



## CONSERVATION COMMISSION

### AGENDA

**Monday, September 19, 2022**

**4:30 PM**

**Room 22, Parks & Recreation  
Center**

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#### Commission Members

Alexander Von Plinsky, IV, Chair  
Councilor Andrew Madison, Vice Chair  
Kenneth Bergman  
Art Walker  
Eloise Clark

Councilor Robert Williams  
Brian Reilly, Alternate  
Thomas P. Haynes, Alternate  
Steven Bill, Alternate  
John Therriault, Alternate

1. Call to Order
2. Approval of Meeting Minutes – August 15, 2022
3. NHDES Standard Dredge and Fill Wetlands Permit Application – Wilson Pond Dam
4. Report- outs
  - a) Greater Goose Pond Forest Stewardship Subcommittee
  - b) Outreach
  - c) Invasive Species
5. Discussion Items:
  - a) Conservation Commission speaking events
  - b) Airport proposed wildlife control fence
  - c) Budget Planning
6. New or Other Business
7. Adjourn – Next meeting date: **Monday, October 17, 2022**

1 City of Keene  
2 New Hampshire

3  
4  
5 CONSERVATION COMMISSION  
6 MEETING MINUTES  
7

Monday, August 15, 2022

4:30 PM

Council Chambers,  
City Hall

**Members Present:**

Alexander Von Plinsky, IV, Chair  
Councilor Andrew Madison, Vice Chair  
Eloise Clark  
Councilor Robert Williams  
Art Walker  
Ken Bergman  
Thomas Haynes, Alternate  
Brian Reilly, Alternate  
John Therriault, Alternate

**Staff Present:**

Mari Brunner, Senior Planner

**Members Not Present:**

Steven Bill, Alternate

8  
9  
10 **1) Call to Order**

11  
12 Chair Von Plinsky called the meeting to order at 4:32 PM.

13  
14 **2) Approval of Meeting Minutes – July 18, 2022**

15 Mr. Bergman said that the minutes state that Sparky adjourned the meeting (line 193), but in fact  
16 he was absent from the meeting, and Andrew Madison, who was presiding, adjourned the  
17 meeting.

18  
19 Mr. Bergman made a motion to approve the minutes of July 18, 2022 with the aforementioned  
20 corrections. Mr. Walker seconded the motion, which passed unanimously.

21  
22 **3) Applications**

23 **A) Planning Board referral – Earth Excavation Permit Application – 0 Rt 9**  
24 **(TMP# 215-007-000-000-000)** – Chair Von Plinsky stated they have seen the site and it  
25 is now time to ask any questions they have thought of. He invited the applicant to review  
26 the project and the waiver requests.

27  
28 Jeffrey Kevan, with TF Moran's office, summarized the waivers requested. Mr. Kevan  
29 stated they are working with changes that had already been made to the property,

30 mentioning a traversed driveway up the hillside and an opened up lay-down area at the  
31 top. Between the changes from the previous owner and the topography of the site, there's  
32 a natural flat area where they are proposing the gravel pit be placed.  
33

34 The first waiver is in regards to the requirement that the excavation perimeter be at least  
35 200 feet from any public Right of Way (ROW), unless such excavation is a highway  
36 excavation. Mr. Kevan briefly explained the following explanation for a requested waiver  
37 on this matter: The proposed bottom of the excavation area is 54 feet higher than Route 9  
38 at the access drive intersection, so the vertical separation increases the effect of the  
39 horizontal setback provided. The existing forested buffer between the access drive and  
40 the ROW is steeply sloped. Part of the 200' buffer was previously cleared of trees as part  
41 of the site's previous logging history. Also, the edge of the ROW is approximately 78-  
42 feet back from the Route 9 edge of pavement line, because Route 9 has a 160' wide  
43 (wider than normal) ROW along most of the project's frontage, which pushes the 200'  
44 buffer further back into the site. In addition, the best soils and deepest soils above the  
45 seasonal high water table on-site are located near that 200' ROW setback line. Not  
46 excavating into the 200' ROW setback would result in a tall soil berm being left in  
47 between the ROW and the excavation area, which would be deleterious to future reuse of  
48 the property following reclamation.

49  
50 The second waiver is in regards to the requirement that the access driveway be at least  
51 150 feet from the boundary line of any public ROW, except where the driveway  
52 intersects the public ROW. Mr. Kevan briefly explained the following explanation for a  
53 requested waiver on this matter: The existing driveway is being improved in place, within  
54 the 150' buffer. Improvements include widening by 2 to 4 feet and the addition of a 14  
55 foot wide armored riprap swale on the uphill side to convey any storm water runoff  
56 downhill, minimizing erosion. The proposed bottom of the excavation area is 54 feet  
57 higher than Route 9 at the access drive intersection. The existing forested buffer between  
58 the access drive and the ROW is steeply sloped, varying from 3:1 to 1.5:1. An access  
59 drive that did not angle across the steeply sloped and forested frontage of the property  
60 would require a vast excavation and mass of new tree clearing to construct, which in turn  
61 would impact the groundwater table of the site.  
62

