

TOWN OF AMHERST
Conservation Commission

May 24, 2023

APPROVED

In attendance: Jared Hardner – Chair, Rob Clemens, John Harvey - alternate, Frank Montesanto, Peter Lyon – Board of Selectman Ex-Officio, Steve Lutz, Lee Gilman, Mark Bender.
Staff present: Kristan Patenaude – Recording Secretary (remote).
Also present: Eric Slosek, DPW Director

Chair Jared Hardner called the meeting to order at 7:00 pm.

ADMINISTRATIVE:

1. Chair Comments

Jared Hardner opened the meeting at 7:00pm.

Jared Hardner noted that, at the last Board of Selectmen meeting, the Curran acquisition was unanimously approved. The Board also worked through financing options for the deal. The option that was selected will be very pleasing to the taxpayers. That deal will not necessarily result in any increase, and potentially even a decrease in tax rates, for the acquisition of approximately 180 acres in the Grater Woods area. The intention is for the final paperwork to be signed by June 26th.

Jared Hardner expressed a special thank you to Commissioner Frank Montesanto who has been working on some very nice infrastructure projects, including a trail kiosk on the B&M Trail and a boardwalk along the Pulpit Brook Trail.

2. Minutes approval

**Rob Clemens moved to approve the meeting minutes of May 10, 2023, as amended [Line 141: add “of infrastructure”, Lines 184. 197, and 200: change time to one hour later.] Seconded by Steve Lutz.
Vote: 6-0-0; motion approved.**

The Commission discussed necessary signage to utilize the remaining budget before the end of the fiscal year. Jared Hardner suggested replacing the maps in Betty Arnold and installing a new map on the kiosk that Frank Montesanto installed today. The cost is approximately \$640.

**Rob Clemens moved to authorize an expenditure of up to \$650 for new maps for Betty Arnold and the B&M Trail to come from the Signage account. Seconded by Steve Lutz.
Vote: 6-0-0; motion approved.**

SPECIAL TOPICS

3. ACC Herbicides Policy

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Jared Hardner explained that this process was driven by concerns from community members who formed a petition and submitted it to the Town that the Commission/Town change the way it uses herbicides. A working group was established, which included the person who led the petition, a work product presentation from the working group was made in January. The key elements included a policy that the ACC and DPW would consider, including online posting of herbicides allowed for use in Amherst by the ACC and DPW, and the regulatory status and links to regulatory information regarding ecological and human risk of these herbicides. There was a lot of confusion and allegations regarding if legal herbicides were currently being used. The intention is to post what is being used and explain that these are well within the regulatory guidelines. Another item proposed is an online map of sites in Town where invasives are a concern and control is planned. This will allow people to plan for upcoming invasives management. Notification will be made to abutters at least seven days before herbicides will be used. There will be an online registry where residents may opt out of ACC and DPW herbicide applications within 25' of their property line, with potential exceptions for DPW where not logistically feasible. There will be a posting of public land where herbicides have been used, what was used, when it was applied, and the suggested advisory time for avoiding exposure. That posting should remain for five days. Finally, a commitment to pilot the use of alternative control methods, if and as appropriate to site needs and feasibility.

Jared Hardner explained that, after that presentation, Lee Gilman provided feedback encouraging further work on understanding what regulatory limitations there may be to pursuing this type of policy, and to consider what other towns are doing. Jared Hardner explained that he discussed this with the Director of Pesticide Control at the New Hampshire Department of Agriculture. The Director was very grateful for these efforts and applauded what he believed was a thoughtful approach to addressing community concerns. The Director stated that it is important not to take an extreme approach on either side of this issue. He stated that the ACC seems to be taking a leadership role as far as municipalities are concerned in terms of trying to manage the concerns. The Director stated that there is nothing preventing the ACC from notifying citizens of herbicide use on Town land. This can be done via website signage; however, the ACC needs to obey permit requirements. There is also nothing preventing the ACC from extending a courtesy to concerned landowners that do not wish to have herbicides applied near their property. The Director cautioned that a written Town policy codifying specifics as they relate to precise distances from property boundaries, as well as a registry of concerned citizens, would need to be reviewed by the State Attorney General to ensure legality. He suggested that the ACC proceed with enhanced notification, such as signage on the Town and ACC websites, and provide contact information for the ACC for concerned abutters. The ACC could then contact concerned abutters, to engage with them and educate them on the process. If there are still concerns, the ACC could reach an agreement to manage their concerns, such as not using herbicides near dug wells, near children's play areas, near vegetable gardens or pollinator gardens, etc. It would be up to abutters to contact the ACC and indicate that they have a concern.

