

TOWN OF AMHERST  
Conservation Commission

December 14, 2022

**APPROVED**

In attendance: Rob Clemens – Chair, Rich Hart, Steve Lutz, Christian Littlefield, Frank Montesanto, Lee Gilman [7:02pm], John Harvey (remote), Bill Widmer (remote) Peter Lyon – Board of Selectmen Ex-Officio  
Staff present: Kristan Patenaude – Recording Secretary (remote).

Chair Rob Clemens called the meeting to order at 7:00 pm.

**ADMINISTRATIVE:**

**1. Chair Comments**

Rob Clemens thanked Commissioners for all of their work throughout the year.. He noted that Amherst Conservation Commission (ACC) shirts were handed out to all Commissioners, as a gift from Bill Stoughton, in recognition of the work it does.

*Christian Littlefield sat for Jared Hardner. Steve Lutz sat for Lee Gilman until his later arrival.*

**2. Minutes: November 9, 2022**

**Christian Littlefield moved to approve the meeting minutes of November 9, 2022, as presented. Seconded by Rich Hart.**

**Vote: 4-0-1; motion approved [F. Montesanto abstaining].**

*Lee Gilman entered the meeting at 7:02pm.*

**3. Treasurer's Report**

*The Commission tabled discussion on this item.*

**4. Planning & Permitting**

Steve Lutz explained that the Planning Board will hear the Brook Road plan and a Williamsburg one lot subdivision proposal at its meeting on the 21<sup>st</sup>. The upcoming Master Plan discussion was moved to January 18, 2023. At its last meeting, the Planning Board heard a review of the proposed zoning ordinance amendments and almost all of the proposals were moved forward to a second public hearing. The only item which was not moved forward, due to lack of time, was the proposed addition of two road sections to the scenic setback ordinance. The second public hearing on these items will be held on January 4, 2023.

It was noted that Jared Hardner submitted a number of recommendations into the Master Plan for items and recommendations that the Conservation Commission could consider as it moves forward.

**a. Revised Subdivision Plan – Curran Parcels (6 – 2, 7, & 9) - Ken Clinton, Meridian Land Services**

Ken Clinton, Meridian Land Services, addressed the Commission regarding a pending project for Kevin Curran for a subdivision of Mr. Curran's properties south of Baboosic Lake. These three

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properties front on Pond Parish Road, Baboosic Lake Road, and Grater Road. The total gross acreage is approximately 160 acres. The land itself is fairly varied in its topography, with forest, wetlands, and wildlife habitat. It is situated amidst a fair amount of protected land. A site walk was recently carried out with the Commission. Planning Board members were invited on the site walk but declined. A reduction of one frontage lot is proposed from the original plan. Lot C17 has been reconfigured and lot C18 was removed from the plan. This allows for some of the land area between lots C17 through C15 to be spread out. Part of the reason for this reduction is the interpretation of the current reduced frontage lot ordinance and proposed regulation amendments, although the project is technically grandfathered in through the design review application. The applicant is trying to create as much compliance as possible with the minimum acreage of five acres per reduced frontage lot. The lots will have 50' of frontage to meet the newer requirement, as opposed to 35'. The proposal represents a fairly maximum yield for a real estate investment for the owner.

Ken Clinton stated that the site walk occurred last Friday afternoon. He explained that existing trails within the property have been created over the years by one or two people at a time. There has not been an organized effort to create these trails. The forested area of the property is mostly hardwoods, with some mix of pines and a fairly limited understory. From Pond Parish Road, the property's terrain is more level and surrounded by some wetlands, which ultimately feed into the former Mill Pond. The proposed trail relocation would basically split the property into a "Y" for connectivity from the Town-owned parcels to the east through the property along the wetlands, exiting at the current trailhead location at Pond Parish. Both trailhead parking areas on Pond Parish and Grater Road would have connectivity through the property. There is also a secondary trail which leads to the Amherst Land Trust Easement on Brett Vaughn's land, Lot 6-6-1. Existing trails on the properties would be collected within an easement. Ken Clinton asked the Commission to consider its interest level in accepting a conservation easement of this type.

Ken Clinton stated that the property contains old mill site remains, mostly in the form of an old stone foundation. There is a stone dam as well. An archaeological study was completed, and it recognized the time period. He stated that he will forward along summary information from that report. This will also be shared with the Planning Board. The mill site has been damaged, with the mill workings likely removed. He noted that he had to identify the actual height of the old operational mill pond, as this is technically a property line along some of these lots. The proposal includes incorporating the mill site into the conservation easement. This could then be deeded over as a feature of the conservation easement, under the protection and jurisdiction of the Town, if so approved. This would still be on land "owned" by the potential owner of this lot, but under an easement.