63 The third waiver is in regards to the requirement that the excavation perimeter be set back  
64 at least 250 feet, and the access drive be setback at least 150 feet from any surface water  
65 resource. Mr. Kevan briefly explained the following explanation for a requested waiver  
66 on this matter: There is an existing wetland water resource in the Route 9 ROW, between  
67 the driveway and Route 9. There is a second existing wetland tracing down the hillside  
68 just above the existing drive intersection with Route 9. The two wetlands are 363 feet  
69 apart at their closest proximity. The existing access road must pass through the 150'  
70 buffers of these two wetlands to reach the excavation area. The existing access drive  
71 needs to be improved by widening and resurfacing for trucking safety and by adding an  
72 armored ditch to convey channelized storm water basin overflows down the hill without

73 causing erosion. These improvements slightly further encroach into surface water  
74 resource setbacks. There is an existing forested wetland 127.7 feet east of the exaction  
75 perimeter. There is another hillside wetland 75' west of the excavation perimeter. These  
76 two wetlands are 801 feet apart at their closest proximity. The 250' setbacks from these 2  
77 wetland areas represents an unwarranted taking of a huge portion of the "excavatable"  
78 material located here. The Keene Zoning Board of Adjustment (ZBA) on March 7, 2022  
79 approved the earth excavation use at this location, in full knowledge of these setback  
80 encroachments.

81  
82 The fourth and fifth waivers are in regards to the groundwater quantity and quality  
83 baseline measurement. Mr. Kevan briefly explained the following explanation for  
84 requested waivers on these matters: Article 24.3.4 (of the Land Development Code, of  
85 "LDC") clearly states "When the applicant proposes excavation below the seasonal high  
86 ground water table, the applicant shall complete a hydro-geologic analysis to demonstrate  
87 that the excavation activities will not affect ground water levels so as to adversely impact  
88 public or private wells, surface water levels, or wetlands. This analysis shall include pre-  
89 excavation ground water level measurements, a constant discharge pump test, and  
90 ongoing ground water level monitoring." Since this project does not propose to excavate  
91 below the seasonal high water table, Mr. Kevan thought they shouldn't need this  
92 waiver/exception. However, in case the City decides to use a different definition of  
93 'seasonal high water table' other than the definition established for the project by the  
94 SLR Limited Hydrogeologic Report dated 3/25/2022, they are requesting this waiver as a  
95 safeguard to prevent any permitting delays related to re-advertising the public hearing.  
96 The project as proposed uses all appropriate measures to protect groundwater and  
97 wetlands, including but not limited to armored cutoff swales, separation berms, buffer  
98 setbacks, storm water basin with infiltration sump, and sedimentation ponds.  
99 Furthermore, Article 24.3.4 (of the LDC) clearly states "When the proposed operation  
100 includes the excavation of bedrock materials, the applicant shall collect and analyze pre  
101 and post excavation water quality data, as set forth below..." Since this project no longer  
102 proposes to excavate into bedrock, Mr. Kevan said they shouldn't need this  
103 waiver/exception. However, they are requesting this waiver as a safeguard to prevent any  
104 permitting delays related to re-advertising the public hearing. If the Board concurs that  
105 this waiver is not needed, then this request can be disregarded.

106  
107 The sixth waiver is in regards to the requirement that the total combination of any  
108 unreclaimed inactive and active excavation area shall not exceed 5-acres at any time. Mr.  
109 Kevan briefly explained the following explanation for a requested waiver on this matter:  
110 It is the applicant's intent to minimize open excavation area at all times, in order to  
111 minimize maintenance work for dust control and perimeter erosion controls. However, a  
112 5-acre limit is not practical at all times for the site because of the need to have access  
113 areas for truck maneuvering and equipment placement. Stockpiles, the steep slopes in  
114 parts of the site enlarge the excavation area due to chasing the slope uphill. It takes time  
115 to prepare an area for reclamation since hydro-seed subcontractors are not located on site.

116 Sediment traps, swales and basins take up significant land area within the excavation and  
117 often cannot be stabilized immediately due to wet weather conditions (it takes 2 weeks of  
118 sunshine to dry out the area, spread loam, and hydro-seed) in order to stabilize. Multiple  
119 stockpiles on site each require significant open land area; stockpile of loam for  
120 reclamation purposes, the need to stockpile excavated product for export, the need to  
121 stockpile boulders for process where on a site like this the mobile crusher will only be in  
122 use for a maximum of 1 day per week.

123  
124 The seventh waiver is in regards to the annual noise monitoring requirement. Mr. Kevan  
125 briefly explained the following explanation for a requested waiver on this matter:  
126 Continuous noise monitoring for the life of the project is not needed because there are  
127 basically no neighbors within 1800' of the excavation area. The closest residence to the  
128 excavation is approximately 3800 feet northwest on Sullivan Road, on the other side of  
129 the hill. The closest commercial building is 720' from the excavation and is owned by the  
130 applicant. The next closest commercial use is Granite Gorge ski area, which is closed and  
131 the closest ski trail is 2000 feet from the excavation area. The entrance to Otter Brook  
132 recreation area is 660 feet away, but the picnic grounds are the closest amenity within the  
133 park at over 1800 feet from the excavation area. The project has eliminated blasting from  
134 the proposal, so the loudest sound producer has been eliminated. The second loudest  
135 sound producer at a gravel pit is typically the stone crusher. This project only plans to run  
136 the crusher 1 day per week, at most.

