a high cost. The City Manager of Claremont, NH requested a variance to allow ATV's on 1.8 miles of the Rail Trail; this variance was denied by the Federal Highway Administration because law states that ATV's are not allowed on federally funded trail systems. He shared the amendment from Senator Shaheen on motorized vehicles on trails at issue here, as a result of the Federal Highway Administration denial, which states:

*“Balanced Consideration of Use-Exemption Requests for Trails – As the FHWA considers requests for exceptions under 23 U.S.C.217(h), the Committee encourages the agency to give due consideration to the local economy and community input. In particular, the agency should weigh the role motorized vehicles play in the local economy and should seek feedback from trail users.”*

This amendment allows variances for allowance of ATVs not just on the states trail system, but across the nation. The agency, in this situation, would presumably be the Trails Bureau. Mr. Redfern continued that while snowmobiles are allowed on the Rail Trail because snow cover impedes erosion issues, to his knowledge the Trails Bureau is biased in favor of ATVs because they pay an approximately \$45 registration fee. He said he believes places like Jericho Park, which was established primarily for ATV use, are more appropriate than the Rail Trail. There are currently 1,200 trails available for ATV use in NH, while there is less than 200 miles of Rail Trail for biking, walking, and running. He noted that some ATV's can reach speeds of 90mph, while the average is 60mph; these high speeds pose safety and erosion concerns for the Rail Trail.

Because of this, the BPPAC has proposed a resolution for the City of Keene, which states:

*A Resolution Opposing ATV's on the Cheshire and Ashuelot Rail Trails  
Keene, New Hampshire*

*Whereas the City of Keene, NH has improved over seven miles of the Cheshire and Ashuelot Rail Trails within its borders that were assisted with Federal Funds and more length that is actively used by its residents for biking, walking, horseback riding and snowmobiling; and*

*Whereas use of these improved areas by ATV's would destroy the thin cover of crushed stone dust which makes the improved sections of trail unusable for these activities; and*

*Whereas for this reason and others, the use of ATV's of the Cheshire and Ashuelot Rail Trails is incompatible with the activities;*

*Now therefore we, the City Council of the City of Keene, NH, do hereby*

*Resolve that the City of Keene, NH opposes any modification in federal law that would allow ATV's on the Cheshire and Ashuelot Rail Trails and*

*Further Resolve that copies of this resolution be sent to each member of our congressional delegation.*

*Signed this        day of August 2017 by the following members constituting all of the memebrrs of the City Council of the City of Keene, New Hampshire.*

Mr. Redfern is opposed to ATV use on the Rail Trail in Keene because the City has worked hard raising money for the trail, which was not intended for ATV use. The BPPAC has prepared a position paper and petition that they hope to bring signed to Senator Shaheen. They are asking for a letter of support from the City of Keene or for City Council to consider an Ordinance based on the above resolution. He noted other matters of concern relevant to the Commission in addition to erosion are damage to slopes and sediment runoff from the rail beds. He hopes this resolution will pass into Ordinance because while the Council may support this effort now, a future City Council may not; there will be no going back and millions of dollars will have been wasted. He is also here for the residents of Keene because many portions of the Rail Trail pass by homes and through neighborhoods. A local variance/Ordinance is needed because the Trails Bureau will remain in favor of ATV use because of the subsidies they gain.

Councilor Hansel said in an ideal world the local community would decide how to best use trails and confirmed that is not an option in this case. Mr. Redfern replied the Trails Bureau has final say, over the recommendation of City Council; the ATV lobby is very powerful and supported nationwide. For example, there is the first annual nationwide conference for ATVs in Manchester, NH this week, which is coordinated by the Trails Bureau. He hopes the Trails bureau will be fair and let each community decide for itself, but for now the City needs to take the position of not allowing this variance beyond the current variance, for which the standards are high.

Councilor Hansel said to him it is clear the City Rail Trail system is not designed for ATV use and such use would compromise all the investment the City has made. He thinks the proposed resolution for City Council is strong because it focuses on the local trail system. He is uncomfortable dictating what other cities can do with their trails but it is clear that Keene should oppose this change to preserve its own investment.

Chair Haynes asked for clarification on what Mr. Redfern is asking from the Commission. Mr. Redfern replied that BPPAC was initially asking for a letter of support to have the amendment pulled from the report; because other communities have used resolutions, they think a resolution would be a much stronger message than a letter from the City Manager or Mayor.

Councilor Hansel made a motion for the Conservation Commission to support a resolution opposing ATV use on the Cheshire and Ashuelot Rail Trails in Keene, NH, which was seconded by Councilor Manwaring and carried unanimously.

**5) Greater Goose Pond Forest Stewardship Plan RFQ Update**

Chair Haynes reported that Moosewood Ecological (Jeff Littleton) got the bid for the project and the next step is for the City to begin negotiating a fee with them, which is in progress. Chair Haynes passed around copies of their proposal, which does include a scope of work broken down into tasks; he will ask Ms. Kessler to share this electronically with the rest of the Commission (just the first 12 pages, before their qualifications). Councilor Hansel reported that the City Council did unanimously approve the City Manager negotiations.