Jared Hardner presented a draft policy for the ACC's review. He noted that this policy is for ACC only and DPW will deal with this item separately.

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John Harvey asked about where notifications will be posted on large lots of land. Jared Hardner explained that, if the ACC believes there are people using the area, an entry point would be an ideal location. Notifications can be placed at trailheads or in other logical areas. Notifications can only be placed so that they are visible to abutters. The ACC can use common sense to determine where best to post a notification. Rob Clemens noted that postings for major invasives projects could also be made on the Town/ACC websites.

Eric Slosek, DPW Director, stated that the proposed policy does address all of the concerns that were raised in the petition. It speaks to transparency and openness in notifying abutters and those traveling through an area. He stated that he fully stands behind this policy and intends to adopt essentially the same policy for the Department of Public Works.

Rob Clemens moved to adopt the policy as presented. Seconded by Frank Montesanto.

Discussion:

Lee Gilman asked about the language regarding posting seven days prior and no less than five days after application. He asked who will be checking on these postings to make sure they are still up. Jared Hardner suggested using signs similar to the political signs, which will last for quite a while. Rob Clemens noted that lawn care companies have standard signs with information regarding the particular chemicals being used.

Jared Hardner noted that he believes this can be turned from an obligation to an opportunity for the ACC. There is a lot of scope in this project for educating the community about invasive species while also including information about the safety of the products.

Eric Slosek noted that QR codes seem to be very popular and widely accepted. The signs could include basic information about exposure and time periods, with a QR code that could link to the specific regulations that apply. The DPW can help with purchasing the signs. Regarding maintenance of the signs, there was some concern in the working group regarding leaving these up for 12 days, but DPW can help with this as well.

Jared Hardner stated that he likes the QR code idea and asked Lee Gilman to suggest a standard source of information on the pesticides that may be used. Lee Gilman stated that the EPA registration number for the pesticide product would allow for the best access to this information. The label does not always include re-entry intervals for residential or commercial use.

Rob Clemens stated that there should be conservative guidance that can be provided. Lee Gilman stated that the pesticide label includes guidance for agricultural workers. He stated that the labels are a lot more useful for people to

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read than the SDS sheets. The Commission discussed including re-entry after application information and QR codes to product labels and SDS information.

Eric Slosek suggested placing the necessary information on the Town/ACC websites, with a QR code linking back to those.

Rob Clemens amended his motion to adopt the policy as amended. Seconded by Frank Montesanto.

Vote: 6-0-0; motion approved.

4. Planning

- Parker-Christou/55 Broadway - CUP on Baboosic Lake

Rob Clemens explained that the ACC previously stated that it wanted the applicant to come back for a wetlands Conditional Use Permit (CUP). The ACC previously commented that the applicant should consider placing vegetation along the shoreline and ensure that the runoff from any of the new impervious surfaces be controlled on site. These items were included as part of the plan. The plan includes a double-walled shoreline protection approach with plantings and runoff controls. The shoreline permits have been approved by the State. The ACC can choose to make any additional comments to the Planning Board for their consideration. Jared Hardner noted that the State permit speaks volumes, as the State is not generous with those.

The Commission had no further comments at this time.