137  
138 Eloise Clark joined the meeting via Zoom at 4:38pm.

139  
140 Chair Von Plinsky stated he was happy with the site visit which cleared up a lot of his  
141 concerns. The only concern he still has is with regards to the northern end of the site,  
142 stopping the water coming off of the slope and deciding where it's going from there. Mr.  
143 Kevan stated what's coming off of the natural vegetated area will be intercepted and  
144 directed to where it's naturally going, which is over towards the wetland. Additionally,  
145 they will intercept anything within the operation area and bring it to the front pond. Mr.  
146 Kevan mentioned that there will be weekly inspection and monitoring of erosion and  
147 control measures.

148  
149 Mr. Bergman asked for confirmation on whether or not they are going to cantilever the  
150 entry road and the upper diagonal section of it to promote drainage to the right side, if  
151 you're going downhill. Mr. Kevan stated that is correct and the idea is to direct all the  
152 runoff away from the natural tree coverage. Mr. Bergman asked if this work could be  
153 done without narrowing the road itself. Mr. Kevan stated the trees on the downhill side of  
154 the driveway will stay as is and not get touched and on the uphill side, as they start  
155 lowering grade, the tree cover will decrease, but the road itself will not narrow.

156  
157 Ms. Clark mentioned that Jim Fougere, their environmental consultant for wildlife,  
158 recommended avoiding welded plastic netting or thread because it traps snakes and other

159 wildlife. His alternative suggestion was to use more wildlife friendly options made of  
160 woven organic material. She went on to state that she noticed the tubes they have up at  
161 the site all have welded plastic netting and stated her one recommendation would be to  
162 switch that material when doing the reclamation. Mr. Kevan stated that is consistent with  
163 what the state requires and mentioned they did do a wildlife assessment on the property  
164 which reported potentially turtles and that was the extent of it.

165  
166 Mr. Haynes mentioned the sound study and stated some of the folks using Otter Brook  
167 and the picnic area might be impacted and wondered if the study will take that location  
168 into account. Mr. Kevan stated they will likely get background noise at that location,  
169 similar to the noise that comes off of the highway from traffic. He explained that they  
170 will run the operation and see what the noise levels are at the property line and will take  
171 into consideration the closest public area. Chair Von Plinsky added that the disc golf  
172 course is closer than the picnic area at Otter Brook and should be considered as well.

173  
174 Mr. Bergman mentioned the retention pond and the findings that showed a good part of  
175 the sides of it had an underlying clay layer. Mr. Kevan stated some of the material on the  
176 site has a very high fine content, 15-20%, and he explained that the pond will get shifted  
177 parallel to the highway at the top so everything gets brought down around it. The intent is  
178 to infiltrate most of the runoff and then have an emergency overflow that would take it  
179 down to the lower level. Mr. Bergman commented that the sump area collected a lot of  
180 water with recent rain but it didn't submerge the basin that much.

181  
182 Mr. Haynes reminded everyone of Councilor Madison's recommendation to consider  
183 some sort of riprap in the area up by the road to stabilize slopes and help with any  
184 erosion. Ms. Brunner clarified that the area they are referring to is the logging road that  
185 goes up at the site.

186  
187 Chair Von Plinsky summarized that they are recommending to the Planning Board that  
188 the slope stabilization measures will be taken on the northern logging road. The motion  
189 was moved by Councilor Madison and seconded by Mr. Bergman. The motion passed  
190 unanimously.

191  
192

193 **4) Correspondence**

194 **A) Complaint – East Surry Road** - Ms. Brunner explained that there was an email  
195 with a letter from the NH Department of Environmental Services and the Conservation  
196 Commission and City Council were copied. She noted that the letter is included in the  
197 packet so the Commission can be aware of the complaint and if anyone has comments  
198 they are welcome to share. Chair Von Plinsky explained the area of concern is off of East  
199 Surry road in one of the lots that butts up against the Ashuelot River. Councilor Madison  
200 stated it may be a temporary swimming spot built up by rocks, which people tend to do in

201 the summer when the water gets low. Ms. Brunner added that the state will follow up on  
202 the complaint. There were no further comments.

203  
204 **B) Dredge and Fill Permit – Wilson Pond Dam** – Ms. Brunner explained that the  
205 Wilson Pond Dam has been deemed by NH DES to be in poor condition and the objective  
206 of the project is to make improvements to the dam to provide additional hydraulic  
207 capacity and stability to the dam. She noted that the pond is used for recreation in the  
208 northern residential neighborhood of Keene and gave some history about the dam as well  
209 as an overview of the project details, which she pointed out can be found in the packet  
210 online and at City Hall. Ms. Brunner mentioned that there was a small area of wetlands  
211 delineated, which is the area that will be impacted by the proposal.