Dr. Burchsted asked the Commission's role going forward. Chair Haynes noted the Mayor will be forming an advisory committee for this project that will include Commission representation; Ms. Butler and Mr. Madison have volunteered. The Mayor will also approach adjacent landowners to make the committee well-rounded; meetings will be open to the public so any Commission members can attend.

**6) Public Education and Outreach**

Chair Haynes said this topic came to light with the Goose Pond RFP, in which Mr. Littleton talked about the need for public education about the project. He suggested field trips of some kind to show the public their project progress. This gave Chair Haynes the idea for the Commission to organize quarterly fieldtrips to have an enhanced presence in the community and to educate on the importance of conservation. He proposed this idea quarterly or seasonally on a variety of City lands. Someone could be hired to lead these groups or the Commission can seek volunteers.

Mr. Madison said he thinks it is a good idea and Antioch University or local non-profits could be partners. Dr. Reilly said many organizations already do programs like this: Audubon Society, Harris Center, Forest Society, etc. Councilor Manwaring agreed. Ms. Kibler suggested contacting Jim Gruber, the Chair of the Environmental Studies program at Antioch, as many master's students do semester-long research projects on City lands and this could be an opportunity to reinforce their commitment to place-based learning.

Chair Haynes said there would also be more flexibility if the Commission's website was more user-friendly and reformatted as a tool for more education efforts. Councilor Hansel agreed the website would be a good place to highlight any reports or documents that come from this Commission.

**7) Aquatic Resource Mitigation Subcommittee Update**

Dr. Burchsted had no update. She will be meeting with the Engineering and Public Works Departments in the next month to discuss the focus areas presented at the last meeting. She, Chair Haynes, and Mr. Von Plinsky will meet in the next month to discuss further.

**8) Conservation Master Plan Retreat Discussion**

Chair Haynes reported that having Mr. Littleton lead a retreat is complicated because he would have to be hired. A request has to be put out through the City and Ms. Kessler is drafting

language to move that forward. Chair Haynes is also considering approaching Barbara Richter, Director of the NH Conservation Commissions to see if that is a service they provide. Ms. Clark thinks she would be an excellent retreat leader. Chair Haynes will contact her. At this point, it is unlikely the retreat will take place before October or November.

#### **9) West Street Hydro Update**

Chair Haynes reported that West Street Hydro plans to provide an update to City Council on October 19 and will present an additional update to the Commission on November 20; he is unsure of what the presentations will entail.

Ms. Clark noted that West Street Hydro sent a copy of studies they want to conduct, their process for finalizing, and their budget to the Ashuelot River Local Advisory Committee (ARLAC). They asked for feedback from ARLAC within one month but there was little substance to their proposals, few details, and little procedural evidence. They proposed to use ARLAC's water sampling data, but ARLAC does not sample at that location. It was hard to provide feedback with so few details.

Mr. Madison said their permit was extended by one year, and expires in six months (March 2018). He does not understand how they will complete these studies in time, as the sampling season is at its end. Councilor Hansel recalled the current Commission recommendation (made approximately five years ago) is to remove the dam but requested more information to make a thorough recommendation; all of this effort is to convince the Commission to reverse or update that recommendation. Chair Haynes added the Commission funded a large portion of studies toward that effort. Dr. Reilly asked if there is any pressure from the state or a deadline to make that recommendation. Chair Haynes said the state is content as long as the Commission is moving toward a recommendation, even slowly, because there is no imminent danger of dam collapse. Councilor Manwaring added that because the Babbidge and Goose Pond dams are being addressed, it shows the Commission is making progress. Dr. Reilly asked if the Council decides to remove the dam, if state funding will be sought to help with that effort. Councilor Hansel replied the Council looks for all funding opportunities but there are not many. Councilor Manwaring added that the last time this was before City Council they voted not to remove the dam because it is historical.

Public comment will not be allowed at the October 19 Council presentation; after that meeting the issue will go before a Council Standing Committee if a decision needs to be made, and public comment will be allowed at that time.

#### **10) New or Other Business**

Ms. Clark reported that progress has been made on the Friends of Open Space pocket park. There is a small budget and a letter was sent to the Mayor to go before City Council; the proposal/budget will go before the Planning, Licenses and Development (PLD) Committee on September 13 at 7:00 PM. The Friends have been working with the Director of Parks, Recreation and Facilities on this effort. If approved by the PLD Committee, the Friends will fundraise through the winter for benches and animal friendly shrubs. Michelle Chalice has helped as well, with her experience as a landscape designer. Ms. Clark asked Commission members to come to the PLD meeting to show their support.

Councilor Manwaring noted her two terms on the Commission will be over at the end of 2017 and a replacement will be needed.

**11) Adjournment – Next meeting date Monday, September 18, 2017**

Hearing no further business, Chair Haynes adjourned the meeting at 5:35 PM.

Respectfully submitted by,  
Katie Kibler, Minute Taker

Reviewed and edited by,  
Tara Kessler, Planner