Ken Clinton stated that there are no wetlands buffer impacts proposed at this time. He stated that the intention is for this project design to deal with all stormwater aspects. This application is currently pending submission to the Planning Board.

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Rich Hart asked if there appears to be any adelgid damage or dying hemlock trees. Ken Clinton stated that there are a fair number of dead trees on the site, but it is unclear if this is due to disease.

Steve Lutz asked what access the Commission would have on an easement as he suspects some type of crossings may be needed. Ken Clinton explained that there is a balance between an owner of a lot who will likely want a reasonable, natural buffer and separation from public walking trails. Access and crossings can certainly be addressed.

Bill Widmer noted that he has not seen a lot of wooly adelgid in this area, and it seems to be traveling the roadways for now.

John Harvey suggested reviewing the new FEMA 100- and 500-year storm maps to see if the water boundary has increased or changed. This water boundary could potentially adversely impact the three adjacent lots. Ken Clinton stated that the updated maps still have the boundary limit. It does not appear to cross under Pond Parish Road. The boundary may come up to the back of the dam but does not enter the property further.

In response to a question from John Harvey regarding the limits of the conservation easement for trails, Ken Clinton stated that there would be a surveyed metes and bounds description of the easement and the trail. This would allow the landowner to have a right to use up to a determined surveyed line area, perhaps for yard purposes. The landowner could not then cut trees within the easement, which would allow for a natural buffer. The natural boundary would be a contour that he would simplify from lot line to lot line. Once the average size footprint for the house and associated items is known, it will be better understood how to increase or limit the easement line in the back of the property. If the ACC accepted an easement, there would likely be some flexibility to put in bog bridges, if necessary, within that easement on the trail.

In response to a question, Ken Clinton explained that there are eight reduced frontage lots proposed. Originally there were nine proposed. These lots appear in pairs next to each other. The minimum lot size in Amherst varies. In this zone, it is two acres of net tract area. This includes non-wet, non-flood zone, non-steep areas. The proposed building envelopes will be laid out as best for each lot. He explained that he cannot come to the ACC and request a wetland buffer impact simply for a better building envelope on the lots.

In response to a question from Will Ludt regarding internal stonewalls in this property, Ken Clinton explained that, if one of these is a boundary it cannot be moved, per RSA. If a landowner owns adjacent tracts and the stonewall was a boundary between these tracts, that is his fence, and he could remove it. Ken Clinton stated that, if possible it would be nice to use these stonewalls as lot lines between two properties, but this would be a rare case.

Ken Clinton stated that the applicant would continue to move forward toward final design submission and will come back before the ACC if necessary for future discussion.

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**TOPICS**

**5. Trail Steward Program**

Rob Clemens explained that he sees a need and value in actively utilizing current and future trail stewards. He explained that Steve Lutz and Rich Hart have agreed to work together to actively reach out to current and potential new trail stewards. Trail stewards and other volunteers represent an extension of the ACC.

Steve Lutz stated that he would review the spreadsheet from Vic Bennison, to see if the trail stewards listed are still active or interested, and if there are trails that need to have stewards assigned to them. Certain stewards are assigned to particular trails or pieces of trails, and others prefer to work on multiple trails.

**6. Open Space Financing**

Peter Lyon explained that a couple of years ago, voters supported a warrant article giving the Town bond authority to purchase open space parcels; \$6M in total, \$2M per fiscal year. A portion of that article also appropriated \$160,000 for the first year's costs for principal and interest of closing costs. The ACC and Town have not yet been successful in making a purchase, despite best efforts. Access to the \$160,000 originally appropriated for that first year is no longer available. Thus, if a piece of property was found to possibly purchase, the Town would need to come up with the first-year costs. At this time, it is estimated that a 20-year note would have increased to a cost of approximately \$200,000. The ACC could agree to use some of its Conservation Fund to fund that approximate amount. The funds would not be taken from the Conservation Fund until a property was discovered, at which point the ACC would have to agree to use the funds.

Rob Clemens considered if this would diminish the overall purchasing power for the ACC and Town. Bill Widmer noted that the ACC was previously considering using approximately \$500,000 from the Conservation Fund to help with a potential property purchase. He finds that this proposal from the Board of Selectmen is appropriate. Rob Clemens noted that this would essentially front fund the first payment with the Conservation Fund.

In response to a question from Christian Littlefield regarding available funds currently versus the first year, Peter Lyon explained that the available funds in the first year totaled \$2,160,000. This funding now sits at \$2M, as the \$160,000 is no longer available because no parcel purchase has been secured. The Town was given authority to bond/borrow up to \$2M per year. Voters also appropriated \$160,000, at that time, because the DRA required that the Town have financing costs, such as closing costs, and principal and interest already lined up.