212  
213 Jim Phippard of 81 Arch Street stated he has lived near the dam since 1999 and is very  
214 familiar with the dam and its history. He gave a brief history and stated the owners of the  
215 dam, the Alumni Association, originally had an agreement with the school district that  
216 they have free use of the fields but have to maintain the property, including the dam. He  
217 explained that this wasn't an issue for quite some time because the state classified the  
218 dam as low-risk or no-risk because the pond is so small and the roadway would preclude  
219 a lot of flood water if the dam washed up, protecting downstream properties. He went on  
220 to state that there was a long debate between the school district and the City of Keene  
221 with the school district's stance being that they do not operate or maintain dams and it  
222 does not match with their mission. They requested that the City of Keene take it over and  
223 a group of neighbors near the dam, including himself, supported that request. He went on  
224 to explain that the City of Keene didn't want the additional burden of caring for another  
225 dam so they tried to negotiate an agreement where the school district would pay to repair  
226 the dam and then the City would take over the maintenance. Negotiations eventually fell  
227 apart and the school district took on the job of hiring a consultant for the dam repairs. Mr.  
228 Phippard ended by stating he is looking for information because the school stopped  
229 communicating with the group of neighbors regarding the dam and he saw that the  
230 consultant's permit was incomplete because they failed to notify the public and did not  
231 pay their application fees. He stated, as neighbors, they are concerned about the schedule  
232 of construction/repairs and what the level of water will be when the work is complete. He  
233 noted that the current water level is too low to support wildlife right now and the dam is  
234 regularly visited by many migratory birds, eagles, deer, bear, and other wildlife.

235 Chair Von Plinsky invited questions and comments.

236 Mr. Bergman stated he lives fairly close to the dam and noted a pocket park on Kendall  
237 Lane where there's a brook and Shadow pond, which he mentioned are already low and  
238 will be further impacted by any work done on the dam. He added that those areas are also  
239 home to a lot of wildlife.

240 Chair Von Plinsky asked if they could expand their comments beyond the wetland area to  
241 the larger scope. Ms. Brunner stated they can comment on the project, which is the dam



242 replacement, as long as the comments are relating to the wetland, since the item is on the  
243 agenda because of a permit triggered by wetland impact.

244  
245 Mr. Therriault brought up Mr. Phippard's comment about lowering the water level of the  
246 dam and asked how one would describe the historical water level. Mr. Phippard stated the  
247 contractors would know what the original elevation was and the comment period has  
248 been extended because their application was deemed incomplete. He added that they  
249 originally lowered the water level to keep the pond in the low-risk category and the  
250 neighbors are wondering what level they will restore it to after construction.

251  
252 Mr. Haynes suggested they table the item and have the contractor come to their meeting  
253 in September to have a discussion and reveal more details. Councilor Madison suggested  
254 this sounds more like a matter for the school district since they are the ones paying and  
255 contracting. Chair Von Plinsky agreed but stated it could still be useful to have the  
256 conversation with the contractor so they can obtain more information and then make their  
257 comments from an educated standpoint. Mr. Walker commented that the engineering  
258 company doesn't have any obligation to the Conservation Commission and that the  
259 school district should be made aware if they have them at a meeting so they can  
260 participate as well if they so choose. Ms. Brunner and Mr. Therriault suggested inviting a  
261 staff member from the school board. Mr. Reilly commented that depending upon where  
262 they decide to set the water level that is going to impact what the wetland looks like  
263 behind the dam, which falls within their purview. Short discussion ensued and there was  
264 general agreement to invite the school district and their contractor to the Conservation  
265 Commission's September meeting for discussion.

266  
267 Mr. Phippard commented that NH DES relies on local organizations like the  
268 Conservation Commission to help with matters like this and encouraged their  
269 involvement. He added that if they are interested in commenting on the final application  
270 they should tell DES now so that they don't miss the window.

271  
272 Chair Von Plinsky summarized that they will table this item and he will correspond with  
273 DES and invite the contractor to join them in September, as well as the school board.

274  
275 **5) Report-outs**

276 **A) Greater Goose Pond Forest Stewardship Subcommittee** – Mr. Haynes stated  
277 they haven't met yet and aren't meeting in August; however, they will meet in  
278 September. He explained that the work they are doing now is looking at having a fall  
279 workshop focused on bridge and walkway construction, hopefully around the end of  
280 September or early October.

281  
282 Chair Von Plinsky mentioned that there had been complaints about lack of signage at the  
283 new parking area and wondered if that's on the horizon. Mr. Haynes stated they have a



284 long list of signage which is being completed by a local business that is very busy, so it  
285 will take some time.

286

287 **B) Outreach** – Mr. Haynes stated the only thing going on is a walk at the end of  
288 October with Jeff Littleton titled “Reading the Forested Landscape.” He added that they  
289 have partnered with the Parks and Recreation Department for this as usual.

290

291 **C) Invasive Species** – Councilor Williams stated they took off the month of August  
292 and reported their next event is on Labor Day at the Stone Arch Bridge, north of town on  
293 Court Street. He stated there are all sorts of invasive species over there and they need to  
294 decide which they’ll be going after. He added that he’ll get Ms. Brunner some social  
295 media items to share once they finalize the details.