- Obadiah Dart/116 Spring Rd. - CUP for Accessory Apartment

Rob Clemens stated that this is a CUP for an accessory apartment. There is currently a house near Spring Road on this lot which is being proposed to be turned into an accessory apartment and to develop a larger residence farther back from the road on the property. The size of the home proposed to be turned into an accessory apartment and the size of the proposed house and barn structure are quite large. This will occupy a good amount of the back end of the property. It approaches but does not cross the delineated wetland buffers. ACC property abuts this lot on quite a few sides. The CUP is for an accessory development, not a housing design. The CUP is to approve the existing house as an accessory apartment and alert the Planning Board regarding potential additional construction. The ACC could alert the Planning Board to the fact that it is an abutter to this property and would like the property lines to be respected.

John Harvey explained that there is a small lane on the east side of the property line that leads to the bulk of the rear of the property in question. This is the only place wide enough for a tractor and a brush hog to access ACC property to the rear of this lot. The ACC property is a grassland with a couple of tree islands. It is imperative that the ACC property lines be surveyed and staked. He would not like to see the ACC relinquish access to this small lane. Jared Hardner asked that the Planning Board be notified that the ACC uses this access area and plans to continue managing the property to the rear as a grassland. Rob Clemens stated that he has a large supply

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of Amherst Conservation Commission boundary markers that could be posted. Jared Hardner suggested starting with a conversation with the owner.

Rob Clemens noted that he was appointed as a Planning Board alternate last week. The Commission congratulated him.

THEMATIC AREAS

5. Grassland & Agricultural Management (Christian)

Jared Hardner noted that Christian Littlefield was unable to join the meeting tonight and the Grasslands Management Plan discussion will be tabled to a future meeting.

6. Nature Stewards (John & Steve)

John Harvey reviewed the proposed Nature Stewards Plan. This plan feeds into both the Forest Management and Grasslands Management plans. He stated that all animals need food, water, cover, and space to be successful at propagating. Almost all habitats in ACC properties have opportunities to increase and promote biodiversity. The scope of this plan will focus on all of the threatened and endangered species found in the NH Wildlife Action Plan. The program includes three categories including community field work, independent research, and professionalism. The plan documents some specific enhancement actions including planting root clippings in certain spaces, building bird boxes, and creating slash piles. The plan mentions ongoing public outreach by the ACC, such as what was done recently at the Garden Club Plant Sale. The ACC will also work with volunteers on community field activities. John Harvey stated that he would also like to use the educational budget on a speaker or two. He is also working on a couple of GIS applications that are almost ready for field training. John Harvey stated that he has six stewards on board so far.

Rob Clemens noted that Celina Dutremble is the Recreation Department person at PMEC. She seems to have an interest in outreach, and this may be a good collaboration for the program.

Jared Hardner noted that this may also be a source of volunteers.

The Commission discussed potentially replacing trees around the little pond in the middle of the conservation area at Buck Meadow with shrubs.

Rob Clemens suggested an authorization to buy a new ACC tent in time for the 4th of July, as a gust of wind destroyed the last one.

Rob Clemens moved to authorize an expenditure of up to \$500 from the Education and Outreach line to purchase a new tent in time for the 4th of July. Seconded by Frank Montesanto.

Vote: 6-0-0; motion approved.

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221 **Frank Montesanto moved to authorize an expenditure of up to \$150 from the**
222 **Education and Outreach line to purchase QR code index cards, as previously**
223 **discussed. Seconded by Mark Bender.**
224 **Vote: 6-0-0; motion approved.**
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226 Mark Bender noted that someone has left a tiller in the ACC parking lot on Grater Road. The
227 Commission discussed removal of the object.
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229 **Mark Bender moved to adjourn at 8:23pm. Seconded by Frank Montesanto.**
230 **Vote: 6-0-0; motion approved.**
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232 **The meeting adjourned at 8:23pm.**
233
234

235 *Respectfully submitted,*
236 *Kristan Patenaude*
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238 **Minutes approved: July 12, 2023**