In response to a question from Rich Hart, Peter Lyon stated that this is a five-year bond, and two years of it will have lapsed as of June 30, 2023.

In response to a question from John Harvey regarding what will stop the Town from requesting an additional \$200,000 from the Conservation Fund each year moving forward, Peter Lyon explained that the original article gave the Town borrowing authority of up to \$2M a year, for a

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total of \$6M. It also appropriated \$160,000 to pay for the first year's financing costs. This arrangement would not foresee reimbursement to the Conservation Fund and would only be in place for one year. In following years, it would be up to the Selectman to budget for those financing costs.

Rob Clemens asked if, in future warrant articles, the Town could seek to have this amount paid for by the voters. Peter Lyons stated that this would be a question to review with the DRA.

Christian Littlefield asked if the Town shortchanged its buying power on the overall \$6M because it did not budget the \$160,000 needed into the future. The Town would have been able to buy a \$2.2M property, but this is now reduced, as the financing costs were not budgeted for. Rob Clemens noted that this proposal is specifically for FY24 and could be avoided in the future with some combination of discussions with the Selectman and/or the voters.

Frank Montesanto asked if the financing costs for each year could have been written into the original warrant article. Peter Lyon stated that this would not have been possible, as the Town needs to appropriate those funds each year. Rob Clemens noted that these funds only get spent if a parcel becomes available. The ACC is likely better served to use these funds toward making a deal instead of trying to save that money for another day. Bill Widmer noted that the Conservation Fund sits at approximately \$1M. Rob Clemens stated that he is anxious to acquire open space, as both the ACC and voters wanted to do.

In response to a question from Rob Clemens, Peter Lyon explained that, if a parcel purchase became available before June 30<sup>th</sup>, the financing costs would not be covered in the current budget and the Selectmen would have to choose how to handle that.

**Frank Montesanto moved to provide up to \$200,000 from the Conservation Fund, as available, for the Town to finance the open space warrant article bond for FY24. Seconded by Bill Widmer.**

**Roll Call Vote: Harvey – aye; Widmer – aye; Montesanto – aye; Littlefield – aye; Clemens – aye; Gilman – aye; Lutz – aye; and Hart – aye; 8-0-0; motion approved.**

## **7. Other Business**

John Harvey requested that the Commission finance additional trail cameras for various habitats throughout Town. He noted that a fair amount of money has been spent on mowing, meadow management, and water quality management in order to provide a better habitat for wildlife species. He would like to consider recording some of these species to help possibly direct future habitat management. There are three main characteristics of trail cameras: how they are networked, picture quality, and trigger speed. These cameras tend to be priced around \$80-\$120. He suggested the Commission purchase up to six cameras, two for Buck Meadow, two for forest habitats, and two for grassland habitats. This would total approximately \$750 from the Conservation Fund, which is used to fund all of the ACC's habitat management efforts. He noted that the Commission would need to consider how to monitor these cameras.

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**John Harvey moved to expend up to \$750 from the Conservation Fund to purchase six trail cameras to be placed in wildlife habitats around Town. Seconded by Frank Montesanto.**

**Discussion:**

**The Commission expressed concern with the labor and time it may take to manage all of the videos and photos from the new trail cameras. A pilot program was suggested with two trail cameras in Buck Meadow. The Commission could then consider expanding the program based on the time involved.**

**John Harvey cautioned that Buck Meadow is one of the most frequented wildlife reserves in Town. He suggested that the pilot program be moved to a different area with less human activity.**

**In response to a question regarding the legality of putting up trail cameras near public trails, Peter Lyon explained that there are laws against recording audio without permission. The same does not exist for video recording. John Harvey stated that he would be able to locate the cameras in areas that humans do not access. There could also be a sign placed on the kiosk stating that wildlife photography is in progress.**

**John Harvey noted that he could secure the cameras to trees, to prevent them from being stolen, but he believes that he could hide them well enough that this likely would not be necessary.**

**John Harvey AMENDED his motion to expend up to \$250 from the Conservation Fund to purchase two trail cameras to be placed in wildlife habitats around Town. Seconded by Frank Montesanto.**

**Roll Call Vote: Harvey – aye; Widmer – aye; Montesanto – aye; Littlefield – aye; Clemens – aye; Gilman – aye; Lutz – aye; and Hart – aye; 8-0-0; motion approved.**

Frank Montesanto stated that he spoke to Accurate Landscaping, who Friends of the Orchard (FOTO) had previously hired in 2020, regarding mowing and weed whacking at Lindabury Orchard. The company stated that this could be fit into the schedule. FOTO previously paid \$135 a visit, with an annual total fee for 2020 of \$1,890. The rate has since been increased to \$140 a visit. There is also a potential 15% fuel surcharge if the price of gas increases exponentially. This proposal would include work in the upper orchard, but not the lower orchard. This work would likely be needed three or four times throughout the year.