296

297 **6) Discussion Items**

298 **A) Ordinance O-2022-09- Proposed changes to Rural District and Conservation**  
299 **Residential Development (CRD) Subdivision Regulations** – Ms. Brunner stated the  
300 ordinance was submitted to City Council on July 21<sup>st</sup> for a first reading, it was then  
301 referred to the Joint Planning Board and Planning Licenses and Development Committee  
302 for a public workshop that was held one week ago. The next step is for it to go back to  
303 City Council for a public hearing which is expected to take place on September 1<sup>st</sup>. She  
304 went on to state that once it leaves the public hearing phase it will go to PLD, then back  
305 to City Council for a final vote. Ms. Brunner mentioned that it is a good time to send  
306 comments if there are any. She then explained that staff were directed to go through the  
307 residential zoning districts to identify opportunities for housing, which is a critical issue  
308 at very different scales. She noted that the Commerce District was recently amended and  
309 now the City has moved on to the Rural District.

310

311 Ms. Brunner explained that the 5 acre minimum lot size in the Rural dDistrict was  
312 identified as a barrier to housing development, so staff did months of research and noted  
313 that right now there are a high number of parcels in the district that are non-conforming  
314 with respect to lot size, either because they were created before the minimum lot size was  
315 raised up to 5 acres or because they were created as part of a Planned Unit Development  
316 (PUD), which is a subdivision option that used to be allowed in the City of Keene. Ms.  
317 Brunner explained that a PUD meant the Planning Board could override the underlying  
318 zoning district and come up with whatever lot sizes they wanted as long as the developer  
319 presented a holistic plan for what the neighborhood should look like. She added that if  
320 you see really small lot sizes in the Rural District, those were most likely created as part  
321 of a PUD. Currently, 58% of the lots in the Rural District are non-conforming because  
322 they are smaller than 5 acres.

323

324 Ms. Brunner stated staff also researched lowering the lot size from 5 acres to 2 acres,  
325 which is what they are proposing. She noted that they still have the Surface Water  
326 Protection and Hillside Protection Ordinances in place and explained what that entails for

327 new lots. Alongside this, Mr. Brunner stated the City of Keene has a Conservation  
328 Residential Development Subdivision (CRD) option and any subdivision in the specified  
329 districts that are 3 lots or more have to comply with CRD regulations. These regulations  
330 state that at least 50% of your starting piece of land has to be permanently conserved as  
331 open space and any steep slopes, wetlands, springs, and other sensitive natural features  
332 have to be included in that open space area. In return, development has to be concentrated  
333 on the remaining portion of land. Additionally, CRD regulations protect the surrounding  
334 area by having a buffer that goes around the outer edge of the tract between the  
335 developable area and the road and any residential areas that abut or are adjacent to it.  
336 Staff are proposing to change the density factor and the minimum lot size in the rural  
337 district to make it more consistent with the proposed lot size change in the underlying  
338 district. In other words, if changing the minimum lot size from 5 acres to 2 acres, they  
339 want to change the density factor down to 2 acres as well so that a developer would be  
340 able to get the same number of units as if they were developing it as a conventional  
341 subdivision.

342  
343 Ms. Brunner went on to state that since they were already modifying regulations, they  
344 saw an opportunity to build in incentives for other community goals, one of them being  
345 open space. They have an option where a developer could voluntarily choose to put 65%  
346 of the tract into permanent conservation and in return would get a density bonus of 10%  
347 or one unit, whichever is greater. The second incentive option is for solar. For this option,  
348 at least 50% of the lots in the development have to be solar-oriented and they have to  
349 install at least 4 kilowatts of solar PV per dwelling unit on those solar oriented lots, and  
350 in return would get a density bonus of 10% or one unit, whichever is greater. The final  
351 incentive option is for workforce housing and Ms. Brunner stated workforce housing  
352 rates are set based on the area median income. She explained that the 2021 values for  
353 Cheshire County for 80% of the area median income for a family of 4 is around  
354 \$242,500. However, units of that type are currently selling for more like \$400,000. In  
355 order for a developer to make the choice to willingly sell at such a loss, they were trying  
356 to build in a greater incentive for them, and thus are proposing that they would create  
357 20% of the units as workforce housing for sale or for rent and in return would get a 20%  
358 density bonus or one unit, whichever is greater. Additionally, they are proposing that  
359 developers would also be able to build triplexes for workforce housing.

360  
361 Councilor Madison asked what is expected from the Commission with regards to this  
362 agenda item. Chair Von Plinsky stated this is strictly a discussion item that was brought  
363 to his attention by Ms. Clark.

364  
365 Ms. Clark stated there are a lot of really innovative ideas with regards to these incentives  
366 but wondered if the City did a thorough evaluation of how many of the proposed 2 acre  
367 lots really could be developable without having to have the land owner or developer  
368 apply for a variance. She questioned if in a 2 acre lot they are really going to be able to  
369 accommodate the kind of development they are hoping for as well as protect some of

370 those inherent conservation values that Keene has strongly stood behind for quite some  
371 time. She added that she doesn't support decreasing lot size from 5 acres to 2 acres in a  
372 rural area because she believes it will lead to further degradation of Keene's environment.  
373

374 Chair Von Plinsky stated they can make comments and recommendations as a  
375 Commission but they are welcome and encouraged to make comments personally as well.  
376