Rob Clemens asked if FOTO would consider price sharing for this item. Frank Montesanto stated that this is likely a reasonable request. Rob Clemens stated that he believes it is the Commission's responsibility to take care of the orchard.

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Frank Montesanto noted that he has not sought other bids for this project. Peter Lyon stated that, for a proposal under \$5,000, a formal bidding process is not needed. Rich Hart asked if this item should be included in the annual Town budget. Bill Widmer noted that mowing is traditionally paid for out of the Conservation Fund. He stated that he likes the idea of a cost sharing project with FOTO for this. Rob Clemens suggested that the Commission could put up \$1,500, with a cost share from FOTO of up to \$500.

**Rob Clemens moved to expend up to \$1,500 from the Conservation Fund for routine mowing of upper Lindabury Orchard, with the expectation that FOTO will cost share up to \$500. Seconded by Christian Littlefield.**

**Discussion:**

**In response to a question from Frank Montesanto, Rob Clemens suggested that FOTO could allocate the funds to the Conservation Commission Gift Account for use on this project.**

**Roll Call Vote: Harvey – aye; Widmer – aye; Montesanto – aye; Littlefield – aye; Clemens – aye; Gilman – aye; Lutz – aye; and Hart – aye; 8-0-0; motion approved.**

Bill Widmer stated that he spoke with Currier regarding pruning at Lindabury Orchard. The proposal was accepted for \$55 per person per hour for 24 total person hours. Currier was not interested in doing the cleanup work associated. Currier will stack the branches in the middle of a row and Todd Wilkins has agreed to collect this and chip it. Currier does not have time to run a pruning workshop at this time, so this project will need to be taken on by ACC members or another expert. He asked Currier to prune where the orchard needs it most. He expects that Currier will be able to address most, if not all, of the orchard this time. Currier was instructed to mark six trees and not prune them, so that these could be used for the workshop.

Rich Hart stated that he would like to see some effort put into the older trees in the lower orchard.

Frank Montesanto stated that he would like to be able to meet Currier on site to discuss which trees are most important for pruning at this time. Bill Widmer stated that he would pass along Frank Montesanto's information for follow up with Currier.

Christian Littlefield noted that he needs ten channel posts for the new hiker signs to be installed.

**Christian Littlefield moved to expend up to \$370 from the Sign account to install hiker signs. Seconded by Frank Montesanto.**

**Roll Call Vote: Harvey – aye; Widmer – aye; Montesanto – aye; Littlefield – aye; Clemens – aye; Gilman – aye; Lutz – aye; and Hart – aye; 8-0-0; motion approved.**

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Rob Clemens asked Commissioners to consider spearheading the annual Town-wide Cleanup Day in Bill Widmer's absence, with assistance from Kristan Patenaude. This would likely be scheduled for Earth Day, Saturday, April 22, 2023.

Lee Gilman stated that the Luby Lot was mechanically mowed, and some hand chipping was done on invasive species this past week. The invasives were encumbering access to a pond or wetland in the back of the lot. A neighbor participated with VCS and some mechanical mowing was also done on his property. This allowed for removal of a line of invasives which connected the properties.

Will Ludt noted that Eric Slosek, DPW Director, has contracted with someone for an asbestos study of the Corn Crib coopeage in January, prior to its removal.

**8. Non- Public Session per RSA 91-A:3, II, (d) - Consideration of the acquisition, sale, or lease of real or personal property which if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.**

**Rob Clemens moved to enter into Non- Public Session per RSA 91-A:3, II, (d) for consideration of the acquisition, sale, or lease of real or personal property which if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community at 8:46pm. Seconded by Christian Littlefield.**

**Roll Call Vote: Harvey – aye; Widmer – aye; Montesanto – aye; Littlefield – aye; Clemens – aye; Gilman – aye; Lutz – aye; and Hart – aye; 8-0-0; motion approved.**

**8. Adjourn**

**Frank Montesanto moved to exit Non- Public Session at 9:14pm. Seconded by Christian Littlefield.**

**Roll Call Vote: Harvey – aye; Widmer – aye; Montesanto – aye; Littlefield – aye; Clemens – aye; Gilman – aye; Lutz – aye; and Hart – aye; 8-0-0; motion approved.**

**The meeting adjourned at 9:15pm.**

*Respectfully submitted,  
Kristan Patenaude*

*Minutes approved: January 11, 2023*