377 Thomas Lacey of Daniels Hill Road stated he has lived in all zones, including a  
378 considerable amount of time in the rural zone. He feels the aforementioned proposals are  
379 not consistent with the Master Plan, which overwhelmingly has the concept and spirit of  
380 open space in the Rural District, and this proposal by staff is really going to interrupt that.  
381 He gave the example of Darling Road which is a Planned Unit Development with mostly  
382 2 acre lots and noted that's what the rural zone would look like. He added that those at  
383 least have a lot of frontage but staff's current proposal has 2 acres plus only 50 feet of  
384 frontage. He went on to state that when you have 5 acre zoning you're talking in  
385 multiples of 5, so if you went up Hurricane Road you'd have 6, 7 and 8 acre lots and  
386 there's still one lot. If you divide that one lot by two you're suddenly going to see  
387 multiple houses in the open spaces which will really interrupt the landscape of the rural  
388 zone as we know it. Mr. Lacey ended by stating he is available to take anyone interested  
389 on a tour in the rural area.  
390

391 Councilor Williams stated he understands the concern about having more housing and  
392 density – people like elbow room, and it is good for nature. However, we are facing a  
393 housing crisis. He referred to an earlier comment about high housing costs, and noted that  
394 part of the reason is the large land area required in addition to the cost of building  
395 materials. Young people are having difficulty finding places to live and things like 5-acre  
396 zoning, which went through in the 1970s when there was a movement to make everything  
397 single-family housing, and we are now living with that legacy of expensive housing. He  
398 sees the drawbacks in 2 acre lots and would much rather have that density downtown.  
399 Additionally he suggested they make the workforce housing happen some other way such  
400 as developers paying into a fund that would build workforce housing closer to downtown,  
401 which would also be more commutable. However, he is appreciative of the idea that we  
402 need more places for people to live, because the cost is really prohibitive for young  
403 families. He does like the idea of the CRD – he's less enthusiastic about 2 acre lots on  
404 Hurricane Road – but if they were CRDs, nice communities where there's open space  
405 leftover, kids can ride their bikes around, and there are benefits such as solar incentives,  
406 that is the right thing to do.  
407

408 Councilor Madison stated he is in agreement with Councilor Williams and noted that a 5-  
409 acre minimum lot size is extremely large for a city like Keene, and two acres sounds  
410 more reasonable. He said he appreciates Mr. Lacey's concerns – he doesn't want to see  
411 "McMansions piled on top of one another" – but he reiterating that we are in a housing  
412 crisis. The state vacancy rate is 0.5% whereas the national average is 5%, which is 10

413 times more apartment vacancies than New Hampshire. He said he sees his friends who  
414 make a good living struggle to find housing, and even when they do find a place they can  
415 afford, someone from Massachusetts buys it and then either abandons it, or turns it into  
416 an AirBnB so they can avoid income taxes in their own state. It has been extremely  
417 frustrating for people like him who are arguably working class. He added that he  
418 understands Mr. Lacey's concerns but he is more concerned with his neighbors, his  
419 friends and colleagues who can't find a place to put a roof over their head and oftentimes  
420 are working jobs that make close to \$100,000, but are looking at homelessness because  
421 they can't find a place to live. He's more concerned with protecting them than protecting  
422 the sunset view of someone who owns a mansion on the outskirts of town. That is a  
423 reality of living in this current housing market.

424  
425 Mr. Haynes asked if there was discussion regarding the 5 acre lots that get grandfathered  
426 in and a condition that they can't be subdivided, so that only larger, new developments  
427 are impacted, to try and find a middle ground. Ms. Brunner stated they did not have a  
428 discussion with regards to this. She explained that if the City changes the minimum lot  
429 size from 5 acres to 2 acres, then that would allow property owners to create new lots that  
430 are at least 2 acres in size. For example, if someone had a 9 acre lot, today there could  
431 only be one single family home and it could not be subdivided because the minimum lot  
432 size is 5 acres per lot. However, with this change to 2 acres, if you have a 9 acre lot and  
433 enough frontage and buildable areas you could theoretically subdivide that lot into 4 lots  
434 to have the existing single family home and add 3 new homes. Ms. Brunner made note  
435 that they are not proposing to change any of the other dimensional standards, mentioning  
436 that right now the frontage in the Rural District is 50 feet and they are not proposing to  
437 change that. Ms. Brunner went on to state that they looked at other development  
438 constraints. Some of which include that you have to have at least 50 feet of frontage on a  
439 class 5 road or better and you have to be able to demonstrate to the Planning Board that  
440 the land is developable. For example, you cannot create a lot that is all steep slopes – you  
441 have to be able to access the lot and build on it.

442  
443 Councilor Williams left the meeting at 5:54 pm.

444  
445 Mr. Haynes stated he is attempting to think of alternatives so smaller lots don't become  
446 even smaller and that housing development doesn't become tighter. If you have a new 20  
447 acre parcel then some of the things staff have proposed might be fine because there's no  
448 current development there. He added that the ideas are quite innovative but there's still  
449 the question of how they protect some of the smaller parcels from becoming multi-  
450 housing units. Ms. Brunner clarified that if you're doing a conventional subdivision,  
451 meaning you're taking your parcel and splitting it up into lots with a minimum of 2 acres,  
452 you can only do a single-family home. In order to get the duplex or triplex or some of the  
453 other incentives of a CRD, you have to have a minimum starting tract size of 10 acres,  
454 you cannot do a CRD on anything that's less than 10 acres to begin with. You can

455           subdivide a lot that's smaller than 10 acres but it would have to be a conventional  
456           subdivision.

457  
458           Mr. Lacey stated he understands the housing issue but you can make a mistake in  
459           thinking your solving an issue. He noted that he has been through three serious real estate  
460           cycles and they are dealing with supply chain issues so they have to make sure they  
461           protect open spaces and preserve them as development happens. He also brought up the  
462           fact that those who own more acres will be taxed more when assessing notes that their  
463           land could be subdivided. He reiterated that stacking 2 acre lots with 50 feet of frontage  
464           will be a problem.

465  
466           Chair Von Plinsky stated he likes the idea of CRDs in lower density areas and  
467           understands they are in a housing issue but does not think the staff proposal of  
468           subdividing at 2 acres is the solution. There were no further comments.

469  
470           **B) Conservation Commission speaking events** – Councilor Madison stated he is  
471           going to try and connect with the outreach committee and enlist some help. Mr.  
472           Therriault stated he did a reading at the Keene Public Library last week about pollinators  
473           and it was attended by about 40 people.

474  
475           **C) Airport proposed wildlife control fence** – Ms. Brunner reported that she hadn't  
476           heard back from the airport director on an update yet.

477  
478           **D) Budget Planning** – Chair Von Plinsky stated they included this item because of a  
479           great suggestion from one of the members of the commission, but will table it for the  
480           meeting next month due to time. He added that there is value in this and it will be an  
481           important conversation to have.

482  
483           **7) New or Other Business** – Chair Von Plinsky announced that he may not be in a position  
484           to continue on with the Chair position for the next round due to schedule changes. He  
485           encouraged members of the commission to consider if they'd like to take the position when  
486           elections take place.

487  
488           **8) Adjournment** – Next meeting date: Monday September 19, 2022

489  
490           There being no further business, Chair Von Plinsky adjourned the meeting at 6:07 PM.

491  
492           Respectfully submitted by,  
493           Katrnya Kibler, Minute Taker

494  
495           Reviewed and edited by,  
496           Mari Brunner, Senior Planner

497



**STANDARD DREDGE AND FILL  
WETLANDS PERMIT APPLICATION**  
Water Division/Land Resources Management  
Wetlands Bureau  
Check the Status of your Application



**RSA/Rule:** RSA 482-A/Env-Wt 100-900

**APPLICANT'S NAME:** Keene School District- Kenneth M. Dooley, Director

**TOWN NAME:** Keene

Administrative Use Only	Administrative Use Only	Administrative Use Only	File No
			Check No
			Amount
			Initials

A person may request a waiver of the requirements in Rules Env-Wt 100-900 to accommodate situations where strict adherence to the requirements would not be in the best interest of the public or the environment but is still in compliance with RSA 482-A. A person may also request a waiver of the standards for existing dwellings over water pursuant to RSA 482-A:26, III(b). For more information, please consult the Waiver Request Form.

**SECTION 1 - REQUIRED PLANNING FOR ALL PROJECTS (Env-Wt 306.05; RSA 482-A:3, I(d)(2))**

Please use the Wetland Permit Planning Tool (WPPT), the Natural Heritage Bureau (NHB) DataCheck Tool, the Aquatic Restoration Mapper, or other sources to assist in identifying key features such as: priority resource areas (PRAs), protected species or habitats, coastal areas, designated rivers, or designated prime wetlands.

Has the required planning been completed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the property contain a PRA? If yes, provide the following information:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NHF&amp;G) and NHB agreement for a classification downgrade) or a Project-Type Exception (e.g. Maintenance or Statutory Permit-by-Notification (SPN) project)? See Env-Wt 407.02 and Env-Wt 407.04.</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>Protected species or habitat?                             <ul style="list-style-type: none"> <li>If yes, species or habitat name(s):</li> <li>NHB Project ID #:</li> </ul> </li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Bog?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Floodplain wetland contiguous to a tier 3 or higher watercourse?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Designated prime wetland or duly-established 100-foot buffer?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the property within a Designated River corridor? If yes, provide the following information:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>Name of Local River Management Advisory Committee (LAC):</li> <li>A copy of the application was sent to the LAC on Month:      Day:      Year:</li> </ul>	

### Brief Project Description:

Wilson Pond Dam (D126002) has been deemed by NHDES Dam Bureau to be in Poor condition. The objective of this project is to make improvements to the dam to provide additional hydraulic capacity and stability to the dam. Wilson Pond is used for recreation in the northern residential neighborhood of Keene. The original stonewall dam was buried in stone fill material in 1979 to provide stability to the dam. This improvement however reduced the original hydraulic capacity of the dam, which had a sluiceway and overflow weir.

The current project involves replacing the intake structure with a new cast-in-place concrete structure to maintain the current water level in the pond, a new outlet pipe, construct a sub-surface concrete hydraulic cut-off wall, and reshaping the existing stone fill to create an overflow spillway. To protect the erodible soils in the dam and provide additional stability, the voids between existing stone fill and new riprap spillway will be filled with concrete. Other improvements beyond wetland areas include raising earthen portions of the dam and installing sub-surface mineral filters to capture seepage.

### Work Sequence Narrative:

The proposed project will begin with the Owner completing a temporary drawdown of the pond by removing stoplog boards from the existing intake structure. This drawdown would lower the pond from El. 499.25-ft to 497.5-ft (1.75-ft total). To complete aspects of the work, such as the hydraulic cut-off wall, an additional foot of drawdown may be required, which would lower the pool to El. 496.5-ft (2.75-ft total)

The following sequence is anticipated to take place by a Contractor:

- Site Mobilization
- Traffic Control measures and project demarcation fencing installed.
- Control of Water measures installed.
- Erosion Prevention and Sediment Control measures installed.
- Exploratory Excavations
- Demolition of the existing intake structure and outlet pipe
- Excavation and subgrade preparation for new intake structure and outlet pipe
- New 24-inch RCP pipe placement
- Concrete placement of new intake structure and pipe cradle
- Open trench excavation of hydraulic cut-off wall
- Concrete placement of cut-off wall
- Reshaping of downstream stone fill and construction of spillway channel
- Raise remaining dam portions and install mineral filter.
- Restoration of surfaces with loam, seed, and mulch.
- Substantial completion and final completion checks
- Authorization to refill and remove control of water measures and EPSC measures
- Demobilization.

The Contractor before mobilizing to the site is required on the Plans and in the Specifications to submit a Control of Water plan to be reviewed and approved by NHDES and the Engineer. The anticipated plan will include a sand bag cofferdam, flow bypass system, and other measures to prevent sediment discharge downstream such as a turbidity curtain and dewatering bags.-





## MEMORANDUM

To: Charles Johnston, Project File  
Date: July 27, 2021  
From: Grace Glynn  
Subject: Keene Wilson Pond Dam Wetlands Review  
Project No.: 824380

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This memorandum summarizes the wetland site investigation performed at Lower Wilson Pond Dam on Arch St, Keene, as shown on the attached Permit Planning Tool (PPT) map.

I visited the site on July 22, 2021 to search for wetlands and found one wetland within the project area. I delineated it in accordance with the COE 1987 Wetland Delineation Manual and the COE 2012 Regional Supplement for the Northcentral and Northeast Region (transect data sheets attached). I flagged the boundaries and recorded them using a GPS unit with sub-meter accuracy. The wetland is labeled as Wetland A and is shown on the attached Wetlands Exhibit. Photos of the wetlands are attached. I also recorded Ordinary High Water (OHW) elevations north of Arch St. using a GPS with sub-meter accuracy.

Wetland A is palustrine emergent/scrub shrub (PEM/SS) and is located between Arch Street and the dam. The wetland is dominated by silky dogwood, purple loosestrife, sedges, elderberry, and jewelweed. Its principal values and functions include floodflow alteration and nutrient retention. This wetland is located below OHW and exhibited flowing surface water in some areas at the time of my visit.

As seen in the attached Wetland Exhibit, there is a small area of upland north of Wetland A dominated by non-native honeysuckle, multiflora rose, Norway maple, and periwinkle. East of Wetland A and just below the dam, some scattered hydrophytic plant species—such as purple loosestrife and swamp milkweed— are present, but no hydric soils are present in this area. It therefore does not meet the definition of wetland.

Work in any wetland or below Ordinary High Water would require an Army Corps of Engineers 404 Wetlands Permit. As shown on the attached PPT Map, the project area is located in a FEMA floodplain. As a general rule, anything that alters the natural topography of any floodway within the city of Keene requires a floodplain development permit from the superintendent of code enforcement, and may require permit review by the state of New Hampshire.

The attached Natural Heritage Bureau Data Check Tool report #21-2457 states that no records of rare species or exemplary natural communities are known from the project area. None were observed during the course of field work.

I:\8\824380 KSD Wilson Pond Dam Engineering, Permitting, Bid & Construction\Design\Permitting\Wetlands\Wetlands Memo 07 27 21.docx



Your Organization



0.1 Miles 0 0.06 0.1 Miles

WGS, 1984, Web\_Mercator\_Auxiliary\_Sphere  
© Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

Legend

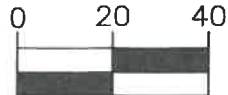
- Wetland\_Permits\_points
- Parcel Lines
- ☐ NH City/Town Boundaries
- Designated Rivers
  - ☐ Subject to SWCPA
  - ☐ Not Subject to SWCPA
- NWI Plus
  - Estuarine and Marine Deepwater
  - Estuarine and Marine Wetland
  - Freshwater Emergent Wetland
  - Freshwater Forested/Shrub Wetland
  - Freshwater Pond
  - Lake
  - Other
  - Riverine
- NWI
  - Estuarine and Marine Deepwater
  - Estuarine and Marine Wetland
  - Freshwater Emergent Wetland
  - Freshwater Forested/Shrub Wetland
  - Freshwater Pond
  - Lake
  - Other
  - Riverine
- World Imagery
- Low Resolution 15m Imagery

Notes





GRAPHIC SCALE



1 inch = 40 ft.

engineering

planning

management

development



KEENE WILSON POND DAM  
KEENE, NEW HAMPSHIRE

WETLAND EXHIBIT

DRAWN BY JWP	DATE JUL, 2021
CHECKED BY	PROJ. NO. 824380M5
PROJ. ENG. GPG	DRAW. NO.